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# From Humiliation to Humanity

## Reconciling Helen Goldman's Testimony with the Forensic Strictures of the Frankfurt Auschwitz Trial

### Abstract

On 3 September 1964, during the Frankfurt Auschwitz trial, Helen Goldman accused SS camp doctor Franz Lucas of selecting her mother and siblings for the gas chamber when the family arrived at Birkenau in May 1944. Although she could identify Lucas, the court considered her information under cross-examination too inconsistent to build a case against Lucas. To appreciate Goldman's authority, we must remove her from the humiliation of the West German legal gaze and inquire instead how she is seen through the lens of witness hospitality (directly by Emmi Bonhoeffer) and psychiatric assessment (indirectly by Dr Walter von Baeyer).

The appearance of Auschwitz survivor Helen (Kaufman) Goldman in the courtroom of the Frankfurt Auschwitz trial on 3 September 1964 was hard to forget for all onlookers. Goldman accused the former SS camp doctor Dr Franz Lucas of selecting her mother and younger siblings for the gas chamber on the day the family arrived at Birkenau in May 1944.<sup>1</sup> Lucas, considered the best behaved of the twenty defendants during the twenty-month-long trial, claimed not to recognise his accuser, who after identifying him from a line-up became increasingly distraught under cross-examination. Ultimately, the court rejected Goldman's accusations, choosing instead to believe survivors of Ravensbrück who recounted that Lucas had helped them survive the final months of the war.<sup>2</sup> Goldman's breakdown of credibility echoed the experience of many prosecution witnesses in West German postwar trials after 1949. Unfortunately, failure as a juridical eyewitness for the court's narrow forensic ends rarely led to any acknowledgment of their higher phenomenological authority. As Sibylle Schmidt writes, to acknowledge the atrocities endured by survivor witnesses "does not mean to regard them as living traces and monuments of the catastrophe whose testimonies are above criticism, but rather it means to take them seriously as givers of knowledge, and this does not preclude a critical attitude

1 See: Vernehmung der Zeugin Helen Goldmann, 3.9.1964, in: Fritz Bauer Institut (Frankfurt am Main)/State Museum of Auschwitz-Birkenau (ed.), *Der Auschwitz-Prozess. Tonbandmitschnitte, Protokolle, Dokumente* (DVD-ROM), Berlin 2007, 16880-16984 (henceforth cited as AP followed by page number). For background to and analysis of the Frankfurt Auschwitz trial, see especially: Devin Pendas, *The Frankfurt Auschwitz Trial, 1963–1965. Genocide, History, and the Limits of the Law*, New York 2006; Werner Renz, *Auschwitz vor Gericht. Zum 40. Jahrestag des Ersten Frankfurter Auschwitz-Prozesses*, in: *Hefte von Auschwitz* 24 (2009), 191–299; Irmtrud Wojak (ed.), "Gerichtstag halten über uns selbst". *Geschichte und Wirkung des ersten Frankfurter Auschwitz-Prozesses*, Frankfurt am Main 2001; Irmtrud Wojak/Susanne Meinel (ed.), *Im Labyrinth der Schuld. Täter – Opfer – Ankläger*, Frankfurt am Main 2003.

2 The point is not to measure the pain of exculpatory witnesses against Goldman's loss and subsequent disorientation, but to point out that a perpetrator's actions on their behalf late in the war could be interpreted as a calculated investment on returning to civilian life or as a genuine result of growing disgust with his SS responsibilities, or both.

towards their accounts”.<sup>3</sup> Since trust is implicit in the speech-act between witness and audience, my aim is to ultimately release Goldman from the strictures of the Frankfurt courtroom where such trust was largely absent. I will begin by reviewing the role of the survivor witness in postwar trials, ending with the Frankfurt Auschwitz trial. I will then examine the court transcript that captures her humiliation both in Auschwitz-Birkenau and twenty years later before an incredulous audience. After addressing her brief appearance in an essay by Hannah Arendt, I will investigate two other audiences that regarded Goldman in more than her capacity as an evidence-giver. The first and direct audience is Emmi Bonhoeffer, her volunteer host in Frankfurt; the second and indirect audience is Heidelberg psychiatrist Dr Walter von Baeyer, in whose assessment of Jewish survivors testifying in a Darmstadt criminal court in 1970 I include Goldman implicitly. While not touting these witnesses as perfectly reliable, Baeyer nevertheless validated their narratives by discussing the effect of their trauma upon memory, based on his knowledge of them not in criminal courts, but as claimants in West German compensation courts.<sup>4</sup>

### The Survivor Witness in Court, 1945–1963

Wolfgang Benz has noted how rare it is for a witness to camp atrocities to double as a reliable historian. In his view, at least two persons are required for capturing experiential and empirical truths: The eyewitness illustrates the personal dimensions of memory while the historian fills in the details.<sup>5</sup> As Erich Haberer notes, another territorial divide exists between the historian and the jurist, wherein historians “approximate the truth of past events” and jurists “seek justice within rigorously prescribed legal standards of argumentation and evidence”.<sup>6</sup> A third opposition is the memory contest between defendant/victimiser and witness/victim. Here the stakes are especially high, because the witness supplies the court with evidence “beyond reasonable doubt” to determine the guilt of the defendant, while the defendant usually denies everything.

Survivor witnesses supplied the Allies in Nuremberg with statements and affidavits about perpetrator crimes. Many of their stories remained in the background, however, based on the determination, mostly of the Americans, to try top-ranking criminals for their role in a conspiratorial war of Nazi aggression. In the Nuremberg International Military Tribunal trial, which lasted from 21 November 1945 to 1 October 1946, Chief of Counsel Robert Jackson chose to structure the prosecution around hard evidence rather than interrogate the witnesses who had already given

3 Sibylle Schmidt, Perpetrators’ Knowledge. What and How Can We Learn from Perpetrator Testimony? in: *Journal of Perpetrator Research* 1 (2017) 1, 85-104, here 93.

4 For a history of the turbulent indemnification process, including the West German *Bundesentschädigungsgesetz* (Federal Indemnification Law) of 1953, 1956, and 1965, see: Christian Pross, *Paying for the Past: The Struggle over Reparations for Surviving Victims of the Nazi Terror*, Baltimore 1998, and Constantin Goschler, *Schuld und Schulden. Die Politik der Wiedergutmachung für NS-Verfolgte seit 1945*, Göttingen 2005, esp. 176-214.

5 Wolfgang Benz, Wenn die Zeugen schweigen. Anmerkungen zu einem seit langem aktuellen Problem, in: *Dachauer Hefte* 25 (2009), 3-16, here 7.

6 Erich Haberer, History and Justice. Paradigms of the Prosecution of Nazi Crimes, in: *Holocaust and Genocide Studies* 19 (Winter 2005) 3, 487-519, here 487-488. See also: Thomas Henne, Zeugenschaft vor Gericht, in: Michael Elm/Gottfried Kößler (ed.), *Zeugenschaft des Holocaust. Zwischen Trauma, Tradierung und Ermittlung*, Frankfurt am Main 2007, 79-91, esp. 79. Ideally, the historian models the exactitude required by a judge to announce a one-time verdict, but does so to fine-tune emphases, sympathies, and allegiances provoked by new evidence. Haberer, *History and Justice*, 490.

statements.<sup>7</sup> Captured German documents along with film footage and photographs taken by camp liberators illuminated the crimes, but only a fraction of the documents could be featured during the hearings themselves.<sup>8</sup> Confronting the defendants with their own documents was meant to thwart their allegations of witness revenge, hyperbole, and implicit bias.<sup>9</sup> As a result, the defence called more witnesses than the prosecution did. For the sake of due process, then, the tribunal heard “platitudinous endorsements of the character of the defendants” – those who gave genocidal orders without bloodying their own hands – instead of the riveting stories of survivors.<sup>10</sup>

The IMT did not ignore the Holocaust itself. Jackson’s opening address and the summation remarks of the United Kingdom’s attorney general Sir Hartley Shawcross framed the issue of crimes against humanity, specifically the Judeocide.<sup>11</sup> The Nazi expert witnesses not (yet) on trial, Rudolf Höß, Otto Ohlendorf, and Dieter Wisliceny, delivered some of the most startling revelations.<sup>12</sup> Indeed, as perpetrators testified either for the defence or for the prosecution (as though this ensured impartiality), their accounts of atrocities sounded every bit as exaggerated as the tales that the prosecution believed survivor witnesses might spin for the sake of revenge. As it happened, the few Jewish survivors called by the Soviet prosecutor gave measured, powerful testimony, but their contributions remained a moot point for the indictment.<sup>13</sup>

In the subsequent American-hosted Einsatzgruppen trial, which lasted from 29 September 1947 to 10 April 1948, Ohlendorf confessed to having supervised the killing of 90,000 Jews as commander of Einsatzgruppe D. With the acknowledgment of guilt in place, what need was there for a response from eyewitnesses to the slaughter? Donald Bloxham writes that having no witnesses meant “no troublesome cross-examinations, no contradictory recollections of events, and no debates over the identification of the accused”.<sup>14</sup> Admittedly, the court was busy debunking other myths of the defence, such as *Befehlsnotstand* (defence of superior orders) or the danger of Jewish Bolshevism as expounded by Ohlendorf’s lawyer Rudolf Aschenauer.<sup>15</sup>

In trials where courts considered conviction an urgent matter, what the witnesses knew about defendants’ crimes rarely matched what the court thought it needed to

7 For examples of prosecutorial choices made at Nuremberg, see: Paul Weindling, *Nazi Medicine and the Nuremberg Trials. From Medical War Crimes to Informed Consent*, New York 2004, esp. Part II (“Medicine on Trial”), 93-256.

8 “More than one hundred thousand captured German documents were examined for use at the trial, and around four thousand were entered as trial exhibits. Millions of feet of film were examined for their evidentiary value. Twenty-five thousand captured still photographs were reviewed, of which eighteen hundred were prepared as trial exhibits.” Lawrence Douglas, *The Memory of Judgment. Making Law and History in the Trials of the Holocaust*, New Haven 2001, 12. See also: Michael R. Marrus, *The Holocaust at Nuremberg*, in: *Yad Vashem Studies* 26 (1998) 5-41; Kim C. Priemel/Alexa Stiller (ed.), *Reassessing the Nuremberg Military Tribunals. Transitional Justice, Trial Narratives, and Historiography*, New York 2012; Nathan Stoltzfus/Henry Friedlander (ed.), *Nazi Crimes and the Law*, New York 2008; Patricia Heberer/Jürgen Matthäus (ed.), *Atrocities on Trial. Historical Perspectives on the Politics of Prosecuting War Crimes*, Lincoln 2008; and Donald Bloxham, *Genocide on Trial. War Crimes Trials and the Formation of Holocaust History and Memory*, Oxford 2001.

9 *Ibid.*, 16-18.

10 “The prosecution had called 33 witnesses compared to the defense’s 61, and an additional 143 witnesses testified for the defense through written interrogatories”. *Ibid.*, 15.

11 *Ibid.*, 66, 93.

12 *Ibid.*, 69. See also: Donald Bloxham, *Jewish Witnesses in War Crimes Trials of the Postwar Era*, in: David Bankier/Dan Michman (ed.), *Holocaust Historiography in Context. Emergence, Challenges, Polemics and Achievements*, New York 2008, 539-553, here 541.

13 Douglas, *Memory of Judgment*, 78.

14 Bloxham, *Jewish Witnesses*, 553.

15 On Aschenauer and his client Ohlendorf, see: Hilary Earl, *The Nuremberg SS-Einsatzgruppen Trial, 1945-1958: Atrocity, Law, and History*, New York 2010.

hear. Prisoner doctors might describe with precision the medical crimes of Dr Josef Mengele or Dr Carl Clauberg, for example, without knowing whether they were members of the SS or NSDAP; they might associate Eichmann with their own deportation without ever having seen him except in newsreels.<sup>16</sup> Most prisoners knew their captors neither as saviours nor as executioners per se, but as the ones who beat, insulted, deprived, and sterilised them – actions unforgettable to them but of less concern to the court.

As the Allies passed on the adjudication of Nazi war criminals to West German courts beginning in the early 1950s, complaints about victor's justice and unfair convictions predominated. Rudolf Aschenauer, along with clerics, jurists, and other Nuremberg lawyers, insisted that the United States turn its attention to the more current threat of the Soviet Union. Although Aschenauer's client Ohlendorf was hanged, John McCloy, the US High Commissioner for Occupied Germany, turned the death sentences of seven of Ohlendorf's co-defendants into penitentiary terms, which became pardons during parole negotiations.<sup>17</sup> The fact that the final pardon occurred on 9 May 1958, after the opening of the Ulm Einsatzgruppen trial, signals competing perspectives toward the unmastered past.<sup>18</sup> On the one hand, an atmosphere of amnesty was an appropriate way to repatriate 9,626 prisoners of war from the Soviet Union after a decade of hard labour. On the other hand, since 749 of the POWs were forced to answer for severe war crimes, it is clear that some pockets of society were no longer willing to turn a blind eye toward Kripo and Security Police members and others who had hitherto escaped detection either through imprisonment in the USSR, such as Dr Carl Clauberg, or by hiding their 'brown' pasts in plain view, such as Bernhard Fischer-Schweder.<sup>19</sup>

Before the establishment of the Central Office for the Investigation of National Socialist Crimes in Ludwigsburg in 1958, district attorneys pursued, with varying fervour and cooperation from other districts, the criminals of whom they became aware in their own districts, often brought to their attention by former prisoners.<sup>20</sup> The genesis of the Ulm Einsatzgruppen trial came when the Lithuanian rabbi Felix Bloch, living in Stuttgart, recognised, from a newspaper photograph, Bernhard Fischer-Schweder, the former commander of the Einsatzkommando Tilsit, which had murdered thousands of Jews in Lithuania in the summer of 1941.<sup>21</sup> One of Fischer-Schweder's nine fellow defendants involved in this operation was Werner Hersmann, leader of Sonderkommando 11a of Einsatzgruppe D, who was defended by Rudolf Aschenauer. If recognition was important to bringing to light criminals and their organisations during this Nuremberg-sized West German trial, the testimony of one witness in particular called by prosecutor Erwin Schüle carried superlative relevance, helping to bring the atrocity itself into the courtroom, not just the pathology of the criminals. Because she herself was not Jewish, Ona Rudaitis es-

16 Thanks to my anonymous reviewer for pointing out the gap between court and witness expectations.

17 Earl, Nuremberg SS-Einsatzgruppen Trial, 265-295.

18 Annette Weinke, *Eine Gesellschaft ermittelt gegen sich selbst. Die Geschichte der Zentralen Stelle Ludwigsburg 1958–2008*, Darmstadt 2009, 14.

19 *Ibid.*, 11-14.

20 On the particularities of West German justice in the 1950s, see: Norbert Frei, *Vergangenheitspolitik. Die Anfänge der Bundesrepublik und die NS-Vergangenheit*, Munich 1997; Adalbert Rückerl, *Die Strafverfolgung von NS Verbrechen 1945–1978. Eine Dokumentation*, Heidelberg 1979; Hermann Langbein, *Im Namen des deutschen Volkes. Zwischenbilanz der Prozesse wegen nationalsozialistischer Verbrechen*, Vienna 1963; Marc von Miquel, *Ahnden oder amnestieren? Westdeutsche Justiz und Vergangenheitspolitik in den sechziger Jahren*, Göttingen 2004; and Devin Pendas, *Seeking Justice, Finding Law. Nazi Trials in Postwar Europe*, in: *The Journal of Modern History* 81 (June 2009) 2, 347-368.

21 Weinke, *Eine Gesellschaft ermittelt*, 13.

caped, but nevertheless witnessed the execution of 300 Jewish women and children in a field outside her village of Virbalis in Lithuania. Unable to identify the ten defendants in court, her uncanny recollection of details still exposed their denials and reinforced the charges against them. Patrick Tobin writes:

“The prosecution had already well established the way that these murders were carried out, the numbers killed, and other precise details. But until Rudaitis, they had not succeeded in putting a human face on the atrocities. 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.”<sup>22</sup>

It is not the case that eyewitness testimony simply trumped the evidence from documents. More accurately, what Erwin Schüle discovered in the documents from Nuremberg, the Berlin Document Center, and the Deutsche Dienststelle für die Benachrichtigung der nächsten Angehörigen von Gefallenen der ehemaligen deutschen Wehrmacht (WASt) helped him locate the witnesses who could lend their voices to the investigation, making the trial about more than just the criminals alone.<sup>23</sup> The Ulm trial thus became a watershed event thanks in large part to Schüle’s prosecutorial zeal – he also became the first director of the Central Office – and the resonance of Rudaitis’s testimony.

Prosecutor Gideon Hausner had less detective work to prepare for the Eichmann trial in 1961. As the documents in Nuremberg functioned to impugn the defence arguments in front of the IMT, so too the documents compiled in Jerusalem demonstrated Eichmann’s guilt many times over. This allowed Hausner to make the trial educational by inviting the many witnesses in attendance to “tell what they had seen with their own eyes and what they had experienced on their own bodies”.<sup>24</sup> Unlike at Nuremberg or Ulm, Jerusalem could focus more on the experience of the Jewish victims themselves.<sup>25</sup> As powerful and helpful as Ona Rudaitis was in the Ulm trial for recounting the murder of the Jewish villagers, she herself had not been the target of the purge. In Jerusalem, however, a Jewish survivor like Ada Lichtman could become the first to offer “a story with a double aim: to recount her own survival, but, above all, to remember the dead and how they were murdered”.<sup>26</sup> Using Geoffrey Hartman’s terminology, Annette Wieviorka describes these immediate first-person accounts as having the effect of “burning through [...] the cold storage of history”.<sup>27</sup> The decision to isolate Eichmann by means of a glass cage from the Jewish survivors who survived his transports was in keeping with Nuremberg psychiatrist Leo Alexander’s view that survivor aggression was the result of pent-up stress and fear that imitated the emotions experienced by war veterans, which he had seen first-hand in the Doc-

22 Patrick Tobin, *Crossroads at Ulm. Postwar West Germany and the 1958 Ulm Einsatzkommando Trial*, University of North Carolina–Chapel Hill, 2013, Dissertation, 278-280.

23 Weinke, *Eine Gesellschaft ermittelt*, 15.

24 Annette Wieviorka, *The Era of the Witness*, Ithaca 2006, 67-70.

25 *Ibid.*, 88-89.

26 *Ibid.*, 78.

27 *Ibid.*, 70. See also Andree Michaelis, *Die Autorität und Authentizität der Zeugnisse von Überlebenden der Shoah. Ein Beitrag zur Diskursgeschichte der Figur des Zeugen*, in: Sibylle Schmidt/Sybille Krämer/Ramon Voges (ed.), *Poetik der Zeugnenschaft. Zur Kritik einer Wissenspraxis*, Bielefeld 2011, 265-284. With respect to Nuremberg, Michaelis points out that the defense (mis)used the proximity to the events to discursively traumatise the victim witnesses through manipulative cross-examination. However, it was their distance to the events that the defence used almost two decades later to disgruntle the survivor witnesses in the Frankfurt Auschwitz trial. Michaelis, *Die Autorität und Authentizität*, 270.

tors Trial when a witness attacked the defendant he had identified.<sup>28</sup> Nevertheless, to isolate Eichmann behind glass was also a way to isolate his guilt from the guilt of even more ruthless and high-tiered criminals for whom he became an unwitting scapegoat.<sup>29</sup> And though a victim's recognition of a former victimiser could trigger a response from indignation to aggressiveness, it was more often the case that witnesses in Jerusalem did not have one SS face so much as the entirety of their experience to blame for their trauma.

I mention the Eichmann trial in passing to show the importance of the victims' stories that arose in the courtroom but were unnecessary for Eichmann's indictment. Meanwhile, the number of West German trials featuring mass murders between 1958 and 1963 were nearly double the number of such trials completed before 1958 (42 and 23 respectively), with the number of defendants climbing by nearly 500 per cent, from 28 to 136.<sup>30</sup> In the Frankfurt Auschwitz trial, before a West German court, explaining the historical context of genocidal crimes was crucial. The attorneys assisting Hessen Attorney General Fritz Bauer since 1959 – Joachim Kügler and Georg Friedrich Vogel, joined later by Gerhard Wiese and Hanns Grossmann – submitted a petition to begin the pretrial phase on 12 July 1961. That document discussed the history of Jewish persecution, the SS, the camps, the extermination programme, and Auschwitz itself. References stemmed from scholars and survivors such as Gerald Reitlinger, Eugen Kogon, and Jan Sehn (head of the Polish Hauptkommission zur Untersuchung der Nazi-Verbrechen), but also the memoirs of Auschwitz Commandant Rudolf Höß.<sup>31</sup> On 29 January 1964, barely a month into the main hearings, Bauer called on Hans Buchheim, Martin Broszat, Hans-Adolf Jacobsen, and Helmut Krausnik of Munich's Institute of Contemporary History to provide background information that would help judge and jury bridge the tempo-

28 The Doctors Trial (i.e., the United States of America v. Karl Brandt et al) was the first of twelve American-hosted "subsequent trials" in Nuremberg. It lasted from 9 December 1946 to 20 August 1947. 20 of the 23 defendants were German medical doctors. Called on 27 June 1947 to identify the defendant Dr Wilhelm Beiglböck, the German Sinto Karl Höllenreiner attacked him in the courtroom while calling him a "murderer". Höllenreiner had lost his wife, his sister, and her two children in Auschwitz. After transfer to Dachau, he immediately became part of the saltwater experiments there. Adding to the volatile situation was the fact, as Leo Alexander noted, that Höllenreiner had been warned in cross-examination "not to be evasive in the way Gypsies usually are". Paul Weindling notes that whereas victims carried the physiological and psychological scars – Höllenreiner complained that Beiglböck had disappeared after the experiments without the faintest regard for his victims – their victimisers only had to deny consistently in court that the objects of their experiments ever came to any real harm. See: Paul Weindling, "Unser eigener 'österreichischer Weg'". Die Meerwasser-Trinkversuche in Dachau 1944, in: Herwig Czech/Paul Weindling (ed.), *Österreichische Ärzte und Ärztinnen im Nationalsozialismus. Jahrbuch des Dokumentationsarchiv des österreichischen Widerstandes (DöW)*, Vienna 2017, 133-177, here 158.

29 Idilo Globocnik, Friedrich Jeckeln, Hans-Adolf Prützmann, Erich von dem Bach-Zelewski, and Kurt Daluge had either avoided justice through suicide or had been executed – except for Bach-Zelewski, who testified in a statement supplied for the Eichmann trial in May 1961 (he had also testified in the Ulm trial) that many mass killings happened in orbits outside of Eichmann's authority. On Bach-Zelewski's escape from the fate of his colleagues, see: Arendt, *Eichmann in Jerusalem*, 14-16. Arendt also shows that the new arrests of the Eichmann Commando that followed the Israeli seizure of Eichmann, which included such associates of Eichmann as Otto Hunsche, Hermann Krumei, Otto Bradfisch, and Karl Wolff, resulted in "fantastically lenient sentences" compared to Eichmann's sentence, and that most had already been "denazified". Arendt, *Eichmann in Jerusalem*, 15.

30 Nine of the 136 defendants were convicted of murder, 77 as accomplices, and 36 were acquitted. Of the 77 defendants deemed accomplices – i.e., they did not 'will' the murders or carry them out with 'bloodlust' – 43 received three to five years in prison and, of these, thirty were charged with assisting in the murders of between 100 and 15,000 victims. See: Langbein, *Im Namen des deutschen Volkes*, 117-118.

31 Werner Renz, *Der erste Frankfurter Auschwitz-Prozess. Völkermord als Strafsache*, in: *Zeitschrift für Sozialgeschichte des 20. und 21. Jahrhunderts* 15 (2000) 2, 11-48, here 27.

ral and geographical distance from Auschwitz to Frankfurt.<sup>32</sup> In the foreword to the volume *Anatomie des SS-Staates*, the authors argued that the *Gutachten* (assessments) they provided for criminal trials were intended to “illuminate the network of intellectual, political, and organizational conditions that led to the action [...] and convey a picture of the historical and political landscape in which the individual occurrence took place”.<sup>33</sup> Because their facts and background helped decide the fate of the accused, the authors took their cue from the law’s meticulous treatment of evidence and proof. Emotional ‘mastery of the past’ was not enough – only a detailed and analytical confrontation with National Socialism could “shake awake the sleepy conscience”.<sup>34</sup>

Buchheim and others clarified the milieu – “the objective institutional, organizational, ideological, and jurisdictional circumstances in which the crimes took place”<sup>35</sup> – in order for the court to determine whether the defendants were guilty under Article 211, Paragraph 2 of the Penal Code.<sup>36</sup> They fielded questions in court and provided written records. Besides the memoirs of Rudolf Höß, the court was also privy to Nazi-generated documents such as Professor Dr Johann Paul Kremer’s Auschwitz diary and the (Pery) Broad Report. However, because they were from the perpetrator’s perspective, these documents were inadmissible as evidence, unless they gave implicating proof of criminal actions.<sup>37</sup> Instead, the court had to rely on survivor witnesses to establish the wilfulness factor of the defendants as accessories to murder or initiators of murder. For this task, survivors of Auschwitz were available who had suffered directly at the hands of the defendants and could identify them, but they were warned that unless they were articulate, consistent, and free of vengefulness, the Frankfurt court would ignore their statements.<sup>38</sup> It was not that the courts, Frankfurt included, were guarding against the cathartic effect of a witness recounting her or his story of suffering, if one could even hope for such an effect. It was just that witnesses quickly realised that Frankfurt was nothing like Jerusalem, and the trial was really about the perpetrators, like any other criminal trial. Any cathartic benefit of testimony was secondary and coincidental.<sup>39</sup>

32 Ibid, 32. Beginning in February 1964, Buchheim reported first on the organisation of the SS and the police under Nazi control, and later on *Befehlsnotstand*; Krausnick on Nazi policies toward Jews; and Broszat on Nazi policy in Poland and on the development of the concentration camps. Hans-Adolf Jacobsen (Bonn) and Bruno Baum, a former prisoner, also provided expert testimony. See also: Irmtrud Wojak, *Herrschaft der Sachverständigen? Zum ersten Frankfurter Auschwitz-Prozeß*, in: *Kritische Justiz* 32 (1999) 4, 605-616. Wojak notes that scholarly attention to the camps and their victims only really began in the early 1980s. Wojak, *Herrschaft der Sachverständigen*, 605.

33 Hans Buchheim/Martin Broszat/Hans-Adolf Jacobsen/Helmut Krausnick, *Anatomie des SS-Staates*, Munich 1967, 9-10.

34 Ibid, 11.

35 Haberer, *History and Justice*, 497.

36 According to paragraph 2: “A murderer is anyone who kills a person out of a lust for killing, to satisfy sexual instincts, out of greed or other base motives, maliciousness or cruelty, or by means dangerous to the public or in order to facilitate or conceal another crime.” The task of the prosecution was to “prove intent, initiative, and motive” and “to demonstrate that the ‘inner disposition’ of an offender’s intent or motive in committing or assisting in the commission of the crime of murder met the criteria of criminality”. Haberer, *History and Justice*, 497.

37 Renz, *Frankfurter Auschwitz-Prozeß*, 40. Renz captures the typical Auschwitz spectrum of actions as a one-sentence, preterit-tense-heavy litany on p. 18. On the dangers of taking Nazi perpetrators such as Höß at their word, see: Alan Rosen, *Autobiography from the Other Side. The Reading of Nazi Memoirs and Confessional Ambiguity*, in: *Biography* 24 (2001) 3, 553-569.

38 Renz, *Frankfurter Auschwitz-Prozeß*, 41.

39 Henne, *Zeugenschaft vor Gericht*, 82.

## The Audience of the Frankfurt Auschwitz Trial

The defendant against Helen Goldman's accusations, Franz Bernhard Lucas (1911–1994), grew up in Osnabrück, attended a Catholic Gymnasium in Meppen, and studied medicine in Münster beginning in 1933, where he was involved in the SA. After moving to Rostock in 1937 to continue his studies, he joined the SS and NSDAP in 1937. He moved to Danzig in 1939, where he completed a dissertation in gynaecology in 1942. As part of the Waffen-SS, he then received training at the SS Military Medical Academy in Graz, after which he was assigned to an SS clinic in Nuremberg. In November 1943, a month after being transferred to an SS paratrooper unit near Prague, he was promoted to Obersturmführer and remained at that rank. His duties in the camp system began in Auschwitz-Birkenau on 15 December 1943, where he became a camp doctor in charge of the *Zigeunerlager* (the 'Gypsy' compound) and the Theresienstadt compound, both of which had been set aside for entire families and were eventually 'liquidated'. In early August 1944, Lucas was transferred from Auschwitz to Mauthausen, then to Stutthof, then to Ravensbrück, and finally to Sachsenhausen, where he deserted the SS in mid-April 1945, a week before the camp was closed and the prisoners were forced to march westward. He then found his way to Elmshorn, north of Hamburg, lied about his war involvement, and worked as a gynaecologist in the city hospital until he was fired in late 1962 when news of his SS past reached the press.

Lucas's accuser, Helen Goldman, was born Ilona Kaufmann on 16 February 1925 to Mendel and Ethel Kaufmann in the Ukrainian village of Dubove. She had three sisters and four brothers. Hungarian soldiers took away her father, a shoemaker, in 1941. She worked as a tailor after high school, beginning her training in 1943.<sup>40</sup> She was nineteen when she was expelled along with her family and a thousand other Jews in April 1944 to the ghetto of Tiachiv (Hungarian: Técső), about 40 kilometres from Dubove.<sup>41</sup> Although she recalled her family being transported to Auschwitz in the middle of May 1944, her entry document from Dachau lists her arrest as having occurred on 28 May 1944.<sup>42</sup> According to the historical literature, transports departed the ghetto of Tiachiv for Auschwitz "either on May 22 or May 24, 1944, carrying mostly provincial Jews. The second transport departed on May 26, carrying Tiachiv's local Jewish population."<sup>43</sup> On 28 May, the Tiachiv train passed through Košice/Kassa with 2,208 Jewish deportees.<sup>44</sup> When the train arrived either on 29 or 30 May in Birkenau, the official photographer for the Political Division's Records Department, Bernhard Walter, took pictures of the Tiachiv deportees that have been preserved in the well-known "Auschwitz Album."<sup>45</sup>

40 Landesamt für Finanzen Saarburg, Amt für Wiedergutmachung (hereafter LfFS/AfW), Helen Goldman VA 130 611, Form B, Schaden an Körper oder Gesundheit (Par. 28-42 BEG).

41 See the account of this humiliating expulsion in: Raz Segal, *Genocide in the Carpathians. War, Social Breakdown, and Mass Violence, 1914–1945*, Stanford 2016, 95.

42 Arolsen Archives, ITS Digital Archive (hereafter ITS), Individuelle Häftlings-Unterlagen Dachau, Ilona Kaufmann Copy of 1.1.6.2 / 10126859.

43 Alexandra Lohse, Técső, in: Geoffrey P. Megargee (ed.), *The United States Holocaust Memorial Museum Encyclopedia of Camps and Ghettos 1933–1945*, Vol. 3, Bloomington 2009, 380.

44 Death Trains in 1944. The Kassa List, <http://degob.org/tables/kassa.html> (21 July 2020).

45 See: Tal Bruttman/Stefan Hördler/Christoph Kreuzmüller, *Die fotografische Inszenierung des Verbrechens. Ein Album aus Auschwitz*, Darmstadt 2019, esp. 210–228, and Ulrike Koppermann, *Challenging the Perpetrators' Narrative. A Critical Reading of the Photo Album "Resettlement of the Jews from Hungary"*, in: *Journal of Perpetrator Research* 2 (2019) 2, 101–129. The RSHA's Hungarian pogrom was thus in high operational mode before the end of May. At Auschwitz, SS organisational changes affecting garrison commander Rudolf Höß, Birkenau commandant Josef Kramer, Auschwitz commandant Richard Baer, and killing experts such as Otto Moll showed the SS commitment to disposing of the majority of deportees as they arrived. For a complete account, see e.g.: Christian Gerlach/Götz Aly, *Das letzte Kapitel. Der Mord an den ungarischen Juden 1944–1945*, Frankfurt 2004.



It is almost certain that Goldman received her tattoo (A-12010) two months after arrival, based on Danuta Czech's Auschwitz calendar entry for 26 July 1944. This was the day that the numbers A-11819 to A-13826 were given to 2,008 female Jews who had arrived with Reich Main Security Office (RSHA) transports from Hungary between 15 May and 19 July and were detained in temporary 'depot' compounds for women such as BIIC.<sup>46</sup>

Goldman reported being assigned to the BIIC kitchen, where she was hit and pushed around by a supervisor named Grau who represented the "bad SS woman" in her subsequent narrative.<sup>47</sup> From Auschwitz, Goldman was transferred to the Dachau subcamp Kaufering on 27 October 1944.<sup>48</sup> At the end of April 1945, Goldman spent a few days in Dachau and then in Buchberg, which the US Army liberated on 2 May 1945.<sup>49</sup> Instead of immediate repatriation to Czechoslovakia – she feared how the communists would treat Jewish refugees – in late May she made her way to a Displaced Persons camp in Brussels along with Eric Goldman, a prisoner from Buchberg, whom she married in June 1946.<sup>50</sup> On 18 December 1948, the couple boarded a ship in Antwerp bound for New York.<sup>51</sup> Helen Goldman became a US citizen on 25 June 1954 while living in Pittsburgh.<sup>52</sup>

Helen Goldman's efforts to receive compensation for captivity and her damaged health lasted for over a decade. During her time in Pittsburgh, the first standardised state restitution law in West Germany (*Gesetz zur Wiedergutmachung nationalsozialistischen Unrechts*) was passed on 26 April 1949, which also applied to DPs from Eastern Europe like herself.<sup>53</sup> This allowed her to fill out Form C (compensation for imprisonment), which she signed on 1 March 1950 and filed with the Bavarian State Office for Compensation.<sup>54</sup> Four years passed before the United Restitution Office (URO) in Munich wrote to the International Tracing Service (ITS) to request her Certificate of Incarceration and Residence.<sup>55</sup> Since 1948, the URO had been helping former prisoners living abroad apply for reparations. At some point, Goldman either was assigned or enlisted the help of Konrad Höra, a lawyer from Frankfurt appointed by the URO and familiar with the restitution law. In 1956, Höra requested that the URO send Goldman's file to the Trier district office. His client sought damages for the period from 1 April 1944 to 2 May 1945, during which she was forced to wear the yellow star and was mistreated as a prisoner in the Tyachiv Ghetto, Auschwitz-

46 Danuta Czech, *Kalendarium der Ereignisse im Konzentrationslager Auschwitz-Birkenau 1939–1945*, Reinbek 1989, 830.

47 LfFS/AFW, Helen Goldman VA 130 611, Affidavit of 6 March 1956.

48 ITS, Individuelle Häftlings-Unterlagen Dachau, Ilona Kaufmann, Copy of 1.1.6.2 / 10126859.

49 LfFS/AFW, Helen Goldman VA 130 611, Affidavit of 6 March 1956.

50 ITS, Korrespondenz T/D 352230, ITS to Konrad Höra, 15 August 1957, Copy of 6.3.3.2 / 98250076.

51 Ibid. It appears that they travelled with their second daughter Adele (born in 1948) and that their first daughter Fanny, born in 1946, came in February 1949, although it is unclear who accompanied her. A third daughter, Henrietta, was born in 1953. ITS, Registrierung und Betreuung von DPs innerhalb und außerhalb von Lagern, *Listes des personnes transitaires ayant quittes la Belgique* [List of Persons in Transit Who Have Departed Belgium], February 1949, Copy of 3.1.1.3 / 78794035.

52 LfFS/AFW, Helen Goldman VA 130 611, Konrad Höra to Bezirksamt für Wiedergutmachung Trier, 9 October 1957.

53 Christian Pross, *Paying for the Past. The Struggle over Reparations for Surviving Victims of the Nazi Terror*, translated by Belinda Cooper, Baltimore 1998, 21.

54 Applications from outside of West Germany were distributed across the federal states. See: Norbert Frei/José Brunner/Constantin Goshler, *Die Praxis der Wiedergutmachung. Geschichte, Erfahrung und Wirkung in Deutschland und Israel*, Göttingen 2009, 25.

55 ITS, Korrespondenz T/D 352230, United Restitution Office (Munich) to International Tracing Service, 10 May 1954, Copy of 6.3.3.2 / 98250084.

Birkenau, Kaufering, and Buchberg.<sup>56</sup> She was eligible for a pay-out of 150 DM for every month that she could prove her captivity.<sup>57</sup>

On 10 May 1956 and again on 17 January 1957, the URO requested a certificate for Goldman from the ITS.<sup>58</sup> On 17 October 1956, Höra wrote the first of five letters to the ITS also requesting the certificate, which the Trier compensation office had promised him would wrap up the case.<sup>59</sup> The ITS stamped all of Höra's letters "for immediate scrutiny", even as each letter vented his frustration that Goldman blamed him for the slow handling of her case.<sup>60</sup> On 26 November 1957, the ITS finally provided Goldman's International Red Cross Certificate of Incarceration and Residence.<sup>61</sup> The Trier court reached its decision on 21 May 1958, with the result that on 19 June 1958, eight years after applying, Goldman received her payment of DM 1,950 for having spent thirteen months and eight days in captivity in 1944/1945.<sup>62</sup>

Goldman and Höra then went to work on a much longer Form B, "Damages to Body and Health", now associated with the *Bundesentschädigungsgesetz* (Federal Indemnification Law, BEG) of 1956. This route to reparation was also filled with delays, especially for persecutees living abroad.<sup>63</sup> The form required fastidious accuracy and proof that an applicant's symptoms stemmed from persecution and not from pre-existing conditions. Like thousands of others in her position, Goldman listed those ailments traceable to her stay in the camps, the conditions that brought them about, and the time that she first noticed symptoms. Her doctor in Miami, Dr Epstein, had operated on her several times for chronic pancreas infections. Her ongoing pain, alleviated only by strong medication, had prompted seven hospital stays over the past three years, and her episodes were marked by fever, weakness, vomiting, and muscle cramps. Dr Epstein evaluated Goldman's incapacity to work as 100 per cent and her need for medical treatment as permanent.<sup>64</sup> Goldman attributed her pain to the repeated blows she had received in Auschwitz-Birkenau and Kaufering, and to the effect of insufficient food under brutal work conditions. In the camps, she had first felt water on the lung and a pain that stretched from her right lung to her gallbladder. While in Brussels from 1945 to 1948, she had received medicine, injections, and radiation, and undergone one unsuccessful operation. Two further operations fol-

56 LfFS/AfW, Helen Goldman VA 130 611, Konrad Höra to Bayrische Landesentschädigungsamt München, 4 April 1956.

57 In the middle of these endeavours, on 29 June 1956, the *Bundesentschädigungsgesetz* (BEG) was passed with retroactive effect to the *Bundesergänzungsgesetz* of 1 October 1953. BEG 1956, Par. 45 states that compensation of 150 DM would be granted for every full month of freedom deprivation. Under Restriction of freedom (*Freiheitsbeschränkung*), Par. 47 states: "The persecutee has claim to compensation if he wore the Jewish star (*Judenstern*) in the time from 30 January 1933 until 8 May 1945 or lived in inhumane conditions in illegality." The law treated the yellow star as if it were intrinsically "Jewish" and failed to note that this badge, meant to mark and humiliate, was introduced only in 1941.

58 The URO reminded the ITS of this in a follow-up letter on 17 January 1957. ITS, Korrespondenz T/D 352230, Copy of 6.3.3.2 / 98250082.

59 ITS, Korrespondenz T/D 352230, Konrad Höra to International Tracing Service, 17 October 1956, Copy of 6.3.3.2 / 98250083.

60 ITS, Korrespondenz T/D 352230, Höra to ITS on 6 December 1956, 29 January 1957, 3 April 1957, 23 May 1957, Copy of 6.3.3.2 / 98250079-85.

61 ITS, Korrespondenz T/D 352230, Comité International de la Croix-Rouge, No. 333352, Certificate of Incarceration and Residence for Helen Goldman (Ilona Kaufmann), (b. 16. 2. 1925), Copy of 6.3.3.2 / 98250091.

62 Interestingly, Feststellungsbescheid C of the Trier court gives the date of Goldman's application as 1 March 1951, a year later than the date Goldman wrote on the form. It thus took either seven or eight years for her to receive just shy of 2,000 DM. The court used the language of BEG 1956 in its declaration.

63 "Once the application was received, the reparations office commissioned a doctor in the persecutee's locality to submit an evaluation. Months and even years could pass before a medical examination took place, and an equally long time before the evaluation was formulated, written, and submitted to the office." Pross, *Paying for the Past*, 71-72.

64 LfFS/AfW, Helen Goldman VA 130 611, Form B, Schaden an Körper oder Gesundheit, undated.

lowed in Pittsburgh before Dr Epstein took over her treatment in Miami. On 11 June 1958, the Trier District Office for Reparations received Goldman's Form B application regarding Damages to Body or Health, along with certificates of her treatment in Brussels in July and August 1945 for pleurisy and scissuritis.<sup>65</sup>

Goldman's application regarding Damages to Body and Health was denied on 9 September 1959, but no documents explain why. The denial is mentioned in a contract between Goldman and Höra, by which Goldman transferred her representation to two lawyers in Trier to assist in her appeal and agreed to pay Höra five percent of any compensation she received.<sup>66</sup> The Trier Bezirksamt für Wiedergutmachung certified on 17 May 1962 that Goldman was a persecuted party in the sense of BEG Par. 1, determined her qualification on 7 June 1962, and regulated the precise compensation amounts on 12 December 1962. The assessments that a certain Dr Centner provided on 12 July and 24 November 1962 identified the organic origin of her suffering as "disease of the gall bladder or biliousness affecting the upper abdominal organs and clear secondary vegetative dystonia".<sup>67</sup> Her *Kapitalentschädigung* for the period from 1 January 1949 through 31 October 1953 totalled 14,500 DM. The retroactive pension payment for the period from November 1953 through March 1963 totalled 31,378 DM. In April 1963, Goldman began receiving a monthly pension of 319 DM, based on an eighty per cent reduction of work productivity calculated from 1 November 1953 onward. Her next medical assessment was scheduled for February 1965.<sup>68</sup>

Goldman's reaction to the settlement is unknown, as is the extent of her ongoing legal efforts. It is doubtful that either her medical or her psychological condition improved. There is little evidence that the courts took into account the damage to her pancreas, to her lungs from pleurisy and scissuritis, or the aftereffects of typhus or typhoid fever – let alone Goldman's psychological suffering, the result of persecution trauma inside and outside the camps, to which especially French, Danish, and American psychiatrists had drawn attention since the end of the war.<sup>69</sup> For various reasons, West Germany did not engage seriously with the concept of "survivor syndrome" until a vanguard of psychiatrists insisted on finding a label to describe its reality. Many of these psychiatrists delivered hundreds of assessments to legal experts and federal compensation offices, particularly in the wake of increased BEG applications after 1956. Only very slowly did their official guild acknowledge that not all enduring damage to survivor victims was organic in origin or constant in its manifestation. Due to figures of authority like Dr Karl Bonhoeffer, who for most of his career argued that the psyche was strong enough in principle to recover from the heaviest onslaughts, compensation courts maintained that any nerve damage that did not repair itself after half a year signalled a pre-existing condition and was thus

65 A hint of the thoroughness required for proving damages: Goldman received care from the University of Brussels Medical Clinic from 26 July to 3 August 1945 and from the Assistance Publique from 3-23 August 1945. Her application included a statement from Dr Petitfrere for treatment in May 1945; from Dr Benjamin Levant for treatment from 1949 to July 1949; from Dr Sidney Rosenberg for treatment from March 1949 to March 1954 in Pittsburgh; from Dr H.A. Fober for the years 1953/1954; from Dr B. David Epstein for treatment from 1954 onward; and certification from Montefiore Hospital in Pittsburgh for treatment from September 1949 to December 1953.

66 LfFS/AfW, Helen Goldman VA 130 611, Vereinbarung zwischen Dr. Konrad Höra (signed 29 January 1960) und Helen Goldman (signed 23 November 1959).

67 LfFS/AfW, Helen Goldman VA 130 611, Bezirksamt für Wiedergutmachung Trier, B Bescheid (Mitteilung) über Entschädigung, 16 January 1963.

68 Ibid.

69 Pross, *Paying for the Past*, 83.

not eligible for compensation.<sup>70</sup> There is more to say about this in the discussion of Dr Walter von Baeyer's findings. It suffices to repeat that Goldman's reparations file did not contain descriptions of psychological suffering, the likely causes of which were the radical uprooting from her home and witnessing the loss of immediate family members in Birkenau.

To help her with her compensation case in Trier, Goldman had relied locally on her lawyer Harry Bassett in Miami. Shortly after Lucas's first cross-examination by the Frankfurt court on 27 January 1964, Bassett wrote to the Frankfurt State Attorney's Office that Goldman had read Lucas's name in the newspaper. Goldman told Bassett that when her transport arrived at Birkenau, Lucas tore her two-year-old sister from her arms to throw to her mother, who was already holding Goldman's younger brother with another sister close by. Goldman was ushered into one line, watching as her mother and her three younger siblings joined the other line.<sup>71</sup> After having her clothes taken and her hair shorn, she was pushed under the shower and given prisoner clothing. An SS woman told Goldman later that day that her family had perished. Goldman remembered Lucas's name because another official involved in the selection had addressed him as "Dr Lucas". Once she was settled in her barrack in BIIc (one of the Birkenau transit compounds for female Jewish prisoners), Lucas also ordered her to give blood and stool samples to clear her for working in the kitchen. About a week later, Lucas returned to inform Goldman that she had passed the health tests and could work in the kitchen. She never saw him after that.<sup>72</sup>

When she appeared in person in Frankfurt on 3 September 1964, Goldman reported that she had discovered Lucas's name among the 22 defendants listed in the *Jewish Floridian*.<sup>73</sup> Asked how she could have stumbled upon Lucas's name in an American newspaper, Goldman responded: "Because people are looking for the names. And I was looking for Doctor Lucas because he killed my mother and my two sisters and little brother. He's the cause of it."<sup>74</sup> She went on to explain:

"I had my little sister, she was two years old, on my arms, you understand. Because somebody had said, if you have a little baby, then you would go with your mother. So my mother dressed me up a little, so I would look a little older. She gave me her little baby, we had a three-year-old and two-year-old [...]. When Mr. Lucas saw that, he saw through me, that I was young and healthy. And he said I would be good for work, strong for work. And he grabbed my little sister and threw her to my mother."<sup>75</sup>

Goldman's separation from her family never became the subject of cross-examination, but several doubts surfaced about her account. Who had furnished her with the proof that her family had perished? How did she know that the man doing the separating was an SS officer named Dr Lucas? Would he not have been addressed as "Herr Obersturmführer"? Could she please be more specific about his appearance

70 Svenja Goltermann, Kausalitätsfragen. Psychisches Leid und psychisches Wissen in der Entschädigung, in: Frei/Brunner/Goschler (ed.), *Die Praxis der Wiedergutmachung*, 427-451, here 429.

71 These numbers contradict Goldman's affidavit of 1956, when she reported having three sisters and four brothers. LfFS/AfW, Helen Goldman VA 130 61, Notarielle Verhandlung, Miami, 6 March 1956. Whether these siblings were with Goldman on her transport to Auschwitz-Birkenau is unknown. Emmi Bonhoeffer recalled that Goldman mentioned that the two-year-old was a boy and that Goldman's other four siblings were present, aged four, seven, ten, and fourteen. Emmi Bonhoeffer, *Zeugen im Auschwitz-Prozeß. Begegnungen und Gedanken*, Wuppertal-Barmen 1965, 39.

72 Fritz Bauer Institut Archiv (Frankfurt am Main, hereafter FBIA), Lucas file, Letter of Harry L. Bassett to the State Attorney General in Frankfurt/Main, 31 January and 20 February 1964.

73 Vernehmung der Zeugin Helen Goldman, 3.9.1964, in: AP, 16966-16967.

74 Ibid, 16953-16954.

75 Ibid, 16892-16893.

and his “nice” SS uniform?<sup>76</sup> Goldman’s memory of Lucas as a “fairly good looking” man of average build in his mid-thirties, slim and fairly tall without distinguishing features, had faded with time, but his name had not.<sup>77</sup> She also had no trouble that day identifying him from among the defendants: “I’m not sure, but it seems to me that this is Dr Lucas.”<sup>78</sup>

One detail that disturbed the court was Goldman’s claim that a man from the shower room, wearing a plain prisoner’s uniform and claiming to be part of the crematorium detail, singled her out to inquire about the scars on her back, which stemmed from a German having hit her with his rifle in one of the freight cars: “If Doctor Lucas was at the station picking them right and left, he says, then my mother and the children are not going to be living long, they’re going to be killed the same day.”<sup>79</sup> Hence the news, but not proof, of her family’s murder in the gas chamber seemed to come both from this Jewish prisoner and the “bad SS woman”. Defence attorney Rudolf Aschenauer was especially bothered by the lack of proof and Goldman’s inability to pin the news on one person. He and Judge Hofmeyer were also insistent that no crematorium workers would ever have seen the inside of the women’s shower room. Nevertheless, as Filip Müller, a rare survivor of a crematorium squad, reported much later, such boundaries were never as impenetrable as outsiders imagined.<sup>80</sup>

To the court, the most bothersome aspect of Goldman’s account was her sense of time. She reported that after her separation from her family on the ramp, she saw Lucas a second time four to six weeks later, when he chose her to work in the kitchen pending the results of her hygiene tests in Berlin.<sup>81</sup> Pressed further, she maintained that he had picked her out already at the ramp to work in the kitchen, which was the reason he wrested her sister away from her. Judge Hofmeyer asked her to reconsider her answers, because the letter from her lawyer Bassett indicated that Lucas had approached her regarding kitchen duty the day after her arrival. The issue was whether she had seen Lucas twice or three times, and now she was insistent that it was twice. But how could Lucas have made such arrangements with her in the confusion and chaos on the ramp? For the defence, attorney Rainer Eggert asked questions about the blood, urine, and stool samples, drawing attention to the difference in Bassett’s account and her current report on how long she had waited before Lucas conveyed the results from Berlin (from one to six weeks) and what kind of work she was doing

76 Ibid, 16898.

77 Ibid, 16929-16932. Goldman would have overlooked the scar on Lucas’s left cheek, most likely a *Schmiß* from student sword-duelling in a politically conservative fraternity. This mark was visible in photographs from his days as a student in Rostock from 1937 to 1939, although it may have originated from Münster, where he began his studies in 1933.

78 Vernehmung Goldman, in: AP, 16994.

79 Ibid, 16903. The man was from Poland and spoke “Jewish” (i.e. Yiddish) with her (16939).

80 Müller wrote that it was difficult but not impossible for a Sonderkommando prisoner to get into the women’s camp. “The bribery which went on in this connection was quite unbelievable, while the men’s inventiveness knew no bounds. Some managed to get inside the women’s camp by joining work teams which had to do jobs there. They secured the tacit connivance of the SS men on duty at the main gate by generously greasing their palms. Still others invented the most ingenious reasons in order to reach their goal”. Filip Müller, *Eyewitness Auschwitz. Three Years in the Gas Chambers*, Chicago 1979, 62-63. A few days before Goldman’s appearance, Aron Bejlin had testified that the doctor of a Sonderkommando had freedom of movement. Vernehmung des Zeugen Aron Bejlin, 28. 8. 1964, in: AP, 16295. Bejlin may have been referring to Mengele’s prisoner pathologist Miklos Nyiszili, who likely arrived in Birkenau around the same time (if not in the same transport) as Goldman and wrote that Mengele had issued him a special all-sectors pass to visit his wife and daughter in the women’s camp. See: Miklos Nyiszili, *Auschwitz. A Doctor’s Eyewitness Account* [1960], translated by Tibere Kremer and Richard Seaver, New York 2011, 139-140.

81 Vernehmung Goldman, in: AP, 16908.

during that time (answer: “Oh, nothing”).<sup>82</sup> During Goldman’s five or six months working with the giant cooking kettle in the Birkenau transit camp BIIc, she was supervised by a “bad” SS woman and a “good” one. The former never let her forget the fate of her family,<sup>83</sup> while the latter hid her in a barrack and brought her medication during her two-week illness and brought her back for rollcall to the barrack where the other kitchen workers worked.<sup>84</sup> Deputy judge Hummerich, meanwhile, was bothered by her insistence that she had had no contact with the young women in the adjoining barrack.<sup>85</sup>

Asked to respond to what he was hearing, Lucas took issue with Goldman’s dates and denied either meeting her or selecting prisoners for kitchen duty. He suggested that she had confused him with Dr Heinz Thilo, Dr Fritz Klein, or Dr Josef Mengele.<sup>86</sup> Undeterred, Goldman’s final statement to the court was that Dr Lucas was responsible for her postwar malaise that confined her mostly to bed.<sup>87</sup> The court remembered this remark in its verdict nearly a year later, pointing out that being bedridden did not lend credibility to Goldman’s claims that Lucas had selected her for kitchen duty and that a male crematorium worker had infiltrated the shower area to inquire about her scars and to tell her that Lucas was responsible for killing her mother and siblings.<sup>88</sup>

The audio portion of Goldman’s eighty-minute appearance records her breakdown. Calm at the start, she becomes flustered and then indignant as the cross-examination spirals out of her control. The audio also reveals the hesitations of her interpreter. After state attorney Joachim Kügler and assisting judge Seiboldt complained about Regina Schmidt-Ott’s English translations, Schmidt-Ott made a special effort to meet with their approval, only to have her confidence further rattled when Goldman interrupted Schmidt-Ott’s translations of German passages that she already understood.<sup>89</sup> In addition, one hears judge Hofmeyer scoffing at Goldman’s claims and grunting his approv-

82 Ibid, 16941. A report from Auschwitz dated 18 August 1944 of stool samples from sixty BIIc kitchen workers lists Ilona Kaufman, A 12010, as number 35, at the bottom of the first column on the page with her results on the next page. ITS, Laboruntersuchungen des SS-Hygiene-Instituts Auschwitz, Copy of I.1.2.1 / 555501-02. At the time of the trial, these files from the Auschwitz Museum would have been accessible to the prosecution. The director of the Auschwitz Museum, Kazimierz Smolen, made copies of documents available in 1959, and Vogel and Kügler made their own fact-finding trip to Auschwitz in August 1960. They also had the support of Jan Sehn and thus documents from the archives of the Hauptkommission zur Untersuchung der Nazi-Verbrechen in Polen – documents that Kügler was able to copy in Berlin in June 1960. On access to these documents, see: Werner Renz, *Der I. Auschwitzer Prozeß. Zwei Vorgeschichten*, in: *Zeitschrift für Geschichtswissenschaft* 50 (2002) 7, 622-641. The court’s visit to Auschwitz in mid-December 1964 afforded another opportunity, as more documents had been organised and catalogued in the intervening years. See: Inge Deutschkron, *Auschwitz war nur ein Wort. Berichte über den Frankfurter Auschwitz-Prozess 1963–1965*, Berlin 2018, 306. Assuming they knew that the reports were available, the prosecutors would have had to know to look for Helen Goldman’s Auschwitz name Ilona Kaufman or search by her prisoner number and to know to search in the hygiene report of 18 August 1944.

83 Ibid, 16956-16957.

84 Ibid, 16910-16915. Although Goldman said that she had typhoid fever, which spreads readily in unsanitary food areas, she could also have had typhus, probably spread by body lice that thrived due to overcrowding and lack of hygiene to become the most ravaging infection in the camps. Based on the stool sample results that came back on 18 August 1944, it is likely that she had either typhoid fever or typhus before that date. On the eradication of typhus and the discourse of parasites linking Jews and lice, see: Paul Weindling, *Epidemics and Genocide in Eastern Europe*, Oxford 2000, esp. 271-321. Prisoner doctors were aware of the long-term effects of typhus. The Jewish prisoner Wladyslaw Fejkiel, during testimony on behalf of Lucas, counted himself among those who experienced “certain changes in the brain” following typhus. *Vernehmung des Zeugen Wladyslaw Fejkiel*, 29. 5. 1964, in: AP, 9289.

85 *Vernehmung Goldman*, in: AP, 16978-16979.

86 Ibid, 16995-16997.

87 Ibid, 16997.

88 *Mündliche Urteilsbegründung des Vorsitzenden Richters*, 19. 8. 1965, AP 37907.

89 One misunderstanding was the false conveyance of “fairly tall” as “very tall”, for which Judge Seiboldt sought clarification. Compare AP, 16889 and 16932.

al as defence attorney Rainer Eggert asked why Goldman was looking for Lucas's name in the Florida newspapers in the first place. Judge Hummerich's probing tone showed impatience with her flustered answers and accelerates her breakdown. Nevertheless, judge Perseke recorded nothing of these paratextual events in his notes. What Noah Shenker calls "testimonial literacy" – sighs and screams "often consigned to the periphery"<sup>90</sup> – does not appear in the court transcript. Newspapers and eyewitness reports deliver a more complete picture of how volume and tone of voice, hesitations, interruptions, facial expressions, background noise, laughter, and weeping affected the hearings. Even more poignant than the regular trial reports of Bernd Naumann and Hermann Langbein, both eventually compiled as monographs, were Inge Deutschkron's observations of non-verbal cues, as will be discussed shortly.

One voice that sounded more patronising than offended belonged to defence attorney Rudolf Aschenauer. Calmly and politely, he questioned the length of time it took for Goldman to receive health clearance from Berlin and how it was that she could blame Lucas for the loss of her family in light of her lack of evidence.<sup>91</sup> Months later, in his closing remarks on behalf of Lucas, he seized on forensic inconsistencies: that Goldman had been seriously ill without being admitted to the camp hospital and that she was unable to indicate the separate compounds of Birkenau on the courtroom map – a common touchstone of eyewitness credibility. "On the whole", Aschenauer concluded, "what we have here is the statement of an unhappy, nerve-shattered woman that cannot serve as the basis of a decision."<sup>92</sup>

Between Goldman's appearance in September 1964 and Aschenauer's remarks in June 1965, however, Lucas had gone from consistently denying performing ramp selections to finally acknowledging in court on 11 March 1965 that he had done so "four or five times" under pressure from Birkenau commandant Josef Kramer and under putative fear of danger to life and limb if he refused. It was this confession, weak as it was, that adjunct prosecutor Christian Raabe had in mind in his own closing remarks when he scolded Lucas for not immediately admitting his ramp service after being accused by a distraught Goldman of steering her family members toward the gas chamber. Raabe saw no reason to doubt the testimony of a woman broken by the camp because her testimony concurred with the reports given by other witnesses about the conditions on the ramp. It was beside the point whether revenge was Goldman's motivation for testifying.<sup>93</sup> For the prosecution, state attorney Joachim Kügler also considered Goldman credible in crucial points, despite what he called her "effusiveness" and "hysteria".<sup>94</sup>

90 Noah Shenker, *Through the Lens of the Shoah. The Holocaust as a Paradigm for Documenting Genocide*, in: *History and Memory* 28 (Spring/Summer 2016) 1, 141-175, here 145.

91 In October 1964, a month after the hearing in question, Aschenauer took over the representation of Lucas along with his existing client Wilhelm Boger, one of the most notorious among the Auschwitz trial defendants.

92 FBIA, FAP 1, V-23, 9-10, Rudolf Aschenauer, *Plädoyer für LUCAS*, 21. 6. 1965. Based on what the court should have known – that most prisoners knew about the danger of routine or sudden selections in the prisoner hospital – it is not inconsistent that Goldman, thanks to her own or another's decision, would have avoided reporting sick.

93 Christian Raabe, *Plädoyer zu Lucas, Frank, Schatz, Breitwieser, Stark, Boger, Dylewski, Hofmann, Kaduk, Klehr, Baretzki, Scherpe, Hantl, Mulka u. Höcker*, 21. 5. 1965, in: AP, 33854-33981, here 33868.

94 Joachim Kügler, *Plädoyer zu Lucas, Schatz, Frank, Capesius*, 13. 5. 1965, in: AP, 33207-33289, here 33258. 'Hysteria' stands for the incomprehensibility of the female object under the clinical gaze. The psychiatrist Hans Strauss, forced to flee Germany in 1933, used the label when evaluating female claimants in New York, where he did reparations evaluations. Some traced his lack of understanding to his supposed German-Jewish animosity toward Eastern European Jews. Unfortunately, Strauss's rejections of claims that other psychiatrists considered valid earned him approval from the West German authorities, who believed he could be trusted regarding the claims that he did consider valid. More to his credit, Strauss was instrumental in developing the term *Entwurzelungsdepression* (uprooting depression) as a major component of survivor's syndrome. Pross, *Paying for the Past*, 100-101.

As adjunct (civil) prosecutors, Raabe and Henry Ormond represented the voices of eleven victims of racial persecution, three victims of political persecution, and the husband of a victim of racial persecution. In his closing remarks, Henry Ormond reminded the court that a co-plaintiff “wants to achieve personal reparations for suffering and injustice resulting from the death of close relatives. [...] Some are the only survivors of their entire murdered family.”<sup>95</sup> Ormond, who was Jewish and had himself been a prisoner of Dachau in 1939, worked without an honorarium to provide the state prosecutor’s office with “all conceivable means of proof” to help the cause of justice.<sup>96</sup> A few of the co-plaintiffs were among the 271 survivors who appeared as witnesses in the Frankfurt Auschwitz trial and like so many others the co-plaintiffs were reticent to dredge up their memories in a West German court that provided few assurances of trustworthiness. No doubt the ideal was for a witness to offer testimony devoid of overwrought emotion. After convincing reluctant but effective witnesses such as Raya Kagan (a Jewish former secretary in Auschwitz for the SS) to testify on behalf of those who could not, Hermann Langbein reminded them to heed both the content and the form of their testimony.<sup>97</sup> Although the defence viewed it with suspicion, the resultant incriminating visual and aural information was confirmed when a delegation of the court visited Auschwitz in December 1964.<sup>98</sup> Importantly, malicious intentions or unreliable memory did not inherently compromise the incriminating information that witnesses provided. Goldman’s willingness to testify made her an atypical witness; whether she had been encouraged to testify is unknown. In a way, Raabe functioned as her informal lawyer in Frankfurt. Unlike Aschenauer in his defence of Lucas, Raabe could not lie to protect this witness from Miami. Wishing that the court could respect the specificity of Goldman’s statements above their accuracy, Raabe had more success – if not in influencing the verdict, at least for posterity<sup>99</sup> – by going on the offensive against Aschenauer and his client Lucas.

In her 1966 essay on the Auschwitz trial, the political philosopher Hannah Arendt reflected among other things on Lucas and Goldman. Arendt was struck not only by Lucas’s consistent denial of having had the courage to save Goldman’s life, but by Goldman’s apparent unawareness “that she who had sought out the murderer of her family had faced the savior of her own life”.<sup>100</sup> Goldman seemed oblivious that she was

95 Henry Ormond, Plädoyer zu Broad, Capesius, 24. 5. 1965, in: AP, 33982-34102, here 33986. One of the co-plaintiffs, the Jewish prisoner doctor Aron Bejlin, provided exculpatory testimony for Lucas. AP, 16338. Judge Hofmeyer interrupted Bejlin’s narrative as Bejlin, caught in a memory, attempted to explain how much his Polish friend Dziulek, whom Broad had beaten and killed, meant to him, and what it felt to take leave of someone unlikely to return after being ordered to report to the Political Division. Vernehmung des Zeugen Bejlin, in: AP, 16308.

96 Ormond, Plädoyer zu Broad, Capesius, in: AP, 33991.

97 Hermann Langbein, “Ich habe keine Angst gehabt”, in: Wojak/Meinl (ed.), *Im Labyrinth der Schuld*, 285-296, esp. 291-293. On Langbein’s crucial role in the trial, see: Katharina Stengel, *Hermann Langbein. Ein Auschwitz-Überlebender in den erinnerungspolitischen Konflikten der Nachkriegszeit*, Frankfurt am Main 2012, esp. 491-561.

98 On the site visit to Auschwitz, see esp.: Sybille Steinbacher, *Protokoll vor der Schwarzen Wand. Die Ortsbesichtigung des Frankfurter Schwurgerichts in Auschwitz*, in: Wojak (ed.), “*Gerichtstag halten über uns selbst*”, 61-95. On the unforeseen existential effects on judge Hotz and many of the defense lawyers, see: Deutschkron, *Auschwitz war nur ein Wort*, 292-307. Anton Reiners, Oswald Kaduk’s defence attorney, “cried like a boy” during the film about the liberation of Auschwitz shown on 16 December in the Auschwitz Museum. Deutschkron, *Auschwitz war nur ein Wort*, 299.

99 See: Christian Ritz, *Die westdeutsche Nebenklagevertretung in den Frankfurter Auschwitz-Prozessen und im Verfahrenskomplex Krume/Hunsche*, in: *Kritische Justiz* 1 (2007), 51-72, here 55.

100 Hannah Arendt, *A Note on the Trial*, in: Bernd Naumann, *Auschwitz. A Report on the Proceedings Against Robert Karl Ludwig Mulka and Others Before the Court at Frankfurt*, translated by Jean Steinberg, New York 1966, xxx.



alive only because Lucas had wrested the child away from her on the ramp. Arendt singled out Lucas 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”.<sup>101</sup> She was impressed equally by the witnesses from Ravensbrück who testified that during his stint there in early 1945, he had smuggled medicine to them and refused to select sick and frail women for the gas chamber. Arendt reasoned that Lucas’s reluctant answers in the courtroom squared with his reluctant SS affiliation twenty years earlier. “To be sure, none of the acquitted defendants, none of the lawyers for the defense [...] could hold a candle to Dr. Franz Lucas.”<sup>102</sup>

Had Arendt observed Goldman’s appearance in court first-hand, however, she would have seen a witness forced to rest on a stretcher during the recesses.<sup>103</sup> As one reporter wrote, two women from the German Red Cross helped Goldman walk to the witness chair. “Lucas stands in the front row of the men who are placed in a semi-circle like a men’s chorus. The overly slender witness, her red hair emphasizing her deathly pale face, has stood up. Her gaze passes over the serious faces and rests on Lucas. It is to this former camp doctor that she then points.”<sup>104</sup> When Arendt had the chance to attend the trial first-hand several days later on 14 September 1964, it was in the company of historian Joachim Fest, who commented later that Arendt had recognised the “Adolf Eichmann type” in many of the defendants.<sup>105</sup> That it was her habit to seek out heroic exceptions to the dutiful antisemitic Nazis was demonstrated by the attention she granted to Anton Schmidt in *Eichmann in Jerusalem*, who inspired her conclusion “that under conditions of terror most people will comply but *some people will not*”.<sup>106</sup> The urge to apply to Lucas the qualities she claimed to recognise in Schmidt showed Arendt’s tendency to focus on ‘hero’ or ‘pariah’ typology instead of reflecting on witness experiences. Even if she thought that she was simply registering one of many ironies of the Holocaust, Arendt’s condescending remark that Goldman had failed to recognise Lucas as having saved her life by separating her from her family as able to work failed to recognise the prisoner’s compulsion of choosing between bad and worse, then having to live with the unabating visual, aural, and physiological consequences of those non-choices. As Lawrence Langer writes: “An audience trained in the necessity of moral choice to preserve the integrity of civilized behaviour might be dismayed to learn how often in the evidence of these testimonies [...] the belief in choice betrayed the victim and turned out to be an illusion.”<sup>107</sup> Neither courts keen on reaching timely verdicts nor commentators such as Arendt reflected a nuanced understanding of how trauma affected the arena of choice.

Hannah Arendt famously had no patience for melodrama either, particularly in the Eichmann trial, where her model for testimonial steadiness was the witness Zyn-del Grynszpan.<sup>108</sup> Besides Langbein himself, Viennese physicians Ellen Lingens and

101 Ibid, xvi.

102 Ibid, xxv.

103 Hermann Langbein, *Der Auschwitz-Prozess. Eine Dokumentation*, Vienna 1995, originally published 1965, Vol. 2, 607.

104 Herbert Neumann, *Zeugin: Dr. Lucas selektierte. Ehemaliger KZ-Arzt erstmals schwer belastet. Es rauchte und rauchte den ganzen Tag*, in: *Frankfurter Rundschau*, 4 September 1964.

105 See: Joachim Fest, *Begegnungen. Über nahe und ferne Freunde*, Reinbek bei Hamburg 2004, 185.

106 Hannah Arendt, *Eichmann in Jerusalem. A Report on the Banality of Evil*, New York 2006, 233. Emphasis in the original.

107 Lawrence Langer, *Holocaust Testimonies. The Ruins of Memory*, New Haven 1993, 33.

108 Arendt, *Eichmann in Jerusalem*, 229. While covering the trial for the *New Yorker*, Arendt famously “denounces the right of witnesses to describe events unrelated to the charges” (particularly of those who came from territories not under Eichmann’s jurisdiction) and “rails against the fact that history, in the spirit of the indictment, was at the center of the trial”. Wieviorka, *Era of the Witness*, 86-87.

Otto Wolken met the standards of steadiness and precision that the presiding judge Hans Hofmeyer championed, enough for Wolken to testify for six hours.<sup>109</sup> At the close of the trial, Hofmeyer explained that as much as the court wanted to grant credence to the entirety of survivor voices, it was limited to accepting only the statements that withstood impertinent interrogation:

“Even the ideal witness who wants to tell the pure truth [...] is subject to certain memory gaps after twenty years. He is in danger of projecting onto others the things that he himself experienced and to count as his own experience certain drastic things that others in this milieu have recounted. More than anything, he runs the danger of mixing up the times and places of his experiences [...]. Nevertheless, the court was aware of the enormous pressure on witnesses, given that most witnesses had no calendars or clocks or recording devices at their disposal, yet were asked to provide the minutest details of their experiences.”<sup>110</sup>

The danger of false sentencing was too high to relax vigilance concerning evidential claims that were impossible to cross-check against other documentary sources that had long since been destroyed by the Nazis.<sup>111</sup> This was no show trial, Hofmeyer reminded his audience. Because the court had to render judgment of a defendant's concrete guilt, it was constrained to determine first whether, then exactly where and when the defendant committed actual murder. The court followed the criminological view that memories disintegrated after twenty years and were less reliable even for events “observed by the witness under unspeakable suffering”.<sup>112</sup> For Hofmeyer, it was one thing to dismiss witnesses for failing the credibility test – at least they attempted to support the court's investigation at great personal cost. It was quite another thing to make headway into the silence, denial, and lies of the defendants. If the court ever accepted a witness's account that was on shaky objective grounds, the defendants were in no position to complain, because they contributed little to truth-finding during the hearings.<sup>113</sup>

### The Audience of Hospitality

Judge Hofmeyer's remarks reflect the legal climate of the time, beholden to West German laws unequipped to address genocide-scale murder. Certainly, the defence attorneys who grilled Goldman on forensic detail, such as Aschenauer, Laternser, and Eggert, still manifested their own complicity in National Socialism, no matter how neutral they claimed to be.<sup>114</sup> This complicity included judge Hofmeyer him-

109 Langbein himself testified for over four hours in his first appearance on the stand. The milieu testimonies of these three key Auschwitz survivors were not among the sixty per cent of witness statements that the court rejected as contradictory or improbable. Deutschkron, *Auschwitz war nur ein Wort*, 321.

110 Mündliche Urteilsbegründung des Vorsitzenden Richters, 19. 8. 1965, in: AP, 36679-36681.

111 Ibid, 36683.

112 Ibid, 36678.

113 Ibid, 36684.

114 Aschenauer and Laternser were in high demand as attorneys for former Nazis. The firm of Rainer Eggert and Fritz Steinacker, which earlier included Laternser, represented Lucas during his retrial in 1970. Steinacker included Josef Mengele among his clients, representing him in absentia in the proceedings in Düsseldorf in 1953 after Mengele's wife Irene submitted a petition for divorce that Mengele did not contest. See: David Marwell, *Unmasking the Angel of Death*, New York 2020, 163-164; Imtrud Wojak, *Fritz Bauer 1903–1968. Eine Biographie*, Munich 2011, 310.

self.<sup>115</sup> Instead of inviting respect for helping to establish culpability, Goldman provoked impatience, hostility, and either pity or repulsion. Goldman's audiences ranged beyond juridical ones, however. The first audience in this respect is Emmi (Delbrück) Bonhoeffer, who attended to Goldman in the courtroom and whose hospitality to her outside the courtroom reversed some of the effects of Goldman's exhausting cross-examination. Bonhoeffer referred to Goldman in one of her letters to Recha Jászi in Oberlin, Ohio.<sup>116</sup> Bonhoeffer was part of the Marienschwesternschaft, a German Red Cross and diaconal initiative based in Darmstadt, which cared for the needs of Auschwitz survivors, many of them Polish witnesses, who had travelled to Frankfurt to testify against their former captors.<sup>117</sup> Until her friend Ursula Wirth invited Bonhoeffer to join her in the endeavour, though, Bonhoeffer had avoided reading about the trial. Henceforth she began attending three hearings a week to better understand the events about which the witnesses testified.<sup>118</sup> Because the German Red Cross evoked associations of the ambulances that had transported the Zyklon B in Birkenau, many witnesses were slow to trust the hosts who offered them items such as reading glasses, hearing aids, and orthopaedic shoes. Once trust was established, guests and hosts took walks or ate dinner together, but the hosts' most important task was to escort witnesses to the courtroom and return them to their hotel rooms.<sup>119</sup>

According to Bonhoeffer, public resistance to the trial was rooted primarily in the reluctance to pursue defendants who, despite any role they played in the war, now looked the same as any other respected West German citizen.<sup>120</sup> Allied trials in the immediate postwar era such as the IMT had ignored 'minor' war criminals in order to focus on major war criminals. If one believed that only major figures were punishable, then it was a waste of time to discuss the crimes of "Kleinen" (little men) led astray by criminal orders they had been forced to obey.<sup>121</sup> To be sure, Bonhoeffer was reproducing, not embracing self-justificatory narratives of seduction and entanglement that demonised Hitler, Himmler, and Heydrich, yet it remains unclear whether she too believed that the SS men caught in the net of justice had been led astray by forces beyond their control. After all, any chance to attribute their atrocities to fate or

115 As has come to light recently, Hofmeyer gained career experience in the 1930s as a judge on 'heredity courts' that determined compulsory sterilisation for so-called 'enemies of the state'. See e.g.: Alexander Hancke, *Der Richter und sein Geheimnis*, in: *Frankfurter Allgemeine Zeitung*, 31 March 2019.

116 Bonhoeffer, *Zeugen*, 38–40. Bonhoeffer's husband Klaus Bonhoeffer was executed on 23 April 1945 for his role in the 20 July 1944 assassination attempt of Adolf Hitler, two weeks after his younger brother, the religious martyr Dietrich Bonhoeffer. Emmi Bonhoeffer's Jewish friend Recha Jászi had emigrated to the United States from Vienna and had married a Hungarian historian. Sigrid Grabner/Hendrik Roder (ed.), *Emmi Bonhoeffer. Essay/Gespräch/Erinnerung*, Berlin 2004, 112.

117 On the Frankfurt hospitality initiative, see: Merle Funkenberg, *Zeugenbetreuung von Holocaust-Überlebenden und Widerstandskämpfern bei NS-Prozessen (1964–1985). Zeitgeschichtlicher Hintergrund und emotionales Erleben*, Gießen 2016. Frankfurt volunteers lent support to some 170 witnesses. Wirth herself spent thirty weekends with them and drove them over 10,000 kilometers in her car. Funkenberg, *Zeugenbetreuung von Holocaust-Überlebenden*, 111–113.

118 Bonhoeffer, *Zeugen*, 12–14.

119 *Ibid.*, 28. A few witnesses dropped their guard only after being convinced, for example, that German restaurant proprietors were not trying to poison their food. Was West Germany a land of law and order when they saw their former captors moving about so freely? See also: Julia Wagner, *The Truth about Auschwitz. Prosecuting Auschwitz Crimes with the Help of Survivor Testimony*, in: *German History* 28 (2010) 3, 343–357, and Dagi Knellessen, *Momentaufnahmen der Erinnerung. Juristische Zeugenschaft im ersten Frankfurter Auschwitz-Prozess – Ein Interviewprojekt*, in: Michael Elm/Gottfried Kößler (ed.), *Zeugenschaft des Holocaust. Zwischen Trauma, Tradierung und Ermittlung*, Frankfurt am Main 2007, 116–138.

120 Bonhoeffer, *Zeugen*, 16–17.

121 *Ibid.*, 20–21.

a lack of choice gave those ‘little men’ less accountability.<sup>122</sup> Bonhoeffer hoped that the victim testimony would reach public consciousness. At the same time, she realised that witnesses preferred to testify about what was on their minds instead of responding only to questions limited to perpetrators, which put them on the defensive.<sup>123</sup>

Helen Goldman struck Bonhoeffer as a woman “so damaged for life that even today she looks as though she had just been released from Auschwitz”.<sup>124</sup> The two women spent an entire day together, probably after Goldman’s court appearance.<sup>125</sup> Goldman repeated her opening line in the hearing that she had waited twenty years to hear the name of the murderer of her mother and younger siblings in order to testify to the truth.<sup>126</sup> But Bonhoeffer, purporting to be haunted by the question, “Did this doctor murder or save?”, conveyed to Goldman what she imagined to be Lucas’s psychological distress. In her view, if Lucas had had no control over the order to select deportees, one could consider him as having rescued some 250 labourers for the camp (i.e., a quarter of every transport of one thousand Jews that arrived at Birkenau). To Bonhoeffer, Lucas’s quandary was like that of so many SS officers who had “offered the devil their little finger”.<sup>127</sup> As Bonhoeffer left Goldman’s hotel room, Goldman wept as she embraced Bonhoeffer and whispered: “Might be you are right – vielleicht haben Sie recht.”<sup>128</sup>

The image of Goldman breaking down in court is disturbing enough. Even more disturbing is the image of Goldman embracing and thanking Bonhoeffer for helping her understand a remorseless victimiser. Granted, some may greet such a conciliatory gesture, but if we accept her assurance that she had waited twenty years to read Lucas’s name in a newspaper, should we also expect her to muster up sympathy for Lucas’s discomfort with superior orders? Another feature that is perhaps innocent but equally disturbing is Bonhoeffer’s tacit agreement to an argument advanced by defence attorney Hans Laternser in the trial. Laternser took visible pleasure in explaining the supposed stalemate between the SS Main Economic and Administrative Office (WVHA) and the Reich Main Security Office (RSHA). He argued that without the doctors on the ramp selecting prisoners for work (a WVHA responsibility), all prisoners would have been directed toward the gas chamber (an RSHA responsibility).<sup>129</sup> Yet Laternser’s argument ignored the differences among forms of murder, because Nazi morality regarded the gas chamber as the more humane alternative to letting prisoners die by exhaustion, malnutrition, or disease – or by less ‘efficient’ killing methods such as lethal injections or low-calibre bullets to the back

122 See e.g.: Gerhard Paul, *Von Psychopathen, Technokraten des Terrors und “ganz gewöhnlichen” Deutschen. Die Täter der Shoah im Spiegel der Forschung*, in: Gerhard Paul (ed.), *Die Täter der Shoah. Fanatische Nationalsozialisten oder ganz normale Deutsche?* Göttingen 2001, 13-90, esp. 16-20.

123 Bonhoeffer, *Zeugen*, 22-23.

124 *Ibid.*, 38. As mentioned, the account of the ramp encounter with Lucas here shows inconsistency either in Goldman’s account or in Bonhoeffer’s recollection of it. She mentions that the two-year-old was a boy and that Goldman’s other four siblings were there, aged four, seven, ten, and fourteen. *Ibid.*, 39.

125 After the volunteers noticed that their well-meaning questions had the unintended effect that the witnesses would not stop talking, slept poorly, or broke down during the hearing the next day, they decided as a rule to spend the most time with the witnesses after the interrogation, while also helping them with financial logistics such as collecting their honorarium. Funkenberg, *Zeugenbetreuung*, 113-115.

126 Bonhoeffer, *Zeugen*, 38.

127 *Ibid.*, 40.

128 *Ibid.*, 40. A harmless inconsistency here is that Bonhoeffer dated her letter as 31 May 1964, yet Goldman did not testify in court until the following September. Still, there is no mistaking the identity of Bonhoeffer’s witness.

129 See e.g.: Christian Dirks, *Selektüre als Lebensretter. Die Verteidigungsstrategie des Rechtsanwalts Dr. Hans Laternser*, in: Wojak (ed.), “Gerichtstag halten über uns selbst”, 163-192, here 177.

of the neck. Bonhoeffer had her own motives for spending time with Goldman: Perhaps it was a way to appease conscience, respond to a moral-spiritual imperative, or resolve an ethical issue. If she played devil's advocate for the sake of Lucas, she also filled a profound need for the witnesses. As her fellow volunteer Hildegard Schlachter put it: "I was injected with the Holocaust virus, and since then I have a second skin."<sup>130</sup>

### Where Was Lucas?

Goldman's account carried singular authority, albeit not in all particulars. Having her sister torn out of her arms and thrown to her mother saved her life according to the Nazi grammar of selection, and the price of her own survival was having to relive the deadly separation indefinitely. But what if Goldman was accusing the wrong man? What if a rare document had survived the Nazi destruction of evidence that exonerated Lucas and, as ugly as it sounds, made his blanket strategy of denial slightly more trustworthy? While I am uneasy about attributing Lucas's denials to his self-described poor memory, his urge to forget his crimes ("evasive memory")<sup>131</sup> may indeed stem from an ongoing cognitive block or blackout toward his own actions during the Hungarian pogrom. No doubt an SS officer could suffer from a version of PTSD that left different scars than those his victims experienced. Very likely, though, Lucas's fear of prison in 1964 explains his 'forgetfulness' and exposes his endless manipulation of dates as an attempt to avoid complicity. Although he was camp doctor in charge of both the Theresienstadt family compound and the 'Gypsy' compound in Birkenau, he was quick to deny being anywhere close by when they were 'liquidated': at the former on 8 March and again on 11-12 July 1944 and the latter on 2 August 1944.

The SS document in question is a telegram exchange that fixes Lucas's whereabouts more precisely than Goldman's memory of arriving at Birkenau in the middle of May 1944. Since Goldman and her family arrived after 20 May, she likely confused another doctor with Lucas, because Lucas was almost certainly absent from Birkenau during the two weeks that the slaughter of Hungarian Jewish deportees became routine. On 19 May, Lucas requested a furlough to Osnabrück after a telegram from his sister reported complete damage to the family house in a bombing raid. Despite a moratorium on furloughs during the killing campaign, Lucas's superiors granted him a ten-day leave on 20 May. He requested and was permitted an extension in early June, although Auschwitz commandant Richard Baer reminded him that his efforts were urgently required. Lucas returned to Auschwitz sometime around 10 June.<sup>132</sup>

I mention this telegram exchange to underscore Hofmeyer's attention to detail and fear of sentencing a defendant on false premises. As it stood, Goldman's information was insufficient to meet Hofmeyer's criteria for indictment. Knowledge of the telegram would have only strengthened the court's view of Goldman's factual unreliability. Judicially speaking, the telegram serves to correct the memories of

<sup>130</sup> Funkenberg, *Zeugenbetreuung*, 256.

<sup>131</sup> Lawrence Langer used this term to describe Lucas's fellow defendants Josef Klehr and Oswald Kaduk. See: Lawrence Langer, *Afterdeath of the Holocaust*, in: Henri Lustiger Thaler/Habbo Knoch (ed.), *Witnessing Unbound. Holocaust Representation and the Origins of Memory*, Detroit 2017, 15-30, here 16.

<sup>132</sup> Deutsche Dienststelle (Wehrmachtsauskunftsstelle/WASt, now Bundesarchiv Abteilung PA, Berlin-Reinickendorf), File: Lucas, Franz (1911-1994), Telegram of Franz Lucas to Eduard Wirths and Richard Baer, 19 May 1944; Telegram of Eduard Wirths to Enno Lolling, 20 May 1944; Telegram of Richard Baer to Osnabrück Wehrmachtsstandortältesten Jüger, 2 June 1944.

both victim and perpetrator, while clearing Lucas of the charge of selecting Jews – at least in the period between 20 May and 10 June 1944.<sup>133</sup> Two observations follow from this. First, Lucas's three-week absence from Birkenau does not absolve him from the other ramp selections he performed that left few if any survivors to testify against him. The selecting SS doctors benefitted from the anonymity granted by their uniforms and from the fact that deportees were too disoriented to remember their features. As one witness remarked sardonically, the SS guards did not introduce themselves with calling cards.<sup>134</sup>

Second – and here I revert briefly from Lucas's orbit of responsibility back to Goldman's loss – the telegram as evidence does not erase the fact that someone from the SS separated Goldman from her family. While the court saw fit not to do so, the historian can acknowledge the empirical value of Goldman's inaccuracies. James E. Young remarked that the subjective if flawed perspective of the survivor moves our attention from what *happened* to what the eyewitness *saw*. "By returning their voices and subjectivity to the historical record, however, we restore a measure of contingency to history as it unfolds, opening up the possibility of historical causes and effects otherwise lost in our projection of a hindsight logic onto events."<sup>135</sup> Suspending hindsight logic allows us to appreciate the lack of redemptive choices and the real-time effect of rumour among deportees, for example. We cannot blame Goldman, given the constriction of time and space that led her from home to ghetto to freight car to arrival ramp, for saying: "Because someone had said, if you have a little baby, then you would go with your mother. So my mother dressed me up a little, so I would look older. She gave me her little baby."<sup>136</sup>

To go a step further, we can understand how cognitive confusion or a lack of choice could have prevented Goldman from acting in accordance even with false information. An awareness of her unsettled state of mind under uncontrollable conditions helps us piece together how victims understood events as they unfolded, stifling our impulse to ask: How could they not have known?<sup>137</sup> In addition, if we consider that Goldman became more cognitively settled and aware after the blurred sequence of events on the ramp, it may indeed be the case that she saw Lucas twice – that is, when he came for the stool and blood samples and then to announce the results and confirm her for kitchen duty – and was in more of a position to remember his face. From Lucas's point of view, particularly since prisoner doctors recalled that he had more contact with patients than other SS doctors, it is not quite so surprising that he claimed no memory of Goldman.<sup>138</sup> This gap in memory is no cause to suggest humility, as Arendt did.

It is difficult to fix the precise arenas of Franz Lucas's actions without the help of the documents that the Nazis so dutifully destroyed. The task is complicated not only by his efforts to prove his absence from the crimes, but also by the inconsistent testimony of his supporters. The prisoner doctors in the *Zigeunerlager*, for example, were more intent on contrasting Lucas with Josef Mengele than on documenting the date ranges and spheres of his responsibilities. Wladyslaw Fejkiel remembered that Lucas had treated the prisoner doctors and patients kindly and had stopped all selections in

133 Likely the Deutsche Dienststelle/WASSt added the document after 1990, following the increased document-sharing from the Moscow Sonderarchiv.

134 Vernehmung des Zeugen Aron Bejlin, in: AP, 16302.

135 James E. Young, *Between History and Memory. The Voice of the Eyewitness*, in: Ana Douglass and Thomas A. Vogler (ed.), *Witness & Memory. The Discourse of Trauma*, New York 2003, 275-283, here 282.

136 Vernehmung der Zeugin Helen Goldmann, in: AP, 16891.

137 Young, *Between History and Memory*, 279.

138 Many thanks to my anonymous reviewer for this insight.

the prisoner infirmary.<sup>139</sup> But it became apparent that he knew this only by hearsay from fellow prisoner doctor Tadeusz Szymanski.<sup>140</sup> Aron Bejlin, another doctor and one of the co-plaintiffs, testified that because Lucas worked in BIIf (the men's prisoner hospital), Lucas had to his knowledge only appeared twice in the *Zigeunerlager*, once with Mengele and once without him, when he noticed Lucas speaking with Dr Bertold Epstein about the terrible sanitary conditions in the compound.<sup>141</sup> Like Fejkiel, Bejlin relied on hearsay. While Fejkiel claimed that Lucas had come to Auschwitz from the front, Bejlin heard from his colleagues in BIIf that Lucas was transferred back to the front for associating with prisoners.<sup>142</sup>

On 11 January 1965, Tadeusz Szymanski, the prisoner doctor in charge of the infectious diseases division for women in Block 26 of the *Zigeunerlager*, told the court that Lucas took over as camp doctor for Mengele for six weeks to two months beginning in February 1944.<sup>143</sup> More important than conveying the date was illustrating Lucas's behaviour as a true doctor, which allowed prisoner doctors to save the lives of 'Gypsies' in a way that under Mengele had been impossible.<sup>144</sup> Tadeusz Śnieszko testified after Szymanski. His patients in Block 32 suffered from typhus, dysentery, malaria, and tuberculosis.<sup>145</sup> He became aware of Lucas after Mengele came down with typhus, which he (mis)remembered having happened at the end of February 1944.<sup>146</sup> He had not seen Lucas in the compound before then.<sup>147</sup> Śnieszko estimated Lucas's time in the compound as between four to six weeks. Having heard of Mengele's service in other Birkenau sectors, including the women's compound, he was uncertain whether Lucas substituted in other areas besides the *Zigeunerlager* during Mengele's bout with typhus.<sup>148</sup> After the war, Szymanski and Śnieszko remembered the SS camp doctors as, "in succession, Dr. Josef Mengele, then for some months Dr. Franz Lucas; others such as Dr. Heinz Thilo and Dr. Fritz Klein were engaged for short periods as substitutes".<sup>149</sup>

Three other details merit consideration in determining Lucas's presence. First, on 23 February 1944 Lucas sent a telegram from Osnabrück to Auschwitz requesting a three-day extension to a vacation.<sup>150</sup> It is thus likely that he spent the latter half of

139 Vernehmung des Zeugen Wladyslaw Fejkiel, 29.5. 1964, in: AP, 9291-9293.

140 Ibid, 9272-9273.

141 Epstein was a respected, long-imprisoned Prague paediatrician assisting Mengele on the noma project who, Fejkiel stated, reported approvingly of Lucas after the conversation.

142 Vernehmung des Zeugen Aron Bejlin, 28.8. 1964, in: AP, 16338. For his part, Lucas maintained that he had been transferred from Birkenau to Auschwitz I in early March 1944 because Birkenau commandant Fritz Hartenstein and chief doctor Eduard Wirths wanted to punish him for showing prisoner favouritism. Here one must caution against gullibility, since prisoners, their SS captors, and trial spectators were rarely unified whether the front constituted a punishment or a reward, the greater or lesser of two evils.

143 Vernehmung des Zeugen Tadeusz Szymanski, 11. 1. 1965, in: AP, 27652.

144 Ibid, 27658-27662. Concerning the date, Śnieszko recalled: "I can't say for sure now because at the time it wasn't all that important." What he noticed was the relief that Lucas provided for both the medical personnel and for the sick. Ibid, 27747.

145 Tadeusz Szymanski/Danuta Szymanska/Tadeusz Śnieszko, Das "Spital" im Zigeuner-Familienlager in Auschwitz-Birkenau, in: Hamburger Institut für Sozialforschung (ed.), Auschwitz-Hefte, Vol. 1. Texte der polnischen Zeitschrift Przegląd Lekarski über historische, psychische und medizinische Aspekte des Lebens und Sterbens in Auschwitz, translated by Jochen August et al., Weinheim and Basel 1987, 199-207, here 201-202.

146 Vernehmung des Zeugen Tadeusz Śnieszko, 11. 1. 1965, in: AP, 27742.

147 Ibid, 27743-27744.

148 Ibid, 27774.

149 Szymanski/Szymanska/Śnieszko, Das "Spital" im Zigeuner-Familienlager, 201. According to Ulrich Völklein, Mengele was camp doctor for the *Zigeunerlager* officially from the end of May 1943 to the beginning of August 1944, when he liquidated its remaining inhabitants. The SS doctors who substituted for him during absences, vacations, and illness were Fritz Klein, Heinz Thilo, and Franz Lucas. See: Ulrich Völklein, Josef Mengele. Der Arzt von Auschwitz, Göttingen 2000, 114.

150 Telegram of Franz Lucas, Osnabrück to Auschwitz, 23 February 1944, WAsT, Franz Lucas file, 00046.

February 1944 in Osnabrück, not in Auschwitz. Second, Wojciech Barcz, a clerk in the *Zigeunerlager*, testified that Lucas treated the prisoners fairly, but that part of his duties while substituting for Mengele included ramp selections. While Barcz had not seen Lucas there personally, he knew that his duties included sending monthly reports to the WVHA regarding the sanitary and medical conditions and numbers of prisoners ‘transferred’ (*überstellt*) either to other camps or, as the barely veiled language intimated, to the gas chamber.<sup>151</sup> Third, sometime in February 1944, Lucas drove the young Jewish prisoner Dina Gottliebova in a jeep from the Theresienstadt compound to the *Zigeunerlager* to present her to Mengele. Lucas had taken notice of her Disney paintings in the children’s barrack and must have known that Mengele was looking for an illustrator to assist him in his studies on twins, most of which were drawn from the *Zigeunerlager* at the time, until the mass deportations of Hungarian Jews arriving in May 1944 provided more ‘material’ for Mengele’s interest in twins, giants, and dwarves.<sup>152</sup>

Does this mean that Lucas was involved in experiments in Auschwitz-Birkenau? Beyond bringing Gottliebova to Mengele’s attention and aside from Lucas’s own early mention that he had photographed cases of noma (which may already indicate a dangerous inclination to observe rather than intervene), there is also Dr Hans Münch’s casual comment at Lucas’s retrial in 1970 that he had heard in conversations that Lucas belonged to a group concerned with sterilisation experiments.<sup>153</sup> Until we know more, it seems safe to say that Lucas’s main concern as a trained gynaecologist was to use his time in the camps to learn from prisoner doctors, similarly to the way SS Dr Hans Richter learned operating techniques from Dr Josef Podlaha in Gusen.<sup>154</sup> Lucas may have assisted Mengele in administrative tasks, but all the indications are that he lacked Mengele’s manic interest in twin research and was increasingly repulsed by Mengele over time.

As best we can tell, Lucas took over as camp doctor of the *Zigeunerlager* around the time that Mengele contracted typhus. There is record of Lucas having signed death certificates of Birkenau prisoners on Christmas Eve 1943, the day Mengele confirmed his sickness.<sup>155</sup> Officially, Lucas took over the duties of Dr Erwin von Helmensen on 15 December.<sup>156</sup> In response to questions from prosecutor Joachim Kügler, Lucas maintained that his trip to Osnabrück followed shortly upon his arrival at Auschwitz and that he was given the care of both family compounds upon his return.<sup>157</sup> This appears unlikely in light of the Osnabrück telegram. But supervising both compounds was not a hardship, because prisoner care rested largely in the hands of the prisoner doctors.<sup>158</sup> In his pre-trial interrogation by Heinz Dux, Lucas

151 Aussage des Zeugen Barcz betreffend den Angeklagten Dr. Lucas, in: AP, 6377-63779.

152 Gottliebova expressed relief that Lucas then drove her back to the children’s barrack after her audience with Mengele, and not straight to the crematorium. Dina Gottliebova Babbitt, Auschwitz survivor, interviewed by Hilary Helstein on September 26, 1998, Felton, CA. USC Shoah Foundation, Testimony Part 1, at 3 hours 50 minutes, <http://www.youtube.com/watch?v=FRMWD8L1xDg> (4 March 2021).

153 Hessisches Hauptstaatsarchiv Wiesbaden (hereafter HHW), Abt. 461, Nr. 37638/361, Revisionsverhandlung Dr. Lucas, Frankfurt am Main, 25 August 1970, 33. It bears pointing out that Münch’s confident and forthcoming attitude, which made him a sought-after expert witness, is open to revision, for at Lucas’s retrial he was still able to get away with his lie that Wirths exempted him from ramp duty.

154 See: Tomaz Jardim, *The Mauthausen Trial. American Military Justice in Germany*, Cambridge, MA 2012, 130. Lucas likely treated Podlaha as a medical mentor, not, as Richter did, to assist in practice operations on healthy prisoners.

155 HHW, Abt. 461, Nr. 37638/382, Sterbebücher 1943 von Auschwitz (Vol. 24), 2 (unnumbered).

156 WVHA, Amt D III to Standortarzt Auschwitz, 16. 12. 1943, WAST, Lucas file, 00017.

157 Brief des Angeklagten Franz Lucas an die Staatsanwaltschaft b. Landgericht Frankfurt am Main vom 5. 12. 1961, in: AP, 4175.

158 Richterliche Vernehmung des Angeklagten Franz Lucas vom 14. 2. 1962, in: AP, 4194.



noted that his superior in both compounds had been Dr Heinz Thilo and that after he spent a few days acclimating himself to Auschwitz, either Dr Mengele or Dr Thilo had introduced him to his duties in the *Zigeunerlager*.<sup>159</sup> Practically speaking, as Lucas maintained in his first court interrogation on 27 January 1964, he found himself responsible for both camps, since Thilo supported him only occasionally.<sup>160</sup>

Because of the murder of the Theresienstadt compound inhabitants on the evenings of 8 March and 11–12 July 1944, only two prisoners who escaped the destruction (Dina Gottliebowa and Otto Dov Kulka) ever mentioned seeing Lucas in the compound. Kulka maintained that Lucas, whose name he did not know but whom he recognised as the “second doctor” who accompanied Mengele on his rounds, was present and participated with Johann Schwarzhuber (camp leader of the Birkenau men’s compound) and Mengele in the selections that preceded the ‘liquidation’.<sup>161</sup> Lucas insisted that he was no longer a physician there by the time of the ‘liquidation’ because he was already serving as a troop physician in Auschwitz I.<sup>162</sup> When he had made his daily rounds in the Theresienstadt compound, it had not been with Mengele but with Dr Hans Wilhelm König “who, as witnesses here have already made known, was also present at the liquidation of the compound”.<sup>163</sup> The second doctor Kulka must have been remembering was Dr König, according to Lucas.<sup>164</sup>

No one tried to clarify whether Kulka and Lucas were talking about the same ‘liquidation’. Lucas’s fellow defendant Stefan Baretzki, a non-commissioned officer in charge of rollcalls, was similarly imprecise. In an unprecedented move late in the trial in February 1965, Baretzki not only challenged his rank-superior’s longstanding denial of ramp selections, but also accused Lucas of failing to save forty Jewish girls of the Theresienstadt compound from the gas chamber. Baretzki alleged that Lucas could have brought the girls into the women’s camp in the same way that Schwarzhuber had saved seventy to eighty boys by transferring them into the men’s compound (BIId). Although Baretzki failed to be more specific, these boys, between fourteen and sixteen years old, were selected from the Theresienstadt compound on 9 July to enter BIId.<sup>165</sup> Thus, it appears that Kulka and Baretzki were referring to Lucas’s presence in the July ‘liquidation’, but Lucas made no effort to be precise. The court did not see the need to clarify matters either, perhaps because it was still processing the scene

159 Ibid, 4186, 4191. Lucas also remembered being in Auschwitz for two to three months, which was far less than the time he was actually stationed there, namely a week shy of eight months. A linear analysis of Lucas’s statements also reveals that he mentioned Mengele less over time, perhaps on the advice of his lawyers – to the extent that by the time of his acquittal in 1970, he was brash enough to deny knowing him at all. Lucas told judge Glasenapp in Hamburg, three years after being acquitted: “Try as I might, I can come up with no circumstances in space and time, during or outside of duty, that I encountered Mengele. With certainty I can report, according to my memory at present, that I never had contact with Mengele in Birkenau in any way.” HHW, Abt. 461/37976/017, In der Voruntersuchungssache Mengele wegen Mordes: Az.: 4 Js 340/68, Hamburg, 3 September 1973, 102-105.

160 Vernehmung des Angeklagten Lucas zur Sache 27.1.1964, in: AP, 4871. In other words, perhaps because Heinz Düx did not give Lucas as much leeway in his responses, he did not mention his February 1944 furlough to Osnabrück. It is doubtful, too, that Lucas reported to Thilo. Lucas changed his information at will to remove any association with culpability.

161 Ibid, 13599-13600.

162 Ibid, 13621.

163 Ibid, 13620, and Aussage des Zeugen Kulka betreffend den Angeklagten Lucas, in: *ibid*, 13650.

164 Ibid, 13622. Lucas’s answers fell short. Judge Hummerich reminded Lucas that his ten days of leave at the end of February 1944 had happened when his mother died, and now it seemed that Lucas was changing his time of arrival to avoid being implicated in the first liquidation of the Theresienstadt compound: “What’s the real truth? When did you arrive?” Ibid, 13623.

165 Vernehmung des Zeugen Eugen Lazar, 18.2.1965, in: AP, 29342-29347. Two days later, on 11 July, BIId was blockaded and all remaining 4,000 inmates were brought to the gas chambers. See: Czech, *Kalendarium der Ereignisse im Konzentrationslager Auschwitz-Birkenau*, 817, 820.

of Baretzki breaking the code of solidarity to call the bluff of his fellow defendant and respectable gentleman, the gynaecologist Dr Franz Lucas.

Furthermore, Baretzki announced that Lucas had also been a camp doctor for “Mexiko”, the unfinished holding area for thousands of Jewish women in BIII, and as such he could have ordered more water and blankets for them.<sup>166</sup> Baretzki was not the only one to make this accusation. Two months later, the witness Jozef Mikusz, who despite having nothing good to say about Baretzki at least corroborated his testimony by asserting that he had once seen Lucas in the Mexiko holding area selecting a group of naked women. Consequently, a defendant and a victim both converged in their memories of one of Lucas’s areas of responsibility.<sup>167</sup>

Baretzki had already been identified as one of the SS men present at both liquidations of the compound who had forced its inhabitants onto the trucks headed to the gas chamber. He knew he was facing a life sentence and had little reason to falsely accuse Lucas. This was a rare case in which a war criminal with little to gain or lose challenged the testimony of the prisoner doctors by pointing out that Lucas had ignored opportunities to save lives. To the prosecution, at least, this was new but not surprising, and hearing it from a defendant was a rare thing. Yet Lucas dismissed Baretzki’s allegations out of hand, claiming that he was hearing about Mexiko for the first time and that his Polish and Jewish prisoner doctor colleagues could vouch that he “was no longer in Birkenau when the Theresienstadt compound was dissolved”.<sup>168</sup>

### The Audience of Psychiatry

The appearance of a document may diminish the cogency of Goldman’s particular charge, but not of the lament behind the charge – that she held certain names and faces responsible for her loss of family and for her chronic malaise. The problem was that apart from its legal truth-finding, the criminal court lacked the language to acknowledge the suffering of witnesses, finding it literally “unspeakable”. Despite having heard assessments from experts in SS history such as Hans Buchheim and his colleagues from the Institute for Contemporary History in Munich as well as from high-ranking SS veterans such as Werner Best who could no longer be tried and clearly lacked remorse, the Frankfurt prosecutors would not have thought to request similar assessments from psychiatrists and neurologists concerning the experience of trauma victims over time. Perpetrator testimony illuminated certain aspects, such as SS chain of command, while keeping shrouded other aspects such as the distances and viewpoints from which prisoners could have witnessed beatings and executions.

On 24 January 1969, five years after the start of the Auschwitz trial hearings, the state attorney’s office in Darmstadt provided an alternative to SS testimony: a psychiatric assessment for the trial against Erich Wollschläger and others. The Darmstadt court drew on psychiatrist Dr Walter von Baeyer’s assessment of Jewish court witnesses in its discussion of the murder of Jews deported from the Kielce Ghetto to the

<sup>166</sup> Ibid, 29221-29224, 29230. Some women were selected for transfer to labour sites, but the rest were eventually gassed. If it is true that Lucas oversaw the depot compound, it was likely in the same trade-off capacity (e.g., with Josef Mengele and Heinz Thilo) as he shared duties for the other Birkenau compounds.

<sup>167</sup> Mikusz knew about Lucas from hearsay, adding that Lucas had been there a short time, perhaps two months, and that he had been told that Lucas was selecting – whether for transports or for the gas chamber he could not say. Vernehmung des Zeugen Mikusz, 26. 4. 1965, in: AP, 32272-32279. He noted, however, that Lucas had a “characteristic face” that stuck in his memory and he matched the name to the face. He had seen Lucas from a distance of about thirty yards. Ibid, 32280-32283.

<sup>168</sup> Aussage des Angeklagten Baretzki, 18. 2. 1965, in: AP, 29221; 29235-29239.

death camp Treblinka.<sup>169</sup> Baeyer's qualifications derived from a complex past that included witnessing the University of Heidelberg dismiss his own 'half-Jewish' father five years after Baeyer earned his doctorate there in 1928. Oddly, this did not prevent him from studying psychopathology in Munich under Ernst Rüdin, the infamous commentator of the Law for the Prevention of Hereditarily Diseased Offspring (GzVeN) of 1933.<sup>170</sup> Based on Baeyer's wartime evaluations of 'war neurotics' for military courts and his assessments of hundreds of persecutees – he directed the Psychiatric Clinic in Nuremberg from 1945 to 1955 and the University of Heidelberg Psychiatric Clinic until 1972 – Baeyer determined that the overwhelming majority of claimants for reparations were not the 'pension neurotics' that his cynical professional colleagues claimed.

Certainly, there were assessors with Nazi sympathies who dismissed the notion of "persecution-induced neurosis" out of hand, and some of these also bemoaned the strain that reparation would impose on West German financial, legal, and medical networks. The denial of claims during the 1950s derived largely from financial fears of a slippery slope and the lack of a standard terminology for trauma diagnosis. The reluctance of West German psychiatrists and reparations officials to accept evaluations from assessors abroad also hinged on political factors. Psychiatric conferences organised by the *Fédération Internationale des Résistants* (International Federation of Resistance Fighters, FIR), for example, were considered suspect because of the former resistance fighters among them who had communist leanings or resided in Poland or Czechoslovakia.<sup>171</sup> One of the Czech FIR doctors, Josef Podlaha from Brno, had been a prisoner doctor in Mauthausen and certified the good behaviour of Lucas in that camp.<sup>172</sup> Thanks to Baeyer and his colleagues in Europe and the United States – Leo Eitinger, Gottfried Ewald, Ulrich Venzlaff, Ernst Kluge, Kurt Kolle, Hans Strauss, Henry Krystal, and William Niederland, to name a few – the science of what eventually received the multivalent term 'trauma' emerged from the unbiased evaluations of claimants for compensation in the wake of the BEG in 1956, especially in the late 1950s. The slow change in attitudes corresponded to the pace of Helen Goldman's application for restitution on the grounds of damages to body and health, which, as we have seen, was first denied in 1959 but granted on appeal in late 1962.

On the strength of his conviction that certain changes in personality were attributable to persecution, Baeyer provided the Darmstadt court an assessment based on questioning six witnesses and listening to the recordings of 27 others.<sup>173</sup> Speaking for his guild, Baeyer wrote: "We have repeatedly experienced court cases in which wit-

169 Walter v. Baeyer, *Psychiatrisches Gutachten über Fragen der Glaubwürdigkeit und Erinnerungszuverlässigkeit bei der Beurteilung von Zeugenaussagen rassistisch Verfolgter, die weit zurückliegenden Extrembelastungen ausgesetzt waren*, in: *Nervenarzt* 41 (1970), 83-89, here 85.

170 Pross, *Paying for the Past*, 86.

171 *Ibid.*, 88.

172 Lucas and his lawyers repeatedly listed Podlaha (German "Pottlacher") as an exculpatory witness. One example of Podlaha's work is a conference article presented with long-time collaborator F. Zeman, appearing in a FIR publication in 1961. Josef Podlaha/Frederic Zeman, *Das Hungerödem und sein Einfluss auf die Arterien der unteren Extremitäten*, in: *Die Behandlung der Asthenie und der vorzeitigen Vergreisung bei ehemaligen Widerstandskämpfern und KZ-Häftlingen*, Vienna 1961.

173 Along with the above-cited formative works of Pross (1998) and Goschler (2005), see: William Niederland, *Folgen der Verfolgung. Das Überlebenden-Syndrom – Seelenmord*, Frankfurt am Main 1980; Hermann Langbein, *Menschen in Auschwitz*, Frankfurt am Main 1980, 525-557; and more recently Svenja Goltermann, *Kausalitätsfragen. Psychisches Leid und psychisches Wissen in der Entschädigung*, in: Frei/Brunner/Goschler (ed.), *Die Praxis der Wiedergutmachung*, 427-451; and Dagmar Herzog, *The Obscenity of Objectivity. Post-Holocaust Anti-Semitism and the Invention-Discovery of Post-Traumatic Stress Disorder*, in: Nitzan Lebovic/Andreas Killen (ed.), *Catastrophes. A History and Theory of an Operative Concept*, Oldenbourg 2014, 128-155. For a critical bibliographic review through 1997, see: Robert Krell/Marc I. Sherman (ed.), *Medical and Psychological Effects of Concentration Camps on Holocaust Survivors*, New Brunswick 1997.

nesses, forced to relive traumatic memories, became uncertain, hesitated, stuttered, broke into tears, got a rapid heartbeat, could go no further, and forced an interruption of the hearing.<sup>174</sup> A more fitting description of Helen Goldman's situation is hard to imagine. To use José Brunner's terminology, Goldman became a juridical witness through experience (*Erleben*) and a medicalized survivor witness through survival (*Überleben*), without ever mastering the suffering in her interior world.<sup>175</sup>

In the camps, a disease such as typhus was a visible marker of a prisoner's diminished labour output. Compensation claims after the war measured the loss of productivity resulting from a claimant's nightmares, depression, irritability, mistrust, fear neuroses, and anxiety. In Baeyer's estimation, any profound loss that resulted in the failure to recall details under pressure was therefore no sign of a survivor's diminished love for the truth. Few of the witnesses in the cohort that informed Baeyer's assessment were 'hysterical' or vengeful. Reticent to describe their experiences, they did not intentionally omit, hide, falsify, or exaggerate facts. The science of memory had evolved enough to explain their contradictions or embellishments.<sup>176</sup> Their images of suffering, crystallised as an emotional "skeleton" of the original event, "capture more the physiognomy and macabre character of the scene of terror rather than illuminating juridically decisive aspects".<sup>177</sup> Already compromised by overwork in bad weather on an empty stomach, prisoners confused the sequence and duration of traumatic events.<sup>178</sup> Thus Baeyer's consolidation of symptoms with respect to his weary cohort was an admonition to the court not to privilege forensic truth at the expense of appreciating the reasons for contradictions within survivor testimony.<sup>179</sup>

## Conclusion

Helen Goldman's tangible opportunity for justice came upon discovering Lucas's name in a Jewish newspaper. For twenty years, while confronting the loss of her family, having children of her own, and moving to a new country, she struggled with the health repercussions resulting from her year in the camps. Visits to doctors barely managed her pain. Goldman waited more than half a decade for compensation offices to answer the requests of her advocate Dr Konrad Höra, who seemed sympathetic to her plight in the face of an overwhelmed legal-medical apparatus that had nothing against her personally but in cases of doubt usually decided against survivor claimants.<sup>180</sup>

Receiving her token reparations from the German government brought scant relief.<sup>181</sup> No law could compensate for suffering that was just as tangible as a loss of property but far less measurable.<sup>182</sup> No lawyers, medical specialists, judges, or finance

174 Baeyer, Psychiatrisches Gutachten, 83. Out of the three women and thirty men, fifteen settled in the United States after the war.

175 José Brunner, Medikalisierte Zeugenschaft. Trauma, Institutionen, Nachträglichkeit, in: Martin Sabrow/Norbert Frei (ed.), *Die Geburt des Zeitzeugen nach 1945*, Göttingen 2012, 94-97.

176 Baeyer, Psychiatrisches Gutachten, 87.

177 Ibid, 84-87. Baeyer reflects that his phenomenological method values literal transcriptions of witness statements, especially meta-reflective passages in which witnesses explain their own awareness of contradictions and gaps of memory.

178 Ibid, 87-88.

179 Echoing the adjunct prosecutor Christian Raabe, Baeyer considered minor imprecision a vote in favour of the witnesses.

180 See: Weindling, *Meerwasser-Trinkversuche*, 162-163.

181 Frei/Brunner/Goschler (ed.), *Praxis der Wiedergutmachung*, 18.

182 Ibid, 26-27.

ministers could quantify the experience of interminable loss, deprivation, and humiliation in such terms to suggest that a payment of five Deutschmarks sufficed for every day spent in captivity.<sup>183</sup> Still, no matter how flawed the concept, financial reparations at least contained a whisper of acknowledgment of wrongdoing, and the process improved and became more generous over time, albeit for a vanishing number of victims who were still alive to derive its benefit.

Did Goldman follow the stories of the Eichmann trial and recognise herself in the witnesses' stories? She had experienced first-hand Eichmann's attempt to exterminate her, but she was more interested in attributing to Lucas her profound loss of family. She spent five months as a 'depot Jew' in the crowded conditions of the BIIC camp, a perfect breeding ground for the typhus epidemic, which, by giving it the derogatory label '*Judenfieber*', the Nazis blamed on their victims. Goldman appeared to possess enough confidence, a year after receiving damages from the West German government, to volunteer to travel to Frankfurt to testify against Lucas.

Even more so than in previous trials, the Frankfurt court's reliance on witnesses included their identification of the defendants and their crimes. Goldman identified Lucas without hesitation, which not every witness against Lucas succeeded in doing.<sup>184</sup> Certainly, identification of the perpetrators in death camps such as Auschwitz, Treblinka, and Sobibór was all the more critical, especially in the absence of such recent discoveries as the photo albums of Auschwitz adjutant Karl Höcker referenced above, or of the Sobibór deputy commandant Johann Niemann.<sup>185</sup> The absence of documentation due to the Nazi expungement of all possible evidence made the testimony of survivors the sole incriminatory voice and means by which to discover the crimes or prevent forgetting them.<sup>186</sup> One may find judge Hofmeyer's suspicion of testimony too severe and his insight into the survivor syndrome that haunted many witnesses too underdeveloped. By the same token, he avoided the danger of believing, as the court in Jerusalem did in the first instalment of the Demjanjuk trial (1986–1988) and against the cautionary findings of psychologists of memory such as Willem Wagenaar, that the more intense and enduring the trauma a witness experienced, the clearer and more lasting its imprint was on memory.<sup>187</sup> It was precisely the court's trust of survivor testimony that resulted in the confusion of Ivan Demjanjuk of Sobibór with Ivan Marchenko of Treblinka. Judge Hofmeyer's concern in the Frankfurt Auschwitz trial about hanging the wrong person almost came to pass.<sup>188</sup>

Yet one should not attribute inaccurate testimony solely to deception or to the effects of trauma. Whether their testimony is incriminatory or exculpatory, witnesses have an inherently limited perspective. One cannot extrapolate from the behaviour

183 Ibid, 27.

184 Lili Zelmanovic, Goldman's fellow Floridian and client of Harry Bassett who was associated with the "Auschwitz Album", failed to identify Lucas correctly in December 1964. She accused Lucas of stabbing her in the arm with a dagger, but when asked to identify him pointed to Klaus Dylewski, Josef Kaduk, and Herbert Scherpe, making the court conclude that she had made up her story or confused him with someone else. Vernehmung der Zeugin Lili Zelmanovic, 3. 12. 1964, in: AP, 26428-26470, esp. 26449-26450. The Dutch Jewish witness Abraham de la Penha also failed to identify Lucas and attributed his misrecognition to frazzled nerves. Vernehmung des Zeugen Abraham de la Penha, 26. 3. 1965, in: AP, 31012-31013.

185 Forschungsstelle Ludwigsburg der Universität Stuttgart (ed.), Fotos aus Sobibor. Die Niemann-Sammlung zu Holocaust und Nationalsozialismus, Berlin 2020.

186 Douglas, *Memory of Judgment*, 205-206.

187 Ibid, 204.

188 The death sentence was overturned rightly on appeal; fortunately, the corrected details by then ensured that Demjanjuk could be tried again and sentenced to four years prison on 12 May 2011. He died less than a year later.

of an SS doctor at a certain place in time how willingly he carried out criminal orders earlier or later in his career, or whether he treated ‘Gypsies’ in the *Zigeunerlager* the same as Jews in the Theresienstadt compound in early 1944 or as Scandinavian women in Ravensbrück in early 1945, or whether he distinguished between young or old, male or female, healthy or *Muselmänner*. Certitude is not a failsafe sign of truth, because it is possible to offer flawed testimony unflinchingly and convincingly. The sedative that Otto Dov Kulka took before testifying, his coaching by Langbein, his respectable profession as a historian, his youth and health, and his gender all contributed to his credibility. He could have had the same effect on the court even if he had been intent to lead it astray.

Any good news about a defendant blew fresh air into a courtroom held captive by the accounts of henchmen like Boger, Baretzki, Kaduk, and Klehr – sadists who nevertheless spared a few grateful survivors from their volatility. Certainly, ‘Stockholm syndrome’ also played a role in perspectival testimony. Not surprisingly, Aron Bejlin, who lost both his mother and wife at Auschwitz, insisted that Lucas was an angel compared to Mengele.<sup>189</sup> For the housewife Goldman, who looked twice her 39 years, the judges, prosecutors, defence lawyers, and attendees could have pity, but because she arrived seemingly uncoached and unaware of her forensic contradictions, speaking simple English and disintegrating before their eyes, her testimony was dismissed on the basis of ‘frazzled nerves’ and ‘hysteria’. For her, the issue was the burden of proof that weighed on her in the sceptical reparations court, where for over a decade she submitted the damage to her body as proof of her persecution, and in the criminal court, where her persecution gave her the credibility to accuse her persecutor – but only to the extent that forensic consistency supported her positive identification of Lucas. The onus was on Goldman to prove Lucas was the cause of her suffering.

Less witness trauma does not mean increased reliability, and testimony itself is not a piece of immutable evidence. A political prisoner could err just as much as a prisoner persecuted for racial reasons. For example, Erika Buchmann, elder of Block 10 in 1945, the TB ward in Ravensbrück overseen by Lucas, changed her mind about clearing Lucas’s name. After the war, she had gone out of her way to protect him from Allied prosecution, stressing his contrast to Dr Adolf Winkelmann, who had replaced him in late February 1945 and who selected women for the gas chamber. Buchmann and her communist comrades from Ravensbrück issued a party-approved press release on 20 June 1945, urging the Allies to treat Lucas “in accordance with his courageous and decent behaviour”.<sup>190</sup> On the occasion of Lucas’s acquittal in 1970, however, she withdrew all support:

“When I wrote my brochure in 1958, my comrades and I were unaware of Dr Lucas’s selections in Auschwitz. Now that the Auschwitz trial has established his active participation in the gassing of 4,000 men, women, and children, I am consciously distancing myself from the positive description in my brochure of Dr Lucas’s behaviour.”<sup>191</sup>

In a reversal of Lucas’s gesture when separating young from old and strong from frail on the Birkenau ramp – Otto Dov Kulka described it as heavier and slower than

189 Asked about the trucks that took away his own mother and others from the ramp, Bejlin remarks: “I wasn’t able to take it all in so exactly. [So because you were upset you didn’t notice it, I see.] Right. I was far too confused. I lost my mother.” Vernehmung des Zeugen Bejlin, in: AP, 16280.

190 Bundesarchiv NY4178/54, Nachlass Albert und Erika Buchmann, Bandzählwerk 0027, Filmzählwerk 0968. Lucas later used Buchmann’s booklet in his own defence: *Die Frauen von Ravensbrück*, E. Berlin 1959, especially the passage on 88-89.

191 Ibid.

Mengele's quick, light gestures – Lucas became the object of arms raised and fingers pointed at him in court.<sup>192</sup> Inge Deutschkron, a Jewish correspondent for the Tel Aviv-based newspaper *Maariv* in the West German capital of Bonn from 1958 onward, made a point of including descriptions of body language. On 30 July 1964, for example, Lucas's face turned red when Otto Dov Kulka raised his arm to identify him as the "second camp doctor" whose name he did not know but whom he recognised by sight. Kulka told Deutschkron later that he was repulsed by Lucas's "trembling and stammering" reaction to being identified.<sup>193</sup> Five weeks later, Lucas was standing in the semicircle of defendants when Helen Goldman raised her arm to point at him. After she uttered his name, Lucas stuttered and turned red.<sup>194</sup> A month later, Dov Paisikovic, a rare Sonderkommando survivor, pointed to Lucas as one of the doctors he had seen at Crematorium II in Birkenau.<sup>195</sup> Lucas had always denied this component of his job description as an SS doctor that followed ramp selections. Like Kulka, Paisikovic had not heard Lucas's name either, but his recognition was enough to turn Lucas pale, which Deutschkron interpreted as "more than an admission of his guilt".<sup>196</sup> Lucas's privilege as a defendant was to avoid self-incrimination, but he was powerless against his own visceral reactions of shame.

Ultimately, Kulka and Paisikovic, but not Goldman, were reliable witnesses for strengthening the charge against Lucas that resulted in sentencing him to three years and three months penitentiary "for participating in selections and at the gas chambers in an unknown number of cases, but at least four times in which at least a thousand persons found their deaths".<sup>197</sup> Hofmeyer made no mention of Lucas's face turning red or pale, however. Instead, he disputed Goldman's memories of space and time – i.e., her alleged conversation with a Sonderkommando prisoner or her claim that Lucas singled her out on the ramp for kitchen duty – and he echoed both Aschenauer's and Lucas's conclusion that Goldman had projected her experiences onto the wrong SS doctor.<sup>198</sup>

Emmi Bonhoeffer offered Goldman a friendlier audience than the Frankfurt court did, despite succumbing to the rhetoric of Lucas's fateful entanglements and his contrast to other defendants. She came closer to tangible empathy than her father-in-law Dr Karl Bonhoeffer, whose neurological accomplishments in his Berlin clinic have been eclipsed by the painful notoriety of his assessments recommending sterilisation of the persons considered unworthy to have children under the 1933 GzVeN and by his belief that any psyche without pre-existing conditions was resilient enough to rebound from trauma caused by war.<sup>199</sup> Dr Walter von Baeyer began in the same psychiatric milieu as Bonhoeffer but found his way to a solidarity with outsiders of the 'ethnic community' that qualified him as an imagined empathetic audience for Helen Goldman. He evaluated hundreds of witnesses like her, and his analysis of the persistent wounds of the Jews of Kielce who testified against Erich Wollschläger applies to Goldman's own grievances. Like the Treblinka survivors, she endured intimidation, insults, and an abuse of dignity that escalated into massacre. Dates, numbers, distances, precise descriptions of SS uniforms, or whether her victi-

192 Vernehmung des Zeugen Otto Dov Kulka, 30.7.1964, in: AP, 13561-13562.

193 Deutschkron, *Auschwitz war nur ein Wort*, 243, 246.

194 *Ibid.*, 278.

195 Vernehmung des Zeugen Dov Paisikovic, in: AP 20942, 21051-21063.

196 Deutschkron, *Auschwitz war nur ein Wort*, 282.

197 Fortsetzung der mündlichen Urteilsbegründung des Vorsitzenden Richters, in: AP, 36963.

198 Fortsetzung der mündlichen Urteilsbegründung des Vorsitzenden Richters, 20.8.1965, in: AP, 36964.

199 See the contributions in Dag Moskopp/Dorothea Jäkel (ed.), *Karl Bonhoeffer – ein Nervenarzt. Vorträge zum 60. Todestag*, Berlin 2009.

miser wore eyeglasses – these observations were absent from her litany of loss. It was smell and sight and sound that haunted her, the scars carved by blows from an SS rifle and the endless fever of typhus. “I know one thing: From the kitchen I could see the chimneys and the smoke and it stank all day long of human flesh.”<sup>200</sup> As James Young and others have made clear, the Holocaust resonates in the voices of victims quite apart from their empirical accuracy, including that of a Jewish woman from Miami, still caught up in the undertow of an unhealed body and unresolved trauma from being expelled from Dubove in the Ukraine twenty years earlier.

As is the case with most criminal courts, then, the Auschwitz Trial relied on chronological narratives and instrumental evidence.<sup>201</sup> Goldman countered those expectations with her narrative of rupture, providing precisely through her apprehensions and misapprehensions of events a richer view of what it was like to have her family taken from her. Following Avishai Margalit, one can see how Goldman’s inability to deliver the evidence expected by a West German court reinstated her original humiliation: “My main claim is that it is hard to remember a past humiliation without reliving it.”<sup>202</sup> In these remarks, I have spelled out that humiliation in order to prevent legal verdicts from having the last word. Instead, I leave the last word to Margalit: “Is it not injustice rather than justice that ‘hurts us into politics’? [...] The situation is not unlike medicine as the art of curing and alleviating disease. It is disease that brings us to medicine, not health.”<sup>203</sup>

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200 Vernehmung Goldman, in: AP, 16977.

201 Shenker, *Through the Lens*, 151.

202 Avishai Margalit, *The Ethics of Memory*, Cambridge, MA 2004, 130.

203 *Ibid.*, 112.

Quotation: Andrew Wisely, *From Humiliation to Humanity. Reconciling Helen Goldman’s Testimony with the Forensic Strictures of the Frankfurt Auschwitz Trial*,

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