

Managing Criminal Reputations: West-German Elites after the Nuremberg Trials, 1946-1960

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Abstract

From the start the Nuremberg Trials were planned as trials of the power elites of Nazi-Germany, including the military, corporations, government bureaucracy and party elites. By targeting those who had orchestrated the genocide of the European Jews from above and ultimately had ‘command responsibility’ for war crimes and crimes against humanity according to contemporary terminology, they set an important precedent for international criminal tribunals down to the present day. The Nuremberg Trials signalled a radical break with the past for the German people and their power elites, and a deep disruption in the lives of those who were charged, sentenced and imprisoned. This paper explores the lives after punishment for selected groups and individuals of elite perpetrators, and their trajectories when they returned from prison into the post-war society of West Germany in the 1950’s and early 1960’s. It uses a framework of ‘reputation management’ (Gary A. Fine) in order to identify different routes and strategies as these sentenced war criminals navigated their way back into society.

1. Introduction: Punishing the Powerful

Since its inception international criminal justice has targeted those who actively ordered and orchestrated, or failed to prevent atrocity crimes, including war crimes, crimes against humanity and genocide. Thus, its tribunals and courts have defied the common notion that the powerful can evade prosecution and punishment, and if they are sentenced, they are rather treated with leniency. In particular the Nuremberg Trials conducted first by the Allies and then by the Americans between 1945 and 1949, set a powerful precedent. From the start the Nuremberg Trials had been planned as trials of the elites of Nazi Germany. The Allies based this on a blueprint of tight elite networks; personal integration and links between different elite groups; and collaboration of all power elites in the aggressive war that Nazi Germany had waged. Telford Taylor who led the US prosecution in the follow-up trials, later described how the perception of a military-economic-political complex in the totalitarian state was decisive in selecting the groups and individuals, who were charged.¹ Besides the representative selection of cases, the expressive impact of charging particular well-known and public figures of the elites informed the decisions.² The Allies, with the US leading developed a plan of consecutive trials, each of which should target one of the organizations and its leaders that had been most involved in atrocities committed by the Nazi regime. This plan was changed decisively during the months following the end of the war, however its distinct features and underlying rationale remained.

From the first trial against the highest levels of the Nazi leadership until the last one of the follow-up trials against an industrialist from the Saar area the trials reflected the Allied plans as well as the actual involvement of different power elites in the crimes.³ Besides doctors

¹ T. Taylor, 'The Krupp-Trial: Fact v. Fiction' 53 *Columbia Law Review* (1953) pp 200-203.

² R. Steinke, *The Politics of International Criminal Justice. German Perspectives from Nuremberg to The Hague* (Hart, 2012) at 12-15.

³ The trial against Ernst Röchling, a major industrialist from the Saar area, then under French occupation, was conducted by the French and not in Nuremberg, but in Rastatt. From the start his name ranked high on the Allies' lists of potential defendants in a major trial with a focus on corporate elites. After intense negotiations between the Allies the French took responsibility. The proceedings were conducted as a special trial before a regular court. F. Berger and H. Joly, "'Fall 13": Das Rastatter Röchling-Verfahren', in K. Priemel and A.

who had orchestrated the murder of disabled people, and SS Task Force leaders who were responsible for the genocide of Europe's Jewish population, highly renowned generals, civil servants from the highest ranks of the bureaucracy, and corporate leaders were held to account. The selection of the organisations for a 'case' reflected the complicity between the SS, the state bureaucracy and the economy in the planning and execution of the genocide. This applied to organisations of the SS like the Economic and Administration Main Office that had managed the finances, supplies and exploitation of the concentration camps (Case 4), to the Foreign Office which had supported the genocide in the occupied countries of Europe (Case 11), and to the 'big names' of corporate Germany like Krupp, Flick and IG Farben (Case 10, 5 and 6).⁴ Complicity was further mirrored in the selection of defendants, when e.g. a representative of the major German banks was included in the 'Ministries Case' against the Foreign Office. In addition, military leaders were charged by British military courts.⁵

Already during the war the Allies had repeatedly expressed their firm commitment to prosecuting and punishing those who were responsible for the genocide and mass atrocities; this was well known within elite circles, and also, as Nazi propaganda picked up on this, among the population.⁶ After the war, the Allies made perfectly clear that they were decided to prevent any future for Nazi ideologists, politicians and bureaucrats in the part of Germany they had occupied. This set the scene for an unprecedented number of high-level individuals from the SS, government bureaucracy, military, industry, and party organizations being charged, and sentenced in widely publicised trials. If they did not receive the death penalty and were executed, they served their sentences in prisons in Germany. The spectacle of

Stiller (eds.) *NMT. Die Nürnberger Militärtribunale zwischen Geschichte, Gerechtigkeit und Rechtsschöpfung* (Hamburger Edition, 2013), 464-490, at 469-471. As the trial was part of the original plan and systematic selection, contemporary research therefore added it as case no 13 to the 12 follow-up Nuremberg trials, and this research will follow this line; see for all data K. Priemel and A. Stiller, this note, 755-830.

⁴ E. Conze, N. Frei, P. Hayes and M. Zimmermann, *Das Amt und die Vergangenheit* (Blessing 2010); R. Smelser and E. Syring (eds) *Die SS. Elite unterm Totenkopf* (Schöningh 2000); D. Jeffreys, *Hell's Cartel. IG Farben and the Making of Hitler's War Machine* (Metropolitan Books 2008); J. Bähr et al., *Der Flick-Konzern im Dritten Reich* (Oldenbourg 2008).

⁵ See K. von Lingen, *Kesselring's Last Battle. War Crimes Trials and Cold War Politics, 1945-1960* (University Press of Kansas 2009); on Manstein, J. Scholten 'Offiziere: Im Geiste unbesiegt', in N. Frei (ed) *Karrieren im Zwielficht. Hitlers Eliten nach 1945* (Campus 2001), p. 131-180

⁶ F. Bajohr and D. Pohl, *Massenmord und schlechtes Gewissen* (Fischer 2008) at 70 – 75, and 106-112.

former ministers, SS leaders, generals and members of the most powerful families and corporations as defendants in the dock, and later often being sentenced to long prison sentences was not only disastrous for the reputation of individual defendants. Rather, it threatened the reputation of the group as a whole and presented an imminent danger to resuming their former or at least equivalent positions within post-war society. Reputation management⁷ thus became vital for the group itself as well as for individuals; however, the interests of the group in numerous cases did not at all or only partially coincide with those of individual defendants⁸.

Towards the end of the war and when defeat and surrender was imminent the Nazi power elites had become increasingly aware, not the least through Nazi propaganda that they would be taken to account for the crimes that had been committed under their leadership, command and with their knowledge and consent. This might explain the considerable number of suicides among those, who had been directly involved in the genocide and mass atrocities in Germany and occupied countries, and also the scramble towards early surrender in exchange for lenient treatment or impunity.⁹ On the other hand, the elites were confident that the Western Allies would need them in the process of re-building Germany, or in a conflict with the Soviet Union. Both hopes were crushed when the Allies started a sweeping round-up of members of the Nazi regime, the economic, military and political elites at the end of 1945.

⁷ G. A. Fine *Difficult Reputations* (University of Chicago Press 2001); S. Karstedt 'Life after Punishment for Nazi War Criminals. Reputation, Careers and Normative Climate in Post-War Germany' In S. Farrall et al. (eds) *Escape Routes: Contemporary Perspectives on Life after Punishment* (Routledge 2010) 240-275; Idem, 'The Lives and Times of Sentenced Nazi War Criminals: Re-negotiating Guilt and Innocence in Post-Nuremberg Germany 1950 – 1975' In C. Brants-Langenaar, C., T. Hol and D. Siegel (eds) *Transitional Justice: Images and Memories* (Ashgate 2013) 33 – 50.

⁸ E.g. the cautious defence that the Foreign Office organised; E. Conze et al, supra note 4, at 375-400; the Dresdener Bank supported the defence of its former CEO in the Ministry Case, however the defence counsel acted clearly and visibly in the interest of the bank rather than in the interest of the defendant; R. Ahrens 'Der Exempelkandidat', 52 *Vierteljahreshefte für Zeitgeschichte* (2004), 637- 670.

⁹ Suicides: R.Bessel, *Germany 1945. From War to Peace* (Simon & Schuster 2009, at 148-168. Impunity: Karl Wolff, chief of staff of Himmler, who as SS and Police Leader in Italy negotiated an early surrender with the Americans; he was not indicted in one of the Nuremberg trials, and only finally taken to account in Germany in the 1960s. K. von Lingen *Allan Dulles, the OSS and Nazi War Criminals: The Dynamics of Selective Prosecution* (Cambridge University Press 2013).

They were interned and often held in previous concentration camps or camps for forced labour, which was a highly visible as well as palpable change of circumstances¹⁰.

The intentions behind the caesura that the Nuremberg Trials signalled could not be mistaken by those charged, sentenced and sent to prison. However, their reintegration and reception into German society after their release is part of the ‘continuity of elites’ in the new democratic polity of West Germany.¹¹ Importantly, the trials and sentences affected individuals as much as the elite group as a whole, and the trajectories of individuals were intricately linked to the position and trajectory of the group itself. Further to this, reintegration was dependent on popular opinion and the development of collective memories in Germany across the decades to follow. After a period of collective amnesia until the mid-1960ies, public opinion decisively changed towards increasing acknowledgement of guilt and responsibility. This altered the conditions and social context for those who returned from imprisonment either in Germany or in one of the occupied countries, or had evaded punishment altogether; many of them had subsequently to face prosecution in the German justice system.¹²

This study focuses on the lives after punishment for those members of the elites who were charged and tried in the follow-up trials in Nuremberg (including the Röchling case in Rastatt, see note 3). Two of the exemplary cases of military leaders discussed below were sentenced in the same period by British court martials and therefore are counted into this ‘cohort’. There are a number of reasons for basing the study on this clearly defined and narrow group. As even reasonably precise estimates Nazi perpetrators who stood on trial and were sentenced across Europe, are missing, any research is necessarily selective.¹³ Basing a

¹⁰ N. Frei ‘Hitlers Eliten nach 1945 – eine Bilanz’, in N. Frei (ed) supra note 5, 303-335, at 306, 315; R. Bessel, supra note 9, at 365-370.

¹¹ E.g. Frei, supra note 10; E. Conze et al., supra note 4; M. Wildt *An Uncompromising Generation. The Nazi Leadership of the Reich Security Main Office* (University of Wisconsin Press 2009), at 361 passim.

¹² For public opinion on the Nuremberg Trials and after see S. Karstedt ‘The Life Course of Collective Memories: Persistency and Change in West Germany between 1950 and 1970’ 165 *Polish Sociological Review* (2009) 27-38; ‘The Nuremberg Tribunal and German Society: International Justice and Local Judgment in Post-Conflict Reconstruction’, in D.A. Blumenthal and T. McCormack (eds) *The Legacy of Nuremberg. Civilising Influence or Institutionalised Vengeance?* (Koninklijke Brill 2008) 13-35; on reintegration of sentenced war criminals and public opinion and sentiment see Karstedt 2013 supra note 7.

¹³ Bajohr and Pohl, supra note 6, at 124.

selection on the explicit perceptions and definitions of the Allies has the advantage of representing actual elites and their members, as they were seen by others and certainly by themselves. In addition, the individuals who were charged were subject to procedures conducted by the Western Allies with a foundation on due process rules, and later held in West German prisons under the auspices of the Western Allies; they thus had a similar experience of being sentenced criminals. Accordingly, they represent a ‘cohort’ of elite members who share a similar and consistent environment and social context of post-war Germany and its public, starting from their internment and pre-trial detention to court procedures and finally their sentences and imprisonment. The period from the second half of the 1940’s until the early 1960’s, which this study covers, represents a unique period in the history of dealing with the past in post-war West Germany.¹⁴ They returned to a newly established democracy which needed to secure normative and political support from the population as well as from the elites.¹⁵ Reputation management of individuals as well as the response of the elite group to the trials of their own members is decisively shaped by the social climate and political context of this time. Finally, as these elite members had been public personae under the Nazi regime and often continued to be highly visible in post-war Germany, there is sufficient information on their lives after punishment, not the least from themselves.

The study is based on a sample of 74 cases for which meaningful information on a life after punishment could be found, and exclusively uses published and mostly secondary material.¹⁶ Three elite groups are selected: the political leadership of the Nazi regime, including the SS leadership, corporate and economic elites and the military leadership. While the first group represents the new elites established by the Nazi regime, the two other groups represent the more traditional elites. Selected cases are used to exemplify the strategies of reputation management by each group. A brief overview over the structure of the trials and different elite groups involved, as well as the sentences and actual completion is given. The post-war trajectories of the three elite groups and within this context, the pathways towards re-entry for individual prisoners are analysed. What was the impact of the break marked by the

¹⁴ Karstedt, *supra* notes 7 and 12.

¹⁵ N. Frei, *supra* note 10, at 312, 327.

¹⁶ For a compilation of this sample see Karstedt, *supra* note 7; it includes lower-rank individuals, perpetrators not tried at the Nuremberg Trials, and covers the period from 1945 – 1980. For the present study additional research was conducted for those members of the elites who stood on trial in Nuremberg.

Nuremberg trials? How did the elites as groups re-establish themselves, and resumed elite positions, if at all? What shaped the relation between the group and the incriminated individual? How important was individual reputation management, and what could it achieve?

2. Sentencing the Nazi Elites at Nuremberg

204 defendants stood on trial in the Nuremberg Trials, including the trial against the Major War Criminals against the Nazi leadership, and against industrialist Ernst Röchling. This was but a small fraction of at about 5,000 defendants in numerous trials conducted by the Western Allies in their zones however, they represented the highest echelons of the Nazi regime.¹⁷ Those charged in the follow-up trials were grouped into twelve so-called 'Cases', to which a thirteenth is added.¹⁸ In two cases (the Hostage Case/ Southeast Generals Case and the High Command Case) the military leadership was on trial.¹⁹ The Ministries Case and the Justice Case held elite civil servants in the Foreign Office and the Ministry of Justice to account. The economic elites were accused in four cases, the Flick, Krupp, IG Farben and Röchling Case (Case 5, 6, 10 and 13). Professional elites – lawyers and doctors – stood on trial in the Justice Case and the Medical Case/ Doctors Trial. The Leadership of the SS was charged in three cases: the Task Force Case, and the cases against the Race and Settlement (RuSHA) and the Economic and Administration Main Office (WVHA) of the SS. This list does not include the notorious Reich Security Main Office (RSHA), which under the leadership of the SS combined the Secret Police (Gestapo), other police forces, and the Task Forces. Its head was accused as one of the Major War Criminals at the IMT, sentenced to death, and executed. Ten high-level members were tried in the Task Force Trial, where six received the death penalty; the only one who was ultimately executed was from the RSHA. The Ministries Case also included leaders from the RSHA. In contrast to the trial against the Major War Criminals, the focus of the thirteen follow-up trials had clearly shifted from charges of crimes against peace and conspiracy towards war crimes and crimes against humanity, the charges for which

¹⁷ Across Europe, it is estimated that between 25,000 and 30,000 German war criminals were tried; Bajohr and Pohl, *supra* note 13; overview: G.R. Überschär (ed) *Der Nationalsozialismus vor Gericht 1943-1952* (Fischer 2008).

¹⁸ Röchling case, *supra* note 3.

¹⁹ In addition Field Marshal von Milch was the only defendant in a trial on experiments on concentration camp inmates for which the German Air Force was responsible. It had been severed from the Doctors' Trial/ Medical Case.

Nuremberg stands today.²⁰ Thus the trials reflected the involvement of the elites of the Nazi regime in mass atrocities, plunder and exploitation.

Though the selection of the accused had been based on a blueprint of implicated Nazi elites and individuals, it was impossible to fully adhere to it. It was often due to chance and serendipitous circumstances in the chaotic environment of post-war Germany that one individual stood on trial while another, who was equally guilty was spared.²¹ One indicator for the representativeness of the defendants of their elite groups is their age.²² The Nazi party and its organisations, in particular the SS had offered fast career tracks for young professionals, and as a result, the genuine Nazi elites were very young, as they rose to power in their thirties.²³ When the mean age of the defendants in different cases is compared, the SS elites, including the doctors who led the murder of disabled people and supervised atrocious experiments on inmates in the camps and Task Force leaders were the youngest groups among the defendants, while the age of the bureaucratic and economic elites reflects established career paths.²⁴ The trials thus mirror the divide between established elites and the upcoming and highly ambitious 'new' Nazi elites that had contributed to resentment and conflicts within the Nazi regime until its last days.²⁵ This divide was to become equally important for their reintegration into post-war society.

Sentences handed down by the courts were by no means lenient though it was clear that there was no adequate judicial response and punishment for mass murder of that scale. The sentences as shown in Table 1 mirror the differences in the involvement in the genocide rather than differential treatment of elite groups. Acquittals can be seen as partially reflecting difficulties in proving the relationship between the actions of the defendants, their capacity and positions, and their involvement in the crimes committed. The Task Force leaders who

²⁰ Priemel and Stiller, *supra* note 3, 759.

²¹ Lingen, *supra* note 9; Frei and Wildt, *supra* note 11.

²² Only two women were charged in the Nuremberg trials, thus mirroring the exclusion of women from established as well as from Nazi elites.

²³ S. Neitzel and K. Welzer *Soldaten* (Simon & Schuster 2012) 34; Wildt, *supra* note 11, at 81 *passim*, on RSHA and SS leadership; biographies of SS leaders R. Smelser and E. Syring (eds) *Die SS. Elite unterm Totenkopf* (Schöningh 2000); Higher SS and Police Leaders, R. B. Birn, *Die Höheren SS – und Polizeiführer* (Droste Verlag 1986), at 350 -362.

²⁴ Age was calculated as of 8 May 1945 in order to account for the timing of the trials across four years. In cases where only the year of birth was known, the 1 January was set as date of birth.

²⁵ I. Kershaw, *The End. Germany 1944-1945* (Penguin Books 2012), at 75-80.

were responsible for the murder of millions in Eastern Europe received the highest proportion of death penalties, followed by the Nazi leadership. One third of the doctors on trial and one fifth of those who had been involved in the administration of concentration camps also received the death penalty. This confirmed the Nazi and SS elites as the major perpetrators in the Holocaust, and subsequently played to strategies of reputation management and exculpation of the established elites.²⁶ In contrast, no member of the established elites received the death penalty. Most of them received determinate prison sentences, with the exception of the case against Flick, where half of the defendants received life-long sentences. The highest proportion of acquittals is found for the economic elites, in the Flick and IG Farben case. Nearly on third are acquitted in each of the two trials against professional elites, the Doctors' and Justice Case.

The overall sentencing reinforced the harsh break that the Allies had intended, and also singled out elite groups and members as particularly implicated. In this process the SS and Nazi elite is emerging as the main perpetrator group, and in stark contrast to the established elites from the military, bureaucracy and economy. In particular the higher proportion of acquittals in two of the cases against corporations might have instilled a sense of being innocent in this group, notwithstanding the fact that the acquittals were rather owed to legal problems than to a lack of involvement and guilt.²⁷

Table 1 here

The sentences that were generally deemed as harsh within the elite groups activated support networks, campaigns for reduction of sentences and release, and later diplomatic efforts by the West German government.²⁸ These activities coincided with and were supported by changes in the policies of the Western Allies, who assigned decreasing priority to war crimes trials when the economic and political reconstruction of Germany, and finally rearmament took priority.²⁹ Activities and policy changes ultimately brought about a considerable

²⁶ Bajohr and Pohl, *supra* note, at 126.

²⁷ T. Schanetzky 'Unternehmer: Profiteure des Unrechts' In N. Frei (ed) *supra* note 8, at 125; E. Conze et al *supra* note 4, at 401 - 412.

²⁸ A majority of the public in post-war Germany deemed the sentences as well deserved; Karstedt, *The Nuremberg Tribunal*, *supra* note 12, at 17-23.

²⁹ For campaigns, activities and policy changes see Karstedt, *supra* note 7; von Lingen, *supra* note 5 and 9.

reduction of the sentences as they had been originally pronounced by the tribunals. Death and life-long sentences were commuted, and finally release was granted for various reasons. However, this was rarely based on acts of clemency or a quashing of sentences.

Table 2 gives an overview over sentences executed and served. It shows that all death sentences in the IMT against the Major War Criminals and the Doctors' trial were carried out. In contrast, in the trials against the Task Forces and the WVHA, most of the death penalties were commuted to life imprisonment, and many of the prisoners were granted release in the early 1950's. Only a fraction of the prison sentences that the courts had handed down, were actually served.³⁰ The Nazi and SS elites who had received most of the death penalties could take most advantage of these developments, with only one third of the (commuted) sentences served in the Doctors', the WVHA and the Task Force Trial.³¹ The economic elites stand out with the highest proportions of time served; this is due to their generally shorter and determinate sentences, to their comparably late trial and the time spent in internment. In the end, those who had been most directly implicated in the genocide, and had received the harshest sentences got off most lightly and could feel vindicated when they returned from prison. The economic elites as well as the professionals (doctors and lawyers) interpreted the higher number of acquittals in a similar way, thus ignoring that the majority had been sentenced to long imprisonment and in the case of the doctors, many to the death penalty.

Table 2 here.

3. Reputation Management in Post-War Germany

The transition to which German society was subject, and the prosecution of former leaders for unimaginable crimes generated both 'difficult reputations' and 'difficult memories'.³² In such a transitional situation, former leaders fall into disrepute and acquire negative reputations; hitherto unquestioned reputations of individuals and groups are suddenly

³⁰ The calculation of the actual time served includes internment, which was usually acknowledged by the courts as time served. Data on internment of individual defendants are scarce; 1 January 1946 was assumed as start date for internment if dates were not known; this coincides mostly with the major round-up of the Allies in autumn 1945; personal information from K. Priemel; a life sentence was calculated as 30 years imprisonment.

³¹ This presumably overestimates the proportion of the sentence served; given their young age, the estimate of 30 years for a life sentence might be too low for this group.

³² Fine supra note 7.

contested; others might only keep a pre-transition reputation among closed circles of former followers and colleagues.³³ Generally, elites and its members in modern societies are highly sensitive to damage to their reputations. Even in the most authoritarian state elites have to muster a minimum of legitimacy among the population, and damage to their reputation can be detrimental.³⁴ Economic elites are as much affected as political and government elites, and they are equally exerted to re-establish their reputations. Damage to the reputation of highly visible and prominent members easily affects the reputation of the whole group.³⁵

Reputation – in contrast to concepts like stereotype or stigma – includes the range from the very positive to the very negative. Gary Fine’s analysis of reputation emphasises the interactive character of reputation. Reputations are shared and embedded in social relationships, and consequently they are as much shaped by these relationships as by the individual. Individuals cannot define their reputation on their own. As reputations are ‘embedded in social relations, as a consequence, [they are] ... connected to the forms of communication embedded within a community.’³⁶ Rather than being an opinion that one individual forms of another ‘[they are] shared, established image[s]’. On the one hand, ‘personal reputations directly affect how we come to see ourselves’, and on the other hand, they restrain individual choices, group affiliations and social circles.³⁷

Negative reputations delineate moral boundaries in the collective, and signify the normative climate. Personal encounters, networks, and social circles are ‘structurally conducive’ to re-establishing reputations after major damage such as a prison sentence; they provide support, offer opportunities for re-interpretation of guilt and punishment, or for signalling profound personal change.³⁸ Individual reputations need to resonate with the overall normative climate, as well as with significant others in confined networks and groups. Accordingly individuals and groups manage their reputations, and they become ‘reputational

³³ Ibid., at 10 -11.

³⁴ Withdrawal of legitimacy from the Nazi regime G. Aly (ed) *Volkes Stimme. Skepsis und Führervertrauen im Nationalsozialismus* (Fischer 2007); I Kershaw, supra note 25, passim.

³⁵ Contemporary economic elites M. Levi ‘Legitimacy, Crimes and Complacence in ‘the City’: De Maximis Non Curat Lex’, in J. Tankebe and A. Liebling (eds) *Legitimacy and Criminal Justice: An International Exploration* (Oxford University Press 2013), 157-176, at 167.

³⁶ Fine, supra note 7, at 3

³⁷ Ibid.

³⁸ Ibid., at 12

entrepreneurs' when taking a more active role.³⁹ In particular negative reputations incentivise reputational entrepreneurship to limit damage, and restore a more positive reputation.

The Nuremberg Trials were meant to be and were experienced as a profound break with the past, and a hitherto unimaginable damage to the reputation of the elites, who symbolically were accused as a collective.⁴⁰ Elites as a group as well as individual defendants actively sought to restore their reputations, and to fend off the damage of being tried and sentenced as *criminals*. The courts at Nuremberg had made perfectly clear that these were not normal crimes. As the court stated in its judgment in the Task Force Trial: '... the facts with which the Tribunal must deal ...are beyond the experience of normal man and the range of man-made phenomena ...the charge of purposeful homicide ... surpasses credible limits'.⁴¹ Even if defendants from other elite groups had not been directly involved in the genocide, they found themselves now closely related. A first attempt at reputation management was the substitution of the term 'war criminal' by the term 'war convicts' ('Kriegsverurteilte'), which was soon widely used.⁴² The term insinuated that they had been convicted as result of the lost war, and were 'prisoners of war' rather than indicted war criminals. This relieved the elite perpetrators of the opprobrium of being criminals, and accomplice in the most horrendous crimes. The policy of early release of prisoners from all groups in the first half of the 1950's fuelled this perspective that was endorsed and accepted by elites as much as by the general population. The linguistic change epitomizes the normative climate in post-war German society, where the sentenced war criminals returned after their release and started their lives after punishment.

4. Re-entry of Sentenced War Criminals: Reputations, Strategies and Trajectories

A. Political Elites of the Nazi Regime

With the Nuremberg trials the Allies had signalled that neither National Socialism nor those who had represented it at the highest levels would have a role in shaping the future of a

³⁹ Ibid.

⁴⁰ N. Frei, *supra* note 15, at 307.

⁴¹ Quoted in Wildt, *supra* note 11, at 373.

⁴² N. Frei *supra* note 10, at 318.

democratic Germany. Two elite groups were most affected, the Nazi leadership who had been charged in the Trial against the Major War Criminals, and the leadership cadres of the SS. No member of the first group returned to an influential or powerful position in post-war Germany, even if they had initially entertained ideas about this possibility. Former Grand Admiral Dönitz, who had been named by Hitler as his successor and had led the Nazi government during the last days of the war, envisioned a major public role for himself within the new democracy and its military when still in the Spandau prison.⁴³ Those members of the SS, who had stood on trial in Nuremberg, were barred from careers in the civil service and government positions, but were able to forge new ones in business and corporations, or just assume minor positions. However, both groups were supported in their re-entry by business elites and moral entrepreneurs among whom the Lutheran Church became a driving force.⁴⁴ Further they were supported by their own professional and family networks and connections to regional and political elites.

The members of the Nazi leadership were held in Spandau prison, which became a rallying point for numerous campaigns for their release. The government of the new democracy was reluctant in lending public support, and reticent in making diplomatic overtures. In lobbying the Allies for early release the German government toed a thin line between out-rightly questioning the legitimacy of the convictions and sentences, and just raising humanitarian issues for individual prisoners.⁴⁵ The line was transgressed in the case of von Neurath, the former Foreign Secretary and head of the occupation in Czechoslovakia, who was finally released from Spandau prison in 1954 because of his ill health. The West German Chancellor sent a published telegram cautiously worded as greetings to von Neurath and his family. Less cautious was Federal President Theodor Heuss, who expressed his gratitude that ‘the martyrdom of these years has come to an end for you.’⁴⁶ Press reactions in the countries of Europe which had suffered under German occupation, as well as in Britain were extremely negative. Public outrage in these countries was further fuelled by comments in the

⁴³ N. Goda *Tales from Spandau. Nazi Criminals and the Cold War* (Cambridge University Press 2008), at 87.

⁴⁴ Karstedt, 2013, *supra* note 5, pp 45

⁴⁵ N. Goda *supra* note 33, at 115.

⁴⁶ *Ibid.*, at 131.

conservative Frankfurter Allgemeine Zeitung that 'Neurath's case should now occasion the revision of all the Nuremberg judgments'.⁴⁷

When re-entering society those who had been public figures in the Nazi regime saw a need to take ownership of the past by providing a narrative of the past as they saw it. Consequently, a number of former high ranking members of the Nazi regime published autobiographies and historical accounts, embarked on giving public speeches and lectures, attended commemorative events and were sought-after interview partners for the media. In their efforts to put the record of history straight, they acted as 'reputational entrepreneurs' not only on behalf of themselves, but also on behalf of those who had been their colleagues, who had worked under their leadership and command, as well as for the reputation of their elite group.

The case of former Grand Admiral Dönitz epitomizes reputation management in this group. Since 1943 he had been the commander of the Navy, and succeeded Hitler during the last days of the Nazi regime in 1945, thus combining military and political leadership. He was sentenced in Nuremberg to ten years of imprisonment on charges of preparation of aggressive warfare and war crimes. His sentence was contested from the very first moment, and he saw it as a miscarriage of justice as he indicated in an interview in the 1970s.⁴⁸ After his release in 1956, he wrote his memoirs 'My changeful life' which was only modestly successful.⁴⁹ His sentence was based on charges of war crimes committed in the course of warfare and not against civilians. This allowed him to cast himself as a dutiful soldier, and his prison sentence as term served as a 'war convict' of the Allies, not unlike a prisoner of war. This was a fate which many veterans shared and could identify with. Serving time as a war convict was a duty that had to be accepted for defeat in the war. His audiences shared and confirmed his views, thus reflecting their and his reputational images. His reputation among veterans and the wider public thus emerged unscathed, and he was a sought-after speaker to veterans and later acceptable as speaker to the newly established army and its navy. Within these networks his reputation was mostly established and could be retained.

⁴⁷ Ibid., at 130

⁴⁸ K. Dönitz, *Deutsche Strategie zur See im Zweiten Weltkrieg. Die Antworten des Grossadmirals auf 40 Fragen.* (Bernardt & Graefe 1972), at 35 - 38.

⁴⁹ K. Dönitz *Mein wechselvolles Leben.* (Musterschmidt 1958)

Dönitz presented himself as a reputable and respectable professional soldier, and with a reputation from which no damage to the national and international image of the newly founded army and its institutions was to be expected. In an interview in the 1970s he described that when travelling he was often approached by veterans and asked whether they might join his table, a wish willingly granted. Dönitz still embodied the values and norms of the military community. However, in contrast to other military leaders he was not called back to build the new army. Notwithstanding his cautious reputation management within closed circles, he was never acceptable to the (West-)German government and the Western Allies.

Martin Sandberger's case is exemplary for the two-pronged approach to former SS leaders who had stood on trial in Nuremberg. After a stellar career in the SS and the RSHA, he was one of the SS leaders orchestrating the genocide in the Baltic states and later in Italy. He was found guilty at the Task Force Trial, and sentenced to death. The sentence was commuted to life imprisonment by US High Commissioner McCloy in 1951, and he was among the last prisoners to be released in 1958. His release and later re-entry was supported by strong networks of regional elites, church leaders and national political elites, held together by family connection and ties to economic elites. The Protestant Church of South-West Germany, represented by its bishop, and high-ranking politicians, including leading members of parliament, campaigned in Germany and the US for his release. Other supporters of the campaign included a highly renowned Social Democrat with impeccable anti-Nazi credentials, the prime minister of the state and Federal President Theodor Heuss. When writing in support of Sandberger's release from prison to US ambassador James Conant, he did not belittle the crimes nor did he question the judgment. Instead, he argued for rehabilitation: 'Ten years of imprisonment might – and I explicitly stress: might – have brought about a purgatory (cathartic) effect'.⁵⁰ In these campaigns, the fact that he had been sentenced by a court for unimaginable crimes was completely erased from the moral and political horizon. Regional and church-affiliated networks secured a position for Sandberger as a legal adviser in a major company, from where he raised to become member of the management board. Attempts to resume prosecution all failed, as his lawyer was successful in arguing that he had been summarily sentenced for all crimes by the US in the Nuremberg Task Force Trial.

⁵⁰ Quoted in Wildt, *supra* note 11, at 387; Heuss was wrong in this assumption. When Sandberger was interviewed by journalists in 2010, he downplayed his involvement and refused any acknowledgement of guilt; Karstedt 2013, *supra* note 7, at 46.

For these two elite groups, the break that was signalled by the trials was indeed decisive. They were not acceptable and accepted back into the ranks. The trials had labelled one group, the SS leadership as criminal, which shaped their image and role as an easy scapegoat for other elites in the course of the following decades. It was decisive to keep a distance from them in public, however this did not restrain tacit support from government and economic elites. International pressure was less important for the SS leadership group, but played a major role in the re-entry of the highest Nazi and military leadership (see below).

B. Economic and Corporate Elites

The Nuremberg Trials against the economic and corporate elites were the most visible part of the concerted efforts of the Allies to hold corporate Germany to account for involvement in the genocide, the dispossession and exploitation of Europe's Jews and the population of occupied countries, and the use of forced labour.⁵¹ Besides the 'big names' of corporate Germany which were each assigned a Case, the trials in several ways reflected the role of corporate and economic leaders in the totalitarian state and war economy, and the complicity between economic, government and SS leadership in the crimes committed during the war. Two defendants in the trial of the highest Major War Criminals, Fritz Sauckel and Albert Speer, who both had been plenipotentiaries for the war labour force and armament industries respectively, were charged and sentenced for the exploitation of forced labour and concentration camp inmates. The trial against the WVHA of the SS targeted the leadership responsible for the economic administration of the concentration and death camps. They had temporarily attempted to build a corporate empire, and had closely collaborated with the German arms and war industry. Finally, the Case against the Foreign Office/ Ministry Case addressed the complicity between established government elites and corporate Germany in the genocide, and the exploitation of the occupied countries. Among the defendants were a high-ranking manager from the Armament Ministry, a representative of one of Germany's leading banks, and the CEO of a large mining, steel and armament conglomerate, who

⁵¹ The owner of and manager of the small company that had provided Zyklon B to Auschwitz, were tried by a British Military Court in 1946; they were sentenced to death and executed in the same year; A. Ebbinghaus, 'Der Prozeß gegen Tesch & Stabenow. Von der Schädlingsbekämpfung zum Holocaust', 13 *Zeitschrift für Sozialgeschichte des 19. und 20. Jahrhunderts* (1999) 16-71; for other trials A. van Baar and W. Huisman, 'The Ovenbuilders of the Holocaust' 52 *British Journal of Criminology* (2012) 1033- 1050.

simultaneously acted as Reich Commissioner for coal mining and supply. In hindsight, the organisation and composition of the cases demonstrated an excellent understanding of elite complicity in the Nazi War Crimes by the prosecutors at the Nuremberg Trails.

The economic elites had been confident that the Western Allies would ensure continuity in rebuilding the German post-war economy, and prepared themselves for cooperation, notwithstanding that they had been privy of first-hand information on the plans of the Allies of prosecuting war criminals. They were shocked when in autumn 1945 the British interned 120 high-ranking managers and industrialists from the Ruhr-area, and the other Allies followed suite, targeting the financial sector, chemical and other industry. Internment, prosecution and sentencing set unmistakable signals that business as usual had come to a preliminary end. As shown above, they were by no means treated leniently by the Nuremberg courts initially. However, all of the defendants were released latest in 1951, and their expropriated property reinstated. They campaigned for release of their ‘friends in Landsberg [the prison where they were held]’ as the president of the Association of German Industry called the prisoners. In contrast to the West-German government, he openly defied the judgements of Nuremberg.⁵² However, members of the elites did not emerge unscathed from their trials and prison cells, and the caesura was at first felt by individuals and corporate elites. As they started to repair their reputations, they promoted the image of the non-political and exclusively ‘economic expert’. Too close a relationship with the Nazi party and its leadership as well as with the SS were clearly seen as detrimental to this image.

The case of Karl Rasche, former CEO of Dresdner Bank, who stood on trial in the Ministry Case, epitomizes the process of distancing from the Nazi leadership, on which the corporate elites embarked, and shows the rift between individual and collective reputation management. He was charged with orchestrating the exploitation of the Czech and Dutch economy. He had joined the Nazi party and the SS in 1939, and belonged to the circle of industrialists and bankers attached to SS-leader Himmler. The Dresdner Bank supported his defence however, the defence counsel had instructions that covered the interests of the bank rather than the defendant’s. The bank’s new management made it perfectly clear that he could not resume his previous position or any other position in the bank. An internal memorandum stated that

⁵² Quoted in Schanetzky, *supra* note 27, at 94.

‘it would be discrediting to our business if we were identified with Mr. R[asche]’.⁵³ The reason was ostensibly his SS membership and party allegiance, and his networks within the Nazi government, from which the bank wanted to distance itself.⁵⁴ Similarly, the outstanding careers of other corporate leaders close to the party and SS came to an end.

However, the corporate elites and its individual members can be deemed the most successful group in restoring their reputations and resuming their careers. They also offered shelter and opened up career paths to the SS and Nazi leadership, who could rise to high positions in important companies.⁵⁵ Both Flick and Krupp returned to international markets. The successor companies of IG Farben, the corporation most involved in the genocide, opened up careers for the managers who had been sentenced at Nuremberg. Fritz ter Meer, chemist and member of the board, could resume his career as CEO in one of the successor companies six years after his release from prison. Otto Ambros, who was an expert on cyanide and had set up the IG Farben plant in Auschwitz, had received the highest sentence of eight years in prison. He discreetly started his career on the boards of medium sized companies, until he was again established on the boards of major companies at the end of the 1950’s.

The post-war career of Hans Kehrl exemplifies the promotion of the reputation as ‘economic and technological expert’. He had been a close collaborator of Albert Speer in the Office for Armament, of which Speer was the Executive Manager, and thus been deeply involved in the organization of forced labour. He received a prison sentence of fifteen years, of which he served two years in addition to his internment before being released in 1951. He became adviser to Flick, whom he had met in prison, and pursued a career as adviser for family-owned companies. In his memoirs “Crisis manager in the Third Reich” published in 1973 he cast himself as a technocrat in the Nazi war machinery; in his appeal to a common understanding of technology and management as morally ‘neutral’ he denied any kind of criminal or moral responsibility.

⁵³ Ahrens supra note 8, at 667.

⁵⁴ In contrast, the vice-president of the Reichsbank (Central bank), who had been sentenced to five years imprisonment for crimes against humanity, could resume a career in the Dresdner Bank; he was not seen as tainted by too close relationships with the Nazi party or the SS; *ibid.*

⁵⁵ E.g. Werner Best, a high SS leader, Reich plenipotentiary in occupied Denmark; U. Herbert Best. *Biographische Studien über Radikalismus, Weltanschauung und Vernunft 1903-1989* (Dietz Nachfolger 1996).

Without doubt the economic boom and ‘miracle’ of the post-war years were decisive in restoring the reputation of economic elites, and easing the way back of those who had been convicted. The economic elites were mostly successful in fending off claims of reparations for their victims until they reluctantly began to honour such claims in the 1960’s. A telling indication of the posture of innocence that the corporate elites assumed in the early 1950’s was a statement by the lawyers of IG Farben in a civil law suit that a former inmate of Auschwitz had started in Frankfurt in 1951: ‘The claimant owes his life to the defendant’. The court did not follow this argument and granted the claimant a high settlement.⁵⁶ In the 1953 London Debt Agreement settlements for victims of forced labour were referred to a future peace treaty, a situation that was ultimately remedied only at the end of the century. The representative of the German government was leading banker Hermann Josef Abs, who as member of the board of Deutsche Bank and in that capacity on the board of IG Farben had been complicit in the system of persecution and annihilation.⁵⁷

C. Military Elites

The military elites represented the ‘war convicts’ more than any other elite, with the term even used in debates in parliament in 1951.⁵⁸ Besides the top Nazi leaders, they had been the most visible public figures during the war. At the Nuremberg Trials they were represented by their highest leader. Among the defendants in the Major Criminals Trial, two commanders of the navy and two Chiefs of the High Command of the Armed Forces stood on trial. Members of the High Command of the Army were charged with mass atrocities against the civilian population, criminal neglect, abuse and murder of prisoners of war in one of the follow-up trials (Case 12). The commanders of the army in Southern and Eastern Europe stood on trial for war crimes against the civilian population and in particular for the murder of hostages in this area. At the IMT, the Chiefs of the High Command were sentenced to death and executed. In the follow-up trials, the courts handed down long prison sentences but no capital punishment. In addition to the Nuremberg trials, German commanders in the Southern European theatre were tried by British and US court-martials. General Manstein, an ‘iconic’ figure of the German military leadership in the war against the Soviet Union, was tried by a

⁵⁶ W. Benz, ‘Der Wollheim-Prozess, Zwangsarbeit für I.G. Farben in Auschwitz’, in L. Herbst and C. Goschler (eds) *Wiedergutmachung in der Bundesrepublik Deutschland* (Oldenbourg 1989), 302-326, at 307.

⁵⁷ Schanetzky supra note 27, at 101; Abs never was prosecuted.

⁵⁸ Scholten, supra note 5, at 147.

British military court in Hamburg in 1949.⁵⁹ He was found guilty of giving criminal orders and legitimizing and covering the murder of the Jewish population by SS Task Forces; his sentence was eighteen years imprisonment. All prisoners of this group who were sentenced at Nuremberg were released by 1956, when Grand Admiral Dönitz had served his full sentence, and the British and French released the last ones in 1957.

The trials and the sentences, as well as the evidence confirmed that the army had readily cooperated and participated in the war of annihilation on the Eastern front, and was deeply involved and complicit in the atrocities and the crimes committed in all countries. The reputation of the military elites was shattered beyond the fact that they had lost the war. Even the fall from 'war hero' to 'war convict' was steep. However, the restoration of their reputation was hugely facilitated by two conditions of the post-war area. First, any damage to the reputation of military elites was not confined to their circles, but affected the lower ranks and common soldiers as well. Consequently, there was a huge pressure on politicians to restore the reputation not only of the leadership, but primarily of the 17 million men who had served in the Wehrmacht. As was demonstrated for the case of Dönitz, the military elites closed ranks with common soldiers in this process of reputation management. Second, the Nuremberg trials had laid the foundations for the military elite to exonerate themselves and put the blame entirely on the SS and its Task Forces. The SS had been declared a criminal organisation by the IMT, however the High Command of the Armed Forces could avoid this verdict, not because they were found less guilty, but because of legal practicalities.⁶⁰ This opened up a route for the military elites to restore the damage to their reputation by making the SS a scapegoat and put all blame on them. The 'myth of the clean Wehrmacht [Armed Forces]' that emerged already during the trials could be sustained for nearly five decades until the Wehrmachtsausstellung (German Army Exhibition) put an end to it in the 1990's.⁶¹

However, the military elites and lower ranks experienced a disruption to their careers of nearly a decade until the rearmament of West Germany, and their re-entry was not easy. Those who had stood on trial and had been sentenced in Nuremberg might be involved in preparatory planning for the new army, but were barred from resuming leadership positions.

⁵⁹ Frei, *supra* note 10, at 318.

⁶⁰ Frei *supra* note 10, at 317.

⁶¹ A. Searle, 'Revising the "Myth" of a "Clean Wehrmacht": General Trials, Public Opinion, and the Dynamics of Vergangenheitsbewältigung in West Germany, 1948-1960', XXV *German Historical Institute London, Bulletin* (2003), 17-48.

Even in the favourable normative climate created by rearmament individual reputations had to be managed carefully and moral boundaries to be observed. The cases of two Field Marshals, who had both been tried in British court martials and received harsh sentences, illustrate this. Their release in 1952 and 1953 respectively had been preceded by campaigns, in which even British elite members had been involved.⁶²

Field Marshal Albert Kesselring had been tried by a British court martial in Venice as responsible commander for the shooting of 335 Italian citizens taken hostage in retaliation for the murder of German police officers by the Italian resistance army. His initial death sentence was first commuted to lifelong imprisonment and later to 21 years by the British government. He was released by an act of clemency of the Queen in 1952. During his detention and imprisonment, Kesselring became a relentless reputational entrepreneur, who directed support and activities of lawyers, university professors, and politicians from his prison cell. After his release he embarked on public activities, and issued statements which not only were intended to clear him from any involvement in war crimes, and exonerate him from any guilt, but which attempted to make his actions as commander in the Italian theatre appear as particularly honourable. This certainly transgressed what was acceptable to Italian citizens and the British government, and was not in line with the cautious diplomacy of the German government. In the ensuing diplomatic upheaval, he was summoned by the German government and ordered to refrain from further public statements. He never was involved in planning for the new army, nor did he become the public figure that he had envisioned for himself.

Erich von Manstein had much more to answer for as commander in the war of annihilation at the eastern front though his military achievements had been recognized internationally. Already as a witness at the IMT he had promoted the myth of a 'clean army' in contrast to the ideology-driven SS, and he continued with a number of autobiographical and apologetic publications. After his release he presided over the Joint Commission for Rearmament of the West German Parliament and Federal Council; in this position he was influential in designing the new army. Unlike Kesselring, he did not overstep the thin line that divided acceptable from unacceptable reputation management.

⁶² Kesselring: von Lingen *supra* note 5, at 160 *passim*; von Manstein: Scholten *supra* note 5, at 142-144.

5. Conclusion: From caesura to continuity, from restored to contested reputations

The programme of systematic trials against elite perpetrators that the Allies pursued in Nuremberg has never been repeated, neither in its aims, scope or impact. Still, international justice aims at bringing to justice those who are in high positions, give orders, and legitimize or do not prevent mass atrocities. Was the programme successful in Germany and if yes, in which ways?

There cannot be any doubt that the Nuremberg trials marked a clear break for the German elites, for collectives as well as for individual members. The trials cut off attempts to return to Nazi ideology, authoritarianism, and racism. The caesura was deeply felt in the tidal changes in individual lives and careers. There was no seamless continuity across the board, and re-entry was uneven and differed between the groups, and for individuals within groups. The political elites of the Nazi regime as well as the leadership of the SS and its organizations did not return to powerful positions, however many of the most implicated of the SS leadership could return to decent middle class decorum.⁶³ The Allies clearly demonstrated that they were not willing to tolerate subcultural networks of the Nazi and SS leadership.⁶⁴ The military leaders who had stood on trial in Nuremberg were mostly not acceptable as leaders of the new army. The sentenced members of the economic elites were the most successful group in resuming positions, and they also provided support networks and new careers for SS leaders after their release. These were networks that had been forged and founded as literally criminal networks for the pursuit of criminal enterprise under the Nazi regime and during the war. Under the cover of such continuity the SS leadership could slip back into civil life and into inconspicuous but nonetheless lucrative positions, as did doctors and other high-level bureaucrats. The re-entry and 'continuity' of the elites was greatly aided by the fact that eliciting their moral and political support was critical for the stability of the new democracy in West Germany.

The tacit agreement between the elites and the general public of closing the books on the past and of forgiving and forgetting did not last. As the climate of collective amnesia changed during the 1960's, the initially successfully restored reputations became increasingly

⁶³ Wildt supra note 11, at 425.

⁶⁴ Ibid., at 420; in 1953 the British arrested members of a circle around the former state secretary in the Propaganda Ministry.

contested. Those who had been most successful were most affected. Involvement of corporations and its leaders were publicly revealed in popular TV series. Prosecution was resumed by far too slowly, but many faced new attempts at prosecution until their old age. Corporations could not issue reports for their centenary that glossed over forced labour, and involvement in crimes against humanity. This started a series of independent 'truth' commissions on the history of corporations, ministries and agencies in the 1990's. Corporate Germany was finally compelled to compensate the victims of forced labour and atrocious treatment. Part of this process was the Wehrmachtsausstellung which smashed the myth of the 'clean army' once and for all.

The Nuremberg programme of elite trials came with many problems and weaknesses, of which the Germans liberally and unashamedly took advantage. The selection of accused was not as systematic and far reaching as envisioned, and many slipped through the net and evaded punishment once and for all, in particular if they had weathered the first phase of intense prosecution until 1948.⁶⁵ The courts faced huge legal problems in confronting the organised and collective nature of the crimes, which still occupy contemporary international criminal justice. The actual scope of the interconnectedness between corporate Germany, the war machinery and the genocide came to light only much later. Early release thwarted the unmistakable message of Nuremberg to the German elites and public, and could be taken as an ex-post vindication. Nonetheless, the message of the Nuremberg trials resonated through German post-war society, and the history of its elites is neither one of seamless continuity nor of a total failure of taking them to account.

⁶⁵ Bajohr and Pohl, *supra* note 6, at 124.

Table 1 Sentences as pronounced at the Nuremberg Trials

Case/ Trial	No of Defendants	Acquittals (%)	Determinate Sentences (%)	Life Sentences (%)	Death Sentences (%)
All trials	204	27% (56)	42% (85)	13% (26)	18% (37)
Major War Criminals' Trial	22	14% (3)	18% (4)	14% (3)	54% (12)
I Medical Trial/ Doctors' Trial	23	30% (7)	18% (4)	22% (5)	30% (7)
II Milch Trial	1	-	-	100% (1)	-
III Justice Trial	14	29% (4)	42% (6)	29% (4)	-
IV WVHA (SS) Trial	18	17% (3)	44% (8)	17% (3)	22% (4)
V Flick Trial	6	50% (3)	-	50% (3)	-
VI IG-Farben Trial	23	43% (10)	57% (13)	0% (0)	-
VII Hostages/ South East Trial	10	20% (2)	60% (6)	20% (2)	-
VIII RuSHA (SS) Trial	14	7% (1)	86% (12)	7% (1)	-
IX Task Force Trial	22	-	27% (6)	9% (2)	64% (14)
X Krupp Trial	12	8% (1)	92% (11)	0% (0)	-
XI Ministries Trial	21	10% (2)	90% (19)	0% (0)	-
XII High Command Trial	13	15% (2)	70% (9)	15% (2)	-
XIII Röchling Trial	5	20% (1)	80% (4)	0% (0)	-

Source: Priemel and Stiller, supra note 3; Table 3.3 at 760 ; those who had committed suicide before the verdict were excluded

Table 2 Nuremberg Trials: Executions and prison sentences complete

Case/ Trials	Defendants	Executions		Prison sentences		
		(as proportion of death sentences, %)		Sentence (average, years)	Sentence served (average, years)*	Sentence served as proportion of sentence (average, %)**
All Trials	209	62%	(23)	15,4	6,5	56%
Major War Criminals' Trial	23	100%	(10)	22,1	18,4	79%

I Medical / Doctors' Trial	23	100%	(7)	23,9	7,7	34%
II Milch Trial	1	-	-	30,0	9,1	30%
III Justice Trial	14	-	-	17,2	6,5	47%
IV WVHA (SS) Trial	18	25%	(1)	20,4	6,3	37%
V Flick Trial	6	-	-	4,8	3,8	83%
VI IG-Farben Trial	23	-	-	4,3	3,5	93%
VII Hostage/ South East Trial	11	-	-	18,0	6,2	41%
VIII RuSHA (SS) Trial	14	-	-	12,6	4,6	70%
IX Task Force	22	29%	(4)	24,3	8,3	32%
X Krupp Trial	12	-	-	8,5	4,9	62%
XI Ministries Trial	21	-	-	10,3	5,0	59%
XII High Command Trial	14	-	-	15,7	6,3	54%
XIII Röchling Trial	5	-	-	5,3	4,4	95%

Source: K Priemel and A. Stiller, supra note 3, 30. Personal information K. Priemel; own computations. Five defendants were excluded who were incapable of standing trial or were not executed because of mental illness.

* Includes internment as from 1 January 1946. A life sentence was calculated as 30 years imprisonment; this also applies to death penalties commuted to life sentences.

** The proportion of time served was calculated for each defendant, and the average calculated for the Case/ all Cases; the figure represents the average proportion of the sentence served by individuals.

*** Hermann Göring, who committed suicide before the execution, and Martin Bormann, who was sentenced in absentia were excluded.