

INTRODUCTION



This book examines the career of the German SS medical doctor Franz Bernhard Lucas, who was born in Osnabrück in 1911 and died in Elmshorn, northwest of Hamburg, in 1994. It surveys a stretch of roughly fifty years, 1933 to 1983, in which Lucas bought into the promises of Nazism, covered up his involvement after the war, answered for his crimes, and returned to practicing medicine. During his time in the SS, Lucas served the longest in the death camp Auschwitz-Birkenau, after which he performed duties as camp doctor in the Mauthausen, Stutthof, Ravensbrück, and Sachsenhausen concentration camps. In the camps, Lucas showed more kindness than most SS personnel. In February 1944, for example, he opened the jeep door for Dina Gottliebová, a sixteen-year-old Czech Jewish prisoner, and drove her the short distance from the Theresienstadt family camp to the Gypsy family camp in Auschwitz-Birkenau.¹ He presented her to Dr. Josef Mengele as an illustrator for his experiments on the Sinti and Roma inmates there. In an interview she gave in 1998, Gottliebová expressed relief that after her audience with Mengele, Lucas drove her back to her barracks instead of to the crematorium.²

But Lucas showed his criminal side when he sterilized Heinrich Schenk, a German Sinti war veteran imprisoned in Ravensbrück, in January 1945. Several days after the incision, Lucas ripped apart the wounds that had since healed. When Schenk cried in pain, Lucas hissed, “Be quiet, you swine!”³ These two examples show Lucas building a loyal following among some prisoners while treating others with hostility. Whether prisoners remembered him fondly or with horror, it was his selections of Hungarian Jewish deportees for the Birkenau gas chamber in May, June, and July of 1944 that made him a defendant twenty years later in the Frankfurt Auschwitz trial.

This trial bore the label 4 Ks 63, “Proceedings Against Mulka and Others,” and lasted from 20 December 1963 to 20 August 1965. One of the most enduring commentaries about the trial came from the political philosopher Hannah Arendt, controversial for her documentation of the trial of Adolf Eichmann in Jerusalem in 1961, especially her use of the phrase “the banality of evil” to de-

scribe Eichmann. For the Auschwitz trial itself, Arendt furnished an introduction to the English translation of Bernd Naumann's compilation of the trial articles he wrote for the *Frankfurter Allgemeine Zeitung*. Arendt's comparison of the defendants on trial was my introduction to the figure of Lucas. She singled him out as the only defendant who "does not show open contempt for the court, does not laugh, insult witnesses, demand that the prosecuting attorneys apologize, or have fun with the others."⁴ The minimum sentence for aiding and abetting murder—three years and three months—was, Arendt decided, too harsh for him: "Dr. Lucas had helped people from beginning to end; and not only did he not pose as a 'savior'—very much in contrast to most of the other defendants—he consistently refused to recognize the witnesses who testified in his favor and to remember the incidents recounted by them. . . . To be sure, none of the acquitted defendants, none of the lawyers for the defense, none of the 'exalted gentlemen' who had gone scot-free and had come to testify could hold a candle to Dr. Franz Lucas."⁵

There are problems with that assessment that I address later. For now, I should admit that although I believed Arendt at first, I became convinced over time that not even the most glowing endorsement lets a Nazi doctor off the hook. Because it is only natural for readers to be swayed by a convincing contrast, one of my chief aims is to complicate Arendt's verdict on Lucas. To do so, I will analyze Lucas's crimes and their impact on his victims, his humane actions and the prisoners who benefitted from them, his attempts to elude postwar discovery and avoid justice, and his eventual sentence, acquittal, and return to medical practice.

For all the talk of Lucas's character, his trustworthiness suffers from the fact that he spent over a year denying that he directed at least four thousand deportees on the Birkenau platform toward the lines for either labor or death. It took two weeks after Lucas's confession on 11 March 1965 to have him arrested, and only because adjunct prosecutor Christian Raabe went over the heads of the reluctant district court officials to win the approval of the appeals court. This says as much about the culture of the German criminal courts as Lucas's sentence of three years and three months in a Frankfurt penitentiary. As the sole defendant granted his appeal on 20 February 1969 by the German Federal Supreme Court (the Bundesgerichtshof, BGH), he faced a different Frankfurt district court when his retrial began on 20 August 1970, exactly five years after Judge Hofmeyer concluded the original trial. His acquittal on 8 October 1970, which failed to account for the seriousness of Lucas's crimes but reflected mitigating factors such as his doctoring abilities and resistance to criminal orders, became a foregone conclusion within the climate of West German postwar justice.

That is a rough overview of the trial. In the remainder of this introduction, I provide a short sketch of Lucas's career, touch on the postwar fate of fellow SS doctors and, because we hear very little from him that is straightforward and voluntary, convey something of his voice. I comment on what is at stake in postwar trials, situate Lucas's biography within the research on perpetrators, and review

the existing scholarship on Lucas. The background of the Frankfurt Auschwitz trial itself appears in the second half of my book.

Born on 15 September 1911 into the family of a master butcher in Osnabrück, Lucas was the second oldest of four siblings.⁶ His younger brother died on the western front and his older brother on the eastern front, both in early 1944, and his mother died around the same time. This left his father and his younger sister, who sent him news from home during the war and testified on his behalf two decades later during the trial in Frankfurt. His status as the only remaining family son may have kept Lucas from active combat, since the deaths of his brothers came shortly after his paratrooper training in late 1943, which was considered service on the front. In his biography of Heinrich Himmler, Peter Longerich includes the wording of the SS and Higher Police Forces' "Last Sons" decree of 15 August 1942: "Your task, as soon as possible, is to ensure, through conception and birth of children of good blood, that you are not the last sons." This decree resulted in some SS doctors being "reclaimed" from the front, and may contribute to why Lucas performed duties as a camp doctor responsible mainly for prisoners, after serving ten months as a troop doctor in the *Waffen-SS*.⁷

Lucas grew up in a region heavily influenced by the Catholic Center Party. After beginning study at the Carolinum Gymnasium in Osnabrück in 1926, Lucas transferred to a Jesuit secondary school in nearby Meppen in 1930 and graduated with his *Abitur* (diploma) in the spring of 1933. That June, Lucas joined the SA (*Sturmabteilung*, storm troopers) and began studying medicine at the university in Münster. He remained in the SA until September 1934. In 1937 he transferred to the university in Rostock, where he completed his *Physikum*, or preliminary medical exam. He became a member of the Nazi Party in May 1937 and a member of the SS in November 1937. In 1939, just as German forces were overrunning Poland, he moved to Danzig (Gdansk). He completed a dissertation on ectopic pregnancies at the Danzig Medical Academy and passed the state exam on 26 July 1942. After being drafted into the Security and Assistance Service (*Sicherheits- und Hilfsdienst*, SHD) in Danzig for the remainder of the summer of 1942, he was ordered to Graz in Austria for three months of medical courses at the SS Medical Academy overseen by the *Waffen-SS*. There he was promoted to *Hauptsturmführer* (head squad leader). His next stop was in Nuremberg to serve as junior physician for the troops of a *Waffen-SS* signal corps and military hospital. A promotion to *Untersturmführer* (lieutenant) followed in January 1943. In October 1943 he reported to an SS paratrooper unit near Prague to serve as a troop physician. During that stint a further promotion made him *Obersturmführer* (first lieutenant), the rank he retained for the remainder of the war. On Lucas's account, his transfer to paratrooper training was punishment for defeatist remarks he made over beer one evening in Nuremberg, and only an intercessory letter from one influential officer to another removed him from the dangers of parachuting and proximity to the enemy, although the paratroopers

saw no fighting until 1944, long after he was gone. Orders from Berlin assigned him to the SS Main Economic and Administrative Office (Wirtschafts- und Verwaltungshauptamt, WVHA), resulting in his transfer to Auschwitz in mid-December 1943. Was such a transfer an improvement of his situation, a deliberate punishment, or the result of being declared unfit for the front? In court, at least, Lucas indicated that everything that happened to him after 1943 was one long punishment.

Lucas assumed medical responsibility in Auschwitz II (Birkenau) for the Gypsy family camp (BIIf, for deported Sinti and Roma families) and the Theresienstadt family camp (BIIf, for the Jewish deportees from the Czech ghetto Theresienstadt). In early August 1944 he was transferred to Mauthausen, which he left in the second half of October for Stutthof. After Stutthof, he worked in Ravensbrück between mid-December 1944 and the last day of February 1945. As with all other camp transfers, Lucas attributed his transfer from Ravensbrück to Sachsenhausen to a falling-out with his superiors. Both prisoners and his colleagues asserted that Lucas's personality showed an obstreperous streak, although it was not uncommon for SS officers to resist some duties and carry out others. Evidence of less than zealous fulfilment of criminal orders mitigated a defendant's prison time under German law. To escape the charge of treason, Lucas hid his Nazi credentials upon fleeing Sachsenhausen in mid-April 1945, or at least trotted them out cautiously. After hiding out briefly in a villa near Potsdam, he made his way to Elmshorn, northwest of Hamburg. There he became a resident on 26 April 1945 and an assistant physician for the city hospital not long after the armistice on 8 May 1945. Successfully avoiding a denazification trial, he kept his Nazi past under wraps long enough to be named the hospital's director of gynecology in 1954. This is where the first half of my book ends.

The second half of my book explores the public scrutiny of Lucas from 1955 until his acquittal in 1970. The lies he told to avoid detection of his Nazi past have shaped my choices for recording his career. Even before entering the SS, Lucas made claims that appeared trustworthy and were accepted as stages of his biography. They were lies, however, that he continued after the war in order to escape the limelight. I believe that his denial of the sixteen months he spent in an SS uniform in camps that killed prisoners signals his dishonesty in other areas. Calling out this deception affects how I discuss sources, methodology, and current scholarship on Lucas. But first, it is worth asking how Lucas practiced deception in his manner of speaking and choice of topics.

Finding the Voice of Franz Bernhard Lucas

What are the utterances we hear from Lucas? We hear denials, curses, threats, protective claims, and partial confessions void of remorse. Mostly we hear a lot of

lies. For example, he claimed repeatedly that he studied philology for two years as a university student in Münster before turning to medicine. In the biographical sketch attached to his medical dissertation, he even asserted that he studied philology during his entire time at Münster, turning only to medicine when he arrived at the University of Rostock in 1937. Four years before the medical dissertation, Lucas attached a handwritten biography to his SS application that also mentioned philology. Both claims are refuted by his Rostock student record, which lists grades for his performance on the first part of his preliminary exam that he completed in March 1935.

Perhaps more interesting in the *vita* than a lie about philological study is a truth about Nazi formation. Lucas claimed that he rejected the views of his Catholic prep school teachers in Meppen because he was captivated more by what a radical Nazi named Josef Egert could teach him. If so, then Lucas was espousing Nazism before the Nazi regime came to power in January 1933, or at least ingratiating himself with its most ardent supporters. Later, however, when it served his advantage and supported his acquittal in 1970, Lucas dismissed his tutelage under Egert as a juvenile lie, claiming that Egert was not his mentor but only a friend of his uncle. The court was supposed to dismiss the lie, given the uncritical exuberance of the time—yet we should recall that at the time of his SS application he was no longer a teenager, but twenty-seven years old. It appears, then, that Lucas lied about studying philology because he was concerned that nine years of training to receive his medical license made him appear a slow learner. Considering the military interruptions of the time and the mobility of students, however, it was not unheard of to study so long. It is harder to determine whether the 1938 detail about his mentor Egert was a lie or simply an unguarded moment of truth captured as evidence in his SS file. Either way, the specificity of the detail shows his eagerness to belong to the SS. Quite possibly Lucas developed deceptive habits as a coping mechanism that the effects of war only exacerbated. If Lucas's selective deception was useful in his early adulthood for fitting in, in postwar Elmshorn and beyond it became a way to deny his Nazi chapter.

Lying about his university years was less grievous than lying about his war years. Lucas must have felt vulnerable when, in 1954, he threatened to sue for libel anyone who identified him as a Nazi. Ironically, the very magistrate's office that he informed of his intentions fired him from the city hospital at the end of 1962 as his Nazi past came to light. Well before then, Lucas had begun being interrogated about his former Sachsenhausen colleagues under investigation by state attorneys in other jurisdictions. The account he gave of his own whereabouts in 1944–45 began as a lie and continued that way. By the time Lucas himself became the target of interrogations during the investigative phase of the Auschwitz trial, blatant fabrications no longer shielded his past. In Frankfurt, the prosecutor Joachim Kügler and the court magistrate Heinz Düx, armed with SS records that challenged Lucas's narrative, posed questions that now forced him

to downplay his role in selecting thousands of Jewish deportees in the spring and summer of 1944. Over the course of pretrial and trial hearings, he admitted first to performing ramp duty under duress, then to having resisted from the very start, then to caving in to orders out of fear. In his acquittal, he alleged becoming more resistant over time to the *Schweinerei* (disgraceful behavior) he encountered.

Lucas's chameleon-like responses are a reminder that a defendant's choice of topics draws attention away from what he would like kept quiet. Lucas's opening statement in court on 27 January 1963 focused on the few improvements he could make in Auschwitz-Birkenau due to limited resources. Instead of describing the expectation that he be present at floggings or prisoner selections, he complained about the inadequate daily caloric intake of the prisoners and the refusal of superior officers to honor his requests—while perhaps partly true, this was a typical ploy of camp doctors on trial. What exactly the silence of Lucas was hiding was not always clear, and he and his lawyers were not obliged to address areas not listed on the formal indictment.

Along with his selective speech and guarded silence, and despite Arendt's impression of him, Lucas cultivated a habit of denial in keeping with his fellow defendants. One need only consider his role supervising the family camps in Birkenau that were "liquidated"—the Theresienstadt Czech family camp in March and July 1944, and the Gypsy family camp in early August 1944. For both camps, Lucas insisted that transfer orders had removed him from the scene of the killings. But whenever judges or prosecutors reminded him that his dates of arrival and departure were inconsistent, he claimed a poor memory. Nevertheless, his memory was functional enough during pretrial investigations for him to insist that he neither knew nor worked with the Nazis in question—or, if he did overlap with them, it was his memory of their conversations that was correct, not theirs. The biggest lie was his fourteen-month-long denial of selections. When it was no longer avoidable, his partial confession signaled a change in strategy. His claim was now that obeying criminal orders had been his only option because he feared for his life. Strikingly, Lucas also denied remembering most survivor witnesses who either accused or supported him. He swore that he had never seen accusatory witnesses or that they had confused him with another doctor. Even grateful witness survivors who reported his kindheartedness went unacknowledged, as Lucas was still trying to avoid associations with certain places and times that compromised his defense strategy.

Grateful camp survivors remembered Lucas cursing the war as *Schweinerei*. An Auschwitz telegraph operator had heard Lucas's female companion, also employed at Auschwitz, report that he cursed Hitler and vowed that his own children would never enter the Hitler Youth. Ravensbrück witnesses recalled his disgust with everything his superiors expected of him in early 1945: chiefly, sterilizing Sinti army veterans in the men's camp and singling out the frailest prisoners in the women's camp for execution. Apparently, Lucas's tirades against "disgrace-

ful” orders were the only time he raised his normally halting voice and upset his superiors enough to transfer him. His insolent tone emerged when he once told the commandant of Blechhammer, an Auschwitz subcamp, that instead of selecting frail prisoners for death, the SS should just consider feeding them more.⁸

How did Lucas’s voice sound under pressure? Hermann Langbein, prisoner secretary for Auschwitz chief doctor Eduard Wirths and expert witness in court, conveyed how the SS defendants sounded during the trial hearings. Robert Mulka, adjutant for Auschwitz commandant Rudolf Höss, was “puffed-up,” while the lower-ranked report and block leader Oswald Kaduk and medical orderly Josef Klehr sounded “primitive.”⁹ The pharmacist Viktor Capesius was arrogant, and the block leader of the political division, Hans Stark, had a way of “barking” when agitated.¹⁰ In February 1965, Birkenau block leader Stefan Baretzki “spewed forth” his details with “elemental power” when he confronted higher-ranked *Obersturmführer* Lucas in court, who only managed a mumble.¹¹ Lucas came across during the entire trial as self-conscious, striving to distance himself from the defendants whose crimes he seemed to remember as poorly as his own. The audio recording from the trial preserves his stammering and throat clearing. The only times he sounded a “Brustton der Überzeugung” (full-throated tone of conviction) came when he denied selecting on the Birkenau ramp.¹² After confessing, any vocal confidence he could muster disappeared until the hearings that brought about his acquittal in 1970.

Here is a sampling from Lucas’s inventory of responses, as recorded by Langbein: “I myself was neither there (i.e., ramp) nor at the crematorium a single time.” “In my crisis of conscience at the time, I could see no other possibility.” “Even today I don’t see how I could have acted any differently at the time.” “I had no possibility of dodging it.” “I cannot recall this case.” “I don’t know, I found myself in such a state of high tension at the time that I can no longer provide details.” “If I didn’t resist commands directly in Auschwitz, it was because I had been in a suicide commando. I was afraid.”¹³ Thus, Lucas not only sounds more educated than the others, but also more consistently negative and passive. He always “finds himself” somewhere, bewildered as to how or when he got there. Nevertheless, even his taciturn responses were more specific than those most of the other defendants offered, the court pointed out in its judgment, as though he tried to sound helpful even in his recalcitrance.

In her brief attendance of the trial, Washington Post journalist Sybille Bedford, who consistently called Oswald Kaduk “brutishly stupid,” described Lucas as “a heavy, middle-aged man, gray suit, gray hair, who moves slowly and speaks in a low, unhappy voice. He is the first of the defendants who does not speak the language of the oppressor.”¹⁴ Although Bedford never spoke to Lucas directly, Dutch reporters did. When they interviewed him during the court’s site inspection of Auschwitz in December 1964, a year into the trial, they found Lucas evasive and shy, claiming a poor memory worsened by being asked to recall events from

twenty years earlier. According to his wife Susanne and the supporters from his hometown of Elmshorn, anything the press wrote against him had to be false.¹⁵ The Israeli journalist Inge Deutschkron had the closest contact to Lucas. She was interested in recording how his face changed from pale to red depending on which reporter, lawyer, or judge was pressing him for details. Described by a former prisoner doctor as stone-faced, he showed a rare smile on 8 October 1970, as he and his jubilant wife emerged from the courtroom following his acquittal.

In the web of lies Lucas constructed for self-preservation, one aspect remained consistent: he never faked religious feelings. His wife knew this best about him. She explained to her theologian friend Hermann Schlingensiepen that in matters of faith her husband had always remained silent. Religiously outspoken, Susanne Lucas drew support from her own Protestant community in Elmshorn. While her husband was in prison, she raised two daughters and managed the household and her husband's professional matters. Inside her world it is natural to feel sympathy for her. Reading her correspondence, it is easy to understand how wives of Nazi defendants hoped to sway courts to grant an early release of their husbands from prison. Such empathy should give us pause, however. For it is just as true that like their husbands, few of these women had anything to say to the victims who suffered the results of criminal actions supposedly so distressing for Nazis to carry out. The Germans who understood themselves as victims of victor's justice at Nuremberg were hard-pressed to contemplate their own violence toward "outsiders" of the Volk community. As Katharina von Kellenbach argues, many German church parishes after 1945 became extensions of the Volk community, not the least through the moral absolutes they provided resentful Christians like Schlingensiepen's pen pal Artur Wilke and through the concrete support they provided Susanne Lucas in the form of amnesty petitions.¹⁶

Whenever Lucas ventured to express anything apart from what his lawyers or wife said for him, it was usually on paper with his fountain pen. Two such letters from prison spring to mind. The first was addressed to the head doctor in the Kassel prison hospital where Lucas awaited surgery for gallstones. In it he lists, from one doctor to another, the dangers of undergoing surgery in unsuitable facilities with incompetent surgeons. In the second letter, to his lawyer Rudolf Aschenauer, he lists the faults in the written verdict of the Frankfurt district court that arrived fifteen months after its oral verdict. In both writings Lucas sounds indignant, insistent on his own logic.

Two other letters come to mind as underscoring not so much Lucas's indignation as his deference and sickliness under pressure. The first, a note he signed *Heil Hitler!* on 5 April 1939, requested that the second half of his preliminary exam in Rostock be postponed because of his illness. The second letter explained that acute bronchitis had slowed his responses to the questions posed by Frankfurt prosecutor Joachim Kügler during Lucas's first interrogation in Elmshorn in November 1961. It also should be noted that Lucas used bed rest as an excuse to

miss the first two days of the Frankfurt Auschwitz trial in December 1963. Two of Lucas's former SS bosses also noticed his propensity for illness. His commanding officer at Nuremberg wrote in 1943 that Lucas had worked himself to the point of contracting pneumonia as troop doctor for the SS regiment there. And when asked in the 1990s what he remembered about Lucas, the longstanding chief medical officer of Sachsenhausen, Heinz Baumkötter, focused on Lucas's fundamental sickness. Bronchial and kidney problems were surface indicators, but Baumkötter hinted that they were an outward sign of Lucas's internal turmoil late in the war: "I didn't want to impinge on his solitude. I thought I knew what was going on inside him—but seen solely from the outside he made a morbid impression. Call it pathological, even. While he went along with things, on the other hand I had the impression that he knew what he was doing and perhaps had the opinion that he could consciously do it in my presence, perhaps even pretend."¹⁷ Was sickness a sign of trying to walk a line to please both fellow SS officers and victims, of being driven by courage and held back by cowardice?

This question is not meant to vilify. Real or imagined health shortcomings were something doctors tried to gauge when mustering recruits, especially given the number of *Drückeberger* (shirkers) the Nazis thought were trying to avoid the front lines. Lucas was classified as "kv" (*kriegsverwendungsfähig*, combat suitable) upon entering the Waffen-SS in September 1942, but later records may have classified him as "av" (*arbeitsverwendungsfähig*, work suitable), removing him from the dangers and stresses of the front to relative safety closer to home.¹⁸ But his continuous service record at least shows no sign of his classification under temporary or permanent unsuitability for combat.

In his study of concentration camps, Buchenwald survivor Eugen Kogon ventured that SS members stayed in the camps to shirk the front.¹⁹ Marco Pukrop has argued against applying this idea to SS doctors or medical orderlies, whose injuries or illness designated them unsuitable for the front at precisely the point in the war when they were most needed there.²⁰ Such was the case with Heinz Baumkötter, whose typhus prevented his return to the field troops. Assuming Lucas had an illness that kept him in the camps as well, it provides a way to re-interpret his predictable explanation that all his transfers were punitive. It could simply be that instead of being at the mercy of angry commandants or garrison medical officers, he was on the radar of the Medical Branch (Amtsgruppe D) of the Waffen-SS in the SS-FHA (SS Leadership Main Office), which placed qualified doctors in positions where they were needed and healthy enough to serve. It was not his supposed Sachsenhausen nemesis Dr. Enno Lolling who was signing the transfer orders, because Lolling, as Pukrop reminds us, did not have autonomous control over personnel. Instead, Lucas's SS officer files show the signature of Dr. Max Peters, former SS doctor in Sachsenhausen and main division leader of the personnel division of the Waffen-SS Medical Branch.²¹ The punitive transfer argument draws from the same rhetorical well as duress under orders. The more

consistently a defendant invokes such arguments, the more believable they begin to sound, and the more carefully one must move the focus from exculpatory evidence to the idea that the kindness at the base of exculpation was not simply an element of Lucas's character but his strategy of buying a return ticket to civilian life as he dismayed at the state of the war and the tasks he was asked to perform.

As he fashioned his account of service in the camps, Lucas kept erasing his role in atrocities. He “recast” himself, to use the term David Messenger and Katrina Paehler have featured in their anthology *A Nazi Past*.²² After his arrest on 24 March 1965, Lucas painted himself increasingly as the victim, and by 1970 he and his lawyers went on the offensive by calling Lucas's arrest and prison time unjust. Just before his acquittal, his lawyers shamed the court and prosecutors for keeping a beloved gynecologist from his patients for so long. Lucas's acquittal then pushed him from diffident to indifferent. When state attorneys questioned him after 1970 about his role in Auschwitz or Ravensbrück, he referred them to published court opinions. Lucas's narrative is dominated by a tone of reluctance, cited repeatedly by colleagues and prisoners alike who noted his hesitation to put the names of sick prisoners on selection lists for execution. This reluctance to play the scoundrel joined with his determination to practice medicine in settings that made a mockery of it.

Lucas emerges as evasive and guarded, reluctant to carry out orders and indignant when his own suggestions went unheeded. He denied allegations and showed a lack of insight when they proved true. He was uncomfortable as the center of attention and, at least in the courtroom, avoided the Nazi vernacular of his fellow defendants. Somewhat sickly and self-absorbed, he did not exactly jump at the chance to show courage but preferred to curse his circumstances and the people he claimed put him there.

Lucas as Perpetrator, Bystander, Rescuer, and Victim

Writing for the conservative newspaper *Die Welt*, journalist Gerhard Mauz remarked that Lucas could be a “devil” for some and an “angel” for others. “Dr. Lucas is both black and white,” Mauz concluded.²³ This does not mean that he was two different persons but that he treated different prisoners in different ways, or the same person differently over time, depending on the motivations, facilitative factors, and contextual conditions at play—elements that Timothy Williams includes in his action-centric model of genocide, which “acknowledges that the person has a history before and after genocidal actions and may even have engaged in parallel acts of rescuing or bystanding.”²⁴ Based on Williams's view that persons inhabit the roles of perpetrator, rescuer, bystander, and victim in unpredictable intervals, I suggest Lucas's actions themselves as starting points for understanding him.²⁵ This is more reliable than trusting him, his patients, his

wife, or his lawyers to tell us when, how, where, or why he inhabited this or that role. Note that this vocabulary is different from will or intention, which German courts used to distinguish between *Täter* (perpetrator) and *Gehilfe* (accomplice), a distinction I will address shortly.

An SS doctor could act like a savior one day and a sadist the next. It was volatility that prisoners dreaded more than anything.²⁶ Hermann Langbein, secretary to Dr. Eduard Wirths, the chief medical officer at Auschwitz, remembered his boss's unpredictability with increasing ambivalence.²⁷ Prisoner doctor Ella Lingens testified that Auschwitz doctors Werner Rohde and Fritz Klein played favorites, especially with female prisoners they could count on to clear their names. And then there is Hans Münch, who worked in the Hygiene Institute and was the only defendant acquitted among forty-one Auschwitz staff members in the Kraków trial of 1947. Grateful prisoners called him the "good German of Auschwitz." But in 1999, former prisoner Imre Gönczi traveled from Haifa to Münch's home in Bavaria to inform him that every deep breath he took or every time he raised his left arm was a painful reminder of an experimental bacteria Münch had injected into his lung in 1944. With no regrets, Münch assured Gönczi that he would "do it all over again."²⁸ Münch had nothing personally against him, but the fact that Gönczi was Jewish had made him fair game for Münch's urge to make the most of the human "material" at his disposal, an attitude that had only fossilized in the intervening half century.

Why not imagine Lucas on some occasions to have been as virulently antisemitic as Hans Münch or Fritz Klein, as heavy a drinker as Werner Rohde or Hans Wilhelm König, as heartless an opportunist as Josef Mengele, and as two-faced as his boss Eduard Wirths? This does not cancel out the other occasions when he delivered Swedish Red Cross packages, milk, bandages, and castor oil to grateful prisoners. This range of behavior is the mark of a human, not a monster. But the number of rescue stories that support Lucas's justification narrative are not enough to redeem a man who sent thousands of Jewish deportees to their deaths from Birkenau transports. This conviction has inspired my study of Lucas as much as it has been shaped by it.

A better example of authentic courage is the Austrian sergeant Anton Schmid, offered by Arendt in her book *Eichmann in Jerusalem* and also included in an anthology of military rescuers compiled by Wolfram Wette. Before his execution in 1942 for helping Jews in Lithuania, Schmid wrote to his wife: "If every respectable Christian tried rescuing just a single Jew, our Party honchos would be damn hard-pressed to carry out their solution to the Jewish Question. No way can our Nazis just snap up all respectable Christians and stick them in prison."²⁹ Despite her contention that Lucas was out of place among the lowbrow defendants, if Arendt had Schmid in mind when she described Lucas, she was mistaken.³⁰ An altogether different spirit attends Lucas, who justified his obedience of egregious orders at Auschwitz-Birkenau by appealing to the authority of Bishop Berning of

Osnabrück. He claimed that Berning advised him to lie low and do what he was told. Ironically, by following the authority of the Catholic Church, Lucas was assisting the cause of “Party honchos” instead of steadily undermining it in the way Schmid’s conscience prompted him to do. The significant difference is that Schmid proved the plausibility of his conviction by acting on it, while Lucas asserted a justification in retrospect for not acting at all.

Biography scholar Simone Lässig has suggested that external forces are a better indication of a life’s trajectory than some predestined inner regulation that shows intention.³¹ Nazi criminals used the language of intention to explain their memberships, but they explained heinous actions as beyond their control and a distortion of their original goals. The assumption is that events tend to unfold favorably for persons until something external interferes. In a way, this sort of thinking recalls the intentionalism-functionalism divide that used to dominate historiographical discussions.³² Intentionalism helped account for the antisemitic ideology that drove Nazi policy, but also for the conviction that something logical was guiding the actions of the regime. Historical scholarship on the Nazi era now favors functionalism, which places less emphasis on antisemitism and more on the idea that Nazi policies unfolded as responses to economic problems and polycratic competitions, for example. In the same way, the motivations of the biographical subject Franz Lucas cannot be explained as having been straightforward intentions until being disturbed by hostile external forces.

Surely there was no inner logic at work in either the Nazi criminals themselves or in the “Final Solution,” but rather a deep-seated resentment and a loss of inhibition regarding the Jews, fanned by political flames.³³ If fate and tragedy are the hostile external forces that explain deviations from some life path, then the victim designation dominates above the perpetrator, because the autonomy factor remains unconsidered. A biographer who appeals to external forces resembles Lucas’s defense lawyer Rudolf Aschenauer, who asked the court to regard his client as an innocent German who set out to become the first physician in his family but found himself drowning in the sea of totalitarianism. Instead of acknowledging that the attractiveness of belonging to the SS could influence ambitions, Aschenauer argued that Nazism thwarted the basic character of his helpless client.³⁴ This “normal German” alibi, which Devin Pendas calls the “minoritarian myth,” maintained that innocent SS recruits served a system imposed by unmerciful Nazis.³⁵

Better biographies are written, Lässig suggests, by examining “the social background conditions that influenced, shaped, or even prompted individual decisions and actions.”³⁶ The focus of the courts to second-guess a defendant’s subjective will in order to separate perpetrators from accomplices creates the temptation in biography to spend too much time retracing psychological motives and not enough time analyzing the influence of loyalties, competitions, and continuities among SS networks. Embedding biographical subjects as autonomous actors

within networks challenges Lucas's claim that every one of his SS camp transfers was a punishment for refusing orders. The division of responsibilities for ramp and crematorium duty (and therefore also the accountability for it) is a better way to understand the 1944 pogrom against Hungarian Jews than considering it the result of vengeful actions of SS personnel forced to atone for insubordination by being pushed into the camp system. Hilary Earl has highlighted this tension between liberal democratic justice, which is highly individualist and wants to identify an actor's agency, and the fact that genocide and all group crimes are a function of the group.³⁷ Hannah Arendt identifies the danger succinctly: "Where all are guilty, no one is."³⁸ Sociologist Stefan Kühl has argued this point about shared responsibility in SS groups, and historian Stefan Hördler has shown that extermination networks, not accidental arrangements of insubordinate officers, influenced the final months of the war.³⁹ One solution for resolving the tension between individual and group would be to write a group biography instead of concentrating on one figure. Marco Pukrop has done this for the SS doctors who served in Sachsenhausen, comparing their socioeconomic backgrounds and political influences and exploring a few of them in greater depth.

We cannot know for certain what motivated Lucas to join the SS or to trade his Catholic mentors for Nazi ones. It may very well be that his decisions derived from peer pressure or youthful impetuosity. The problem is that his explanations for joining the organization sound too banal to support the severity of the crimes he committed as its member. Opportunism or ideological conviction can both be fanned into flame. His direct and indirect victims are proof only of his killings, not of the zeal or reluctance he showed. More than a few biographies since the year 2000 have attempted to explain what went wrong with Nazi doctors and why.⁴⁰ Despite all evidence to the contrary, though, we still appear reluctant to blur the line between atrocity and altruism, healing and killing, because something in us prefers unambiguous extremes. German courts also preferred thinking that character traits produced certain actions and not others, much the way they thought they knew what constituted normal behavior in a place like Auschwitz. The problem is that participating in genocide hardly reflects solid character.

Postwar Trials in Germany and Their Issues

To understand Lucas's actions, especially those that run counter to his public image, requires patience. It requires repeated orbits over hard evidence, such as military documents, and soft evidence, such as witness testimony. Lucas's habit of lying low, coupled with his silence, denials, and deception, complicates the task of analyzing his career. Granted, Nazis found plenty of ways to lie using "hard" documents: they drummed up letters to send the relatives of "euthanasia" victims, falsified death certificates of persons killed in the gas chambers, promised

Sinti and Roma their freedom if they signed forms that spelled out their voluntary submission to sterilization, and forced German Jews to sign forms agreeing to relinquish assets during expulsions. All such documents used against Nazi enemies were meant to deceive, humiliate, and exploit. Most internal documents used for Nazi communication, however, are reliable sources to the extent that they were not censored or produced with concern for how posterity would receive them. Postwar trial courts in Germany determined the validity of hard and soft evidence to aid in reaching a verdict. Over time, as witness testimony became more necessary to fill in the gaps of missing documents, courts and defendants joined forces to discredit witnesses who contradicted themselves or suffered emotional breakdowns and thus appeared to break their vows of telling the truth on the stand—a high bar that was not set for any of the defendants.

My first aim in the following is to sketch the developing notions of justice, especially against Nazi doctors, as Lucas must have seen them. He must have experienced trepidation as he learned the fate of his colleagues and that his own name was being dropped in Nuremberg during the International Military Tribunal (IMT) trial of major Nazi war criminals and in Hamburg at the Ravensbrück trial. Even if he was confident that his SS papers had been destroyed and that no accusatory witnesses had survived to testify against him, every day must have involved attempts to avoid discovery and to build a reputation of good character that could work backward in time to redeem the actions befitting the perpetrator side of him. My second aim is to trace the issues at stake in German postwar trials, which in the second half of my book I will apply to the Frankfurt Auschwitz trial specifically.

Along with voluntary affidavits of survivors, thousands of extant SS records helped secure swift justice for the IMT in Nuremberg.⁴¹ Witnesses corroborated that hard evidence without recounting their own experiences as victims in the ghettos and camps. Since the IMT's example of a fair trial included the chance for defense lawyers to cross-examine witnesses, doubts were raised about the "soft" evidence of witnesses: if you say you suffered, why do you look so healthy now—or, since it is clear that you suffered so profoundly, how can we now trust your traumatic memories to be precise and not exaggerated?⁴² The effort by the defense to raise doubts about Marie-Claude Vaillant-Couturier, an articulate witness who survived Auschwitz and Ravensbrück, fell short, however. Even though she reported hearsay, she was the first trial witness to enlist Lucas in the canon of heroic resistance:

M. DUBOST: Can you tell us, Madame, if you can answer this question? Were the SS doctors who made the selection acting on their own accord or were they merely obeying orders?

MME. VAILLANT-COUTURIER: They were acting on orders received, since one of them, Dr. Lukas, refused to participate in the selections and was withdrawn from the camp, and Dr. Winkelmann was sent from Berlin to replace him.

M. DUBOST: Did you personally witness these facts?

MME. VAILLANT-COUTURIER: It was he himself who told the Chief of the Block 10 and Dr. Louise le Porz, when he left.⁴³

Lucas may not have followed the IMT proceedings as closely as he did another famous trial, the Belsen trial of “Josef Kramer and Forty-Four Others,” which a British military court began in Lüneburg on 17 September 1945 and finished before Vaillant-Couturier appeared in Nuremberg. The trial is significant for at least three reasons. First, Lucas had worked under Kramer, the commandant of Birkenau who supervised the extermination of Hungarian deportees beginning in mid-May 1944, and he claimed that Kramer had been the one to force him into selecting prisoners on the ramp. Kramer earned the title “Beast of Belsen” after leaving Auschwitz in December 1944 and becoming commandant in Bergen-Belsen. In this trial of two months, long by 1945 standards, Britain’s military court adjudicated German war crimes against British citizens rather than crimes against humanity. Because only thirty-one witnesses were available so soon after the war to testify—twenty of them Jewish survivors—the court allowed affidavits submitted as evidence. While defense lawyers pointed out inconsistencies between affidavits and cross-examinations in court, prosecutors argued—and this is the second important point—that Kramer and his cohort did not have to hold pistols or syringes to be found guilty of murder, as their mere participation sufficed. As Colonel Backhouse argued, “It is my submission that all people who took part in these selections, knowing what they were, were equally guilty, whether it be the doctor who says, ‘This one to live, this one to die,’ or the man who pushes them into one particular compartment or the other, or the man who leads them, or the man who gasses them. When people take part in a murder by poisoning it is not necessary for them to do the actual deed in order to be convicted.”⁴⁴ But the court disagreed, setting precedents for later war trials. Membership in Nazi organizations or participation in the camps was insufficient proof of individually committed atrocities. As Jörg Friedrich points out, the trial also inaugurated defense claims of being a victim of circumstances, of duress from superior orders, and of overstretched demands on morality.⁴⁵

The third point is that thanks to the affidavit produced by Lucas’s and Kramer’s colleague Dr. Fritz Klein, there was little doubt about which SS doctors participated in selections of frail and diseased prisoners at Auschwitz-Birkenau.⁴⁶ As Klein reported,

There were several doctors in that camp, the chief one being Dr. Wirtz [i.e., Wirths]; others whose names I can remember are Dr. Fischer, Dr. Kitt, Dr. Lucas, Dr. Mengele, Dr. Thilo, Dr. Rohde and Dr. König. When transports arrived at Auschwitz it was the doctor’s job to pick out those who were unfit or unable to work. These included children, old people and the sick. I have seen the gas chambers

and crematoria at Auschwitz, and I knew that those I selected were to go to the gas chamber. But I only acted on orders given me by Dr. Wirtz [i.e., Wirths]. . . . All the doctors whom I previously mentioned have taken part in these selections, and although S.S. guards were on parade they took no active part in choosing those who were unfit to work.⁴⁷

Klein's affidavit was the basis for the Frankfurt state attorney's office's adding Lucas to the bill of indictment in 1962 for the Frankfurt Auschwitz trial. Lucas's lawyers failed in their attempt to dismiss Klein's evidence as an attempt to blame others before he was hanged.⁴⁸ Examined more closely, Klein's document reflects partial acknowledgment of guilt, even though he claimed that he had acted on orders and that selecting was "not a pleasure." Several months earlier, Klein had been less guarded. Prisoner doctor Ella Lingens remembered him proclaiming that a good physician is trained to remove an ulcerous appendix, and the Jews were the appendicitis on Europe's body.⁴⁹

Kramer and Klein were two of eight men from the Belsen trial hanged in Hameln, south of Lüneburg, in December 1945. Similar fates awaited other Auschwitz SS doctors who, after leaving Auschwitz before the Red Army arrived in January 1945, were ordered to other camps and were captured during the final phase of the Nazi regime, and Lucas knew them all. Bruno Kitt, whom Hermann Langbein considered more innocent than Lucas, was tried alongside other Neuengamme concentration camp staff and hanged on 8 October 1946.⁵⁰ Werner Rohde followed three days later, based on his lethal injections of four British female special operatives.⁵¹ Some doctors committed suicide. Heinz Thilo, the same age as Lucas and a close collaborator in Birkenau, killed himself in prison a week after Germany's capitulation.⁵² Percy Treite, also the same age and Lucas's fellow gynecologist in Ravensbrück, took poison before he could be hanged in the first Ravensbrück trial. Lucas's Auschwitz boss Eduard Wirths died in 1946 of wounds stemming from a botched self-hanging attempt while in captivity. Otto Heidl, Lucas's boss at Stutthof, committed suicide in 1955 while on trial in Bochum. Lucas's boss at Ravensbrück, Richard Trommer, supposedly swallowed poison before the war was over, although he was declared missing and dead only in 1950. Enno Lolling, the chief physician of the Concentration Camps Inspectorate in Oranienburg and the highest medical authority in the SS and concentration camp complex of Oranienburg-Sachsenhausen, committed suicide at a hospital in Flensburg, a town in Schleswig-Holstein where many high-ranking Nazis sought refuge. Most other acquaintances were hanged or died of natural causes in prison. The suicides were not necessarily acknowledgments of guilt but a way to avoid the drawn-out humiliation and spectacle of hanging that many victims of the Nazis had been either forced to undergo or witness in the camps.

Lucas's boss at Sachsenhausen, Heinz Baumkötter, would have been executed if the British had not handed over responsibility to the Soviets to try Sachsen-

hausen personnel. Captured by the British in Lübeck on 3 May 1945, he spent a year in prison in Neuengamme and was handed over to the Soviets in June 1946. In the weeklong Soviet Sachsenhausen trial in Berlin (23 October to 1 November 1947), Baumkötter was sentenced to a lifetime of hard labor in the Soviet Union but returned to Münster on 14 January 1956 in the wake of the famous Adenauer-brokered arrangement of 1955 that returned thousands of POWs to Germany.⁵³ Less than two weeks after his return, the Münster attorney general took up the investigation of Baumkötter and two Sachsenhausen doctors he supervised, Alois Gaberle and Otto Adam. The trial began on 17 November 1961 and ended on 19 February 1962. Baumkötter was found guilty of accessory to murder in two cases and accessory to fourteen *Tateinheit* (action unit) crimes of murder. Sentenced to eight years, he was free on the basis of having served more than eight years in custody and in the penal camp Workuta as a Soviet POW.⁵⁴ Gaberle received the same sentence as Lucas did three years later (three years and three months), while Adam was cleared of all charges.⁵⁵

Based on the fate of Lucas's medical colleagues, whether they perished by their own hand or by another's, would his exceptionalism have saved him from execution if he had been discovered by the Allies while making his way to Elmshorn in April 1945? Leaving Sachsenhausen in Oranienburg just in time in his flight from the SS, Lucas survived to watch his former SS colleagues put on the stand and condemned by witnesses and prosecutors alike. The British prosecutor was convinced that a doctor in hiding should become the standard of goodness by which to weigh the behavior of the doctors on trial. As he lay low, Lucas never hid under a pseudonym like his fellow Auschwitz doctor Hans Wilhelm König, who settled in a Lower Saxony village and practiced medicine as "Ernst Peltz" before disappearing in 1962.⁵⁶ Nor did he flee the country like his infamous colleague Josef Mengele, who died in Brazil in 1979 under the pseudonym Wolfgang Gerhard.⁵⁷ To reinforce the idea of openness and innocence, in 1965 Lucas's lawyer Rudolf Aschenauer appealed to Lucas's upstanding position in the community to convince the Frankfurt district court that he had nothing to gain from going underground and ought to remain at large, as his family, career, and happiness all remained in Elmshorn.

Let me now sketch some of the issues at stake in German postwar trials. The Moscow Accord of 30 October 1943, signed by Roosevelt, Churchill, and Stalin, declared soldiers, officers, and Nazi Party members responsible for German atrocities and specified that they would be put on trial in the countries where they had taken part in the atrocities, convictable on the basis of responsibility for events or their willing participation in them.⁵⁸ The Allied Control Council Law No. 10, passed on 20 December 1945, provided uniformity for trials hosted in the four Allied zones and for trials of Germans in German courts. At the start, German courts were limited to investigating crimes committed by Germans against Germans in concentration camps, as part of the Night of Broken Glass (Reichs-

kristallnacht) on 9 November 1938, “euthanasia” killings, or executions of Germans in the final stages of the war.⁵⁹ Article II of the Allied Control Council Law No. 10 provided a category for addressing genocide under crimes against humanity and identified the criminals responsible as those who were principal or accessory actors, or who ordered or abetted the crime, played a consenting role, were connected to the plans in carrying it out, or belonged to the organization or group that committed the crime. It also made clear that a defendant’s claim of carrying out governmental or superior orders under compulsion “does not free him from responsibility for a crime, but may be considered in mitigation.”⁶⁰

The problem with the Allied Control Council Law No. 10 was its focus on crimes of a scope unimaginable to the German Criminal Code of 1871, which had not foreseen the possibility of genocide. As historian Devin Pendas has shown, to adjudicate a crime before a law was passed to expressly forbid it violated *nulla poena sine lege*, the longstanding prohibition of ex post facto law.⁶¹ A further point of German resentment was that the Council Law closed off the ploy of arguing helplessness in the face of superior orders, as the Allies were uninterested in subjective motivation or mitigating circumstances for mass murder. The defendants in the *Einsatzgruppen* (extermination squads) trial of 1947, the ninth of twelve subsequent trials that followed the IMT and were hosted by the Americans in Nuremberg from 28 September 1947 to 10 April 1948, nevertheless attempted to argue otherwise. Otto Ohlendorf and his defense lawyer Dr. Rudolf Aschenauer (1913–83), whose scores of Nazi clients later included Franz Lucas, justified the murder of ninety thousand Jewish noncombatants by Ohlendorf’s *Einsatzgruppe D* as the result of superior orders issued to prevent Soviet expansion.⁶² Much like Ohlendorf, Aschenauer was convinced that the USSR was waging an imperialist war that justified the *Einsatzgruppen*.⁶³ However, the proud reports the defendants gave of exceeding murder quotas in their assigned territories left no doubt that following superior orders was less a hardship than a chance to demonstrate zealous initiative.

The importance of Aschenauer for his client Lucas emerges throughout my investigation, but a few remarks about his career are in order here. A former member of the Nazi Party in Bavaria, Aschenauer began building his extraordinary reputation with the Malmedy trial in Dachau from mid-May to mid-July 1946, in which seventy-three members of the SS tank division Leibstandarte SS Adolf Hitler were charged with the deaths of seventy-seven American prisoners of war and one hundred thirty civilians at Malmedy in December 1944. Aschenauer helped divert attention away from the massacre in order to focus on the alleged American psychological intimidation and physical abuse of German POWs awaiting trial. Ultimately, a rigorous US senate subcommittee investigation discredited most of the claims of the defense and the five defendants.⁶⁴ Still, it remains sobering that Aschenauer was a contact for the US Intelligence Division, a lawyer for several Malmedy defendants on death row, a representative

for Protestant and Catholic clerical circles, and an advisor to Munich bishop Johannes Neuhäusler. Influenced heavily by Aschenauer, German clerics wrote amnesty pleas to General Lucius Clay and President Harry Truman that compared American occupation authorities to the Hitler regime.⁶⁵ Resentment in Germany and in American conservative circles grew beyond American judicial efforts in Nuremberg and Dachau to include the entirety of the American military presence in Germany.⁶⁶ Branding the trials in Nuremberg as political power void of justice, Aschenauer wrote revisionist pamphlets that shifted attention toward the Cold War and what many in Germany and the United States considered the clear and present danger, the Soviet Union.⁶⁷

This resentful attitude informed Aschenauer's activities in the second phase of trials, roughly 1950–58, an era of clemency already evident in the aftermath of the *Einsatzgruppen* trial.⁶⁸ John McCloy, US High Commissioner for Germany, was pushed to pardon the German defendants still interned at Landsberg prison.⁶⁹ In the middle of 1952, Aschenauer began fashioning a right-extremist political career. He consulted for and mediated discussions involving ultra-nationalist parties. In the mid-1950s he slowed his political ambitions in order to represent right-extremist groups and former SS members in court and engage with *Stille Hilfe* (Quiet Aid) and HIAG (Hilfsgemeinschaft auf Gegenseitigkeit der Angehörigen der ehemaligen Waffen-SS, Mutual Aid Association for Members of the Former Waffen-SS).⁷⁰ In the Auschwitz trial, he represented the two symbolic extremes of defendant behavior: Wilhelm Boger, former Auschwitz SS Gestapo guard synonymous in the press with sadism, and Franz Lucas, who many believed did not belong in court at all. For five years, Aschenauer was in regular contact with Franz and Susanne Lucas as their elective lawyer, while representing dozens of other former Nazis to ensure that they spent minimal time in prison.

What accounted for the clemency of the 1950s besides the influence of the national churches? To begin with, German courts were given the jurisdiction over crimes against Allied nationals and the permission to try German war criminals according to German statutory law. On 31 August 1951, the British explicitly withdrew the authority of German courts in their zone to prosecute according to Control Council Law 10. In the same year, the Bundestag (parliament) in Bonn passed the important “Article 131” bill, which pardoned or diminished the sentences of former Nazis while restoring their privileges and positions.⁷¹ The bill expressed the idea that Germans had suffered enough from victors’ justice both in trials and in humiliating denazification and reeducation campaigns.⁷² On 5 May 1955, Law A-37 of the Allied High Commission granted German courts full legal autonomy to adjudicate according to laws that were on the books long before genocidal crimes were committed. This step was completed when, on 30 May 1956, the Bundestag ended the long-standing irritation of *ex post facto* law by annulling the Allied clause of crimes against humanity and adopting a genocide clause in the penal code that could apply only to future infractions.⁷³

In the face of a Communist threat perceived as far more urgent than punishing Nazi criminals, any original didactic goal the Allies had for the trials in the 1940s faded into a policy of amnesty. Continuing to punish Germans appeared an embarrassing legacy—albeit not to the Nazis’ victims. In a new era of legal autonomy featuring public metaphors such as *Schlußstrich* (drawing a final line) and *Nestbeschmutzung* (dirtying one’s nest), high Nazi officials who had been pardoned or whose Allied trials had been terminated for lack of evidence were immune from additional trials, while those who served under them and happened to stand trial after them often had longer sentences to endure.⁷⁴

By the mid-1950s, almost no one with a Nazi past had to fear discovery and accountability, according to Norbert Frei. From 2,500 in 1950, new investigations of Nazi violent crimes had dropped to 183 by 1954.⁷⁵ The amnesty atmosphere, enhanced by the return of nearly ten thousand German POWs from the Soviet Union to a hero’s welcome in 1955–56, complicated the efforts of state attorneys to track down criminals who lived in their jurisdictions. To be sure, these returning POWs would have signaled the end of an era of already diminishing trials, had not 750 of them undergone investigation for severe war crimes. Lucas knew at least two of them: Carl Clauberg, who sterilized hundreds of women at Auschwitz and Ravensbrück, and the aforementioned Heinz Baumkötter, who directed medical affairs at Sachsenhausen. According to Annette Winke, the push for accountability for severe crimes was persistent, even if those behind the push were in the minority. Its impulse was boosted in 1958 by the Ulm Einsatzgruppen trial, whose central defendant was Bernhard Fischer-Schweder, commander of Einsatzkommando Tilsit.⁷⁶ Prosecutor Erwin Schüle made it his mission to refute the claims of Fischer-Schweder, SS-*Sturmbannführer* (assault unit leader at the rank of a major) Werner Hersmann (represented by Aschenauer), and eight other codefendants. Schüle proved that in the summer of 1941 these men had competed to see who could kill thousands of Lithuanian Jews the most efficiently.⁷⁷ Schüle also condemned the tactic of judges and physicians who certified former Nazis as unfit to stand trial.

According to Patrick Tobin, Schüle was the first West German state attorney to request and receive documents from the Nuremberg trials, the Berlin Document Center, and WAsT.⁷⁸ These helped him identify hierarchies of command and possibilities of individual agency.⁷⁹ Schüle also located Ona Rudaitis, the only known eyewitness to the mass shooting of Jewish women and children in a meadow outside her Lithuanian village of Virbalis.⁸⁰ Tobin writes: “When Rudaitis, an old woman, recounted seeing her neighbor lying dead in a mass grave and witnessing mothers shot alongside their children, she brought home to the courtroom and to the West German public the unbelievable inhumanity and cruelty that underpinned every moment of *Einsatzkommando* Tilsit’s existence.”⁸¹

Thus, the Ulm trial broadcast the mass crimes committed against Jewish victims outside the camps. This working style of supplementing documents with eye-

witness testimony pointed to the role of survivor witnesses in the 1961 Eichmann trial in Jerusalem, as Lawrence Douglas has examined in detail in *The Memory of Judgment*. In that trial, documents had long since condemned Eichmann, the key figure behind the mass RSHA (*Reichssicherheitshauptamt*, Reich Security Main Office) deportation of Hungarian Jews, allowing survivors the chance to tell their own riveting stories. As witnesses began testifying in early 1964 in Frankfurt during the Auschwitz trial, however, testimonies of atrocities were mostly exploited as evidence against the accused, and judges admonished witnesses to limit their remarks to fit that pattern.

Besides redirecting the public gaze toward Holocaust victims, an outcome of the Ulm trial was the call for a system of justice based on more than a chance discovery of crimes for overworked district attorneys.⁸² This explains the concerted efforts to establish the *Zentrale Stelle der Landesjustizverwaltungen zur Aufklärung nationalsozialistischer Verbrechen* (Central Office of the State Justice Administrations for the Investigation of National Socialist Crimes) in Ludwigsburg before the end of 1958. Its first investigations turned out to include the material that became the basis for the Frankfurt Auschwitz trial. The Central Office became responsible for investigating Nazi murders of civilians, determining separate crime complexes, locating perpetrators, and compiling interrogation protocols. It assigned cases to state attorneys in whose jurisdictions the accused parties resided.⁸³

Hermann Langbein noted that the 42 West German trials featuring mass murders between 1958 and 1963 nearly doubled the 23 trials that had been completed before the emergence of the Central Office in 1958, as the number of defendants climbed from 28 to 136. A sign of the lenient times is that 9 of the 136 defendants were convicted of murder, 77 were judged accomplices, and 36 were acquitted. Of the 77 accomplices—who in the understanding of the courts did not “will” the murders or carry them out with “bloodlust”—43 received between three and five years in prison. Of this group, 30 were charged with assisting in the murders of between 100 and 15,000 persons.⁸⁴

Thus, more trial activity did not translate into stiffer sentences. Instead, after Control Council Law 10 disappeared, German judges evaluated how interested the defendant was in the success of his crime and how much “criminal energy” he expended. Section 211 of the German penal code defined a murderer as one whose base subjective motive was bloodlust, sexual desire, or greed, and who used cruel and treacherous means to kill.⁸⁵ If he acted on his own initiative, beyond the scope of orders, sadistically and excessively, he was a perpetrator (*Täter*). If he limited himself to carrying out orders without excessive zeal and distanced himself from the deed, he qualified as an accomplice (*Gehilfe*).⁸⁶ Determining inner attitudes required enormous guesswork from judges and juries, as Michael Greve notes. How effective was a judge’s guess whether a Nazi defendant had shared regime goals and willed the death of its enemies, or had succeeded in resisting its goals at the same time that he carried out its orders?⁸⁷

A sentence of life in prison, the highest possible sentence for murder with malicious intent, entailed a defendant's ardent Nazism. To cite the trial outcome in Ulm, even though the deaths under their supervision numbered in the thousands, all ten defendants were regarded "as accomplices of Hitler, Himmler, and Heydrich" and received sentences from three to fifteen years.⁸⁸ As members of a mobile killing unit, they were shown even more leniency than death camp personnel. Indeed, on the basis of fifty trials of 153 Einsatzgruppen defendants from 1950 to 1983, Bettina Nehmer has calculated that four times as many defendants (23.4 percent) were acquitted than were assessed as perpetrators (6.3 percent). Most defendants (70.2 percent) were assessed as accomplices with a maximum sentence not exceeding fifteen years, but the vast majority (seventy-one defendants) received the minimum sentence of one to five years. After 1971, no accomplice was sentenced to over twelve years.⁸⁹ As Stefan Wittke points out, this means that Einsatzgruppen killers of Jews and communists in Eastern Europe were judged less harshly by German courts than the camp personnel who ravaged victims on German (conquered) territory.⁹⁰ More alarming is the statistic that not a single academic or white-collar official on trial for camp crimes was sentenced for murder between 1948 to 1993. Wittke and Falko Kruse both conclude that judges resisted the label of "perpetrators" for members of social elites—a finding that Michael Hayse has strengthened with examples from Hessen.⁹¹ West German courts often worked at loggerheads with prosecutors who called for much higher sentences. For them, prosecuting objective murder did not require asking whether Jewish victims were killed either with apathy or with pronounced antisemitism.

In the view of the German courts, then, the perceived lack of subjective motivation justified the label of accomplice. So-called mitigating factors helped shorten prison sentences even more. For example, a defendant might have been too young at the time of crime to have known better, or too old at the time of sentencing to deserve a harsh sentence.⁹² Or, the passing of time diminished the need for atonement.⁹³ Or, less educated persons and career officers were more susceptible to propaganda and thus less culpable. If one was a helpless pawn of antisemitic indoctrination, then another received leniency for being principled enough to resist it.⁹⁴ Furthermore, defendants had joined the SS or NSDAP to find employment despite their discomfort with Nazi doctrine. While war had forced these solid citizens into regrettable actions, now these family fathers were rebuilding their homes and families at jobs below their dignity.⁹⁵ Such were some of the well-worn tropes for reducing a sentence from perpetrator to accomplice, and from fifteen to three years in prison.⁹⁶ These were shorter sentences than were levied on civilians charged with armed robbery.⁹⁷ Not surprisingly, judges rewarded defendants who shared the Nazi values of "neatness, duty fulfillment, basic decent outlook, and a correct bearing."⁹⁸ All in all, Bettina Nehmer concludes, West German courts blamed the small elite of Hitler, Himmler, and Heydrich for taking the country hostage for over a decade, and for using German

citizens as marionettes to carry out acts of violence.⁹⁹ Thus, although German judges rejected claims that defendants followed superior orders under duress, in the end they expected that under authoritarianism those defendants would have had to obey in order to avoid insubordination.¹⁰⁰

Two points from this discussion require emphasis. First, very few defendants faced either life in prison for designation as perpetrator or the maximum of fifteen years for aiding and abetting murder. Rarely did they come across as delighting in treachery. Courts and juries, many staffed with former Nazis, mitigated sentences of defendants who now wore respectable business suits instead of uniforms with SS runes. Second, the lack of documents forced German prosecutors to summon more witnesses who could help reinforce indictments. Despite a general hostility from the defense, witnesses opened up a new arena of victim experience that was hitherto lacking. As the second half of my book will show, to the degree that journalists, exculpatory witnesses, defense lawyers, and even the presiding judge framed the image of Lucas as a contrast to sadists and downplayed this timid gynecologist's role in genocide, they misled both themselves and posterity. It was impossible to imagine the possibility of a perpetrator who was also a rescuer, bystander, or even perhaps a victim. Understood within the default category of accomplice, then, it is no surprise that Lucas received the minimum sentence of three years and three months. Access to the evidence I address in the next section would not have changed the court's mind, because its goals parted ways with those of historians.¹⁰¹

Methodology and Sources

Historians must ask different questions about due process than the legal questions a court uses to gauge a defendant's guilt.¹⁰² As Hilary Earl argues, historians cannot rest content with "public and involuntary testimonies derived through the interrogation process."¹⁰³ It is not in the defendant's interest to offer comprehensive answers: "By their very nature criminal trials can act as strong impediments to historical truth when, by excluding or altering historical facts, a defendant can demonstrate innocence, or a prosecutor, guilt."¹⁰⁴ Thus, criminal trials may prolong misunderstandings even if the court determines a fair sentence. Trial historian Dick de Mildt notes that because trial verdicts frequently omit witness statements in the belief that "they are irrelevant for the legal questions under consideration," historians should take more advantage of preliminary investigations for finding information.¹⁰⁵

There is no question that most defendants are deceptive and that the court's range of questions is limited. In a way, my book supplements the grievances of the prosecution and is inspired by the energy of the civil prosecutors, who posed different and ruthless questions in court because they represented the joint plaintiffs

(*Nebenkläger*). Thus, the ability of civil prosecutor Christian Raabe to make Lucas talk—especially, to confess—made Raabe a sparring partner for Lucas’s lawyer Rudolf Aschenauer in and out of court in 1965. My own perspective did not begin by matching Raabe’s skepticism of Lucas, but instead by accepting the view of Arendt and others that Lucas was a contrast to the so-called real criminals. By doing so, I mimicked both the jurisprudence of German criminal courts and the historiography of the Holocaust. The problem was that both realms claimed that the Holocaust was caused by masterminds above and sadistic criminals below who made life very difficult for decent Nazis in-between, as Mark Roseman puts it.¹⁰⁶ The paradigm of an antisemitic Nazi elite that made the rest of German society its totalitarian victim still held sway at Lucas’s sentencing in 1965, even among the most respected historians summoned as expert witnesses.¹⁰⁷ In my own research, it has become clear that Lucas straddled the line between aloofness and the wish to belong to something bigger. The “white raven” he has been called reflects those split allegiances less adequately than the *Januskopf* (Janus face), the mythical figure that looks both forward and backward in time. To put it another way, Lucas spoke out of both sides of his mouth by worrying about preserving his SS officer privileges in an organization he purported to no longer respect.

I would not have reached my eventual level of skepticism of Lucas’s narrative without studying documents inaccessible until long after Lucas’s acquittal. These include his signed vow to keep secret the massacre of Hungarian Jews at Birkenau, telegrams, transfer orders, files that show no record of insubordination, and promotions for discipline and initiative. Most of these SS files, seized by the Red Army when it liberated Auschwitz, were long held in Moscow’s *Sonderarchiv* (special archive), then sent to the Deutsche Dienststelle (WASSt) after German unification in the early 1990s.¹⁰⁸ These WASSt documents have since been incorporated into Germany’s federal archives system.

The student records for Lucas from 1938–39 in Rostock, part of the former German Democratic Republic, became available in 2016. They include files forwarded from Münster that show coursework and performance, extracurricular aspects, and explanatory notes and requests. Because most German and Austrian universities have by now researched the varied allegiance of their professors and administrators during the Nazi regime, it is possible to identify resisters, opportunists, and belligerent antisemites among the faculty. Jewish instructors, administrators, and students who disappeared from the university are again visible, or at least conspicuous in their absence. At the National Library in Leipzig, a copy of Lucas’s medical dissertation conveys his mindset during his stay in the Nazi-annexed Polish city of Danzig from 1939 to 1942. These educational documents supplement his documentation of racial purity (proof of “Aryan” grandparents) and his biographical sketch, which were components of the application materials he submitted to the SS Race and Settlement Main Office in February 1938.

Correspondence also fits the category of mostly unguarded, reliable evidence. Two examples make this especially clear. The first concerns the papers of Lucas's attorney Rudolf Aschenauer, who died in 1983 at age seventy-one. His widow Gertrud Aschenauer repeatedly insisted that copies of attorney-client correspondence remain sealed until after her death, which came on 9 November 2018.¹⁰⁹ Besides documenting the defense strategy, these letters between Franz and Susanne Lucas and their lawyer show the Lucas couple with their guard down, whether outside or inside a courtroom, prison cell, or their own home. The Aschenauer-Lucas collection includes support letters from friends, patients, colleagues, clerical figures, and prisoner survivors expressing indignation about singling out Lucas for investigation.

The second example of correspondence, between the theologian Hermann Schlingensiepen and the Lucases, is available in Düsseldorf from the Archiven der evangelischen Kirche im Rheinland. Like Susanne Lucas's letters to her lawyer, her letters to an eccentric spiritual friend show her to be a religiously inspired woman still using the language of *Volksgemeinschaft* (people's community). Married since 1950, she worked hard during his trial and prison time to return her husband to the respect and livelihood he enjoyed until early 1962, when his name began appearing in the press in conjunction with Auschwitz. Beyond these examples of correspondence, the city council meeting minutes from the Elmshorn city archives and Elmshorn newspapers show the political differences at stake around Lucas's job loss in late 1962.

During Lucas's years of relative safety and undisturbed professional life, state attorneys began questioning him about other SS perpetrators, especially Sachsenhausen doctors, in the context of the Münster trial against Baumkötter, Gaberle, and Adam. These interrogations mark the transition in source material between Lucas's unguarded and guarded moments. He was as silent about his colleagues as he was about his own actions. The files of pretrial investigations in Hamburg, Schleswig, Münster, Itzehoe, Berlin, and Ludwigsburg, but especially the Hesse Main State Archive in Wiesbaden (*Hessisches Hauptstaatsarchiv Wiesbaden*, HHStAW), contain transcribed trial hearings and letters to and from the city of Elmshorn, labor courts, Lucas's lawyers, and state attorneys. In the matter of the Frankfurt Auschwitz trial, the HHStAW is an unparalleled storehouse of pretrial and trial records, correspondence, witness lists, legal notices, prosecution and defense memos, court rulings, appeals, petitions and complaints, clemency appeals, and even trial expense reports. The same holds true for the Fritz Bauer Institut in Frankfurt, housed in the university and named for the Hessian attorney general who championed the trial, about which there is more to be said shortly.

Although it may not always be direct, there is hard evidence about Lucas to be found in the places I have named. Soft evidence from accusatory and exculpatory witnesses also becomes a documentary source once it is recorded or transcribed. As mentioned, defense lawyers study witness statements to identify contradic-

tions, but historians can comb them for trends and blind spots. The majority of testimony about Lucas comes from medical workers, whether prisoners or colleagues, especially those who were German, French, British, and Scandinavian. For this reason, its trend is exculpatory, identifying Lucas as mostly rescuer and partly victim. Immediately after war's end, for example, the German communist and block elder of Block 10 at Ravensbrück, Erika Buchmann, summoned her fellow communist prisoners to publish press releases that highlighted Lucas's exceptionalism, in order to shield him from British investigations of Nazis. Understandably, what moves survivors is their own experience and the hearsay reports of others in their group, and they cannot help but be less aware of actions performed by an SS medical doctor outside their field of vision.

The help and rescue that Lucas's exculpatory witnesses attributed to him may not have been supererogatory at all but merely a doctor's professional duty applied to prisoners normally deemed unworthy of medical attention. As philosopher David Jones wonders, "Were helpers and rescuers extraordinarily virtuous and courageous moral exemplars who should be admired as heroic or saintly? Or were acts of help and rescue something that was their actual duty to do, all things considered?"¹¹⁰ To believe Lucas's account of being advised to avoid standing out, in actual SS practice this would have meant withholding assistance for racial prisoners. In the prison hierarchy, Jews, Sinti and Roma, and Soviet POWs were worse off than German criminals or members of political or ethnic resistance groups. It would have meant not risking what looked like prisoner favoritism and not intervening in the situations of violence that made up the normal state of affairs. Witnesses were less likely to remember situations of neglect, and far more likely to construe normal medical actions as supererogatory acts that transcended the duty to render aid or do no harm.¹¹¹ For that reason, we cannot peruse reports of Lucas's exceptionalism without asking how he is remembered by Sinti and Roma, Jewish, non-medical, non-Scandinavian, Polish, Hungarian, or Soviet prisoners. Among such accusatory witnesses, testimony may sound noble and dutiful, but also cathartic, vengeful, or biased to the judge and the defense. The usual complaint was that accusatory testimony was too far removed in time from the crime to be accurate, or that it conflicted with hard evidence. This complaint of bias never extended to exculpatory witnesses. All too frequently, the defense attributed factual errors to a witness's trauma, rendering the witness both too far from and too close to the crime to be reliable.

My own phenomenology of testimony aligns with James Young's remark that even though witnesses were not flawless historians, their memory of an event had far more truth than a defendant's denial of it: "For in the final analysis, no document can be more historically authentic than that embodying the victims' grasp of events at the time."¹¹² This kind of soft evidence allows historians a far better reenactment of events where perpetrators caused their victims to suffer. There is little doubt, for example, that Lucas was on the ramp at Birkenau selecting far

more than the conservative figure of four thousand deportees he was accused of selecting. This was the view of the prosecution, and I concur. What testimony does is lift a few numbers out of the dulling effect of thousands and turn them into persons demanding attention. It allows us a glimpse of what Helen Goldman went through, a sixteen-year-old selected for work on the Birkenau ramp by an SS doctor she identified as Lucas, who forcibly separated her from the mother and siblings she never saw again. This gives it an authority above more internally consistent SS documents. The difference, of course, is that the writers of SS files could make choices, whereas prisoners had few opportunities to do so, and little reason to falsify their accounts.

Scholarship on Franz Lucas and the Frankfurt Auschwitz Trial

Much of what has been written about Lucas suffers from secondhand information or misplaced trust in his protective claims. French MacLean's *Camp Men* wrongly asserts that Lucas was not a member of the NSDAP, that his religion was unknown, that he was married, and that he was released from prison in 1963.¹¹³ Jeremy Dixon's *Commanders of Auschwitz* puts Lucas at Auschwitz I (the main camp) from 15 December 1943 until April 1944, without mentioning Birkenau or Lucas's transfer to Mauthausen in early August. Dixon's dates thus bracket off Lucas's involvement in the Hungarian transports, the very reason he stood trial. In addition, Dixon reports that Lucas was at Sachsenhausen at the war's end and was released soon after being arrested. Not even Lucas made this claim.¹¹⁴

Most scholarship on Lucas begins and ends with the Frankfurt Auschwitz trial. Former prisoner Hermann Langbein and journalist Bernd Naumann supplied the first eyewitness notes in real time that paved the way for analyzing the trial. In his compilation of reports for the *Frankfurter Allgemeine Zeitung*, Naumann considered Lucas the prism that allowed the clearest view into the Auschwitz chamber of horrors.¹¹⁵ Like Naumann, Langbein attended almost every day of hearings after taking his turn as key witness on 6 March 1964.¹¹⁶ The dictated trial notes he sent to his wife in Vienna to transcribe produced a two-volume record of over a thousand pages.¹¹⁷ His second volume devotes forty-three pages to Lucas. More thematic than chronological, Langbein's account reproduces the courtroom dialogue while occasionally commenting on it. In court, he was unable to recall Lucas at all, even though he was secretary for Lucas's boss, Auschwitz chief doctor Eduard Wirths.¹¹⁸ Langbein includes testimonies of Auschwitz-Birkenau survivors who saw Lucas selecting on the ramp, and of Ravensbrück survivors who implicated Lucas for sterilizing Sinti war veterans in the men's camp there in early 1945.¹¹⁹

Langbein and Naumann are cited whenever scholars mention Lucas in passing as a contrast figure.¹²⁰ Robert Jay Lifton's *Nazi Doctors* uses Jean Steinberg's En-

glish translation of Naumann, which begins with Hannah Arendt's essay about the trial. Based on Naumann's recounting of how Otto Dov Kulka described Lucas's slow hand movements and Mengele's quick movements during selections, Lifton aligned Lucas more closely with Josef Mengele than with Dr. "Ernst B" (i.e., Hans Münch).¹²¹ In an investigation of perverse Nazi medical practices, Jack Boozer regretted the irony that Mengele was at large and Lucas was in the block, given the "exceptional, almost unbelievable, testimonies in praise of Dr. Lucas."¹²² He concluded that "[t]he net was strong and tight, and the struggle of conscience and for Hippocrates was, for Dr. Lucas, a lonely one indeed."¹²³ Matthew Lippman reached the same conclusion, describing the mitigating testimonies and the court's acknowledgment that Lucas felt trapped in a net.¹²⁴ But Irving Greenberg elected to discuss Lucas along with Dr. Johann Paul Kremer, notorious for recording his brief SS Auschwitz sojourn in his diary.¹²⁵ Like Boozer and Arendt, Greenberg underscored Lucas's unwillingness to recognize grateful witnesses, but he was struck most by Arendt's account of the accusatory witness Helen Goldman seeing her mother and siblings torn away from her by Lucas on the arrival ramp in Birkenau. His conclusion was strikingly different: "[T]he truth rises swiftly: The best functionary in Auschwitz—the one who had pity—deserves to die! Must die!"¹²⁶

Finally, Paul Hoedeman's book *Hitler or Hippocrates* (1991) reports that Lucas arrived at Ravensbrück in 1941 and, after refusing to carry out selections, was punished through a transfer to the eastern front.¹²⁷ He maintains that Lucas arrived at Auschwitz in the summer of 1944 and remained there until the camp's evacuation in January 1945.¹²⁸ Most disturbing is that Hoedeman parrots the defense's argument that Lucas's selections saved prisoners from death: "He did his duty as a doctor: safeguarding peoples' lives. Why Lucas had concealed this illuminating fact for so long remained unanswered."¹²⁹

In large part, the Fritz Bauer Institut in Frankfurt has helped reverse the trend of derivative scholarship. Building upon the scribal thoroughness of Langbein and Naumann, the Institut's transcription and digitization of large segments of trial proceedings has made it possible to review the testimony of witnesses for or against Lucas and his nineteen codefendants, the arguments of prosecution and defense, the mediating work of the translators, and the press reports and photographs of the trial. The renaissance of scholarship is due largely to the efforts of archivist Werner Renz, who explored the origins and proceedings of the trial in depth.¹³⁰ For the fortieth anniversary of the trial in the spring of 2004, the Institut hosted the exhibition "Auschwitz-Prozeß 4 Ks 2/63 Frankfurt am Main" in Haus Gallus in Frankfurt, where the original hearings took place in all but the first two months of the trial.¹³¹ Building on the work of Renz, Irmtrud Wojak edited in 2001 an anthology of Institut yearbook essays dedicated to the trial, and another volume in 2003.¹³²

The DVD-ROM and the later online offerings of the Institut have offered an auditory dimension that eclipses the transcripts alone. When the French witness Louise le Porz testified on behalf of Lucas in November 1964, for example, the sound of school children playing outside Haus Gallus accompanied her memories of the gas chamber at Ravensbrück. In April 1965, after Bruno Stein reported that fellow Sinti and Roma had been sterilized by Lucas, he identified Lucas from the defendant lineup while gasping “Mother of God!” and continuing to weep into the witness microphone. This emotion is not captured in the transcript. Most memorable is how the audio files chart the poignant regression from confidence to despair in the testimony of Helen Goldman in September 1964 and Abraham de la Penha in April 1965. The auditory element underlines Noah Shenker’s notion of “testimonial literacy,” whereby the pauses, sighs, and tears of testimony constitute the hugely important signifiers of memory.¹³³ Unfortunately, these nonverbal cues rarely usurp the supposed superiority of transcribable, linear language. Without the decision to preserve the reel-to-reel recordings whose original purpose was to “support the memory of the court,” that auditory dimension would have disappeared.¹³⁴

Before the DVD project was complete, Devin Pendas and Rebecca Wittmann completed investigations in English that documented the larger issues of the Auschwitz Trial.¹³⁵ Wittmann’s macro-focus falls on the inability of West German courts to think outside their inherited criminal code. Her book focuses more on Herbert Scherpe, a medical orderly in the trial, than on Lucas. Pendas identifies Lucas as the “good German” of the hearings, especially when recounting the press coverage of the trial. Contrasting Wilhelm Boger’s sadism to Lucas’s aloofness, Pendas emphasizes that courts, the press, and the German public were comfortable seeking longer sentences for criminals considered barbaric, but less concerned about sentencing upstanding doctors who had selected thousands for the gas chamber.¹³⁶

The dust jacket of Pendas’s book features the same iconic photo that graced the first edition of the Fritz Bauer Institut’s DVD-ROM of the trial, showing Lucas alone near the ramp at Birkenau during the court delegation’s visit in December 1964 as he stares at the ground with hands buried in a dark overcoat. He was not yet in custody, and volunteering for the fact-finding visit was his bold move to float his innocence. Like Lucas’s own shifting account of events, however, the cryptic photo does not reveal whether Lucas was trying to forget or to remember.

The journalist Hans Holder was also wondering what was “going on inside Dr. Lucas” when he observed Lucas during a moment of silence in front of the so-called “Black Wall” between Blocks 11 and 12 in Auschwitz I, the main camp: “Lucas too is accused and said to have selected. But many witnesses described him as a man different from the other SS men, who still saw humans in the bullied prisoners, who showed concern, made the effort to resist, and actually helped



Figure 0.1. Franz Lucas (center) during the court's inspection of Auschwitz-Birkenau in the first Frankfurt Auschwitz trial, presumably on 14 December 1964. Photographer: Georg Bürger. Archive of the Fritz Bauer Institut, Photo Collection FAP/BUR 000042. Used by permission.

them on occasion. . . . In the afternoon, out on the ramp of Birkenau, he admits freely to having been here. But: 'I never selected, never decided who among the Jews was sent into the gas.'¹³⁷ Lucas's state of mind in December 1964 reflected a combination of audacity, cowardice, and fear from twenty years earlier.

The anniversary of the trial in 2004 came during an upsurge in discussions of perpetrators: Karin Orth about concentration camp personnel, Ernst Klee about medical perpetrators, and Gerhard Paul and Klaus-Michael Mallman about mid-level SS perpetrators, to name a few.¹³⁸ Historian Helgard Kramer organized conferences on interdisciplinary approaches to perpetrators, which stressed the importance of mentored Nazi cohorts.¹³⁹ Fellow historian Winfried Meyer gave papers in 2003 and 2005 that introduced the salient issues of Lucas's biography and examined his self-serving justifications. Based on Ravensbrück testimonies, Meyer depicted Lucas as a "white raven" even more at odds with the SS camp leadership than were the survivor witnesses who pitied him.¹⁴⁰ Using historian Christopher Browning's categories, Meyer argued that Lucas resisted SS ideology, group conformity, and authorities without losing his moral compass. Until confronted with extermination at Auschwitz, Lucas had never had to test his resistance to authorities.¹⁴¹

By viewing him as an isolated figure—the very profile Lucas preferred when discussed alongside his colleagues—Meyer saw little reason to doubt Lucas’s claims. This approach put Meyer at odds with Helgard Kramer’s typology of “bandwagon” SS physicians such as Horst Fischer, Hans Münch, and Eduard Wirths. Rather than discuss motivation derived from some unchanging good character, Kramer preferred to highlight Lucas’s membership, alongside fellow doctors, in extremist antisemitic organizations (SA, SS, NSDAP), which provided mentors and comradeship while denying membership to Jews.¹⁴² All such opportunists blamed their postwar plight on their superiors.¹⁴³ Like Kramer, Christian Dirks brings out formational SS violence in his biography of Wirths’s friend and deputy, Horst Fischer. Rather than posit a mind capable of mass murder, Dirks reconstructs Fischer’s actions and choices.¹⁴⁴ His assessment of Fischer, a perpetrator of conviction who lost his scruples in Auschwitz, may not apply as well to Lucas. Still, the contrasting view that Lucas gained scruples over time, advanced by the Frankfurt district court in 1965 and Ravensbrück scholar Bernhard Strebel, also seems overwrought.

What Karin Orth famously called the *Kriegsjugendgeneration* (war-youth generation) was too young to fight in the First World War, but it prepared, justified, and carried out the genocide of the Second World War.¹⁴⁵ Lucas was born in 1911, as were at least six other SS camp physicians whom he either knew or knew about—Josef Mengele, Hans Münch, Heinz Thilo, Percy Treite, Rolf Rosenthal, and Herta Oberheuser. More so than either Kramer and Dirks have determined was the case at Auschwitz, Marco Pukrop has illuminated important similarities and differences within the cohort of SS doctors that served at least briefly at Sachsenhausen. One important detail is the mobility of SS doctors between the eastern front and the camps. Often the doctors who served in the camps were unfit for further service at the front after being wounded. In Lucas’s case, exhaustion likely kept him in the camps.¹⁴⁶ Overwork as a troop doctor led to pneumonia, his supervisor in Nuremberg noted. His work ethic was an ongoing and rewardable proof of his suitability for the SS, rewarded in Berlin and a reason to emerge in prisoner testimonies as a good doctor. As Pukrop notes, however, even though physicians such as Kurt Stelling, Waldemar Wolter, Ernst Frowein, Hans-Hermann Sorge, and Heinz Baumkötter also garnered support after the war, they contributed to camp crimes as soon as they became accustomed to everyday brutality.¹⁴⁷ Doctors found a way to adjust to everyday violence in the camps.¹⁴⁸ Pukrop contrasts Christopher Browning’s findings about gradual adaptation to violence with the views of historian Hannes Heer, sociologist Harald Welzer, and military historian Sönke Neitzel, who assert that soldiers inured themselves to violence quickly without needing a phase of adjustment.¹⁴⁹ Given that rewards for violence included service medals and promotions, there is reason to assume rapid adaptation for at least some SS members.

Recent scholarship has complicated earlier useful models such as perpetrator and victim or perpetrator, bystander, and rescuer, along with the notion of isolated, predictable actors. We are more aware of the breadth of action and inaction, choice and constraint available to actors.¹⁵⁰ Timothy Williams has cautioned against “static and simple allocations of responsibility and culpability, with perpetrators being solely responsible, victims wholly innocent, and bystanders perceived as only passive and beyond the remit of action.”¹⁵¹ Perpetrators want to “portray themselves as rescuers, bystanders or victims . . . to reduce the responsibility they purport to have had for their actions, and by extension, their culpability for violence.”¹⁵² We should assume neither that ideological formation was the main impetus behind violent actions nor that it prevented SS members from extending occasional kindness toward enemies of the regime.

Overcoming inhibitions, numbing oneself to criminal acts, or warming up to violence are attempts to explain adapting to genocide. One explanation was Lifton’s famous “doubling” metaphor, which posited a schism between a healing self and a killing self. Lifton discussed ramp selections, arenas of occasional SS enthusiasm but mostly of ambivalence, reluctance, refusal, resistance, and heavy drinking.¹⁵³ Lifton noticed that, like the reluctant selecting physician Hans Delmotte, Lucas required about two weeks of watching Mengele or Wirths to model what was expected of him: “Pressure and mentorship could combine, as in the case of Franz Lucas, who, known to have a certain reluctance to protest, was taken to the ramp by Wirths and Mengele and more or less shown how to go about things.”¹⁵⁴

Attributing to Auschwitz physician Horst Fischer the remark “We have gone so far now that we have no way out,” Lifton suggests that “continuing to kill becomes psychologically necessary in order to justify the killing and to view it as other than it is.”¹⁵⁵ Lifton believed that sterilization, “euthanasia,” and medical experiments had already numbed the doctors to their violence before they reached the camps, making the “transition from feeling to not feeling . . . rapid and radical.”¹⁵⁶ The fact that arriving Jews were not given registration numbers reinforced the impression that their lives counted for nothing, and two or three weeks were all that was required for SS doctors to stop seeing Jews as human, according to Lifton.¹⁵⁷ More recently, Holocaust scholar Wendy Lower has remarked that SS men already saw Jews as less than human, and any inurement period that was necessary for violence applied only to the women who accompanied the SS.¹⁵⁸ Stefan Kühl refers to fellow sociologist Niklas Luhmann’s term “fictional consensus” to describe the non-Jewish German approval of excluding Jewish Germans from public life. This exclusion deprived German Jews of economic livelihood while invoking them as the cause of Germany’s downfall. Antisemitism remains a motivation for killing, of course, but also functions as the soil of consensus in which other motivations take root.¹⁵⁹

Six years after Lifton’s book, Christopher Browning’s *Ordinary Men* furnished three categories for perpetrators: 1) killing from conviction; 2) carrying out or-

ders and swimming with the tide (the vast majority); and 3) declining to take part in firing-squad executions of Jews.¹⁶⁰ As with Lifton's supposition about SS doctors, Browning postulated that members of Hamburg's Police Battalion 101 were transformed over time into killers: "As in combat, the horrors of the initial encounter became routine, and the killing became progressively easier. In this sense, brutalization was not the cause but the effect of these men's behavior."¹⁶¹ Therefore, antisemitism, ideological indoctrination, and the fear of consequences resulting from refusing orders do not, for Browning, adequately explain the killing.¹⁶² More accurately, as Browning, historian Gerhard Paul, and sociologist Harald Welzer have concluded, consciences were numbed in a climate of violence stoked by the brutalizing effect of the war, racist imperialism, massive pressure to conform, the esprit de corps of *Blutkitt* (blood bond), and binge drinking.¹⁶³

In his study of T4 physicians involved in "euthanasia," Holocaust scholar Henry Friedlander noticed that, "[i]n Milgram's social science experiment, the subjects might have lacked the imagination to understand the pain they could inflict, but the Nazi killers, even if they were entirely lacking in imagination, could not avoid knowing what they were doing. They could see how their actions affected real human beings."¹⁶⁴ The young physicians retained the ability to choose, "and they could even have asked to be excused after they had started. They did not refuse."¹⁶⁵ Motivated by career and profit, they chose to jumpstart their careers by working with experienced physicians and professors in the killing centers, a prospect more tantalizing than tending to soldiers wounded at the front.¹⁶⁶ In Friedlander's view, killing did not spring from inurement to violence so much as from belonging and assenting to organizations that sanctioned the killing. Analyzing this idea of membership further, perpetrator scholars Derk Venema and Alex Jettinghoff explain that over time, T4 doctors and other perpetrators could rationalize the cognitive dissonance between their beliefs and behavior by convincing themselves "that the victims are guilty, or dangerous, or subhuman"—the classic argument of blaming the victim.¹⁶⁷

Explanations for Nazi violence are not mutually exclusive but mutually reinforcing. Inurement to violence does not cancel out an SS member's knowledge that an oath of fidelity required violence against outsiders. In whatever way they carried out criminal actions—zealously, dutifully, opportunistically, or reluctantly—they became numbed over time to their actions, justifying them morally as necessary for the community of the Volk.¹⁶⁸ It is only natural to try to explain subjective motivation, so long as we discuss the German penal code without losing sight of the real victims.

It is unrealistic to take Lucas at his word and place him within the 20 percent reluctant-perpetrator category proposed by the eminent Holocaust scholar Raul Hilberg, unless we also view him in the categories of 20 percent zealot and 60 percent dutiful rule follower.¹⁶⁹ Similarly, based on the choices he had that prisoners

lacked, there is no reason to move Lucas completely into the zone of rescuer. By the time of his 1970 retrial, Lucas claimed that he became more reckless from one camp to the next, caring less about being punished for altruism. Yet this claim reads as a fabrication arrived at during custody, not in 1944. Although it sounded good to the court, it is scarcely an example of what Eva Fogelman calls the “upward curve of risk,” her designation for persons who become more daring over time.¹⁷⁰ The most risk Lucas took was deserting the SS a few days early, which held no benefit for inmates.

Structure

Faced with whether to discuss events according to how they happened in Lucas’s career or as he remembered them, I have divided the book in two parts. The first section examines Lucas’s formation beginning in 1933, his complicity in camp crimes, and his “return ticket” to civilian life after 1945. Documents that trace his movements from camp to camp provide insights largely absent from testimonies about his character. In the first section, however, any hard evidence under discussion stems from Lucas himself. It is not until the second part of my book that we hear Lucas’s voice in real time during the 1960s, the decade between preliminary investigation and acquittal in the Frankfurt Auschwitz trial.

My first chapter treats the years 1933 to 1943, the first ten years of Lucas’s radicalization into National Socialism, which began around the time of his preparatory school diploma and strengthened during his medical studies in Münster, Rostock, and Danzig. I map out the choices Lucas made in his medical-military surroundings, and I illuminate the Nazi justification of selection and some of the biopolitical concerns addressed in his dissertation. Chapter 2 treats Lucas’s stint in Auschwitz from mid-December 1943 to early August 1944, largely during his substitution as camp doctor for Josef Mengele in the Theresienstadt and Gypsy family camps. I discuss Lucas’s association with prisoners and prisoner doctors and involvement in the two “liquidations” of the Theresienstadt camp in March and July 1944. I also examine Lucas’s claims to be a loner in an SS organization built on mentorship and comradeship, and I go into greater depth about the charge of ramp selection against him.

Chapter 3 explores Lucas’s position between his nemesis and his role as advocate for prisoners at Mauthausen. On one side, Commandant Franz Ziereis calls him a coward and homosexual; on the other side the prisoners Josef Podlaha and Hans Marsalek remember him as a welcome contrast to the barbaric medical poseurs Hermann Richter, Helmut Vetter, and Karl Böhmichen. And yet despite apparently operating on prisoners without harm, Lucas likely selected prisoners for the gas chamber at Hartheim Castle near Linz, Austria. Such “manage-

ment” of disease-ravaged and starving prisoners continued at Stutthof, a holding camp that became a killing center after summer 1944 and yielded few survivors to accuse or exonerate Lucas. While reluctant to provide details of daily tasks he performed there, Lucas managed to depict a resistance that met with disapproval from both commandant and chief doctor and yielded his marching orders to Ravensbrück.

Chapter 4 evaluates Lucas’s responsibility for the tuberculosis ward in the women’s camp at Ravensbrück, his collaboration with fellow doctor Percy Treite, and his sterilization of Sinti war veterans and family members in the men’s camp. Lucas kept in hiding but was viewed by both witnesses and prosecutors as a contrast to Treite and other Ravensbrück Trial defendants in early 1947. Lucas participated in the same crimes, depending on the prisoner population. He collaborated with Norwegian political prisoner Sylvia Salvesen and Nazi nurse Gerda Schröder, while his stormy encounters with chief doctor Richard Trommer apparently resulted in his transfer to Sachsenhausen. Lucas’s six weeks in Sachsenhausen, including his desertion in April 1945 and refuge in a Norwegian political prisoner’s villa in Gross Kreuz near Potsdam, inform my fifth chapter. SS colleagues and prisoner survivors agreed on his humane treatment of prisoners, and Lucas played up the threats of Enno Lolling, the highest medical authority in the SS and concentration camp complex of Oranienburg-Sachsenhausen. The chapter concludes with Lucas’s safe arrival in Elmshorn two weeks before the end of the war.

The second section of my book begins with chapter six, as Lucas began to be interrogated after investigators heard his name mentioned by former SS physicians investigated in Münster for their crimes in Sachsenhausen, notably his boss Dr. Heinz Baumkötter. To hide the truth of his past, Lucas crafted at least four different versions of how he spent the war years. In addition, city council minutes and correspondence between Elmshorn and Frankfurt illuminate the circumstances of his being fired from his post as chief gynecologist at Elmshorn City Hospital at the end of 1962.

My seventh chapter shifts the plot from Elmshorn to Frankfurt, where for twenty months Lucas sat among nineteen other defendants in the Auschwitz Trial. In 1964, the first full year of the highly public trial, most witnesses who chronicled Lucas’s activity at Auschwitz and Ravensbrück shaped his image in court and press as a “white raven.” My attention is directed at the opposing voices, whose stories are worth telling *now* precisely because forensic inaccuracy disqualified them in the eyes of the court and defense *then*. Chief among these stories is Helen Goldman’s account of watching Lucas select her mother and siblings for the gas chamber when her family arrived on the ramp at Birkenau. This account is incomplete without noticing the toll that a year of debilitating labor and its aftereffects had taken on her body and memory when she testified in

Frankfurt twenty years later. In addition, I show the attention Lucas received as sole defendant in the court delegation's site inspection of Auschwitz from 14 to 16 December 1964. I focus on the trial as it unfolded, not just on the information it revealed concerning events from twenty years earlier.

The most surprising witness against Lucas was a codefendant of lesser rank, Stefan Baretzki, who accused Lucas in February 1965 of acting differently toward Auschwitz prisoners than toward the Ravensbrück witnesses, who seemed unable to praise him enough. This confrontation, the clash between adjunct prosecutor Christian Raabe and Lucas's lawyer Rudolf Aschenauer, and Lucas's eventual confession on 11 March and arrest on 24 March 1965 lie at the heart of my eighth chapter. After examining the appearance of three Dutch Jewish accusers of Lucas, I sum up the arguments of prosecution, defense, and the court's oral verdict with regard to Lucas, who was sentenced on 19 August 1965 to three years and three months of penitentiary.

My ninth chapter concerns the events that spanned Lucas's sentencing in 1965, the court's written verdict, Aschenauer's successful appeal in 1969, and Lucas's acquittal in 1970. Aschenauer, Lucas's wife Susanne, and the theologian Hermann Schlingensiepen all played an active role during this time. I comment on a few witness appearances in the retrial and how the court and prosecutor Jürgen Hess played into the hands of Lucas's lawyers (Fritz Steinacker, Rainer Eggert, and Horst Loebe) in acquittal. In my conclusion, I review both the answers and the lingering questions that remain about Lucas's medical career at the nexus of history, medicine, military, law, and testimony.

My biography of Lucas the criminal disturbs his reputation as the "good German" contrast to fellow defendants in the Frankfurt Auschwitz trial and to SS camp doctors in general. To call Lucas a reluctant accomplice to murder because he feared for his life is, I propose, to buy into his narrative uncritically. Lucas the *Januskopf* had one face that prepared him to carry out genocide and another face that was eager to forget his complicity. These two faces correspond exactly to the two halves of my book. But it is better to regard him not as replacing one face with another, as though he were only progressing or regressing, but as wearing both faces at any given time. I suggest unearthing the myths by which Nazi perpetrators justified their atrocities and escaped justice by "recasting" their identities as postwar civilians.¹⁷¹ By taking Lucas's deception as seriously as his good reputation, I hope to expose the participation of a Nazi doctor who straddled the line between going along and resisting and in so doing both killed and saved. Paradoxically, the biographical gaze is necessary to bring Lucas down to earth, back into the ranks of the SS, instead of letting exculpatory witnesses enjoy the last word. Forcing Lucas's silence into speech is at least a miniscule token of late justice for the thousands of lives this upstanding SS doctor ended or ruined.

Notes

1. All translations are my own unless otherwise indicated. Terms such as “Gypsies” or “Gypsy” are derogatory racial fabrications that both preceded and outlasted the Nazi era. If they appear without quotation marks or italics in my book, it is only to reduce special markings. My default terms are “Sinti and Roma,” whereby “Roma” tribes refer to persons who settled in Eastern Europe in the Balkans, or Austria, and “Sinti” tribes refer to Western Europe, including Germany. Both tribes spoke Romani dialects deriving ultimately from Indian Sanskrit. I call “Sinti” those veteran German soldiers and their families who were sterilized by the Nazis, especially by Lucas. For more on the subject of naming, see Fings, “Die ‘gutachtlichen Äußerungen,’” 425–26.

2. Dina Gottliebová (Babbitt), Auschwitz survivor, interviewed by Hilary Helstein on 26 September 1998, Felton, CA. USC Shoah Foundation, Testimony Part 1, at 3 hours 50 minutes, retrieved on 20 December 2022 from <http://www.youtube.com/watch?v=FRMWD8L1xDg>.

3. Statement of Heinrich Schenk, 18 August 1960, Landeskriminalamt in Baden-Württemberg (Zentralstelle, Ludwigsburg), qtd. in AP, 12,456–57.

4. Arendt, “Note on the Trial,” xvi.

5. Arendt, xxv.

6. Biographical information derives in part from Deutsche Dienststelle (WASt, Berlin), File of Lucas, Franz Bernhard, and from Urteil im Hauptverfahren: Straftaten Lucas, AP 37,874–77. See also Gross and Renz, *Frankfurter Auschwitz-Prozess*, vol. 2, 893–94.

7. Longerich, *Himmler*, 332. Another decree stems from 11 November 1941, but the “last son” principle also applied at least informally in World War I. See Pukrop’s examples in “SS-Mediziner,” esp. 335–36.

8. Naumann, *Auschwitz: A Report*, 65.

9. Langbein, *Auschwitz-Prozess*, 17.

10. Langbein, 603.

11. Langbein, 627.

12. Langbein, 613.

13. Langbein, 602–3, 622, 630–31.

14. Bedford, “Worst that Ever Happened,” 226–27.

15. Burkhardt, *Rückblende*, 119.

16. On Artur Wilke, see Von Kellenbach, *Mark of Cain*, 138–57.

17. Video interview, 19 February 1995, Bodo Michael Baumunk with Heinrich (Heinz) Baumkötter, Sachsenhausen Gedenkstätte, R 63/38/1, P 4 Baumkötter, Heinrich/2.

18. Pukrop, “SS-Mediziner,” 178–79.

19. Kogon, *SS-Staat*.

20. Pukrop, “SS-Mediziner,” 178–79.

21. Pukrop, 180.

22. Messenger and Paehler, *Nazi Past*, 5–6.

23. Gerhard Mauz, “Wo ist unser Angeklagter?” (*Spiegel*, 23 December 1964).

24. Williams, *Complexity of Evil*, 17.

25. Williams, 4.

26. Statement of Ella Lingens, 2 June 1959, Vienna, HHStAW 461/37638/010, 1,399–1,401.

27. This ambivalence is evident in Langbein, *Die Stärkeren*.

28. Alexander Smoltczyk, “Der Doktor und sein Opfer,” *Spiegel* 14 (1999): 116–23.

29. Quoted in Wette, *Retter in Uniform*, 23.

30. Arendt, “Note on the Trial,” xxv.

31. Lässig, “Biography in Modern History,” 7.

32. For an overview of the debate, see Bartov, *Germany’s War*, 79–98.

33. Dick de Mildt cautions against overrating “the pre-meditative element in the life-stories of the individual protagonists in the drama.” *Name of the People*, 44.

34. Biography as a genre tries to show wholeness, not rupture; see Bourdieu, “Biographical Illusion,” 297.

35. Pendas, “Historiography of Horror,” 222–23.

36. Lässig, “Biography in Modern History,” 10–11.

37. Earl, “Bad Nazis,” 65.

38. Arendt, “Personal Responsibility,” 28–29.

39. See Hördler, *Ordnung und Inferno*.

40. A small sampling of monographs: Grabher, *Irmfried Eberl*; Schmidt, *Karl Brandt*; Hahn, *Grawitz, Genzken, Gebhardt*; Christmann, *Hanns Eisele*; Klemp, *KZ-Arzt Aribert Heim*; Huber, *SS-Zahnarzt Willy Frank*; Völklein, *Josef Mengele and Der “Märchenprinz” Eduard Wirths*; Retzl and Pirker, “*Ich war mit Freuden dabei*.”

41. Bloxham, “Milestones and Mythologies,” 541–42.

42. Fitzel, “Zeugin im Nürnberger Prozeß,” 60–61.

43. Marie-Claude Vaillant-Couturier, *Nuremberg Trial Proceedings*, vol. 6. Forty-Fourth Day, Monday, 28 January 1946, p. 226. Yale Law School Avalon Project. Retrieved 20 December 2022 from <http://avalon.law.yale.edu/imt/01-28-46.asp>.

44. Closing Speech of Prosecutor Colonel T. M. Backhouse, 13 November 1945, “Belsen Trial.” The Trial of Josef Kramer and Forty- Four Others,” retrieved on 17 December 2022 from http://www.bergenbelsen.co.uk/pages/trial/Trial/TrialProsecutionCase/Trial_088_Close_13.html.

45. Friedrich, *Die kalte Amnestie*, 125.

46. *Law Reports of Trials of War Criminals*, vol. 2: *The Belsen Trial* (London: United Nations War Crimes Commission, 1947), 9–23, 132, 138.

47. Statement of Dr. Fritz Klein, Bergen-Belsen (private site). Retrieved on 20 December 2022 from http://www.bergenbelsen.co.uk/pages/trial/TrialAppendices/TrialAppendices_Affidavits_90_Klein.html.

48. Wilms and Ivens to LG/FaM, 14 June 1963, FBI/LF.

49. Ella Lingens, Affidavit of 2 June 1959, Vienna, listed as Zentralstelle, Bl. 1,399. See also Lifton, *Nazi Doctors*, 15–16.

50. Had Kitt been tried alongside Lucas in Frankfurt, Langbein wrote, he would have assembled even more exculpatory witnesses. *Menschen in Auschwitz*, 406–7.

51. Klee, *Auschwitz, NS-Medizin, Opfer*, 56.

52. Klee, 58. Thilo had transferred from Auschwitz to Gross-Rosen as a part of the same rotation that moved Lucas from Mauthausen to Stutthof in October 1944.

53. Pukrop, “SS-Mediziner,” 466. In the preceding spring, two of Baumkötter’s colleagues, Ludwig Ehrsam and Ernst Frowein, had been executed as a result of Soviet secret trials in Berlin.

54. Pukrop, 468. But since 1959 Baumkötter had not been allowed to practice medicine, and like Lucas had been relieved of his hospital post due to negative publicity (Baumkötter in November 1958, Lucas in December 1962).

55. See the LG Münster, Urteil gegen Heinz Baumkötter, Alois Gaberle und Otto Adam v. 19.2.1962 (6 Ks 1/61), in Rüter and de Mildt, *Justiz und NS-Verbrechen*, vol. 18, 215–331.

56. Klee, *Auschwitz, NS-Medizin, Opfer*, 412–15.

57. On Mengele, see Klee, 456–91.

58. Ueberschär, “Sowjetische Prozesse,” 242.

59. Rückerl, *Strafverfolgung von NS-Verbrechen*, 35–36.

60. Nuremberg Trials Final Report Appendix D: Control Council Law No. 10, “Punishment of Persons Guilty of War Crimes, Crimes against Peace and Against Humanity.” The Avalon Project: Documents in Law, History and Diplomacy, Yale Law School, retrieved 17 December 2022 from <https://avalon.law.yale.edu/imt/imt10.asp>.

61. Pendas, *Frankfurt Auschwitz Trial*, 12.
62. For a full account of the trial's origins and outcomes, see Earl, *Nuremberg SS-Einsatzgruppen Trial*.
63. Earl, 351.
64. Sigel, *Interesse der Gerechtigkeit*, 131.
65. Sigel, 129–58.
66. Sigel, 128.
67. Seliger, *Politische Anwälte?*, 353.
68. See Earl, *Nuremberg SS-Einsatzgruppen Trial*, 265–95.
69. Weinke, *Eine Gesellschaft ermittelt*, 14.
70. Seliger, *Politische Anwälte?*, 460.
71. Frei, *Vergangenheitspolitik*, 19.
72. Frei, 13–14.
73. Frei, 14.
74. Ruckerl, *Strafverfolgung von NS-Verbrechen*, 48–49.
75. Frei, *Vergangenheitspolitik*, 20.
76. Weinke, *Eine Gesellschaft ermittelt*, 10–14.
77. Miquel, *Ahnden oder amnestieren*, 154–55.
78. Tobin, “Crossroads at Ulm,” 187–206; Weinke, *Eine Gesellschaft ermittelt*, 15.
79. Tobin, “Crossroads at Ulm,” 217.
80. Miquel, *Ahnden oder amnestieren*, 156–57.
81. Tobin, “Crossroads at Ulm,” 278–80.
82. Miquel, *Ahnden oder amnestieren*, 160–61.
83. Ruckerl, *Strafverfolgung von NS-Verbrechen*, 50–53.
84. Langbein, *Im Namen des deutschen Volkes*, 117–18.
85. Seliger, *Politische Anwälte*, 408–9.
86. Greve, “Täter oder Gehilfen?,” 204–5.
87. Greve, 206.
88. Miquel, *Ahnden oder amnestieren*, 158–59.
89. Nehmer, “Täter als Gehilfen,” 635–68.
90. Wittke, “Teilexkulpation,” 578.
91. Wittke, 585.
92. Wittke, 587.
93. Greve, “Täter oder Gehilfen?,” 214.
94. Greve, 215–16.
95. Greve, 216–17.
96. Greve, 218.
97. Kruse, “NS-Prozesse und Restauration,” 111. See also Hayse, *Recasting West German Elites*.
98. Kruse, “Zweierlei Maß,” 253.
99. Nehmer, “Täter als Gehilfen,” 667.
100. Nehmer, 668.
101. Lawrence Douglas comments on the different goals of judges and historians in *Memory of Judgment*.
102. Earl, “Scales of Justice,” 340–41.
103. Earl, “Criminal Biographies,” 164.
104. Earl, “Scales of Justice,” 328.
105. De Mildt, *Name of the People*, 45.
106. See Nehmer, “Beyond Conviction,” 85.
107. Nehmer.
108. See the overview in Ueberschär, “Sowjetische Prozesse,” esp. 253.

109. Files were moved in July 2018 from Freiburg to Koblenz: Aschenauer, Rudolf (1913–1983) (Rechtsanwalt), Bundesarchiv Koblenz, Bestandsbeschreibung, Schriftgut/Nachlaß, Bestandssignatur BArch N 642. Gertrud Aschenauer's death date of 9 November 2018, the eightieth anniversary of Reichskristallnacht, is hard to ignore.

110. Jones, *Moral Responsibility*, 199.

111. Jones, 203–4.

112. Young, "Between History and Memory," 282.

113. MacLean, *Camp Men*, 149.

114. Dixon repeats Lucas's own claims that Lucas continued to select at Birkenau but hated it for placing him under such strain. As a result, Lucas withdrew from his fellow doctors and began drinking more (Dixon, *Commanders of Auschwitz*, 140–42).

115. Naumann, *Auschwitz*, 75.

116. Weinzierl, "Hermann Langbein," 225.

117. Langbein, *Auschwitz-Prozeß*. In his conversation with me on 12 May 2011, adjunct prosecutor Christian Raabe mentioned skimming Langbein's book the day before to refresh his memories.

118. Vernehmung Hermann Langbein, 6 March 1964, AP, 5,457.

119. Langbein, *Auschwitz-Prozeß*, 613–18.

120. For example, Peter Hayes relies on Naumann's acceptance of Lucas's biography and protective claims (*Industry and Ideology*, 365), but Lucas was not demoted, did not go from Auschwitz to Sachsenhausen, and was not awaiting a court martial prevented by war's end. A few others who mention Lucas in passing or in more detail are Beischl, *Dr. med. Eduard Wirths*, 95; Eckart, *Medizin in der NS-Diktatur*, 401–2; Jäger, *Verbrechen unter totalitärer Herrschaft*, 254; Jasch and Kaiser, *Holocaust vor deutschen Gerichten*, 238; Kaul, *Ärzte in Auschwitz*, 100–2; Klee, *Auschwitz*, 34; Scharasch, *Ärzte der Nazis*, 210; Wachsmann, *KL*, 658.

121. Lifton, *Nazi Doctors*, 303–36; 194–95. Raul Hilberg quotes Lifton to draw attention to Kulka's distinction. See *Perpetrators, Victims, Bystanders*, 69.

122. Boozer, "Children of Hippocrates," 90.

123. Boozer, 91.

124. Lippman, "War Crimes Prosecutions," 44–45.

125. Greenberg, "Theology after the Shoah," 229.

126. Greenberg, 230.

127. Hoedeman, *Hitler or Hippocrates*, 52–53.

128. Hoedeman, 199.

129. Hoedeman, 200.

130. See esp. Renz, "Der erste Frankfurter Auschwitz-Prozess," expanded on in his much longer "Auschwitz vor Gericht."

131. A commemoration volume of 872 pages documents the exhibition: Wojak, *Auschwitz-Prozeß 4 Ks 2/63*.

132. Wojak, "Gerichtstag halten" and *Im Labyrinth der Schuld*. For titles of articles about the trial and analyses written by trial participants, see Renz and Balzer, *Das Urteil*, 606–10.

133. Shenker, "Through the Lens," 145.

134. Concerning the effect of the trial audiotapes, see Wittmann, *Beyond Justice*, 4, 9–10. On the history and use of the tapes, see Renz, "Anmerkungen zum Tonbandmitschnitt."

135. Pendas, *Frankfurt Auschwitz Trial*; Wittmann, *Beyond Justice*.

136. Pendas, *Frankfurt Auschwitz Trial*, 261–64.

137. Hans Holder, "Lokaltermin in Auschwitz," *Stuttgarter Zeitung*, 17 December 1964.

138. Orth, *Konzentrationslager-SS*; Klee, *Deutsche Medizin im Dritten Reich*; Paul, "Von Psychopathen"; Paul and Mallmann, *Karrieren der Gewalt*. A truncated list of other perpetrator historiographies and collections: Rolf Pohl, "Gewalt und Grausamkeit"; Dieter Pohl, "Die Holocaust-Forschung"; Herbert, "Extermination Policy"; Kühne, "Der nationalsozialistische Vernichtungskrieg."

139. Kramer, *NS-Täter aus interdisziplinärer Perspektive*.
140. Winfried Meyer, "Dr. Franz Lucas," cited in Kramer, "Tätertypologien," 306.
141. Iris Wachsmuth, "NS-Täter aus interdisziplinärer Perspektive," conference report, Freie Universität Berlin, 15–16 April 2005. Organized by Helgard Kramer. Posted to H-Net Discussion Networks on 27 June 2005.
142. Kramer, "Tätertypologien," 268, 279.
143. In his "Rechtfertigungsschrift" from 1945, shortly before he took his own life in English captivity, Dr. Eduard Wirths attempted to justify his Auschwitz actions. See Völklein, *Eduard Wirths*, 38–57; Kramer, "SS-Mediziner in Auschwitz."
144. Dirks, *Verbrechen der anderen*, 13.
145. Karin Orth's *System der nationalsozialistischen Konzentrationslager* may have misinterpreted Ernst Günther Gründel's designations from *Die Sendung der jungen Generation* (1932), which reserves the category *Kriegsjugendgeneration* for those born between 1900 and 1910, and *Nachkriegsgeneration* (postwar generation) for those, like Lucas, born between 1910 and 1920.
146. Pukrop, "SS-Mediziner." None of Lucas's extant military records show that he tested as unfit for deployment at the front, however. By the end of 1943, he had done a stint as paratrooper, and at that point no SS doctors usefully deployed at the front were in the camps. Lucas began his camp service at the end of 1943.
147. Pukrop, 374.
148. Pukrop, 422.
149. Pukrop, 497. See Neitzel and Welzer, *Soldaten*, esp. 83 ff.
150. See especially Mary Fulbrook's essay "Bystanders."
151. Williams, "Agency, Responsibility, Culpability," 41.
152. Williams, 41–42.
153. Lifton, *Nazi Doctors*, 193.
154. Lifton, 196–98.
155. Lifton, 213.
156. Lifton, 443.
157. Lifton, 444.
158. Lower, *Hitler's Furies*, 81.
159. Kühl, *Ordinary Organizations*, 48–49.
160. Browning, *Ordinary Men*, 159–89. See also Paul, *Täter der Shoah*, 37–38. On the basis of his own study, Herbert Jäger gave the participation in these three categories (excess, initiative, and following orders) as 20 percent, 60 percent, and 20 percent, respectively. See Jäger, *Verbrechen unter totalitärer Herrschaft*, 21–75. Hermann Langbein distinguished between zealots, methodical performers of duty, and reluctant participants. *Menschen in Auschwitz*, 377.
161. Browning, *Ordinary Men*, 161.
162. Browning, 170–71.
163. Browning, esp. 185; Paul, *Täter der Shoah*, 38; Welzer, *Täter*, 23–32.
164. Friedlander, *Origins of Nazi Genocide*, 245.
165. Friedlander, 225–26.
166. Career opportunism for doctors parted ways with what motivated the members of the police battalion: "Those who admitted being among the shooters did not justify their behavior on the basis of career considerations. In contrast, however, the issue of careerism was most clearly articulated by several of those who did not shoot." Browning, *Ordinary Men*, 169.
167. Venema and Jettinghoff, "Biographical Approach," 153.
168. Welzer, *Täter*, 37, 42.
169. See Hilberg, *Perpetrators, Victims, Bystanders*, 51–64.
170. Fogelman, "The Rescuer Self," 664.
171. Messenger and Paehler, *Nazi Past*, 5–6.