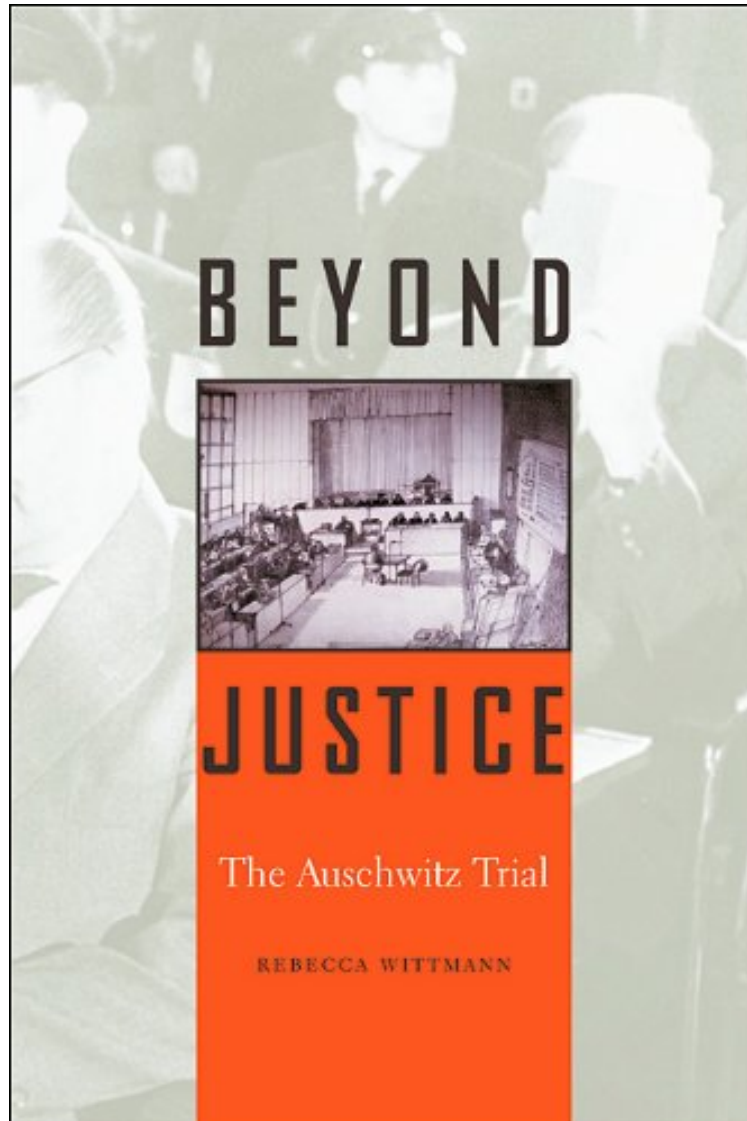


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Beyond Justice: The Auschwitz Trial

Rebecca Wittmann

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Rebecca Wittmann : Beyond Justice: The Auschwitz Trial before purchasing it in order to gage whether or not it would be worth my time, and all praised Beyond Justice: The Auschwitz Trial:

0 of 0 people found the following review helpful. Five StarsBy WashingtonianAbsolute Must Read. Now more than ever.14 of 14 people found the following review helpful. more like Justice DeniedBy W BoudvilleWittman shows us the imperfections of the young West Germany, struggling to come to grips with an awful and recent past. One might reasonably wonder why the trial took place as late as 1963-5, when the war ended in 1945. Of course, in the immediate war years, the Allies conducted the Nuremburg trials, and West Germany as an independent country did not yet exist.

But by the early 1950s, it did. Surely this trial could have started then. Yet, as Wittman describes, many difficulties were encountered by the West German prosecutors, which probably helped push the trial date to into the 60s. They appear to have done a conscientious job. But they faced many constraints. Some of which was the sheer mass of evidence that surfaced as they prepared for trial. Insufficient resources seem to have been provided to them. Which led to only 20 defendants being put on trial in 1963, instead of the original 800 investigated. The worst constraint was simply the use of a criminal code that was largely taken from pre-war years, and which simply proved inadequate in the face of the enormity of the crimes. The title of this book is *Beyond Justice*. Far too restrained. Wittman's analysis makes it clear that a better title would have been *Justice Denied*. 4 of 4 people found the following review helpful. There could be no adequate Justice. By S.J. Tagliareni. Excellent portrayal of all of the reasons that in fact the trial could not deal with a true sense of justice. The crimes were so heinous that the penal code was inadequate to address them. The prosecution's hands were tied and a mere 6500 were charged. It was too little too late. S.J. Tagliareni author of *Hitler's Priest*

In 1963, West Germany was gripped by a dramatic trial of former guards who had worked at the Nazi death camp Auschwitz. It was the largest and most public trial to take place in the country and attracted international attention. Using the pretrial files and extensive trial audiotapes, Rebecca Wittmann offers a fascinating reinterpretation of Germany's first major attempt to confront its past. Evoking the courtroom atmosphere, Wittmann vividly recounts the testimony of survivors, former SS officers, and defendants--a cross-section of the camp population. Attorney General Fritz Bauer made an extraordinary effort to put the entire Auschwitz complex on trial, but constrained by West German murder laws, the prosecution had to resort to standards for illegal behavior that echoed the laws of the Third Reich. This provided a legitimacy to the Nazi state. Only those who exceeded direct orders were convicted of murder. This shocking ruling was reflected in the press coverage, which focused on only the most sadistic and brutal crimes, allowing the real atrocity at Auschwitz--mass murder in the gas chambers--to be relegated to the background. The Auschwitz trial had a paradoxical result. Although the prosecution succeeded in exposing SS crimes at the camp for the first time, the public absorbed a distorted representation of the criminality of the camp system. The Auschwitz trial ensured that rather than coming to terms with their Nazi past, Germans managed to delay a true reckoning with the horror of the Holocaust.

Wittmann's study of the Frankfurt Auschwitz trial is an excellent contribution both to our knowledge of this important trial and to our understanding of how the legal process shapes historical memory. Her argument that the trial failed to do justice to the complex history of Auschwitz specifically, and the Holocaust generally, is persuasively developed and forcefully defended. (Lawrence Douglas, author of *The Memory of Judgment: Making Law and History in the Trials of the Holocaust*) Rebecca Wittmann provides a skilled and sensitive account of the Auschwitz trial of the early 1960s. The trial was unprecedented, not least for the scale of the alleged crimes. The proceedings were undertaken by German judicial authorities and shone a national and international spotlight on the infamous camp. Wittmann brings out the trial in its complexity and provides a compelling account of the witnesses' testimony. This well-written book is an original contribution. (Robert Gellately, author of *Backing Hitler: Consent and Coercion in Nazi Germany and The Nuremberg Interviews*) In this timely book, which arrives on the heels of the 60th anniversary of Auschwitz's liberation, Wittman offers a scholarly and highly detailed analysis of the West German government's 1963 trial of 20 war criminals linked to Auschwitz. Working from both legalistic and historical perspectives, Wittman shows the complexities of prosecuting war criminals under the domestic German penal code and legal system compared with the more advantageous standards used by prosecutors in the Nuremberg Trials; the verdicts, based on guilt for standard penal-code crimes rather than more serious war crimes, resulted in lenient sentences and were largely preordained by the Nazis' invoked legal system. While this may have helped a modernizing West Germany confront its Nazi history, many German citizens preferred to 'let the grass grow over the past.' Sadly, as this book demonstrates, Germany's history and soil contain the bodies of all too many Holocaust victims. (Theodore Pollack *Library Journal* 2005-04-01) When Germans began bringing other Germans to trial for Nazi atrocities, prosecutors found themselves struggling through a thicket of ambiguities, some created by the laws they had to use and some by the equivocal emotions of the German public. Exhibit A in this process remains the trial of 24 Auschwitz guards, held in Frankfurt from 1963 to 1965... The trial was a pivotal event in German history but until [now] no one has described it in detail. Rebecca Wittmann, a young historian at the University of Toronto, fills the gap with a clear, thorough and highly intelligent book. (National Post 2005-06-04) *Beyond Justice* is a serious book that provides a fascinating study of law's limitations confronting mass crimes of historical importance. As the most thorough study of one of the most important, though ultimately vexed, trials of the twentieth century, *Beyond Justice* is something of a landmark that deserves a wide reading. (Jeffrey K. Olick *Ethics International Affairs*) Federal German law precluded the release of trial documents until thirty years after the case's conclusion, while the proceedings themselves had been audiotaped rather than transcribed. Only in the last few years has the Fritz Bauer Institute in Frankfurt completed the transcription of some fifty hours worth of tape recordings. Rebecca Wittmann's new book thus represents the first detailed study on the trial,

a valuable contribution that draws upon previously untapped evidence and fills a significant gap within existing war crimes historiography. A glance at Wittmann's work reveals that the long wait for a detailed account of the Auschwitz trial has proved worthwhile. Over the course of six chapters, the entire history of the trial is laid bare in meticulous detail from its inception to the final sentencing. For those unfamiliar with the history of Nazi war crimes trials up to this point, the first chapter provides a concise overview, exploring earlier Allied policies as well as competing political interpretations of the Nazi past played out between Adenauer and Schumacher during the formative years of the Federal Republic...Wittmann's book thus provides a refreshing corrective to previous scholarly claims about the impact of the Auschwitz trial. Through her careful and immensely detailed analysis of the proceedings, Wittmann offers new evidence of the trial's impact upon the West German people, and the extent to which it really can be said to have altered popular attitudes towards the Nazi past. (Caroline Sharples H-Net)Why did the Auschwitz trial fail to produce justice? Rebecca Wittmann's well-constructed and well-written book offers a variety of answers. (Steve Hochstadt German Studies 2007-05-01)About the AuthorRebecca Wittmann is Associate Professor of History at the University of Toronto at Mississauga.