

University of Oxford
Faculty of History

The War Criminals Investigate: Nazi Justifications for War

Jacques Schuhmacher

Somerville College
University of Oxford

In fulfilment of the degree of Doctor of Philosophy

Michaelmas 2017

Short Abstract

This thesis uses the war crimes investigations carried out by the *Wehrmacht* between 1939-1945 to explore the creation and development of the narrative which the Nazi regime constructed to justify its war of aggression, conquest, and extermination. This source has been sorely underused and provides deep insight into the regime's official narrative – a narrative which seems fundamentally at odds with its true aims and its murderous actions. It claimed that the *Reich* was waging a war in self-defence and for humanitarian reasons. These justifications were designed to convince both the German population and international audiences. The regime did not simply lie, however, but gathered empirical evidence which it then used selectively to legitimise the war.

By reconstructing this process, the thesis aims to understand the degree to which the regime was able to make its arguments convincing. This allows us to better understand how it was possible to mobilise so many ordinary Germans to support and fight the war and, indeed, to perpetrate horrendous crimes.

In particular, this thesis seeks to explore the tension between the official narrative and the *Reich's* own crimes, arguing that these two were not diametrically opposed, but that there was a direct justificatory link between them. Crucial in this context was the degree to which the regime could portray its criminal actions as a response to those of the enemy.

In doing so, this thesis develops on a historiography which has acknowledged the importance of the regime's justificatory framework, but which has yet to study the foundations on which this was based and how it developed over the course of the war.

In short, this is a study of the German narrative of victimhood which underpinned the brutal war of extermination.

Long Abstract

War crimes investigations contain a wealth of information stretching far beyond the crimes which they analyse. As historical sources, they reveal a great deal about the investigators themselves and the context in which they operated. The investigations also provide an ideal entry point to the narrative which a particular government or regime sought to convey about the war in which the crimes occurred. Frequently, enemy war crimes are cited in such narratives as justification for the war, especially if the crimes had been committed against civilians; this knowledge can be crucial in winning popular support for a given conflict. Knowledge that an enemy committed terrible crimes can allow those who waged the war to think of themselves as moral actors and to interpret their actions in relation to the crimes of the enemy.

War crimes investigations are not the exclusive domain of liberal democracies. They are frequently used by illiberal regimes to confuse their own population and world opinion concerning their often illegal actions. This thesis, for the first time, uses the war crimes investigations carried out by the *Wehrmacht* from 1939-1945, in order to explore the narrative which the Nazi regime wanted to tell about the war it waged – a narrative which portrayed the war as defensive and fought for humanitarian reasons, in stark contrast to how the conflict has been remembered in history, namely as the prime example of a war of aggression, conquest, and extermination. By examining the investigations and the investigators in depth, this thesis aims to provide an answer to the question the American Chief Prosecutor Robert Jackson posed in his opening speech at Nuremberg, and which since that time has occupied the minds of historians: how had it been possible for the regime to convince the German population to wage such a war?

The evidence for the criminal nature of this war was so clear that it seemed as if there was no point in engaging with the arguments made by the regime at the time, and specifically

not with the investigations which it conducted into Allied war crimes. Since the judgement of Nuremberg, historians have rejected the ideas that the German population had been opposed to the war; that people had been terrorized by the regime into passivity; that they had fought in ignorance of the criminal nature of the war; or that all crimes had been committed by a small group of perpetrators from the *Schutzstaffel* (SS). Instead, historians have revealed that many Germans genuinely, and at times enthusiastically supported the regime and the war it waged. Moreover, many ordinary Germans were involved in the perpetration of war crimes and the population knew much more about these actions than previously thought.

Incensed by the *Wehrmacht* exhibition which made this knowledge available to a broad audiences and the Goldhagen debate about the murderous actions of seemingly ordinary police officers, historians have started to examine the way in which perpetrators explained their actions to themselves, and how the population made sense of this knowledge. In this context, historians began to view Nazi ideology not as an irrational worldview that could only be asserted with force, but have analysed its internal coherence to understand how it could appeal to so many.

Today we know that many of the German perpetrators believed, or chose to believe, that they had been the original victims of war crimes and atrocities. This allowed them to justify their own terrible crimes to themselves by interpreting their actions as legitimate, even necessary, responses. Historians have even detected this mindset in the German population at large. For many Germans, the *Reich's* actions always represented a reaction and never an escalation of the war. This way of thinking has commonly been described as an 'inversion of reality' or a 'fantasy of victimhood', but, crucially, the foundations on which these perspectives were based and how they developed over the course of the war have never been properly studied.

The *Wehrmacht* investigations provide the ideal entry point for an examination of the origins and development of this mindset. To date, this source base has been studied in a limited fashion to reveal Allied atrocities. The files were in this case taken to be the products of professional investigators, untainted by Nazism, but the documents were used without any consideration for the way in which they were exploited by the regime and without drawing any connections to the crimes it also committed. Other historians have rejected the investigations as though to engage with them would relativise the crimes committed by the regime, instead considering them to be merely propaganda fabrications due to the *Wehrmacht's* and the investigators' own culpability for Nazi crimes and atrocities. Recently, however, historians have emphasized the justificatory connection between the regime's actions and the crimes of its enemies, but they have used the investigations mainly for limited, illustrative purposes.

This thesis examines the investigations carried out by military judges, forensic pathologists, and Criminal Police officers. These documents are not only particularly well-suited for charting the development of the regime's official narrative, which was constructed on the basis of the evidence gathered by these men. Beyond this, due to their unique exposure to enemy war crimes and the crimes of the regime, the investigators also allow us to explore the nature of the regime's retaliatory logic – not in spite of their involvement in Nazism, but precisely because of it. Contrary to what one might expect, the investigators remained objective enough to write down evidence that complicated or contradicted the official narrative – something which has until now been overlooked, and which allows us to reconstruct the limitations and complex evolution of the regime's justificatory framework. The investigators' 'objectivity' played a crucial role in convincing Germans of the regime's claims. But their impact was not limited to the domestic sphere. The regime also used this material in the attempt to convince international audiences of its version of events. They

had good reason to feel optimistic in this regard, as they were able to deploy investigators long before news of German atrocities leaked out from the occupied territories. The regime condemned the Polish murder of ethnic German civilians, but by highlighting this, it also created a yardstick against which its own actions would be judged by foreign and domestic audiences in future.

Scholars have examined German investigations into war crimes committed during the First World War in order to explain the perpetration of German violence and German popular responses to it. These studies have revealed that from the German perspective, there was no contradiction felt between the investigation of enemy war crimes and the perpetration of very similar acts by German troops. It was claimed that German actions represented justified and legal reprisals. This framework, which allows for the rationalisation of the executions of innocents, would play an important role in the Second World War, when it would be pushed to its limit and beyond by the Nazi regime.

From the outset, the regime tried to weave a narrative of German victimhood, in which German actions always represented a reaction and never an escalation of the war. In significant part, it was the experience of the First World War which shaped the regime's approach to the Second. The Reich was conscious to avoid giving the impression that it was waging an aggressive war and declared that its actions were necessary in order to save the ethnic German minority from a Polish war of extermination, 'justifying' the invasion on that basis. The investigators did not expect that they would be called upon to look into such acts. They wanted to avoid a repetition of 1914, when Germany was forced onto the defensive for its reprisals against civilians. However, when German troops learned that Polish soldiers and civilians had in fact killed ethnic Germans, albeit not for the reasons nor on the scale that the regime had claimed, the investigators' skills were brought to bear on these crimes.

The regime was thereby able to convince many Germans of the validity of its claims, in particular due to the empirical evidence compiled by the investigators. The violence against Poles was sold as a reaction to the murders of ethnic Germans. The violent displacement and enslavement of Poles in the *Generalgouvernement* was then portrayed as an act of genocide prevention. At first, the regime was able to create sympathy for its views both in the *Reich* and in the international arena, forcing the Poles into the same position that Germany had occupied in the previous war. The Nazi regime would gamble away this initial advantage when the Germans' own actions went beyond anything that could be considered a proportionate response to atrocities against ethnic Germans. This opening act of the war gives us a glimpse of the dilemmas which would continue to face the regime and its investigators as the war continued.

The First World War did not just shape the regime's approach to the war against Poland, but also in the Western theatre of war. In 1939, their aim was to avoid a repetition of the *Lusitania* incident, when a German U-Boat sank a passenger liner in 1915. The regime did this successfully and, also in this theatre, managed to use rhetoric that had previously been used against them and turn it upon their enemies. The invasion of Denmark and Norway was justified as an operation to protect their 'neutrality', citing the *Altmark* incident as an example of British aggression.

In the Western land campaign the regime managed to dodge another bullet. They gathered evidence of civilian attacks against German soldiers but, due to the fact that the *Wehrmacht* did not carry out reprisals comparable to 1914, this material was not needed. Instead, the regime was able to denounce its enemies for the murders of civilians in Belgium. As French war crimes were being used to whip Germans into an anti-French frenzy, the campaign came to an abrupt end. Instead of revenge for these French crimes and for Versailles more generally, the regime struck a deal with *Vichy*. As a result, the investigators had to find a

way to deal with the evidence they had collected which incriminated their new allies. They used Jewish and Colonial soldiers as the lightning rods for crimes against German soldiers and violence against civilians which had been committed by French officers and rank-and-file soldiers. In the context of the invasion of Crete, the regime did not act on massive evidence for British war crimes, and instead focused on the civilian population, which was massacred in large-scale reprisals coordinated by the same man who oversaw the *Wehrmacht* investigations.

By replaying the arguments of the First World War, the regime managed to play on the memories of both the German population and the international arena to legitimise a war which, as the case of Poland showed, actually outstripped the violence of the previous conflict in every way. Nevertheless, the regime remained flexible in the story it sought to tell and its use of lightning rods in the West shows us that the narrative took precedence over the events on the ground. There was no iron logic that demanded ceaseless escalations of violence.

The narrative in the East would be different, however. Prior to the invasion of the Soviet Union, the regime made the conscious decision to wage this war in complete disregard for the international laws of war. They cited war crimes which had not yet happened as the justification for pre-emptive reprisals; this explanation enabled the investigators to still see the German side as potential victims of a Soviet 'war of extermination'. In the event, the investigators found evidence for massive war crimes against German soldiers, which were particularly brutal and systematic and which the regime did not want to talk about publicly, lest it affect morale on the home front. Despite the desire to collect empirical evidence of enemy brutality for the purposes of propaganda, this dilemma would continue to cause problems for the regime throughout the conflict.

In this context, the role of the investigators would change from bystanders to perpetrators. As the German conduct of the war continued to escalate, the investigators essentially started to see their enemy as a mirror image of themselves. In their investigations, they convinced themselves that the Soviet Union was waging a criminal and racial war of extermination against the *Reich*, which undoubtedly helped them to make sense of their own increasing involvement in terrible crimes.

After the invasion, the *Wehrmacht* discovered that thousands of people had been killed by the Soviet secret police, the *Narodnyi Komissariat Vnutrennikh Del* (NKVD). The propagandists seized upon this opportunity to again retroactively provide justification for the invasion. The responsibility for these crimes was attributed to ‘Jewish Commissars’, and the Jewish population was then punished ‘in reprisal’.

These discoveries played no small role in convincing Germans of the legitimacy of the attack and fostered understanding for the murderous treatment of the Jews. Although the regime was confronted with an actual state-sponsored mass murder, for various reasons no proper investigations were carried out and the opportunity to make an international impact was gambled away. They would learn from this mistake.

In 1943, the investigators excavated mass graves in Katyn, where the NKVD had executed thousands of Polish prisoners in 1940. The Nazi regime would use this evidence to renew its justifications for the war against ‘Jewish Bolshevism’. From the perspective of the investigators, the problems of this narrative became particularly clear. Not only had they demonized the Poles for their alleged murders of ethnic Germans in 1939, they, like many Germans, also knew that Jews had been killed by German units in the same fashion as the NKVD executions at Katyn. Only if we examine Katyn in the context of previous investigations does it become clear that this was no exercise in hypocrisy characterised by myriad contradictions. On the contrary, it was entirely consistent with the regime’s

narrative of the war, even if it had its problems. If the resulting narrative caused some Germans to draw uncomfortable connections to similar German crimes, then some would still support the war out of fear of a 'Jewish revenge'.

In order to make an international case with Katyn, the regime employed various innovative techniques: they tried to get the International Red Cross involved, sent international observers to study the site, and had the German investigators work together with Poles. The consequence of this was that the Soviet Union cut its ties to the Polish government-in-exile in London. After the regime had tried to extend the Katyn campaign with limited success using the discoveries made in Vinnitsa, another NKVD killing site, the Soviets started to push back and forced the regime into retreat. The Soviets began to delegitimise the German investigations with investigations of their own and confronted world opinion with vast evidence of German war crimes and atrocities on Soviet soil.

After the Allied landings in the West, the regime also came under increasing pressure in this theatre of war. The Allies collected evidence for war crimes against their soldiers and threatened reprisal action. The regime was keen to avoid this, having learned in 1942 that mutual reprisals were not something that the *Reich* could win. They assured their enemies that they were not consciously trying to escalate tensions and promised investigations.

Ultimately the regime tried to counter allegations of war crimes by drawing into focus the Allied air war against German cities, and it was even able to secure a propaganda coup by exaggerating the number of the victims in Dresden. Although the regime tried its best, it had little evidence available that would have enabled it to convince the German population that the Western Allies represented a comparable threat to the Soviets. Since the Red Army had briefly invaded East Prussia in 1944, the regime continued to use investigations to stoke desperate resistance against the Soviets, trying to strike a careful balance between mobilising and paralysing the population.

Having thoroughly analysed the investigations in their contemporary context, this thesis argues that the Nazi regime provided a consistent explanation of the war and of German actions (in particular their war crimes) that enabled Germans at home and on the front lines to think of themselves as victims, even when they were perpetrating horrendous crimes. This narrative could even appeal to and convince people who had little or no sympathy for the Nazi regime, and which has even left a lasting if often-overlooked mark on international and historical opinion. In short, this is a study of a German narrative of victimhood which underpinned the brutal war of extermination.

Abbreviations

BAB	Bundesarchiv Berlin-Lichterfelde
BA-MA	Bundesarchiv Militärarchiv Freiburg
BA-ZSL	Bundesarchiv, Aussenstelle Ludwigsburg
Gestapo	Geheime Staatspolizei
HHStADA	Hessisches Hauptstaatsarchiv Darmstadt
LAB	Landesarchiv Berlin
NKVD	Narodnyi Komissariat Vnutrennikh Del
OKW	Oberkommando der Wehrmacht
SA	Sturmabteilung
SD	Sicherheitsdienst
Sipo	Sicherheitspolizei
SOPADE	Sozialdemokratische Partei Deutschlands im Exil
SS	Schutzstaffel

Table of Contents

Abbreviations	i
Introduction	1
1. The Shadow of 1914 - Poland 1939-1940	41
2. Lightning Rods - The Western Theatre of War 1940-1941	91
3. Mirror Image - The Soviet Union 1941-42	138
4. Enlisting Their Victims - Katyn and <i>Winniza</i> 1943	190
5. Final Mobilisation - East Prussia and West Germany 1944-45	237
Conclusion	286
Sources	321
Bibliography	324

Introduction

In his opening speech at the landmark trial against the major war criminals in Nuremberg, the American Chief Prosecutor Robert Jackson, explained that the *Reich* had waged an unprecedented war of aggression. He outlined the steps taken by the regime in order to prepare for this war, which was then systematically unleashed. The evidence of Nazi wrongdoing was so damning that he felt no need to engage with the justificatory arguments made by the Nazi regime during the war itself, which claimed that it was waging a defensive war against the Allies. Jackson then proceeded to point out that not only had the initiation of war been a criminal undertaking, but that the *Reich* also had conducted the war itself in a fundamentally criminal manner. Based on the evidence gathered by Allied war crimes investigators, he gave an overview of the torture and murder committed by the regime's forces against civilians and prisoners of war across Europe, which had been so severe that it was appropriate to speak of 'crimes against humanity'.¹ The abundance of evidence made it seem quite unnecessary to address the fact that the same regime had also criticised the Allies for war crimes and had even carried out investigations to substantiate their claims – a fact that, like the 'defensive' justifications for the war, had, with Germany's defeat, already faded into historical obscurity.

Jackson's characterisations of the Nazi regime raised a question which remains relevant today, namely how it was possible for the regime to mobilise German society for such a war, the criminal character of which has been so thoroughly documented. Jackson put forward an explanation, which proved influential for the way in which this question was addressed for decades to come. He proposed that most Germans had actually been opposed

¹ 'Second Day, Wednesday, 11/21/1945, Part 04', in Trial of the Major War Criminals before the International Military Tribunal. Volume II. Proceedings: 11/14/1945-11/30/1945. [Official text in the English language.] Nuremberg: IMT, 1947, pp. 98-102.

to the war; therefore, he argued, the regime had unleashed a campaign of domestic terror to silence and intimidate the population. He went on to describe the campaigns of arrest, torture, and murder of political opponents, which were designed to eliminate any resistance to the war. These measures against the German population, he said, constituted the regime's first 'crime against humanity', rendering the Germans their first victims. This violence, he explained, was carried out by a small group of perpetrators from the *Schutzstaffel* (SS) who, after they had victimised Germans, then went on to commit similar 'crimes against humanity' against non-Germans during the war.²

Nevertheless, the vivid descriptions of the regime's crimes inevitably raised the question of how it was possible for such acts to be conceived and perpetrated. At Nuremberg, the Nazi leaders were cast as the main and ultimate perpetrators and the crimes were said to be the direct and logical consequence of a murderous ideology, characterised by the desire for domination and extermination. As no ordinary or decent German could have carried out such acts, the regime left the execution of these tasks to a group that was particularly well-suited to them. The perpetrators from the SS were seen in this interpretation, which became a core feature of early perpetrator research, as uneducated criminals and troublemakers who had been given an outlet for their violent tendencies by the regime, allowing these sadists and mentally damaged individuals to act out their inhumane impulses with impunity, first in the concentration camps in the *Reich* and then on the battlefields.³ As these SS men were therefore so obviously 'evil', there was little interest in what they had to say about their actions. The assumption was that all one would hear would be excuses and distractions that

² *Ibid.*

³ 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, 2002), pp. 13-90, pp. 16-20.

concealed their true motives which would add nothing to our understanding of their actions or the war.

This quarantining of guilt for the regime's crimes created the impression that the *Wehrmacht's* hands remained clean; indeed, Nuremberg was seen as directly exonerating the *Wehrmacht* by not declaring it a 'criminal organisation'. The generally accepted line in the historiography was that German soldiers had waged a normal war and fought honourably, unaware of and uninvolved in the atrocities committed by the SS.⁴ As historians started to examine the role of the *Wehrmacht* more closely, however, the idea that the German military had been uninvolved in crimes, or even tried to prevent them, began to crack. An important impulse for this shift came from the historian Christian Streit who forced into focus the strong evidence that not just the SS, but also the *Wehrmacht* had been responsible for war crimes. In his book *Keine Kameraden*, he detailed specific orders issued by the *Wehrmacht* that called for the murder of civilians and prisoners of war, and in particular drew attention to the fact that the *Wehrmacht* was responsible for the death of more than three million Soviet prisoners of war.⁵ Streit's book paved the way for extensive research into the *Wehrmacht*, which ultimately destroyed the legend of an untainted regular army. Beyond the realm of orders and directives, this research inevitably prompted historians and others to begin asking serious questions about the role of ordinary soldiers who had known of or carried out criminal acts. The fundamental question was how these 'ordinary men', who did not display sadistic tendencies that predestined them for such acts, could have been convinced to commit such terrible crimes. The underlying assumption was that, in contrast to members of the SS, they would have been able to recognise that what

⁴ Wolfram Wette, *Die Wehrmacht. Feindbilder, Vernichtungskrieg, Legenden* (Frankfurt am Main, 2005), pp. 207-24.

⁵ Christian Streit, *Keine Kameraden. Die Wehrmacht und die sowjetischen Kriegsgefangenen 1941-1945* (München, 1978).

was demanded from them was wrong and illegal, and that they therefore would have had considerable difficulties putting criminal orders into practice.⁶

A common view was that the soldiers morally distanced themselves from what was demanded from them, but nevertheless followed their orders out of fear that they themselves would be shot if they did not.⁷ This idea seemed to be confirmed by social experiments which were understood to demonstrate that perpetrators were not individually misguided but that, under the right circumstances, anyone could become a perpetrator, especially if placed under pressure. Particularly influential in this regard was the Milgram experiment in 1961-2, which appeared to show that the veil of civilization was all too thin, and that the divide between an ordinary person and a perpetrator was just a matter of circumstances. In particular, the presence of an authority figure and the reassurance that one would face no consequences could by themselves be sufficient to make any person commit gruesome acts.⁸ Moreover, the Stanford prison experiment in 1971 was understood to have shown that ordinary individuals develop brutal tendencies if put in an extreme situation and given authority over another, 'inferior' group.⁹

In the 1980s, the historian Omer Bartov paved the way for looking beyond these universal, social-psychological interpretations, which were almost exclusively abstracted from the historical events they were being used to explain. Bartov turned instead to how soldiers perceived their own actions at the time. In order to reconstruct this, he turned to sources – letters and diaries – that, although not unproblematic, provided insights into what soldiers

⁶ Harald Welzer, *Täter. Wie aus ganz normalen Menschen Massenmörder werden* (Frankfurt a.M., 2007), pp. 68-69.

⁷ Willi Dreßen, 'Befehlsnotstand', in Wolfgang Benz (ed.), *Legenden, Lügen, Vorurteile. Ein Wörterbuch zur Zeitgeschichte* (München, 1992), pp. 45-47.

⁸ Stanley Milgram, *Obedience to Authority. An Experimental View* (London, 1974), pp. 179-89.

⁹ Craig Haney, Curtis Banks, and Philip Zimbardo, 'Interpersonal Dynamics in a Simulated Prison', *International Journal of Criminology and Penology*, 1 (1973), pp. 69-97.

thought about their actions as they committed them, which at least had the virtue of being contemporary, rather than being influenced by the outcome of the war. In his study of the war experience of German soldiers on the Eastern Front entitled *Hitler's Army*, he pointed out that many soldiers believed, or chose to believe, that what they were doing was right in order to overcome their moral inhibitions. In their minds, they did not see themselves as perpetrators but considered themselves the actual or potential victims of past and future crimes committed by those they executed. They did not or chose not to see themselves as the ones who had committed the original transgression; they were the ones responding to it. In their own reckoning, had the enemy not committed or threatened crimes against Germany, then the Germans would not have had to punish them for their alleged transgressions. Bartov concluded:

This striking inversion of reality, which ascribed the unprecedented brutality of the *Wehrmacht* and the SS to their victims, was the most characteristic feature of the German soldier's "coming to terms" with his actions in the Soviet Union. Indeed, it can be said that this was probably the most effective means of overcoming the moral scruples many of the *Wehrmacht's* troops and officers may still have retained in spite of their long years of ideological training.¹⁰

Another major impulse for new research into the way in which *Wehrmacht* soldiers explained their actions to themselves came from the public *Wehrmacht* exhibition in the mid-1990s, which publicised crimes which had hitherto largely been known only to specialist historians, such as Streit and their scholarly audiences.¹¹ The exhibition shocked the German public. Many Germans largely still believed that the *Wehrmacht* soldiers – their fathers and grandfathers – had waged a 'decent' or 'honourable' war and that Nazi crimes had only been committed by the SS. The visitors were confronted with evidence that shattered the idea that there had been a war separated from the crimes of the regime. They

¹⁰ Omer Bartov, *Hitler's Army. Soldiers, Nazis, and War in the Third Reich* (Oxford, 1991), p. 106.

¹¹ Hannes Heer and Klaus Naumann, *Vernichtungskrieg. Verbrechen der Wehrmacht 1941-1944* (Hamburg, 1995).

learned that these crimes had not just taken place in the concentration and extermination camps, but also on the battlefields. Now they could see the smirking faces of *Wehrmacht* soldiers in photographs, standing next to sites of huge massacres.¹²

As one would expect, the exhibition sparked an intense desire to know more about the involvement of *Wehrmacht* soldiers in war crimes and atrocities, particularly as the interpretation of the exhibition was criticised by those who still wanted to believe in the story of a ‘clean’ *Wehrmacht*. In order to gain clarity about the degree of their involvement, historians wrote studies that sought to document and explore the extent of *Wehrmacht’s* crimes across all theaters of war. Christian Hartmann and others tried to reconstruct precisely the extent to which, and the way in which, the *Wehrmacht* had committed war crimes and atrocities.¹³ In particular, this research not only expanded our knowledge of the war in the East, but also revealed that the *Wehrmacht* had committed crimes in campaigns which had hitherto been considered relatively ‘clean’. For example, it became clear that not just the *Einsatzgruppen*, but also the *Wehrmacht* had executed thousands of civilians during the campaign in Poland in 1939, and that German troops denied French Colonial troops fair treatment as prisoners of war in 1940.¹⁴

¹² Hannes Heer, ‘Der letzte Band. Kriegsverbrechen und Nachkriegserinnerung’, in Hamburger Institut Für Sozialforschung (ed.), *Eine Ausstellung und ihre Folgen. Zur Rezeption der Ausstellung "Vernichtungskrieg. Verbrechen der Wehrmacht 1941 bis 1944"* (Hamburg, 1999), pp. 123-62, p. 143.

¹³ Christian Hartmann, *Wehrmacht im Ostkrieg. Front und militärisches Hinterland 1941-42* (München, 2009). Johannes Hürter, *Hitlers Heerführer. Die deutschen Oberbefehlshaber im Krieg gegen die Sowjetunion, 1941/42* (München, 2006), Dieter Pohl, *Die Herrschaft der Wehrmacht. Deutsche Militärbesatzung und einheimische Bevölkerung in der Sowjetunion 1941-1944* (München, 2008). Felix Römer, *Der Kommissarbefehl. Wehrmacht und NS-Verbrechen an der Ostfront 1941/42* (Paderborn, 2008). Christian Hartmann, Johannes Hürter, and Ulrike Jureit (eds.), *Verbrechen der Wehrmacht. Bilanz einer Debatte* (München, 2014).

¹⁴ Alexander Rossino, *Hitler Strikes Poland. Blitzkrieg, Ideology, and Atrocity* (Lawrence, Kan., 2003). Jochen Böhrer, *Auftakt zum Vernichtungskrieg. Die Wehrmacht in Polen 1939* (Frankfurt am Main, 2006). Raffael Scheck, *Hitler’s African Victims. The German Army Massacres of Black French Soldiers in 1940* (Cambridge, 2006).

At the same time as the *Wehrmacht* exhibition was touring Germany, another important impulse for perpetrator research arose from the Goldhagen debate. This debate revolved around the question of what could have prompted the seemingly ordinary members of Police Battalion 101 to execute Jews, despite the fact that their commander had given them the opportunity to abstain from the shooting. Following social-psychological traditions, Christopher Browning attributed these actions to the social dynamics of peer-pressure and the externalization of individual responsibility to the group, calling them ‘ordinary men’, which suggested that anyone could have acted that way.¹⁵ In contrast, Daniel Goldhagen placed the emphasis on the motivation of the perpetrators and argued that these men had been driven by a visceral hatred, an ‘eliminary anti-Semitism’, which they shared with other ‘ordinary Germans’.¹⁶ Although Goldhagen’s thesis was largely rejected by other scholars as simplistic, it nevertheless prompted historians to increasingly consider not just the context of perpetrators’ actions, but how they explained those actions to themselves.¹⁷ Inspired by the *Wehrmacht* exhibition and the Goldhagen debate, historians tried to embark on the study of the perpetrators’ perspective in order to be able to better understand how they had committed these crimes. In this context, they repeatedly encountered the same ‘inversion of reality’ which Bartov had described. The perpetrators’ notion that they were never guilty of the original transgression was detected in all theaters of war. Alexander Rossino and Jochen Böehler showed that in Poland, the perpetrators cited war crimes and atrocities against German soldiers or ethnic Germans as justification for murdering Poles.¹⁸

¹⁵ Christopher Browning, *Ordinary Men. Reserve Police Battalion 101 and the Final Solution in Poland* (New York, 1992).

¹⁶ Daniel Jonah Goldhagen, *Hitler's Willing Executioners. Ordinary Germans and the Holocaust* (London, 1997).

¹⁷ Ulrich Herbert, ‘Neue Antworten und Fragen zur Geschichte des “Holocaust”’, in Ulrich Herbert (ed.), *Nationalsozialistische Vernichtungspolitik 1939-1945. Neue Forschungen und Kontroversen* (Frankfurt, 1998), pp. 9-66, pp. 11-12.

¹⁸ Rossino, *Hitler strikes Poland*. Böehler, *Auftakt zum Vernichtungskrieg*.

Raffael Scheck has shown that, in turn, perpetrators in France claimed that French colonial troops had mutilated German soldiers.¹⁹ In the Soviet Union, German soldiers claimed that Jews were responsible for the mass murder of civilians and that Red Army soldiers were guilty of terrible crimes against German soldiers and civilians, and voiced understanding for their murder, as Sven Oliver Müller has shown.²⁰ In the meantime, not only the view of the *Wehrmacht* but also of the SS began to change. In particular, Ulrich Herbert directed attention to perpetrators from the SS who did not at all conform to the stereotype of the uneducated and sadistic perpetrator.²¹ Michael Wildt then drew into focus SS members who had doctorates and had become, not ‘desk perpetrators’ removed from the reality of the killing, but men who had pulled the trigger themselves, and not because they took particular pleasure in the act of killing, but because they rationalised their actions as both legitimate and necessary.²²

In the meantime, historical understanding of the population and its attitudes towards the regime and its actions had also changed considerably since the Nuremberg trial. In the 1970s, Marlis Steinert aimed to explore what Germans had thought about the war. In order to ascertain the mood of the population, she used morale reports, which were not without problems, but which were also not distorted by the post-war desire to emphasise one’s distance from the regime. At the very least, these sources provided insights into how the regime perceived the mood of the population towards the war, which is vital to understanding how and why the regime adjusted its propaganda message. In her book

¹⁹ Scheck, *Hitler’s African Victims*, p. 129.

²⁰ Sven Oliver Müller, *Deutsche Soldaten und ihre Feinde. Nationalismus an Front und Heimatfront im Zweiten Weltkrieg* (Frankfurt, 2007), p. 217.

²¹ Ulrich Herbert, *Best. Biographische Studien über Radikalismus, Weltanschauung und Vernunft, 1903 - 1989* (Bonn, 1996).

²² Michael Wildt, *Generation des Unbedingten. Das Führungskorps des Reichssicherheitshauptamtes* (Hamburger, 2003).

Hitlers Krieg und die Deutschen, Steinert challenged the idea that the German population had been opposed to the war throughout its duration. She revealed that many Germans seem to have genuinely supported the war, at least until the defeat of the 6th Army in Stalingrad, and that the regime did not need to terrorise the population into compliance or passivity at all times.²³

In the 1980s, historians began to look more closely at the relationship between the regime and the population with a focus on the pre-war years. Departing from the premise that terror had been the defining factor, they investigated the ways in which Germans resisted Nazism. As they examined this, however, they too found that the relationship between the population and the regime was much more complicated. Ian Kershaw, in his book *Popular Opinion and Political Dissent in the Third Reich*, showed that the regime had been far less reliant on terror than previously thought; many Germans simply did not have to be terrorised into supporting the Nazi regime.²⁴ If terror alone was not a sufficient explanation, then the question was now how the regime made its vision of society acceptable to those Germans who had previously been thought by historians to have preserved their pre-1933 moral compass. In order to understand this, historians began to concern themselves with what the regime actually said, instead of considering Nazism an irrational ideology with no internal consistency that could therefore only have been asserted with force. This question became even more pressing when Detlev Peukert pointed out in his book *Volksgenossen und Gemeinschaftsfremde* that many Germans did not reject the persecution of outsiders but tacitly acquiesced to it. In order to explain this attitude, he examined the explanatory framework which the regime offered to the German population. He pointed out how the

²³ Marlis Steinert, *Hitlers Krieg und die Deutschen. Stimmung und Haltung der deutschen Bevölkerung im Zweiten Weltkrieg* (Düsseldorf, 1970).

²⁴ Ian Kershaw, *Popular Opinion and Political Dissent in the Third Reich. Bavaria 1933-1945* (Oxford, 1983), pp. 377-85.

regime held the wellbeing of the racially-defined *Volksgemeinschaft* to be the defining, guiding principle for all its actions. And in this vision, the *Volksgemeinschaft* was under constant threat from outsiders, thereby justifying their exclusion and persecution. This perspective helped Peukert to understand the popular reactions that he observed: ordinary Germans did not object to the exclusion and persecution of outsiders to the extent that he and other historians had anticipated.²⁵ In their book *The Racial State*, Michael Burleigh and Wolfgang Wippermann followed a similar path in order to explain the widespread acceptance of the persecution of racial outsiders. They pointed out that the threat which the outsiders represented was not simply asserted, but proven with ‘evidence’. ‘Experts’ theorised about the importance of maintaining a racially pure community and came up with ‘objective’ and ‘scientific’ ways to prove whether or not one belonged to it. After this logic had been established, the regime presented the exclusion of its enemies as a defensive measure that was supposed to secure the survival of the *Volksgemeinschaft*.²⁶ Since then, historians have shown that the attitudes of the German population went beyond the tacit acceptance of the exclusion of outsiders that Peukert and others had observed. Robert Gellately and later Eric A. Johnson showed how many Germans actively participated in the persecution of outsiders by denouncing them to the authorities, sometimes effectively instrumentalising the Gestapo, which had previously been thought to have terrorised the entire German population into silence.²⁷ More recently, Michael Wildt pointed out how

²⁵ Detlev Peukert, *Volksgenossen und Gemeinschaftsfremde. Anpassung, Ausmerzung und Aubegehren unter dem Nationalsozialismus* (Frankfurt, 1982), p. 233-79.

²⁶ Michael Burleigh and Wolfgang Wippermann, *The Racial State. Germany 1933-1945* (Cambridge: 1985).

²⁷ Robert Gellately, *The Gestapo and German Society. Enforcing Racial Policy 1933-1945* (Oxford, 1990). Eric A. Johnson, *Nazi Terror. The Gestapo, Jews, and Ordinary Germans* (New York, 1999).

Germans were able to exercise violence against outsiders of their own volition and without the help of the Gestapo.²⁸

This research, which exposed the large degree of acceptance and involvement of many ordinary Germans in the persecution of racial outsiders, prompted increasing interest in the framework of rationalisation surrounding these actions. Historians such as Claudia Koonz, Raphael Gross and Werner Konitzer have highlighted that the Nazi regime provided many Germans with a view of the world that enabled them to see the exclusion and persecution of others not as a moral transgression, which would have required considerable effort to overcome.²⁹ Instead, this interpretative offer ascribed to racial outsiders an aggressive motive, which could be so indirect that their mere existence ‘proved’ the threat, and needed to be dealt with through their exclusion. In order to make the threat credible, the regime frequently cited the actions of some as evidence for the criminality and danger of the collective as a whole. The clearest example of this is the violence against Jews, which was rationalised as a response to a ‘Jewish boycott’ in 1933, or the violence against Jews in response to the murder of a German diplomat in Paris in 1938.

The increasing awareness of an internally consistent, if to us morally objectionable, Nazi worldview would soon become instrumental in understanding the war years. As a result of the *Wehrmacht* exhibition, historians started to turn to the war and the way in which the regime invited the population to interpret it. For decades, historians started with the regime’s crimes and worked backwards, seeking out dehumanising propaganda depictions of the enemy which could explain German actions. As a result, they focused on

²⁸ Michael Wildt, *Volksgemeinschaft als Selbstermächtigung. Gewalt gegen Juden in der deutschen Provinz 1919 bis 1939* (Hamburg, 2007), pp. 370-74.

²⁹ Claudia Koonz, *The Nazi Conscience* (Cambridge, MA, 2005). Raphael Gross, *Anständig geblieben. Nationalsozialistische Moral* (Frankfurt, 2010). Werner Konitzer, ‘Moral oder “Moral”? Einige Überlegungen zum Thema “Moral und Nationalsozialismus”’, in Werner Konitzer and Raphael Gross (eds.), *Moralität des Bösen. Ethik und nationalsozialistische Verbrechen* (Frankfurt, 2009), pp. 97-115.

imperialistic motives and racial prejudices generated by the propaganda machine; meanwhile, the extensive defensive rhetoric in the regime's narrative fell by the wayside.³⁰ If the defensive arguments were acknowledged, then they were either not discussed in detail or presented as an expression for the deeply cynical and hypocritical nature of the Nazi regime. There was one notable exception. In her book *Mobilmachung für den totalen Krieg*, Jutta Sywottek examined the way in which the regime made an explicitly humanitarian and defensive case for the invasion of Poland, claiming that it was a necessary response to Polish acts of aggression. Germany, the regime claimed, was forced to intervene in order to save the lives of the ethnic German minority living in Poland, who had allegedly been discriminated against for years and were now facing organised mass murder at the hands of the Polish state. Allegations of Polish border violations merely capped off this virtuous narrative.³¹ Wolfram Wette examined how the regime claimed that the German attack on the Soviet Union represented a preventive strike against an imminent Soviet invasion. The Soviets, this claim ran, had amassed troops at the border in preparation for an attack on the *Reich* that would surely have resulted in the mass murder and enslavement of the German population.³²

However, the research on the crimes of the *Wehrmacht* gave rise to concerns about the extent to which such claims could have been convincing. The *Wehrmacht* exhibition had shown that the killings took place in broad daylight and in front of *Wehrmacht* soldiers who

³⁰ Jay Baird, *The Mythical World of Nazi Propaganda 1939-45* (Minneapolis, 1974). Michael Balfour, *Propaganda in War 1939-1945. Organisations, Policies and Publics in Britain and Germany* (London, 1979). Aristotle Kallis, *Nazi Propaganda and the Second World War* (Basingstoke, 2005). David Welch, *The Third Reich. Politics and Propaganda* (London, 1993).

³¹ Jutta Sywottek, *Mobilmachung für den totalen Krieg. Die propagandistische Vorbereitung der deutschen Bevölkerung auf den Zweiten Weltkrieg* (Opladen, 1976).

³² Wolfram Wette, 'Die propagandistische Begleitmusik zum deutschen Überfall auf die Sowjetunion am 22. Juni 1941', in Gerd Ueberschär (ed.), *"Unternehmen Barbarossa". Der deutsche Überfall auf die Sowjetunion 1941* (Paderborn, 1984), pp. 111-29. H.W. Koch, 'Operation Barbarossa—The Current State of the Debate', *The Historical Journal*, 31/2 (1983), pp. 377-90.

took photographs or looked on as the victims were shot. This realisation prompted further reflections as to what extent German civilians actually knew about what their children and grandchildren would only discover at the exhibition. This, in turn, gave fresh impulse to research on German knowledge of Nazi crimes. The most important outcome of this research was Peter Longerich's book '*Davon haben wir nichts gewußt!*'.³³ He revealed that the soldiers carried the knowledge of these executions home with them; that they shared it with their friends and families, and that these stories began to circulate as rumours throughout the *Reich*. Moreover, Longerich showed that the regime itself did not maintain strict secrecy over its actions, but openly discussed or hinted at what was going on. This meant that Germans who combined what they learned in private with these public declarations of the regime could piece together a reasonably accurate picture of what was happening in the war. Although this knowledge remained patchy, there can be no doubt that Germans knew that German troops had committed massive crimes against civilians and prisoners of war, which was also shown by Frank Bajohr and Dieter Pohl in their study *Massenmord und schlechtes Gewissen*.³⁴

As a result of these new insights about the extent to which Nazi crimes were known, historians tried to make sense of the seeming contradiction between the violent crimes and the regime's narrative of fighting a defensive and morally justified war. Here, the existing research into the nature of the pre-war *Volksgemeinschaft* ideology provided one possible important orientation. As we have seen, historians had pointed out that even before the war, there was not necessarily a contradiction between the rhetoric of the regime and its violence; to the contrary, there was a connection. The regime justified its actions against

³³ Peter Longerich, "*Davon haben wir nichts gewusst!*". *Die Deutschen und die Judenverfolgung 1933 - 1945* (München, 2006).

³⁴ Frank Bajohr and Dieter Pohl, *Massenmord und schlechtes Gewissen. Die deutsche Bevölkerung, die NS-Führung und der Holocaust* (Frankfurt am Main, 2008).

racial and political outsiders as defensive and retaliatory – they were supposed to be responses to a transgression committed by their victims. In the war, this logic was continued. Historians highlighted that in the regime’s logic there was no contradiction between the defensive, moralistic rationalisations and the regime’s crimes. Instead, there was a clear logical connection. In his study of Nazi propaganda entitled *The Jewish Enemy*, Jeffrey Herf pointed out that ‘the Nazis projected their own aggressive and murderous intentions and policies onto their victims, the Jews most of all’, and that they depicted the ‘war against the Allies and its intention to “exterminate” the Jews of Europe as part of one overarching war of retaliation and defence’.³⁵ Similarly, Peter Fritzsche identified in his book *Life and Death in the Third Reich* the existence of ‘a fantasy of German victimhood in which Germans imagined themselves to be the victims of the very crimes they subsequently carried out against Poles, Russians and Jews’.³⁶ Recently, Nicholas Stargardt has shown in his history of German society during the war entitled *The German War* that the regime’s claims that the war was defensive were crucial in how Germans made sense of the war, and that this was the key ingredient which secured their support for the conflict. Furthermore, Stargardt highlighted that the regime’s propaganda narrative built upon the notion that the First World War had been a defensive war; by the Nazi period, this was considered unfinished business, which allowed Germans to endorse the new war effort independent of a clear commitment to National Socialism, and which could indeed even exist in opposition to it.³⁷

Though fantasy and projection were undoubtedly a factor, what these studies do not emphasise is the rather crucial fact that the regime was able to point to specific cases of

³⁵ Jeffrey Herf, *The Jewish Enemy. Nazi Propaganda during World War II and the Holocaust* (Cambridge, MA, 2006), p. 1,6.

³⁶ Peter Fritzsche, *Life and death in the Third Reich* (Cambridge, MA, 2008), p. 3.

³⁷ Nicholas Stargardt, *The German War. A Nation Under Arms 1939–45* (London, 2015).

enemy wrongdoing in order to support its general claims of German victimhood. In this context, for us to interpret German understandings of the war as a complete ‘inversion of reality’ is simply insufficient, as is the notion of a complete ‘fantasy’ of victimhood. The fact is that the *Reich*’s enemies did commit severe crimes made it far easier for the regime to exploit, than simply fabricating evidence for the sake of propaganda. In 1939, Polish soldiers and civilians did kill ethnic Germans.³⁸ In 1940, British and French troops did indeed commit war crimes against German soldiers, and against civilians from Belgium. During the airborne invasion of Crete, German soldiers fell victim to war crimes committed by British troops and local civilians.³⁹ Also, in 1941 the NKVD did in fact murder thousands of civilian prisoners in the territories occupied by the Red Army after the Nazi-Soviet Pact.⁴⁰ In contrast to these less well-known cases, other examples of Allied war crimes, such as the massacre of Polish prisoners of war in the Katyn forest, have attracted considerable attention, but principally with a quite different focus; for Katyn, it was on the question of Polish-Soviet relations.⁴¹ And, in a more immediate fashion, in the final stages of the war, the Red Army did commit large-scale atrocities against German civilians.⁴²

Against this background, the fact that the regime carried out investigations into Allied war crimes should seem less strange: for the evidence they amassed enabled it to back up its claims of Allied wrongdoing with concrete evidence. Beginning in Poland in September 1939, the German investigators from the *Wehrmacht-Untersuchungsstelle für Verletzungen des Völkerrechts* (*Wehrmacht* Investigation Office for Violations of the International Laws

³⁸ Jochen Böhler, *Der Überfall. Deutschlands Krieg gegen Polen* (Frankfurt am Main, 2009), p. 112-20.

³⁹ Callum A. Macdonald, *The Lost Battle. Crete 1941* (London, 1995), pp. 238-59.

⁴⁰ Kai Struve, *Deutsche Herrschaft, ukrainischer Nationalismus, antijüdische Gewalt. Der Sommer 1941 in der Westukraine* (Berlin, 2015).

⁴¹ Claudia Weber, *Krieg der Täter. Die Massenerschießungen von Katyn* (Hamburg, 2015).

⁴² Manfred Zeidler, *Kriegsende im Osten. Die Rote Armee und die Besetzung Deutschlands östlich von Oder und Neisse 1944/45* (München, 1996).

of War) – most of whom were military judges – started to document Allied crimes against civilians and prisoners of war. They spoke to survivors and witnesses who described instances of murder, mistreatment, and torture at the hands of the *Reich*'s enemies. The investigators carefully documented the sites where the crimes had occurred, taking detailed notes and photographs, while forensic pathologists performed autopsies on the bodies of the dead. More than 200 folders containing thousands of witness statements, autopsy reports and photographs survived the war and are today kept in the Military Archive in Freiburg. Although this collection covers the main theaters of war, there are some gaps. The files pertaining to the campaigns in the Balkans and Greece did not survive the war. The original files from Katyn were burned by one of the investigators during his flight from the Red Army.⁴³ In the final stage of the war, the evidence is frequently patchy. This can be compensated with the collections of units which carried out investigations but were unable to transmit this material to the central *Wehrmacht* Investigation Office in Berlin.

Although the investigators were at the centre of the creation of this wartime narrative of German victimhood, the evidence they gathered, which formed the bedrock for that narrative, has never been used to study the story that the regime wanted to tell. The historian and legal scholar Alfred Maurice de Zayas became the first and hitherto only person to study these materials in depth.⁴⁴ However, he was narrowly focused on what this material revealed about actual war crimes and atrocities committed by the Allies, which then and now is a much-neglected topic. Writing at a time when the *Wehrmacht* was still generally considered an institution unburdened by criminality, he had no doubts in regard to the

⁴³ Evidence Select Committee to Conduct an Investigation and Study of the Facts, And Circumstances on the Katyn Forest Massacre (ed.), *The Katyn Forest Massacre. Hearings before the Select Committee to Conduct an Investigation of the Facts, Evidence and Circumstances of the Katyn Forest Massacre. Investigation of the Murder of Thousands of Polish officers in the Katyn Forest near Smolensk, Russia* 7 vols. (5; Washington, D.C., 1952), p. 1517.

⁴⁴ Alfred Maurice De Zayas, *Die Wehrmacht-Untersuchungsstelle. Deutsche Ermittlungen über alliierte Völkerrechtsverletzungen im Zweiten Weltkrieg* (München, 1979).

reliability of these sources. De Zayas treated the files as the reliable work of professionals who had been immune to Nazi influence. Although the investigation files contain numerous references to executions committed by the Germans, de Zayas chose not to engage with the questions this raised. As a result, of course, he essentially removed the investigations from the context in which they took place, draining them of their contemporary significance and purpose, which was to generate justifications for German acts of aggression and the mass executions which followed. Critics of the *Wehrmacht* exhibition and the Goldhagen thesis also made some use of the investigation files in order to show that the Germans were not the only ones who had done terrible things in the war.⁴⁵ Needless to say, they did not discuss the investigations in the context of the crimes committed by the Germans, as this would only have worked against them in their attempt to resurrect arguments about moral equivalence between the Soviet and Nazi regimes.

Conversely, historians who focused on the study of German war crimes showed little interest in investigative material that seemed to deal exclusively with Allied war crimes. It was not obvious to them how these cases could help us to better understand the crimes committed by Germans. Indeed, they may have felt that to draw attention to the crimes of the other side would only distract from or diminish the weight of German guilt. This becomes particularly obvious in the initial reluctance of historians interested in German crimes in the East to engage with Soviet crimes committed in the territories occupied by the Red Army in 1939-40.⁴⁶ This tendency to reject an engagement with Allied war crimes grew stronger when it seemed that the progress that had been made in the study of ordinary

⁴⁵ Joachim Hoffmann, *Stalins Vernichtungskrieg 1941 - 1945* (München, 1995). Franz W. Seidler, *Verbrechen an der Wehrmacht. Kriegsgreuel der Roten Armee* (Selent, 2000).

⁴⁶ Kai Struve, 'Eastern Experience and Western Memory. 1939-1941 as a Paradigm of European Memory Conflicts', in Elazar Barkan, Elisabeth A. Cole, and Kai Struve (eds.), *Shared History - Divided Memory. Jews and Others in Soviet-Occupied Poland, 1939-1941* (Leipzig, 2007), pp. 43-66, p. 60.

Germans' involvement in the regime and the war, was followed in the 2000s by an intense interest in stories of their own victimisation – principally, the flight and expulsion from the East and the aerial bombing of German cities.⁴⁷ Some historians argued that it was difficult to examine alleged crimes of the Allies because the only evidence for them was collected by the Germans. They outright rejected these materials, which they regarded as unreliable. Instead of basing this judgement on an examination of the investigations, they pointed to the entanglement of the *Wehrmacht* Investigation Office and German war crimes. It was noted that the Investigation Office was part of the same institution that was waging a war of extermination, and specifically that it was part of the legal department of the *Wehrmacht*, which was responsible for drafting the notorious 'criminal orders' demanding the execution of Soviet prisoners of war.⁴⁸ They could also point at the extensive research which had shown that the Investigation Office's military judges were not, as de Zayas suggested, professionals who had maintained their independence from Nazism, but were instead deeply entangled in the processes of Nazi terror.⁴⁹ The same applied to the forensic pathologists, whose involvement in medical crimes has been thoroughly documented, and in particular to members of the Secret Field Police, who stood at the centre of the 1990s research on *Wehrmacht* crimes.⁵⁰

⁴⁷ Bill Niven, 'German Victimhood at the Turn of the Millenium', in Bill Niven (ed.), *Germans as Victims. Remembering the Past in Contemporary Germany* (Basingstoke, 2005), pp. 1-25. Nicholas Stargardt, 'Opfer der Bomben und der Vergeltung', in Lothar Kettenacker (ed.), *Ein Volk von Opfern? Die neue Debatte um den Bombenkrieg 1940-45* (Berlin, 2003), pp. 56-71. Michael Schwartz, 'Dürfen Vertriebene Opfer sein? Zeitgeschichtliche Überlegungen zu einem Problem deutscher und europäischer Identität', *Deutschland Archiv*, 38/3 (2005), pp. 494-505.

⁴⁸ Christoph Rass, 'Missbrauchte Verbrechen. Die "Wehrmacht-Untersuchungsstelle für Verletzungen des Völkerrechts" war nicht viel mehr als eine Hilfstruppe der NS-Propaganda', *Die Zeit*, 12. November 2009.

⁴⁹ Manfred Messerschmidt and Fritz Wüllner, *Die Wehrmacht im Dienste des Nationalsozialismus. Zerstörung einer Legende* (Baden-Baden, 1987). Fritz Wüllner and Fietje Ausländer, 'Aussonderung und Ausmerzung im Dienste der "Manneszucht". Militärjustiz unterm Hakenkreuz', in Fietje Ausländer (ed.), *Deserteure und ungehorsame Soldaten im Nationalsozialismus* (Bremen, 1990), pp. 65-89. Manfred Messerschmidt, *Was damals recht war... NS-Militär- und Strafjustiz im Vernichtungskrieg* (Essen: 1996).

⁵⁰ Friedrich Herber, *Gerichtsmedizin unterm Hakenkreuz* (Paderborn, 2006). Gine Elsner and Gerhard Stuby, *Wehrmachtsmedizin und Militärjustiz. Sachverständige im Zweiten Weltkrieg: Beratende Ärzte und Gutachter für Kriegsgerichte der Wehrmacht* (Hamburg, 2012), pp. 89-169. Christian Gerlach, *Kalkulierte*

In recent years, however, historians have started to acknowledge that in order to understand the rationalisations underpinning German war crimes and atrocities, we must discuss Allied war crimes as a major determining context. These historians, who were still principally interested in documenting German crimes, have looked at the way in which the regime used enemy atrocities in order to present its own actions as defensive and palatable to audiences at home and abroad. Doris L. Bergen, for example, has looked at how the regime used the atrocities against ethnic Germans in Poland to justify its conduct against the Polish civilian population. Although she has emphasised the importance of the evidence and the air of objectivity it provided to Nazi propaganda, she has not looked at the investigations themselves.⁵¹ Historians such as Bogdan Musial used the files of the investigators for illustrative purposes, as these are often the only comprehensive source to describe and contextualise events recounted by the perpetrators. However, they do so without looking at the investigations in their own right, despite the fact that the fundamental question that these researchers were interested in – namely the connection between German justificatory narratives and German crimes – becomes particularly evident from the perspective of the investigators who, as we shall see, in some cases became perpetrators themselves.⁵²

This thesis takes the investigators and places them at the centre of the story the regime wanted to tell. By retracing how, from the very start of the war to its final days, their collection and evaluation of evidence developed in close dialogue with the regime's justifications for German violence and acts of aggression, these investigations offer us a

Morde. Die deutsche Wirtschafts- und Vernichtungspolitik in Weissrussland 1941 bis 1944 (Hamburg, 2000), p. 312.

⁵¹ Doris L. Bergen, 'Instrumentalization of "Volksdeutschen" in German Propaganda in 1939. Replacing/Erasing Poles, Jews, and Other Victims', *German Studies Review*, 31/3 (2008), pp. 447-70.

⁵² Bogdan Musial, "*Konterrevolutionäre Elemente sind zu erschießen*". *Die Brutalisierung des deutsch-sowjetischen Krieges im Sommer 1941* (Berlin, 2000). Hannes Heer, 'Lemberg 1941. Die Instrumentalisierung der NKVD-Verbrechen für den Judenmord', in Wolfram Wette and Gerd R. Ueberschär (eds.), *Kriegsverbrechen im 20. Jahrhundert* (Darmstadt, 2001), pp. 165–77.

unique opportunity to follow the genesis and development of a mindset which served the propaganda purposes of the Nazi regime, but which was never exclusively shaped by or limited in its appeal to staunch Nazi ideologues. In this version of reality, Germans never committed the original transgression but were always responding to those of an enemy. If reality was here inverted, this was not a simple thing to do, or something usually done with calculated, self-conscious cynicism. The investigations offer an extremely important perspective on these complexities, not in spite of the investigators' deep involvement with Nazism, but precisely because of it. As we shall see, the investigations are particularly well suited as the starting point for the exploration of the 'defensive war' narrative. They were both central to its creation and uniquely exposed to its destructive consequences. In other words, we need to take Nazi claims seriously, not in terms of their facticity but for the way that highly selective fact informed and bolstered moral bellicosity.

If such an approach is new to the study of the Second World War, it is one that has been fruitfully developed in the study of the First. Then, German defensive claims had also coexisted with extreme violence against civilians – something which would go on to cast a long shadow across the 1939-45 conflict. In 1914, the Allies had also condemned the Germans for waging a war of aggression and conquest, denouncing the German invasion of neutral Belgium and claiming that the Germans were conducting the war in a criminal manner. Specifically, they accused the Germans of having executed thousands of innocent civilians and setting their towns ablaze. The Allies went on to conduct investigations and interviewed Belgian refugees, who claimed that the German troops had executed innocent civilians for no reason.⁵³ The German military and political leaders had a different version of events: they claimed that they were defending themselves against Allied aggression and

⁵³ John Horne and Alan Kramer, *German Atrocities 1914. A History of Denial* (New Haven, 2001), pp. 175-226.

encirclement. To them and many Germans, the war began with the Russian invasion of East Prussia and not the German 'preventive' strike through Belgium and Northern France. On the specific atrocity charges, it was alleged that Belgian civilians had acted as irregular combatants and perpetrated war crimes against German soldiers. In this telling, civilians who were not recognizable as combatants had ambushed the German troops and opened fire upon them. It followed that German soldiers had merely returned fire to defend themselves and, in order to put an end to this resistance, they had been forced to resort to collective reprisals, such as executions and burning down villages. The Germans went on to conduct investigations and interviewed their soldiers, who confirmed that they had indeed been the victims of an aggressive and armed civilian population. This was the beginning of a long back-and-forth, in which both sides insisted on their interpretation, with no clear resolution.⁵⁴

Due to this highly politicised legacy, historians interested in German violence against civilians in 1914 initially dismissed the German investigations altogether as an inevitably contaminated source. However, in 1958 when the historian Peter Schoeller examined the original investigation reports, he found that they were far from simplistic propaganda documents that exclusively supported the German version of events. Although there was no shortage of testimonies from German soldiers stating that they had been attacked by civilians and hence opened fire in self-defence, other witness testimonies raised serious doubts about this official version. Crucially, few soldiers claimed to have actually seen civilians opening fire on them. On the basis of the investigation materials, Schoeller concluded that there was very likely no insurgency at all. However, he did not think the German soldiers were simply lying and using false claims as a pretext to justify the murder

⁵⁴ *Ibid.*, pp. 229-61.

of civilians. Instead, he suggested the possibility that they genuinely believed themselves to have been under attack, most likely due to friendly fire mixed in with a strong dose of anxiety and rumour.⁵⁵

Due to growing interest in the crimes committed by the *Wehrmacht*, historians started to turn to these historical precedents. The most important research in this area was done by Alan Kramer and John Horne who examined the German violence in Belgium in 1914. Although it cannot be ruled out that there were isolated cases in which civilians attacked German soldiers, Horne and Kramer convincingly show that there was no civilian resistance on the scale claimed by the Germans. They proposed that the soldiers were responding to civilian acts of aggression which existed only in their imaginations. Their work suggests that it was the genuine experience of armed civilian resistance in the previous war of 1871 and the cultural memory of it that played the crucial role in explaining the actions of German soldiers some 40 years later. Fearing a repetition, German commanders encouraged their troops to respond ruthlessly to any sign of resistance and to quash it at the outset. The feeling that they had been attacked by civilians could materialise because of a number of factors: that the soldiers were inexperienced, under a lot of stress, confronted with rifles that could kill from long distances, or the fighting tactics of the Belgian army which tried to avoid direct confrontations. When they subsequently committed acts of violence against civilians, German soldiers did so feeling that they were in the right and that they were responding to an act of aggression. In short, we can see, the German soldiers in 1914 had rationalised their own actions by completely inverting reality.⁵⁶

⁵⁵ Peter Schöller, *Der Fall Löwen und das Weissbuch. Eine kritische Untersuchung der deutschen Dokumentation über die Vorgänge in Löwen vom 25. bis 28. August 1914* (Köln, 1958), pp. 69-70.

⁵⁶ Horne and Kramer, *German Atrocities 1914*, pp. 129-39.

In contrast to the debates prompted by the *Wehrmacht* exhibition in the 1990s, the question of what the German population knew about this at the time did not arise. In 1914, German troops had seen no reason to keep the killings of civilians secret, as they fully believed that they had been victims rather than perpetrators of war crimes and, on the home front, Germans were outraged by news of these attacks against their soldiers, and few had doubts about the legitimacy of their responses.⁵⁷ In other words, today historians are much closer to an understanding of the mentalities surrounding the perpetration of violence in 1914, precisely because they have taken seriously German claims of victimhood and used files which at first glance promised few insights.

This work offers an approach which can be applied to the German investigations in the Second World War. Directed by the *Wehrmacht* Investigation Office in the legal department of the *Wehrmacht*, its director was Johannes Goldsche, who had himself acted as an investigator in the previous war. He was assisted by a handful of permanent staff. Despite its small size, the Investigation Office was highly effective because, for its investigations, it mostly relied on individuals who were already embedded in the German military units and were experienced in the documentation of crimes. Military judges were already trained in recording witness statements and conducting investigations; forensic pathologists knew how to examine violent deaths; the *Gestapo* and Criminal Police officers serving in the Secret Field Police were well-practiced in interrogations and the documentation of crime scenes.⁵⁸ In other words, these men were not primarily propagandists, but were assigned to their units according to their pre-existing skillsets and in order to fulfil a wide range of tasks. For example, military judges were ordered to

⁵⁷ *Ibid.*, p. 136-39.

⁵⁸ Herber, *Gerichtsmedizin unterm Hakenkreuz*. Patrick Wagner, *Hitlers Kriminalisten. Die deutsche Kriminalpolizei und der Nationalsozialismus* (München, 2002), p. 15.

prosecute crimes committed by or against *Wehrmacht* soldiers, which included crimes involving criticism of the regime, desertion, or sabotage.⁵⁹ In conducting their investigations, they were assisted by the Secret Field Police, who also performed a wide range of security tasks. When the *Wehrmacht* captured cities, the Secret Field Police would secure crucial buildings, confiscate files, and carry out strategic arrests.⁶⁰ The forensic pathologists also examined soldiers suspected of having inflicted wounds upon themselves in order to escape the war, and they performed autopsies on *Wehrmacht* soldiers who had died under suspicious circumstances.⁶¹

When these men were activated by the *Wehrmacht* Investigation Office, they treated the investigations like any other case: they were supposed to establish whether or not a crime had been committed. Although the definition of what constitutes a war crime is often complex, this question was usually limited in field investigations to finding out whether or not German soldiers had been tortured or killed after they had surrendered.⁶² Most such cases began with reports by German soldiers of what they believed was a war crime – sometimes only after they had managed to first liberate their comrades from enemy captivity, or had escaped on their own. Allegations of having been attacked by civilians, or that the enemy pretended to surrender but then opened fire when the German soldiers approached were relatively common. Conversely, some German soldiers reported that enemy soldiers did not accept their surrender, or that they were subjected to beatings and mock executions during interrogations. Also common were reports from soldiers who

⁵⁹ Peter Kalmbach, *Wehrmachtjustiz* (Berlin, 2012), pp. 286-90.

⁶⁰ Klaus Geßner, *Geheime Feldpolizei. Zur Funktion und Organisation des geheimpolizeilichen Exekutivorgans der faschistischen Wehrmacht* (Berlin, 1986), pp. 33-34.

⁶¹ Elsner and Stuby, *Wehrmachtsmedizin und Militärjustiz*, pp. 90-153.

⁶² Daniel Marc Segesser, *Recht statt Rache oder Rache durch Recht? Die Ahndung von Kriegsverbrechen in der internationalen wissenschaftlichen Debatte 1872-1945* (Paderborn, 2010). Isabel V. Hull, *A Scrap of Paper. Breaking and Making International Law during the Great War* (Ithaca, 2014).

claimed to have discovered the bodies of comrades who had been mutilated or killed after their surrender.

After receiving such notifications, the investigators set out to discover exactly what happened. They would speak to the soldiers and try to reconstruct the events. The investigators were aware that witnesses could easily make the wrong assumptions about enemy behaviour, especially during such volatile moments as their own surrender. They asked questions to clarify what had happened and tried to interview as many witnesses as possible in order to build up the most accurate picture. The investigators were conscious that soldiers might tell lies for various reasons and therefore asked forensic pathologists to testify as to the plausibility of the most unlikely-seeming cases. They were also aware that it was incredibly difficult to distinguish between wounds inflicted in close combat and mutilations inflicted on defenceless soldiers, as well as the fact that, to the untrained eye, the effects of decomposition could easily look like evidence of mutilation.⁶³

Needless to say, the investigators were particularly critical of enemy prisoners of war and enemy civilians who made accusations against each other, likely in the attempt to exonerate themselves or to appease the suspicions of their captors. In a few exceptional instances the Investigation Office even found out that other investigators in the field had manipulated the evidence. For example, one case was dropped when it became clear that one of the first investigators had retroactively attached a Red Cross flag to a truck which had come under fire, in order to suggest that the enemy had deliberately attacked a medic.⁶⁴

While we must always keep a watchful eye and conscious awareness of the possibility of fabrication in these sources (as with any historical source), factors such as these, in which

⁶³ BA-MA, RW 2/139, fol. 12: Bericht über die von Angehörigen der Feindstaaten während des Einsatzes Kreta begangenen Völkerrechtsverletzungen, 24.6.1941.

⁶⁴ BA-MA, RW 2/230, fol. 163: Josef Schmuck, 6.3.1942.

the investigators exposed each other's shortcomings or frequently recorded evidence that contradicted the official propaganda line, certainly give us no reason to dismiss them outright. Furthermore, the German investigators were so confident in the robustness of their investigations that they routinely invited outsiders to verify the evidence with their own eyes. Most notably this took place at Katyn where the regime gave Poles the opportunity to carry out their own parallel investigations, and even invited the International Red Cross to confirm German claims regarding the murder of Polish prisoners of war.

None of this means, however, that these investigations were 'objective'. Investigations are always an exercise in the interpretation of evidence in a complex interplay between the investigator and the witness who together work towards the establishment of a particular version of events. In this scenario, it is always possible that – consciously or unconsciously – investigators may pursue a specific agenda and try to steer the witness along a certain path, dismissing or ignoring information which does not serve that purpose. Indeed, even forensic pathologists, whose evidence is commonly seen as much more 'objective' than witness statements due to their scientific approach, are not immune to such influences. What they know about the context can shape the way in which they interpret a case. For example, if they know that the body was found in the context of a mass murder, they may attribute visible wounds to a violent death which they would otherwise treat more sceptically.⁶⁵ Similarly, witnesses not only respond to an investigator, but may also simultaneously pursue their own agenda, whether it be to improve their own situation, or to incriminate someone else known to them. They might also straightforwardly lie, or pass off rumours as their own personal experiences. For example, fantastical rumours of

⁶⁵ Thomas Keenan, 'Getting the Dead to Tell me What Happened. Justice, Prosopopoeia, and Forensic Afterlives', in Forensic Architecture (ed.), *Forensis. The Architecture of Public Truth* (New York, 2014), pp. 35-55.

mutilations, which were passed on as first-hand testimony, but which were clearly an attempt to cope with the distressing exposure to extreme violence.⁶⁶

These concerns inevitably draw into focus the investigators' relationship to the Nazi regime and the way this influenced their work. There is no easy equation between the way they conducted their investigations and their involvement in Nazi organisations. The idea that there was a fundamental contradiction between their professionalism and Nazi ideology is, after all, an invention that professionals across all disciplines in Germany clung to after the war, and which remained unquestioned by Alfred Maurice de Zayas in his study of the *Wehrmacht* Investigation Office.⁶⁷ But neither did their ideology simply trump their professionalism. Even the most convinced National Socialists among the investigators recorded information that complicated or contradicted the official public narrative for the war. Conversely, investigators who had kept their distance from the regime nevertheless echoed in their reports themes drawn from Nazi propaganda. In either case, these men seem to have been driven to fulfill their role in a thorough and professional manner. For example, their reports in Poland revealed that some ethnic Germans had served in the units that stood chiefly accused of having murdered ethnic Germans for racial reasons. They also recorded that there were Jewish corpses amongst the victims of the NKVD in Lvov, which the regime was officially interpreting as a 'Jewish crime'. They even drew attention to the fact that the Polish victims in Katyn were killed with German ammunition and that there were Jewish

⁶⁶ Michael Wildt, 'Differierende Wahrheiten. Historiker und Staatsanwälte als Ermittler von NS-Verbrechen', in Norbert Frei, Dirk Van Laak, and Michael Stolleis (eds.), *Geschichte vor Gericht. Historiker, Richter und die Suche nach Gerechtigkeit* (München, 2000), pp. 46-59.

⁶⁷ Messerschmidt and Wüllner, *Die Wehrmacht im Dienste des Nationalsozialismus.*, Ernst Klee, *Deutsche Medizin im Dritten Reich. Karrieren vor und nach 1945* (Frankfurt, 2001), p. 280-308. Wagner, *Hitlers Kriminalisten*, p. 153. Paul B. Brown, 'The Senior Leadership Cadre of the Geheime Feldpolizei 1939-1945', *Holocaust and Genocide Studies*, 17 (2003), pp. 278-304.

victims present there, too. The idea that the investigators simply supplied what was demanded from them by the propaganda machine is too simplistic.

It is important to realise that, although the public narrative was clear in the sense that the Germans were always cast as the victims, the way in which this story was told across the war years was not clear or consistent enough for it to be scripted in advance (even by Joseph Goebbels). The needs of German propaganda changed so greatly that the investigators could not always know what the narrative would be. Moreover, they were often sent out on cases with little prior knowledge of their nature or significance.

Even when the demands of propaganda seemed quite clear, as in 1939 when the invasion of Poland was justified ahead of time by the alleged atrocities against ethnic Germans, that clarity soon evaporated when the events on the ground began to complicate or contradict this narrative. In 1940, the evidence they had collected which incriminated French soldiers and officers unexpectedly became a serious problem which threatened to complicate cooperation with the French government in Vichy. Conversely, the investigators tasked with only looking for crimes against German military personnel had no way of knowing that Soviet citizens killed by the NKVD in 1941 would play an important role in justifying the war against the Soviet Union to the German public. Perhaps most complex of all, it was impossible for the investigators to foresee that one day they would have to concern themselves with Polish victims of Soviet war crimes in Katyn, given that they had earlier conducted extensive investigations designed to demonstrate Polish guilt. Furthermore, from the perspective of the regime, the *Wehrmacht* investigations were sometimes so 'objective' that they threatened to become a problem. After Katyn, the more ideologically doctrinaire SS, which until then had played a minor role, was promoted to take the lead in high-profile investigations, starting in Vinnitsya, where the Soviet secret police had

murdered and buried political prisoners, and in the final stage of the war, in Nemmersdorf, where German civilians had been killed by the Red Army.

Despite the relative quality and ‘objectivity’ of the *Wehrmacht* investigations, the question inevitably arises as to what the investigators knew about similar and far greater crimes committed by the *Reich*. Did they conduct their investigations in a vacuum, ignorant of what was going on around them? The material concerning German war crimes and atrocities held in the collections of the Central Office in Ludwigsburg, the post-war body which coordinated investigations against German war criminals, shows that this could hardly have been the case.⁶⁸ If one compares the names of witnesses, units and crime scenes recorded in the *Wehrmacht*’s investigations against the database in Ludwigsburg, we find that the individuals and units who accused the Allies of war crimes were often themselves involved in the murder of civilians and prisoners of war. In many cases, the sites where the Allies had allegedly committed war crimes were also sites of mass murder by the Nazi regime. Moreover, and crucially, these documents also show that in some cases investigators were personally involved in these German crimes, or at least that they later recalled having seen them. Some witnesses even appear twice – first before the *Wehrmacht* investigators as witnesses to Allied war crimes, and then after the war, as witnesses or defendants in investigations concerning German war crimes. Clearly, the perpetration of German crimes did not exist in a vacuum and the investigators were deeply entangled with them in various ways. Despite these complexities, the files in Ludwigsburg remind us that much of our knowledge of German crimes is to a significant degree based on documents which were created by the perpetrators themselves.

⁶⁸ Annette Weinke, *Eine Gesellschaft ermittelt gegen sich selbst. Die Geschichte der Zentralen Stelle Ludwigsburg 1958-2008* (Darmstadt).

Current historical scholarship suggests, as we saw, that the German population had to find ways to reconcile knowledge of German crimes with the defensive public declarations of the regime. The investigators encountered this tension in its most distilled form. They had to reconcile the crimes they saw and perpetrated with their task to examine ‘violations of the international laws of war’. As the example of the First World War has shown, it is important to realise that what looks like a stark contradiction to us was not necessarily experienced as one by the German actors at the time. Here, the reprisal doctrine was of central importance, as it enabled those who believed themselves to be victims to become perpetrators without thinking of their actions as a moral transgression – even when those ‘reprisals’ were initiated before anticipated enemy crimes had been committed. It is therefore important to consider in depth the principles of this doctrine, which historians have increasingly considered to be the crucial factor in explaining the radicalisation of German warfare in the Colonies, in the First World War, and, increasingly, in the Second.⁶⁹

One of the members of the *Wehrmacht* Investigation Office was particularly familiar with this justification. In addition to his role as an investigator, Alfons Waltzog was an expert in the international laws of war for the legal department of the *Wehrmacht*. In this capacity, he penned a booklet, which summarised the international laws of war as they were interpreted by the German military, for officers in the field.⁷⁰ After he had outlined the various Hague and Geneva Conventions, which aimed to protect soldiers as combatants and prisoners of war, and civilians in wartime, he addressed the fact that there was no supra-national body that could enforce these laws of war. He then proceeded to outline the only

⁶⁹ Horne and Kramer, *German Atrocities 1914*. Isabel V. Hull, *Absolute Destruction. Military Culture and the Practices of War in Imperial Germany* (Ithaca, 2005). Habbo Knoch, “‘Selbst verschuldet’. ‘Vergeltung’ und die Dynamik genozidaler Gewalt im 20. Jahrhundert”, in Oliver Von Wrochem (ed.), *Repressalien und Terror. ‘Vergeltungsaktionen’ im deutsch besetzten Europa 1939-45* (Paderborn, 2017), pp. 39-58.

⁷⁰ Alfons Waltzog, *Recht der Landkriegsführung. Die wichtigsten Abkommen des Landkriegsrechts* (Berlin, 1942), p. 11.

way to deal with an enemy who committed war crimes and was unresponsive to appeals to respect the international laws of war. If the enemy had committed a war crime, according to Waltzog, the victimised party could carry out a ‘reprisal’ in order to compel him to put an end to such conduct. Reprisals, Waltzog explained, are ‘the response to a measure that violates the international laws of war with an identical counter-measure’.⁷¹ This reaction, which otherwise would be considered a war crime, would thereby not constitute a violation of the laws of war when carried out as a reprisal. In his outline, he did not mention the fact that it was a consensus among scholars of the customs and laws of war that certain rules had to be followed in order for reprisals to be considered legitimate. As Michael Walzer and Brian Orend have shown there was a broad agreement that they had to be announced beforehand so that the enemy had the opportunity to cease his activities and the measures taken also had to be announced after the fact, so that they could act as a deterrent. Furthermore, reprisals had to be proportionate to the original violation.⁷² This was supposed to eliminate the possibility that an enemy war crime would be used as a pretext to justify the perpetration of a much larger one. The reprisal doctrine, as summarised by Waltzog, provides a vital background for our understanding of why German troops considered their actions against the civilian population in Belgium in 1914 to be legitimate. From their point of view, they had respected all legal requirements. As they invaded Belgium, they threatened reprisals for civilian resistance. When it was reported that German troops were attacked by civilians, they carried out reprisals against random Belgian civilians in order to dissuade the ‘resisters’ from continuing their assaults. Afterwards they publicised the fact that reprisals had been carried out.⁷³ Both back then and during the Second World War,

⁷¹ *Ibid.* (‘die Beantwortung einer völkerrechtswidrigen Maßnahme durch eine gleiche Gegenmaßnahme’)

⁷² Michael Walzer, *Just and Unjust Wars. A Moral Argument with Historical Illustrations* (London, 1978), p. 207-22. Brian Orend, *The Morality of War* (Peterborough, Ont., 2006), pp. 123-25.

⁷³ Horne and Kramer, *German Atrocities 1914*, pp. 161-74.

there was no inherent contradiction felt between executions of innocent civilians and the international laws of war. On the contrary, such executions could be seen as a tool for enforcing those very laws. The question was how the investigators would be able to make sense of the escalation of the war, as it became evident that the German actions were increasingly unfettered by legalistic considerations of any kind and went far beyond anything that one could consider a proportionate response. Even though the reprisal doctrine was notoriously open to abuse, this would not be an easy task.

Once completed the *Wehrmacht* investigators submitted their materials to Berlin, where they were reviewed by the permanent staff under Johannes Goldsche. The material was categorised according to the theatre of war and the kind of crime that was committed. One of the aims of the investigations was to bring to justice the perpetrators, a difficult undertaking since it was often impossible to identify who was responsible. Soldiers often only saw the perpetrators from afar, making it difficult to find them in prisoner of war camps. In a few isolated cases, this did lead to trials. The investigations, meanwhile, managed to facilitate a number of trials against foreign civilians, who were sentenced according to German law, which was retroactively applied to them, thereby circumventing any need to uphold international norms or to face the complicated legal issues involved in prosecuting war crimes. In Poland, the matter was left to the Special Courts, which had been used against political and racial enemies in the *Reich*, and which retroactively applied German domestic law to Poles.⁷⁴ In France, military courts applied German military law to civilians. The regime did not stage high-profile trials against military or political leaders, however. Apart from the fact that they did not have suitable defendants, the main reason was presumably the fact that the Germans had criticised the idea that their own political or

⁷⁴ Gerd Weckbecker, *Zwischen Freispruch und Todesstrafe. Die Rechtsprechung der nationalsozialistischen Sondergerichte Frankfurt/Main und Bromberg* (Baden-Baden, 1995), pp. 424-27.

military leaders after the end of the First World War could be held accountable for the actions of their soldiers.⁷⁵ Major prosecutions only became a consideration – formed in desperation – when they were no longer a realistic option. At the end of the war, a *Wehrmacht* official drafted a symbolic indictment against Soviet commanders for the murders of Germans in the Eastern territories, but this obviously led nowhere.

It was Goebbels, the Reich Minister for Propaganda, who recognised the value of this investigative material and who used it for massive propaganda campaigns which, as we know, emphasised defensive and humanitarian arguments in order to sell the war to the German population.⁷⁶ The material gathered by the investigators allowed him to substantiate his claims with objective evidence that would, he hoped, convince those who were more sceptical towards his version of events. Goebbels' propaganda campaigns were disseminated in various forms. The most obvious and clearest example were newspaper articles, which regularly cited from the investigations and emphasised their 'scientific authority'. Here, the *Völkische Beobachter* led the way and set the tone which would then be mirrored in other newspapers. The *Deutsche Allgemeine Zeitung* often proved particularly sensitive to the demands of the propagandists. The propaganda, however, was not limited to the printed word. Goebbels made the investigatory evidence available to authors, filmmakers, and radio producers which in the resulting media products weaved actual cases together with fictional events. As we shall see, the investigators did not just stand on the sidelines, but often played an active role in the construction and development of this propaganda. In the absence of an open public sphere, Goebbels had to rely on the morale reports compiled by the regime's secret observers in order to get an idea of how this

⁷⁵ Gerd Hankel, 'Deutsche Kriegsverbrechen des Weltkrieges 1914-18 vor deutschen Gerichten', in Wolfram Wette and Gerd R. Ueberschär (eds.), *Kriegsverbrechen im 20. Jahrhundert* (Darmstadt, 2001), pp. 85-98, pp. 85-88.

⁷⁶ Elke Fröhlich (ed.), *Die Tagebücher von Joseph Goebbels* (München, 1993-1996).

propaganda was received. The investigators were certainly aware of the broad outlines of Goebbels' work and, indeed, how the temperature of popular opinion was taken in the *Reich*. For example, the main investigator in Katyn, in addition to his role as a professor of medicine, had been the leader of the *Sicherheitsdienst* (SD) in Jena, where he recorded conversations with colleagues and students as well as his informants.⁷⁷ Reports such as these were gathered by the SD all over the *Reich* in order to get as accurate a picture of the popular mood as possible. These reports were then summarised, a process in which the responsible officers had the opportunity to emphasise aspects that served their agenda, and distributed to relevant institutions.⁷⁸

Goebbels used the SD reports on the mood of the population in order to moderate his propaganda campaigns. The reports reminded him that drawing attention to enemy war crimes and atrocities was a double-edged sword: publishing news of enemy atrocities could strengthen morale if they incited anger or even fear, but weaken it if the picture they painted was too desperate. Especially in the later stages of the war, while simultaneously trying to frighten the population into fighting to the end, it proved difficult to avoid giving the impression that the *Reich* was weak or unable to protect its citizens.

Goebbels not only thought of German but also of international audiences. Impressed by the effectiveness of the Allied propaganda in the First World War, Goebbels emphasised defensive and humanitarian motives in 1939, playing on notions of 'just' and accepted causes for the war. He effectively appropriated the language that had been used against the Germans during the previous war and made the German war all about human and minority rights, hoping that this would keep the British and French out of the conflict. In the

⁷⁷ Carsten Schreiber, *Elite im Verborgenen. Ideologie und regionale Herrschaftspraxis des Sicherheitsdienstes der SS und seines Netzwerks am Beispiel Sachsens* (München, 2008), p. 267.

⁷⁸ Longerich, "Davon haben wir nichts gewusst!", p. 38-53. Heinz Boberach (ed.), *Meldungen aus dem Reich 1938-1945. Die geheimen Lageberichte des Sicherheitsdienstes der SS* (12; Herrsching, 1984).

international context, the role of the investigators was even more important than on the home front. They were supposed to provide evidence which could not be easily ignored. In this context, the forensic pathologists were of particular importance. Their function was to assert the German version of events, using their authority as scientific experts whose interpretations were purportedly uncontaminated by propaganda. The regime's efforts to influence external audiences was therefore less hopeless than one might think. The German investigators were the first ones able to carry out thorough investigations of enemy crimes in an efficient and compelling manner during the conflict. Moreover, it also took some time for the extent of the German crimes to become known and still longer before these could be documented by the Allies in a manner that could compete with the German investigations.⁷⁹ The ticking time-bomb was, of course, that the regime had set the yardstick against which their own actions would eventually be judged by the world.

German attempts to influence international opinion have been studied even less than the attempts to do so in the domestic sphere. At Nuremberg, the Allies strove to project the idea that they had been immune to Nazi attempts to influence them. Moreover, they did not want to be confronted with difficult stories regarding their own past actions, which is evident in the lack of Allied investigations of war crimes against German soldiers and civilians.⁸⁰ The beginning of the Cold War opened up the possibility to talk principally about Soviet crimes against non-Germans, but the tendency remained to avoid discussing where this knowledge came from and what the Germans did with these cases. For Poles in the West, who had kept awake the memory of Katyn and tried to gain recognition for their

⁷⁹ Marina Sorokina, 'People and Procedures. Toward a History of the Investigation of Nazi Crimes in the USSR', *Kritika*, 6/4 (2005), pp. 797-831. Dan Stone, *The Liberation of the Camps. The End of the Holocaust and its Aftermath* (New Haven, 2015), p. 29-64. James Weingartner, *Crossroads of Death. The Story of the Malmédy Massacre and Trial* (Berkeley, 1979). Patrick Brode, *Casual Slaughters and Accidental Judgments. Canadian War Crimes Prosecutions 1944-1948* (Toronto, 1997).

⁸⁰ Brode, *Casual Slaughters*, p. 221.

suffering, this meant that the fact that the investigations were carried out by Germans was a real problem. They rejected German investigations into atrocities against ethnic Germans in 1939, but now had to rely on German material regarding Katyn. As a result, they tried to remove this case from its German context, fearing that to emphasise it would lessen the recognition of their suffering. Their concern was well-founded as the fact that the investigations were carried out by Germans was indeed used as the main argument against them by the Soviets. It was only after the end of the Cold War when the Russians admitted responsibility and the question of who carried out investigations became less controversial.⁸¹ The end of the Cold War also allowed others to publicly address their suffering under Soviet occupation. Yet they too feared that the recognition of their suffering would be negatively impacted if they talked about the German origins of the source material which bolstered their claims. Engaging with this material would also inevitably give rise to discussions of the murder of Jews in Eastern Europe and local people's complicity therein, and thus stood in the way of the simple narrative of victimhood under both Nazism and Communism they sought to tell.⁸²

As the way in which the Germans tried to frame the debate about Allied war crimes during the war was never examined, their interpretations quietly continued to influence post-war debates. This is particularly obvious in debates within Germany, for example in arguments about whether the German attack against the Soviet Union had been a preventive strike or, in the *Historikerstreit*, where the question was whether or not Nazism can be understood

⁸¹ Claudia Weber, “‘Too closely identified with Dr. Goebbels’”. Die Massenerschießungen von Katyn in der Geschichte des Zweiten Weltkriegs und des Kalten Kriegs’, *Zeithistorische Forschungen/Studies in Contemporary History*, 8/1 (2011), pp. 37-59.

⁸² Struve, *Deutsche Herrschaft, ukrainischer Nationalismus, antijüdische Gewalt*, p. 28-33. Wilfried Jilge, ‘Competing Victimhoods – Post-Soviet Ukrainian Narratives on World War II’, in Elazar Barkan, Elisabeth A. Cole, and Kai Struve (eds.), *Shared History – Divided Memory. Jews and Others in Soviet Occupied Poland 1939-1941* (Leipzig, 2007), pp. 103-31.

as a response to the threat of Bolshevism.⁸³ Both these debates echoed wartime narratives which the participants did not explicitly address, highlighting how important it is for us to trace the genesis and lasting impact of these narratives.⁸⁴

The Nazi regime's interpretations also had a long legacy outside Germany. This is particularly clear in the Polish case. In 1939, the regime framed the violence against the Poles as a response to the murders of innocent ethnic Germans in Bromberg. After the war, historians have discussed this as if they had to disprove German claims. Polish historians argued that the Poles had defended themselves against attacks by ethnic German insurgents or *Gestapo* agents who had infiltrated Bromberg, and they defended this view as if our assessment of the injustice of the German actions depended on it. In recent years, historians have broadened their focus from the question of whether the German claims regarding the murders of ethnic Germans had been true to how they were weaponised by the Nazi regime against the Poles. However, this still did not lead to a re-examination of the investigations that lie at the heart of this matter.⁸⁵

With Katyn, the Nazi regime wanted to open up a moral dilemma for the Allies. They wanted to highlight the hypocrisy of the Western-Soviet alliance in their fight against Nazism. This still dominates many debates about Katyn today. We can often hear the moral condemnation that the Allies sacrificed the Poles by siding with the mass murderer Stalin

⁸³ Manfred Messerschmidt, 'Präventivkrieg? Zur Kontroverse um die deutsche Außen- und Militärpolitik vor dem Angriff auf die Sowjetunion', in Bianka Pietrow-Ennker (ed.), *Präventivkrieg? Der deutsche Angriff auf die Sowjetunion* (Frankfurt am Main, 2000), pp. 19-36. Ulrich Herbert, 'Der Historikerstreit. Politische, wissenschaftliche, biographische Aspekte', in Martin Sabrow (ed.), *Zeitgeschichte als Streitgeschichte. Große Kontroversen nach 1945* (München, 2003), pp. 94-113.

⁸⁴ Raphael Gross and Werner Konitzer, 'Geschichte und Ethik. Zum Fortwirken der nationalsozialistischen Moral', *Mittelweg* 36, 8/4 (1999), pp. 44-67.

⁸⁵ Markus Krzoska, 'Bromberger Blutsonntag. Unklare Fakten, Klare Interpretationen', in Hans Henning Hahn and Robert Traba (eds.), *Deutsch-Polnische Erinnerungsorte* (2; München, 2014), pp. 351-64.

and it is portrayed as a cynical victory of *Realpolitik* over moral concerns.⁸⁶ Even during the final stage of the war, the Nazi regime was still able to shape perceptions of Allied actions for decades to come. After the bombing of Dresden, the regime accused the Allies of having deliberately bombed a civilian target, resulting in the death of hundreds of thousands of civilians. As a direct consequence of Goebbels' propaganda focus on Dresden, even today it is still talked about as if it was a monstrous and unique atrocity, whereas the comparable bombing of Hamburg in 1943 is far less well known.⁸⁷ The biggest impact, however, which is relevant to both the international as well as the domestic spheres, is the idea that to talk about the crimes of the Allies at all means somehow to justify German crimes, instead of helping us to better understand both.

In order to understand the evolving narrative for the war, we follow the investigations chronologically through the main theaters of war, from Poland in 1939, to the West in 1940, to South-East Europe in 1941, into the Soviet Union in same year, and then all the way back into the *Reich* in 1944-45. In this way, we will see how propaganda claims seemed to be confirmed by empirical facts, how certain evidence was swept under the carpet, how all pretence at legality was abandoned in the run-up to the invasion of the Soviet Union, and how the regime would recast its victims as allies before the *Reich* would ultimately collapse around them.

As the investigators were deployed in different theaters of war, they were confronted with foreign place names, some of which they Germanised to reflect their view that these towns

⁸⁶ George Sanford, *Katyn and the Soviet massacre of 1940. Truth, Justice, and Memory* (London, 2005), pp. 157-93.

⁸⁷ Thomas Widera, 'Gefangene Erinnerung. Die politische Instrumentalisierung der Bombardierung Dresdens', in Lothar Fritze and Thomas Widera (eds.), *Alliiertes Bombenkrieg* (Göttingen, 2005), pp. 109-34. Thomas Fache, 'Gegenwartsbewältigung. Dresdens Gedenken an die alliierten Luftangriffe vor und nach 1989', in Jörg Arnold, Dietmar Süß, and Malte Thießen (eds.), *Luftkrieg. Erinnerungen in Deutschland und Europa* (Göttingen, 2009), pp. 221-38.

and villages now belonged to the *Reich*. In these cases, I have retained the German version, which helps readers to navigate the historiography, but also because using present-day place names would frequently create unnecessary confusion and, indeed, doing so is problematic in itself. To give just one example, the city which the Germans called Lemberg has been called Lwów, Lvov, and Lviv by Poles, Russians and Ukrainians who had each laid claim to it in the recent past. Even today, while ‘Lvov’ is most familiar to English speakers, transliteration from Ukrainian would render it ‘L’viv’. Similarly, the sources reflect how investigators and witnesses perceived their enemies. They considered Soviet soldiers ‘Russians’, usually regardless of where they were from, although they were labelled ‘Asiatic’ if they were from the Caucasus. All soldiers who fought on the British side were referred to as ‘the British’ or ‘the English’, even if the ranks of the units in question were filled by Canadians, Australians or New Zealanders. I retain the descriptions used by the investigators both because this thesis is a study of their perceptions, but also because it is frequently impossible to reconstruct the identities of their adversaries. For the same reasons, although events may not have unfolded in precisely the fashion described by witnesses and victims when interviewed by the investigators, what is important here is what the investigators recorded and how it was used and interpreted by the regime. In any case, their records are often the only source we have for the events described.

The investigators and the regime described enemy actions in many different ways, as ‘violations of the laws of war’, ‘war crimes’, and ‘crimes against humanity’, which reflects how they tried to play on established legal norms while simultaneously creating new moral categories.⁸⁸ By engaging with the language of the documents, I neither endorse nor subscribe to their interpretations. It should go without saying, but I will state it nevertheless,

⁸⁸ ‘Verletzungen des Kriegsvölkerrechts’, ‘Kriegsverbrechen’, ‘Humanitätsverbrechen’.

that to reconstruct a worldview does not mean to endorse or legitimise it. On the contrary, we must reconstruct it to truly understand how such a worldview resulted in the unprecedented destruction described by the prosecutors at Nuremberg.

1. The Shadow of 1914 - Poland 1939-1940

When Johannes Goldsche was made Director of the *Wehrmacht* Investigation Office for Violations of the International Laws of War, German troops were committing acts in Poland which were very similar to the kind of crime that he was supposed to investigate. During the campaign, German soldiers executed tens of thousands of Polish civilians. Subsequently, the *Einsatzgruppen*, who had followed them, set in motion a brutal campaign of mass murder and ethnic cleansing against the Polish population. From Goldsche's point of view there was not necessarily a contradiction between his investigations of Polish crimes and these German actions. On the contrary, the alleged crimes of the enemy would assume an important role in legitimising the murderous treatment of the Polish population by using the legal argument that these executions were 'reprisals', or more broadly that the Poles deserved everything that happened to them because of the crimes they had themselves committed against ethnic Germans. The investigations did much more than merely document Polish crimes in order to bring the perpetrators to justice. The evidence they gathered was also used by the regime to shape the way in which the German population responded to the news of the invasion and the executions of Poles which followed. Crucially, they were confronted with compelling evidence of Polish atrocities before they learned about the true extent of the German measures in the East via rumours spread by soldiers returning to the *Reich*. Beyond the home front, the German investigations also created a public relations problem for the Polish government-in-exile. It is all too easy to forget that the Polish side first had to convince the world that the Germans had committed war crimes and atrocities. The first news of the mass murder of civilians that became known in 1939 concerned the murder of ethnic German civilians by Poles and not the other way around. Subsequently, the murders of Poles were discussed in connection with the murders of ethnic Germans. The question was whether or not the Germans would be able to

capitalise on this initial media advantage in light of their own escalating violence against the Polish population.

After the war, historians continued the work begun by the Polish investigators aiming to reconstruct the crimes committed by the *Wehrmacht* and the *Einsatzgruppen* during the campaign and the German occupation. To explain these crimes, Polish historians such as Szymon Datner placed the emphasis on long-standing anti-Slavic prejudices and imperialist ambitions, which had manifested themselves in official directives calling for the ruthless conduct of war and of the subsequent occupation rule.¹ Like the Polish investigators, these historians focused primarily on the crimes committed by German units and did not pay attention to crimes committed by Poles. The murders of ethnic Germans were either completely ignored or only mentioned in passing, largely because these crimes were thought to be irrelevant in explaining the German actions, which, these historians believed would not have looked much different if the murders of ethnic Germans had not occurred. This sentiment was also shared by German historians interested in crimes against Poles. At most, these murders were seen as a welcome pretext for the implementation of policies that had been clear prior to the invasion.² It seems Polish historians in particular feared that to recognise the murders of ethnic Germans would relativise German guilt or provide an excuse for their crimes. It is here that we can see that the way in which the Nazi regime used the investigations had an impact that went far beyond the war years. Just as it had been during the war, the focus of post-war scholarship rested on the events in Bydgoszcz, which the Germans called Bromberg. As we shall see, the Nazi regime argued

¹ Szymon Datner, *Crimes Committed by the Wehrmacht during the September Campaign and the Period of Military Government* (Warsaw, 1962).

² Helmut Krausnick and Hans-Heinrich Wilhelm, *Die Truppe des Weltanschauungskrieges. Die Einsatzgruppen der Sicherheitspolizei und des SD 1938-1942* (Stuttgart, 1981). Martin Broszat, *Nationalsozialistische Polenpolitik 1939-1945* (Stuttgart, 1961), p. 42. Hans-Jürgen Bömelburg, 'Die deutsche Besatzungspolitik in Polen 1939 bis 1945', in Bernhard Chiari (ed.), *Die polnische Heimatarmee. Geschichte und Mythos der Armia Krajowa seit dem Zweiten Weltkrieg* (München, 2003), pp. 51-86.

that Poles had killed innocent ethnic Germans there and made these events central to their justification of anti-Polish policies. Echoing the view of the Polish government-in-exile in 1939, Polish historians such as Karol Maria Pospieszalski and Włodzimierz Jastrzębski argued that the claim that Poles had killed innocent ethnic Germans was untrue.³ In their view, Poles had defended themselves against ethnic Germans who had taken up arms and opened fire at Polish troops. In self-defence, Polish soldiers returned fire and court-martialed those who had attacked them. At most, these historians conceded that innocent ethnic Germans were killed by accident, which was therefore ultimately the responsibility of the attackers who had abused them as human shields. Although the evidence for this version of events rests entirely on Polish witnesses and circumstantial evidence, these historians have passionately defended this view as if the assessment of the murderous German actions against Poles depended on it. As late as 2008, the Polish Institute of National Remembrance published a volume which continued to make the case that Poles had simply defended themselves against an ethnic German uprising – as if any admission that Poles had indeed killed innocent ethnic Germans might somehow legitimise the murder of Poles, which, as we shall see, was exactly the argument made by the Nazi regime at the time.⁴ Against this background, it is unsurprising that Polish historians showed little interest in the German investigations. Echoing the arguments made by the Polish government-in-exile during the war, they assumed that the sole purpose of the investigations was to portray the Poles as the cold-blooded murderers of innocent ethnic German civilians and to provide a justification for the murderous treatment of Poles – an assessment which was shared by

³ Karol Marian Pospieszalski, *Sprawa 58 000 "Volksdeutschów". Sprostowanie hitlerowskich oszczerstw w sprawie strat niemieckiej mniejszości w Polsce w ostatnich miesiącach przed wybuchem wojny i w toku kampanii wrześniowej* (Poznań, 1981), Włodzimierz Jastrzębski, *Der Bromberger Blutsontag* (Poznań, 1990), p. 97.

⁴ Tomasz Chinciński and Paweł Machcewicz, *Bydgoszcz 3–4 września 1939. Studia i dokumenty* (Warsaw, 2008). Richard Blanke, *Orphans of Versailles* (Lexington, 1993), pp. 225-32, Krzoska, *Bromberger Blutsontag*, pp. 355-61. Böhrer, *Der Überfall. Deutschlands Krieg gegen Polen*, p. 118.

German historians such as Günter Schubert who were sympathetic to the suffering that the Germans caused.⁵

In the West German historiography, the continuities between the war years through to the post-war debates were less obvious. Although there certainly were historians such as Ernst Nolte who uncritically embraced the regime's argument that the invasion had saved the ethnic German minority, historians such as Peter Aurich and Hans von Rosen took a more nuanced approach.⁶ They were interested in gaining recognition for the suffering of ethnic Germans, but insisted that they were not thereby internalising the self-justificatory arguments of the regime. In a mirror image of the nationalising framework of their Polish counterparts, who were primarily interested in crimes against Poles, they placed the emphasis on reconstructing the violence against ethnic Germans, which they saw as motivated by anti-German sentiments that escalated in September 1939. Although they acknowledged in a brief caveat that the ethnic German victims were instrumentalised by the Nazi regime, they did not explore the way in which this was done; like the Polish historians, they seemed concerned that to draw attention to the murders, mistreatment, and violent displacement of Poles would somehow diminish the recognition of the suffering of innocent ethnic Germans. Moreover, Aurich and von Rosen blurred the lines between ethnic German and Polish victims and instead considered both groups as part of the long list of victims of the Second World War, a generalisation which further obscured the fact that ethnic German victims were actually used to justify the murders of Poles.⁷ Even though

⁵ Jastrzębski, *Der Bromberger Blutsonntag*, pp. 166-67. Günter Schubert, *Das Unternehmen "Bromberger Blutsonntag". Tod einer Legende* (Köln, 1989), p. 35.

⁶ Ernst Nolte, *Der europäische Bürgerkrieg 1917-1945. Nationalsozialismus und Bolschewismus* (Frankfurt am Main, 1987), pp. 502-03. Peter Aurich, *Der deutsch-polnische September 1939. Eine Volksgruppe zwischen den Fronten* (Berlin, 1985). Hans Freiherr Von Rosen, *Die Verschleppung der Deutschen aus Posen und Pommerellen im September 1939* (Berlin, 1990).

⁷ Aurich, *Der deutsch-polnische September 1939*. Von Rosen, *Die Verschleppung der Deutschen aus Posen und Pommerellen im September 1939*, p. 58.

these historians relied on the evidence which was generated during the war years, principally because it is an indispensable source for what happened, they preferred to use post-war testimonies, which they considered to be less tainted by Nazism and therefore more suited to their goal of gaining recognition for the suffering of ethnic Germans.

Although historians whose focus is on the reconstruction of German crimes continue to emphasise the importance of anti-Slavic prejudices and orders, they no longer view German war crimes and atrocities as entirely pre-determined. Instead, they have highlighted the gradual radicalisation of German policies after the invasion of Poland, which reached a scale which even the most extreme of perpetrators could not have anticipated.⁸ As the focus in the historiography on Nazi crimes shifted from the reconstruction of the German crimes to the reconstruction of the rationale underpinning them, historians turned to the events of September 1939 with different questions in mind. This was no longer seen as a case of competing 'victimhoods' in which attention to one side risked minimising the suffering of the other. Their approach was informed by the realisation that the violence against ethnic Germans provided a crucial context for the violence against Poles. The focus of the historiography is no longer constricted to the question of whether or not there had been an ethnic German insurgency, but instead on German perceptions and the murderous measures which were justified on the basis of this claim. In their studies of the campaign, Alexander Rossino and Jochen Böhler have shown how the atrocities against ethnic Germans and alleged war crimes against German soldiers radicalised the attitudes of German troops towards Polish civilians and were used to legitimise their murder. Böhler has concluded that their actions did not appear to them as 'war crimes but as a legitimate act of self-

⁸ Wildt, *Generation des Unbedingten. Das Führungskorps des Reichssicherheitshauptamtes*, pp. 432-99, Gerhard Wolf, *Ideologie und Herrschaftsrationalität. Nationalsozialistische Germanisierungspolitik in Polen* (Hamburg, 2012), pp. 76-90.

defense'.⁹ Since Götz Aly drew into focus the interconnectedness of the fate of Poles and ethnic Germans, numerous studies on the German occupation rule have shown that its brutal implementation was to a significant degree justified by the regime as a response to the murders of ethnic Germans.¹⁰ Perpetrator research has also significantly changed our view of the ethnic Germans: they are no longer seen either as victims or supporters of the Nazi regime. Christian Jansen and Arno Weckbecker have shown how ethnic German militias committed severe crimes against their former Polish neighbours whom they blamed for the murders of their fellow ethnic Germans.¹¹ As we now know, the knowledge of these murders did not remain limited to the perpetrators, which therefore raises the question of how Germans made sense of it. This makes it imperative to examine the interpretative offers made by the regime. Earlier on, in her 1976 study Julia Sywottek wrote the first reconstruction on how, prior to the invasion, the regime painted the Poles as the murderers of ethnic Germans in order to mobilise German society for the war. As her study ends with the invasion, she did not explore the way in which the discovery of the actual murders of ethnic Germans impacted the narrative for the war.¹² Doris L. Bergen has shown how the regime used the victimisation of ethnic Germans in order to tell a story which, in an 'inversion' of the actual roles, cast the Polish victims as perpetrators of atrocities against Germans: 'ethnic Germans [were] being presented as if they were suffering exactly the things Nazi Germany was perpetrating against Poles, Jews, and others defined as enemies

⁹ Rossino, *Hitler strikes Poland*, p. 143. Böhler, *Auftakt zum Vernichtungskrieg*, p. 243. ('Kriegsverbrechen sondern als legitimes Mittel der Selbstverteidigung')

¹⁰ Götz Aly, *"Endlösung". Völkerverschiebung und der Mord an den europäischen Juden* (Frankfurt, 1995). Bömelburg, Die deutsche Besatzungspolitik in Polen 1939 bis 1945. Bogdan Musial, 'Das Schlachtfeld zweier totalitärer Systeme. Polen unter deutscher und sowjetischer Herrschaft 1939-1941', in Klaus-Michael Mallmann and Bogdan Musial (eds.), *Genesis des Genozids. Polen 1939-1941* (Darmstadt, 2004), pp. 13-35, pp. 13-22.

¹¹ Christian Jansen and Arno Weckbecker, *Der "Volksdeutsche Selbstschutz" in Polen 1939/40* (München, 1992).

¹² Sywottek, *Mobilmachung für den totalen Krieg*, pp. 209-37.

of the *Reich*'.¹³ However, she did not explore the factual basis of these claims, which, as we shall see, could have made this narrative both compelling and convincing.

Although the investigations are the obvious source for an exploration for the German perspective at the time, historians continued to dismiss them as unreliable sources. However, even if not every detail in these documents is factually reliable, they remain invaluable sources to us because they reveal the thought processes and perceptions of those involved. The investigators were at the centre of the development of the ideological and propaganda narrative and the regime's justifications for violence. Therefore, the strengths and the weaknesses of this framework of rationalisation become particularly clear to us when we examine the perspective of the individuals who were exposed to and directly engaged with both sets of atrocities.

When German troops invaded Poland, it was not the first time that the investigation of enemy war crimes and the perpetration of similar acts by German troops unfolded side-by-side. Goldsche had a pressing awareness of how German investigators had struggled to make their case during the First World War. Back then, he had also served as a war crimes investigator, specifically in the Military Investigation Office in the Prussian War Ministry, when the investigations also had had to co-exist with massive German violence against civilians.¹⁴ When Goldsche joined the Prussian Army's Military Investigation Office in September 1914, it was focused on the investigation of war crimes against German soldiers that had been reported during the invasion of Belgium in the previous month. A major investigation concerned the events in Louvain where armed civilians had allegedly opened

¹³ Bergen, 'Instrumentalization of "Volksdeutschen" in German Propaganda in 1939. Replacing/Erasing Poles, Jews, and Other Victims', p. 462.

¹⁴ BAB, R 3001/57593: Reichsjustizministerium, Personalakte Johannes Goldsche. , *Die Wehrmacht-Untersuchungsstelle. Deutsche Ermittlungen über alliierte Völkerrechtsverletzungen im Zweiten Weltkrieg*, pp. 66-67.

fire on German soldiers in August 1914. If these allegations were proven correct, the actions of the civilians represented a war crime due to the fact they were unrecognizable as combatants and that they did not fight openly. In order to put an end to the resistance, the German troops in Louvain had invoked the reprisal doctrine. After they had occupied the city, they had put up posters, warning the population that armed resistance was not permissible and would be met with executions of hostages in reprisal. On 25 August 1914, German troops claimed that the civilian population had ignored these warnings and attacked them. True to their word, German troops carried out reprisals against civilian hostages, hoping this would dissuade the armed attackers from continuing their attacks. The Germans considered this strategy a success because the alleged attacks did indeed stop after they had executed civilians and burned down Louvain's old town. Because the Germans considered their conduct justified, there was no reason to keep these events a secret. On the contrary, in order to achieve the desired deterrence effect, the German conduct was widely publicised and became well-known. German newspapers condemned the attack on German soldiers and informed their readers that the troops had carried out reprisals.¹⁵

Although they had anticipated civilian resistance, the German troops evidently did not believe that they would have to justify their reprisals. They also did not initiate investigations after they had carried them out. The fact that the Germans had no evidence to support their version of events was then skillfully exploited by the Belgian government, which had just learned how such narratives play out, having been on the receiving end of a massive exposé of their atrocities in the Congo several years earlier.¹⁶ The Belgian

¹⁵ Horne and Kramer, *German Atrocities 1914*, pp. 38-42.

¹⁶ Adam Hochschild, *King Leopold's Ghost. A Story of Greed, Terror, and Heroism in Colonial Africa* (Boston, 1999), pp. 367-86.

government argued that the Germans had executed innocent civilians. In order to substantiate this claim, the Belgian government established an office for the investigation of these incidents, which interviewed Belgian witnesses who had fled from the Germans, and who claimed that there had been no hostile actions on the part of civilians to justify the German conduct. On the basis of this testimony, the Belgian commission came to the conclusion that German troops had used the claim that civilians had attacked them as a pretext 'to terrorise and demoralise the people'.¹⁷

As this version of events spread around the world, it became a real problem for the Germans. The burden of proof laid upon them: they had to find evidence for an insurgency, while the Belgians could simply deny its existence. After some delay, investigators were sent to Louvain to find evidence in support of their version of events. Although most of the German soldiers they spoke to were absolutely certain that they had come under attack from the civilian population, few were able to confirm that they had seen this with their own eyes. Many of them said that they took action against civilians in situations that were tumultuous and unclear. One German soldier even believed that German soldiers had mistakenly shot at each other in the dark and that this 'regrettable mistake' prompted the belief that civilians had fired upon them.¹⁸ In short, not only did the witness statements of German soldiers prove inconclusive, the investigations also failed to document any additional evidence for a large-scale insurgency, such as caches of the weapons or ammunition which some soldiers claimed to have seen.¹⁹ At the conclusion of the investigations, it was not even clear how many soldiers had fallen victim to the alleged

¹⁷ Daily Chronicle (ed.), *Black Book of the War. German Atrocities in France and Belgium. Full Text of the Official Reports* (London, 1915), p. 39.

¹⁸ Schöller, *Der Fall Löwen*, p. 38. ('bedauerliches Versehen')

¹⁹ *Ibid.*, p. 52.

attack.²⁰ None of the material collected by the investigators could sustain the case the Germans sought to make, especially considering that it was supposed to justify a reprisal of such scale. As the German Foreign Office reviewed the investigatory files, the editors realised that the material gathered by the investigators would not be sufficient to set the record straight. As a result, the editors set about changing the witness statements to suggest that the German soldiers had seen civilians firing at them.²¹ This material was published as a 'Black Book' entitled *Die völkerrechtswidrige Führung des Belgischen Volkskrieges* which defended the German reprisals as legitimate. It was argued that the guerilla war waged by the Belgian people in violation of the international laws of war had provoked the German troops to conduct a 'punishment tribunal over Louvain'.²²

After the war, during which both sides had leveled accusations against each other, with the Germans being less convincing to world opinion, the investigations continued to be relevant.²³ As the Allies demanded the prosecution of the troops responsible for the reprisals in Louvain and elsewhere, the investigations came less to serve as a means to convince international observers of the German version of events, but to gather evidence which they hoped would protect German soldiers facing prosecution. By the end of the war Goldsche had become the Deputy Director of the Prussian Army's Military Investigation Office. Although he knew the situation was far more complex, Goldsche supplied the defence attorneys with carefully selected witness testimonies that raised no doubts to the legitimacy of the reprisal actions. The German judges were receptive to this line of

²⁰ *Ibid.*, p. 53.

²¹ *Ibid.*, p. 42.

²² Auswärtiges Amt (ed.), *Die völkerrechtswidrige Führung des Belgischen Volkskrieges* (Berlin, 1915), p. 6. ('völkerrechtswidriger Freischärlerkrieg', 'Strafgericht über Löwen')

²³ Alan Kramer, 'Versailles, deutsche Kriegsverbrechen und die Auslieferungsbegehren der Alliierten 1919/20', in Wolfram Wette and Gerd R. Ueberschär (eds.), *Kriegsverbrechen im 20. Jahrhundert* (Darmstadt, 2001), pp. 72-84.

argument and as a result, the perpetrators were not found guilty.²⁴ Outside of the courtroom, the material gathered by the investigators was used to campaign against the peace conditions, which had been imposed on the *Reich* in order to make up for the destruction caused by the German troops, and to prevent a repetition of their actions.²⁵ On the basis of the evidence presented, a German Parliamentary Commission came to the conclusion that the allegations against the *Reich* had been unfounded. These confirmations of the wartime narrative cemented the view in Germany that their soldiers had done nothing wrong and had been unfairly condemned by world opinion and the country punished on the basis of this fraudulent narrative. Nevertheless, outside Germany this rebuttal fell on deaf ears, as Goldsche was well aware.²⁶

In 1939 Goldsche, like many others, could not help but look back on the 1914-18 war as a case study in what to do differently in the upcoming conflict. He would remember that the *Reich* had failed to utilise the remarkable power of humanitarian narratives to shape public perception during wartime. He was also painfully aware that the German investigations had begun too late and had failed to produce material that could effectively compete with the Allied narrative in the international arena.²⁷ Prior to the invasion of Poland, the *Wehrmacht* expected that, as in 1914, they would be confronted with war crimes against German soldiers by civilians. *Wehrmacht* soldiers were encouraged to suppress such resistance ruthlessly.²⁸ In contrast to 1914, the *Wehrmacht* would be prepared to counter allegations

²⁴ Schöller, *Der Fall Löwen*, p. 57. Gerd Hankel, *Die Leipziger Prozesse. Deutsche Kriegsverbrechen und ihre strafrechtliche Verfolgung nach dem Ersten Weltkrieg* (Hamburg, 2003), pp. 206-07, 309-20.

²⁵ Otto Von Stülpnagel, *Die Wahrheit über die deutschen Kriegsverbrechen* (Berlin, 1921).

²⁶ Johannes Bell (ed.), *Völkerrecht im Weltkrieg* (Das Werk des Untersuchungsausschusses der Verfassungsgebenden Nationalversammlung und des Deutschen Reichstages 1919-1928, 2; Berlin, 1927), pp. 129-260.

²⁷ *Westdeutscher Beobachter*, Der Krieg mit Lügen, 29.8.1939.

²⁸ Böhler, *Auftakt zum Vernichtungskrieg*, pp. 50-53.

that German troops were committing atrocities against civilians, when, in the German view, they would be merely defending themselves. The mandate of the Investigation Office expressly included the investigation of allegations against German soldiers and its name was supposed to make clear their commitment to the ‘international laws of war’.²⁹ In general, the regime signaled its commitment to these principles. On 6 September 1939, the *Völkische Beobachter* published an article entitled ‘The Geneva Conventions’, written by Ernst Grawitz, the President of the German Red Cross, which outlined the legal protection for the wounded and those who treated them.³⁰ On 8 September 1939, the *Deutsche Allgemeine Zeitung* published an extensive article entitled ‘The International Laws of War in Wartime’, which outlined the principles of the Hague Conventions and emphasised that the German soldiers acted as ‘fellow humans and guardians towards prisoners of war, civilians, women and children’. At the same time, it insisted on their right to carry out reprisals: ‘If the enemy violates the international laws of war, then Germany has the right to apply harsh but effective retaliatory measures. In doing so, it would act completely within the recognised framework of the international laws of war’.³¹

After the German troops had crossed into Poland, Goldsche started to receive reports about war crimes against German soldiers. The first reports concerned war crimes of a conventional nature, namely those committed by enemy soldiers against German soldiers. Investigations into these reports were not an easy task. If there were no witnesses, it was difficult to distinguish with certainty between wounds inflicted in close combat and those

²⁹ *Heeresverordnungsblatt*, 15. September 1939, p. 310.

³⁰ *Völkischer Beobachter*, Die Genfer Konvention, 6.9.1939.

³¹ *Deutsche Allgemeine Zeitung*, Das Völkerrecht im Kriege, 8.9.1939. (‘Mensch und Helfer gegen Verwundete und Gefangene, Zivilisten, Frauen und Kinder’, ‘Verletzt der Feind das Völkerrecht, dann hat Deutschland das Recht harte, aber wirksame Vergeltungsmaßnahmen anzuwenden, es würde hierbei völlig im anerkannten Rahmen des Völkerrechts handeln’) Robert Grawitz was Reichsarzt SS und Polizei. In this capacity, he was responsible for medical crimes, such as the murder of the disabled and human experiments on concentration camp prisoners. See: pp. 217-18.

post-mortem, especially if the bodies were found close to sites where fighting had occurred. There were, of course, exceptions, for example, when victims were found who had been killed with their arms tied behind their backs.³² Generally, however, there were few cases in which it was clear that a crime had been committed. For example, on 4 September 1939 a German pilot was killed after his plane was shot down near Alexandrow. The pilot, who had saved himself by parachuting to land, was arrested by Polish soldiers who handed him over to the local police. A Polish witness described how the police commissar took the pilot to a bomb crater, where he was made to kneel down. According to the witness, the police commissar told the pilot, who had started to beg for his life, to stop crying and then shot him in his face with a pistol.³³ The most severe case, in terms of the number of victims, was the mass shooting of 45 German prisoners of war on 6 September 1939 in Stopnica. Survivors recounted that they had surrendered to Polish troops who, after some time, suddenly lined them up against a wall and opened fire on them.³⁴ One of the witnesses, who had survived by dropping to the ground and pretending to be dead, testified that the Polish soldiers killed prisoners who were still alive and then carried their bodies into a house, before setting it ablaze.³⁵ In addition to such conventional war crimes, in which regular Polish troops were accused of committing crimes against German soldiers, Goldsche began to receive disturbing reports that were reminiscent of the First World War, concerning violence committed by Polish civilians.³⁶ Although the German units had taken alleged attacks on their men as the occasion for massive reprisals against the civilian population,

³² BA-MA, RW 2/53, fol. 55: Dr. Vierzig, 9.1.1940.

³³ BA-MA, RW 2/52, fol. 201: Josef Kuschej, 20.9.1939. BA-MA, RW 2/52, 203: Anton Wischnewski, 20.9.1939.

³⁴ BA-MA, RW 2/52, fol. 47: Kurt Lemser, 17.9.1939. BA-MA, RW 2/52, fol. 60: Gerhard Kiwus, 17.9.1939.

³⁵ BA-MA, RW 2/52, fol. 50: Helmut Schloerb, 17.9.1939.

³⁶ BA-MA, RW 2/52, fol. 223: Anton Urlinger, 7.10.1939.

their alleged resistance against the German troops did not form the focus of the investigations.³⁷

Instead, the German investigators dealt with reports that Polish soldiers and civilians had killed ethnic Germans in often brutal fashion. When German troops captured Bydgoszcz on 5 September 1939, they were met by ethnic Germans who told them that their relatives had been murdered by Poles. The photographer Karl-Heinz Fremke and the war correspondent Dr. Hoffmann, who were working to document the advance of the German troops, were present to document the events in the city which the Germans called Bromberg. Fremke and Hoffmann first observed the body of a man whose tongue appeared to have been cut out before he was shot. They went on to inspect the corpse of a man whose skullcap was missing. Parts of his brain stuck to the wall behind him while his chest had been cut open and his heart and lungs were exposed. They also attended the burial of 30 ethnic German men, women and children.³⁸

Goebbels was very receptive to the news from Bromberg. When the Nazi regime was preparing for war, he recognised that the memory of the suffering caused by the previous war was still very much present for the German population and that, therefore, a compelling justification was necessary to generate support for a further conflict.³⁹ Since August 1939, Goebbels had argued publicly that the Polish state was waging a ‘war of extermination’ against the ethnic German minority living in the areas that had been given to the newly created Polish state in 1919. On 13 August 1939, the *Völkische Beobachter* declared that the Polish state was preparing to ‘exterminate’ the ethnic German population.⁴⁰ The

³⁷ Böhler, *Auftakt zum Vernichtungskrieg*, pp. 135-46. Rossino, *Hitler strikes Poland*, pp. 121-43.

³⁸ BA-MA, RW 2/48, fol. 13: Karl-Heinz Fremke, 9.9.1939.

³⁹ Sywottek, *Mobilmachung für den totalen Krieg*, p. 219-33.

⁴⁰ *Völkischer Beobachter*, Sind die deutschen in Polen vogelfrei?, 13.8.1939. (‘Vernichtungsfeldzug’, ‘vernichten’)

newspapers began to publish numerous fabricated reports about brutal acts of violence against ethnic Germans to give the impression of a persistent and systematic persecution.⁴¹ On 19 August 1939, the *Völkische Beobachter* announced that ethnic Germans were being deported towards concentration camps in the East with the intention of murdering them there in quiet.⁴² As the date for the German attack approached, the reports became increasingly alarmist, intensifying the impression that the ethnic German minority was on the brink of extinction. On 21 August 1939, for example, the *Völkische Beobachter* ran an article which announced that an ethnic German baby had been murdered by Poles.⁴³

In 1938, the regime had used identical arguments in order to justify its aggression against Czechoslovakia, which had failed to stir up enthusiastic support for military action in the *Reich*.⁴⁴ The regime, therefore, prepared an additional justification. In August 1939, Reinhard Heydrich, the Head of the *Sicherheitspolizei* and SD, was ordered to stage Polish border violations that failed to gain any traction with the domestic audience, mainly because the regime failed to document these alleged incidents in a convincing manner. At Hochlinden, where Polish troops had allegedly attacked a German border station, the investigators could find no witnesses who had heard the SS commando clad in Polish uniforms fire shots and shout in Polish. The commando had tried to make things even more obvious by leaving behind concentration camp prisoners from the *Reich* dressed up as Polish soldiers, but at the last minute they removed this pseudo-evidence, fearing that if investigatory photographs were published, these men might be identified by friends and

⁴¹ Karen Peter (ed.), *NS-Pressenanweisungen der Vorkriegszeit. Edition und Dokumentation*, eds. Hans Bohrmann and Gabriele Toepser-Ziegert 7 vols. (7.2; München, 2001), p. 844.

⁴² *Völkischer Beobachter*, Massenverschleppung Deutscher nach Innerpolen, 19.8.1939.

⁴³ *Völkischer Beobachter*, Polnische Banditen ermorden fünf Monate alten Säugling, 21.8.1939.

⁴⁴ Steinert, *Hitlers Krieg und die Deutschen*, pp. 77-80.

relatives.⁴⁵ In Gleiwitz, where ‘Polish insurgents’ had allegedly attacked a radio station, the investigators found the body of a Pole, who had been shot in the head by the SS commando after he had read a communiqué that ended with the words ‘Long Live Poland’. There was no concern here that the victim might be recognised, because he really was Polish. While the photographs were on their way to be developed in Berlin, SS men planted another body at the scene for reasons that are not entirely clear. When it was decided that the photographs lacked sufficient impact, another forensic expert was sent to Gleiwitz to produce a more dramatic image. But when the SS men realised that he was starting to document a completely different crime scene, they confiscated his camera and rushed him away.⁴⁶ Despite their haphazard attempts to stir vengeful fury in the domestic population, the regime was soon forced to recognise that most Germans gave at most a cautious response to the outbreak of war. Observers of morale noted the difference to the mood in 1914, which they remembered as one of excitement and support for war. In 1939, they noticed a mood of concern, characterised by the fear of a repetition of the previous war.⁴⁷

As they had failed to achieve their aim, the reports about the atrocities against ethnic Germans and the border incidents were swiftly discontinued. This left a propaganda gap that needed to be filled. When Goebbels received the unexpected news that Poles had actually killed ethnic Germans, he recognised this as an unexpected opportunity to resuscitate his recently abandoned ‘humanitarian’ propaganda campaign. Having fallen silent on the topic of atrocities against ethnic Germans after the invasion, the *Reich’s*

⁴⁵ Jürgen Runzheimer, ‘Die Grenzzwischenfälle am Abend vor dem deutschen Angriff auf Polen’, in Wolfgang Benz and Hermann Graml (eds.), *Sommer 1939. Die Großmächte und der Europäische Krieg* (Stuttgart, 1979), pp. 107-47, p. 144.

⁴⁶ *Ibid.*, p. 143. Jürgen Runzheimer, ‘Der Überfall auf den Sender Gleiwitz im Jahre 1939’, *Vierteljahreshefte für Zeitgeschichte*, 10/4 (1964), pp. 408–26. Runzheimer, Grenzzwischenfälle, p. 143.

⁴⁷ Steinert, *Hitlers Krieg und die Deutschen*, p. 91-92. Ian Kershaw, ‘Der Überfall auf Polen und die öffentliche Meinung in Deutschland’, in Ernst W. Hansen, Gerhard Schreiber, and Bernd Wegner (eds.), *Politischer Wandel, organisierte Gewalt und nationale Sicherheit* (München, 1995), pp. 237-50, pp. 245-50.

newspapers started to address this theme once more in order to retroactively confirm the claims that had been the principal justification for the invasion. On 8 September 1939, for example, the *Deutsche Allgemeine Zeitung* published an ‘Eyewitness Report from Bromberg’, which renewed the claim that the invasion of Poland had saved the ethnic Germans from imminent destruction. The reporter told stories of bodies that showed signs of severe mistreatment and echoed the accounts of survivors who described terrible acts of violence inflicted upon them by the Poles. Photographs of lines of dead bodies and grieving ethnic Germans added a level of authenticity that had previously been missing.⁴⁸ Now that Poles had actually murdered ethnic Germans, the opportunity was there to document these cases in a manner that would convince those who were still critical of the regime’s claims. The German military investigators were the obvious choice to do so as they possessed the necessary skills for such a task. It did not concern Goldsche that the murders of ethnic Germans were strictly speaking not an international war crime, given that the victims were citizens of the Polish state. That the expansion of their mandate did not represent a challenge for Goldsche was an expression of the sentiment that the ethnic Germans were only ‘technically’ Polish citizens but really belonged to the *Reich*.⁴⁹

Alfons Waltzog was one of the military judges who were sent to document the murders of ethnic Germans in Bromberg. Born in 1910, Waltzog had served as a judge in the German Air Force, the *Luftwaffe*, before he became an expert on the international laws of war in the legal department of the *Wehrmacht*.⁵⁰ From his perspective, the close connection between the topic of his investigations and the violence against the Poles becomes particularly clear. After his arrival in Bromberg, Waltzog witnessed violence against Polish civilians before

⁴⁸ *Deutsche Allgemeine Zeitung*, Augenzeugenbericht aus Bromberg, 8.9.1939.

⁴⁹ Winson Chu, *The German Minority in Interwar Poland* (Cambridge, 2012), pp. 21-62. Blanke, *Orphans of Versailles*.

⁵⁰ BAB, R 3012/490, fol. 3: Reichsjustizministerium, Personalakte Alfons Waltzog.

he saw any ethnic German victims. When he reported to the headquarters of an *Einsatzgruppe* in order to inform its leaders of his task, he observed the aftermath of a mass shooting of Poles, arriving just as an SS officer killed those still displaying signs of life with shots from his pistol. During his month-long assignment, Waltzog repeatedly observed how Polish civilians were rounded up in front of the church in Bromberg's main square, where they would wait for hours, hands raised in the air, before they were shot in full public view by a firing squad. As a legal expert, Waltzog was able to find a rationalisation that resolved the potential contradiction between what he saw and what he was supposed to investigate. He considered the executions of Poles legitimate reprisals for attacks against German soldiers; the executions had been publicly threatened and the display of the hostages and their public execution was supposed to discourage future attacks.⁵¹ However, as a legal expert, Waltzog was also well-positioned to recognise the limitations of this justification. In particular, he would have known that there had to be a sense of proportionality, which was quickly lost as German units executed thousands of Poles in Bromberg alone. Furthermore, he would have known that revenge for the murders of ethnic Germans was not a justification for reprisals, especially not after the campaign was over. Reprisals were not supposed to serve as punishment, but solely as a deterrent.⁵² In Bromberg, however, this distinction was blurred with a simple expedient. German officers simply declared that those who had murdered ethnic Germans were also part of an ongoing civilian insurgency against the German troops. An article entitled 'Ethnic Germans Murdered by Polish *franc-tireurs*' in the *Frankfurter Zeitung* explained that civilians who offered resistance without being recognisable as combatants were violating the

⁵¹ BA-ZSL, B 162/6126, fol. 1453-1455: Staatsanwaltschaft Berlin, Alfons Waltzog, 3.3.1967. Andreas Toppe, *Militär und Kriegsvölkerrecht. Rechtsnorm, Fachdiskurs und Kriegspraxis in Deutschland 1899-1940* (München, 2008), pp. 164-84.

⁵² Waltzog, *Recht der Landkriegsführung*, p. 11.

international laws of war and, therefore, had forfeited the right to be treated as prisoners of war and would be dealt with as criminals.⁵³

As his task was to investigate the murders of ethnic Germans, Waltzog did not concern himself with the attacks against German soldiers in Bromberg, which served as the justification for the 'reprisals'.⁵⁴ It appears that no such investigation was carried out in Bromberg. Investigations which were carried out elsewhere raised doubts as to whether they would have found anything. The military judges only found a small number of witnesses who had actually seen such attacks themselves. One example came from a soldier of the 14th Infantry Regiment who testified that, after he and his comrades had crossed the border into Poland, they came under fire from a building. They stormed a house in which they found several civilians with rifles.⁵⁵ During these investigations, it became clear that German soldiers seem to have believed that civilian resistance was not permitted even if the individuals were recognizable as combatants, revealing a similar kind of confusion and uncertainty that had underpinned the German violence in Belgium. A soldier from Border Guard Regiment 2, for example, recounted that he was shot at by a civilian. When he was questioned, however, he explained that the 'civilian' was wearing the blue uniform of the Polish railway men who were used for national defence.⁵⁶

In contrast to the attacks against German soldiers, the investigators could find plenty of evidence concerning atrocities against ethnic Germans, which therefore became ever more their central focus. Waltzog learned from the ethnic German Vera Gannot that Polish soldiers opened fire on her house immediately after Polish civilians pointed at it and

⁵³ *Frankfurter Zeitung*, Volksdeutsche von polnischen Frantireuren ermordet, 9.9.1939.

⁵⁴ Rossino, *Hitler strikes Poland*, p. 67-73. Klaus Michael Mallmann, Jochen Böhrer, and Jürgen Matthäus (eds.), *Einsatzgruppen in Polen. Darstellung und Dokumentation* (Darmstadt, 2008), p. 74.

⁵⁵ BA-MA, RW 2/52, fol. 217: Anton Wein, 8.10.1939.

⁵⁶ BA-MA, RW 2/53, fol. 248: Wilhelm Knobel, 4.10.1939.

shouted: ‘Germans live there’. They then arrested her father. Vera had asked the Polish soldiers what they had done and started praying for her father. After someone shouted ‘Down with the German swines’, the soldiers had started beating her father with rifle butts before stabbing him. When he finally collapsed, they shot him dead. Gannot explained that ten Poles then took her into a room where they raped her, while her mother was threatened with a rifle in a different room.⁵⁷ Ulrich Schattenberg, a second military judge sent to Bromberg, learned from the ethnic German Elli Koebke that her family had sought refuge in a neighbour’s house. From the basement, they could hear Polish soldiers destroying their house with machine gun fire. The Polish soldiers had then used grenades to blow open the doors to the basement. The ethnic Germans thought that they were being gassed: ‘We had gas masks and pieces of cloth soaked in vinegar’. After they were ordered to leave the basement, Elli Koebke recalled how the men who had hidden there were shot alongside other ethnic Germans.⁵⁸ Other witnesses had discovered dead relatives elsewhere. One of them described to Schattenberg how he found his father in a pit together with six other men who had been beaten to death: ‘I excavated three of them. One had his skullcap and his brain missing. A different one had a stab wound from a bayonet in his lower body, so that his bowels were hanging out. A third one had had his faced smashed in; he didn’t have a nose anymore’.⁵⁹ Another witness told Schattenberg of a similar discovery. She explained that she had found her husband in a pit together with three other men: ‘The head was completely crushed, one eye had been stabbed, the other was completely hanging out. The lips were thick, the tongue was hanging out a little bit. I had the impression that he had

⁵⁷ BA-MA, RW 2/48, fol. 64: Vera Gannot, 14.9.1939. (‘Da wohnen Deutsche.’, ‘Herunter mit den deutschen Schweinen.’)

⁵⁸ BA-MA, RW 2/48, fol. 28: Elli Koebke, 14.9.1939. (‘Wir hatten Gasmasken und benutzten auch Essiglappen.’)

⁵⁹ BA-MA, RW 2/48, fol. 23: Herbert Schlicht, 10.9.1939. (‘Drei von diesen habe ich noch ausgegraben. Bei einem fehlte die ganze Schädeldecke und das Gehirn. Ein anderer hatte einen Bajonettstich im Unterleib, dass die Gedärme heraushingen. Der dritte hatte ein eingeschlagenes Gesicht, er hatte keine Nase mehr.’)

been strangled.’⁶⁰ In order to document these cases beyond taking witness testimonies, the *Wehrmacht* also sent the forensic pathologist Gerhart Panning to Bromberg in order to perform autopsies on the bodies of the ethnic German victims. Born in 1901, Panning had served as a volunteer in the First World War. He studied forensic medicine and specialised in the assessment of bullet wounds and, in 1938, became Director of the Institute for Military Forensic Medicine of the *Wehrmacht*.⁶¹ Together with his assistants, he immediately began to perform autopsies on the bodies of ethnic German victims.⁶²

As the German troops continued their advance, they overtook internment marches in Poznań, which they called Posen. Ethnic Germans told them they had been arrested by Polish authorities and put on internment marches towards the interior. They recognised correctly that the Polish authorities had arrested them because they viewed them as potential supporters of the enemy and that the aim was to get them out of the area where they could do damage and to prevent them from falling into German hands.⁶³ They reported severe mistreatment and the murder of prisoners on these marches. Goebbels immediately seized on this case in order to confirm his earlier propaganda stories about ‘death marches’ towards the East. On 15 September 1939, the *Völkische Beobachter* published an article which called Posen ‘a second Bromberg’ and detailed the alleged brutal mistreatment of the prisoners by their guards and the Polish civilian population.⁶⁴ Also in this case,

⁶⁰ BA-MA, RW 2/48, fol. 33: Dora Kutzer, 10.9.1939. (‘Der Kopf war völlig eingeschlagen, ein Auge war ausgestochen, das andere stand ganz heraus. Die Lippen ganz dick, die Zunge hing ein Stück heraus. Ich hatte den Eindruck, dass er erwürgt worden sei.’)

⁶¹ Johanna Preuß, Burkhard Madea, and Eberhard Lignitz, ‘Gerhart Panning - Ordinarius für gerichtliche Medizin in Bonn und seine Verstrickung in nationalsozialistische Verbrechen’, *Bonner Geschichtsblätter*, 57/58 (2008), pp. 361-88, p. 362-68, Ralf Forsbach, *Die Medizinische Fakultät der Universität Bonn im "Dritten Reich"* (München, 2006), p. 132, Gerhart Panning, ‘Der Bromberger Blutsonntag. Ein gerichtsarztlicher Bericht’, *Deutsche Zeitschrift für die gesamte gerichtliche Medizin*, 34 (1940), pp. 7-54.

⁶² Panning, ‘Der Bromberger Blutsonntag. Ein gerichtsarztlicher Bericht’.

⁶³ Böhler, *Der Überfall. Deutschlands Krieg gegen Polen*, pp. 112-19.

⁶⁴ *Völkischer Beobachter*, Posen ein zweites Bromberg, 15.9.1939.

Goldsche initiated investigations and sent three military judges to investigate. Johann Schultz was one of several witnesses who recounted that the Polish guards severely mistreated their German prisoners. Together with 100 other ethnic Germans, Schultz was put on an internment march to Kutno, describing it as an ‘outright death march. Those unable to keep up with the pace became targets of escalating violence. For example, a young man who fainted and fell out of the column was beaten to death by the Polish guards. When they approached Lowicz, as an increasing number of ethnic Germans collapsed, the guards indiscriminately beat and fired shots at them.’⁶⁵ Another witness gave a similar account, remembering how Polish bystanders had thrown stones at them while Germans carried their wounded. When one of the prisoners collapsed to the ground, gun shots followed shortly, which led the prisoners to understand that he or she had been ‘finished’ off.⁶⁶ In addition to the military judges, the *Wehrmacht* also sent forensic pathologists to perform autopsies there, a difficult task, given that the victims were spread along the path of the internment marches. These investigations were carried out by the forensic pathologist Wilhelm Hallermann who belonged to the same institute as Panning.⁶⁷

In Berlin, Goldsche reviewed the material that was being gathered by his various field investigators. He selected the most unproblematic and extreme cases, especially those in which innocent women and children had been victimised. Such selectivity was not necessary when it came to the forensic reports: from the outset, the forensic pathologists had focused on cases involving the murder of women, children and the elderly, which they then presented as ‘typical. This evidence substantiated and hardened the basis for a subsequent propaganda campaign hammering home the message that the ethnic Germans

⁶⁵ BA-MA, RW 2/55, fol. 217: Johann Schultz, 28.10.1939. (‘richtigen Todesmarch’)

⁶⁶ BA-MA, RW 2/49, fol. 29: Wilhelm Romann, 22.9.1939. (‘durch den Schuss erledigt’)

⁶⁷ BA-ZSL, B 162/5658, fol. 179: Staatsanwaltschaft Darmstadt, Wilhelm Hallermann, 4.1.1966.

had been brutalised on a massive scale. In the context of this reporting, broad room was given to the investigators and their ‘objective’ and ‘scientific’ approach to the documentation of these events.⁶⁸ The observers of morale registered that this propaganda convinced Germans who had been unimpressed by mere declarations in the press of the authenticity of the German claims. They also showed that Germans had learned about the executions of Poles from soldiers who had returned to the *Reich*. Morale reports show that Germans did not see a contradiction between the condemnation of the murder of ethnic Germans and the executions of Polish civilians. The reports of the Social Democratic Party in Exile (SOPADE) are particularly illuminating, because normally they tended to overstate criticism of the regime. But now they concluded that Germans ‘remained silent about the unprecedented German terror in Poland’ because ‘they had come to think of the Poles, first and foremost, as murderers of ethnic Germans’. Whereas some justified the murders as revenge, others echoed the legalistic arguments in the press that the same perpetrators had also been responsible for attacks against German soldiers, making them liable to be killed in reprisals. In any case, the Social Democrats registered that there was an ‘general support for the drastic approach of the German offices in Poland’.⁶⁹

As the violence against ethnic Germans became central to the justification of reprisal actions against Poles, the institution that was chiefly responsible for these executions – the *Sicherheitspolizei* – demanded a role for itself in the investigations. If they were to carry out the executions, they sought greater control over the justificatory material for those actions. Heydrich sent a Special Commission of the Criminal Police to Bromberg. The

⁶⁸ Auswärtiges Amt (ed.), *Dokumente polnischer Grausamkeit* (Berlin, 1940), Auswärtiges Amt (ed.), *Die polnischen Greuelthaten an den Volkdeutschen in Polen* (Berlin, 1940).

⁶⁹ Klaus Behnken (ed.), *Deutschland-Berichte der Sozialdemokratischen Partei Deutschlands (SOPADE) 1934–1940* (6; Frankfurt am Main, 1980), p. 1032., November 1939. (‘allgemeines Verständnis für das rigorose Vorgehen der deutschen Amtsstellen in Polen’)

Commission was led by Bernhard Wehner. Born in 1901, he studied law before he became a Criminal Police officer in Berlin, where he served in one of the three central homicide units.⁷⁰ After his arrival in Bromberg, Wehner got in touch with the state prosecutor of the Special Court in Bromberg. On the previous day, Roland Freisler, then State Secretary in the Reich Ministry of Justice, had arrived in Bromberg to check on the progress that had been made in the punishment of those responsible for atrocities against ethnic Germans.⁷¹ However, this did not mean that the regime was transitioning to a more legalistic approach or that it was attempting to distance itself from the practice of mass executions. In reality, the Special Courts continued the work of the *Einsatzgruppen*. According to Freisler, the atrocities by the Poles represented a crime that was so unprecedented that no lawmaker could have foreseen it and that, in the absence of clear legal norms, such cases could only be dealt with ‘in the spirit of the German law’.⁷² In practice, this meant that in order to try a defendant for murder, the court only had to come to the conclusion that he or she had ‘embraced’ the plan to exterminate all ethnic Germans.⁷³ In this rush to dispense German justice, Freisler discovered that the *Einsatzgruppen* had placed an obstacle in his path: they had left no Polish prisoners alive for sentencing. After a new wave of arrests had produced new suspects, however, the Special Court handed out the first death sentences.⁷⁴ Although Wehner had learned that the court did not need any concrete evidence in order to prosecute Poles, he nevertheless began investigations into the murders of ethnic Germans. As he conducted his investigations, he learned that the ‘extrajudicial’ executions continued. The

⁷⁰ LAB, B Rep. 057-01, Nr. 3211, fol. 26: Staatsanwaltschaft München I, Bernhard Wehner, 24.10.1961.

⁷¹ Krausnick and Wilhelm, *Die Truppe des Weltanschauungskrieges*, p. 62.

⁷² Roland Freisler, ‘Ein Jahr Aufbau der Rechtspflege im Reichsgau Wartheland’, *Deutsche Justiz*, 102/41 (1940), pp. 1125–30.

⁷³ Weckbecker, *Zwischen Freispruch und Todesstrafe*, pp. 504-09. (‘zu eigen gemacht’)

⁷⁴ Krausnick and Wilhelm, *Die Truppe des Weltanschauungskrieges*, p. 42.

same trucks that were used by his team to transport the corpses of ethnic Germans to the autopsy rooms were also used to transport Poles to execution sites.⁷⁵ Reporters from the Social Democratic underground described:

seemingly harmless individuals, who had been taken prisoner during the occupation, are now being executed on the basis of flimsy suspicions. The crime is usually incitement to murder ethnic Germans. In order to find them guilty, it is sufficient to hear from people who claim to have heard that a particular Pole slandered the Germans.⁷⁶

In November 1939, Goebbels gave a speech to ethnic Germans in Bromberg. He explained that it had been necessary to adopt ‘draconian measures’ in order to ensure ‘that the crimes which had been committed against ethnic Germans in the past months would never, ever be repeated’.⁷⁷ He was referring to the extreme push for violence against the Poles which the regime had carried out. The ethnic Germans in the audience certainly knew what he meant. In early September 1939, they had gathered at security cordons as the *Einsatzgruppen* carried out raids against Poles in Bromberg. According to a former member of an *Einsatzgruppe*, the ethnic Germans screamed for revenge and for the Poles to be beaten to death.⁷⁸ They also identified alleged perpetrators of violence against ethnic Germans, who were taken away and shot without a trial. Countless others had used the Special Courts in order to settle old scores with their neighbours and managed to have them sentenced to death on the basis of very limited evidence.⁷⁹ Ethnic Germans had also heeded

⁷⁵ LAB, B Rep. 057-01, Nr. 3211, fol.30: Staatsanwaltschaft München I, Bernhard Wehner, 24.10.1961.

⁷⁶ Behnken (ed.), *Deutschland-Berichte der Sozialdemokratischen Partei Deutschlands (SOPADE) 1934–1940*, Vol. 7, p. 41, Januar 1940. (‘Augenscheinlich harmlose Menschen, die bei der Besetzung gefangen genommen wurden, werden jetzt unter irgendwelchen Verdacht hingerichtet. Das Delikt ist meist sogenannte Anstiftung zum Mord an Volksdeutschen. Zur Verurteilung genügen meist Angaben von Leuten, die gehört haben oder haben wollen, wie der betreffende Pole auf Deutsche geschimpft hat.’)

⁷⁷ Schubert, *Unternehmen "Bromberger Blutsonntag"*, p. 25. (‘drakonische Maßnahmen’, ‘daß sich für alle Zeiten die Verbrechen, die in den vergangenen Monaten am Deutschtum hier begangen wurden, niemals mehr wiederholten.’)

⁷⁸ Mallmann, Böhler, and Matthäus (eds.), *Einsatzgruppen in Polen. Darstellung und Dokumentation*, p. 131.

⁷⁹ Weckbecker, *Zwischen Freispruch und Todesstrafe*, p. 496.

the call to join a militia called *Volksdeutscher Selbstschutz* in order to be prepared for a resurgence of anti-German violence from the Poles. In fact, the leaders of the militia simply unleashed their recruits' desire for revenge, torturing and murdering their former neighbours with no pretence of legal process. On 19 September 1939, for example, a *Selbstschutz* member from Eichdorf, whose wife and daughter had been killed by Poles, killed seven Polish women whom he considered 'German-haters'.⁸⁰ The military commander in the East, General Johannes Blaskowitz, was so alarmed by the excessive violence against the Poles emanating from *Einsatzgruppen*, German Police and ethnic German militias that he protested against them to the Commander-in-Chief of the Army, Walter von Brauchitsch, providing documents in support of his allegations. A few Germans who had taken part in such actions were even put on trial.⁸¹ Hitler, however, put a swift end to the judicial prosecution of these crimes, by simply issuing an amnesty for all German violence that had been committed in 'outrage' at the atrocities perpetrated against ethnic Germans.⁸²

In order to create wider acceptance in the *Reich* for the German measures in Poland beyond the areas directly affected by it, Goebbels commissioned the popular writer Erwin Erich Dwinger to write about the atrocities against ethnic Germans.⁸³ The resulting book, *Der Tod in Polen*, was written in the style of reportage that intertwined fiction and facts from the investigations, making it a compelling propaganda piece. In it, ethnic German protagonists voice justifications for what was about to happen to the Poles. Dwinger lets

⁸⁰ Jansen and Weckbecker, "*Volksdeutsche Selbstschutz*" pp. 116-17. ('Deutschenhasser')

⁸¹ Richard Gizowski, *The Enigma of General Blaskowitz* (London, 1997). Christopher Clark, 'Johannes Blaskowitz. Der christliche General', in Ronald; Syring Smelser, Enrico (ed.), *Die Militäreliten des Dritten Reiches* (Berlin, 1995), pp. 28-49.

⁸² Jansen and Weckbecker, "*Volksdeutsche Selbstschutz*" p. 174. ('Erbitterung')

⁸³ Jay Baird, *Hitler's War Poets. Literature and Politics in the Third Reich* (Cambridge, 2008), p. 151.

one of them explain that he could not think of any action against the Poles that would seem unjustified to him, even if this meant the complete eradication of Polish élites, which, when the book was published in 1940, had already occurred in multiple waves:

Because of what they did here, against countless peoples of culture, (...) that is such an unbelievable disgrace of culture, that in the future there will be nothing that this people will be in a position to complain about, because it has erased itself from the elite of the peoples of culture.⁸⁴

The protagonist then provided a justification for the broad nature of the German retaliation beyond the focus on the Polish élites, explaining that there was no such thing as an ‘innocent Pole’. He explained that the entire Polish people were collectively guilty of the mass murder of ethnic Germans, and that it was therefore wrong to feel sympathy for them if they were collectively punished because they all had blood on their hands, even the children: ‘May neither the world nor this people complain if the latter must pay for this sin against humanity’.⁸⁵ In a dark irony, many of the fictitious episodes Dwinger described involved things that had happened not to the ethnic Germans, but to the Poles. One of these episodes deals with ethnic Germans who remove their glasses because they fear that the Poles were executing members of the German intelligentsia.⁸⁶ Other episodes detail the brutal torture of ethnic Germans in Polish concentration camps.⁸⁷

At the same time, Goebbels commissioned the production of a major feature film, which has been described as a particularly vivid example of the way in which the regime tried to

⁸⁴ Edwin Erich Dwinger, *Der Tod in Polen. Die volksdeutsche Passion* (Jena, 1940), p. 123. (‘Denn was es hier tat, an zahllosen Kulturmenschen tat, (...) das ist eine solch ungeheure Kulturschande, daß es in Zukunft nichts mehr geben kann, worüber sich dies Volk noch jemals beklagen dürfte.’)

⁸⁵ *Ibid.*, p. 124. (‘Möge sich weder die Welt, noch möge sich dies Volk selbst über das beklagen, was es einst für diese Sünde am Menschentum bezahlen muß.’)

⁸⁶ *Ibid.*, p. 154.

⁸⁷ *Ibid.*, pp. 163-64.

cast the Poles in the role of perpetrators.⁸⁸ The film *Heimkehr* retold the events of September 1939 from the perspective of a female teacher. Although this film was not based on documented cases, it nevertheless followed their general outline, making it difficult for the layman familiar with the reports in the press to recognise that the events depicted were fictitious. At the beginning of the film, her school is closed down by the Polish state and is demolished by an angry mob, in an action that was condoned by Polish authorities. When she, her fiancé, and a friend refuse to sing the Polish national anthem, a Pole says ‘One ought to exterminate the ethnic Germans’ and they are then attacked. In the ensuing violence, their friend is severely injured and dies because the Polish hospital turns him away. In the meantime, her father becomes the victim of an attack by Polish youths that leaves him blind, and an angry Polish mob rips a Swastika off a German girl’s neck and stones her to death. Just as the Poles aim their machine guns at the ethnic Germans, they are liberated by German troops.⁸⁹

The propaganda was also aimed at international audiences. After the regime had failed to convince world opinion of Germany’s peaceful intentions through the staged border incidents, their goal was now to avoid the predicament of 1914 in which the *Reich* had been forced to take a defensive position regarding reprisals against civilians. The investigations were even more crucial here than in the domestic sphere where the regime could simply lie. On the international stage, the regime had to compete with alternative narratives. Contrary to expectations, the *Reich* was not only able to avoid being forced onto the defensive. In fact, they were remarkably proactive, presenting the Poles as the ones who

⁸⁸ Bergen, ‘Instrumentalization of “Volksdeutschen” in German Propaganda in 1939. Replacing/Erasing Poles, Jews, and Other Victims’, p. 462.

⁸⁹ Bergen, ‘Instrumentalization of “Volksdeutschen” in German Propaganda in 1939. Replacing/Erasing Poles, Jews, and Other Victims’, p. 462. Birthe Kundrus, ‘Totale Unterhaltung? Die kulturelle Kriegführung 1939 bis 1945 in Film, Rundfunk und Theater’, in Jörg Echternkamp (ed.), *Die Deutsche Kriegsgesellschaft. 1939 bis 1945. (Das Deutsche Reich und der Zweite Weltkrieg, 9,2; München, 2005), pp. 93-157, p. 125, Gerald Trimmel, Heimkehr. Strategien eines nationalsozialistischen Films (Wien, 1998).*

had committed terrible atrocities first. In Bromberg, the war reporters Fremke and Hoffmann guided foreign correspondents embedded with the German troops to the sites where the corpses of ethnic Germans had been found.⁹⁰ The result was that the first reports from Poland to reach an international audience discussed the executions of Poles specifically in connection with the atrocities against ethnic Germans. In *The New York Times*, Frederic Oechsner quoted German officers who had claimed that the Polish civilians who were arrested and escorted away by the *Gestapo* were snipers and denouncers of ethnic Germans. He explained that he had seen with his own eyes the mutilated bodies of ethnic German men and women between the ages of 14 and 70.⁹¹ In Berlin, when the American journalist William Shirer learned that Germans had carried out a mass shooting of Polish civilians, he noted in his diary: ‘Our military attaché says you can do that, that that’s the way cricket is played with *franc-tireurs*, but I don’t like it, even if they are snipers’. Although he begrudgingly accepted the reprisal argument, he nevertheless had his doubts as to whether the Germans ‘make any great effort to distinguish actual *franc-tireurs* from those whose only guilt is being Poles’.⁹²

Encouraged by this initially promising response in the international media, the Director of the Archival Commission in the German Foreign Office, Hans Schadowaldt, set out to convince world opinion of the German version of events by compiling a ‘Black Book’, just as they had done in the previous war. As a former editor of several newspapers for the ethnic German community that had been banned by the Polish state, Schadowaldt was familiar with their history. He was, therefore, able to mix facts and fiction to create a

⁹⁰ BA-MA, RW 2/48, 13: Karl-Heinz Fremke, 9.9.1939.

⁹¹ *The New York Times*, Polish Atrocities Charged by Nazis, 9.9.1939.

⁹² William Shirer, *Berlin Diary. The Journal of a Foreign Correspondent 1934-1941* (New York, 1942), p. 206, 9.9.1939.

compelling account.⁹³ The introduction to the 'Black Book' claimed that, since its foundation, the Polish state had intended to exterminate the ethnic German minority living within its borders. Their persecution had allegedly begun with economic sanctions, as the Polish state expropriated ethnic Germans, boycotted their shops and demanded that Polish companies fire their ethnic German employees so that they could be replaced with Polish workers. The Polish state then promoted the closing of German schools and the confiscation of Protestant Churches and tried to eliminate their organisations, associations, and newspapers. When the Polish state realised that the German minority would not give in to this discrimination, it turned, according to Schadewaldt, to open acts of terror against them, which reached a peak in September 1939, when they allegedly killed 5,800 ethnic Germans.⁹⁴ From the evidence prepared by Goldsche, Schadewaldt selected witness testimonies concerning the murder of innocent ethnic Germans, emphasizing the violence against women, children, and the elderly. In addition to such witness reports, he included the autopsy reports and photographs created by the forensic pathologists Panning and Hallermann. In contrast to subjective view-points of witness testimonies, autopsy reports had the air of scientific objectivity, especially if they were accompanied by photographs of the procedures and the wounds. In their eagerness to help the propagandists, Panning and Hallermann had selected the cases that were the most disturbing due to the identity of the victims. Amongst them was the four-month-old Egon Berger who had been killed alongside his parents; a nine-year-old child; and a 64-year-old priest, all of whose skullcaps were smashed. One of the victims of the internment marches was an invalid who had been unable to keep up on his two prosthetic legs. Another victim was a 43-year-old teacher who,

⁹³ Peter Fischer, *Die deutsche Publizistik als Faktor der deutsch-polnischen Beziehungen* (Wiesbaden, 1991), pp. 68-70, 218.

⁹⁴ Auswärtiges Amt (ed.), *Die polnischen Greuelthaten an den Volkdeutschen in Polen*, p. 274. ('Ausrottungspolitik')

according to witnesses, had suffered a breakdown due to the physical demands of the march and was left behind. She had been killed with a shot to the head alongside one of her pupils, a young man aged 20. The resulting documentation, which was also published in English in 1940 under the title *Polish Atrocities Against the German Minority in Poland*, was a major propaganda accomplishment, especially when compared to the rather unimpressive previous 'Black Book' published in the First World War, which had only contained text and drawings.⁹⁵

Even before this 'Black Book' was released, the German allegations were enough to build substantial pressure on the Polish government-in-exile. The latter was alarmed by the allegation that Poles had executed innocent ethnic Germans for no reason. The Polish government-in-exile was forced onto the defensive, having to explain why ethnic German civilians had been killed, which meant that they now found themselves in the same position as the Germans were in the First World War. As they were unable to deny that ethnic Germans had been killed, the Polish government-in-exile tried to argue that the victims had deserved their fate. In doing so, they deployed the same arguments which the Germans had used in 1914. The Polish government-in-exile argued that Polish soldiers and civilians had not killed innocent victims, but that they had been responding to an ethnic German insurgency. They later published a collection of relevant witness testimonies under the title *The German Fifth Column*. According to one witness, *Gestapo* agents had infiltrated Bromberg and were hiding in houses belonging to members of secret German associations. When they believed that the German attack against the city was imminent, these *Gestapo* agents attacked the Polish troops within the city: 'Shots were fired from windows and roofs of houses belonging to Germans, and even from roofs and towers of several churches'.⁹⁶

⁹⁵ *Ibid.*, pp. 291-301.

⁹⁶ The Polish Ministry of Information (ed.), *The German Fifth Column in Poland* (London, 1941), p. 58.

The Polish soldiers and civilians returned fire and forced their way into the houses of ethnic Germans, where, according to a different witness, they came under heavy fire from ethnic German civilians. The Germans whom they encountered bearing arms were shot on the spot. The others were later court-martialed and sentenced to death. In the end, around 150 insurgents were killed.⁹⁷ Apart from the observations of a few Polish witnesses, however, the Polish government-in-exile could not present hard evidence for these claims, again mirroring the previous German experience. They also had no material that would have enabled them to effectively counter the German claims that Poles had killed ethnic Germans. Most of the files that had been rescued from the Germans concerned war crimes which had been overshadowed by what had happened since. The civilian deaths caused by air raids and the destruction of important cultural sites could hardly compete with the allegation that Poles had singled out ethnic German men, women, and children for murder.⁹⁸ As time went on, observers for the Polish underground were able to establish a network which started to investigate the Germans for their actions in Bromberg and elsewhere. Although they did not possess a comparable apparatus to that of the Germans and, thus, remained at a clear disadvantage, they managed to document some German actions and to transmit this information to the Polish government-in-exile in London. It served them well that the Germans had, as we noted, not tried to hide most of their actions, believing them to be legitimate and above criticism, and had mistreated and executed Poles in broad daylight. As a result, the Polish investigators were able to document the brutal mistreatment, deportation, and murder of tens of thousands of Poles. It was estimated that more than 10,000 Poles had been executed in Bromberg before the end of 1939 alone.⁹⁹

⁹⁷ *Ibid.*, p. 59, 71.

⁹⁸ Centre for Information and Documentation of the Polish Government (ed.), *The German Invasion of Poland. Polish Black Book Containing Documents, Authenticated Reports and Photographs* (London, 1940).

⁹⁹ Polish Ministry of Information (ed.), *The German New Order in Poland* (London, 1941), p. 25.

Alarmed by the publication of these reports and the prospect that the Germans could once again be portrayed as the murderers of innocent civilians, Goebbels demanded that ‘something decisive must be done about the atrocity propaganda concerning the *Generalgouvernement*’.¹⁰⁰ It was an obvious step to turn to the *Wehrmacht* investigations, which were still ongoing, to counter these allegations with new revelations regarding Polish atrocities to try to tip the scale of violence committed by both sides back in favour of the Germans. The reports, which the German military judges had attached to the witness statements, gave reason for optimism. In their reports, the investigators had echoed the propaganda on the eve of war. Ulrich Schattenberg reported that the findings of his investigations in Bromberg indicated that the Poles had pursued a systematic policy aimed at ‘the elimination of all ethnic German men’.¹⁰¹ The three military judges who had been sent to Posen had written in their report that the Poles had waged a ‘premeditated crusade of extermination against everything ethnic-German’.¹⁰²

The detailed material the investigators had gathered did not, however, support these wide-ranging claims. In fact, they contradicted or complicated the narrative considerably, but were nevertheless diligently collected and filed by the investigators. Witnesses who spoke of the long-standing hostility of the Poles against the ethnic Germans were the exception. One of them was Ida Doberstein who explained that, since the start of 1939, their Polish neighbours began to act aggressively towards them. According to her, Poles shouted abuse at them, such as ‘You damned Swabians, we will slaughter all of you one day!’ At school,

¹⁰⁰Willi Boelcke (ed.), *Kriegspropaganda 1939-1941. Geheime Ministerkonferenzen im Reichspropagandaministerium* (Stuttgart, 1966), p. 274. (27.1.1940) (‘etwas Entscheidendes in der Greuelhetze ueber das Gouvernment getan wird.’)

¹⁰¹ BA-MA, RW 2/48, fol. 12: Bericht von Ulrich Schattenberg, 14.9.1939. (‘sämtliche Volksdeutschen Männer zu beseitigen’)

¹⁰² BA-MA, RW 2/49, fol. 20: Bericht des Oberkriegsgerichtsrats Dr. Boetticher sowie der Kriegsgerichtsräte Hürtig und Dr. Reger, 29.9.1939. (‘ein planmäßiger Ausrottungsfeldzug gegen alles Volksdeutsche’)

her daughter had to endure anti-German songs. In August 1939, her barn was set ablaze. But even she introduced additional motives to explain their actions. She explained that the situation for the ethnic Germans worsened after the German invasion and that this increased hostility prompted her to speak only Polish in public, contradicting the official German claim that the violence had reached its peak before the invasion. She testified that Polish soldiers and civilians killed her husband, shouting ‘Hitler-spies!’, which suggested a classic panic about spies at the outbreak of war, similar to what had occurred in Germany during the previous war.¹⁰³ Alexander Busse also offered an account of increasing hostility from the Poles before the invasion. In his testimony, when the houses of ethnic Germans were set ablaze, the Polish fire brigades refused to extinguish the flames. After the German invasion, the house of an ethnic German neighbour was set on fire. The motive behind these actions, as he saw it, was that a rumour had been started by a Polish woman that the victim was a Hitler supporter.¹⁰⁴ Nevertheless, even these witnesses called into question the pre-war timeline and introduced additional motives that went beyond anti-German hatred.

Indeed, most witnesses had not anticipated violence against the ethnic German minority at all, and so contradicted Goebbels’ claim that they had been waiting desperately for their liberation. An ethnic German woman described her husband as a ‘very loyal citizen’ to the Polish state and ‘politically reserved’, which made it difficult for her to understand why he had been arrested and killed together with forty other ethnic German men from her village.¹⁰⁵ Similarly, an ethnic German man cited the fact that his son had served in the Polish military as proof of his loyalty to the Polish state. He could not understand why his

¹⁰³ BA-MA, RW 2/54, fol. 110: Ida Oberstein; BA-MA, RW 2/54, 113. (‘Ihr verdammten Schwaben, wir werden Euch noch ausschachten’, ‘Hitlerspitzel!’)

¹⁰⁴ BA-MA, RW 2/54, fol. 93: Alex Busse, 21.10.1939.

¹⁰⁵ BA-MA, RW 2/55, fol. 215: Nathalie Laube, 26.10.1939. (‘politisch zurückgehalten’, ‘ein sehr loyaler Staatsbürger’)

son, despite his two years of military service, had been arrested and ‘taken towards the East’, where he was murdered.¹⁰⁶ A different witness realised that they would not be considered citizens of the Polish state but as ‘enemy civilians’ only, when the homes of ethnic Germans were searched.¹⁰⁷ Worse still for Goebbels’ version of events, many witnesses said that the violence against them only began after the German attack and was therefore motivated by the desire to exercise revenge. An ethnic German woman explained that Poles threatened to kill them but only in the event of a German invasion: ‘They have always threatened that they would kill us if Hitler came’. After the attack, Polish soldiers arrested her husband and raped her daughter within earshot of their house.¹⁰⁸ A different witness testified that revenge played a role in the violence during the internment marches. Kurt Seehagel was arrested and, together with hundreds of other ethnic Germans put on the internment march from Kutno. On their way towards Warsaw, a Polish officer demanded to know who the prisoners were. When the guards replied that they were Germans who had called Hitler to Poland, the officer pulled out his gun and started firing at them. He was joined by Polish soldiers who randomly fired shots into the group of prisoners also, killing several.¹⁰⁹ In other cases, the ethnic Germans had given the Poles a more concrete provocation. One woman explained that her children had kept a picture of Hitler in their house without her knowledge. When it was discovered by Polish policemen, they arrested her husband and later executed him.¹¹⁰ Another woman was killed after she had waved at German troops and shouted ‘*Heil!*’ several times. After the German troops had passed

¹⁰⁶ BA-MA, RW 2/49, fol. 136: Adolf Dusterhöf, 20.9.1939. (‘nach Osten gebracht’)

¹⁰⁷ BA-MA, RW 2/49, fol. 33: Alexandra Bechthold, 25.9.1939.

¹⁰⁸ BA-MA, RW 2/54, fol. 52: Martha Semmler, 12.10.1939. (‘Schon immer haben sie uns damit gedroht, dass sie uns umbringen würden, wenn der Hitler kommen würde.’)

¹⁰⁹ BA-MA, RW 2/49, fol. 36: Kurt Seehagel, 27.9.1939. (‘Als diese erwiderten, dass wir Hitler nach Polen gerufen hätten und Deutsche seien’)

¹¹⁰ BA-MA, RW 2/55, fol. 281: Marie Becker, 3.12.1939.

through the street, Polish soldiers emerged from hiding and confronted her. An officer shouted ‘I’ll teach you to shout “*Heil Hitler*”’ before the soldiers killed her.¹¹¹

Other witnesses explained that not all ethnic Germans were affected by the revenge in the same manner; their perceived attitudes towards the Polish state also played an important role. An ethnic German woman, for example, explained that her husband was about to be shot by Polish soldiers, when a Polish boy from a neighbouring village explained to them that the Nickels were ‘practically Poles’. As a result, the soldiers let her husband go and advised him to hide with his Polish neighbours.¹¹² Several witnesses explained that, in these ethnically mixed borderlands, their ability to speak Polish was seen as a crucial test. Walli Hammermeister testified that Polish soldiers had shot a 75 year-old ethnic German man. Before killing him, they justified his execution by saying that he had been a Pole for 20 years and yet was unable to speak the language.¹¹³ The same rationale could play out in reverse. According to another witness, Polish soldiers had resolved to kill her but abandoned their plan once she started to speak to them in Polish.¹¹⁴ Another woman explained that Polish soldiers berated her for not being able to speak Polish. According to her, the Polish soldiers said: ‘She’s been eating Polish bread for years, and she can’t even speak Polish!’ They demanded a rope to hang her together with her children in the barn. When she promised that she would raise her children to become Polish soldiers, however, they were released.¹¹⁵ Other ethnic Germans’ testimonies also disrupted the claim that the violence was centrally directed and planned, suggesting instead that it followed no

¹¹¹ BA-MA, RW 2/48, fol. 125: Paul Zemol, 12.9.1939. (‘Ich will euch geben "Heil Hitler" zu rufen.’)

¹¹² BA-MA, RW 2/54, fol. 215: Leokadia Nickel, 24.10.1939. (‘dass wir so gut wie Polen seien’)

¹¹³ BA-MA, RW 2/48, fol. 27: Walli Hammermeister, 10.9.1939.

¹¹⁴ BA-MA, RW 2/54, fol. 135: Anna Scheuschner, 24.10.1939.

¹¹⁵ BA-MA, RW 2/54, fol. 206: Ottilie Penno, 24.10.1939. (‘Jahrelang hat sie polnisches Brot gefressen, jetzt kann sie nicht einmal polnisch!’)

systematic pattern. Lisbeth Busse explained that the Polish soldiers who had arrested her were unsure what to do with her. According to Busse, one of the soldiers said: ‘I will shoot her right now, the commander is going to shoot her anyway; he shoots Germans like dogs’.¹¹⁶ The other soldiers objected and demanded that they take her to their headquarters instead, though they too told her along the way that she would soon be shot. After he had seen their papers, the commander decided that Busse and the other ethnic German prisoners would not be shot and issued them with papers confirming they were Polish citizens. When Busse told the commander that soldiers would still shoot them, he sent a soldier to protect them.¹¹⁷ Another ethnic German woman explained that a Polish civilian wearing a white armband who had already shot five ethnic German men, including her husband, instructed her and her three daughters to lie on the floor and aimed a rifle at them. In spite of encouragement from some Polish civilians to shoot them, he abandoned his plan. He locked them in a barn, where they stayed until Polish soldiers unlocked it and told them that they were free to go and that ‘Hitler would walk towards them’, meaning that they would eventually be found by German troops.¹¹⁸ In another testimony, an ethnic German man testified that two Polish civilians and a soldier beat to death an ethnic German who had pleaded with them that he was a Polish citizen. The witness and other ethnic Germans were then instructed to lie on the floor. A Polish officer, however, who in the meantime had checked their papers, did not allow them to be shot. The officer handed them over to the police instead.¹¹⁹

¹¹⁶ BA-MA, RW 2/55, fol. 110: Lisbeth Busse, 14.10.1939. (‘Dann erschieß ich sie gleich, der Kommandeur erschiesst sie ja doch; er schießt die Deutschen wie Hunde.’)

¹¹⁷ *Ibid.*

¹¹⁸ BA-MA, RW 2/49, fol. 43: Else Sievert, 24.9.1939. (‘Hitler würde ihnen entgegenkommen’)

¹¹⁹ BA-MA, RW 2/54, fol. 34: Hermann Drews, 12.12.1939.

Another example of such haphazard treatment is what happened to Willi Bombitzki who was part of a small internment march towards Posen. After their guards suddenly disappeared, the prisoners' papers were checked by Polish soldiers. When they learned that they were ethnic Germans, the Polish soldiers threatened to shoot them as spies. They were taken instead to Iweno, where they were told by a police officer that they were free to go home. As they travelled to Posen, they were again arrested by Polish troops who forced them to lie on the floor and trampled on them. Afterwards, the soldiers encouraged civilians to beat them because they were spies. Later, four men from this group were shot because they had allegedly given signals to a German plane.¹²⁰ Karl Rössler experienced a similar scenario when he found he could walk no further during an internment march. He was left behind but was then arrested by Polish soldiers as a spy. They let him go, only for him to be arrested again the day after, this time by a police officer who put him on a second internment march. Inevitably, he became unable to walk and was left behind. It did not take long until another police officer arrested him, only then to release him again. Rössler commented, understandably that: 'When I was released, the Polish Lieutenant told me that they could not do anything else with me except shoot me to death or leave me here'.¹²¹ From Polish witnesses, the investigators learned that such haphazard treatment had not been an accident or exception, but was the result of unclear instructions. The Polish civilians involved in the arrest of ethnic Germans in Sockelstein explained that they were supposed to take their ethnic German prisoners to the police in Stralkowo.¹²² One of the Polish witnesses explained that he was only supposed to shoot the prisoners if they tried to escape. In Stralkowo, the police refused to assume responsibility for the ethnic Germans

¹²⁰ BA-MA, RW 2/49, fol. 58: Willi Bombitzki, 28.9.1939.

¹²¹ BA-MA, RW 2/49, fol. 201: Karl Rössler, 9.10.1939. ('Bei der Freilassung erklärte mir noch der polnische Oberleutnant, man könne mit mir nichts anderes machen, als mich totschiessen oder hierlassen.')

¹²² BA-MA, RW 2/55, fol. 210: Michael Smidowicz, 26.10.1939.

and sent them to Sompolno instead. There, the Germans were handed over to the police who subsequently shot them.¹²³ Even if these Polish witnesses had a clear incentive to conceal or obscure their role in mistreating ethnic Germans, their haphazard and confused actions were inconsistent with a racially motivated, state-sponsored programme of mass murder.

As they struggled to establish a clear pattern of the violence, the investigators discovered something still more problematic for the narrative that they were expected to confirm: they learned that ethnic Germans had served in units that stood accused of killing ethnic Germans. Johann Dombke, for example, stood by as members of the Polish 61st Infantry Regiment shot approximately 50 ethnic Germans, including women and children. He explained that he was unable to do anything to prevent these murders because he was unarmed and feared being shot himself.¹²⁴ Erwin Heilmann also belonged to a Polish unit that had passed through Bromberg. His testimony suggested that the role of ethnic Germans went beyond being powerless bystanders. He echoed the official narrative, telling the investigator that there had been a general ‘tendency to exterminate all Germans’ and that there was an official order to that effect. What Heilmann had said with the clear intention of incriminating Polish soldiers actually betrayed the fact that his own role was significant. He mentioned that he had saved an ethnic German who was handed over to him for sentencing.¹²⁵ Heilmann, whose rank was not mentioned, also said that he had checked the papers of an ethnic German before a Polish soldier shot the man. The investigator chose not to press him on this, but the problem persisted: it was never possible to fully eliminate the suspicion that ethnic Germans serving with the Polish army had failed to assist their

¹²³ BA-MA, RW 2/55, fol. 213: Heronimus Staniak, 26.10.1939.

¹²⁴ BA-MA, RW 2/55, fol. 51: Johann Dombke, 23.10.1939.

¹²⁵ BA-MA, RW 2/55, fol. 47-48: Erwin Heilmann, 20.10.1939.

comrades. At best, they had been passive bystanders, indifferent or incapable of helping their fellow ethnic Germans; at worst, they were complicit in the crimes against them. In any case, the existence of ethnic Germans in the Polish army completely contradicted the official narrative of racial violence directed against all ethnic Germans.

As the investigations went on, it became clear that a crucial factor in explaining the violence against ethnic Germans was the fear that they would take up arms to support the German invasion. After the outbreak of war, Friedrich Weiss and other ethnic Germans were told to report to the office of the Mayor, where they were informed by Polish troops that they would be shot if there were any attacks against the Polish troops from within the ethnic German population. Later, Polish soldiers discovered a hand grenade in Weiss' house. Weiss was certain that they would have shot him, if one of the Polish soldiers had not explained that the hand grenade was in fact his own, which he had somehow lost during the search.¹²⁶ Anna Krüger told a similar story. She explained that Polish soldiers searched her home because they suspected them of being spies. They arrested her son, son-in-law, and their neighbour only to release them a short time later. The soldiers returned for another search, during which they found a small bullet. This was seen as enough proof to take the men of Krüger's family away. Their corpses were later found in the forest.¹²⁷ Such minor pieces of 'evidence' of violent intent sufficed for Poles to execute Germans in other cases, too. A painter testified that German teachers were arrested for carrying a map and were shot when they confessed to being spies after a severe beating.¹²⁸ A former air force pilot

¹²⁶ BA-MA, RW 2/49, fol. 45: Friedrich Weiss, 24.9.1939.

¹²⁷ BA-MA, RW 2/49, fol. 38: Anna Krüger, 10.9.1939.

¹²⁸ BA-MA, RW 2/54, fol. 125: Wilhelm Petrak, 23.10.1939. ('Das haben sie aber bestimmt nur getan, weil sie so furchtbar geschlagen wurden, denn zunächst haben sie sich ganz offen als volksdeutsche Lehrer ausgegeben.')

was suspected of having given signs to German planes, and made to dig his own grave before he was shot.¹²⁹

In other cases, Polish soldiers echoing the experience of the Germans in Belgium some 25 years earlier, seem to have believed that they had been directly attacked by ethnic Germans. Charlotte Korth explained that Polish soldiers and civilians came to their house, asking ‘Where is the one who fired the shots from here?’¹³⁰ Although she did not have weapons, Charlotte felt so threatened that she tried to run away. She was shot and further injured by a grenade and subsequently taken to the military headquarters, where she was beaten. Then, just as suddenly, she was released.¹³¹ In a separate incident, Gertrud Goertz explained that she had heard shots fired. Soon afterwards, Polish soldiers and civilians showed up at her house, smashed in the front door and window and told them ‘Come outside, you Germans, down with the Hitlerite swine!’ After they had left the house, they were asked ‘Who fired the shot? Hand over the rifles!’ Although a search of the house did not yield any weapons, they arrested her father, who was later found dead.¹³² A different ethnic German woman had a similar story to tell. Polish soldiers and civilians came to her house and announced, ‘We will teach you to fire at our men!’ Before the search of the house was concluded, the Poles started beating her husband and father, fracturing their skulls. Her aunt was also severely beaten. Although no weapons were found, her brother and father were arrested and later killed.¹³³ Herbert Schlicht was arrested because he had allegedly fired a shot, despite not possessing a weapon. He was taken to the barracks of the 62nd Polish Infantry

¹²⁹ BA-MA, RW 2/54, fol. 214: Olga Kitzmann, 25.10.1939.

¹³⁰ BA-MA, RW 2/48, fol. 26: Charlotte Korth, 10.9.1939.

¹³¹ *Ibid.*

¹³² BA-MA, RW 2/48, fol. 31: Gertrud Goertz, 10.9.1939. (‘Kommt heraus ihr Deutschen, nieder mit den Hitlerschweinen!’, ‘Wer von Euch hat geschossen? Gebt die Gewehre heraus!’)

¹³³ BA-MA, RW 2/48, fol. 35: Gertrud Gehnke, 10.9.1939. (‘Wartet, wir werden Euch zeigen, auf unsere Leute zu schießen.’)

Division, where he was beaten with batons and iron rods. He was then taken with other prisoners to the market square. On the way, they were forced to sing Polish songs and pray. He recounted that the guards fired shots at them so that the entire market square was full of bodies. He managed to escape, only to be captured again the next day and taken to a different military building where he and the other prisoners were ordered to stand naked against a wall. When he mentioned that he had served in the Polish military, he was allowed to go. The other prisoners, however, were shot. When he returned home, he learned that his father had been shot and buried in a pit together with six other ethnic German men.¹³⁴ While one could have treated these claims that Germans fired shots at Polish troops were part of an elaborate pretext, the question remained why such a charade would have been necessary: if the motivation – as Goebbels had it – was pure racial hatred, they could have achieved a more dramatic outcome with far less effort and chaos.

It was not only the testimony of ethnic Germans which suggested the reason for Polish violence against ethnic Germans was a fear of insurrection from within. The investigators also collected evidence from Poles which seemed to suggest that Polish soldiers truly believed that ethnic Germans had attacked them. In 1940, the *Wehrmacht* intercepted a letter from a Polish prisoner of war which revealed in passing that he had seen a member of his unit, Paligia, beating ethnic Germans.¹³⁵ As a result, an investigator interrogated the prisoner who added that Paligia had told him that he had ‘eliminated’ an entire family of ethnic Germans. Paligia allegedly believed that the ethnic Germans were spies who had fired shots at Polish troops.¹³⁶ Another witness also suggested that Paligia had genuinely believed that ethnic Germans had fired shots, or were spies. In addition, both witnesses

¹³⁴ BA-MA, RW 2/48, fol. 23: Herbert Schlicht, 10.9.1939.

¹³⁵ BA-MA, RW 2/57, fol. 194: Anton to Munika Supikowksi, 5.5.1940.

¹³⁶ BA-MA, RW 2/57, fol. 195: Anton Schupikowksi, 25.5.1940.

exonerated the officers of responsibility, contradicting the claim that the murders of ethnic Germans were conducted on the basis of superior orders. The witnesses believed that Paligia had carried out these acts on his own initiative and without the knowledge of his officers. They recalled Paligia having worn a coat to conceal the splashes of blood on his uniform and that, on a separate occasion, an officer intervened on behalf of an ethnic German who was being beaten by Paligia.¹³⁷

In sum, the investigations turned up evidence which at best complicated and at worst simply contradicted Goebbels' narrative of the atrocities against ethnic Germans as a premeditated and systematic campaign of state-directed mass murder. This made the accumulated material entirely unsuitable as a public response to the Polish claims. According to Bernhard Wehner, the Head of the Special Commission in Bromberg, Hitler ordered the German Foreign Office to withdraw the 'Black Book' it had published and replace it with a new edition that increased the number of ethnic German victims in order to put to rest international criticism about the scale of the German response. According to Wehner, the number of 5,800 victims in the first edition had in fact already been exaggerated. After the war, he recalled that the number of ethnic German victims was closer to 3,500. After Hitler's intervention, Wehner called police stations and went through lists of ethnic Germans who were missing in order to establish the 'right number'. In doing so he somehow arrived at the 5,800 number that had already been published in the 'Black Book', which was, however, no longer high enough. Wehner explained that Hitler personally decided on 58,000 as the new number, a simple ten-fold increase, although this was still, in fact, less than the number of Poles executed by the Germans.¹³⁸ The ethnic German

¹³⁷ BA-MA, RW 2/57, fol. 196R: Franz Piszczek, 25.5.1940.

¹³⁸ LAB, B Rep. 057-01, Nr. 3211, fol. 5-6: Staatsanwaltschaft Düsseldorf, Bernhard Wehner, 4.9.1968.

militias alone had executed between 20,000 and 30,000 Polish civilians.¹³⁹ The revised 'Black Book' explained this sudden increase as the result of having to reclassify the large number of ethnic Germans who had been reported missing and were now presumed dead.¹⁴⁰ It was predicted that they would eventually be found in mass graves yet to be discovered. After the new number was made public in Germany, the regime's secret observers of morale recorded concerns that this would have a negative impact on the credibility of German propaganda: 'Broad sections of the German population are of the opinion that the new German declarations harm the credibility of German propaganda in the *Reich* and abroad'.¹⁴¹

The regime also knew that a simple inflation of the numbers alone would not suffice. As a result, the investigators were further enlisted in the propaganda effort. In 1940, the German Association of Forensic Pathologists invited international journalists to its annual conference in Innsbruck to listen to a presentation of the findings of the investigations. Roland Freisler, the driving force behind the Special Courts for Poles, used the occasion to justify the German measures in Poland. He argued that the Polish atrocities, the details of which the journalists covering the conference would soon be able to hear from the investigators, had given the Germans 'the right and the obligation' to conduct their relations with the Poles in a manner that would prevent a repetition of these events.¹⁴² After Freisler's broad justification, Gerhart Panning, who had examined the victims in Bromberg, focused his presentation on substantiating the claim that the ethnic German population had fallen

¹³⁹ Jansen and Weckbecker, "*Volksdeutsche Selbstschutz*" p. 155.

¹⁴⁰ Auswärtiges Amt (ed.), *Dokumente polnischer Grausamkeit*, p. 7.

¹⁴¹ *Meldungen aus dem Reich*, Vol. 4, p. 1074, 29.4.1940. ('Die neue deutsche Stellungnahme schade nach Ansicht vieler Bevölkerungsteile der Glaubwürdigkeit der deutschen Propaganda im In- und Ausland.')

¹⁴² Roland Freisler, 'Psychische Grundlagen der Polengreuel. Dargestellt an der Entwicklung des polnischen Volksgeistes', *Deutsche Justiz*, 102/20 (1940), pp. 557-63, p. 557. ('Recht und die Notwendigkeit')

victim to a campaign of organised mass murder. To support his argument, he emphasised the use of army rifles as the murder weapons. He explained:

This fact casts an illuminating light on the organisation of the crimes. Anyone can smash in a skull with a baton, a rock or some other random weapon. Any old fanatical mob is capable of that. Killing with a modern firearm can only be done by someone who has been equipped with it.¹⁴³

He also concerned himself with the Polish counter-claim that Polish troops had responded to an ethnic German insurrection. Panning emphasised other killing methods in order to refute the claim that the Poles had court-martialed ethnic Germans, as opposed to killing them in a murderous frenzy: ‘One does not execute by stabbing with a dagger, stabbing with a bayonet, with rifle butts, with shots at those on the ground, with wild mass shooting (...) and one certainly does not execute with drowning’.¹⁴⁴ In order to further rebut the Polish claims, he highlighted the children among the victims, exclaiming ‘You just cannot execute small children’.¹⁴⁵ Following Panning’s lead, in his presentation on the internment marches, Wilhelm Hallermann, the forensic pathologist who had conducted the autopsies on the corpses of the victims in Posen, drew attention to the murder of a one-year-old child as well as the elderly and disabled.¹⁴⁶ Although the Special Commission had played a comparatively minor role in the investigations, Bernhard Wehner gave a presentation in which he placed great emphasis on making it clear that in this and other cases ‘the ethnic Germans in Poland had not fallen victim to bands of murderers motivated by greed, but

¹⁴³ Panning, ‘Der Bromberger Blutsonntag. Ein gerichtsärztlicher Bericht’, p. 11. (‘Diese Tatsache wirft ein aufklärendes Schlaglicht auf die Organisation der Taten. Den Schädel einschlagen mit einem Knüppel, einem Feldstein oder sonst einer Zufallswaffe, das kann jeder beliebige fanatisierte Mob. Mit einer modernen Schusswaffe kann nur der morden, der damit ausgerüstet worden ist.’)

¹⁴⁴ *Ibid.*, p. 20. (‘Man exekutiert nicht mit Dolchstichen, mit Bajonettstößen, mit Kolbenhieben, mit Schüssen auf Liegende, mit einer wüsten Massenschießerei (...) und man exekutiert weiter ganz gewiss nicht durch Ertränken.’)

¹⁴⁵ *Ibid.*, p. 90. (‘Kleine Kinder kann man nicht hinrichten’)

¹⁴⁶ Wilhelm Hallermann, ‘Die Todesopfer der Volksdeutschen aus den Geiseltzügen im Warthegau’, *Ibid.*/1-3, pp. 54–90, p. 63, 66.

died in the context of a single, state-sponsored and organised mass murder'.¹⁴⁷ Notably absent from the conference were the military judges, whose investigations had significantly complicated the narrative which the conference sought to promote. The material they had collected made it clear that Wehner was misrepresenting the evidence in order to support his claim of systematic mass murder. When he talked about the case of the ethnic Germans who were locked in a basement and feared that they were being gassed, for example, he omitted the fact that the Polish soldiers let the women go before shooting the men.¹⁴⁸ After the conference the regime did receive some breathing room with regard to international criticism, but this was not due to either the newly inflated victim count, nor the presentation of evidence to conference attendees. In May 1940, attention swung to the start of the campaign in the West, where it was expected that the Germans would treat the civilian population in the same manner as they had treated the Belgians in 1914.

For Goldsche, who served as a coordinator of the German war crimes investigations in both wars, 1939 was coloured by the spectre of 1914. When he joined the Prussian Military Investigation Office in 1914, the Germans were accused of having executed innocent civilians in Belgium. Although German soldiers were convinced that they had been attacked by the civilian population, the investigators were unable to find compelling evidence for these claims, making it difficult to refute Allied allegations. Although they knew that the German investigations did not provide a justification for the German conduct, the investigators dedicated themselves to defending the German soldiers against all subsequent allegations. The German investigators supplied selective evidence to the

¹⁴⁷ Bernhard Wehner, 'Kriminalistische Ergebnisse bei der Aufklärung polnischer Greuel an Volksdeutschen', *Ibid.*, pp. 90-115, pp. 114-15. ('die Volksdeutschen in Polen nicht die Opfer irgendwelcher auf persönlichen Vorteil bedachter Mörderbanden geworden sind, sondern im Rahmen eines einzigen, behördlich organisierten Massenmordes gefallen sind.')

¹⁴⁸ *Ibid.*

defendants and the Parliamentary Commission, which allowed Germans to continue to believe that they had been the victims in this scenario. Having seen how successfully the Allies had used the claim that German troops had massacred innocent civilians in order to mobilise their societies for the previous war, Goebbels took a leaf from their book and invented atrocities against ethnic Germans in order to justify the invasion of Poland in 1939 as an intervention to prevent a state-sponsored mass murder. Until the invasion of Poland there had been no precautions taken to investigate and document Goebbels' claims about atrocities against ethnic Germans, which would have enabled him to back up his claims.

Consequently, the German population gave the news of the outbreak of another war a reluctant response after the suffering they had experienced two decades earlier. After the invasion, in the short-term Goebbels had to learn that concerns about their national comrades across the border could not outweigh the fear of a new major war with Britain and France. Bombastic claims in the press were insufficient to shift the popular mood. It therefore served the regime well that the Poles did indeed go on to murder ethnic Germans, albeit not on the scale, nor for the reasons the regime had claimed. Goldsche, not a propagandist, but certainly a student of history, swiftly adapted to the new task, unbothered by strict legal definitions, and documented these murders which were subsequently used for a propaganda campaign that allowed Goebbels to retroactively 'confirm' his earlier justification for going to war. This campaign translated into something which the previous mere claims had failed to accomplish, namely a widespread sympathy for the German invasion of Poland.

From the perspective of Goldsche and the other investigators, it became clear that there was no contradiction between the condemnation of the murder of ethnic Germans and the violence against the Poles, which they witnessed with their own eyes and which soldiers carried back to the *Reich* where it began to circulate as rumours. The investigators stood at

the centre of the justification of this violence, which was explained in terms familiar to the previous war, namely as a response to the Polish actions, specifically as 'reprisals' for attacks against German soldiers and the murders of ethnic Germans. Soon afterwards, the regime embarked on a much larger and more systematic campaign aimed at eliminating the Polish élites. It was justified in propaganda terms as retaliation for the murders of ethnic Germans and as a means to ensure that there would be no repetition of these events. To their dismay, Social Democrats had to register that there was now a broad understanding within German society for the measures against the Poles, mainly due to the fact that they had been successfully depicted as mass murderers.

One of the main concerns of the investigators was to protect the *Reich* from international criticism, which they had failed to do in the previous conflict. Therefore, in contrast to 1914, the *Wehrmacht* did not wait for allegations before it conducted investigations. They had deployed a massive investigative apparatus with military judges and forensic pathologists who stood ready to build the German case. In contrast to 1914, they were able to show that this time it was not the Germans who had murdered civilians, but the Poles. Initially, the German case was not damaged by the violence carried out against the Poles during and immediately after the invasion. German officers told international journalists that the executions were carried out in reprisal for attacks against German troops by armed civilians. It was explained that the civilian resisters and the murderers of ethnic Germans were one and the same. And although they could not provide evidence for a civilian insurgency, it was clear that ethnic Germans had indeed been killed, giving the claim a certain legitimacy. Indeed, the claim was effective enough that the Polish government-in-exile felt compelled to devote considerable resources to refuting these claims as best it could. They rightfully feared that they could end up in the position that the Germans had occupied during the First World War. In their attempts to refute Goebbels' narrative, they

used the very same arguments the Germans had used in 1914, namely that they had responded to a civilian insurgency and, like the Germans, they were unable to find evidence for this claim. That the Germans squandered their initial advantage in this information war was entirely their own fault: they used this window of sympathy to justify a hugely disproportionate and bloody campaign against the Poles, which directly mirrored what they said the Poles had been doing to the ethnic Germans prior to the invasion.

In this context, the Polish government-in-exile started to document the German onslaught, a process in which they benefited from the fact that Germans had committed them in broad daylight. The Polish evidence showed that the Germans did everything they claimed the Poles had done to the ethnic Germans and then went much further, pursuing a racially-defined systematic campaign of mass murder and ethnic cleansing, albeit with varying intensity in the annexed territories. If Goebbels had had the upper hand in controlling the narrative of events at first, this new campaign of mass killing soon threw the advantage away. He was concerned that this would result in the *Reich* losing the battle for international opinion, especially in neutral countries, and the German military investigations did not provide material which could have enabled him to counter the Polish claims.

As in 1914, the military investigations actually revealed serious problems in the official German narrative, casting doubt on the alleged Polish desire to exterminate all ethnic Germans in a systematic, state-sponsored manner. It emerged instead that the violence had unfolded haphazardly and spontaneously, subject to local events and actors. Characterised by inconsistencies and confusion, the upsurge in violence which the German investigators chronicled was often extremely contradictory, with some ethnic Germans even serving in the very units that stood chiefly accused of atrocities against other ethnic Germans. Moreover, the investigators learned from ethnic German witnesses that Poles seemingly believed that they were being attacked by ethnic Germans, echoing the claims of German

soldiers in Belgium in 1914. In light of this lack of evidence, the regime decided to lie about the scale of the Polish atrocities against ethnic Germans, hoping that this would restore the sense that the German action was proportionate. The attack in the West in May 1940 promised some respite. If the spectre of 1914 haunted Goldsche personally, it would continue to cast its shadow across the actions and the minds of all participants as the new conflict in the West erupted.

2. Lightning Rods - The Western Theatre of War 1940-1941

On 3 September 1939, the Nazi regime's hope that Britain and France would accept the German claim that the invasion of Poland did not represent an act of aggression, but was an act of self-defence to protect the ethnic German minority living there, was disappointed. On this day, Britain and France declared war on Germany, marking, in the *Reich's* view, the beginning of the war, while the invasion of Poland had simply been a 'counter-attack' and humanitarian police action. As the regime still hoped that the Allies might relent, one aspect of the mandate of the *Wehrmacht* Investigation Office would become of particular importance, namely the mandate to refute Allied allegations concerning German war crimes. At first, this brief was limited to the naval theatre of war, where the aim was to avoid a repetition of the sinking of the *Lusitania* in 1915, which had exposed Germany to international criticism due to the civilian deaths. In the land campaign in the West, the goal was to be prepared to conduct investigations aimed at gathering evidence to legitimise any reprisals the German troops might carry out against the civilian population. However, events in France would play out quite differently. Instead of a prolonged war, the campaign of May 1940 was over within six weeks. Instead of defending themselves against allegations concerning their own conduct, the Germans reached an agreement with the French, raising the question of what should be done with the evidence concerning French war crimes against German soldiers and civilians and the mistreatment of Germans who had been interned. The same question arose during the invasion of Crete in the following year, in which the British committed the hitherto severest war crime against German soldiers during the entire war in numerical terms with some 300 victims. As the regime sought to limit an escalation of the war in the West in light of the imminent attack against the Soviet Union, they had to find a way to deal with this inflammatory evidence. In both cases, rather than blame the French or British at large, the blame for war crimes was

attributed to scapegoats – to Jewish officers and Colonial troops in the former case, and to the Cretan civilian population in the latter.

After the war, historians showed little interest in the war crimes committed in the Western theatre between 1939 and 1940. As we shall see, this lack of awareness of war crimes in the West is in significant part due to Franco-German relations after the French surrender. In order not to antagonise the German occupiers, the French did not create a scandal over German war crimes and consequently there has been little awareness of the fact that German troops also committed severe war crimes during the invasion. In any case, the French did not conduct investigations into the 1940 campaign, which historians would then have been able to build on. This stands in stark contrast to the later campaign in the West: because the French initiated investigations in 1944, for example in Oradour-sur-Glane, our view of this later period is markedly different.¹ Due to the lack of investigative materials, the notion has developed that the campaign in 1940 was a ‘clean war’, a view which was only strengthened as historians started to reveal the extent of the crimes committed by German troops in Poland and the Soviet Union. German historians such as Hans-Erich Volkmann in particular clung to the land campaign in the West as evidence that the *Wehrmacht* had been able to wage war in accordance with the international laws of war, and clearly distinguished it from the criminal conduct of war in the East.² Only in the 1990s did historians begin to question whether the campaign in the West could have been ‘clean’ given that the very same army committed terrible atrocities in the Soviet Union. Indeed, the positive assessment of the *Wehrmacht’s* conduct in the West had far more to do with the overwhelming evidence for German war crimes in the East, rather than any thorough

¹ Ahlrich Meyer, ‘Oradour 1944’, in Gerd R. Ueberschär (ed.), *Orte des Grauens. Verbrechen im Zweiten Weltkrieg* (Darmstadt, 2003), pp. 176-86.

² Hans-Erich Volkmann, ‘Zur Verantwortlichkeit der Wehrmacht’, in Rolf-Dieter Müller and Hans-Erich Volkmann (eds.), *Die Wehrmacht. Mythos und Realität* (München, 1999), pp. 1195-222, p. 1202.

examination of the German comportment in the West. In this context, Rafael Scheck has shown that German soldiers murdered thousands of French colonial troops whom they accused of having committed war crimes against them.³ In part, this was due to the Germans' racialised view of these colonial troops as prone to committing war crimes – a perspective familiar from the Eastern theatre. Against this background, the idea that the campaign in the West was a 'clean' war has become increasingly untenable. In particular, questions arise concerning the German perspective on enemy war crimes in 1939 and 1940 and the regime's logic of retaliatory violence more broadly. The original investigative reports reveal that the campaign in the West also included war crimes and atrocities against German soldiers and civilians. In a mirror image of the way in which *Vichy* dealt with German crimes, the regime swept the evidence of French crimes under the rug, allowing the idea to emerge that the campaign in the West had been a 'clean war' not only on the German side, but also on the side of its enemies. The clearest indication of this is the fact that most studies on the campaign in 1940 do not mention war crimes at all.⁴ If historians have occasionally touched upon cases that the investigators looked at, they were concerned by entirely different questions. This becomes particularly clear if we consider the issue of the mistreatment of foreign nationals who had been arrested in Belgium prior to the German invasion and then were taken to internment camps in the south of France. Whereas the German investigators focused on the German prisoners, historians of the camps focused on the suffering of the Jewish prisoners and either completely ignore the German prisoners, mention them in passing, or emphasise only the presence of political opponents of the Nazi

³ Scheck, *Hitler's African Victims*, p. 165.

⁴ Hans Umbreit, 'Der Kampf um die Vormachtsstellung in Europa', in Klaus A. Maier et al. (eds.), *Die Errichtung der Hegemonie auf dem europäischen Kontinent* (Das Deutsche Reich und der Zweite Weltkrieg, 4; Stuttgart, 1979), pp. 235-328, pp. 284-318, Julian Jackson, *The Fall of France. The Nazi Invasion of 1940* (Oxford, 2004).

regime.⁵ As the focus of the historiography increasingly came to rest on the collaboration between the *Reich* and *Vichy* and the persecution of the Jews, the contemporary German perspective on the campaign in the West faded into the background.⁶

In comparison to the campaign of 1940, the German airborne invasion of Crete has attracted a lot more attention from historians.⁷ Unlike in France, the Allies had conducted investigations into German war crimes, allowing historians to reconstruct the executions of civilians on Crete. These have been understood to represent the hitherto largest executions of civilians by the *Wehrmacht* since the invasion of Poland, and to foreshadow the subsequent mass executions in the Balkans and Greece.⁸ Although historians have pointed out that the *Wehrmacht* justified these executions with reference to war crimes committed by Cretan civilians, no study has made the German investigations and their connection to the violence against civilians its explicit focus. In fact, one can hardly be understood without the other. Due to historical focus on the German violence against civilians, the war crimes committed by British troops on Crete have received comparatively little attention, in spite of the fact that these were the most significant war crimes to date during the conflict. As in the French case, this raises the question of how the regime dealt with this evidence which seemed to demand a strong response. Historians have shown that the regime was by no means determined to ignore evidence of Allied war crimes in the West: one-and-a-half

⁵ Anne Grynberg, *Les camps de la honte. Les internés juifs des camps français, 1939-1944* (Paris, 1991), Denis Peschanski, *La France des camps. L'internement, 1938-1946* (Paris, 2002).

⁶ Serge Klarsfeld, *Vichy - Auschwitz. Le rôle de Vichy dans la solution finale de la question juive en France 1943-1944* (Paris, 1985). Julian Jackson, *France. The Dark Years 1940-44* (Oxford, 2001).

⁷ Pohl, *Die Herrschaft der Wehrmacht. Deutsche Militärbesatzung und einheimische Bevölkerung in der Sowjetunion 1941-1944*, p. 78. Macdonald, *The Lost Battle. Crete 1941*, Anthony Beevor, *Crete. The Battle and the Resistance* (London, 2005). Marlen Von Xylander, *Die deutsche Besatzungsherrschaft auf Kreta 1941 - 1945* (Freiburg i. Br., 1989). Hagen Fleischer, 'Deutsche "Ordnung" in Griechenland 1941-1944', in Loukia Droulia and Hagen Fleischer (eds.), *Von Lidice bis Kalavryta. Widerstand und Besatzungsterror. Studien zur Repressalienpraxis im Zweiten Weltkrieg* (Berlin, 1999), pp. 151-224.

⁸ Walter Manoscheck, "Serbien ist judenfrei". *Militärische Besatzungspolitik und Judenvernichtung in Serbien 1941/42* (München, 1995), pp. 49-54. Mark Mazower, *Inside Hitler's Greece. The Experience of Occupation 1941-44* (New Haven, 2001), pp. 173-89.

years after the invasion of Crete, the regime took alleged British violations of the laws of war during their raids on Sark and Dieppe as the occasion for reprisals against British prisoners of war and the issuing of the so-called 'Commando Order', which called for the execution of captured British commando members, showing how fragile the 'clean war' in the West really was.⁹

When German troops crossed into Poland, the question was whether or not Britain and France would stand by its ally. It was, therefore, important for the Nazi regime to avoid anything that could contribute to an escalation of war. At first, the focus was directed at the naval theatre, from which contemporaries could draw a direct cautionary tale from the First World War. In May 1915, a German U-Boat had sunk the *Lusitania*, causing the deaths of more than a thousand civilian passengers. The British claimed that the Germans had attacked an unarmed ship full of innocent civilian passengers. They conducted investigations and subsequently held a public hearing, where witnesses testified that the *Lusitania* had not carried anything on board that would have justified the German attack, especially not ammunition. The British argued that the sinking of the *Lusitania* was another indication that the Germans were waging war in total disregard of civilian lives and petitioned the countries whose citizens had been among the victims to support the war, with the main effort directed towards the Americans. They presented it as an act of particular cynicism that the Germans had warned the ship against leaving its harbour in New York, which meant that they considered it an act of premeditated murder. The international laws of war were clear: regardless of the ship's cargo, the Germans were supposed to have given the passengers an opportunity to reach safety.¹⁰ Just as in Belgium in 1914, the Germans

⁹ Manfred Messerschmidt, 'Kommandobefehl und NS-Völkerrechtsdenken', *Revue de Droit pénal militaire et de Droit de la Guerre*, 11 (1972), pp. 110–33.

¹⁰ Diana Preston, *Wilful Murder. The Sinking of the Lusitania* (London, 2002), p. 355-70. Robert D. Ballard and Spencer Dunmore, *Exploring the Lusitania. Probing the Mysteries of the Sinking that Changed History*

had not been prepared for this development. After the attack, the Germans publicly claimed responsibility for the sinking of the ship, which they considered justified because, they argued, it was carrying ammunition on board. They declared that the responsibility for the civilian deaths lay with the British and accused them of using the civilian passengers as ‘human shields’ for their ammunition transport. They considered the announcement that warned the ship against leaving the harbour a fair warning that, if followed, would have prevented any civilian suffering. They also condemned the British for their hypocrisy: the British had erected a naval blockade against Germany and confiscated food supplies intended for the German civilian population, but they demanded safe passage from the Germans for a ship that allegedly carried ammunition.¹¹

As in Belgium, the Germans were forced onto the defensive and only began investigations into the sinking of the *Lusitania* after the British had concluded their own. These investigations would prove even more difficult, because the alleged crime had happened at sea and the ship was inaccessible to them. Nevertheless, the German investigations cited witnesses who had seen ammunition on board and conducted an experiment that aimed to prove that the torpedo the U-Boat had fired had actually caused the ammunition to explode.¹² The fundamental problem for the German team was, once again, that the burden of proof was on them, while their enemies could simply point to the loss of civilian lives as proof of harm in itself. Although the Germans could not provide compelling evidence and international law clearly was not on their side, these arguments and tactics initially prevented the Americans from taking a side in this difficult case. When the Americans

(Toronto, 1995), pp. 127-33. Hull, *A Scrap of Paper. Breaking and Making International Law during the Great War*, pp. 259-65.

¹¹ Preston, *Wilful Murder. The Sinking of the Lusitania*, pp. 440-67.

¹² Thomas Bailey and Paul Ryan, *The Lusitania Disaster. An Episode in Modern Warfare and Diplomacy* (London, 1975), p. 20, pp. 229-30.

finally joined the war in 1917, however, their propaganda recalled the American lives lost on the ship. For this reason, the impression arose during and after the war that the Americans had entered the conflict because of the *Lusitania*'s sinking.¹³

Keen to avoid any such repetition, Hitler issued an order prohibiting U-Boats from attacking passenger ships.¹⁴ Consequently, the regime's leadership was alarmed when, on 1 September 1939, they learned of the British claim that a German U-Boat had sunk a passenger ship, the *Athenia*, resulting in the death of more than one hundred civilians, many of them Americans who were trying to escape the European war. Aware that this could lead to the feared outbreak of war in the West, Goebbels lost no time. He immediately went on the offensive and denied the British allegations. He argued that the British had sunk the ship in order to draw the Americans into the war.¹⁵ Despite the fact that the *Wehrmacht* Investigation Office had been established precisely to refute Allied allegations, the investigators were not called upon. Such an investigation, if carried out thoroughly as the Investigation Office was supposed to, would have revealed that the Germans had indeed been responsible. The captain of a German U-Boat had mistaken the *Athenia* for a warship. When he realised that he had torpedoed a passenger ship, he ordered the U-Boat to submerge and escape the scene as quickly as possible.¹⁶ As a result, with no hard evidence available, the British investigations went nowhere. In the absence of a German admission and without any compelling evidence of their own for German responsibility, the British proved unable to convince world opinion of their version of events, especially as

¹³ Preston, *Wilful Murder. The Sinking of the Lusitania*, p. 498.

¹⁴ Francis M. Carroll, *Athenia Torpedoed. The U-Boat Attack that Ignited the Battle of the Atlantic* (Barnsley, 2012), p. 36.

¹⁵ *Ibid.*, pp. 126-28.

¹⁶ *Ibid.*, p. 30.

international observers found it difficult to imagine that the Germans could have failed to learn from the sinking of the *Lusitania*.¹⁷

The regime had dodged a bullet. Their immediate and passionate denials, combined with their luck that the British investigations turned up nothing convincing, meant that they escaped a repetition of the *Lusitania* incident. Emboldened by this, the regime decided to go on the offensive when an opportunity presented itself. This happened when they received news that the British had attacked a German supply ship in neutral Norwegian waters. With the prospect of accusing the Allies of a crime, the investigators were activated. They began an investigation into the attack against the *Altmark*, a supply vessel which had, following the laws of war, taken on board the crews of British ships sunk by a German destroyer.¹⁸ The attack was controversial because it had occurred in neutral waters off the Norwegian coast. The German investigations revealed that seven members of the German crew were killed in the attack as they tried to lower the rescue boats or tried to escape to the shore.¹⁹ Goebbels used this incident to denounce the British for the attack against what he described as an unarmed trading ship in neutral waters, denouncing their actions as hypocritical in light of their past criticism of the German invasion of Belgium in 1914 as a violation of neutrality. The British could not counter this charge effectively. They had attacked the *Altmark* in the belief that the British crewmen held prisoners on board had been subjected to severe mistreatment, which would then help to create sympathy for the attack that was supposed to save their lives, and legitimise it, if not in a legal then in a moral sense. The idea that the prisoners were being mistreated arose from reports gathered by the

¹⁷ *Ibid.*, p. 128.

¹⁸ BA-MA, RH 12-23/542: Seekriegsleitung, Kampfpropaganda gegen feindliche Kriegsverbrechen, 24.2.1945

¹⁹ Reidar Omang, *Altmark-saken 1940. Aktstykker i Det Kgl. Utenriksdepartements arkiv* (Oslo, 1953), pp. 116-24.

British who interviewed British seamen who had previously been incarcerated on the *Altmark*, but who had been transferred to the destroyer that the British sunk in a South American harbour. Their testimony had been so exaggerated in the press that the impression arose that the conditions on the *Altmark* were comparable to that of a 'slave ship', and sparked public demands to liberate the British crew from the Germans. After the British had liberated the prisoners, they learned from the British crews that they had actually been treated well by the Germans and the doctors and medics who stood ready in anticipation of having to look after severely mistreated prisoners were not required. In the absence of evidence that would have justified the attack, the British turned to technical arguments, such as the claim that the Norwegian authorities had only granted the *Altmark* safe passage through its waters because they had been unaware of the prisoners held on board.²⁰

In the *Reich*, the morale observers reported that the German population expected that the *Altmark* incident would lead to an escalation of the war within 48 hours:

On the one hand, they remembered the shooting at the harbour of Almeria during the Spanish War and, on the other, they thought that this had given the signal for the spring offensive.²¹

Their timeline was wrong but the interpretation was correct. In April 1940, Goebbels cited the attack against the *Altmark*, along with a British announcement that they intended to mine the coastal waters around Norway, to justify the German invasion of Denmark and Norway. This was officially in order to protect the neutrality of these countries, thereby emulating the British arguments for saving Belgium in 1914, with the crucial difference

²⁰ Martin Doherty, 'The Attack on the *Altmark*. A Case Study in Wartime Propaganda', *Journal of Contemporary History*, 38/2 (2003), pp. 187-200, pp. 193-98. Richard Wiggan, *Hunt the *Altmark** (London, 1982), p. 151.

²¹ *Meldungen aus dem Reich*, Vol. 3, p. 821, 28.2.1940. ('Man erinnerte sich einerseits an die Beschießung des Hafens von Almeria im Spanienkrieg und dachte andererseits, daß damit das Stichwort für die Frühjahrsoffensive gegeben sei.')

that neither Denmark nor Norway had asked the *Reich* to assist them.²² On 10 April 1940, the *Völkische Beobachter* announced ‘Germany Rescues Scandinavia’ and explained that Norway and Denmark had come under German ‘protection’. Harking back to the previous war once again, the Germans spoke of the ‘rape of Norway’, echoing the formulation the British had used to condemn the German invasion of Belgium in 1914.²³ A different article under the headline ‘Germany’s Response’ explained that a German response had been unavoidable since February 1940, ‘when the murder-ship *Cossack* had, on Chamberlain’s orders, broken for the first time the neutrality of Scandinavia and committed its cowardly bloodbath on board the *Altmark*’.²⁴ The secret morale observers reported ‘enthusiastic support’ for the news. They reported that since the *Altmark* incident, and after the new reports about Allied violations of neutrality, the population had expected ‘counter-measures’.²⁵ The observers were pleased that the population considered the German actions legitimate:

When assessing the German measures, they completely embraced the arguments of the German propaganda, that England hitherto has not accepted the neutrality of the Nordic states and - as revealed by the announcement concerning the mining of the waters - does not intend to do so in the future. The German move was generally understood as a justified counter-measure against the intentions of the Western powers.²⁶

In May 1940, the focus of the investigations shifted from the naval theatre to the land campaign. As the German troops began their offensive in the West, they started to receive

²² Walther Hubatsch, “*Weserübung*”. *Die deutsche Besetzung von Dänemark und Norwegen 1940* (Göttingen, 1960), p. 511.

²³ *Völkischer Beobachter*, Deutschland rettet Skandinavien, 10.4.1940.

²⁴ *Völkischer Beobachter*, Deutschlands Antwort, 10.4.1940. (‘als das Mörderschiff Cossak auf Befehl Chamberlains zum ersten Male die Neutralität Skandivaniens brach und ihr feiges Blutbat auf der Altmark’)

²⁵ *Meldungen aus dem Reich*, Vol. 4, p. 975, 10.4.1940. (‘begeisterte Zustimmung’, ‘Gegenmassnahmen’)

²⁶ *Meldungen aus dem Reich*, Vol. 4, pp. 983-984, 12.4.1940. (‘Bei der Beurteilung des deutschen Schrittes hat man sich die Argumente der deutschen Propaganda völlig zu eigen gemacht, daß England die Neutralität der nordischen Staaten bisher nicht geachtet habe und - wie aus der Ankündigung der Minensperre hervorging - in Zukunft erst recht nicht zu achten gewillt war. Der deutsche Schritt wird daher allgemein als eine gerechte Gegenaktion gegen die Absichten der Westmächte empfunden.’)

reports which indicated that the notion that they would be confronted with civilian resistance following the pattern of the previous war was indeed justified. This time, however, investigations were supposed to happen preemptively and not in response to international criticism regarding reprisals against civilians. One such investigation into civilian resistance was carried out by the Secret Field Police in May 1940. Officer Arthur Jetzinger conducted an investigation into the murder of the crew of a German plane that had made an emergency landing at Vimy on 18 May 1940. He established that French soldiers had rushed to the site, where they opened fire on the four airmen, despite the fact that they had raised their hands in surrender. A *gendarme*, who had followed the soldiers, arrested the only surviving airman in order to interrogate him. On their way to the police station, they were surrounded by enraged soldiers and civilians who started beating the airman in anger at the German air raids. One soldier yelled, 'Let's not take him prisoner but shoot him on the spot!' A civilian hit him with such force that someone remarked, 'Son of a Bitch, don't hit so hard'. The *gendarme* tried to calm the mob down, shouting: 'Let him live, I need him for information'. However, a French soldier fired a fatal shot at the airman.²⁷ A similar attack on German airmen occurred exactly one month later on 18 June 1940. Military judges from the 5th Panzer Division spoke to a German aircrew, whose plane had been shot down near Brest. They testified that they had just set their plane on fire to prevent it being salvaged by the enemy, when *gendarmes* and civilians appeared at the scene. Despite the fact that they waved a white handkerchief and shouted in French, 'Do not shoot, we are wounded and prisoners', the *gendarmes* and civilians opened fire at them from a distance. Once they had come closer, they started beating the air crew. Despite this clear evidence of the involvement of civilians in attacks against German airmen, the

²⁷ BA-MA, RW2/65, fol. 234: Gericht des Kommandaten des rückwärtigen Armeegebiets 580, 6.6.1940. ('Nom de chien, frappez pas si fort', 'Laßt ihn leben, ich brauche ihn noch für Auskünfte.', 'Nicht Gefangene machen, sondern gleich erschießen.')

investigations were not needed to justify reprisals. Instead of meting out collective punishment on the civilian population, the German troops made a serious attempt to identify those responsible for the attacks and the decision was made to let a military tribunal deal with the matter. In Vimy, Jetzinger tracked down three civilians who had taken part in the beating of the pilots. On 6 June 1940, a military judge sentenced to death as ‘irregular combatants’ a Polish woman and a man described as a known troublemaker and Communist. He explained that such a harsh sentence was necessary in order to deter civilians from copying their example.²⁸ In Brest too, a German military tribunal dealt with the mistreatment of the airmen. A peasant and a merchant from the area were later sentenced to death for their involvement.²⁹

As civilian resistance had not proven to be the problem the Germans had anticipated it would be, the focus of the investigations zoned in on war crimes committed by French soldiers. Alarmed by reports of German paratroopers landing in civilian clothing, the French government had threatened to execute them as irregular combatants. The *Wehrmacht* rebutted the allegation and publicly threatened reprisals. On 14 May 1940, the *Völkische Beobachter* published an article that explained that the paratroopers were regular soldiers, rejected the claim that they were not recognisable as combatants and announced that the *Wehrmacht* ‘will resort to reprisals in light of this unprecedented violation of the international laws of war’. Ten French soldiers would be executed for each German paratrooper.³⁰ Goebbels had previously urged caution as he feared that giving voice to the possibility that the French might execute German soldiers would cause great distress on the

²⁸ *Ibid.*

²⁹ BA-MA, RW 2/64, fol. 224-225: Feldkriegsgericht der 5 Panzerdivision, 23.6.1940. (‘Nicht schießen, wir sind verwundet und Gefangene!’)

³⁰ *Völkischer Beobachter*, Fallschirmjäger sind reguläre Formationen, 14.5.1940. (‘gegen diesen beispiellosen Völkerrechtsbruch sofortige Repressalien ergreifen werde’)

home front and, therefore, considered the *Wehrmacht's* announcement a 'grave psychological mistake'.³¹ From the morale reports, he would learn that his concerns were unfounded. According to the regime's observers, the threatened reprisals were met with approval by the population. They had recorded statements such as: 'There can be no understanding for a humane attitude towards a criminal enemy'. They also recorded that the French threats were being compared to the 'Polish crimes' which caused some Germans to suggest that, as in Poland, the reprisals should be directed first and foremost against the members of the 'French intelligentsia'.³² The German investigators, however, could not confirm that the French had followed through with their threats. They found one case which suggested that there was some possibility that the French executed this order. A German soldier told them that French soldiers debated whether or not they should shoot him because they suspected him of being a paratrooper. However, in the end, the French relented and took him prisoner. As a result of such limited evidence, there was no escalation.³³ As the reports did not have the demoralizing effect that he had feared, Goebbels unleashed a campaign that focused on French war crimes against German soldiers. On 31 May 1940, the *Völkische Beobachter* published an article entitled 'The French People is Complicit in the Crimes of its Government'. It explained that for years the *Reich* had tried to make a distinction between the French government and its people, a distinction that they even tried to uphold when the French people proved too weak to prevent a French declaration of war against the *Reich*. Now, they had to realise that the French were not just weak but 'degenerate'. Against this background, the article argued: 'Under these circumstances, the

³¹ Boelcke (ed.), *Kriegspropaganda 1939-1941. Geheime Ministerkonferenzen im Reichspropagandaministerium*, p. 349. ('schwere psychologische Fehler')

³² *Meldungen aus dem Reich*, Vol. 4, p. 1189, 30.5.1940, p. 1207, 3.6.1940. ('Polenverbrechen', 'Für eine humane Haltung einem verbrecherischem Feind gegenüber hat man nichts übrig', 'französischen Intelligenz')

³³ BA-MA, RW 2/65, fol. 107: Kurt Wiegand, 15.10.1940.

hopes regarding a “better France” have to be buried and the French people, in its entirety, will have to bear the consequences’.³⁴ Similarly, on 8 June 1940, an article appeared in the *Völkische Beobachter* entitled ‘Complicit’ which explained that the ‘the once justifiably highly-regarded French people has been reduced to the moral low of the Polish people’.³⁵

The speed of the German advance dramatically altered all the expectations shared by the investigators and most other Germans of a lengthy conflict. The question of what would happen to the French in the event of a German victory suddenly became relevant. With German troops ready to occupy Paris, Goebbels demanded an immediate stop to the ‘hate propaganda’ against the French.³⁶ Subsequent developments disappointed those who had believed that the French would be punished for their misdeeds in the same manner as the Poles. The regime did not exercise brutal revenge against the French for their treatment of German soldiers in a manner that would have required them to use the same kind of justifications. Nor did they make any move to exercise revenge for the humiliation of Versailles beyond the symbolic one of using the same railway carriage for the armistice. Instead of murdering the local elites, the regime would strive to work with them. The French civilian population, which had had feared the worst, could breathe again.³⁷

Goebbels, however, was aware that it was by no means clear that this amicable relationship would continue. He considered the possibility that it might become necessary ‘to tighten the screw’ in the future and that in order to justify such measures, it would serve the regime

³⁴ *Völkischer Beobachter*, Das französische Volk mitschuldig an den Verbrechen, 31.5.1940. (‘entartet’. ‘Unter diesen Umständen müssen die Hoffnungen auf das "bessere Frankreich" begraben werden, und das französische Volk als Ganzes die Folgen tragen’).

³⁵ *Völkischer Beobachter*, Mitschuldig, 8.6.1940. (‘einst mit Recht hoch geachtete Volk der Franzosen bis auf den menschlich-moralischen Tiefstand des Polentums herabgesunken ist’)

³⁶ Boelcke (ed.), *Kriegspropaganda 1939-1941. Geheime Ministerkonferenzen im Reichspropagandaministerium*, p. 387. (‘Hasspropaganda’)

³⁷ Thomas J. Laub, *After the Fall. German Policy in Occupied France 1940-1944* (Oxford, 2010), pp. 24-41.

well to be able to cite French transgressions of the laws of war as the justification.³⁸ Therefore, the investigations continued. Many of the reports which reached the Investigation Office revolved around the mistreatment of German soldiers during interrogations. One witness explained that the French officer interrogating him pointed to his gun, stating: ‘If you don’t want to testify, then we can force you to talk’.³⁹ Another soldier from Infantry Regiment 186 claimed that French officers had beaten him during an interrogation, put a pistol to his chest and threatened to blow him up with a grenade if he did not reveal the location, strength, and capacity of his unit.⁴⁰ After such treatment had failed to make him talk, a soldier from the Infantry Regiment *Grossdeutschland* was put up against a wall and upon the command of an officer, three soldiers loaded their weapons and aimed at him in a last attempt at intimidation.⁴¹

Johann Goldsche, the Director of the Wehrmacht Investigation Office, realised that this material, which incriminated French officers, could easily antagonise French political and military leaders. At the same time, it did not seem a viable alternative to let the perpetrators of these crimes off the hook. This would send a message that one could commit war crimes against German soldiers without fear of consequences. Goldsche would only initiate steps for the prosecution of French officers if these were Jewish. The foundations for this step had been laid early on. During the campaign, the Nazi regime had repeatedly argued that the Jews in the French government had incited French soldiers to wage a ‘criminal war’ against the German troops. The *Freiheitskampf* and *Der Angriff* claimed that ‘Jewish propaganda’ had poisoned the minds of French soldiers to such an extent that they ‘had

³⁸ Goebbels-Tagebücher, Pt. 1, Vol. 7, p. 216, 11.7.1940. (‘Daumenschrauben anziehen’)

³⁹ BA-MA, RW2/64, fol. 153: Albert Denda, 7.9.1940. (‘Wenn sie nicht aussagen wollen, so koennen wir sie zum Reden zwingen’)

⁴⁰ BA-MA, RW 2/64, fol. 65-66: Hermann Rauch, 31.8.1940.

⁴¹ BA-MA, RW 2/64, fol. 71: Ferdinand Dietz, 26.8.1940.

forgotten morality and international law'.⁴² It was, therefore, logical to focus the investigations on 'Jewish war criminals'. French Jews would now become the lightning rod for war crimes accusations against French officers. In this context, Goldsche could draw upon the testimony of witnesses who had identified their captors as Jewish. Ewald Kardolsky was one of those who explained that they had been threatened by officers 'who according to their looks evidently were Jews'. When he had refused to point out the location of German troops on a map, he had been threatened with prison camps in Morocco or the Sahara desert. In a subsequent interrogation, a 'Jewish' officer beat him on his head and back before a different officer loaded his weapon and told him: 'I can do whatever I want with you'.⁴³ Another witness was Otto Stränz who explained that he was interrogated by an officer named 'Levy'. According to Stränz, the officer told him that he had the right to shoot him if he did not tell him what he wanted to know. Goldsche forwarded this information to the *Wehrmacht's* Department for Prisoners of War, which initiated an extensive search for a 'Levy', adding in parentheses that he was 'a Jew', in the prisoner of war camps. Looking at photos, Stränz identified one of the prisoners as the officer who had interrogated him. What happened to 'Levy' is unknown.⁴⁴

This focus on 'Jewish war criminals' solved the problem of how to do deal with the fact that French officers had been accused of war crimes. It did not, however, solve the problem of what to do with the French rank-and-file soldiers who, in the German view, had carried out the orders of the Jews and committed serious war crimes against German soldiers, about which there had been numerous reports. Wilhelm Ermlich explained that he was in a group

⁴² *Freiheitskampf*, Die Jüdische Propaganda auf Hochtouren, 9.7.1940. *Der Angriff* Der Mord von La Capelle, 29.5.1940.

⁴³ BA-MA, RW2/64, fol. 94: Ewald Kardolsky, 27.8.1940. ('Offiziere, die ihrem Aussehen nach offensichtlich Juden waren', 'Ich kann mit Ihnen machen, was ich will.')

⁴⁴ BA-MA, RW2/66, fol. 273: Otto Stänz, 27.8.1940.

that had been captured by French soldiers on 24 May 1940 near Bry. He testified that while they had their hands raised above their heads, other French soldiers appeared and opened fire at them. When he saw that one of his comrades had been shot in the head, Ermlich dropped to the ground and pretended to be dead. Covered by two soldiers who had collapsed on top of him, Ermlich heard the French soldiers reload their rifles and counted five more shots fired at the recumbent German soldiers. They killed four Germans in total.⁴⁵ Kurt Wiegand described the similar treatment of a group of soldiers taken prisoner on 28 May 1940 near Huby. After they had laid down their weapons and raised their hands, Wiegand observed French soldiers debating for a short time before they fired shots at them. According to Wiegand, the French soldiers abruptly ceased fire and then marched the survivors away. Later, a French officer fired shots at the prisoners with his pistol, hitting one of the German prisoners in the chest. When he realised that the German soldier was still alive, the French soldier emptied his entire magazine into him.⁴⁶

These accusations against French rank-and-file soldiers were particularly serious in the minds of the investigators, especially given that there were few such accusations laid against the British troops. On 21 May 1940, a German soldier had observed a British soldier shoot a German prisoner of war near Arras. The witness explained that, when the German troops were approaching, a British soldier pulled his weapon and shot dead a wounded prisoner of war before they retreated, but cases such as this were very rare.⁴⁷ Once again, the question was how the investigators should proceed regarding the crimes of the French troops in light of the new alliance between *Vichy* and the *Reich*. More so than the prosecution of officers, the prosecution of rank-and-file soldiers risked alienating broader

⁴⁵ BA-MA, RW 2/65, fol. 216 Wilhelm Ermlich, 25.9.1940.

⁴⁶ BA-MA, RW 2/65, fol. 212: Kurt Wiegand, 15.10.1940.

⁴⁷ BA-MA, RW2/61, fol. 57: Ignatz Reil, 9.8.1940.

sections of French society. Again the racialised wartime propaganda provided a scapegoat. During the campaign, the Nazi regime had created the impression that French colonial troops from Senegal and Morocco were unable to adhere to the laws of war and were responsible for severe war crimes against German soldiers. Throughout May to June 1940, the *Völkische Beobachter* ran reports about war crimes that had allegedly been committed by French Colonial troops from Morocco and Senegal under headlines like ‘Black Beasts Murder at the Somme’.⁴⁸ The observers of domestic morale reported that these claims were met with outrage by the population and they recorded demands for the execution of these soldiers on the spot.⁴⁹ In fact, this was already common practice. German soldiers refused to accept the surrender of French colonial troops and murdered thousands of them, mostly in the heated situation immediately after a battle was over.⁵⁰ The investigators looked into the military reports that these men had committed war crimes against German soldiers, which would have provided the ‘justification’ for their murder, but they were unable to find any evidence to support these claims. A German witness, who had seen a mock execution of another prisoner by French soldiers, explained that in reality the Moroccan soldiers treated them decently. He went on to say that the Moroccans were also beaten regularly by their white superiors.⁵¹ Another German witness also had positive things to say about the Colonial troops. Even after he had been beaten by white officers and told to dig his own grave, a Senegalese soldier handed him a helmet when German planes appeared overhead. Another Senegalese soldier gave him dried biscuits after white officers had denied him

⁴⁸ *Völkischer Beobachter*, Deutscher Fliegeroberst bestialisch von Franzosen misshandelt, 29.5.1940. *Völkischer Beobachter*, Schwarze Bestien morden an der Somme, 08.6.1940.

⁴⁹ *Meldungen aus dem Reich*, Vol. 4, p. 1207, 3.6.1940, p. 1236, 10.6.1940.

⁵⁰ Scheck, *Hitler's African Victims*, p. 126.

⁵¹ BA-MA, RW2/64, fol. 77: Gerhard Steuer, 26.8.1940.

food.⁵² Accounts like these did not suit the *Reich*'s propaganda narrative and were therefore shelved. Instead, the population was left in the belief that the perpetration of war crimes had been the work of the Colonial troops, which let other French rank-and-file soldiers off the hook.

As the investigators were dealing with these problems, another issue appeared once the French opened the gates of their civilian internment camps. Among those released were German nationals who had been arrested by Belgian authorities and were then handed over to the French. As the internees revealed new cases of maltreatment, the Wehrmacht Investigation Office began to take an interest. Paul Lehmann was one of those who reported his ordeal. He was arrested alongside other foreign nationals in Antwerp on 10 May 1940. Together with hundreds of others, he was put on a train that had '*Boches*, parachutists, and members of the Fifth Column' chalked on the side of the wagons. In his case, this was an apt description as he had served as a secret informant to the Germans. Lehmann reported that there were so many prisoners on the train that it was impossible to sit or lie down, and that they had trouble breathing as the windows were closed. As they were taken towards the West, away from the German advance, Lehmann observed how some of the prisoners became mad due to the lack of air, water, and space.⁵³ As they continued their enquiry, the investigators broadened the brief to include non-Germans. Johan Aalberts, a right-wing editor and writer from the Netherlands who had been arrested in Antwerp, gave a similar account. He added that, at one stop, *gendarmes* opened the doors, jumped inside, and beat the prisoners. At the stations, the prisoners were confronted with civilians who further berated and threw stones at them, and attacked them when they had to change trains. After

⁵² BA-MA, RW2/64, fol. 115: Arnulf Hey, 3.9.1940.

⁵³ BA-MA, RW 2/67, fol. 45-55: Paul Lehmann, 25.9.1940.

their arrival, this maltreatment was continued by French guards, who, according to the witnesses, made them run a gauntlet at the entrance to the camp.⁵⁴

The *Wehrmacht* dealt with this problem in the same manner as they had dealt with civilian resistance, namely by putting a few individuals on trial, rather than treating it as an issue of collective guilt. In February 1941, the court of the Senior Field Administrative Command 672 conducted a trial against eleven members of the Belgian Military escort that had accompanied a transport to St Cyprien. As the leader of the escort, Philippe Colette was given the main responsibility for the treatment of the internees, one of whom had become insane due to lack of water and died shortly afterwards. Colette was also accused of having tolerated the mistreatment of prisoners by his men. On one occasion, two of his men opened a wagon and, before the eyes of Belgian civilians, started to beat the prisoners with their rifle butts, nearly blinding one man. The most severe allegations concerned the defendant Joly, who was accused of murder. Joly had been woken at night by the screams of a prisoner who, driven insane from dehydration, had been put in a separate wagon by himself. Joly had aimed his rifle into the wagon through the only remaining air vent and killed the prisoner.⁵⁵ The court affirmed that such acts merited severe punishment, but then exercised remarkable restraint. The court conceded that the transport of prisoners was a difficult enterprise and had demanded a lot from Colette who, in his civilian life, worked for an insurance company. It also took into account that the defendants had been under the influence of anti-German propaganda. The court even accepted that Colette's failure to restrain his men might have stemmed from the fact that the Germans had shot his father in the First World War. Colette was sentenced to ten years in prison. As for Joly, he was sentenced to thirteen years, with the charge against him reduced from murder to

⁵⁴ BA-MA, RW 2/70, fol. 6-29: Johan Aalberts, 10.2.1941.

⁵⁵ BA-MA, RH 2/436, fol. 80: Oberfeldkommandantur 67, Urteil gegen Colette u.a., 2, 11.2.1941.

manslaughter, perhaps because the internee he had killed was Jewish.⁵⁶ Again, the emphasis was placed on meting out some punishment, but in a consciously restrained and targeted manner, as long as the defendants were not Black, Jews, or known Communists.

French soldiers would soon fall under the investigators' purview once again due to the fact that they had taken over responsibility for civilian internees initially held by the Belgians. In June 1940, a German doctor of the Reich Labour Service and two French military doctors carried out autopsies on bodies that had been discovered in the city of Abbéville. It was ascertained that one of the victims was stabbed to death, four had had their heads smashed in and 17 others died from bullet wounds. An *Einsatzkommando* under Oskar Wenzky used Belgian police records to establish that they had belonged to a group of 78 prisoners who had been arrested on 14 May 1940 in Bruges. Witnesses testified that members of the Belgian *gendarmerie*, who acted as their guards, had mistreated them during their transport to Abbéville, where they were locked in the cellar of a music pavilion at the Porte du Bois. According to these witnesses, the next day French soldiers had called for four volunteers to leave the cellar. A short time later, shots were heard. Four more prisoners left the cellar and shots rang out once again. Panic quickly broke out when the remaining prisoners realised that the plan was to shoot them in small groups one after the other. As the prisoners shouted, prayed and screamed, a French soldier threw a grenade into the cellar, but one of the prisoners managed to catch it and throw it out of a window. With the prisoners now refusing to leave the cellar, French soldiers came down and forcibly dragged them away. After they had shot twelve prisoners, the soldiers then told the prisoners that there would be no further executions and marched them off. The remaining prisoners were liberated by

⁵⁶ BA-MA, RH 2/436, fol. 100-105: Oberfeldkommandantur 67, Urteil gegen Colette u.a., 2, 11.2.1941.

German troops on the same day. Four of the twelve victims were Germans.⁵⁷ The investigations into these executions led to the identification of two French soldiers who stood trial at the Court of the Commander of Greater Paris in January 1942. They tried to defend themselves by arguing that they had shot spies and paratroopers on superior orders, an interpretation which the Germans' own investigations did not support. As for killing of paratroopers, the court explained that they were part of the *Wehrmacht* and that, even if they had not worn uniforms, they had to be treated as spies and tried in court in accordance with the Hague Convention of 1907. If they were not spies but irregular combatants, then they too could not be shot without a trial. In light of the German insistence on their own right to execute irregular combatants on the spot, this judicial ruling was a more than remarkable statement.⁵⁸

Now, the question was what should be done about the internment camps in the south of France. Once again, the investigations did not focus on the responsibility of the French, who allowed the *Sicherheitspolizei* to arrest German political opponents who had emigrated to Belgium and then had opted to remain in the camps after the French surrender.⁵⁹ The focus was again on Jews, thereby avoiding criticism of the newly-minted alliance with France. It served the investigators well that the Belgian police had carried out blanket arrests of all foreign nationals before the German attack in the West. Among the prisoners taken to Abbéville were, for example, many who had been categorised by the Belgian authorities as Communists and Jews. Lehmann, the secret informant to the German

⁵⁷ BA-MA, RW 436/38, fol. 46-53: Gericht des Kommandanten von Gross-Paris, Feldurteil gegen Rene Caron and Emile Mollet, 1942.

⁵⁸ BA-MA, RW 436/38, fol. 74: Gericht des Kommandanten von Gross-Paris, Feldurteil gegen Rene Caron and Emile Mollet, 1942.

⁵⁹ Christian Eggers, 'Die Reise der Kundt-Kommission durch die südfranzösischen Lager', in Jacques Grandjone and Theresia Grundtner (eds.), *Zone der Ungewissheit. Exil und Internierung in Südfrankreich 1933-1944* (Reinbek bei Hamburg, 1993), pp. 235-48.

Embassy in Brussels, claimed that the Jews and Communists terrorised the other prisoners and threatened to beat them to death if Germany won the war.⁶⁰ Aalberts, the right-wing newspaper editor from the Netherlands, who stayed in the camp after the German and Italian prisoners had been released, explained that the ‘Aryans’ had been ‘literally at the mercy of the Jews’. He believed that the camp commander of St Cyprienne was Jewish and that the entire administration of the camp had been in Jewish hands. He illustrated this by claiming that he was alone in his barrack with 68 Jews and a ‘Jew-friendly’ Norwegian. In an internment camp in Orléans, he claimed to have witnessed how Jews humiliated a Flemish nationalist by forcing him to remove the dirt from their barracks.⁶¹

While the investigators were busy playing down the kinds of French culpability their office had originally been established to document, they received the unexpected news that retreating British and French soldiers had killed civilians in Belgium. Several witnesses explained that British troops had suddenly opened fire on the local civilian population in Wulpen. Shots fired from the side of the canal where the British were based killed six civilians, the youngest an eleven-month-old child.⁶² A female witness could not understand why the British troops had shot at the civilians but was certain that they had done so deliberately.⁶³ Hermance Lefebvre recounted that she and her friend, Leona Vanderpepen, had been stopped by a French colonial soldier who had asked them if they were married. After his advances to Vanderpepen had been rejected, he loaded his rifle and shot her dead. He also fired a shot at Lefebvre, who survived.⁶⁴

⁶⁰ BA-MA, RW 2/67, fol. 45-55: Paul Lehmann, 25.9.1940.

⁶¹ BA-MA, RW 2/70, fol. 22: Reindert Johan Aalberts, 10.2.1941. (‘Wir waren hier buchstäblich den Juden ausgeliefert.’, ‘judenfreundlichen Norweger’)

⁶² BA-MA, RW 2/63, fol. 12: Maria Demeulenare, 18.6.1940.

⁶³ BA-MA, RW 2/61, fol. 11: Leontina Devos, 18.6.1940.

⁶⁴ BA-MA, RW 2/69, fol. 111-112: Hermance Lefebvre, 10.9.1940.

As a result of such reports, French and British atrocities against Belgian civilians became the somewhat unexpected focus of the investigations. This was met with great interest by Otto Stülpnagel, the German commander in France, who had campaigned against the allegations of German atrocities in Belgium after the First World War and had used material that had been collected by the Prussian Military Investigation Office to show that the Allied allegations were not only wrong, but that the Allies had done the very things of which they accused the Germans.⁶⁵ In Goldsche, Stülpnagel found someone who also had an interest in ‘winning’ this re-run of the 1914 propaganda war, and so it appears that together they encouraged investigations in this direction. From the start, the focus was naturally on the British, with whom the Germans were still at war. In Okkegem, investigators spoke to Jeanne Arendts who stated that British soldiers first shot her husband on their doorstep and then threw a grenade into the cellar where she had taken refuge with her six children, luckily causing them only minor injuries.⁶⁶ In Louvain, the epicentre of German violence against civilians in 1914, German investigators spoke to nuns who had been shot at by British soldiers. Sister Tatiana from Romania, who studied at the Ursuline Seminary, explained that she and the other nuns had been about to cross a bridge, when British soldiers opened fire on them with a machine gun. She had been struck by a bullet to her arm, fell to the ground and barely survived. Sister Maria-Adriana was shot in her right lung and died on the spot.⁶⁷ In Helky several civilians, who had not fled in time, were later found dead after British troops had retreated from the area. Hubeau Camille explained that an 80-year-old man was later found dead and blindfolded.⁶⁸ More bodies were discovered in a park, where three male corpses – also blindfolded – were recovered from a pit. Bullet holes in a nearby

⁶⁵ Von Stülpnagel, *Die Wahrheit über die deutschen Kriegsverbrechen*, pp. V-VI.

⁶⁶ BA-MA, RW 2/61, fol. 343: Jeanne Arendts, 7.10.1940.

⁶⁷ BA-MA, RW2/61, fol. 337: Schwester Tatiana, 7.10.1940.

⁶⁸ BA-MA, RW 2/61, fol. 307: Hubeau Camille, 16.8.1940.

wall indicated the site of their execution. Another grave was found alongside the road from Helky to Audenbarde. Two men had been killed with shots to the chest. Local civilians discovered the body of René Opsomer and, a few days later, the body of another man.⁶⁹

Although the fact that there was violence against civilians was undeniable, the nature of the violence would prove to be extremely confused and motivated by fear. On 16 May 1940, French soldiers had opened fire at a house in Fleures, killing three of the inhabitants, all of whom were Italians. One of the survivors, Enrico Franz, told the investigators from the Secret Field Police that a French officer had pointed at the window in an excited manner, evidently at something that had aroused his suspicion. When the officer learned that the inhabitants were not just foreigners but Italians, this apparently only strengthened his suspicion that these men were supporters of the enemy and the officer proceeded to enter the building. In this tense situation, one of the soldiers who had been waiting outside suddenly yelled that one of the Italians was running up the stairs. Immediately, the officer pulled his gun and ran outside in order to escape from a situation that would have appeared to him as an ambush. As he rushed to the door, he fell down a flight of stairs. This was when the shot was fired, most likely from his own pistol whose safety-catch he would have released. He let out a shriek of pain and started yelling ‘spies, spies!’ When the soldiers waiting outside heard this and saw that their officer had been wounded, they opened fire. According to Franz, they were in a frenzy and for more than twenty minutes fired at the house with everything they had at their disposal, including machine guns and tank guns. Franz believed, however, that the French soldiers tried to kill them because they thought the Italians were Fascists. He explained that in order to have a pretext for their murder, the French officer, who had come to their house to check their identity papers, shot himself in

⁶⁹ BA-MA, RW2/61, fol. 308: Emile Dewulf, 16.8.1940.

the thumb, which was the signal for the French soldiers surrounding the house to open fire. After the shooting subsided, however, the French soldiers arrested the 11 Italians who had survived the shooting. Even in this single case, the French actions were clearly inconsistent if not contradictory.⁷⁰

If the fear of spies was widespread, the ideas of who those spies were was also far from clear-cut. Prosper Piéron explained that he had been arrested by French soldiers, who told him ‘You are a spy!’, and took him to their headquarters. There, he was put in a room where French officers also interrogated the Mayor.⁷¹ Piéron was released without being interrogated, but the Mayor was taken outside and put up against a wall next to the Italian Giovanni Orsolini who been arrested for resisting the requisitioning of his bicycle. Orsolini fainted after seeing a French officer fire a bullet into the Mayor’s mouth. When Orsolini regained consciousness, the French soldiers behaved differently to their comrades who had opened fire at the Italians in Fleures. These French soldiers pulled Orsolini to his feet and told him to go away because he was Italian.⁷² On the other hand, a similar incident to Fleures occurred in Gilly, where a French officer shot François Vanderstraten and his wife in broad daylight on 17 May 1940. Witnesses were at a loss to explain the motive for this killing, but their statements suggest that the fear of spies played a crucial part in this case too. According to a witness, the fact that Vanderstraten had covered up the sign of his café with a placard aroused the suspicion of a French soldier who then stopped a French motorised column that was passing by. The witness explained that a French officer had taken the placard that read ‘Estrallies’ and became agitated as if there was something wrong with the inscription. According to another witness, the French soldiers were unimpressed

⁷⁰ BA-MA, RW 2/69, fol. 148: Enrico Franz, 19.11.1940

⁷¹ BA-MA, RW 2/69, fol.185: Prosper Piéron, 9.10.1940.

⁷² BA-MA, RW 2/69, fol. 186: Giovanni Orsolini, 9.10.1940.

with Vanderstraten's explanation that he had covered up the sign so that he would not attract French soldiers as customers because they had refused to pay him in the past. When she saw that her husband had been pushed against a wall, Vanderstraten's wife uttered a cry, upon which the tense situation escalated. As the officer who had pulled his gun out started to walk towards her, she slammed the front door behind her. The officer tried to push open the door, firing a shot. It cut through the door and hit her in the head. Immediately afterwards, the officer crossed to the other side of the road, where Vanderstraten had been forced to watch the events unfold, and also shot him in the head.⁷³

Events in Denderhouten show how deeply rooted the fear of spies was amongst British troops as well. The Mayor, Edgard van Oudenhove, explained that the British soldiers viewed the civilian population with great suspicion. On 18 May 1940, a British officer ordered him to inform the population that they were no longer allowed to hang clothes to dry outside, lest these serve as covert signals to the German troops closing in on the town. When the German troops were only five kilometres away, the same British officer demanded the evacuation of the town, which van Oudenhove refused to do without a written order. He later told the military judge who interviewed him that the British had demanded the evacuation 'because they were scared of the inhabitants'.⁷⁴ In the evening, another British officer informed the Mayor that local civilians had fired shots at British troops in Denderhouten and that they had also committed acts of sabotage. He ordered Oudenhoven to gather all the local men and lock them up in the school building so that they could no longer pose a risk. When they were allowed to leave the building the next day, Oudenhoven learned from another witness that his brother and uncle had been arrested

⁷³ BA-MA, RW 2/68, S. fol. 148: Pamela Dofny, 30.5.1940. BA-MA, RW 2/68, S. fol. 150: Georg Fagnar, 30.5.1940.

⁷⁴ BA-MA, RW2/61, fol. 316: Edgard van Oudenhove, 3.8.1940. ('Ich habe vielmehr den Eindruck, dass die Engländer die Räumung wünschten, weil sie vor den Einwohnern Angst hatten.')

alongside a refugee from a neighbouring village. The other witness had last seen them on a lorry at around the time when the British soldiers believed that they had come under attack by the local population. He later discovered their bodies in a pit.⁷⁵

It appears that the fear of spies was also the reason for the killing of Julian Vervacke, who had been arrested by British troops in Meenen and who was later found dead beyond the French border in Roncq. On 24 May, Vervacke had left the air-raid shelter in Meenen to discover that retreating British soldiers were entering houses and throwing furniture into the street in order to build a barricade. Local witnesses held Vervacke to be impulsive and resolute and were convinced that he would have protested against the destruction of his property.⁷⁶ The fact that he did not speak English would not have helped him with the British soldiers who feared that spies would attempt to frustrate their retreat. The witnesses saw the British soldiers take Vervacke to Roncq. Witnesses from Roncq confirmed that he had been killed because he was thought to be a spy. A 13-year-old boy observed how British soldiers took a blindfolded Vervacke into a park.⁷⁷ Another witness had heard the prisoner shout in bad French: 'I am not a spy' before shots were heard.⁷⁸

When reading these reports, Goldsche would have been reminded of the testimony of Germany soldiers from Belgium in 1914 who had described their own acts of violence against civilians in a remarkably similar manner. Nevertheless, he selected the simplest reports which gave little sense of the confused and haphazard nature of the events on the ground, and forwarded them to the German Foreign Office. There, the Archival Commission recognised that Belgian witness statements provided an opportunity to show

⁷⁵ *Ibid.*

⁷⁶ BA-MA, RW 2/63, fol. 150R: Schlussbericht der Sipo und des SD, 25.8.1941.

⁷⁷ BA-MA, RW 2/63, fol. 132: Helene Haquette, 30.6.1941.

⁷⁸ BA-MA, RW 2/63, fol. 133: Rudolf Cosyn, 30.6.1941.

that the British and French had acted no differently to the German troops in 1914, whose conduct they had so loudly condemned. With a cooperative government in Vichy, they placed the focus squarely on the British. As in 1914, however, heavy editing was required to make this work. They had to edit the witness statements to exclude crucial mitigating details in order to shape the impression that British soldiers had targeted civilians for no reason and in a cold and calculated manner, and not because they feared, with or without justification, that they had come under attack themselves. In the case of Okkegem, for example, it was clear that the British soldier who threw the grenade into the basement could not have known that Jeanne Arendts was down there with her six children. After he realised what he had done, the British soldier took them to a military hospital where their wounds were treated.⁷⁹ Towards the French, the editors exercised restraint. They omitted cases in which French officers had been responsible for the shootings of civilians and once again gave the impression that French colonial troops from Morocco and Senegal had been responsible for this violence against Belgian civilians. Despite this effort, the editors would soon learn that their new German 'Black Book' would not achieve the same impact as the British equivalent in 1915.⁸⁰ It had no discernible impact abroad and today there is no popular awareness that British troops killed civilians in Belgium and France. In any case, the small number of victims killed by British and French troops in 1940 paled in comparison to the thousands of civilians executed by German soldiers in 1914. Nor had the British and French burned an entire city to the ground. More problematic still, by the time the German 'Black Book' was published in 1940, the German conduct in Poland raised

⁷⁹ Auswärtiges Amt (ed.), *Dokumente britisch-französischer Grausamkeit. Die britische und französische Kriegsführung in den Niederlanden, Belgien und Nordfrankreich im Mai 1940* (Berlin, 1940), p. 118. BA-MA, RW 2/61, fol. 343: Jeanne Arendts, 7.10.1940.

⁸⁰ James Bryce (ed.), *Report of the Committee on Alleged German Outrages* (London, 1915).

allegations which already exceeded anything they had been accused of during the First World War.⁸¹

While the investigations in the West dragged on, the *Wehrmacht* made preparations for the airborne invasion of Crete. It started amid a media black-out, so concerned was Goebbels that it might fail. He did not want to make this an important case, the loss of which would create depression.⁸² On the day that the German public was informed about the invasion, the *Wehrmacht* again ignored Goebbels' directive to not mention enemy war crimes against German soldiers, lest it affect morale, and publicly declared that Churchill had threatened to have German paratroopers wearing civilian clothes executed. The *Wehrmacht* denied the British claim that the paratroopers were not wearing uniforms and issued a counter-threat to shoot ten British prisoners for each German paratrooper executed by the British.⁸³

In the event, the investigators found no evidence that the British had executed paratroopers, but they did turn up evidence of other war crimes. The most serious allegation against British troops on Crete concerned the murder of wounded Germans on 27 May 1941 at Suda Bay. Retreating British troops inflicted heavy losses on a unit of German mountain troops who were forced to retreat and abandon their wounded. When Germans recaptured the area a day later, they discovered that the wounded had been killed. One soldier described to the investigator the discovery of bodies with shots to the head and to the heart, in addition to multiple other wounds. Another witness, an assistant doctor, explained that he discovered a man with his head smashed in.⁸⁴ Another witness claimed that they had left behind 30 wounded, all of whom were later discovered dead. He explained that the stab

⁸¹ Polish Ministry of Information (ed.), *The German New Order in Poland*.

⁸² *Goebbels-Tagebücher*, Pt. 1, Vol. 9, p.325, 21.5.1941, p. 330, 23.5.1941, p. 333, 24.5.1941.

⁸³ *Goebbels-Tagebücher*, Pt. 1, Vol. 9, p.330, 23.5.1941, p.337, 27.5.1941. *Völkischer Beobachter*, OKW-Bericht, 25.5.1941.

⁸⁴ BA-MA, RW 2/139, fol. 135: Fritz Sochor, 2.6.1941.

wounds on the German soldiers could not have resulted from close combat, since the bodies of the British soldiers did not display similar wounds.⁸⁵ The investigator considered it thus proven that ‘this represented the systematic murder of the German wounded’.⁸⁶

Another case was the previously mentioned killing of an unprecedented 300 German soldiers. British warships intercepted a German convoy that was supposed to land mountain troops on Crete in the event that the airborne assault was repulsed. According to German survivors, the British ships had opened fire on the German vessels, despite the fact that they must have seen them hoist white flags. These witnesses explained that the British continued shooting at the soldiers while they tried to swim to safety, and at those in rescue boats, even when they were far away from the sinking ships.⁸⁷ One soldier said that a British ship set its course through the swimmers and shot at them, while others were pulled down into the sea by the ship’s screw.⁸⁸ Another soldier testified that the British ships combed the sea with searchlights and fired at their rescue boat.⁸⁹ 300 German soldiers had lost their lives.⁹⁰ These were serious allegations. They exceeded anything that had happened in previous campaigns, raising the question of how to respond at the very moment that Hitler was again looking for a negotiated settlement with Britain before launching an invasion of the Soviet Union.⁹¹

⁸⁵ BA-MA, RW 2/139 fol. 136: Gerhard Finzel, 2.6.1941.

⁸⁶ BA-MA, RW 2/139, fol. 12: Bericht Schölz, 24.6.1941. (‘es sich hier um eine systematische Ermordung der deutschen Verwundeten gehandelt hat’)

⁸⁷ BA-MA, RW 2/140, fol. 192-193: Walter Henglein, 23.5.1941.

⁸⁸ BA-MA, RW 2/140, fol. 200: Ernst Stribny, 28.5.1941.

⁸⁹ BA-MA, RW 2/130, fol. 201: Willi Wall, 28.5.1941.

⁹⁰ BA-MA, RH 20-12/357: AOK 12 IVb, Tätigkeitsbericht über die Zeit vom 1.5-20.6.1941. BA-MA, RM 35 III/120: Erfahrungsbericht über Vorbereitung und Durchführung “Mercur”. BA-MA, RM 35 III/4: Kurzer Bericht über Operation Motorseglerstaffel Maleme-Iraklion 23.5.1941. BA-MA, RM 35 III/121: Bericht über die Tätigkeit der Gruppe Herakleion in der Zeit vom 19.-22.5.1941.

⁹¹ Detlef Vogel, ‘Das Eingreifen Deutschlands auf dem Balkan’, in Gerhard Schreiber, Bernd Stegemann, and Detlef Vogel (eds.), *Der Mittelmeerraum und Südosteuropa. Von der “non belligeranza” Italiens bis*

These British war crimes, however, were overshadowed by an unforeseen development. Prior to the invasion, the *Wehrmacht*'s Counter-Intelligence Department had predicted that the local civilian population would not pose a threat.⁹² When the first paratroopers were dropped over Crete, it became clear that this assessment could not have been more wrong. Airborne troops reported that they were met with armed and organised resistance from civilians. Paratroopers described being shot at by civilians, who wore normal clothing, threw grenades, and then fired at the wounded soldiers. One was convinced that he only survived because they assumed that he was dead.⁹³ A member of the 6th Assault Regiment was one of many soldiers who reported that civilians had mutilated German soldiers, having seen one local man carve out the eyes of one of his comrades.⁹⁴ After a long fight with bands of armed civilians near Heraklion, soldiers of the Parachute Regiment 1 captured two civilians, who were wearing German helmets, and carrying knives stained with blood. He said that they were rendered 'harmless' on the spot, a euphemism for execution.⁹⁵

In light of the civilian resistance on Crete, ill-feeling towards the British fell by the wayside, and many German soldiers even spoke about positive encounters with British troops. Hermann Pauli, for example, was wounded after he had jumped from his plane over Heraklion. He recounted that he was attacked by civilians, who beat him and threw rocks at him until he lost consciousness. When he regained it, he saw two British soldiers standing next to him, aiming their guns at the civilians to drive them off. He told his interviewer: 'It

zum Kriegseintritt der Vereinigten Staaten (Das Deutsche Reich und der Zweite Weltkrieg, 3; Stuttgart, 1984), pp. 417-511, p. 510.

⁹² BA-MA, RL 33/51, fol. 7: Luftflotte 4, Kriegstagebuch 29.4.-23.7.1941.

⁹³ BA-MA, RW 2/139, fol. 160: Johann Schmidleitner, 27.5.1941.

⁹⁴ BA-MA, RW 2/139, fol. 69: Alfred Steeb, 30.5.1941.

⁹⁵ BA-MA, RW 2/137, fol. 151: Erwin Jost, 31.7.1941. ('unschädlich')

seems that these soldiers rescued me from the mob'.⁹⁶ Other soldiers attested that British soldiers had told civilians that their German prisoners were from Yugoslavia in order to defuse a threatening situation and that they gave their own coats to their prisoners to hide them from enraged civilians.⁹⁷

Although civilian resistance had not been anticipated, the soldiers knew to respond with reprisals, which made the *Wehrmacht* investigations relevant once again. A soldier from the 6th Assault Regiment was tasked with the recovery of the bodies of paratroopers that laid scattered near Kastelli. He had studied medicine for a few semesters and was convinced that several of the bodies had been mutilated. He was absolutely certain that one victim's penis had been cut off and that three others had had their eyes gouged out.⁹⁸ He took part in the search of houses in Kastelli, where he and his comrades discovered uniform parts and the name tags of paratroopers. In reprisal, his comrades executed 200 local men in groups of ten.⁹⁹ When the reports from Kastelli reached Julius Ringel, the commander of the mountain troops, he issued a public warning of what was already common practice. He dropped leaflets from planes which stated that every armed civilian would be shot immediately. In addition, he announced that local men would be taken as hostages, and that for every act of hostility against German troops, ten of them would be shot and villages razed to the ground.¹⁰⁰

Not all officers were in agreement with this approach. On 28 May 1941, Major Tafel of the Counter-Intelligence Department of the *Wehrmacht* sent a telegram to the High Command,

⁹⁶ BA-MA, RW 2/139, fol. 52: Hermann Pauli, 1.7.1941. ('Diese Soldaten hatten mich offenbar vor dem Pöbel gerettet.')

⁹⁷ BA-MA, RW 2/133, fol. 21-22: Otto Stein, 30.5.1941. BA-MA, RW 2/133, fol. 31: Adolf Ketterer, 30.5.1941.

⁹⁸ BA-MA, RW 2/139, fol. 69: Alfred Steeb, 30.5.1941.

⁹⁹ BA-MA, RL 33/98, fol. 48: Gefechtsbericht des XI. Fliegerkorps, Einsatz Kreta, 11.6.1941.

¹⁰⁰ Macdonald, *The Lost Battle. Crete 1941*, p. 256.

criticising the German treatment of civilians on Crete for not adhering to the laws of war. Tafel, who was in Athens, argued that the German troops should not treat the civilians as irregular combatants, because they had taken up arms in a spontaneous '*levée en masse*'. He pointed out that they could not have anticipated the German attack and therefore did not have sufficient time to make themselves recognisable as combatants.¹⁰¹ This thoughtful protest had no impact on the *modus operandi* on Crete, however. On 11 June 1941, General Walter Warlimont made it clear that even if the 'formal legal conditions' for a permissible '*levée en masse*' were present, this would not have changed anything. He explained that Hitler had repeatedly and without any reservations ordered the most ruthless actions against any kind of irregular fighting and that anything that could lead to confusion in this regard must be avoided.¹⁰²

In response to the first reports of atrocities and interviews with wounded soldiers in military hospitals in Athens, the Chief of Staff of the XI Air Corps, General Alfred Schlemm, set up a special commission to investigate these allegations. Headed by the counter-intelligence officer Major Johannes Bock, the commission consisted of three military judges, Winkhaus, Ruedel, and Schölz. After Bock presented a first summary of the interviews with wounded soldiers in military hospitals to the General of the paratroopers, Kurt Student, the latter ordered reprisals which were supposed to be carried out by the units that had been attacked. The measures outlined by Student in the reprisal order of 31 May 1941 included shootings, the razing of villages, and the 'extermination of the male

¹⁰¹ BA-MA, RW2/133, fol.124 : Wagner, Vermerk bzgl. Major Tafel, 28.5.1941.

¹⁰² BA-MA, RW2/133, fol. 123: Warlimont, Funkspruch Major Dr. Tafel aus Athen, 11.6.1941.

population of entire areas'. At the same time, Student ordered the investigations to continue and requested updates on their progress.¹⁰³

In a turn of events which makes particularly clear the connection between the investigations and the reprisals, Bock was tasked with overseeing both. In other words, while the reprisals would certainly be carried out, he simultaneously had to gather evidence to justify them. The military judges Ecker and Lang turned to local witnesses, hoping that these would reveal to them the circumstances surrounding the resistance. The Medical Director for Crete, Evangelos Papantonakis, who had studied in Austria and spent time in Germany, explained that, although there had been talk about a possible occupation of the island, no precautions had been taken to organise the civilian population to resist it. Moreover, Papantonakis claimed that the civilian population had been disarmed in order to render an insurgency impossible.¹⁰⁴ By contrast, the Governor of Crete, General Kitsos, did not endorse this view. He explained that the Cretans were known as 'a belligerent mountain people (...) who are deeply freedom-loving and who immediately take up arms if they think their freedom is under threat'. In other words, he explained that it was not necessary to instruct or organise them in order for them to resist an invasion. He concluded that those who had taken part in the fighting had done so of their own volition.¹⁰⁵ However, there were other witnesses who readily confirmed that the civilian resistance had been organised in anticipation of the German airborne invasion. The Police officer Jorgos Markogianes from Kandanos stated that he had been informed by a Greek officer on 15 May 1941 that a German invasion was imminent and presented an order that called for the organisation of

¹⁰³ BA-MA, RW 2/134, fol.22: Kriegsgerichtsrat des Kommandieren Generals des XI. Fliegerkorps: Völkerrechtsverletzungen gegenüber Angehörigen der deutschen Luftwaffe, 14.7.1941. Macdonald, *The Lost Battle. Crete 1941*, pp. 258-59. ('Ausrottung der männlichen Bevölkerung ganzer Gebiete')

¹⁰⁴ BA-MA, RW 2/140, fol.1-3: Evangelos Papantonakis, 31.5.1941.

¹⁰⁵ BA-MA, RW 2/134, fol. 44: General Kitsos, 5.6.1941. ('kriegerisches Bergvolk bekannt, das überaus freiheitsliebend ist und sofort zu den Waffen greift, wenn es seine Freiheit gefährdet sieht')

armed resistance. The officer then distributed firearms to civilians and instructed them in defensive tactics.¹⁰⁶ A merchant, Christoph Hamarakis, had handed out weapons after repeating a rumour spread by the British that German paratroopers would abduct all young men and women and force them to perform slave labour in Germany.¹⁰⁷ Investigators also received a diary that belonged to a captured British agent named Pendlebury. The investigators probably regretted that German soldiers had already shot Pendlebury for wearing civilian clothes, because the diary revealed that he had played an important role in the organisation of civilian resistance on Crete and would have been a prime candidate to be put on trial. An entry from the end of March 1941 discussed the distribution of arms to police stations where they would be handed out to former soldiers, even though, as he put it, that ‘may be against rules of war’. Another entry suggested forming ‘some form of Home Guard’ in order to prevent them being shot as irregular combatants.¹⁰⁸

At the end of the investigations, the *Wehrmacht* had found strong evidence for the claim that civilians who had not been recognisable as combatants had offered armed resistance against the German invasion. In addition to the witness statements, they had found weapons in the possession of civilians, which was more than what was found in Belgium in 1914. Based on the statements of German soldiers who had carried out the reprisals, the military judge Winkhaus explained that the civilians did not wear insignia, did not carry their weapons openly, and that they had not organised themselves as militias.¹⁰⁹ In his report of 18 July 1941, Bock concluded that civilians had waged the battle with ‘extraordinary gruesomeness and treachery’, in accordance with their character as a people that ‘still

¹⁰⁶ BA-MA, RW 2/134, fol. 51R: Jorgos Markogianes, 15.5.1941.

¹⁰⁷ BA-MA, RW 2/134, fol. 64: Christoph Hamarakis, 27.6.1941.

¹⁰⁸ BA-MA, RW 2/142, fol. 7: Tagebuch Pendlebury’s, Ende März 1941.

¹⁰⁹ BA-MA, RW 2/133, fol. 24, Wehrmachtrechtsabteilung, Vermerk, 6.6.1941.

practiced blood revenge and blood robbery’, a newly racialised view replacing the previously friendly assessment of the civilian population.¹¹⁰ At the same time, the investigators urged caution. The claim that civilians had mutilated German soldiers had proved particularly important in facilitating the reprisals against the Cretans, but on 4 June 1941, the military judge Schölz had urged caution regarding these rumours, explaining that the hot weather contributed to the deterioration of eyeballs and that wild animals had interfered with the bodies.¹¹¹ Many soldiers, however, remained absolutely convinced that civilians had mutilated their comrades. Gerhard Tappe was one of several who testified with utter conviction that civilians had crucified paratroopers. He recounted that he saw with his own eyes, albeit from a distance of a hundred meters, that a paratrooper had been nailed to a door.¹¹² In a military hospital, an officer heard of this account and decided to inspect the site. The smell of decay prevented him from closely examining the body. Although he could see that the body lay on the floor, he was also convinced that this man had been crucified as he had been told.¹¹³

As far as Goebbels was concerned, he would have liked to completely suppress the reporting on war crimes against German soldiers. On 27 May 1941, Goebbels said that he did not want to publicise such reports ‘to avoid disturbing our people’.¹¹⁴ On 1 June, he wrote: ‘The atrocities against our [German] prisoners are barbaric. We are holding back

¹¹⁰ BA-MA, RW 2/134, fol. 18: Gen.Kdo XI Fliegerkorps Abwehr Offizier: Zwischenbericht über an deutschen Soldaten verübten Greueltaten auf Kreta, 18.7.1940. (‘ausserordentlicher Grausamkeit und Hinterhältigkeit’, ‘Kretenser, bei dem Blutrache und Blutraub noch heimisch sind’)

¹¹¹ BA-MA, RW 2/139, fol. 12: Schölz, Bericht über die von Angehörigen der Feindstaaten während des Einsatzes Kreta begangenen Völkerrechtsverletzungen, 24.6.1941.

¹¹² BA-MA, RW 2/137, fol. 145: Wilhelm Wuermsler, 31.7.1940.

¹¹³ BA-MA, RW 2/139, fol. 118: Gerhard Tappe, 11.6.1941.

¹¹⁴ *Goebbels-Tagebücher*, Pt. 1, Vol. 9, p. 337, 27.5.1941. (‘um unser Volk nicht zu beunruhigen’)

these reports out of consideration for the relatives'.¹¹⁵ In spite of such clear directions, on 31 May 1941, the *Völkische Beobachter* published an article entitled 'Animalistic Atrocities against German Wounded' which explained that German soldiers had been mutilated in a manner that had only been seen before in Poland. The article also announced that the *Wehrmacht* would 'with all available means ensure that the decency and chivalry of the fighting is maintained' and carry out reprisals to achieve this aim.¹¹⁶ On 1 June 1941, the *Völkische Beobachter* reported that reprisals had indeed been carried out. The article was entitled 'Kanea - the City of Snipers Reduced to Rubble' and pointed out that it was 'not our fault that it had to come to this', but the guilt of the armed civilians who had resisted the German troops.¹¹⁷ After these articles slipped through Goebbels' net, there was no more news about the war crimes and atrocities against German paratroopers. In addition to his concerns about German morale, Goebbels also had no interest in publicising to the world that German troops had executed civilians and razed villages to the ground, especially as these actions would inevitably remind onlookers of German actions in Belgium in 1914. On Crete, German troops had executed two thousand civilians.¹¹⁸ This represented the largest execution of civilians since the invasion of Poland, which had provoked intense international criticism and, as we noted in the previous chapter, had already caused the Germans to lose control of the narrative they wished to tell the world.

In Crete, the Germans had again carried out the reprisals in broad daylight and made no attempt to keep them secret on the ground. On 3 June 1941, for example, mountain troops

¹¹⁵ *Goebbels-Tagebücher*, Pt. 1, Vol. 9, p. 347, 1.6.1941. ('Die Grausamkeiten gegen unsere Gefangenen sind barbarisch. Wir halten die Meldungen im Interesse der Angehörigen noch zurück')

¹¹⁶ *Völkischer Beobachter*, Tierische Grausamkeiten an deutschen Verwundeten, 31.5.1941. ('mit allen Mitteln dafür Sorge tragen, dass die Anständigkeit und Ritterlichkeit des Kampfes gewahrt bleibt')

¹¹⁷ *Völkischer Beobachter*, Kanea - die Stadt der Heckenschützen dem Erdboden gleichgemacht, 10.6.1941. ('nicht unsere Schuld, dass es so kommen musste')

¹¹⁸ Von Xylander, *Die deutsche Besatzungsherrschaft auf Kreta 1941 - 1945*, p. 33.

sealed off Kandanos, where they killed the male inhabitants and burned down their houses. At the entrance to the village they put up a sign that read: ‘In retaliation for the bestial murder of German paratroopers, mountain soldiers and pioneers, by men, women and children along with their priest as well as for resisting the German *Reich*, Kandanos was destroyed on 3-6-1941. It will never be rebuilt again’.¹¹⁹ In spite of such public declarations, there was no immediate international outcry. The British had to retreat from the island and it took a while for detailed reports of the reprisals to leave Crete. A month after the airborne invasion, global attention was in any case firmly focused on the German attack against the Soviet Union and so the German investigators did not have to be called upon to justify this conduct towards Cretan civilians. At the same time, no one stopped either the investigators or the reprisals. In mid-July 1941, a Special Commission of the Criminal Police arrived in Crete to continue the investigations against the civilian population.¹²⁰ It was headed by Bernhard Wehner, who had previously carried out the investigations of atrocities against ethnic Germans in Bromberg in 1939. The Criminal Police officers drew up a list of 252 individuals accused of having fought against German troops, with the intention of putting on trial prominent resisters and to execute the others. This list served as the basis for an action code-named ‘Operation League of Nations’, which was carried out by German mountain troops between 1-9 September 1941. During it, they cordoned off the Omalos plain in the White Mountains and killed 39 men in combat and ‘on the run’. Military tribunals in Paleochora, Chora Sfakion, and Agia then sentenced 110 men to death.¹²¹

¹¹⁹ Beevor, *Crete*, p. 237.

¹²⁰ BA-MA, RW 2/134, fol. 6: Reichskriminalpolizeiamt: Entsendung einer kriminalpolizeilichen Sonderkommission nach Kreta, 9.7.1941.

¹²¹ Bundesarchiv (ed.), *Die Okkupationspolitik des deutschen Faschismus in Jugoslawien, Griechenland, Albanien, Italien und Ungarn (1941-1945)* (Berlin, 1992), p. 172. Von Xylander, *Die deutsche Besatzungsherrschaft auf Kreta 1941 - 1945*, p. 33. (‘Unternehmen Völkerbund’)

In Crete, the civilian population served as the lightning rod for all war crimes that had occurred since the invasion, avoiding an escalation of warfare with the British at a time when all German efforts were needed in the East. It was not until 1942 that the investigations raised the issue of British war crimes again in earnest. During the British raid on the channel port of Dieppe in August 1942, the *Wehrmacht* captured documents from British troops ordering that German prisoners be tied up in an effort to prevent them from destroying documents. The *Wehrmacht* considered this a war crime and threatened reprisals. The German declaration, which was transmitted to the British, read: 'In future, therefore, no distinction will be made between British and Soviet prisoners of war. The prisoners of war taken from the Allies on all fronts will be treated in the same way'.¹²²

The investigations revealed that this threat did not achieve the intended effect and that the British continued this practice. In October 1942, military judge Weise from the court of the 319th Infantry Division learned that British commandos had tied up five German soldiers during a raid on the channel island of Sark. Alfred Klotz explained that he was sleeping in his bed when he was woken by two British soldiers who told him in broken German: 'Get up, hands up. You are under arrest'. While one of them pointed a pistol at him, the other soldier bound his hands with a rope.¹²³ Military judge Waizmann revealed that British soldiers had killed a 'shackled' German.¹²⁴ Amélie Distinguin, a local civilian, stated that she discovered the body of Georg Stahlke, a member of the *Organisation Todt*, who had been tied with a thick rope that ran around his neck and wrists so that he could not move his hands without choking himself. She described a bullet wound on his temple, a stab to

¹²² BBC Monitoring Report, No. 1188 (German Home Service, 06.00).

¹²³ BA-MA, RW 2/61, fol. 188: Alfred Klotz, 5.10.1942. ('Aufstehen, Hände hoch. Sie sind gefangengenommen')

¹²⁴ BA-MA, RW2/61, fol. 179: Julius Halbach, 15.10.1942.

his jaw and a welt from a blow to his neck.¹²⁵ In response to the Sark incident, the regime announced that it would follow through with the reprisals threatened earlier, in order to force the British to respect the international laws of war that prohibited the shackling of prisoners.¹²⁶ Goebbels was confident that the *Reich* would be able to achieve, as he put it, a ‘humanisation of warfare’. As there were more British prisoners in German hands than Germans in British, Goebbels was convinced that the British would give in sooner or later.¹²⁷ The *Völkische Beobachter* argued in an article entitled ‘England’s Degenerate Conduct of War’ that the British atrocities not only ‘represent a slap in the face to the core principles of the international laws of war, but also violate even the most basic understanding of human dignity’.¹²⁸ Contrary to its announcement about the treatment of prisoners, the regime continued to make national distinctions between its different prisoners of war. Whereas prisoners of war in the Soviet Union were executed or starved to death in large numbers, the British prisoners of war were shackled under medical supervision.¹²⁹

In this context, the regime for the first time talked extensively in public about British war crimes against German soldiers. On 17 October 1942, the *Deutsche Allgemeine Zeitung* said that the ‘hypocritical mask of humanitarianism’ had been ripped off the face of the British.¹³⁰ On 18 October, the *Völkische Beobachter* published the findings of the *Wehrmacht* investigations in an article entitled ‘Documentary Evidence of the

¹²⁵ BA-MA, RW 2/61, fol. 182: Amélie Distinguin, 30.10.1942.

¹²⁶ Simon P. Mackenzie, ‘The Shackling Crisis. A Case-Study in the Dynamics of Prisoner-of-War Diplomacy in the Second World War’, *The International History Review*, 17/1 (1995), pp. 78-98, pp. 85-86.

¹²⁷ *Goebbels-Tagebücher*, Pt. 2, Vol. 6, p. 89, 8.10.1942. (‘Humanisierung der Kriegsführung’)

¹²⁸ *Völkischer Beobachter*, Englands entartete Kriegsführung, 18.10.1942. (‘völkerrechtlichen Grundsätzen ins Gesicht schlägt, sondern selbst das primitivste Gefühl für Menschenwürde verletzt.’)

¹²⁹ Jonathan F. Vance, ‘Men in Manacles. The Shackling of Prisoners of War,’ *The Journal of Military History*, 59/3 (1995), pp. 483-504, p. 485.

¹³⁰ *Deutsche Allgemeine Zeitung*, Die Tradition der Britischen Kriegsführung, 17.10.1942. (‘Maske der humanitären Heuchelei’)

Mistreatment of German Prisoners'.¹³¹ The regime's secret observers reported widespread condemnation of the 'British brutality' and understanding for the reprisals. However, they also registered concerns that mutual reprisals were a dangerous step towards an escalation of warfare and could result in a deadlock.¹³² And this is exactly what happened: the British responded by shackling German prisoners, and for a time there appeared to be no resolution possible. It was only after the British took a large number of Germans prisoner in North Africa in 1943, shifting the balance of numbers in their favour that the Nazi regime agreed to quietly discontinue the practice of shackling if the British did the same.¹³³

But just as the regime entered this public showdown with the British, Hitler ordered that captured members of British Commandos – who were blamed for all cases of shackling German prisoners – be secretly executed, regardless of whether there was any evidence of their individual involvement. As the executions were to be conducted in secrecy, they could not serve as a deterrent and were therefore by definition not a reprisal.¹³⁴ In other words, Hitler's order served no other purpose than to murder prisoners of war and, if they became known, would expose German prisoners of war to the same treatment. Given how concerned Germans were already about the British shackling of German prisoners, it was not difficult to imagine what their reaction would be if the British started to execute German prisoners in reprisal. In the end, the *Wehrmacht* wanted to have nothing to do with this order and offloaded the responsibility. It was decided to hand over captured members of British commando units to the SD and let them carry out the executions and thereafter bear

¹³¹ *Völkischer Beobachter*, Mißhandlung deutscher Gefangener dokumentarisch bewiesen, 18.10.1942.

¹³² *Meldungen aus dem Reich*, Vol. 11, p. 4310, 12.10.1942.

¹³³ Neville Wylie, *Barbed Wire Diplomacy. Britain, Germany, and the Politics of Prisoners of War 1939-1945* (Oxford, 2010), p. 164.

¹³⁴ Messerschmidt, 'Kommandobefehl und NS-Völkerrechtsdenken'.

the consequences for any escalation of the war.¹³⁵ This practice of killing prisoners of war foreshadowed a growing abandonment of many of the laws of war in the Western theatre. For someone looking back from 1942, the investigations in the West had initially followed a pattern familiar from the Polish campaign. The *Reich*'s main goal was to avoid being forced onto the defensive and to use the documentation of war crimes in order both to condemn their enemies and to provide justifications for the harsh measures they had initially intended to mete out on the French. Whereas the evidence gathered in Poland was not considered damning enough to justify the ever increasing brutalisation of the German occupation rule, the investigators in the West would soon find themselves in a position where the evidence about their enemies had to be minimised – in order to avoid antagonising their newfound French collaborators, or, in the case of the British, to prevent an escalation of war at a moment when the *Reich* was gearing up for its attack on the Soviet Union. In 1939, the gaze of the investigators was not solely directed at Poland, but also to the West, even before war was declared. It was here that the part of the mandate that promised investigations into allegations against German soldiers was particularly relevant. Such investigations could help, they hoped, avoid a military conflict in the West, or at least to be well-prepared to counter any Allied complaints and thus save the *Reich* from ending up in international isolation as it had in the previous war. In the naval theatre, their aim was first to avoid a repetition of the *Lusitania* incident of 1915. This succeeded, but without the contribution of the Investigation Office, which was brusquely kept out of the *Athenia* affair, reaffirming the fact that the mandate to investigate allegations against German soldiers was purely tactical. Even without their contribution, the British allegation in 1939 that the Germans had again sunk a passenger liner gained no traction because the regime did

¹³⁵ Peter Lieb, *Konventioneller Krieg oder NS-Weltanschauungskrieg? Kriegführung und Partisanenbekämpfung in Frankreich 1943/44* (München, 2007), pp. 142-46.

everything differently to 1915. This time, they flat out denied responsibility and the British attempts to isolate them went nowhere.

Then, in 1940, the investigators were brought back in, as the regime continued its approach to emulate the tactics used against the *Reich* in the First World War. They criticized the British for attacking an ‘unarmed merchant’ ship, the *Altmark*, and justified the invasion of Denmark and Norway by claiming they were protecting those countries’ neutrality, emulating the British assistance to Belgium in 1914. For the land campaign, the aim was to avoid international criticism in case reprisals were again necessary. Although the investigators documented the involvement of civilians in attacks against German soldiers, albeit only in a few isolated cases, the evidence was not needed because mass reprisals were not undertaken. In contrast to 1914, the German troops let military tribunals deal with this matter, demonstrating that they were indeed able to exercise restraint and that there was no iron rule that demanded reprisals any time civilians were suspected of having attacked German troops.

In a complete reversal of the roles from 1914, the Germans not only avoided criticism for the killings of civilians, they went on a propaganda offensive and criticised their former and current enemies for committing atrocities against civilians in Belgium. Although the investigations suggested that, like the German soldiers in 1914, the British and French troops perceived the civilian population as a real danger and sporadically acted towards them in a violent manner when they felt threatened, the German Foreign Office wanted to portray the British and, to a lesser extent, the French in the same manner as the Germans had been during the First World War – that is, as murderers who had killed innocent civilians for no reason. This could only be accomplished by manipulating the investigatory material – a further parallel to the previous war, when they had edited witness statements to suggest that German soldiers had indeed been attacked. Their aim to place the British in

a similar position to that of the Germans in 1914 was, however, doomed to failure, mainly due to the fact that the violence in 1940 towards civilians never reached the same level as that of the Germans in 1914.

If the regime had avoided certain allegations and was even able to go on the offensive, it also confronted a problem that it had not anticipated. The speedy victory and the agreement with the French meant that the investigations could become a potential liability, as they always raised the question of punishment for the perpetrators. At the same time, the investigations could not simply be discontinued out of consideration for their new allies, for who could say whether the French might not break this fragile alliance. In that event, the evidence might become useful once more. In the meantime, a mechanism had to be found to deal with reports about French war crimes against German soldiers. In order to solve this problem, the investigators followed a racial interpretation which drew on existing wartime propaganda that blamed Jews and French Colonial troops from Morocco and Senegal for many crimes that had been committed. This was still not a smooth process: whereas the investigators were able to find evidence that incriminated officers who were perceived as Jewish, they could not find substantial evidence against French Colonial troops. In light of the fact that these allegations had served to justify the murder of thousands of Colonial soldiers at the hands of German troops, the lack of evidence generated by the investigators was particularly inconvenient and was suppressed. The same approach to finding lightning rods for war crimes allegations was taken when the investigators were confronted with reports from civilian prisoners who had been arrested by the Belgian authorities at the outbreak of war and were taken to internment camps in the south of France. The investigators cast the Jews as the perpetrators in the internment camps, which neatly let the French guards off the hook.

After the problematic evidence gathered by the investigators concerning French war crimes had been dealt with in this manner, the question arose as to how the regime should respond to British war crimes, which had not played a role in 1940, but which became a major issue during the invasion of Crete. Indeed, they documented unprecedented war crimes against German soldiers in terms of their volume. There was, however, seemingly no interest in an escalation of the conduct of war with Britain, which is unsurprising given that the invasion of the Soviet Union was imminent. The unexpected scale of the resistance by Cretan civilians also distracted from and ultimately overshadowed British war crimes. German troops carried out large-scale executions of civilians and the military investigators for the first time found evidence which would have enabled them to make a compelling case vis-à-vis international criticism. This criticism did not in the end materialise, as the attack on the Soviet Union drew all eyes to the East, where they remained, even when the executions on Crete continued. Nevertheless, the narrative emerging from the investigations again used the lightning rod technique, this time choosing Cretan civilians as the scapegoats, thereby sidestepping the possibility of an escalation of war in the West.

In 1942, the threat of escalation returned as investigators raised the question of how to respond to new British war crimes. After the British commando raid on Dieppe, the *Wehrmacht* threatened reprisals in the event that British commandos continued to tie up German prisoners. After investigators established that the British commandos continued to do this during raiding operations, the regime initiated reprisals against British prisoners of war. As they had in France, they demonstrated again that they were able to exercise restraint by shackling prisoners rather than executing them as they had threatened in 1940 and 1941, this time not because they were seeking to foster amicable relations, but simply because they could not risk an escalation of reciprocal reprisals with Britain. During this process, the fundamental problem of reprisals for the Germans became clear when power shifted in

favour of the British; with larger numbers of German prisoners in British hands, threats of brutal reprisals were not just ineffective, but outright dangerous. Nevertheless, in contrast to its public declarations of restraint, the regime did in fact pave the way towards a total escalation thanks to Hitler's secret order for the execution of captured British commandos, a convergence with the way the war was being waged in the East.

3. Mirror Image - The Soviet Union 1941-42

On the eve of the German invasion of the Soviet Union, the military judges of the *Wehrmacht* learned that this campaign would be different from the previous ones. There would no longer be any pretense of legality. The international laws of war that protected prisoners of war would not be applied to the Political Commissars of the Red Army. To ensure that the military judges would not interfere with this order, they were told that the Political Commissars ‘will not be recognised as soldiers’, who deserved protection, and would instead be separated from other prisoners of war and subsequently be ‘eliminated’.¹ Meanwhile, the Criminal Police and *Gestapo* officers, who served in the Secret Field Police of the *Wehrmacht*, were told that they were amongst those who would have to identify and execute the Political Commissars.² The Commissars would be recognisable by the Red Star and the Hammer and Sickle sewn onto their sleeves. The justification given to the Secret Field Police and the military judges was that the Red Army, in general, could not be expected ‘to act in accordance with the principles of humanity or of the international laws of war’ and that the Political Commissars, in particular, were expected to treat their German prisoners in a ‘gruesome and inhumane’ manner.³

Also on the eve of the invasion, the military judges were informed of a decree that would enable the German troops ‘to defend themselves ruthlessly against any threat from the

¹ The military judges advised the military commanders in questions pertaining to the international laws of war: and, therefore, had to be informed about the ‘Commissar Order’: Römer, *Kommissarbefehl*, pp. 119-21. The text of the order: Ibid., pp. 77-79. (‘zu erledigen’, ‘werden nicht als Soldaten anerkannt’)

² The Secret Field Police units were directed by the counter-intelligence departments, which would enact the ‘Commissar Order’: Geßner, *Geheime Feldpolizei*, p. 71. Brown, ‘The Senior Leadership Cadre of the Geheime Feldpolizei 1939–1945’, p. 281. Römer, *Kommissarbefehl*, p. 326-27.

³ Römer, *Kommissarbefehl*, p. 77. (‘Im Kampf gegen den Bolschewismus ist mit einem Verhalten des Feindes nach den Grundsätzen der Menschlichkeit oder des Völkerrechts nicht zu rechnen. Insbesondere ist von den politischen Kommissaren (...) grausame und unmenschliche Behandlung unserer Gefangener zu erwarten.’)

civilian population'. As they had done in the past, the *Wehrmacht* would conduct 'collective violent measures' against any towns in which German troops had been ambushed by civilians.⁴ What was new was the fact that the military judges would not enter the picture in cases where there were concrete suspects. Instead, an officer would decide whether or not the suspects ought to be executed on the spot. In other words, there would be no more investigations like the ones in Vimy, where investigators looked into the attacks against German airmen and military tribunals drew on their work in trying and sentencing civilians. At the same time, the military judges were told that they would not prosecute crimes which German soldiers committed against civilians, even if these were a 'military crime or offence'. In other words, there would be no repetition of the events in Poland, where prior to Hitler's amnesty, military judges did occasionally carry out investigations against German soldiers who had committed crimes against Polish civilians. The only exceptions were crimes which threatened German military discipline, such as sexual crimes against local women.⁵ In short, it was clear that this would become a war like no other, as the regime drew up specific regulations drafted by the legal department of the *Wehrmacht* to wage this war in disregard of the international laws of war. The fact that this department was also in charge of war crimes investigations put their work in a completely different context.

⁴ Gerd R. Ueberschär and Wolfram Wette (eds.), *Der deutsche Überfall auf die Sowjetunion. "Unternehmen Barbarossa" 1941* (3 edn., Frankfurt, 1991), pp. 252-54. ('sich gegen jede Bedrohung durch die feindliche Zivilbevölkerung schonungslos zur Wehr setzt', 'kollektive Gewaltmassnahmen', 'militärisches Verbrechen oder Vergehen').

⁵ Helmut Krausnick, 'Kommissarbefehl und "Gerichtsbarkeitserlaß Barbarossa" in neuer Sicht', *Vierteljahrshefte für Zeitgeschichte*, 25 (1977), pp. 682-738, p. 710. Felix Römer, "'Im alten Deutschland wäre solcher Befehl nicht möglich gewesen". Rezeption, Adaption und Umsetzung des Kriegsgerichtsbarkeitserlasses im Ostheer 1941/42', *Vierteljahrshefte für Zeitgeschichte* 56 (2008), pp. 53-99, pp. 55-81. Birgit Beck, *Wehrmacht und sexuelle Gewalt. Sexualverbrechen vor deutschen Militärgerichten 1939-1945* (Paderborn, 2004.)

After the war, historians continued the work begun by Soviet investigators during the conflict, focusing on the reconstruction of the crimes which German troops had committed against prisoners of war from the Red Army as well as civilians in the occupied territory. In explaining these crimes, historians such as Christian Streit and Jürgen Förster pointed to anti-Slavic and anti-Jewish prejudices and the criminal orders which had been issued prior to the invasion.⁶ As the premeditation of the crimes seemed particularly clear, these historians saw no reason to turn their attention to the issue of Soviet war crimes and atrocities. It seemed to them that the German war crimes would have occurred with or without such Soviet actions, and there was a concern that to highlight Soviet crimes would only serve to relativise the murderous German actions. Needless to say, these historians were sceptical that one could say anything meaningful about Soviet war crimes because the only evidence for them came from the *Wehrmacht* itself, whose criminal conduct in the war was their principal focus. This perspective was only strengthened due to the fact that the investigators belonged to the department which had drafted the criminal orders for the war.⁷ These historians' reluctance to engage with the topic becomes particularly understandable if one considers the fact that they first had to assert their analyses against historians such as Jens Hoffmann and Franz W. Seidler who largely rejected the notion that the *Wehrmacht* had been involved in significant crimes, and who turned to the files of the investigators to show that the Red Army itself committed terrible and wide-ranging crimes.⁸ After the *Wehrmacht* exhibition finally destroyed the post-war notion of a 'clean' *Wehrmacht*,

⁶ Streit, *Keine Kameraden*. Jürgen Förster, 'Das "Unternehmen Barbarossa" als Eroberungs- und Vernichtungskrieg', in Horst Boog et al. (eds.), *Der Angriff auf die Sowjetunion* (Das Deutsche Reich und der Zweite Weltkrieg 4; Stuttgart, 1983), pp. 413-47.

⁷ Hans-Adolf Jacobsen, 'Kommissarbefehl und Massenexekutionen sowjetischer Kriegsgefangener. Schriftliches Gutachten für den Auschwitz-Prozeß', in Hans Buchheim (ed.), *Anatomie des SS-Staates* (2; München, 1979), pp. 137-232, Krausnick, 'Kommissarbefehl und "Gerichtsbarkeitserlaß Barbarossa" in neuer Sicht'.

⁸ Hoffmann, *Stalins Vernichtungskrieg 1941 - 1945*. Seidler, *Verbrechen an der Wehrmacht*.

historians began to concern themselves with the issue of Soviet crimes, not in order to set them off against the German crimes, but in order to better understand the criminal war waged by the *Wehrmacht*. A consensus emerged that one must examine German perceptions of Soviet war crimes, especially if we seek to understand how seemingly ordinary soldiers could be convinced to perpetrate war crimes and atrocities. When the knowledge of the involvement of ‘ordinary’ soldiers in war crimes was still in its fledgling state, Omer Bartov suggested that in order to overcome their moral inhibitions, the perpetrators rationalised their murderous actions as a response to the prior transgressions of their enemy. In a reversal of the actual roles, they cast their victims as the perpetrators of past and future crimes against Germans, which Bartov has called an ‘inversion of reality’.⁹ The research prompted by the *Wehrmacht* exhibition has highlighted the importance of this framework of rationalisation for the actions of German soldiers who on an individual level had internalised the principles of retaliatory violence that characterised the German conduct of war as a whole. In an interesting synthesis of this approach, Sven Oliver Müller wrote:

The fight against and the extermination of the Jewish enemy was understood by many soldiers as mere self-defence. Those who expressly admitted to their participation in, or at least their approval and knowledge of, the murder of the Jews, built a connection between the alleged essence of the Jews, their despicable crimes, and the necessity of the German defensive measures.¹⁰

The role of the German investigators is particularly interesting, not just because they collected evidence which reveals to us what made this ‘inversion of reality’ convincing to ordinary soldiers, but also because the role of the investigators shifted from that of

⁹ Bartov, *Hitler's Army*, p. 106.

¹⁰ Müller, *Deutsche Soldaten und ihre Feinde*, p. 214. (‘Die Bekämpfung und die Vernichtung des jüdischen Feindes begriffen viele Soldaten als reine Verteidigung. Diejenigen, welche explizit die Teilnahme oder mindestens die billigende Kenntnis am Judenmord eingestanden, konstruierten einen Zusammenhang zwischen dem geglaubten Wesen der Juden, ihren verwerflichen Taten und den notwendigen deutschen Abwehrmaßnahmen.’)

bystanders and enablers to that of perpetrators, bringing into focus with particular clarity the tension and causal connections between the German condemnation of enemy war crimes and their own actions. They are also particularly suitable for exploring the limitations of the logic of retaliatory violence, which had already been pushed to its breaking point and beyond in the Polish campaign.

The *Wehrmacht* exhibition also brought into focus the fact that knowledge of these crimes was not limited to those who perpetrated or witnessed them. Soldiers carried home news of the mass executions which then began to circulate in Germany as rumours. In this context, Jeffrey Herf pointed out that the regime strove to tell a story of German victimhood, in which not only the war itself was described as preventive and defensive, but in which any German actions also appeared as a response to a prior escalation by the ‘Jewish enemy’.¹¹ The investigators are particularly suitable for exploring the narrative of legitimisation which the regime wanted to tell about the war more broadly. The regime’s narrative not only had an impact on contemporary German opinion, but its influence continues to be felt in the historiography. As in the war itself, the focus was on the events in Lvov or Lemberg, where the NKVD murdered thousands of civilian prisoners whose bodies the German troops would discover. After the war, Ukrainian historians writing in the West were primarily interested in reconstructing the murders of their compatriots and in building a damning case against the Soviet rulers.¹² Although there were certainly historians who continued to echo themes popularised by the Nazi regime, which had attributed guilt for the massacres to ‘Jewish-Bolshevism’, others recognised that taking such a stance could only harm their goal of gaining recognition for Ukrainian suffering. In

¹¹ Herf, *The Jewish Enemy. Nazi Propaganda during World War II and the Holocaust* p. 1,6.

¹² Per A. Rudling, *The OUN, the UPA and the Holocaust. A Study in the Manufacturing of Historical Myths* (Pittsburgh, 2011). Grzegorz Rossoliński-Liebe, ‘Erinnerungslücke Holocaust. Die ukrainische Diaspora und der Genozid an den Juden’, *Vierteljahrshefte für Zeitgeschichte*, 62/3 (2014), pp. 397–430.

any case, these historians avoided engaging with the crimes committed by the Germans during the war because these actions did not seem to add anything to their understanding of NKVD violence against Ukrainian prisoners prior to the German invasion.¹³ Another reason was surely that these historians wanted to avoid discussing crimes committed after the arrival of the German troops due to the involvement of Ukrainian nationalist organisations and the local population in anti-Jewish violence, fearing that to draw attention to this would complicate their own victim status and diminish any recognition of their suffering at the hands of the Soviets. If German actions were discussed at all, then usually the focus was placed upon German crimes against Ukrainians which fed into a developing narrative that they were the victims of both Communism and Nazism.¹⁴

The approach of German historians to this topic was a mirror image to that of the Ukrainians. Their focus was on the murders of Jews at the hands of the Germans, and later on the involvement of local nationalists in this violence. In order to explain these actions, historians such as Jürgen Förster writing on the *Wehrmacht* and Hans-Heinrich Wilhelm writing on the *Einsatzgruppen*, emphasised the importance of anti-Jewish prejudices and the criminal orders which predated the invasion. In their view, the German invaders would have acted the same even if they had not discovered the NKVD atrocities, and these historians therefore either completely ignored the discoveries in Lemberg's prisons or only mentioned them in passing.¹⁵ Although it is certainly true that the German perpetrators did not need NKVD atrocities in order to murder Jews, these historians took no account of the

¹³ John-Paul Himka, 'War Criminality. A Blank Spot in the Collective Memory of the Ukrainian Diaspora', *Spaces of Identity*, 5/1 (2005), pp. 9-24.

¹⁴ Jilge, 'Competing Victimhoods – Post-Soviet Ukrainian Narratives on World War II. Yaroslav Bilinsky, 'Methodological Problems and Philosophical Issues in the Study of Jewish-Ukrainian Relations During the Second World War', in Peter J. Potichnyj and Howard Aster (eds.), *Ukrainian-Jewish Relations in Historical Perspective* (Edmonton, 2010), pp. 373-94.

¹⁵ Krausnick and Wilhelm, *Die Truppe des Weltanschauungskrieges*, pp. 533-617.

important fact that such discoveries certainly made the perpetrators' tasks easier for them because it enabled them to cast their victims as perpetrators. In a sense, these historians did not address the NKVD murders precisely because Nazi perpetrators had cited them as justification for their own actions. There has been a tendency in the historiography to assume that Nazi rationalisations were always an attempt to hide some other, darker motive – in this case, long-standing anti-Semitic prejudices. However, it is important to consider how these negative views of the Jews were 'confirmed' and 'radicalised' in the minds of the perpetrators throughout the war. In other words, notwithstanding pre-existing prejudices and directives aimed at the destruction of the Jews, the challenge remains to explain how perpetrators and bystanders came to approve of such measures.

The clearest indication of this blind spot over Soviet war crimes in the German historiography was the fact that the *Wehrmacht* exhibition wrongfully attributed NKVD massacres to the *Wehrmacht*. After this mistake was revealed by Bogdan Musial, it was now incumbent upon historians to explain their significance and meaning at the time.¹⁶ Given that the *Wehrmacht* exhibition had already prompted historians to consider the war experience of German soldiers and to explain how so many of these seemingly ordinary men could become perpetrators, they now also looked at the way in which these men perceived the NKVD atrocities as evidence of 'Jewish-Bolshevik' violence. As a result, a number of studies, including those important works by Dieter Pohl, Thomas Sandkühler and, more recently, Sven Oliver Müller, came to emphasise the importance of these discoveries in radicalising the attitudes of the perpetrators towards the Jewish population.¹⁷

¹⁶ Omer Bartov, 'Złoczów, July 1941. The Wehrmacht and the Beginning of the Holocaust in Galicia. From a Criticism of Photographs to a Revision of the Past', in Omer Bartov, Atina Grossmann, and Mary Nolan (eds.), *Crimes of War. Guilt and Denial in the Twentieth Century* (New York, 2002), pp. 61-99.

¹⁷ Thomas Sandkühler, *"Endlösung" in Galizien. Der Judenmord in Ostpolen und die Rettungsinitiativen von Berthold Beitz 1941-1944* (Bonn, 1996), pp. 114-22. Dieter Pohl, *Nationalsozialistische Judenverfolgung in Ostgalizien 1941-1944. Organisation und Durchführung eines staatlichen Massenverbrechens* (München, 1996), pp. 54-73. Müller, *Deutsche Soldaten und ihre Feinde*, pp. 215-16.

Peter Longerich pointed out that the way in which the regime used these atrocities as evidence for the criminal nature of ‘Jewish Bolshevism’ was instrumental in creating sympathy for its policies against the Jews on the home front.¹⁸ Nevertheless, despite that emphasis, the precise manner in which this narrative developed and continued to shape German perceptions has not been fully understood. When we study the investigators and their experiences it becomes clear that this narrative was by no means self-evident from the outset and that its interpretational impact was not limited to the anti-Jewish violence, but also influenced broader perceptions of the actions of the Red Army. The investigations prompt us to reemphasise the orientational importance of the war against the Red Army and to probe the way in which it coloured the murderous violence against the Jews.

When the investigators were briefed for the upcoming war, the Soviet Union was still officially considered an ally of the *Reich*. In order to preserve the element of surprise, there had been no propagandistic build-up for the war that would have provided ideological orientation for the subsequent investigations. After the attack had been announced, the regime’s observers of morale noted that the population was also shocked by this additional expansion of the war, especially since nobody had anticipated an attack against their former ally. The official claim was that the German attack had prevented an imminent Soviet invasion.¹⁹

As the military judges and Secret Field Police officers crossed into the Soviet Union, they carried with them strong expectations that the focus of their investigations would be upon war crimes against German soldiers and that the civilian population also represented a distinct threat. Events would turn out differently and the investigators would yet again be

¹⁸ Longerich, “*Davon haben wir nichts gewusst!*”, pp. 147-58.

¹⁹ Wette, Die propagandistische Begleitmusik zum deutschen Überfall auf die Sowjetunion am 22. Juni 1941. Wolfram Wette, ‘Der 22. Juni 1941 und die NS-Propaganda’, in Hans Schafranek and Robert Streibel (eds.), *22 Juni 1941. Der Überfall auf die Sowjetunion* (Wien, 1991), pp. 75-85.

called upon to examine unanticipated cases. When German troops captured Lvov known to them as Lemberg on 30 June 1941, they learned that a large number of bodies had been discovered in the three prisons within the city. Little did they know, this discovery would become central to the justification for the war against the Soviet Union. In keeping with their original mandate which demanded the investigation of war crimes against German soldiers, Tomforde, the military judge of Field Command 603, Wilke, the military judge of XXXIX Mountain Army Corps, and Secret Field Police unit 711 immediately went to the prisons in order to establish whether German prisoners were amongst the victims. At the entrance to one of the prisons, they were confronted with distressed civilians who begged for permission to search for their relatives inside the prison, suggesting to the investigators that a large number of the victims were Soviet civilians. In the city prison, parts of which were still on fire, Tomforde observed a dead male body in the courtyard, five dead bodies in the cellar, and a sand heap under which he assumed more dead bodies laid. Inside the NKVD prison, Tomforde saw three mass graves covered in sand. In one of the rooms, he discovered between 25 and 30 dead men and women. He observed that one of the women had had her right breast cut off, but he found it impossible to establish whether the other bodies had also been mutilated because they had been piled on top of each other. In one of the cells, Tomforde discovered a dead male body with signs of strangulation.²⁰

When the Secret Field Police arrived at the NKVD prison, two mass graves were in the process of being uncovered. They also observed how bodies were carried out of the cells, and noticed mutilations.²¹ In the military prison, the stench of decay was so strong that Tomforde found it impossible to stay in the cellar for a prolonged period of time. He noted

²⁰ BA-MA, RW 2/148, fol. 335-336: Tomforde, Bericht, 30.6.1941.

²¹ BA-MA, RW 2/148, fol. 381: Gruppe GFP 711, Bericht über die bolschewistischen Bluttaten in Lemberg, 7.7.1941.

corpses that had been poorly buried. He also mentioned that the examination of the bodies revealed that most of them had been killed by a shot to the back of the neck. Wilke and Brachetka, a military doctor, saw the dead bodies of men and women stacked on top of each other as high as the ceiling. In another cellar, they estimated there were 120 bodies. When the military doctor Georg Saeltzer entered the cellar, he had to wear a gas mask due to the stench of decay in the summer heat, suggesting that the victims had been executed a number of days before the Germans captured the city. The bodies of men and women were again piled up to the ceiling. 460 bodies were removed from this cellar. They, too, displayed signs of severe violence and mutilations.²²

Among what they estimated to be thousands of civilian victims, the investigators were able to find only a small number of German prisoners of war. Tomforde reported that on 2 July 1941, two German air crew were discovered among the victims in the NKVD prison. One of them had a wound to his throat and the other was missing his eyeballs.²³ Later, Moeller, the military judge of Army High Command 17, learned from the military doctor Richard Eckl that in the NKVD prison he had seen the dead bodies of three or four German airmen, whom he described as severely malnourished, despite the fact that they had only been in Soviet captivity for a short period of time. The military doctor also told Moeller that he had talked to a male nurse in a Soviet military hospital who informed him that Political Commissars of the Red Army had shot three German airmen who were patients in the hospital. This was the kind of conduct towards prisoners of war that the military judges had been told to expect from the Commissars prior to the invasion.²⁴

²² BA-MA, RW 2/148, fol.338-341: Georg Saeltzer, 6.7.1941.

²³ BA-MA, RW 2/148, fol. 337: Tomforde, Bericht, 30.6.1941.

²⁴ BA-MA, RW 2/148, fol. 368-369: Richard Eckl, 6.7.1941.

The thousands of additional bodies of Soviet civilians, who the investigators had been primed to see as enemies loyal to the Soviet regime, did not fall under their investigatory remit. Whereas the investigators in Lemberg focused on their brief to investigate war crimes against German soldiers, the reporters embedded within the *Wehrmacht* were also interested in these civilian victims. They wrote down their impressions of the massacres, took photos and transmitted this material to Berlin. Goebbels registered their reports from Lemberg with great interest. The news of the invasion reached a German public that was completely unprepared for the attack against their former ally.²⁵ Goebbels had justified the invasion as a preventive strike against an imminent Soviet invasion. In the absence of evidence for this assumed attack, Goebbels looked to the material from Lemberg to render comprehensible the threat which the German action had 'averted'. He sent another 20 reporters and broadcasters to Lemberg to document how the Soviets acted in the Polish territories that they had occupied in 1939 in accordance with the Nazi-Soviet Pact.²⁶ The articles which appeared explained the atrocities by comparing them to what had been done to the ethnic Germans in 1939. On 6 July 1941, the *Völkische Beobachter* explained that 'it has been the privilege of the Soviets to not only reach the level of the sadistic atrocities of the murderous Polish beasts, but even to surpass it'.²⁷ On 5 July 1941, the *Völkische Beobachter* maintained that these murders were characteristic of the 'Jewish-Bolshevik' rule in the Soviet Union and published photographs of grieving Ukrainians standing next

²⁵ Steinert, *Hitlers Krieg und die Deutschen*, p. 206.

²⁶ Wette, Der 22. Juni 1941 und die NS-Propaganda, pp. 76-78. Wolfram Wette, "Die propagandistische Begleitmusik zum deutschen Überfall auf die Sowjetunion am 22. Juni 1941," in Gerd Ueberschär (ed.), "*Unternehmen Barbarossa*". *Der deutsche Überfall auf die Sowjetunion 1941* (Paderborn: 1984), pp. 111-29. *Goebbels-Tagebücher*, Part I, Vol. 9, p. 428, 6.7.1941. ('großen Propagandafeldzug gegen den Bolschewismus').

²⁷ *Völkischer Beobachter*, Greuel der Sowjets in Lemberg, 6.7.1941. ('Es ist den Sowjet vorbehalten geblieben, die sadistischen Greuel polnischer Mordbestien nicht nur zu erreichen, sondern sogar noch zu überbieten.')

to rows of corpses in the courtyard of the main NKVD prison.²⁸ The implication was that they would have done the same to the Germans if the attack had not prevented this scenario. The guilt for the massacre was laid at the feet of the Jews, who had previously been held responsible for the mistreatment of civilians in French internment camps. The *Völkische Beobachter* maintained that the NKVD mainly consisted of Jews who were the ‘string-pullers’ behind the murders committed by the Commissars in Lemberg.²⁹ On 8 July 1941, the *Deutsche Allgemeine Zeitung* explained that the NKVD had prepared lists with the names of Germans, ‘a black list, which recorded the names of the German elites in the Eastern territories of the *Reich*’. It was then argued: ‘They would have been the first to be subjected to the terror of the NKVD. The discovery of this secret headquarters provides new evidence of the dangers threatening the German East at the hands of the Bolshevik rulers’.³⁰ On 8 July 1941, the *Völkische Beobachter* published an article entitled ‘Liberated from the Hell of Criminality’, which summed up the new justification for the war against the Soviet Union. That being, ‘the terrible justification for our fight against the destructive power of international Jewry is revealed in the prison cellars of the captured cities’.³¹

Goebbels automatically assigned guilt to the Jews before the investigations into the deaths of civilians had even begun. He was not alone. As they toured the prisons, the investigators noted that many local civilians attributed guilt to the Jews for the murders and targeted them in retaliation. After the Secret Field Police had entered the city, their Ukrainian

²⁸ *Völkischer Beobachter*, Mord und Terror, 5.7.1941.

²⁹ *Völkischer Beobachter*, Bolschewistischer Blutterror, 6.7.1941. (‘Strippenzieher’)

³⁰ *Deutsche Allgemeine Zeitung*, GPU-Listen für Ostpreußen, 8.7.1941. (‘eine schwarze Liste, auf der die Namen und Personalangaben der führenden Persönlichkeiten der deutschen Ostgebiete verzeichnet waren.’, ‘Diese sollten als erste dem Terror der GPU ausgeliefert werden. Die Aushebung dieser Geheimzentrale beweist aufs neue, welche Gefahren dem deutschen Osten von seiten der bolschewistischen Machthaber drohten.’)

³¹ *Völkischer Beobachter*, Befreit aus der Hölle des Verbrechens, 8.7.1941. (‘Unser Kampf gegen die zerstörende Macht der jüdischen Internationale findet in den Gefängniskellern der eroberten Städte seine schauerliche Rechtfertigung.’)

interpreters voiced the opinion that ‘the Jews ought to be beaten to death immediately’.³² Indeed, the punishment of the Jews for their alleged role was already in progress. Prior to the arrival of the Secret Field Police, Jews were rounded-up by Ukrainian nationalists everywhere in the city and, under constant assault, were taken to the prisons. A Jewish survivor explained what awaited them there:

When we reached the door of the Brigidki prison, a great crowd of people had gathered in the very wide street. We stumbled over beaten and dead Jews, who had been driven in front of us to the prison. I, myself, received several blows and was covered in blood. At the entrance to the prison a group of German soldiers stood in their grey uniforms with steel helmets. These men drove the masses back to open up the way for us into the prison.³³

A *Wehrmacht* soldier who stood at the entrance to one of the prisons later told one of his comrades that the local population rounded up the Jews ‘in order to wreak vengeance for the crimes the Jews had perpetrated here during the Russian occupation’.³⁴ Another *Wehrmacht* soldier recorded in his diary: ‘The thousands-strong mob drawn from the local population had gathered to take their revenge as soon as the city was occupied’.³⁵ The *Wehrmacht* also put up posters that attributed the guilt for what had happened inside the prisons to ‘Jewish Bolsheviks’, thereby facilitating and exacerbating this ‘grassroots’ violence against the Jews.³⁶

³² BA-MA, RW 2/148, fol. 379: Gruppe GFP 711, Bericht über die bolschewistischen Bluttaten in Lemberg, 7.7.1941. (‘jeder Jude sofort erschlagen werden müsse’).

³³ Hermann Raschhofer, *Der Fall Oberländer. Eine vergleichende Rechtsanalyse der Verfahren in Pankow und Bonn* (Tübingen: 1962), p. 54. (‘Als wir zum Tor des Brigidki-Gefängnisses kamen, war dort auf der sehr breiten Straße eine große Masse Menschen versammelt. Wir stießen auf zerschlagene und tote Juden, die vor uns zum Brigidki-Gefängnis getrieben worden waren. Auch hier wurde von den versammelten Zivilisten auf uns einschlagen. Ich selbst bekam zahlreiche Schläge ab und war über und über mit Blut verschmiert. (...) In der Einfahrt zum Brigidki-Gefängnis stand ein Spalier deutscher Soldaten in feldgrauer Uniform mit Stahlhelm. Diese drängten die Massen zurück um uns den Weg ins Brigidki-Gefängnis freizuhalten.’)

³⁴ *Ibid.*, p. 44. (‘um Vergeltung für das zu üben, was die Juden hier während der russischen Besatzung getan hätten’)

³⁵ *Ibid.*, p. 68. (‘Die nach Tausenden zählende Menschenmenge der Bevölkerung Lembergs hatte ganz offensichtlich in der eben erst besetzten Stadt empört Rache genommen und Selbstjustiz geübt.’)

³⁶ Hannes Heer, "Einübung in den Holocaust: Lemberg Juni/ Juli 1941," *Zeitschrift für Geschichtswissenschaft* 49 (2001), pp. 409-27, p. 418. (‘Jüdischen Bolschewiken’)

Inside the prisons, the violence continued. Jews were forced to recover the dead bodies from the cellars, to place them in the courtyard, and to wash them. Local civilians were let in to identify the dead bodies and together with Ukrainian nationalists took out their anger on the Jews, many of whom were murdered in front of *Wehrmacht* soldiers who did nothing to intervene.³⁷ The *Wehrmacht* encouraged soldiers to visit the prisons to personally convince themselves of the atrocities in order to understand the ‘necessity of this struggle against the Jewish-Bolshevik gang of criminals’.³⁸ As they carried out their enquiries, the investigators learned how, after Ukrainian nationalists had run amok, *Einsatzgruppen* began to carry out mass executions, following the same retaliatory logic of murdering Jews for the alleged crimes of their ‘racial comrades’. One of the members of the *Einsatzkommando*, Felix Landau, wrote in his diary that after their arrival in Lemberg, they paid their respects to the German and Ukrainian victims and subsequently shot 500 Jews. After they had shot ‘some three hundred more Jews’ on 5 July 1941, Landau witnessed massive violence by *Wehrmacht* soldiers against Jews in a scene that he found ‘almost impossible to describe’ while his commando travelled back to base:

There were hundreds of Jews walking along the street with blood pouring down their faces, holes in their heads, hands broken and their eyes hanging out of their sockets. They were covered in blood. Some of them were carrying others who had collapsed. We went to the citadel; there we saw things that few people have ever seen. At the entrance of the citadel were soldiers standing guard. They were holding clubs as thick as a man’s wrist and were lashing out and hitting anyone who crossed their path. The Jews were pouring out of the entrance. There were rows of Jews lying on top of one another whimpering horribly like pigs. The Jews kept streaming out of the citadel completely covered in blood.³⁹

³⁷ Raschhofer, *Der Fall Oberländer. Eine vergleichende Rechtsanalyse der Verfahren in Pankow und Bonn*, 58. Sandkühler, “*Endlösung*” in Galizien, p. 116.

³⁸ Ralf Ogorreck, *Die Einsatzgruppen und die "Genesis der Endlösung"* (Berlin: 1996), p. 144. (‘Notwendigkeit dieses Kampfes gegen die jüdisch-kommunistische Verbrecherbande’)

³⁹ Ernst Klee, Willi Dressen, and Volker Riess, eds., *Those were the Days. The Holocaust through the Eyes of the Perpetrators and Bystanders* (London: 1991), p. 91.

If he found it difficult to describe these events, it was not because of the enormity of the violence being meted out to the Jews; just as he understood his official task to execute Jews via the prism of the reprisal doctrine, so this less organised, spontaneous violence from *Wehrmacht* soldiers was also seen as a justifiable ‘response’. Landau explained in his diary that German soldiers were beating the Jews because they had heard that ‘Jewish Commissars’ had mutilated their comrades. What disturbed him the most in all of this was not German actions, but the violence for which the Jews were allegedly responsible for. In his diary, Landau echoed rumours that ran rampant throughout the city and fueled the violence against the Jews: ‘The scum [the Jews] did not even draw the line at children. In the children’s home they were nailed to the walls’.⁴⁰

Although they readily adapted the justification for the murder of Jews to include the violence against local civilians, the *Einsatzgruppen* did not necessarily need cases of NKVD murders as justifications for brutal reprisals. In many other towns which did not have prisons filled with civilian victims of the NKVD, the German forces also executed Jews in mass. Among the members of the *Einsatzkommandos* which performed these executions included Hans Discar, a Criminal Police officer who had investigated the internment marches of ethnic Germans in Poland in 1939. In May 1941, he joined *Einsatzkommando* 10a, part of *Einsatzgruppe D*, which followed the 11th Army in the Soviet Union, but which did not investigate atrocities against civilians. In July 1941, his unit shot the entire Jewish council of elders and other Jewish men in Belzy. In mid-August 1941, they began to kill Jewish women and children as well as men. The first killings of this kind were committed against the Jewish community in Beresovka, where the *Einsatzkommando* registered all Jews on 25 August 1941 and ordered them to gather for

⁴⁰ *Ibid.*

their 'resettlement' in the market square the next day. On 26 August 1941, they marched 100 Jewish men, women, and children to a site outside the town where they ordered them to leave their suitcases and to strip their upper bodies. From there, the Jews were taken to a prepared pit, where a firing squad awaited them. The shooters told the Jews to stand at the edge of the pit and to turn their backs to the shooters. Following the same pattern, the *Einsatzkommando* killed 200 Jews in Kakhovka and another 1,100 in Melitopol, where the shooting stretched on for two days. They shot a further 700 Jews in Berdiansk in October 1941.⁴¹

As a result of the successful propaganda focused on the Ukrainian victims in Lemberg, the investigators widened their brief from looking for German military victims towards Ukrainian victims. The Secret Field Police criticised the fact that the Ukrainians claimed all of the victims were 'martyrs and fighters against Bolshevism' and considered the attempt to carry out an objective investigation of the crimes 'an insult'.⁴² The Secret Field Police also criticised the public exhibition of the dead bodies in the prisons, because it had created unrest which made the investigations difficult.⁴³ As the investigators tried to gain clarity as to what had happened prior to the German arrival, Jews were being beaten to death left and right around them.

The Secret Field Police faced further problems. When they attempted to talk to former prisoners, they discovered that it was challenging to induce former captives of the NKVD to speak about their experiences. Military judge Moeller was the only one who successfully

⁴¹ BA-ZSL, B162/14509, Bl. 1600-1611: Landgericht München, Urteil gegen Bock u.A., 23.3.1973. Andrej Angerick, *Besatzungspolitik und Massenmord. Die Einsatzgruppe D in der südlichen Sowjetunion 1941-1943* (Hamburg, 2003).

⁴² BA-MA, RW 2/148, fol. 379: Gruppe GFP 711, Bericht über die bolschewistischen Bluttaten in Lemberg, 7.7.1941. ('Toten als Märtyrer und Kämpfer gegen den Bolschewismus ausschließlich für sich in Anspruch', 'Beleidigung').

⁴³ BA-MA, RW 2/148, fol. 381: Geheime Feldpolizei 711, Bericht, 7.7.1941.

interviewed five former prisoners to shed light on what had happened. Four of the prisoners had been arrested by the NKVD on the suspicion that they were members of the Ukrainian underground organization. The other witness was a Pole who had also been arrested for political reasons. Leo Feodruk, a Ukrainian who had been a prisoner of the NKVD, explained that the shootings of prisoners began two days after the German attack on the Soviet Union. Prisoners who were suspected of having connections to the Germans were shot first. Feodruk further explained that the NKVD was not the only institution involved in the murders in the NKVD prisons. After the director of the prison fled, a lieutenant of the border police, the prison prosecutor, and a third person assumed responsibility for deciding which prisoners ought to be shot. According to Feodruk, these men fled in turn only to be replaced by Soviet troops, who then withdrew before the Germans occupied the city. This undoubtedly complicated the desired narrative that the 'Jewish-led NKVD' was solely responsible for the civilian murders.⁴⁴

In short, the investigators were unable to illuminate the rationale for the executions of prisoners in Lemberg. They did not find the order that Lavrentiy Beria, the Head of the NKVD, had issued on 24 June 1941, which instructed his men to shoot all political prisoners prior to retreating in order to prevent them from falling into German hands. After the German attacks had disrupted the railway network and faced with the speed of the German advance ruling out an evacuation of the prisoners on foot, Beria had deemed their execution necessary.⁴⁵ Unaware of this background, the Secret Field Police saw the killings as 'one of the common waves of terror', which had nothing to do with the situation of the

⁴⁴ BA-MA, RW 2/148, fol. 331-333: Leo Feodruk, 5.7.1941.

⁴⁵ Struve, *Deutsche Herrschaft, ukrainischer Nationalismus, antijüdische Gewalt*, p. 247. Musial, *"Konterrevolutionäre Elemente sind zu erschießen"*, p. 101.

war but which was seen as representative of ‘Jewish Bolshevism’.⁴⁶ In this context, the investigators turned to rumours of particularly gruesome acts carried out against the civilian population across the newly-captured Soviet-Ukrainian territories. What they found exceeded anything they had previously witnessed in Poland or elsewhere. Military judge Moeller learned from Georg Saeltzer that he had seen the bodies of boys between the ages of 10 and 14 and of young women between the ages of 18 and 22. He explained that most of the bodies displayed signs of a shot to the base of the neck, describing ‘thick, grounded-up skulls, blackened skin, exposed eyes and the mouth wide open’.⁴⁷ In the NKVD prison, he saw a woman who had had her right breast severed; a man whose genitals had been cut off; and several others with their fingers or arms crushed.⁴⁸ The Secret Field Police also noted the mutilations of the bodies. They wrote:

The women had been abused, breasts were cut off. Also male genitals had been the target of Bolshevik perversion. The contorted, disfigured faces of the dead, the pulled-down clothes and other evidence, reveal that the arrestees went through terrible experiences.⁴⁹

The military doctor Josef Brachetka explained that the women in the NKVD prison displayed wounds to their stomachs and crotches, and blood bruises to their breasts. He also explained that some of the dead bodies had the skin removed from their arms. He emphasised the unnatural posture of the bodies that led him to conclude that their bones had been broken and that their joints had been twisted.⁵⁰ These witness statements were

⁴⁶ BA-MA, RW 2/148, fol. 382: Auszugsweise Abschrift aus dem Bericht der Gruppe GFP 711 vom 7.7.1941 über die bolschewistischen Bluttaten in Lemberg.

⁴⁷ BA-MA, RW 2/148, fol. 340: Georg Saeltzer, 6.7.1941. (‘dick aufgetriebener Schädel, schwarze Farbe, hervorgetriebene Augen und weit geöffneter Mund’)

⁴⁸ BA-MA, RW 2/148, fol. 340: Georg Saeltzer, 6.7.1941.

⁴⁹ BA-MA, RW 2/148, fol. 381: Geheime Feldpolizei 711, Bericht, 16.7.1941. (‘Die Frauen waren vielfach geschändet, Brüste waren abgeschnitten. Auch männliche Geschlechtsteile waren das Ziel bolschewistischer Perversität. Aus den krampfhaft verzogenen Gesichtern der Toten, den herabgerissenen Kleidern sowie den sonstigen Spuren ergibt sich, dass die Verhafteten grauenvolles durchgemacht haben. Sie wurden sämtlich buchstäblich zu Tode geprügelt.’)

⁵⁰ BA-MA, RW 2/148, fol. 371: Josef Brachetka, 6.7.1941.

horrifying enough to make even the most extreme rumours seem plausible to the investigators who documented a number of witness testimonies which describe seemingly implausible events which, if they had been true and thereafter examined personally by the investigators, could have formed the cornerstone of the propaganda campaigns. For instance, Edward Chruslicki, who had been liberated from the prison, told Moeller that he had seen a priest who had been nailed to the wall and the body of an unborn child that had been removed from a woman beside him, placed in the priest's stomach. He also claimed to have seen a 12-year-old girl wearing a confirmation dress nailed to the wall. He went on to add that he had seen a further 30 children hanging from the ceiling in an orphanage. Irene Loesch was another witness who claimed to have seen the head of a baby sticking out of the stomach of a murdered pregnant woman.⁵¹ Rosalie Sobonkiewicz claimed to have seen another 12-year-old child hanging from a hook in the wall.⁵² Cases like these, which made sense of the mass murder via religious symbols and imagery would have been immediately seized upon by propagandists if they could be substantiated, yet the investigators could find no hard evidence to back them up.

In any case, the material they had collected was more than sufficient to build a damning case against the Soviet Union. From the perspective of the propagandists, it was not a problem that the investigations into the civilian victims had been delayed by the investigators' initial search for German victims. The material gathered by the propagandists, including their dramatic descriptions that were backed up by shocking photos, had already achieved a considerable impact on the domestic German audience before more sophisticated evidence was gathered. On 10 July 1941, the SD reported that:

⁵¹ BA-MA, RW 2/148, fol. 377: Moeller, Abschlussbericht.

⁵² BA-MA, RW 2/148, fol. 365: Rosalie Sobonkiewicz, 9.7.1941.

From all corners of the *Reich*, we have received reports that the realistic reporting, in words and photographs, in the press and on the radio, about the atrocities of the Bolsheviks, has made a great impact on the population and prompted a significant degree of revulsion. This is true in particular of the murders of Ukrainians in Lemberg. This reaction is only increased because the letters from soldiers in the field confirm the explanations in the press and radio, and in some cases far exceeded them.⁵³

On 15 July 1941, Goebbels noted in his diary that, after the initial shock over the attack, the German soldiers had opened their eyes to the living conditions in the Soviet Union. He expressed his optimism that ‘like every soldier returned from Poland, so every soldier will return from the Soviet Union as an anti-Bolshevist’.⁵⁴ In one letter, a *Wehrmacht* soldier, who had believed that previous reports about Bolshevik atrocities in Russia and Spain had been exaggerated, explained his observations from within the prisons to his wife:

I have seen things in the NKVD prisons which I do not want to describe out of concern for you, and which I do not want to describe. 3,000 - 5,000 humans lay in the prisons where they had been slaughtered in a bestial manner. This is the Jewish-Asiatic horde which was waiting to be unleashed upon our old land of culture.⁵⁵

Bolstered by these personal letters, on 20 July 1941 Goebbels noted that his propaganda campaign had achieved the intended impact. He believed that it had convinced the German population that the war against the Soviet Union was ‘justified’: ‘One knows that if we had not attacked the Soviet Union, they would have attacked us, and done so at a moment when

⁵³ *Meldungen aus dem Reich*, Vol. 7, p. 2505, 10.7.1941. (‘Aus allen Reichsteilen wird berichtet, daß die in Wort und Bild, in Presse und Rundfunk erfolgende realistische Berichterstattung über die Greuelthaten der Bolschewisten in der Bevölkerung tiefen Eindruck macht und Abscheu erregt. Dies gelte insbesondere für die Morde an den Ukrainern in Lemberg. Der Eindruck werde mehr und mehr dadurch verstärkt, daß Feldpostbriefe die Ausführungen von Presse und Rundfunk bestärkten und teilweise noch weitergingen als die Propaganda.’)

⁵⁴ *Goebbels-Tagebücher*, Pt. 2, Vol. 6, p. 68, 15.7.1941. (‘So wie jeder Soldat aus Polen zurückkehrte, so wird jeder Soldat aus der Sowjetunion als Antibolschewist zurückkehren.’)

⁵⁵ MfK, Feldpostsammlung, 3.2008.2195: Manfred von Plotho, 30.6.1941. (‘Ich habe in den G.P.U. Gefängnissen Bilder gesehen, die ich Dir in Deinem Zustand nicht beschreiben kann, auch nicht will. 3.000 bis 5.000 Menschen liegen in den Gefängnissen auf die bestialischste Weise abgeschlachtet. (...) Diese jüdisch-asiatischen Horden wollte man auf unser altes Kulturland loslassen.’)

it could have proven lethal to us'.⁵⁶ The *Völkische Beobachter* even hinted at the local civilian violence against the Jews: 'One can assume that the anger of the population was directed against the Jews, the majority of whom had been employed by the Soviet authorities and who were the string-pullers behind these crimes'.⁵⁷ The SD even registered voices which demanded that people should emulate the Ukrainians and punish the Jews in the *Reich* for the crimes of their racial comrades, who would have done the same to the Germans.⁵⁸

Nevertheless, while the propaganda demonised the Jews, the investigators could not find extensive evidence in support of a Jewish role in the NKVD murders. Omelia Matla was the only witness who incriminated the Jews in this regard. She explained that the NKVD went from cell to cell and shot the prisoners before leaving the prison: 'Among the NKVD people, I recognised the voice of the Investigator Judge Colonel Schneider, who is a Jew. In general, the NKVD personnel, who treated us with special cruelty, consisted largely of Jews'.⁵⁹ During the course of their investigations, the Secret Field Police further complicated the anti-Semitic interpretation of the NKVD killings as 'Jewish crimes'. The Secret Field Police identified a number of the bodies in Lemberg's prisons as Jewish and estimated that these made up roughly 1% of the victims.⁶⁰ As this discovery made it impossible to maintain a strict distinction between victims and perpetrators along racial

⁵⁶ *Goebbels-Tagebücher*, Pt. 2, Vol. 6, p.99, 20.7.1941. ('Man weiß, wenn wir die Sowjetunion nicht angegriffen hätten, sie uns angegriffen hätte, und zwar in einem Augenblick, in dem das für uns tödlich hätte verlaufen können.')

⁵⁷ *Völkischer Beobachter*, Auch durch die ukrainischen Dörfer rast der bolschewistische Blutterror, 8.7.1941. ('Daß die Wut der Bevölkerung sich gegen die Juden richtete, die in ihrer Mehrzahl bei den Sowjetbehörden angestellt und selbst die Drahtzieher dieser Verbrechen waren, läßt sich denken')

⁵⁸ *Meldungen aus dem Reich*, Vol. 7, p. 2505, 10.7.1941.

⁵⁹ BA-MA, RW2/149, fol. 344: Omelia Matla, 6.7.1941. ('Von den NKVD-Leuten habe ich an der Stimme den Untersuchungsrichter Hauptmann Schneider, der Jude ist, erkannt. Überhaupt setzten sich die NKWD-Leute, die uns mit besonderer Grausamkeit behandelten, zum größten Teil aus Juden zusammen.')

⁶⁰ BA-MA, RW 2/148, fol. 382: Auszugsweise Abschrift aus dem Bericht der Gruppe GFP 711 vom 7.7.1941 über die bolschewistischen Bluttaten in Lemberg.

lines, the Secret Field Police began to separate them along political lines. They argued that the Jewish victims must have been Zionists, betraying their Bolshevik racial comrades, much as German political opponents to the Nazi regime had betrayed their national comrades.⁶¹ A different Secret Field Police unit was confronted with a similar problem during their investigation of the NKVD murders of six Ukrainians and a Jew in Miedzyzecz. A witness explained that the Ukrainians were nationalists but that the Jew supported Poland and England and was a member of a Zionist Organisation. He explained that in contrast to the Ukrainians, the Jew was not mutilated but had merely received a shot to the head.⁶² Secret Field Police unit 560 concluded that the Jew ‘did not want to profess his allegiance to Bolshevism’.⁶³ This explanation made it possible to maintain the interpretation of the murders of prisoners as a ‘Jewish crime’. The Secret Field Police in Lemberg claimed that Jews had proven themselves to be ‘particularly willing tools of the NKVD’ and further concluded: ‘It is certain that in Lemberg as elsewhere, the Jews worked extremely closely with the Bolsheviks, and thereby at the very least indirectly delivered several victims to the executioner’s knife’.⁶⁴

Lemberg was not an isolated case. Dr Seeber, a military judge of the XIV Army Corps, learned that German soldiers had discovered the bodies of German prisoners of war among other victims in the NKVD prison in Tarnopol on 27 June 1941. A German witness explained the prisoners were wearing the uniform of the *Luftwaffe* and that they had been mutilated. The witness had no medical background but was convinced that at least three of

⁶¹ BA-MA, RW 2/148, fol. 383: Geheime Feldpolizei 711, 7.7.1941.

⁶² BA-MA, RW 2/148, fol. 291: Kirylo Mielnik, 25.11.1941.

⁶³ BA-MA, RW 2/148, fol. 288: GFP 560, Tätigkeitsbericht fuer die Zeit vom 1 bis 14.7.1941. (‘sich nicht zum Bolschewismus bekennen wollte’)

⁶⁴ BA-MA, RW 2/148, fol. 382-383: Gruppe GFP 711, Bericht über die bolschewistischen Bluttaten in Lemberg, 7.7.1941. (‘ besonders gefügiges Werkzeug der GPU’, ‘ Fest steht, dass auch in Lemberg die Juden auf innigste mit den Bolschewiken paktiert und somit mindestens indirekt manches Opfer dem Henker ans Messer geliefert haben.’)

them had had their eyes removed and thought that some of them had had their tongues pulled out. He also observed that their skin appeared to be peeling off the bodies, which led him to believe that the prisoners had been slowly tortured to death with boiling water or acid.⁶⁵ Dr Jansen of the SS and Police Court VI in Crakov learned from a member of the SS Regiment *Nordland* that he had ordered Jews to cut the ropes which bound the hands of two German victims.⁶⁶ For reasons that are now obscure, in contrast to the investigations in Lemberg, the witness testimonies provide no sense of the violence against the Jewish community, which followed the same pattern.⁶⁷

As the violence against the Jews escalated, the regime now argued that the invasion had not only served to defend the *Reich* against an imminent Soviet attack but also to liberate the peoples in Eastern Poland and the Baltic states from Bolshevik terror. Already on 5 July 1941 the press had received instructions to emphasise the universalist meaning of the campaign: ‘The struggle in the East is about the liberation of humanity from this criminality’.⁶⁸ The *Völkische Beobachter*, for example, asserted that ‘the German soldier brings back the human rights that Moscow had sought to suffocate in blood’.⁶⁹ Again, *Wehrmacht* soldiers confirmed this interpretation in their letters. One of them wrote: ‘Here we have really come as liberators from an unbearable suppression’.⁷⁰

⁶⁵ BA-MA, RW 2/150, fol. 34: Siegfried Küster, 22.9.1941.

⁶⁶ BA-MA, RW 2/150, fol. 38-39: Wilhelm Loesken, 22.1.1942.

⁶⁷ Pohl, *Nationalsozialistische Judenverfolgung in Ostgalizien*, p. 63. Sandkühler, “*Endlösung*” in *Galizien*, pp. 120-22.

⁶⁸ Willi Boelcke (ed.), “*Wollt ihr den totalen Krieg?*” *Die geheimen Goebbels-Konferenzen 1939 - 1943* (Stuttgart, 1967), p. 183. (‘Der Kampf im Osten bedeutet die Befreiung der Menschheit von diesem Verbrechen.’)

⁶⁹ *Völkischer Beobachter*, Befreit aus der Hölle des Verbrechens, 8.7.1941. (‘Der deutsche Soldat bringt das Menschenrecht wieder, das von Moskau in Blutstürmen erstickt werden sollte.’)

⁷⁰ MfK, Feldpostsammlung, 3.2008.2195: Manfred von Plotho, 30.6.1941. (‘Hier sind wir wirklich als Befreier von einem unerträglichen Joch gekommen’)

On the ground, it became clear that this role as liberators had its limitations. In Lemberg, the *Einsatzgruppe* had to take a break from the executions of Jews in order to bring Ukrainian nationalists, who had taken the German promises of liberation too literally and announced an independent Ukrainian state, in line.⁷¹ On 7 July 1941, Goebbels wrote about this campaign that ‘it is not just supposed to educate our people, but also draw Europe into the fray and cause the rift in public opinion in the US and even in England to widen’.⁷² This would be a difficult undertaking, in light of the fact that world opinion continued to be confronted with reports about the German conduct in Poland which exceeded the crimes the Germans blamed on the Soviets. It would become even more difficult due to the fact that, in contrast to Poland, the Germans had not conducted proper investigations in Lemberg that would have documented the scene in a manner convincing to international observers. Although the investigators had interviewed witnesses, they had not gathered forensic evidence to give a sense of scientific credibility to their claims. Due to fear of epidemics in Lemberg, the recovery of the bodies was stopped and the remaining corpses were covered in quicklime and immured. Most of the victims were never identified and autopsies were only carried out in a few isolated cases. The investigators who had not even counted the number of victims, made an estimate of about 3,000.⁷³ Without the kind of evidence which had made the German claims regarding the atrocities against ethnic Germans in Poland credible, the regime quickly realised that it could do nothing against the Soviet claim that the Germans were responsible for the massacres. Although he was ultimately unable to do anything about this, Goebbels was outraged about the Soviet denial:

⁷¹ Struve, *Deutsche Herrschaft, ukrainischer Nationalismus, antijüdische Gewalt*, pp. 402-12.

⁷² *Goebbels-Tagebücher*, Pt. 1, Vol. 9, p. 430, 7.7.1941. (‘soll nicht nur unser eigenes Volk aufklären, sondern auch Europa mitreißen und den Riß in der öffentlichen Meinung in den USA und selbst in England vergrößern.’)

⁷³ BA-MA, RW 2/148, fol. 367: Richard Eckl, 6.7.1941.

‘Moscow is trying the old Jewish trick of turning the tables. Now the guilty party is not the murderer, but his victims’.⁷⁴

As the propaganda campaigns for domestic and international audiences focused on civilian victims, the investigators continued to look into the murders of German soldiers in the NKVD prisons. They could see that their original mandate still mattered and saw confirmed what they had been told prior to the invasion, namely that the enemy would commit severe atrocities against German soldiers. In August 1941, Secret Field Police unit 570 carried out an investigation in an NKVD building in Mogilev after an informant revealed that German soldiers had been murdered there. In a basement cell, the investigators discovered that three German names had been carved into the wall. In the area surrounding the building they discovered a pit containing the bodies of 15 German soldiers who had been hanged.⁷⁵ Similarly, in October 1941, the *Wehrmacht* carried out an excavation in the basement of the NKVD prison in Proskurov. There, they discovered the bodies of 13 *Wehrmacht* members and 11 Ukrainians. Interviews with Ukrainian witnesses revealed that the soldiers had been transported through the city with their eyes covered.⁷⁶ According to the investigators, the Deputy Head of the NKVD in Proskurov had killed them with a shot to the head in the presence of three other officers who, Ukrainian witnesses claimed, were Jewish.⁷⁷ In April 1942, *Sonderkommando* 10a learned that six bodies, which had been discovered in the sewer beneath the NKVD building in Taganrog, had been identified as members of the SS *Leibstandarte Adolf Hitler*. They had been captured on 13 October 1941

⁷⁴ *Goebbels-Tagebücher*, Teil 2, Bd. 6, p. 48, 11.7.1941. (‘In Moskau versucht man das alte Judenmittel und dreht den Spieß um. Jetzt ist plötzlich nicht mehr der Mörder sondern der Ermordete schuld.’)

⁷⁵ BA-MA, RW 2/145, fol. 51: Bericht über den Tatortfund in Mogilev. BA-MA, RW 2/147, fol. 342: Schlussbericht, 10.8.1941.

⁷⁶ BA-MA, RW 2/148, fol. 286: Gericht des Wehrmachtbefehlshaber Ukraine an den Reichsminister der Luftfahrt, 11.10.1941.

⁷⁷ BA-MA, RW 2/150, fol. 259: Herbert Golla, 9.10.1941.

and were subsequently tortured during an interrogation, in which their fingers and toes had been removed.⁷⁸

The investigations were not just limited to the prisons discovered in Soviet territory. As the war was waged by the Germans without concern for the international laws of war, some investigators believed that they too were given a free hand to develop their investigative toolkit without recourse to moral or legal reservations. Gerhart Panning, who had performed autopsies on the ethnic German victims in Bromberg, recognised that this war, in which the Germans executed prisoners of war, presented unprecedented opportunities for an ambitious and ruthless investigator like himself. In early July 1941 he was commissioned by the *Wehrmacht* to examine whether ammunition that had been captured by the Soviets violated the international laws of war. He went to Zhitomir, where he approached the staff of the 6th Army with the idea of conducting a human experiment on Soviet prisoners of war. He was directed to Paul Blobel from *Sonderkommando 4a* who supplied him with a firing squad and at least six Jewish prisoners of war. Panning instructed the prisoners to stand, kneel, or lie down at various distances from the shooters and indicated the spot where they should be shot with the ammunition that he had brought with him from Berlin. The prisoners were first shot in the arms, legs, or torso, with the intention of wounding them before they were killed with a second or third shot to the head. In a small chapel, Panning and his assistant had established an improvised examination room where he performed autopsies on the bodies.⁷⁹ Armed with the results of his gruesome experiments, Panning was able to assess whether the Soviets had indeed used such

⁷⁸ BA-MA, RW 2/158, fol. 6: Sonderkommando 10 to the Reichssicherheitshauptamt, 6.4.1942.

⁷⁹ HHStADA, H13 DA 1291/111, fol. 245-248: Urteil in der Strafsache gegen Cuno Callsen u.a. Alfred Streim, 'Zum Beispiel: Die Verbrechen der Einsatzgruppen in der Sowjetunion', in Adalbert Rückerl (ed.), *NS-Prozesse. Nach 25 Jahren Strafverfolgung* (1971), pp. 65-106. Paul Blobel later was the organiser of the Babi Yar massacre as well as of the murder of the Jews in the ghetto created in Zhitomir and in 1942 was tasked with destroying evidence of Nazi atrocities. See: p. 253, 254.

ammunition on German soldiers. In a letter to the legal department of the *Wehrmacht* regarding a wounded German soldier, he explained that he was certain that the man had been injured by this kind of explosive ammunition, but emphasised that the reason as to why he was so certain could not be revealed.⁸⁰ A year later, he wrote about his findings as if they had been the result of a careful forensic examination of a crime that the Red Army had committed in an article for the medical journal *Der Deutsche Militärarzt*. He concluded that the Soviets had violated the international laws of war and cited the relevant Conventions that prohibited the use of ammunition that flattened or extended inside the human body.⁸¹ Despite his attempts to keep the origins of his knowledge secret, news of Panning's actions spread within the legal department where it aroused the outrage of Helmut Graf James von Moltke, an opponent to the Nazi regime.⁸² It is possible that the news also reached the Investigation Office, which was also part of the legal department, and would therefore explain why the Panning case was not included in the office's collected materials.

From the start of the campaign, the Investigation Office received reports concerning war crimes against larger groups of German soldiers, which did not have to be fabricated. On 1 July 1941, for example, a military judge of Security Division 221 took the testimony of a soldier who had discovered 20 dead bodies of German soldiers on 28 June at Sobrasl. According to the witness, the victims had been in the process of bandaging their wounds when they were overrun by Red Army troops who smashed in their skulls with rifle butts

⁸⁰ HHStADA, H13 DA 1291/93, fol. 67: Urteil in der Strafsache gegen Cuno Callsen u.a.

⁸¹ Gerhart Panning, 'Wirkungsform und Nachweis der sowjetischen Infanteriesprengmunition', *Der Deutsche Militärarzt*, 7 (1942), pp. 20-30.

⁸² HHStADA, H13 DA 1291/59, fol. 69: Ermittlungen betr. Fett. Beate Ruhm Von Oppen (ed.), *Helmut James von Moltke - Briefe an Freya 1939-1945* (München, 1991), p. 286.

and stabbed the German soldiers to death.⁸³ Also on 1 July 1941, a member of Infantry Division 23 described the discovery of 18 wounded soldiers murdered in almost exactly the same fashion in Bialystok. The witness explained: ‘I had the impression that the victim had been stabbed [by someone] in a blind rage’.⁸⁴ On 5 July 1941, the court of the 28 Infantry Division carried out an extensive investigation into the murder of wounded German soldiers at Mosty and Rozanka on 27 June. At Mosty, retreating German troops had left behind their wounded. A survivor, who had pretended to be dead, explained that Soviet soldiers beat wounded Germans with rifle butts or shot them.⁸⁵ A different German soldier explained that he could hear their screams from a distance of about a kilometer. He recalled: ‘The screams were of such unbelievable force and voiced by so many in such a terrible manner, that all of us had the impression that the Russians were torturing our prisoners to death in a gruesome manner’.⁸⁶ Another witness explained that, on the next day, they discovered 16 wounded soldiers who had had their heads smashed in.⁸⁷ The investigations made it clear that in many of these cases the German soldiers had been treated with an unprecedented level of brutality. On 16 August 1941, a military doctor informed a judge from the 16th *Panzer* Division of the outcome of his examination of 40 dead German prisoners of war in Greigovo. The nature of the wounds led him to conclude that the Red Army soldiers had killed the prisoners in a murderous frenzy with sharp-edged tools before retreating.⁸⁸ These reports about war crimes that exhibited extraordinary

⁸³ BA-MA, RW 2/145, fol. 30: Otto von Boehn, 1.7.1941.

⁸⁴ BA-MA, RW 2/147, fol. 122: Peter Hilbert, 1.7.1941. (‘Ich hatte den Eindruck, dass auf den Betreffenden blindwütig eingestochen worden war.’)

⁸⁵ BA-MA, RW 2/147, fol. 129: Harry Delica, 5.7.1941.

⁸⁶ BA-MA, RW 2/147, fol. 125: Herbert Grieger, 5.7.1941. (‘Die Schreie wurden mit solcher ungeheurer Wucht und zwar von mehreren so schrecklich ausgestoßen, dass alle von uns nur den Eindruck hatten, die Russen quälen unsere Gefangenen in fürchterlicher Weise zu Tode.’)

⁸⁷ BA-MA, RW 2/147, fol. 123: Peter Eulig, 5.7.1941.

⁸⁸ BA-MA, RW 2/148, fol. 80: Dr Schaffert, 19.8.1941.

brutality continued throughout the war. A member of Infantry Regiment 448 described the murder of ten German prisoners at Naravominsk in December 1941. They were lying in a row on the ground with their hands and feet bound, their naked bodies covered in blisters. Before retreating, Red Army soldiers hurriedly drenched them in petrol and set them on fire.⁸⁹ In October 1942, a soldier of Infantry Regiment 415 discovered the body of a *Waffen-SS* soldier whose lower body had been burned and who had a swastika carved into his upper body.⁹⁰

When Goebbels received such reports, he wrote in his diary on 16 July 1941: ‘We are receiving reports about the most unbelievable and indescribable atrocities, which the Bolsheviks are committing against our prisoners’.⁹¹ On 2 August 1941, the press received instructions not to discuss atrocities against German soldiers, evidently concerned that this would have a disastrous effect on morale.⁹² As it would have been unbelievable that there had not been any war crimes in a campaign of such a scale, there were isolated newspaper articles but these spoke only about traditional war crimes, such as fake surrenders and gave no idea of the true nature of the Soviet war crimes.⁹³ At the same time, the propagandists had to learn that the flow of information could not be managed and that the population was able to draw its own conclusions. The discoveries in Lemberg and elsewhere had made it seem likely that the Soviets would treat their German prisoners in the same manner as the Ukrainian civilians. On 3 July 1941, the SD registered increased concerns, especially

⁸⁹ BA-MA, RW 2/153, fol. 57: Franz Venedey, 24.6.1942.

⁹⁰ BA-MA, RW 2/153, fol. 70: Veit Mildenerger, 10.10.1942.

⁹¹ *Goebbels-Tagebücher*, Pt. 2, Vol. 6, p.77, 16.7.1941. (‘Wir bekommen Nachrichten über ungeheuerliche und unbeschreibliche Greuelthaten, die seitens der Bolschewisten jetzt auch an unseren Gefangenen verübt werden.’)

⁹² Helmut Sündermann (ed.), *Tagesparolen. Deutsche Presseweisungen 1939 - 1945*. (Leoni am Starnberger See, 1973), p. 178.

⁹³ *Deutsche Allgemeine Zeitung*, Bolschewisten mißbrauchen weiße Flagge, 10.7.1941.

among women, about the fate of German soldiers: ‘According to reports available to us, there are many rumours that the Russians shoot all prisoners and mistreat prisoners gruesomely, especially those from the *Waffen-SS*’.⁹⁴

On 18 July 1941, the *Völkische Beobachter* announced that the Political Commissars of the NKVD had been introduced to the Red Army. The report was supposed to highlight the desolate morale of the Red Army which made it necessary to introduce Commissars to whip them into shape. The *Völkische Beobachter* concluded that this meant that their conduct in Lemberg was being transferred to the battlefield, sparking fears about the fate awaiting German soldiers.⁹⁵ On 23 July 1941, the SD observers registered concerns about the ‘Asiatic methods’ of the Red Army in their conduct of war and their treatment of German prisoners.⁹⁶ On the basis of such reports, there were also demands for retaliation, indicating that the news of the premeditated executions of Soviet prisoners had not yet reached the home front: ‘Frequently there are questions about the fate suffered by our soldiers who were taken prisoner and what we are doing to the Bolsheviks (“They are not human anymore”)’.⁹⁷ The SD report registered outrage about the ‘humane’ treatment of Soviet soldiers: ‘Our treatment of the prisoners was far too humane and (...) it would be right to ruthlessly exterminate this Asiatic vermin’.⁹⁸

⁹⁴ *Meldungen aus dem Reich*, Vol. 7, p. 2471, 3.7.1941. (‘Vielfach sind nach den vorliegenden Meldungen Gerüchte verbreitet, daß die Russen alle Gefangenen erschießen und teilweise Gefangene, angeblich insbesondere Angehörige der Waffen-SS grausam mißhandeln würden.’)

⁹⁵ *Völkischer Beobachter*, Die GPU nun unbeschränkter Herr des Sowjetheeres, 18.7.1941.

⁹⁶ *Meldungen aus dem Reich*, Vol. 7, p. 2428, 23.6.1941. (‘Asiatische Methoden’)

⁹⁷ *Meldungen aus dem Reich*, Vol. 7, p. 2505, 10.7.1941. (‘Häufig wird gefragt, welches Schicksal wohl unsere Soldaten erleiden, die in Gefangenschaft geraten, und was von unserer Seite aus mit den Bolschewisten geschieht („Das sind doch schon keine Menschen mehr”)

⁹⁸ *Meldungen aus dem Reich*, Vol. 7, p. 2632, 11.8.1941. (‘daß wir mit den Gefangenen „viel zu human“ umginge, und daß es richtig wäre, dieses „asiatische Gesindel“ rücksichtslos zu vernichten.’)

The investigations did in fact focus on the acts of ‘Asiatic’ soldiers. Witness testimonies about the extraordinary brutality of Soviet soldiers went so far as to suggest that they ate their victims, which prompted the investigators to conduct investigations in prisoner of war camps, where instances of cannibalism amongst prisoners had been reported. Hans Rosenthal, who administrated the camp *Stalag 357* at Zhitomir explained that after the arrival of about 1,000 prisoners, he received news that screams for help could be heard from the area of the camp that had been assigned to the Uzbeks. He explained that they found a prisoner who was in the process of carving flesh from a corpse and confessed to his intention of eating it. After this man had been arrested and ‘segregated’, Rosenthal witnessed further instances. He saw, for example, Uzbeks sucking blood out of a prisoner’s wound that they had themselves made using a nail while he was still alive, as well as a prisoner who was in the process of removing the brain from a corpse.⁹⁹ Searches revealed prisoners who were carrying human flesh, both raw and cooked. Some explained that they had removed it from corpses, whereas others said that they were unaware of its origin and that they had received it in exchange for salt.¹⁰⁰ A member of Rifle Battalion 351 explained that he heard screams whilst he was on his night patrol. An auxiliary guard alerted him to the fact that prisoners were holding sticks with flesh attached to them over a fire. The men, whose hands were covered in blood, were arrested, searched, and discovered to have in their possession a human liver and heart. The next day, the guards searched the Russian barracks and discovered several mutilated corpses, one of which had its stomach cut open

⁹⁹ BA-MA, RW 2/151, fol. 274: Hans Rosenthal, 8.12.1941. (‘abgesondert’)

¹⁰⁰ BA-MA, RW 2/151, fol. 260: Michael Poljakow. 28.11.1941.

and its bowels hanging out.¹⁰¹ The camp's administrators believed the 'Asiatic' prisoners to be responsible for these acts of cannibalism.¹⁰²

Inside the camps, the investigators took photos which depict emaciated and ragged prisoners in front of mutilated corpses. The German investigators, however, favoured ideology over logic and ruled out the notion that living conditions had anything to do with the fact that prisoners had consumed human flesh, a move which required a considerable amount of mental gymnastics. In an investigation into *Stalag 360*, an investigator recorded that a Russian military doctor confirmed that the nutrition of the prisoners was sufficient and that the only reason there had been deaths was due to the fact that the prisoners had already been 'completely malnourished' and 'unable to withstand' the environment when they arrived in the camp.¹⁰³ If the living conditions were not the cause of the cannibalism, the investigator wanted to know from the military doctor whether he thought that there was a religious or ritual motive for the consumption of human flesh. The camp doctor declared that the 'hunger for flesh' was particularly prevalent amongst 'Asiatic' prisoners, who, he claimed, normally lived off of raw meat and were therefore unable to restrain themselves from eating their comrades.¹⁰⁴

During the investigations in *Stalag 357*, however, the claim that 'Asiatic' prisoners were chiefly responsible was challenged. The investigations revealed that almost all Soviet peoples present in the camp had participated in this activity, especially the Russians and also Ukrainians, and not just the 'Asiatic' prisoners. The investigator concluded that 'Asiatic prisoners' had been the first ones to eat the flesh of their dead comrades, however.

¹⁰¹ BA-MA, RW 2/151, fol. 266: Erwin Kuntzsch, 28.11.1941. ('Landeschützenbattalion')

¹⁰² BA-MA, RW 2/151, fol. 263: Alexei Bondarew.

¹⁰³ BA-MA, RW 2/148, fol. 460: Leonti Kapanadze, 13.11.1941. ('völlig unterernährte und widerstandsunfähige Menschen')

¹⁰⁴ BA-MA, RW 2/148, fol. 453: Josef Probst, 25.11.1941. ('Fleischhunger gerade der asiatischen Stämmen')

This and the fact that they were the biggest group amongst the prisoners led to a scenario in which the blame for cannibalism was generally placed at the feet of ‘Asiatic’ prisoners, regardless of who else may have been involved. The investigator, however, concluded that the Tartars and Muslim Caucasians were the exception to this practice. Later, this more nuanced interpretation came along at just the right time as the *Wehrmacht* had started to recruit Muslim prisoners of war from these camps as volunteers for the war against the Soviet Union.¹⁰⁵

Although the investigative evidence includes numerous photographs and documents which provide a convincing and disturbing insight into these camps and the acts of cannibalism which unfolded inside them, the bizarre attribution of guilt to specific prisoners was neither sustained by their own evidence, nor did it stand the test of time. A Soviet Commission would later reveal that there was intense famine inside *Stalag 357*, showing how willfully misleading this initial German interpretation had been. According to witnesses, the prisoners were so hungry they resorted to eating leaves from the trees and the grass. When the watery soup was handed out, prisoners jumped over each other and tried to grab it out of each other’s hands. Some days, up to 300 victims died from starvation or illnesses caused by the catastrophically unsanitary conditions.¹⁰⁶ A local witness testified to seeing guards open fire on prisoners who attempted to break through the barbed wire fence in order to obtain food that civilians had brought to the camp, revealing their total desperation.¹⁰⁷ In

¹⁰⁵ BA-MA, RW 2/151, fol. 253: Gericht des Wehrmachtbefehlshabers Ukraine an die Wehrmachtuntersuchungsstelle, 14.12.1941. David Motadel, *Islam and Nazi Germany's War* (Cambridge, MA, 2014), p. 224.

¹⁰⁶ BA-ZSL, B 162/8753, fol. 99-105: Aussageprotokolle sowjetischer Zeugen und weiteres Belastungsmaterial (Übersetzung aus dem Russischen), 10.5.1944

¹⁰⁷ BA-ZSL, B 162/8753, fol. 58: Nikolaj Gerasimtschuk, 20.4.1970.

the surroundings of the camp, the Soviets discovered hundreds of mass graves that contained several thousand victims who had been starved to death or shot.¹⁰⁸

‘Asiatic’ Soviet soldiers played such a significant role in the investigators’ work because they were supposed to be particularly brutal. However, numerous other Soviet war crimes against German soldiers stood out not only for their brutality, committed in a frenzy in the heat of battle, but also for their premeditated nature. On 1 July 1941, for example, two military judges of the 25th Infantry Division began an investigation into the hitherto largest mass shooting of German prisoners. On the roadside between Kleva to Broniki, 153 victims were counted.¹⁰⁹ According to survivors, Red Army soldiers had taken between 150 and 200 prisoners. First, they eliminated the severely wounded prisoners with shots fired from close range and blows with rifle butts to the head.¹¹⁰ They then signaled to the other prisoners to strip down to their underwear and to throw their uniforms into the roadside ditch.¹¹¹ The Red Army soldiers shot the wounded who struggled to comply.¹¹² They then rounded up the prisoners at the side of the road where they had to stand with their arms raised above their heads.¹¹³ A Red Army soldier separated some 15 to 20 prisoners from the others and tied their hands together. This group was shot first, then the Red Army soldiers opened fire and threw grenades at the remaining prisoners. In the ensuing chaos, some of the prisoners managed to escape. One of the survivors believed that he had recognised two Commissars amongst the soldiers because they were wearing flat hats with a dark red trim. According to the witness, one of these Commissars fired the first shot at

¹⁰⁸ BA-ZSL, B 162/8753, fol. 104: Aussageprotokolle sowjetischer Zeugen und weiteres Belastungsmaterial (Übersetzung aus dem Russischen), 10.5.1944

¹⁰⁹ BA-MA, RW 2/147, fol. 194: Wilhelm Heinrich, 12.8.1941.

¹¹⁰ BA-MA, RW 2/147, fol. 184: Michael Beer, 1.7.1941.

¹¹¹ BA-MA, RW 2/147, fol. 182: Josef Stehle, 1.7.1941.

¹¹² BA-MA, RW 2/147, fol. 185: Kurt Schaefer, 1.7.1941.

¹¹³ BA-MA, RW 2/147, fol. 189: Karl Jaeger, 1.7.1941.

the prisoners.¹¹⁴ Because of reports like this, the Commissars, who had already been identified as potential if not guaranteed perpetrators of war crimes ahead of the Nazi invasion, now became a principal focus for the investigators.

Accustomed to thinking that ‘Jewish Commissars’ had murdered their compatriots, Ukrainian witnesses told the investigators that the Commissars who committed war crimes against German soldiers were also Jewish. A judge of the *Waffen-SS* interviewed civilians, who had taken wounded German soldiers into their houses and bandaged them. According to a Ukrainian peasant, ‘a Jew wearing the uniform of a commissar’ found them and told them that they would take care of the wounded soldiers from now on. Later, the German soldiers were found with their heads smashed in.¹¹⁵ In a different case, a Ukrainian peasant, who spoke German, testified that two Soviet soldiers, whom she described as distinctly recognizable as Jews and wearing something red on their collar, had told her to translate their questions to two German prisoners. One of the questions was whether the Germans had come here to murder the Jews, whereupon the prisoners answered ‘no’ and explained that there were still Jews living in Germany. The German prisoners were then shot by the ‘Jewish Commissars’.¹¹⁶ In December 1942, Secret Field Police 719 learned from the Ukrainian Stepan Koskiak that a Commissar had ordered him to shoot a German prisoner of war who, despite repeated threats, was unable to keep up with the pace of the transport due to his exhaustion and frostbitten feet. Prior to this event, a Soviet soldier had shot another German prisoner who had collapsed in the snow from exhaustion. In his concluding comment, the Secret Field Police officer stated that Kosiak had not shown any signs of

¹¹⁴ BA-MA, RW 2/147, fol. 187: Josef Michels, 1.7.1941.

¹¹⁵ BA-MA, RW 2/152, fol. 161: Gericht der SS Division Wiking, 22.7.1941.

¹¹⁶ BA-MA, RW 2/148, fol. 74: Paulina Odenbach, 22.8.1941. (‘ein Jude in Uniform eines Kommissars’)

remorse for his actions and recommended that he ‘should be rendered harmless’, a euphemism for execution.¹¹⁷

German soldiers, who had been told to think of the war against the Soviet Union as a struggle against ‘Jewish Bolshevism’, also identified ‘Jewish Commissars’ as war criminals. A German soldier testified that on 14 November 1941 that he was taken prisoner by Soviet soldiers who told him that he and two of his comrades would be shot as required by superior orders. The Soviet soldier, who spoke German, told him that a Commissar first wanted to interrogate his comrades who were then shot before his eyes.¹¹⁸ Another German soldier testified that he was interrogated by two Commissars who looked Jewish. When German fire was heard during the interrogation, the Commissars fled. The remaining Red Army soldiers told their German prisoners to lie on the floor and then opened fire at them.¹¹⁹ The German investigators had become so accustomed to thinking of the Commissars as Jews that they highlighted it as unusual when a Commissar was not identified as Jewish or did not act as expected.¹²⁰ In May 1942, for example, a witness explained that a Commissar had discovered an *Sturmabteilung* (SA) membership card on one of the prisoners and told him that he would be shot as a Fascist. When the prisoner denied that he was one, the Commissar chose to spare his life.¹²¹

Soviet prisoners of war and deserters also highlighted the role of ‘Jewish’ war criminals. In many of these cases, it appeared that the Soviet witnesses wanted to mitigate their own responsibility or ingratiate themselves with their captors. A driver for the members of staff

¹¹⁷ BA-MA, RW 2/159, fol. 61: Stepan Koskjak, 22.12.1942. (‘Unschädlichmachung’)

¹¹⁸ BA-MA, RW 2/150, fol. 97: Arthur Ganster, 21.11.1941.

¹¹⁹ BA-MA, RW 2/153, fol. 147: Oskar Löffler, 21.9.42.

¹²⁰ BA-MA, RW 2/152, fol. 32: Iwan Schewanow, 27.3.1942.

¹²¹ BA-MA, RW 2/152, fol. 126: Ernst Mühlen, 6.5.1942.

of the Soviet 154 Infantry Division testified that in August 1941, his unit captured 23 German prisoners. They were interrogated by the Divisional Commissar and Military Commander. After the interrogation, the witness observed how the prisoners had to dig a pit and were lined up in a row. The Commissar asked them whether they would reveal information about German positions, to which they all answered 'no'. They then had to step up to the pit individually and a battalion commissar who, according to the witness was Jewish, killed them with a shot to the base of the neck.¹²² In another instance, on 27 March 1942, a military judge of the court of General Command of the LI Army Corps, interrogated a Soviet deserter named Ivan Shevanov who had served as the commander of the 3rd Battalion of Rifle Regiment 1129.¹²³ Shevanov told his interrogators of the murder of four German prisoners who had been captured in the Glazunovka area in mid-March 1942. He said that among them was an officer who was shot by the Jewish Chief of Staff named Ashkinadze.¹²⁴ Vasilii Kozlov, the commander of the 25th Infantry Regiment, explained that it was common practice for the Commissars to give soldiers the order to shoot prisoners before they reached the divisional or regimental headquarters. Kozlov also said that military officers were in no position to stop the Commissars as they would risk being shot if they intervened, and thus suffer the same fate as German soldiers.¹²⁵

As the military judges and members of the Secret Field Police knew that the *Wehrmacht* had issued an order which called for the execution of prisoners of war if they were Political Commissars, they thought it possible that the Red Army had done the same. The interrogations of Soviet prisoners of war, however, implied that there were no orders

¹²² BA-MA, RW 2/152, fol. 17: Heinrich Meisinger, 20.3.42.

¹²³ BA-MA, RW 2/152, fol. 31: Iwan Schewanow, 27.3.1942.

¹²⁴ BA-MA, RW 2/152, fol. 31: Iwan Schewanow, 27.3.1942.

¹²⁵ BA-MA, RW 2/158, fol. 269: Basil Koslow, 10.9.1941.

demanding the execution of prisoners. On 25 July 1941, for example, Army Prisoners Collection Point 5 reported that Soviet prisoners claimed that there was no such general order. Instead, the report suggested that German prisoners had been killed on the initiative of individual Political commissars and military commanders.¹²⁶ That prisoners denied the existence of such orders did not necessarily mean much. However, the *Wehrmacht* captured orders that expressly forbade the execution of prisoners of war. An order from the People's Commissariat for Defence, dated 30 June 1941, was seized from the 195th Rifle Division which called on military commanders to make it known to all that the shooting of German prisoners was harmful and that they should immediately be escorted to the rear areas where they could be interrogated. According to this order, it was 'categorically' forbidden to shoot prisoners on one's own initiative.¹²⁷ The order argued that this reminder was necessary due to the fact that Red Army soldiers and Commissars had not treated German soldiers and officers as prisoners but had instead killed many of them on the spot. While acknowledging that these actions were an understandable reaction to the atrocities of the 'Fascist thieves', the order warned that as a result, instead of surrendering, German soldiers would offer strong resistance if they were led to believe that they would not be humanely treated as prisoners of war. This would also make it difficult to gather intelligence about the enemy dispositions as well as the political attitudes and 'morale' of the German troops.¹²⁸

For the same reason, the *Wehrmacht* had withdrawn the Commissar order in May 1942.¹²⁹ The investigators revealed that this rationale had been correct and that the fear of getting

¹²⁶ BA-MA, RW 2/154, fol. 8: Armee Gefangenen-Sammelstelle 5 to Korück 585, 25.7.1941.

¹²⁷ BA-MA, RW 2/154, fol. 69: Beutefehl: Volkskommissariat für Verteidigungswesen, Leitung der polit. Propaganda der 5. Armee an die Kommandeure und Verbände der Abteilungen für politische Propaganda, 14.9.1941.

¹²⁸ *Ibid.* ('politisch-moralischen Zustand')

¹²⁹ Römer, *Kommissarbefehl*, p. 535.

shot increased the spirit of resistance in the Red Army soldiers. One Soviet prisoner of war explained that he had had the ‘terrible fear of being taken prisoner’ because they had been told that ‘all Russian prisoners were shot and frequently tortured to death in a bestial manner’.¹³⁰ Although the *Wehrmacht* had officially withdrawn the order, executions of Soviet prisoners of war still continued. Secret Field Police 719, for example, first identified and then gave, in their estimation, ‘appropriate treatment’ to eleven former Political Commissars of the Red Army in August 1942. Up to December 1942, they reported the execution of a further 520 prisoners, most of them suspected of being Communists.¹³¹ On 25 June 1942, Secret Field Police 647 interviewed a prisoner of war, Josef Migdal, whose name sounded Jewish to the interrogating officer. The Secret Field Police officer suspected that Migdal refused to provide his mother’s maiden name in order to hide his racial background. Examination of Migdal’s penis then established that he was circumcised: ‘This should be sufficient proof of his Jewish lineage’.¹³² With certain German forces continuing this practice despite the withdrawal of the Commissar order, the investigators assumed that the Red Army must be doing the same. The evidence that they found seemed to confirm this. Intercepted radio communication and captured documents revealed that executions of prisoners were openly communicated within the Red Army and made the captured orders banning such actions seem irrelevant. A report by a tank crew from Tank Regiment 219 detailed that they had destroyed German medical vehicles and killed wounded ‘Fascists’.¹³³ The Moscow Rifle Division, for example, reported on 1 December 1941 that 100 prisoners

¹³⁰ BA-MA, RW 2/211, fol. 97: Michael Wachromejew, 15.4.1943. (‘fürchterbare Angst vor der Gefangennahme’, ‘die russischen Gefangenen alle erschossen und sehr häufig auch auf ganz bestialische Weise zu Tode gequält werden.’)

¹³¹ BA-ZSL, B 162/7933, fol. 97-106: Zentrale Stelle der Landesjustizverwaltung, Abschlussbericht, 20.2.1968.

¹³² BA-MA, RW 2/156, fol. 36: Josef Migdal, 25.6.1942. (‘Die jüdische Abstammung dürfte damit erwiesen sein’)

¹³³ BA-MA, RW 2/131, fol. 92: AOK 4 Ic, Bericht, 21.9.1941. (‘Faschisten’)

were executed on the orders of the Divisional Commissars. Eight men were shot by the Snow Boot Battalion, and four prisoners were killed by the Rifle Division. In total, they shot 115 men.¹³⁴

Further confirmation for the view that the shooting of prisoners was both a common and permissible practice among the Soviet forces came from captured diaries and letters of Red Army soldiers. The diary of Boris Morozov, whose rank and unit were unclear, contained an undated entry in which he reported that ‘the prisoners will be shot’. He explained that one of their German prisoners spoke Polish and asked the Soviet soldiers not to shoot them because they had wives and children. Morozov concluded this entry with the words: ‘We were not supposed to take them with us’.¹³⁵ Similarly, an officer of the 57th Cavalry Regiment recorded in his diary on 24 December 1941 that members of the 2nd squadron took three ‘*Fritzen*’ prisoners near Riabinki. He explained that two of them were shot on the spot and that the remaining prisoner was taken to the divisional staff where he ‘met the same fate’ after an interrogation.¹³⁶ The investigations also revealed that members of the *Waffen-SS* were particularly vulnerable to summary execution and could not expect to be taken prisoner. A *Wehrmacht* soldier, for example, testified in July 1941 that he saw members of the *Waffen-SS* hanged from trees in the woods near Salla. He claimed that Soviet prisoners had testified that members of the SS were not treated as prisoners of war but as members of political troops.¹³⁷ A Soviet prisoner told interrogators that members of the Nazi party, regardless of their rank, were to be shot on the spot.¹³⁸

¹³⁴ BA-MA, RW 2/154, fol. 168: Meldung, 1.12.1941.

¹³⁵ BA-MA, RW 2/160, fol. 278: Auszug aus dem Tagebuch des russischen Kgf Boris Morosow. (‘Die Gefangenen werden erschossen’, ‘Wir durften sie aber nicht mitnehmen’)

¹³⁶ BA-MA, RW 2/158, fol. 217: Übersetzung eines Tagebuchs eines gefallenen Offiziers des 57 KavReg, 21.11.1942. (‘sein Schicksal war aber das Gleiche’)

¹³⁷ BA-MA, RW 2/200, fol. 16: Franz Robl, 3.6.1943.

¹³⁸ BA-MA, RW 2/165, fol. 156: AOK Norwegen Ic, Merkulof, 2.8.1941.

Unable to find a written order, the investigators turned to Stalin's speech from 17 November 1941, in which the Soviet leader had, according to German translators, called for the 'extermination' of the German invaders on Soviet soil, to suggest that the Soviet leadership had ordered the Red Army to murder German prisoners of war.¹³⁹ The investigators' interpretation of Stalin's speech was confirmed by the accounts of Soviet prisoners of war. Several witnesses explained that they had been given orders to murder prisoners. One witness explained:

Since 6 November 1941 whenever our Commissar read out our orders, he stated that Stalin in his radio speech of 6.11.1941 had ordered that all Germans encountered on Russian soil should be exterminated, regardless of whether or not they were ethnic German or German prisoners of war.¹⁴⁰

Other witnesses testified how this 'order' was put into practice. On 2 February 1942, Vasiliï Kisilov testified that the Commissar of Rifle Regiment 406 had told him and his comrades, prior to an attack on a German troop in January 1942: 'We are not taking prisoners, all Germans are going to be beaten to death. Nobody should be left alive'.¹⁴¹ A civilian witness explained that two officers and a Commissar with eight German prisoners of war appeared in his house: 'The Commissar was initially in favour of taking them away, when the

¹³⁹ Stalin gave a speech on 6 November 1941 to the Moscow Soviet of People's Deputies, published the following day in *Pravda*, in which he declared the German invaders should be 'wiped out' (*istrebit*). He also spoke on Red Square on 7 November, on the anniversary of the October Revolution, to Red Army soldiers. There, he said the invaders must be 'crushed' or 'destroyed' (*unichtozhit*); this speech was published in *Pravda* on 8 November. In both cases, the verbs he used are ambiguous and certainly do not equate to a direct order to exterminate (and not take prisoner) German soldiers in a systematic manner. Rather, they seem rather to be rhetorical flourishes designed to stir the spirits of the Soviet people and soldiers.

¹⁴⁰ BA-MA, RW 2/154, fol. 96: Heeresgruppe Süd, Vernehmung von vier russischen Überläufern, 18.1.1942. ('Ab 6.11.1941 ist uns von unserem Politruk täglich bei der Befehlsausgabe vorgelesen worden, daß Stalinin seiner Rundfunkrede vom 6.11.1941 befohlen hat, alle Deutschen, die auf russ. Boden angetroffen werden, ganz gleich, ob es sich um Volksdeutsche oder gefangene deutsche Soldaten handelt, seien restlos zu vernichten')

¹⁴¹ BA-MA, RW 2/154, fol. 256: XXIX AK, 2.2.1942. ('Es werden keine Gefangenen gemacht, alle Deutschen werden erschlagen. Keiner darf am Leben bleiben.')

Russian Major replied: 'But you know Stalin's order'. The Commissar gave in and the prisoners of war were executed.¹⁴²

The investigators could see their interpretations confirmed in other investigations, too. On 26 May 1942, Secret Field Police unit 570 interrogated Vladimir Kusmenko who told them that he was present when six German prisoners, who had been captured in Ustinovo, were murdered on the order of the Commissar Andrei Yudenkov. After the German prisoners had been interrogated, they were taken into the woods where they had to dig their own graves through the snow. While they were still digging, they were stabbed. Kusmenkov admitted that he had repeatedly stabbed and fired shots at the German prisoners.¹⁴³ On 17 July 1942, Secret Field Police 570 interviewed Pavel Shevelov from the 234th Cavalry Regiment. He told them that the Commissar, Nedostupov, had told him that they were not supposed to take German prisoners: 'He explained that the German soldiers were Fascist animals, evildoers and swine and went on the most wild rants'.¹⁴⁴ The unit's leader agreed and warned them that the Germans would first mistreat and then kill all their prisoners. When they captured 20 Germans, Commissar Nedostupov demanded their execution. The Red Army soldiers forced their German prisoners to undress and proceeded to beat and stab them until they were all dead. According to the Soviet witness, the Red Army soldiers deliberately delayed the death of their victims in order to torture them. One witness confessed to kicking one of the soldiers. He also testified that Germans had been killed in Stogovo on 6 February 1942.¹⁴⁵ It was quite unusual that the German troops captured

¹⁴² BA-MA, RW 2/154, fol. 198: Jefrosinia Micheiljowa, 7.3.1942. ('Der Kommissar war vorerst für ein weiteres Mitnehmen, worauf der russische Major erwiderte: "Du kennst doch den Befehl von Stalin."')

¹⁴³ BA-MA, RW 2/152, fol. 34: Wladimir Kusmenkow, 26.5.1942.

¹⁴⁴ BA-MA, RW 2/150, fol. 185: Pawl Scheweljow, 17.7.1942. ('Er führte dabei noch aus, dass es sich bei den Deutschen Soldaten um faschistische Tiere, Übeltäter und Schweine handelt und erging sich in wüsten Schimpferein')

¹⁴⁵ *Ibid.*

Commissars alive, however in this particular case Nedostupov was captured and then interrogated. According to the investigators, he admitted to all crimes laid against him. The Secret Field Police did not accept his claim that he had acted on superior orders as an excuse: 'His objection that he followed the orders of his superiors cannot exonerate him because this order only demands the elimination of German prisoners'. Subsequently, an *Einsatzkommando* shot both the witness and Nedostupov.¹⁴⁶

A major investigation in Feodosia also confirmed the assumption that the Commissars acted on Stalin's supposed 'order'. On 2 January 1942, a military judge from Army High Command 11 interviewed Maximilian Rudolf, a medical doctor with Medical Company 715. When the Soviets re-captured the Kerch Peninsula following a surprise counterattack, the unit had to leave their patients behind in the military hospital in Feodosia. After his return, Rudolf learned that his patients had been killed. A Russian doctor, who had remained in Feodosia during the Soviet occupation, explained that he had asked a Commissar why the German wounded were being shot: 'He explained to him that this was obviously due to Stalin's influential order of 7.11.1941. This was executed according to plan by him (the Commissar)'.¹⁴⁷ Soviet prisoners of war who had worked in the hospital with him stated that Soviet marines had invaded the hospital and randomly opened fire at the patients and then killed German prisoners with knives and folding shovels behind the hospital.¹⁴⁸ A German witness saw German soldiers who laid, partly naked, partly clad in hospital shirts, next to each other in several rows on the beach. All of them were covered

¹⁴⁶ BA-MA, RW 2/159, fol. 186R: Nikolaj Nedostrupow, 17.7.1942. ('Sein Einwand, dass er einen Befehl seiner Vorgesetzten Folge geleistet hat, kann ihn nicht entlasten, da nach diesem hoechstens eine Beseitigung deutscher Gefangener gefordert wird.')

¹⁴⁷ BA-MA, RW 2/151, fol. 217: Maximilian Rudolf, 2.2.1942. ('Dieser habe ihm erklart, dass sei eine Selbstverstandlichkeit auf Grund des massgeblichen Befehls Stalins vom 7.11.41. Es sei deshalb planmaBig auf seine (des Kommissars) Veranlassung durchgefuehrt worden.')

¹⁴⁸ BA-MA, RW 2/151, fol. 229: Konstantin Wassilowitzsch Bursud, 30.1.1942.

in ice, leading him to conclude that the Soviets had spilled water on them to let them freeze to death. Some of them had their hands and legs tied with hospital bands.¹⁴⁹

German witnesses also highlighted the role of ‘Jewish Commissars’ in the murders in Feodosia. On 24 January 1942, a military judge from Army Supreme Command 11 interviewed Anton Niedermayer, a German soldier who had been taken prisoner in Feodosia. He testified that he was interrogated by a Commissar and a ‘Jewish translator’ about the German troops that had been on the peninsula. Afterwards he was locked up in a small cell together with 39 civilians. At various times, prisoners were extracted from the cell and shots could be heard from the cellar. When Niedermayer was taken downstairs, he saw the bodies of German soldiers lying on the floor before a Commissar put his gun to Niedermayer’s neck and fired a shot, which failed to kill him so that he would survive to give his testimony.¹⁵⁰

Wilhelm Törber, a *Wehrmacht* medic who was another survivor, gave a similar account to a military judge from the 22nd Division in December 1942. He portrayed the Soviet rank-and-file, especially the marines, in a positive light. ‘The officers and Jews’, however, ‘made their hatred for us felt’.¹⁵¹ As the investigators continued trying to document Jewish responsibility for the murders, *Einsatzkommandos* wasted no time in simply carrying out executions of captured Jewish civilians, giving the investigations a similar dynamic to that in Lemberg. By 15 February 1942, *Einsatzkommando 10b* reported the execution of 26 Jews; in March, the same *Einsatzkommando*, the military police, and *Wehrmacht* units carried out four raids in three districts of Feodosia that led to the arrest of 21 Jewish men

¹⁴⁹ BA-MA, RW 2/151, fol. 214: Hansfriedrich Döring, 31.1.1942.

¹⁵⁰ BA-MA, RW 2/151, fol. 233: Gericht des AOK 11, Anton Niedermaier vom 24.1.1942.

¹⁵¹ BA-MA, RW 2/151, fol. 238: Gericht der 22 Division, Wilhelm Törber vom 24.1.1942. (‘Die Offiziere und Juden ließen ihren Hass gegen uns merken’)

as well as eight Jewish women and children, who were subsequently executed.¹⁵² The outcome of the investigations was not necessary to justify these executions in the minds of the perpetrators and investigators, as such executions were already common practice. Prior to the Soviet counter-attack on the Kerch Peninsula, the *Einsatzkommando*, assisted by *Wehrmacht* soldiers, had shot 2,500 Jewish men, women, and children from Kerch in a tank pit near the Bagerov Trench.¹⁵³

The notion that the Stalin speech was responsible for motivating war crimes against German soldiers gained added weight due to the fact that a different Stalin speech was understood to have inspired partisan resistance against the German troops. In a radio broadcast which was printed in *Pravda* on the same day, 3 July 1941, Stalin called for a partisan uprising:

In areas occupied by the enemy, partisan units, mounted and foot, must be formed, diversions groups must be organised to combat the enemy troops, to foment partisan warfare everywhere [...] [The invaders] must be hounded and annihilated at every step, and all their measures frustrated.¹⁵⁴

The German investigations showed that the partisans implemented this call with extraordinary brutality. In September 1942, Secret Field Police 570 interrogated a partisan who explained that his unit had taken 21 German soldiers prisoner during their attack on Baltutino in March of the same year. Their commander decided to hand over 14 of them to the regiment and ordered the murder of the remaining seven prisoners. The partisans ordered the prisoners to undress and then forced them into a burning house.¹⁵⁵ In a separate

¹⁵² BA-ZSL, B 162/7192, fol. 11: Oberstaatsanwalt bei dem Landgericht München I: Ermittlungsverfahren egen Diehl, Johannes, Rentsch, Gustav, noch unbekannte ehemalige Angehörige der Ortskommandantur I/287 wegen des Verdachts der Beihilfe zum Mord (nationalsozialistische Gewaltttat)

¹⁵³ BA-ZSL, B 162/7193, fol. 5: Ortskommandantur I (V) 287, Tätigkeitsbericht vom 28.11.-7.12.1941.

¹⁵⁴ Text of speech taken from the translation available at <<http://soviethistory.msu.edu/1943-2/the-cult-of-leadership/the-cult-of-leadership-texts/stalin-brothers-and-sisters/>>. The translator chooses the word 'guerilla' in place of 'partisan', but the original Russian is '*partisan*', which I have restored here.

¹⁵⁵ BA-MA, RW 2/221, fol. 35: GFP 570, Stepan Wolodenkow, 9.9.1942.

investigation, Secret Field Police unit 570 looked into a partisan attack against a German military hospital. They believed that partisans first used axes to kill the ten wounded German soldiers and then mutilated their genitals. Later, they interrogated partisans who had taken part in the subsequent victory celebration, who told them that the Political Commissar ate the eyeballs and penises of the German victims.¹⁵⁶

As a result of such extraordinary reports, this particular unit of investigators' chief area of concentration shifted almost entirely to anti-partisan combat. In performing this task, Secret Field Police 570 could rely on the support of an attached company of Russian auxiliaries, presumably freed prisoners, who, in plain clothes, sounded out locals in the areas where partisan activity had occurred. In interrogating suspected partisans and their supporters, Secret Field Police officers savagely beat their victims with steel cables covered in rubber until they were reduced to little more than a bloody pulp, in order to extort from them information about the partisan movement. At the end of such an interrogation, the victims were taken to prepared shooting sites in remote locations where they were killed with a shot to the neck.¹⁵⁷ Secret Field Police unit 570 also assisted other *Wehrmacht* and SS units in larger anti-partisan actions, for example, in the pursuit of the partisan unit 'Northern Bear' in October 1942 in the Kislovo area, where they first interrogated and then shot partisan suspects who had been captured.¹⁵⁸ In addition to anti-partisan warfare, Secret Field Police units continued to be involved in the murder of Jewish civilians. In January

¹⁵⁶ BA-MA, RW 2/221, fol. 62: Überfall auf den 2 Zug Armee-Pferde-Lazarett 592, 1.11.1942.

¹⁵⁷ Christian Frederik Rüter and Dick W. De Mildt (eds.), *DDR-Justiz und NS-Verbrechen. Sammlung ostdeutscher Strafurteile wegen nationalsozialistischer Tötungsverbrechen, 1945–1998* (1; Amsterdam, 2002), pp. 493-94. Christian Frederik Rüter and Dick W. de Mildt (eds.), *Justiz und NS-Verbrechen. Sammlung westdeutscher Strafurteile wegen nationalsozialistischer Tötungsverbrechen 1945–2012* (39; Amsterdam, 2012), p. 660.

¹⁵⁸ Rüter and De Mildt (eds.), *DDR-Justiz und NS-Verbrechen. Sammlung ostdeutscher Strafurteile wegen nationalsozialistischer Tötungsverbrechen, 1945–1998*, p. 494.

1942, Secret Field Police unit 719 executed a further 50 inhabitants from the Jewish ghetto in Kobeliaki.¹⁵⁹

In general, the German units which were particularly involved in murdering Commissars also showed the most initiative when it came to ‘proving’ that their victims were doing the same to their German prisoners. This was particularly evident when, in isolated cases, they succeeded in capturing and interrogating Soviet Commissars. On 16 April 1942, Secret Field Police 570 interrogated a Commissar whose name and unit were redacted in the minutes of the interrogation, which was highly unusual but which was left unexplained. What they heard from the Commissar would have reminded them of their own interrogation tactics. The Commissar stated that since German prisoners would normally not volunteer any information, the Commissars dealt them 5-10 blows with a baton on the back and buttocks in order to get them to talk. At first, the blows would be dealt with low intensity and, if the prisoner was still unwilling, the blows would be dealt out with higher intensity in five to ten minute intervals: ‘This only stopped if the prisoners fell unconscious or died’. If the information gained was not particularly significant, the prisoners would then be shot. If the prisoner was regarded as valuable, then the Commissars made sure that he remained in a condition that permitted his transport for further questioning at the divisional level. When the Commissar was pressed on this issue, he explained that he had heard from an NKVD member that, at the army level, the prisoners would have their ears beaten off with the batons, their fingertips cut off, and generally were severely mistreated. The Commissar confirmed that the decisive order behind all of this was the Stalin speech of November 1941

¹⁵⁹ BA-ZSL, B 162/7933, fol. 97-107: Zentrale Stelle, Abschlussbericht, 20.2.1968. R 162/3936, fol. 970: Landeskriminalamt Baden-Württemberg, Friedrich Müller, 12.7.1979.

which, he said, demanded that all Germans who had offered resistance before being taken prisoner, or were still bearing arms when captured, be shot.¹⁶⁰

Horrific as these statements would seem to the German interrogators, they were nevertheless mirror images of their own actions, somewhat paradoxically therefore alleviating their consciences for performing those acts. On 19 September 1942, Secret Field Police 711, who had carried out the investigations in Lemberg, conducted a ‘severe interrogation’ of five Soviet prisoners of war, which, if their normal interrogations involved torture, suggests a particularly brutal approach. They found out that amongst these prisoners was the Commissar Vasilii Vaniukhin, who they interrogated until he confirmed what they already seemed to know. The investigators recorded that Vaniukhin confirmed that Stalin had ordered them to shoot all German soldiers who had been taken prisoner. According to the witness, these shootings were not carried out by the political leaders but by special units, which thereby seemed to parallel German *Einsatzkommandos*. In Vaniukhin’s unit, which consisted of 470 men, they had a special execution unit of 20 men. This unit was led by a Commissar who also conducted the interrogations of German prisoners. Vaniukhin himself claimed that he was never present during an interrogation. Under duress, he admitted to having seen how German prisoners were covered with blood and unable to walk after being interrogated. He also confirmed that they were mutilated. However, Vaniukhin insisted that he did not take part in this because these types of ‘interrogations’ were the exclusive purview of the special units. He further confirmed that the prisoners were shot afterwards and that on one occasion prisoners were put in a house that was subsequently set ablaze.¹⁶¹ This practice was also attributed to Soviet partisans

¹⁶⁰ BA-MA, RW 2/152, fol. 29: GFP 570, Aussage eines Kommissars vom 16.4.1942. (‘Aufgehört wird erst mit dem Prügeln, bis der Gefangene bewusstlos oder tot ist.’)

¹⁶¹ BA-MA, RW 2/158, fol. 148: GFP 711, Wassili Wanjuchin, 20.9.1942.

and was hardly alien to the German forces themselves. In other words, the witness described the Soviet conduct as an exact mirror image of the war waged by the Germans, namely as an illegal racialised war of extermination.

Although it seemed that the campaign in the East would be completely different, which in many ways it was, there were, in fact, also remarkable similarities to its predecessors. As in 1939, the regime justified the invasion as a response to an attack by the enemy, only in this case the alleged attack had not yet occurred, rendering the German strike 'preventive'. Also as in 1939, the investigators discovered civilian victims, who would become central to the justification for the war; instead of ethnic Germans as in Poland, they found Ukrainian victims whose deaths were interpreted as proof of how the enemy would have treated Germans had Hitler not 'pre-empted' Stalin's supposed plans to invade the *Reich*. As in 1939, it was this unexpected discovery that actually created popular support in Germany for the conflict, and not the empty propaganda claims that the *Reich*'s aggressive actions were defensive.

What then unfolded in Lemberg and elsewhere also followed a familiar script. Local inhabitants – this time Ukrainian and Baltic militias – ran amok, here punishing Jews indiscriminately for 'Jewish-Bolshevik' rule, while *Einsatzkommandos* carried out further mass executions, which they viewed as 'reprisals'. As in 1939, the propagandists had settled on an interpretation before the investigations had even begun, placing clear expectations on the investigators. In contrast to 1939, the investigators were confronted with an actual state-sponsored mass killing, but, because they had been told to view the civilian population as a threat, the investigators had not immediately recognised the importance of Soviet civilian victims. Nevertheless, they swiftly adapted after more imaginative war correspondents and photographers had supplied Goebbels with much-needed evidence to bolster his case for the invasion of the Soviet Union.

Even then, in another parallel to 1939, the investigations complicated and contradicted the narrative that the regime was eager to tell. The biggest problem was that Jewish victims were discovered among the dead, complicating the investigators' attempts to pin the blame on 'Jewish Bolsheviks' who allegedly controlled the NKVD. As in 1939, the less problematic evidence was widely used in propaganda and convinced many Germans of the validity of the regime's claims of Soviet brutality, especially because these were confirmed by soldiers' letters. Although the Soviet war crimes were discovered and investigated before news of the Germans' similar crimes reached the international audience, the regime failed to capitalise on what could have been a head start in the propaganda war. In any case, due to local exigencies, the investigations lacked the kind of hard and convincing evidence which had proved so effective in the initial burst of propaganda released concerning violence against ethnic Germans in Poland.

Despite these similarities, there were events which set the campaign in the East quite apart from what had come before. In the run-up to the attack against the Soviet Union, the investigators were told that the parameters of their deployment would be radically different. An entire group of prisoners, the Political Commissars of the Red Army, would be murdered without trial. This was justified as a 'reprisal' for the war crimes that were expected from them. This maneuver took the reprisal logic to its next stage, in which these actions would – like the invasion of the Soviet Union itself – be carried out preemptively. Nevertheless, as the campaign unfolded, German military investigators were confronted with genuine war crimes, which suggested that, as they were themselves, the enemy was waging a war in contravention of international law. At this point, the investigators' role had fundamentally shifted. They were no longer documenting war crimes largely for propaganda purposes while maintaining a certain distance from the events, but were now required to either turn a blind eye to German crimes (in the case of the military judges), or

to pull the trigger themselves as was the case for the Secret Field Police. Despite this apparent enormous contradiction, their investigations did not become unimportant to them, but, on the contrary, became ever more crucial. At both the professional but also the personal level, they needed to find evidence which could justify their own and the *Wehrmacht's* actions. As a result, they tried to find evidence that could show the enemy was committing the same or worse crimes as they were themselves. In this process, they effectively tried to make the Soviet actions resemble their own as much as possible. The resulting evidence which they set out to find enabled them to rationalise their actions.

In light of the German crimes, this required a considerable effort. In order to make the case against 'Asiatic' soldiers, for example, the investigators of the *Stalags* first had to eliminate the appalling living conditions as a contributing factor to the instances of cannibalism they found there in order to maintain a racialised interpretation of Soviet war crimes, which later had to be abandoned when the *Wehrmacht* chose to recruit Muslim prisoners as auxiliaries. It also proved a considerable challenge to find evidence for the assumption that the Commissars were the driving force for all war crimes committed against German soldiers. Although they found a good deal of circumstantial evidence for the Commissars' role, they felt compelled to find proof of superior orders from Moscow directing Soviet troops to kill prisoners; in other words, they again assumed they must surely find a mirror image of how the German forces had been told to wage the war.

As important as this was for the soldiers at the front, Goebbels did not want to sow insecurity back in Germany and so tried as best he could to contain such information about Soviet barbarity, as we see in his directives to the press. This proved difficult, because the same letters from soldiers which had confirmed the NKVD atrocities against civilians also relayed information about war crimes against German soldiers. Nevertheless, Goebbels' decision to make the Soviet threat comprehensible by using Ukrainian civilian casualties

as stand-ins for Germans had proved effective, and it would continue to be used in future campaigns.

4. Enlisting Their Victims - Katyn and *Winniza* 1943

In 1941, Gerhard Buhtz, professor of forensic pathology at the University of Breslau, carried out the kind of investigations that were typical in the war against the Soviet Union. Between August and November 1941, he examined the bodies of 44 German soldiers who had either been killed with explosive ammunition or who had been murdered in Soviet captivity, which the regime's propagandists hushed up, lest it affect morale. However, during the same time period, he examined the bodies of 52 Lithuanians, Latvians, Estonians, and 'White Russians' who had been discovered in NKVD prisons, which the propagandists used in order to show what would have been in store for the Germans if the *Reich* had not taken preventive action against the Soviet Union.¹ Two years later, in March 1943, Buhtz, who was now Consulting Forensic Pathologist to the Army Group Centre, received a routine report which, though he did not yet realise it, would place him at the centre of a major propaganda campaign, which was supposed to strengthen German morale after the defeat of the 6th Army in Stalingrad.²

Secret Field Police 570 had learned in February 1943 of the existence of mass graves in Katyn, near Smolensk. When the ground thawed enough to excavate, they were found to contain the bodies of thousands of prisoners who had been executed by the NKVD with a shot to the back of the neck in the spring of 1940. Although these victims were Poles, tens of thousands of whom had been executed by German units in the same fashion, the case would be used in one of the most influential German propaganda campaigns of the Second World War. In spite of the fact that hundreds of thousands of Jews had also been executed

¹ BA-MA, RH 12-23/539: Gerhard Buhtz, Vorläufiger Bericht über das Ergebnis der gerichtsärztlich-kriminalistischen Untersuchungen bolschewistischer Völkerrechtsverletzungen im Bereiche der Heeresgruppe Nord, 4.12.1941.

² Gerd Kaiser, *Katyn. Das Staatsverbrechen - das Staatsgeheimnis* (Berlin, 2002), p. 171.

by Germans in the same manner in the Soviet Union in 1941-42, the news of which by that time had spread throughout the *Reich* and abroad, the German government would turn Katyn into the centre-piece for the threat 'Jewish-Bolshevism' presented. Although the campaign was highly unusual and not without problems, it would be wrong to think that the focus on Polish victims and the attribution of guilt to the Jews meant that it would seem hypocritical to all Germans. It continued the logic that the Germans were fighting a defensive war to prevent their own extermination, and it highlighted a real problem in the Allied Alliance, namely that the Western Allies were siding with a regime which perpetrated mass murder.³

After the war, historians showed little interest in the German investigations at Katyn, which revealed that the victims were Polish officers who had been killed by the NKVD, a finding which was fiercely rejected by the Soviet Union who blamed the Germans for the massacre. Polish authors writing in the West, such as Józef Mackiewicz and Janusz Kazimierz Zawodny were convinced that the Soviets were responsible and strove to receive recognition for their suffering not only under the German but also under the Soviet occupation. For them, the fact that the investigations which provided the crucial evidence for Soviet responsibility were carried out by the Germans was therefore highly problematic. They feared correctly that evidence created by the *Reich* would damage their cause. Another problem was that Polish authors could hardly declare the German investigations in Katyn reliable and then disregard completely what the same investigators had discovered in regard to the atrocities committed by Poles against ethnic Germans in 1939. As a result, they emphasised Polish sources to the extent that this was possible, which were seen as more reliable and untainted by Nazism. As a result, analysis of Katyn became focused

³ Deutsche Informationsstelle (ed.), *Amtliches Material zum Massenmord von Katyn* (Berlin, 1943), p. 38.

almost entirely on questions of Soviet tyranny in Poland, with German involvement being relegated to the background. Polish historians acknowledged that the Nazi regime used or instrumentalised the suffering of Poles for their own goals, but left the way in which this was done largely unexamined, expecting that such discussions would distract from the central issue. That being, the matter of proving Soviet guilt.⁴ After the Russians finally admitted responsibility for the massacre in 1990, Polish historians no longer had to rely on German investigations to make their point. The question of guilt was settled and the debates moved further away from the German context. The emphasis was now on the Polish experience during the German and Soviet occupations; in particular, attention came to rest on the question of what Soviet responsibility said about the Western Allies who, despite their knowledge of what had happened in Katyn, failed to condemn the Soviets during the war or object to the post-war cover up at Nuremberg.⁵ In this context, the Katyn case is often seen as the cynical victory of *Realpolitik* over morality.⁶

German historians of the war in the East paid little attention to the Katyn case. Due to their focus on German crimes against Poles and the Jews since 1939, it is rather unsurprising that they did not concern themselves with a Soviet war crime. The common view that the Katyn campaign represented the height of hypocrisy and was barely sensible even to contemporaries, however, did not look at the Katyn case in its appropriate context – specifically, the atrocity propaganda used against the Poles in 1939, or against the ‘Jewish-Bolsheviks’ in 1941, which the Katyn campaign continued in many important ways. The contemporary German perspective only attracted attention when historians tried

⁴ Józef Mackiewicz, *The Katyn Wood Murders* (London, 1951). Janusz Kazimierz Zawodny, *Death in the Forest. The Story of the Katyn Forest Massacre* (Notre Dame, 1962). Weber, “‘Too closely identified with Dr. Goebbels’”. Die Massenerschießungen von Katyn in der Geschichte des Zweiten Weltkriegs und des Kalten Kriegs’.

⁵ Weber, *Krieg der Täter. Die Massenerschießungen von Katyn*, pp. 355-432.

⁶ Sanford, *Katyn and the Soviet massacre of 1940. Truth, Justice, and Memory*, pp. 157-93.

to explain why the population had continued to support the war despite overwhelming odds. In her study of German attitudes towards the war, Marlis Steinert recognised that the Katyn campaign was supposed to bolster the spirit of the German population against an enemy that was capable of terrible crimes.⁷ Since then, historians have found that the German population was much more aware of the mass murder in the East than previously thought. But instead of concluding that using Polish victims and blaming the Jews as mass murderers made even less sense than before, Peter Longerich started to explore how this narrative functioned. He introduced the idea that the regime did not mind if Germans drew parallels to the murder of the Jews at the hands of the *Reich* if this increased their fear of ‘Jewish revenge’.⁸ As Nicholas Stargardt has pointed out, this fear was to a significant degree motivated by the knowledge that the murder of the European Jews was irreversible and little could be done to lessen the ‘Jewish Commissars’ perceived desire for revenge.⁹ Despite this shift, there has still been no re-examination of the Katyn propaganda campaign from the perspective of the investigators, even though their perspective is particularly valuable in understanding the internal logic – and indeed internal consistency – of the propaganda narrative, due to their personal involvement in the previous campaigns, not least the one in Poland, and their involvement in crimes against both Poles and Jews. Not only did the investigators help to create this narrative, they had to personally adjust and make sense of its difficult shifts.

After Katyn, the next chapter in the German investigations was at Vinnytsia in Ukraine, where they revealed executions of civilian prisoners by the NKVD. The way in which this

⁷ Steinert, *Hitlers Krieg und die Deutschen*, pp. 255-56.

⁸ Longerich, “*Davon haben wir nichts gewusst!*”, pp. 267-89.

⁹ Nicholas Stargardt, ‘Rumors of Revenge in the Second World War’, in Belinda Davis, Thomas Lindenberger, and Michael Wildt (eds.), *Alltag, Erfahrung, Eigensinn. Historisch-antropologische Erkundungen* (Frankfurt am Main, 2008), pp. 373-88.

case was dealt with in the historiography displayed clear parallels to the Katyn case. Ukrainian historians writing in the West were primarily interested in ensuring that this massacre was not forgotten, calling it a ‘Ukrainian Katyn’ in order to draw attention to it. In this context, they were confronted with the same problem as the Polish historians working on Katyn. They had no choice but to use the evidence gathered by German investigators, fully aware that to use these sources did not make their goal of gaining recognition for their suffering under the Soviets any easier. With their focus firmly directed at the reconstruction of the suffering of the population under Soviet rule before the Germans invaded the Soviet Union, these historians had no interest in the German perspective on the case, a trend which continued after the end of the Cold War.¹⁰ Historians interested in the German war in the East, who had shown little interest in Katyn, showed even less in Vinnytsia. When they did, historians such as Steinert and Longerich primarily considered it a minor footnote to the Katyn campaign which had promulgated the same message of ‘Jewish-Bolshevik’ brutality much more effectively.¹¹ Moreover, if the interest in the domestic use of Vinnytsia was minimal, historians have shown even less interest in how the regime tried to turn this second case into one of international significance. Whereas the Katyn propaganda campaign prompted the Soviet Union to cut its ties with the Polish government-in-exile, the Vinnytsia campaign did not have a comparable impact. Nevertheless, the Vinnytsia campaign is important because it informs us about the developing story that the regime struggled to tell at the time and the problems it faced. Furthermore, it was a turning point for the investigations: here, the *Wehrmacht* was pushed

¹⁰ See, for example: Anthony Dragan, *Vinnytsia: A Forgotten Holocaust* (Jersey City, NJ, 1986). Ihor Kamenetsky (ed.), *The Tragedy of Vinnytsia. Materials on Stalin's Policy of Extermination in Ukraine, 1936-1938* (Toronto, 1991). Ukrainian Youth Association of America (ed.), *The Crime of Moscow in Vynnytsia* (Edinburgh, 1952).

¹¹ Steinert, *Hitlers Krieg und die Deutschen*, p. 255. Longerich, “*Davon haben wir nichts gewusst!*”, p. 267.

out in favour of the SS, which would go on to play the leading role in subsequent campaigns.

When Buhtz received the reports about the discoveries made at Katyn, it was by no means clear that this would become an important propaganda case. The *Wehrmacht* had known about the existence of the graves since 1941, when a member of Signals Regiment 537, who spoke Russian, had learned from local civilians that executions had taken place in the forest. After he reported it, nothing happened.¹² At the time, the investigators had been interested in NKVD victims solely in those territories that had been occupied by the Soviet Union in 1939 and 1940. During the following winter, the commander of Signals Regiment 537 learned that Russian witnesses had told the truth when he discovered graves in the forest. He did not, however, attribute significance to this discovery, as he assumed that the bodies belonged to Russians who had died prior to the war.¹³ Finally, in February 1943, Ludwig Voß, an officer in the Secret Field Police, was approached by a member of the Russian Order Service. He testified that he had seen three to four trains arrive at the railway station in Gnëzdovo from Smolensk on a daily basis during March and April 1940. His sister had observed the Polish soldiers, civilians, and priests who climbed down from the barred wagons and were put on closed trucks which took them to the NKVD in Koz’i-Gory.¹⁴ In contrast to the leader of the Signals Regiment, Voß decided to pursue this matter. The witness’s sister could not be interviewed because she had been evacuated before German troops captured the area in July 1941. However, Voß was able to find another witness who could cast light on what had happened to the prisoners once they reached Koz’i-Gory. This 72 year-old farmer testified that he saw trucks taking the prisoners to a forest area, which

¹² Kaiser, *Katyn. Das Staatsverbrechen - das Staatsgeheimnis*, p. 156. (‘Nachrichtenregiment 537’)

¹³ *Ibid.*, p. 159.

¹⁴ Deutsche Informationsstelle (ed.), *Amtliches Material zum Massenmord von Katyn*, p. 21.

was surrounded by a fence and secured by armed guards. Although civilians were not allowed to come closer, he had heard the sound of shots and screams coming from the forest so that he and other witnesses who had also heard this noise became convinced that the prisoners had been executed.¹⁵ Another witness, a locksmith, explained that he had recognised from their headgear that the prisoners at the railway station were Polish soldiers.¹⁶

If it proved true that the victims were Polish, Voß had no reason to assume that this would become a significant case. As a career officer in the Criminal Police, it would not have escaped him that a Special Commission of the Reich Criminal Police Office had investigated the atrocities against ethnic Germans in Bromberg and Posen, and thereafter highlighted the role of Polish soldiers in these murders.¹⁷ Following the invasion of the Soviet Union, the Secret Field Police and other investigators had shown no special interest in the Polish victims killed alongside Ukrainians by the NKVD in Lemberg and elsewhere, which is scarcely surprising given that these killings were being compared to the Polish atrocities against ethnic Germans.¹⁸ Moreover, as they conducted their investigation in 1941, an *Einsatzkommando* had been executing the Polish professors of the local University in Lemberg.¹⁹ As their mandate demanded the investigation of war crimes against German soldiers, the investigators ignored leads concerning Soviet war crimes against Polish prisoners of war. In August 1941, a Soviet prisoner called Merkulov informed German counter-intelligence officers in Norway that ‘all Polish officers who had been taken

¹⁵ *Ibid.*, p. 25.

¹⁶ *Ibid.*, p. 24.

¹⁷ Wehner, ‘Kriminalistische Ergebnisse bei der Aufklärung polnischer Greuel an Volksdeutschen’.

¹⁸ *Völkischer Beobachter*, Greuel der Sowjets in Lemberg, 6.7.1941.

¹⁹ BA-MA, RW 2/148, fol. 383: Auszugsweise Abschrift aus dem Bericht der Gruppe GFP 711 vom 7.7.1941 über die bolschewistischen Bluttaten in Lemberg. Dieter Schenk, *Der Lemberger Professorenmord und der Holocaust in Ostgalizien* (Bonn, 2007), pp. 113-42.

prisoner in the Russo-Polish war in 1939 had been shot'. The investigators, however, were only interested in what Merkulov had to say in regard to war crimes against German soldiers.²⁰ Clearly, Polish victims were of no interest to the *Reich* at this time. When Buhtz arrived in Katyn, the ground was still frozen so that it was impossible to excavate the bodies and to establish whether or not there were German soldiers amongst the victims. While Buhtz had to wait, Voß continued to speak to local witnesses. Gregor Silvestrov, an unskilled Russian labourer who had lived next to the railway station in Gnëzdovo in 1940, explained that the prisoners were put in three trucks, known as the 'Black Crows', which drove them away and then returned empty to the railway station. This operation was repeated up to ten times a day. Silvestrov explained that the prisoners wore uniforms, which he did not recognise, therefore leaving open the possibility that there were German prisoners of war among the victims, just as there had been in the NKVD prisons in 1941.²¹

When Buhtz could finally begin the excavations in March 1943, he quickly realised that the entire area was full of mass graves. Several graves contained the bodies of Russian men and women who, according to the documents that were found in their pockets, had been prisoners from Smolensk. The dates on the documents made it clear that the NKVD had used the forest as an execution site since 1925. The investigations focused on eight mass graves that were more recent and in which the bodies were either stacked upon each other or laid out in a haphazard fashion. As the bodies had melted into each other, it proved difficult to excavate them. After they had been extracted from the graves, the bodies were examined by Buhtz and five other forensic experts who established that the victims had

²⁰ BA-MA, RW 2/165, fol. 156: Armeoberkommando Norwegen, Befehlsstelle Finnland, Abt. Ic, Merkulof, 2.8.1941. ('dass alle polnischen Offiziere, die im russ-pol. Krieg 1939 in russ Gefangenschaft gerieten, erschossen wurden.')

²¹ Deutsche Informationsstelle (ed.), *Amtliches Material zum Massenmord von Katyn*, p. 25. ('Schwarzer Rabe')

been killed with a shot to the base of the neck, before they were pushed into the graves. Several of the bodies displayed signs of stabbings and beatings. Most had their hands tied behind their back. In one mass grave, the bodies had their greatcoats tied around their heads and filled with sawdust to silence the sound of the shots.²² It was soon clear that there were thousands of victims. Their uniforms identified them as members of the Polish Army. From the contents of their pockets, the Secret Field Police was able to establish the individual identities of many of the victims, most of them officers, and to reconstruct their final journey to the forest. A diary revealed that they had been held in the prisoner of war camp at Kozielsk. The last entry mentioned their arrival in the forest in 1940.²³

Buhtz could not imagine that the Russian and Polish victims were of any interest and demanded that the case should not be used in propaganda until he had concluded his examination. For all he knew, it was still possible that they could find German victims in one of the graves. In April 1943, Hans Meyer, a propagandist attached to *Einsatzgruppe B*, visited the site. In 1939, the propagandists had demonised the Poles, and in particular the Polish officers who, in an effort to highlight the supposedly state-sponsored nature of the atrocities, were alleged to have been the chief perpetrators of the mass murder. In spite of this, Meyer came to the conclusion that the Polish victims might, after all, be useful. However, he also realised that the case was so complicated that he would have to speak to Goebbels in person, which he would proceed to do in Berlin.²⁴

At the time, the Propaganda Minister was very receptive to any news regarding Soviet atrocities. During a major national broadcast after the defeat of the 6th Army in Stalingrad,

²² *Ibid.*, pp. 32-37.

²³ *Ibid.*, p. 31.

²⁴ BA, BDC SSO 232, Bd. 2: Schreiben von Arthur Nebe, Chef der Einsatzgruppe B an Ernst Kaltenbrunner, Chef der Sicherheitspolizei und des SD, betreffend Prof. Gerhard Buhtz. Herber, *Gerichtsmedizin unterm Hakenkreuz*, p. 387.

Goebbels had called upon the Germans to strengthen their effort in the war against the Soviet Union. He warned them that a Soviet invasion would result in the liquidation of the German elites, and that the German population would be deported to the Soviet Union as forced labourers.²⁵ Afterwards, Goebbels read in the regime's morale reports that his strong warnings had not elicited as strong a response as he had hoped. One of the reasons was undoubtedly the fact that the last concrete example of what a Soviet invasion would mean for the Germans had been the discoveries in Lemberg and elsewhere nearly two years earlier. In contrast to the atrocities against ethnic Germans in Poland, these cases had been poorly investigated and documented, in part because of the summer temperatures. Although the propaganda on the NKVD murders was widely believed, even without extensive evidence, the morale reports made clear that since 1941 many Germans believed that later reports about Soviet atrocities had been exaggerated.²⁶

Goebbels blamed this attitude on the fact that the regime had not told the population the truth about the extent of the Soviet war crimes and atrocities: 'This stems from the fact that we did not describe the atrocities committed by the Bolsheviks as they were, out of consideration for the relatives of our missing soldiers in the East'.²⁷ A new revelation was needed to inject a sense of urgency to the propaganda message that the Germans would be exterminated by the Soviets if they did not defeat them, preferably one that did not require him to talk about German soldiers' deaths, and so when Meyer arrived in Berlin in late-March 1943, Goebbels seized on the Katyn case. He wrote that this case now represented

²⁵ Kundgebung der NSDAP, Gau Berlin, im Berliner Sportpalast, Joseph Goebbels, 18. Februar 1943, Auszug aus der Rundfunkübertragung, DRA-Nr. 2600052.

²⁶ *Meldungen aus dem Reich*, Vol. 13, pp. 5144-45 (19.4.1943).

²⁷ *Goebbels-Tagebücher*, Pt. 2, Vol. 6, 127, 18.4.1943. ('Das kommt daher, daß wir die Greuelthaten des Bolschewismus in Rücksichtnahme auf die Angehörigen unserer Vermißten im Osten nicht so geschildert haben, wie sie tatsächlich liegen.')

an opportunity to undo the damage to his propaganda narrative: ‘The Katyn case now offers a welcome chance to make up for this missed opportunity’.²⁸

Buhtz was aware that German morale was on the decline. As a forensic pathologist for the *Wehrmacht*, he routinely had to deal with German soldiers who mutilated themselves in order to escape the front.²⁹ Still, Buhtz and Voß were surprised when the propagandists who were sent to Katyn by Goebbels focused on the Polish officers and not on the executed Russian victims who might have seemed a more suitable and definitely less problematic set of victims to make a case against ‘Jewish Bolshevism’. On 14 April 1943, two weeks after Meyer had spoken to Goebbels, the *Völkische Beobachter* announced that local civilians had alerted the *Wehrmacht* to mass graves in Katyn, explaining that Buhtz and other forensic experts were in the process of excavating more than 10,000 bodies, which had been identified as Polish officers who had been taken prisoner by the Red Army in 1940. The article then put Katyn in the context of previous Soviet atrocities: ‘In addition to the blood cellars of Dubno and Lemberg, which consumed the Ukrainian elites, and in addition to the murder caves of the Baltics, the forest of Katyn is just one link among many’.³⁰ As in 1941, the propaganda dedicated much space to the experience of grieving relatives. The *Völkische Beobachter* spoke in a sympathetic tone about the relatives of the Polish officers, who had been left in the dark about the fate of their loved ones for years. On the radio, listeners could hear a feature in which a Polish woman was in despair due to the fact that she did not know the whereabouts of her husband, a Polish officer.³¹ In Katyn,

²⁸ *Ibid.* (‘Der Fall Katyn bietet nun eine willkommene Gelegenheit, Versäumtes nachzuholen.’)

²⁹ Elsner and Stuby, *Wehrmachtsmedizin und Militärjustiz*, pp. 57-58.

³⁰ *Völkischer Beobachter*, GPU-Mord an 12,000 polnischen Offizieren, 14.4.43. (‘Neben den Blutkellern von Dubno und Lemberg, die die Auslese des Ukrainertums verschlungne hatten, neben den Mordhöhlen der Städte des Baltikums, ist der Wald von Katyn nur eine Station unter anderen.’)

³¹ *Meldungen aus dem Reich*, Vol. 13, p. 5159, 22.4.1943.

a camera crew documented the course of the investigations for a film entitled *In the Forest of Katyn*, which showed the excavations of the graves and photos that had been found in their pockets depicting their wives and children.³² From the morale reports, Goebbels learned that the new campaign had achieved a comparable outcome to that of 1941:

The feelings of hatred and anxiety concerning Bolshevism have been reactivated after they had recently lessened under the notion that “The Soviets are not as bad as they have been depicted”. The fate of the 12,000 Poles is seen as an example of what would happen to a significant part of the German people in the event of a Soviet victory.³³

Despite this media success, to Buhtz and the other investigators, it was clear that this sudden turn towards Polish victims would not be unproblematic. As Director of the Society for Forensic and Social Medicine, Buhtz had been actively involved in casting the Poles as perpetrators. In May 1940, he had organised a conference on the murders of ethnic Germans in the Polish borderlands.³⁴ He had invited Roland Freisler, then State Secretary in the Reich Ministry of Justice, who explained in his keynote address that there was no such thing as an innocent Pole as they were all collectively guilty of the atrocities against ethnic Germans.³⁵ In the presentation that followed, the forensic pathologist Gerhart Panning had emphasised the role of Polish soldiers in the ‘organised mass murder’ of the ethnic Germans

³² Roel Vande Winkel, ‘Die Kriegsberichtserstattung der Ufa-Auslandswochenschau’, in Rainer Rother and Judith Prokasky (eds.), *Die Kamera als Waffe. Propagandabilder des Zweiten Weltkriegs* (München, 2010), pp. 209-28, pp. 221-23.

³³ *Meldungen aus dem Reich*, Vol. 13, p. 5144, 19.4.1943. (‘Die in letzter Zeit bei nicht wenigen Volksgenossen unter der Wirkung von Parolen, wie “die Sowjets sind nicht so schlimm, wie sie hingestellt werden”, schwächer gewordenen Gefühle des Hasses und der Angst vor dem Bolschewismus seien wieder stark belebt. Das Schicksal der 12.000 Polen werde als Beispiel dafür betrachtet, wie es großen Teilen des deutschen Volkes bei einem Sieg der Russen ergehen würde.’)

³⁴ Gerhard Buhtz, ‘Begrüßungsansprache’, *Deutsche Zeitschrift für die gesamte gerichtliche Medizin*, 34 (1940), pp. 1-7.

³⁵ Freisler, ‘Psychische Grundlagen der Polengreuel. Dargestellt an der Entwicklung des polnischen Volksgeistes’, pp. 562-63. See, also: Freisler, ‘Ein Jahr Aufbau der Rechtspflege im Reichsgau Wartheland’, p. 1126.

in Bromberg.³⁶ The Criminal Police officer Bernhard Wehner had also highlighted the role of Polish soldiers in what he described as the ‘worst mass crime for centuries’.³⁷ After the conference, he began to write a book about the investigations, which appeared in 1942 under the title *Die polnischen Greuelthaten*. The Director of the Reich Security Main Office, Reinhard Heydrich, contributed a foreword, in which he explained the official view of the Poles at the time, namely that, ‘through their crimes against the ethnic Germans, the Poles had erected for themselves an eternal memorial of crime and disgrace’.³⁸

Werner Beck, Buhtz’s former assistant at the University of Breslau, who took part in the investigations at Katyn, was aware of the German measures against the Poles, which had then been justified by their alleged atrocities against ethnic Germans. In November 1939, an *Einsatzkommando* arrested the professors of the Jagiellon University in Krakow and deported them to Sachsenhausen concentration camp. Amongst them was a forensic pathologist who was released because he was needed by Beck for his newly-established State Institute of Forensic Medicine for the General Government.³⁹ In July 1941, Beck took control of the Department of Forensic Pathology at the University of Lvov, after an *Einsatzkommando* had shot the Polish professors.⁴⁰ Beck would go on to become directly involved in the murder of Poles. In June 1942, he examined the bed-ridden patients of the

³⁶ Panning, ‘Der Bromberger Blutsonntag. Ein gerichtsarztlicher Bericht’, p. 9. (‘organisierten Massenmords an den Volksdeutschen’)

³⁷ Bernhard Wehner, ‘Kriminalistische Ergebnisse bei der Aufklärung polnischer Greuel an Volksdeutschen’, *Deutsche Zeitschrift für die gesamte gerichtliche Medizin*, 34/1-3 (1940), pp. 90-115, p. 90. (‘furchtbarsten Massenverbrechen der Kriminalgeschichte der letzten Jahrhunderte’)

³⁸ Bernhard Wehner, *Die polnischen Greuelthaten. Kriminalpolizeiliche Ermittlungsergebnisse* (Berlin, 1942), p. 7. (‘Der Pole aber setzte sich mit diesen Untaten für alle Zeiten ein Monument des Verbrechens und der Schande’)

³⁹ BA-ZSL, B 162/1640, fol. 484/485: Staatsanwalt Hamburg, Werner Beck, 12.12.1963. Jochen August, *Sonderaktion Krakau. Die Verhaftung der Krakauer Wissenschaftler am 6. November 1939* (Hamburg, 1997), p. 39.

⁴⁰ BA-ZSL, B 162/1640, fol. 488: Staatsanwalt Hamburg, Werner Beck, 12.12.1963. Schenk, *Der Lemberger Professorenmord*, pp. 124-29.

psychiatric hospital Kobierzyn near Krakow in order to ascertain whether it was possible to transport them to Auschwitz by train. Later that month, an *Einsatzkommando* cordoned off the hospital and marched those patients able to walk, or who could be carried by others, to the railway and loaded them onto wagons destined for Auschwitz, where they were gassed immediately upon arrival in Bunker I. At Kobierzyn, those patients who had been deemed unfit for transport by Beck were killed by lethal injections or executed in their beds. The *Einsatzkommando* then forced members of a Jewish work commando to carry the bodies to the graveyard, where they they too were executed after completion of their task.⁴¹

In stark contradiction both to their own behaviour and the public propaganda against the Poles, Buhtz and Beck now found themselves involved in a huge reversal of sympathies as the German media spent the rest of April and May 1943 painting a vivid picture of the Poles as prime victims of ‘Jewish Bolshevism’. This shift was not only difficult for the investigators but also for the German population who had been exposed to intensive anti-Polish propaganda for years. From the morale reports, Goebbels learned that many Germans found it ‘strange’ or ‘hypocritical’ that German propaganda had ‘discovered a soft spot for the Poles’.⁴² The murderous conduct of the Germans in Poland had not remained hidden from the German population. Some pointed out that Germans had no right to complain about Soviet killings at Katyn because the Germans had killed many more Poles themselves. Some even voiced the opinion that one should be glad that the Soviets had done this ‘work’ for them. Others grasped the intention behind the propaganda but they

⁴¹ BA-ZSL, B 162/21434, Bl. 155-157: Staatsanwaltschaft Dortmund, Ermittlungsverfahren gegen Werner Beck wegen Beihilfe zu der Ermordung der Patienten der Staatlichen Anstalt für Geistes- und Nervenranke in Kobierzyn am 22/23 Juni 1942. See, also: Roman Kielkowski, *Das deutsche Verbrechen in der Anstalt für Geistesranke in Kobierzyn* (Warsaw, 1988).

⁴² *Meldungen aus dem Reich*, Vol. 13, p. 5145, 19.4.1943. (‘merkwürdig’, ‘heuchlerisch’, ‘ihr Herz für die Polen entdeckt habe’)

could only endorse it in a cynical fashion themselves: ‘If I did not know that in this existential struggle of our people that any means is justified, this hypocrisy and sympathy for the murdered Polish officers would be unbearable’.⁴³

In contrast to the sympathetic turn towards Polish victims, the anti-Jewish aspect of the propaganda was more familiar. As in 1941, Goebbels had attributed the responsibility for the massacre to ‘Jewish Commissars’. Already in his ‘total war’ speech, he had warned Germans specifically against ‘Jewish liquidation commandos’.⁴⁴ Afterwards, he had criticised the fact that many Germans had still not internalised the idea that they were in a race war in which the only outcomes were either extermination or survival for the Germans.⁴⁵ The ‘Jewish liquidation commandos’ had made their last appearance in the Lemberg campaign, but Katyn allowed Goebbels to illustrate his claims with a specific new example. However, this too was not without problems.

The problems of attributing guilt to the Jews were particularly clear to the investigators who had either witnessed or been directly involved in the perpetration of crimes against them. Back in 1941, Buhtz had asked to witness the executions carried out by *Einsatzgruppe D* in order to make forensic observations.⁴⁶ As part of this *Einsatzgruppe*, the former investigator Hans Discar had taken part in the executions of thousands of Jews.⁴⁷ Buhtz’s assistant Beck had also learned of the mass executions of Jews in Lemberg.⁴⁸ Voß

⁴³ *Meldungen aus dem Reich*, Vol. 13, p. 5146, 19.4.1943. (‘Wenn ich nicht wüßte, daß im Daseinskampf unseres Volkes jedes Mittel recht ist, wäre mir diese Heuchelei mit dem Mitgefühl für die ermordeten polnischen Offiziere unerträglich.’)

⁴⁴ Kundgebung der NSDAP, Gau Berlin, im Berliner Sportpalast, Joseph Goebbels, 18. Februar 1943, Auszug aus der Rundfunkübertragung, DRA-Nr. 2600052. (‘Jüdische Liquidationskommandos’)

⁴⁵ *Goebbels-Tagebücher*, Pt. 2, Vol. 6, 127, 18.4.1943.

⁴⁶ BA, BDC SSO 232, Bd. 2: Schreiben von Arthur Nebe, Chef der Einsatzgruppe B an Ernst Kaltenbrunner, Chef der Sicherheitspolizei und des SD, betreffend Prof. Gerhard Buhtz, cited after Herber, *Gerichtsmedizin unterm Hakenkreuz*, p. 388.

⁴⁷ BA-ZSL, B162/14509, Bl. 1600-1611; Landgericht München, Urteil gegen Bock u.A., 23.3.1973.

⁴⁸ BA-ZSL, B 162/1640, fol. 489-490: Staatsanwalt Hamburg, Werner Beck, 12.12.1963.

was a member of Secret Field Police 570, which had carried out many such executions. Since the start of their deployment, its members had tortured and shot hundreds of civilians, many of them Jewish. They made their victims kneel down in front of them and then killed them with a shot to the base of the neck, just like the NKVD officers in Katyn had executed their victims.⁴⁹

The investigators also spoke to many witnesses of Soviet war crimes who had also taken part in the executions of civilians. One such witness was Erwin Streich. In September 1942, he took part in the shooting of 289 men, women, and children in a reprisal for partisan activity in Zabłocie. A month later, his unit shot another 28 men, 40 women, and 60 children in Chmieliszczce and Olkusz-Lesnia for not having reported the presence of partisans in their area. In addition to anti-partisan warfare, his unit was involved in the murder of Jews. On 15 October 1942, the unit cordoned off the Jewish ghetto in Brest-Litovsk and deported its 10,000-15,000 inhabitants to their execution site near Bronnaia Gora. In the second half of October 1942, they shot 103 Jewish men and women in three separate shootings in Kamienicz-Zyrowiecka, Podlesie, and at a road construction camp.⁵⁰

When soldiers like Streich went home, on leave or changed their postings, they brought with them the news of such executions, which soon began to circulate as rumours.⁵¹

Observant Germans were able to piece together these rumours and Allied broadcasts to form a remarkably accurate picture of the German measures in the East. In June 1942, Karl Dürkefalden, a technical specialist from Celle, wrote in his diary: ‘There are no more Jews

⁴⁹ BA-ZSL, B 162/21457, Bl. 518-519: Kriminaldienststelle Wolfsburg, Ludwig Voss, 21.5.1969. Stadtgericht Berlin, Urteil gegen Herbert Hugo Paland, 14.8.1978. Rüter and de Mildt (eds.), *DDR-Justiz und NS-Verbrechen. Sammlung ostdeutscher Strafurteile wegen nationalsozialistischer Tötungsverbrechen, 1945–1998*, pp. 487-518, p. 492.

⁵⁰ BA-ZSL, B 162/3795, fol. 15: Kriminalpolizei Berlin, Erwin Streich, 29.10.1977; BA-ZSL, B 162/14200, fol. 13: Landgericht Kiel, Urteil gegen Werner Pöhls, 14.10.1977.

⁵¹ Longerich, “*Davon haben wir nichts gewusst!*”, pp. 222-40. Bajohr and Pohl, *Massenmord und schlechtes Gewissen. Die deutsche Bevölkerung, die NS-Führung und der Holocaust*, pp. 55-65.

in the Ukraine. Those who had not fled were shot. Captured Jews and Commissars were shot immediately'.⁵²

As in 1941, two years later Goebbels used the discovery of a Jewish mass murder to justify the German measures against the Jews as retaliation for the crimes committed by their racial comrades. On 17 April 1943, for example, the *Völkische Beobachter* published an article which argued that 'the murders of the Poles in Katyn confirm our clear conviction that the complete extermination of the Jews in Europe is the imperative precondition of new life'.⁵³

On 26 May 1943, Johann von Leers, an outspoken anti-Semite who taught history in Jena and was the editor of the Nazi monthly *Wille und Weg*, wrote an article entitled 'The Jew is Guilty' that sought to counter those, 'who complain that we are exterminating the Jews in Europe', and defended this measure as 'terrible (...) but inescapable'. He rationalised this process as a necessity that had been forced upon the Germans by their victims due to their purported war-mongering and their war crimes, as exemplified in Katyn.⁵⁴

However, from the morale reports, Goebbels had to learn that some Germans viewed the Katyn case not as a confirmation for the legitimacy of the treatment of the Jews but as a contradiction. He had to read statements from some Germans who did not follow the regime's logic and instead argued that the regime had lost its moral high ground: 'We have no right to complain about the measures carried out by the Soviets, because the Germans have eliminated significantly more Poles and Jews'.⁵⁵

⁵² Herbert Obenaus and Sibylle Obenaus (eds.), *"Schreiben, wie es wirklich war!". Aufzeichnungen Karl Dürkefeldens aus den Jahren 1933-45* (Hannover, 1985), p. 110.

⁵³ *Völkischer Beobachter*, Die Lehre von Katyn 17.4.1943. ('Uns aber bestärken die Polenmorde von Katyn nur in der klaren Überzeugung, daß die vollständige Ausmerzung des Judentums aus Europa die unerläßliche Vorbedingung für ein neues Leben ist.')

⁵⁴ *Freiheitskampf*, Schuld ist der Jude, 17.5.1943. ('ausrotten').

⁵⁵ *Meldungen aus dem Reich*, Vol. 13, p. 5145, 19.4.1943. ('wir haben kein Recht, uns über diese Maßnahmen der Sowjets aufzuregen, weil deutscherseits in viel größerem Umfang Polen und Juden beseitigt worden sind'). Nicholas Stargardt, 'Speaking in Public about the Murder of the Jews. What did the Holocaust mean

In America and Britain, German Jews who had fled from the Nazis and made available their knowledge of the German language and political culture to American intelligence services carefully monitoring the public declarations of the regime. They came to the conclusion that the Nazi regime's relatively open reference to the extermination of the Jews followed one specific goal, namely to stoke fear of a 'Jewish revenge' in order to increase resistance against the Red Army.⁵⁶ Their interpretation becomes even more convincing, if we consider that the German population had a blueprint of how war crimes were responded to in this conflict. If the Germans' own, much publicised reprisals were anything to go by, the Soviet revenge would indeed be terrible. The response to Polish atrocities against ethnic Germans had provided a particularly chilling example in this regard. The Germans had not deliberated on guilt of individuals, but had simply punished the Poles collectively for their actions. Germans had also denied the Poles the possibility of sloughing this responsibility off onto a small group of perpetrators (as they had allowed the French), or to point to superior orders in mitigation. Against this background, it was reasonable to think that the 'Jewish Commissars', at the very least, would do the same, especially since the Soviet actions were always presented as a mirror to the Germans. The German population was supposed to believe that the 'Jewish Commissars' would exercise revenge for the executions of their 'racial comrades' at the hands of the Germans, and that, just like the Germans, they would not deal in terms of individual guilt, but would punish them collectively. Following this pattern, all Germans could feel liable to terrible reprisals, even if they themselves had no connection to any of the violence on the front. What made the prospect of Jewish revenge particularly daunting was the fact that Germans could not do

to the Germans?', in Christian Wiese and Paul Betts (eds.), *Years of Persecution, Years of Extermination. Saul Friedländer and the Future of Holocaust Studies* (London, 2010), pp. 133-55.

⁵⁶ Ernest K. Bramstedt, *Goebbels und die nationalsozialistische Propaganda 1920-1945* (Frankfurt am Main, 1971), p. 424. Longerich, "Davon haben wir nichts gewusst!", pp. 267-81.

anything to lessen it as the ‘extermination’ of the Jews was something that could not be reversed. After all, by that point it had long been common knowledge that German units had carried out mass executions in the East in 1941.⁵⁷ Moreover, the population was aware of the countless deportations to the East which followed and, if they did not know specific details about what awaited the Jews there, they had little reason to think it would lessen the supposed Jewish thirst for revenge.⁵⁸ The regime’s morale reports suggested that the American observers were onto something. They recorded significant fears of Jewish revenge. In the context of the massive extension of the bombing of German cities from the spring of 1943 onwards, the SD reported that ‘one often hears the opinion amongst national comrades that the terror attacks are a consequence of the measures carried out against the Jews’.⁵⁹

Inevitably, the Katyn propaganda not only raised uncomfortable questions about what would happen to German civilians if they fell into the hands of the Red Army, but also about what was happening to German soldiers who had been taken prisoner by the Soviets. If the Soviets killed Polish prisoners of war, there was every reason to assume that they were doing the same to the Germans who, in stark contrast to Poles, had far more blood on their hands. Since 1941, Buhtz and the other investigators had documented numerous cases of Soviet atrocities against German soldiers which Goebbels had not used, lest it weaken morale. The investigations had even revealed some similar to Katyn, if on a smaller scale. In July 1942, for example, several mass graves containing the bodies of hundreds of German soldiers were discovered near Bessabetowka. The German soldiers who made this

⁵⁷ Stargardt, ‘Rumors of Revenge’, p. 381.

⁵⁸ Longerich, “*Davon haben wir nichts gewusst!*”, pp. 159-200.

⁵⁹ Otto Dov Kulka and Eberhard Jäckel (eds.), *Die Juden in den geheimen NS-Stimmungsberichten 1933-1945* (Düsseldorf, 2004). (3661, NSDAP-Kreisschulungsamt Rothenburg/T., Bericht (“Weltanschaulicher Lagebericht”), 22.10.1943)

discovery explained that in one of the graves the bodies were stacked in a manner suggesting that the soldiers had had to stand at the brink of the pit before they were killed with a shot to the base of the neck. Prior to being shot, the victims were forced to undress, and next to the grave heaps of German uniforms were found. Another grave contained the bodies of German soldiers who had been beaten to death.⁶⁰ A further case was the shooting of 100 German prisoners of war in a ravine near the Krasnaia Zvezda collective farm in December 1942.⁶¹ A German soldier had managed to hide from the Red Army soldiers and observed how they escorted their German prisoners, hands held above their heads, to the ravine, before hearing shots ring out.⁶² The medical doctor from the unit that eventually repelled the Red Army from that area confirmed that all these prisoners had been killed with a shot to the head. And this was not all. He discovered that ten patients from a nearby hospital had also been killed in the same manner.⁶³

These cases had not been made public because the brutal executions of German soldiers would, Goebbels was convinced, disturb rather than galvanise the population. He hoped to avoid this effect by using Polish victims as stand-ins, thereby stirring up fears which he could channel into resistance, rather than prompting a sense of despair. The SD, however, registered that Germans were able to think for themselves and concluded that the Soviets would not treat their German prisoners much better than their Polish ones:

Among the relatives of the soldiers on the Eastern Front, especially the families of officers who have been missing since Stalingrad, there is great concern that the

⁶⁰ BA-MA, RW 2/153, fol. 142: Lennartz, Völkerrechtsverletzungen durch rote Truppen, 5.7.1942; RW 2/153, fol. 142: Walter Herm, 12.7.1942; RW 2/209, fol. 59R: Ernst Rostin, 12.7.1942. RW 2/209, fol. 49-50: Gerhart Panning, Stellungnahme zu der Meldung des Oblt Lennartz vom 5.7.1942 nebst Protokoll, 18.8.1942.

⁶¹ BA-MA, RW2/155, fol. 18: Ergebnisse der Ermittlung über Völkerrechtsverletzung Roter Truppen in der Sowchose Krassnaja Swesda am 7.2.1942

⁶² BA-MA, RW 2/155, fol. 60: Ernst Pöppinghaus, 11.12.1942.

⁶³ RW2/155, fol. 16: Brummer, Meldung über besondere Vorkommnisse an den Korpsarzt XXXXVIII Panzerkorps, 10.12.1942.

Soviets might deal with the German prisoners in the way they had with the Polish officers.⁶⁴

For example, a medical doctor from Frankfurt (Oder) whose brother was reported missing in Stalingrad, demanded in a letter to other relatives of missing soldiers that they should petition German political and military leaders to put an end to the murderous practice towards the Jews for which he was convinced 'our prisoners will have to pay the price'.⁶⁵

In the aftermath of Katyn, the investigators continued to 'confirm' Jewish responsibility for war crimes against German soldiers. In their enquiries, the investigators readily embraced this narrative of Jewish revenge. In July 1943, for example, Secret Field Police 626 interrogated a female Soviet paratrooper who had been in Stalingrad when the 6th Army surrendered. She recounted that the prisoners were gathered at the tractor factory where a Jew called Kenno gave a speech to the civilian population. Kenno announced that he would shoot the members of the SS, *Gestapo*, *Panzer* Troops and Military Police, and explained that they would be 'exterminated' because they had done the same with the Jews. According to her, the prisoners were subsequently lined up and shot by members of the NKVD. The paratrooper explained that, at a different spot on the square, Commissars, 'particularly Jews', interrogated German prisoners, many of whom were also shot.⁶⁶

From the very beginning, Goebbels had not focused solely on the domestic population, but had also tried repeatedly to make the case for Nazi actions to international audiences. Already in his 'total war' speech in February 1943, Goebbels had emphasised that the fight

⁶⁴ *Meldungen aus dem Reich*, Vol. 13, p. 5145, 19.4.1943. ('Unter den Angehörigen der Ostfront-Soldaten, besonders von Offizieren, die seit Stalingrad vermißt sind, herrsche äußerste Besorgnis, daß die Sowjets mit den deutschen Kriegsgefangenen verfahren würden, wie seinerzeit mit den polnischen Offizieren.')

⁶⁵ Frank Biess, *Homecomings. Returning POWs and the Legacies of Defeat in Postwar Germany* (Princeton, 2006), p. 337.

⁶⁶ BA-MA, RW 2/218, fol. 43-46: Geheime Feldpolizei 626, Klawdia Ribaltschenko, 21.7.1943. ('insbesondere die jüdischen').

against Bolshevism was a European cause. When he learned of Katyn, Goebbels consciously tried to avoid the mistakes of the last major campaign, which failed to achieve international impact. In Lemberg, the investigators had not carried out comprehensive forensic investigations and so the case did not make the impact abroad Goebbels had hoped for. Autopsies were only carried out in a few isolated cases before the victims had been covered in chalk lime and immured without establishing their identity.⁶⁷

In Katyn, this was supposed to be different. Goebbels was confident that the fear of Bolshevism could be appreciated in countries that had seen struggles with Communism and who had sent volunteers that fought alongside German troops against the Red Army. He arranged for the journalists and writers who covered their efforts on the Eastern Front to visit Katyn, where they were welcomed by Buhtz who explained to them the evidence for the dangers of Bolshevism.⁶⁸ The French author Robert Brasillach, who had been visiting French volunteers on the Eastern Front, subsequently wrote down his impressions in a piece entitled *Bagatelles sur un massacre*, playing on the famous anti-Semitic 1937 tract by Céline. Brasillach attributed the guilt for Katyn to the Jews and threatened those of his compatriots who complained about the German occupation of France with a repetition of Katyn on French soil.⁶⁹ From Spain, whose ‘Blue Division’ of Francoist volunteers were fighting on the Eastern Front, came the writer Ernesto Caballero, who wrote a book entitled *La mantanza de Katyn*, which played on the struggles with Communism experienced during the Spanish Civil War.⁷⁰ In addition to these obvious German allies, Goebbels also

⁶⁷ BA-MA, RW 2/148, fol.341: Dr. Georg Saeltzer, 6.7.1941.

⁶⁸ Frank-Rutger Hausmann, “*Dichte, Dichter, tage nicht!*”. *Die Europäische Schriftsteller-Vereinigung in Weimar 1941-1948* (Frankfurt am Main, 2004), pp. 348-54.

⁶⁹ Barbara Berzel, *Die französische Literatur im Zeichen von Kollaboration und Faschismus. Alphonse de Châteaubriant, Robert Brasillach und Jacques Chardonne* (Tübingen, 2012), p. 194.

⁷⁰ Ernesto Caballero, *La mantanza de Katyn. Visión sobre Russia* (Madrid, 1943).

wanted to include the Poles in the effort to defend Europe against the Soviets. In light of Goebbels' own involvement in the regime's formerly anti-Polish propaganda, this was certainly a remarkable turn. In 1939 and 1940, he had tirelessly worked to demonise the Poles. Yet, in regard to Katyn, he wrote: '[In Katyn, the Poles] shall see with their own eyes what would happen to them if their widespread desire to see the Germans defeated by the Soviets were actually to materialise'.⁷¹ Later, he wrote that the 12,000 dead officers in Katyn gave the best answer as to who was the real enemy of the Poles.⁷² Although the Poles had suffered under the Soviet occupation, Goebbels knew that it would be very difficult to convince them that the Germans were telling the truth, especially since the regime had told lies about the Poles, which the Poles had tried to refute.

In this context, Buhtz was definitely the wrong man to convince the Poles of the German claims. In addition to his prominent role in the anti-Polish propaganda of 1939-40, he was known as an impulsive troublemaker, which made him a very poor choice for such a sensitive task. The list of his misdemeanours was long and dated back to the pre-war years. In 1936, Fritz Sauckel, the *Gauleiter* of Thuringia, attacked Buhtz for using his position as Head of the Jena SD branch to collect incriminating evidence against a rival at the University of Jena.⁷³ In 1938, Heinrich Himmler, the *Reichsführer-SS*, criticised Buhtz because he had severed the head of an SS officer, who had been killed by prisoners in Buchenwald concentration camp, and kept it for no obvious medical reason. This incident put an end to the cooperation between Buhtz's institute and the concentration camp, which had consisted of Buhtz writing autopsy reports to the effect that prisoners had been 'shot

⁷¹ Die Tagebücher von Joseph Goebbels, Teil II; Bd. 8, p. 77, 9.4.1943. ('Sie sollen dort einmal ihren eigenen Augenschein davon überzeugen, was ihrer erwartet, wenn ihr vielfach gehegter Wunsch, dass die Deutschen durch die Bolschewisten geschlagen würden, tatsächlich in Erfüllung geht.')

⁷² *Goebbels-Tagebücher*, Pt. 2, Vol. 8, p. 220, 7.5.1943.

⁷³ Schreiber, *Elite im Verborgenen*, p. 268.

while trying to escape'.⁷⁴ In 1941, the *Wehrmacht* criticised Buhtz for giving himself the invented title of 'Special Command of the High Command of the *Wehrmacht*' for his war crimes investigation effort on the Eastern Front.⁷⁵ Also in 1941, the *Luftwaffe* complained to the *Wehrmacht* Investigation Office that Buhtz had removed the heads of two German pilots and kept them in his institute, again for no discernible forensic reason.⁷⁶ If the *Wehrmacht* had recognised the importance of Katyn earlier on, there can be no doubt that it would have appointed a more reliable investigator. But since the investigations were already underway, it was too late.

At the very least, the *Wehrmacht* had enough awareness not to involve Panning and Hallermann in the Katyn investigations. In spite of their experience in the investigation of a large-scale murder case in Poland, their exposure in the anti-Polish campaign had been too great for such a public switch of roles now. Indeed, Hallerman had even been an expert witness at a Special Court trial against a Polish farmworker in 1941, in which he had characterised one Boleslaw C. as 'deceitful, false and unloving of the truth' and concluded that this represented 'many typical Polish characteristics, the essence of the Polish intellectual type', the murder of whom in Katyn the regime would then retell as a terrible tragedy.⁷⁷

As lead investigator, it was Buhtz's task to act as the person of contact for the Polish delegations, consisting of representatives of the welfare and health services, clerics,

⁷⁴ Ronald Hirte and Harry Stein, 'Die Beziehungen der Universität Jena zum Konzentrationslager Buchenwald', in Uwe Hoßfeld et al. (eds.), *"Kämpferische Wissenschaft". Studien zur Universität Jena im Nationalsozialismus* (Köln, 2003), pp. 361-98, p. 375.

⁷⁵ Herber, *Gerichtsmedizin unterm Hakenkreuz*, p. 302. ('Sonderkommando des OKW')

⁷⁶ *Ibid.*, p. 304.

⁷⁷ Uli Poppe, "'Wie der Sachverständige treffend sagt". Die Bedeutung von gerichtsmedizinischen Gutachten für die Rechtsprechung des Sondergerichts.', in Robert Bohn and Uwe Danker (eds.), *"Standgericht der inneren Front". Das Sondergericht Altona/Kiel 1932-1945* (Hamburg, 1998), pp. 276-324, p. 313. ('verschlagen, falsch and wenig wahrheitsliebend', 'Viele typisch polnische Eigenschaften, an sich der Typ des pol. Intell.')

journalists, writers, as well as workers who were sent to Katyn from the *Generalgouvernement*. The Polish delegates were in close contact with the Polish government-in-exile, which had unsuccessfully tried for years to get clarity about the fate of the officers who had been taken prisoner by the Red Army in 1939. The Soviet Union had given them delayed, contradictory, and unsatisfactory responses to their requests.⁷⁸ After he had informed the Polish delegates about the state of the investigations, Buhtz tried to alleviate any concerns they might have had regarding the German investigations and gave them access to examine the bodies. As a result, a Technical Delegation of the Polish Red Cross started to work side by side with the Germans – a strange coalition, as German and Polish investigators had worked against each other in the past.⁷⁹

Although Buhtz was a problematic candidate for the job, it was in large part due to his frank admission about the confused state of the initial German investigation of Katyn that the Polish delegates and investigators became convinced of the German version of events. The Polish investigators did not believe that there were more than 10,000 bodies buried in the forest as the initial German news reports had claimed, announcing this number before it was corroborated by the investigators. However, when a member of a Polish delegation asked Buhtz directly about the number of victims, he freely admitted that he had absolutely no idea how many bodies were buried in the forest. The Polish investigators concluded that the Germans had been aware of the total number of Polish officers in Soviet captivity and had simply given this number as the victim count and then continued to insist on it, despite finding fewer victims in the forest, because they feared that correcting their initial estimate would discredit their propaganda.⁸⁰ By the time the summer heat stopped the combined

⁷⁸ Weber, *Krieg der Täter. Die Massenerschießungen von Katyn*, pp. 103-29.

⁷⁹ Anna M. Cienciala, Natal'ia Sergeevna Lebedeva, and Wojciech Materski, *Katyn. A Crime without Punishment* (New Haven, 2007), p. 317.

⁸⁰ Mackiewicz, *The Katyn Wood Murders*, p. 151.

excavations in June, the investigators had excavated and examined a total of 4,143 bodies.

81

The Polish investigators not only initially had doubts with regard to the number of victims, but also in regards to the question of who was responsible for the massacre. They had every reason to assume that the Germans, who had executed tens of thousands of Polish civilians, were capable of doing the same to Polish prisoners of war. They also had concrete reason for this suspicion. They found out that the ammunition used to kill the prisoners came from Germany.⁸² Despite the fact that this seemed to suggest that the prisoners must have been shot by the Germans, Buhtz did not attempt to hide this evidence. When a journalist asked Buhtz about the ammunition used to kill the prisoners, he answered truthfully that it was German-made, an admission which caused Goebbels quite a headache. It was only when it emerged that this ammunition had been sold to the Soviets under the Soviet-German trade agreement that this problem was put to rest.⁸³ Although Buhtz was heavily criticised by Goebbels for the way in which he handled the investigations, his transparency in fact helped the regime's propaganda efforts in Poland. The Polish investigators viewed these inconsistencies with the media message as evidence for the fact that they were not being confronted with a German fabrication, which surely would have ironed them out. There was one particular aspect which suggested that the case was authentic, namely the fact that the investigations revealed that there were also Jewish victims in Katyn. Documents from the pockets of the victims gave traditional Jewish names or identified them as Jewish by

⁸¹ Deutsche Informationsstelle (ed.), *Amtliches Material zum Massenmord von Katyn*, p. 31.

⁸² Mackiewicz, *The Katyn Wood Murders*, p. 156.

⁸³ *Goebbels-Tagebücher*, Pt. 2, Vol. 6, pp. 229-231, 8.5.1943.

adding ‘*moj*’ behind their names, which represented a great risk to a propaganda campaign that was so expressly anti-Semitic.⁸⁴

Despite the fact that only a few members of the Polish delegations agreed to make their impressions public and thereby risk serving German propaganda purposes, Goebbels learned that the revelations were widely believed in Poland and had created much shock in the *Generalgouvernement*.⁸⁵ However, this did not mean that the Poles would put an end to their resistance to German occupation or suddenly become willing to fight alongside the Germans.⁸⁶ This was particularly clear to Buhtz’s assistant, Beck. After the investigations in Katyn had been concluded, he was forced to focus his attention on the increasing resistance to the Germans in the *Generalgouvernement*, which included the use of poisonous ammunition that he examined in his institute.⁸⁷ Even a former member of a Polish delegation to Katyn turned out to be one of many Poles who were arrested as part of investigations into the resistance and was taken to Groß-Rosen concentration camp, where he eventually perished.⁸⁸

Goebbels had always been worried by international reports about German violence that leaked out of the occupied territories. He recognised Katyn as an opportunity to combat the increasing international reports surrounding the mass murder of the Jews, which reached its height in 1942.⁸⁹ He saw Katyn as the opportunity to distract from these German actions with the rebuttal that the Jews were equally guilty of mass murder and to describe the

⁸⁴ Mackiewicz, *The Katyn Wood Murders*, p. 159. Frank Fox, ‘Jewish Victims of the Katyn Massacre’, *East European Jewish Affairs*, 23/1, pp. 49-55, pp. 52-53.

⁸⁵ *Goebbels-Tagebücher*, Pt. 2, Vol. 6, pp. 192-193, 2.5.1943.

⁸⁶ Tomasz Szarota, *Warschau unter dem Hakenkreuz* (Paderborn, 1985), pp. 275-76.

⁸⁷ B-ZSL, B162/5751, fol. 84: Staatsanwaltschaft Düsseldorf, Werner Beck, 27.8.1958. See, also: Ernst Klee, *Auschwitz, die NS-Medizin und ihre Opfer* (Frankfurt am Main, 1997), pp. 173-74.

⁸⁸ Isabell Sprenger, *Gross-Rosen. Ein Konzentrationslager in Schlesien* (Köln, 1996), p. 314.

⁸⁹ Bajohr and Pohl, *Massenmord und schlechtes Gewissen. Die deutsche Bevölkerung, die NS-Führung und der Holocaust*, pp. 91-100.

Western Allies as hypocritical for criticising the Germans whilst allying themselves with the mass murderer Stalin. Back in 1941, the lack of a proper German investigation in Lemberg and elsewhere had made this task impossible and had enabled the Soviets to blame the NKVD prison murders on the Germans, which seemed plausible, given that the Germans did in fact frequently murder civilians in a similar fashion at the same time as they were discovering the NKVD crimes. In order to exploit the Katyn case in the international media, Goebbels knew that he first had to discredit the Soviet counter-claim that the Germans were themselves responsible for the massacre. After the Germans had made their announcement, the Soviets had rejected the German claims and explained that the Polish officers had still been alive when the Red Army retreated from the area and that they must have been executed by German troops.⁹⁰

Goebbels knew that the German investigations would not be enough to convince international observers of the German version of events. He readily recalled how the regime had suffered a blow to its credibility when they had multiplied the number of ethnic German victims in Poland in 1939 and then did not deliver on their promise to show proof for the increase in victims later on. Furthermore, in 1941, they had been unable to back up their claim about the Soviet atrocities in Lemberg and elsewhere with concrete evidence because there had been no comprehensive investigations undertaken. Goebbels recognised that the best way to achieve his aims was not to rely on the German investigators but on outsiders who were untainted by the regime's actions. One idea that emerged was to have the International Red Cross conduct an independent investigation that would confirm that the prisoners had been killed in that location long before the German attack. The task to submit the request fell on Ernst-Robert Grawitz, the Director of the German Red Cross, who in the

⁹⁰ Cienciala, Lebedeva, and Materski, *Katyn*, pp. 306-07.

past had commissioned an experiment on Polish women prisoners from Ravensbrück concentration camp. They had been infected with gas gangrene in order to identify the most effective treatment for this type of wound.⁹¹

The German revelations concerning Katyn had put the Polish government-in-exile in a difficult position in which it had to walk a fine line between seeking clarity over the whereabouts of more than 10,000 Polish prisoners of war and avoiding their instrumentalisation by the Nazi regime, which, as it knew for certain, was also responsible for the murder of Polish élites. On 17 April 1943, the Polish government-in-exile issued a declaration, in which it made clear that it rejected any German attempt to use Katyn to divert attention from the crimes which they had committed and were still committing against Poles. However, the Polish government-in-exile explained that in order to gain final clarity about Katyn, it nevertheless had asked the International Red Cross to send a delegation there in order to examine what had happened.⁹² The Soviet Union predictably vetoed it, arguing that an independent investigation by the International Red Cross was impossible due to the fact that the Germans had had plenty of time to manipulate the scene. They also claimed that the Polish request was evidence that the Polish government-in-exile actively collaborated with the Nazi regime against the Soviet Union, and therefore broke off diplomatic relations with the Poles in London.⁹³

Following the Soviet veto, Leonardo Conti, the Reich Health Leader, established his own International Commission. He hoped that it would have a similar impact to an investigation

⁹¹ Angelika Ebbinghaus and Karl Heinz Roth, 'Kriegswunden. Die kriegschirurgischen Experimente in den Konzentrationslagern und ihre Hintergründe', in Angelika Ebbinghaus and Klaus Dörner (eds.), *Vernichten und Heilen. Der Nürnberger Ärzteprozess und seine Folgen* (Berlin, 2001), pp. 117-218, pp. 202-11. Thymian Bussemer, 'Das Internationale Rote Kreuz und die NS-Kriegspropaganda. Der Fall Katyn', *Vorgänge*, 39/3 (2000), pp. 81-89.

⁹² Cienciala, Lebedeva, and Materski, *Katyn*, p. 218.

⁹³ Fox, *Der Fall Katyn*, p. 484. *Ibid.*, pp. 309-10.

by the International Red Cross. The only member of this International Commission who was not from a country under German control, however, was François Neville from Geneva. Also, the fact that Ferenc Orsós, a Hungarian National Socialist, was appointed Director of this International Commission did not enhance its chances of being considered neutral.⁹⁴ In Katyn, Buhtz allowed these international specialists to conduct their own autopsies on the bodies, which confirmed the German findings. As they did not reveal anything new, Goebbels learned that the report of the commission made no impact on the Western Allies, who suppressed the news of Katyn in their reporting.⁹⁵ His assessment of the attitude of the Western Allies towards Katyn was remarkably accurate: ‘In their hearts, they are with the Poles but in their heads, they are with the Bolsheviks’.⁹⁶ The Allies’ own fact-finding gave them reason to believe that the Soviets were responsible for Katyn. Henryk Szymanski, the American Military Attaché to the Polish Army, reported statements from informants who were certain that the NKVD had executed their Polish prisoners, which explained why the Soviets had not given the Poles a convincing answer about the fate of the Polish officers whom they had taken prisoner in 1939.⁹⁷ The British Ambassador to the Polish government-in-exile, Owen O’Malley, highlighted the inconsistencies in the Soviet account. He pointed out that the Soviets had first told the Poles that they had released the prisoners or that they had no information on them. However, now that the Soviets were accused by the Germans of having executed the Polish prisoners of war, the Soviets

⁹⁴ Select Committee to Conduct an Investigation and Study of the Facts (ed.), *The Katyn Forest Massacre. Hearings before the Select Committee to Conduct an Investigation of the Facts, Evidence and Circumstances of the Katyn Forest Massacre. Investigation of the Murder of Thousands of Polish officers in the Katyn Forest near Smolensk, Russia*, pp. 1597-615.

⁹⁵ Sanford, *Katyn and the Soviet massacre of 1940. Truth, Justice, and Memory*, pp. 157-93. Claudia Weber, ‘Wider besseres Wissen. Das Schweigen der Westalliierten zu Katyn’, *Osteuropa*, 59/7/8 (2009), pp. 227-47.

⁹⁶ *Goebbels-Tagebücher*, Pt. 2, Vol. 6, p. 175, 28.4.1943. (Mit dem Herzen ist man natürlich bei den Polen, mit dem Verstand bei den Bolschewisten.)

⁹⁷ Zawodny, *Death in the Forest. The Story of the Katyn Forest Massacre*, pp. 173-83.

suddenly declared that they had been in Soviet captivity until they fell into German hands in 1941. He also pointed out the fact that no letters had been received from these Polish prisoners of war after 1940, which seemed to suggest that the Soviet claims that the prisoners had been in normal captivity were untrue. He concluded his report with a plea that Britain not lose sight of her moral principles. His passionate appeal fell on deaf ears: discussion of Katyn had already been quietly shelved in favour of maintaining the harmony of the anti-Nazi alliance.⁹⁸

Against the background of the Katyn campaign, the *Wehrmacht* remembered previous discoveries, which had been discarded before but which now seemed relevant. In August 1941, the *Wehrmacht* had discovered a grave containing the bodies of 96 men and women in the central prison in Vinnytsia, which the Germans called Winniza. As they did not lie deep in the soil, it was concluded that they had been executed just before the Soviets retreated from the city. In the corner of the courtyard, they discovered yet another mass grave. The bodies laid deeper, which suggested that they had been killed at an earlier date. As the *Wehrmacht* commander did not want to cause more distress to the local population, the bodies were not excavated. When he discovered that the local militia and civilians had begun to exhume the mass grave themselves, he had them removed from the prison building. At the same time, the *Wehrmacht* also ignored reports from civilians who pointed out that executions had also been carried out elsewhere in Winniza.⁹⁹ On 9 June 1943, Goebbels received news of ‘fields of mass death’, ‘similar to Katyn’. He was told that there were 15,000 Ukrainians who had been shot by the NKVD in Winniza. Against the background of the problems that surfaced during the Katyn campaign, he decided to be

⁹⁸ Owen O'Malley, *Katyn. Dispatches of Sir Owen O'Malley to the British Government* (Chicago, 1972), p. 8-18. Sanford, *Katyn and the Soviet massacre of 1940. Truth, Justice, and Memory*, pp. 158-61.

⁹⁹ BA-MA, RW 2/148, fol. 273-275: Gericht der Feldkommantantur 675 an den Oberkriegsgerichtsrat beim Befehlshaber des rückw. Heeresgebietes Süd, 30.9.1941.

more cautious this time: 'I will have this case verified before I release it for general propaganda'.¹⁰⁰

This time, however, the Reich Security Main Office was put in charge of the investigations, presumably due to the way in which the *Wehrmacht* investigators had handled their tasks in Katyn. Friedrich Claß, a Criminal Police officer, was appointed lead investigator. He would have been a strange choice for the Katyn investigations, given that, as leader of an *Einsatzkommando*, he had ordered the execution of ten randomly selected Polish youths between the ages of 10 and 15 in 'reprisal' for stones thrown against a police station in Gdynia in November 1939. A Police battalion carried out his order and shot the youths on the church square, and left the bodies there until the next day in order to deter future 'attacks'.¹⁰¹ However, as Winniza did not revolve around Polish victims, this was not considered a problem. Nevertheless, it reminds us that increasingly those tasked with investigating mass executions sites were themselves well versed in performing much the same actions on behalf of the *Reich*. In Winniza, Claß, who by this time had become a specialist for major crimes in the Reich Security Main Office, established that most of the victims had been arrested by the NKVD in 1937 and 1938. Their relatives had been told that the prisoners were 'enemies of the people' and that they were, therefore, sent into exile. Claß reported that the prisoners were in fact executed in the prison courtyard while engines were running so that nobody could hear the shots. In his report, Claß concluded that the fact that the NKVD had executed their prisoners in secrecy suggested that the victims were innocent. He concluded that their disappearance was supposed to terrorise the Ukrainian population. Claß pursued with great dedication the question of whether the perpetrators

¹⁰⁰ *Goebbels-Tagebücher*, Part 2, Vol. 6, p. 446, 9.6.1943. ('Massentotenfeld', 'ähnlich wie bei Katyn', 'Ich lasse die Sache zuerst einmal sorgsam überprüfen, ehe ich sie für die allgemeine Propaganda freigebe.')

¹⁰¹ B-ZSL, B 162/1453: Erschießung der polnischen Jugendlichen J.A. Radomski und B. Bandzarewicz in Gotenhafen am 26.10.1939.

were Jewish. He interviewed a former secretary for the NKVD who provided the names of the NKVD personnel in Winniza in the late-1930s. According to her, 80% were Jewish.¹⁰² As the *Wehrmacht* had been excluded from these investigations, no military judges were involved, but the Reich Ministry of Justice had sent the civilian judge Ziegler, who came to the same conclusions as Claß. He spoke to the witness Atanasi Skrepka who stated that the head of the NKVD in Winniza had been Jewish.¹⁰³

Conti, who had gathered the International Commission for Katyn, organised the forensic examinations in Winniza. He appointed Gerhard Schrader, a professor from Halle, as the lead forensic pathologist. He was well suited to this task. Schrader was as loyal a Nazi as Buhtz, but considered much more reliable. In 1934, he wrote in a forensic journal that the National Socialist state had every right to eradicate those who, due to their actions, had excluded themselves from the *Volksgemeinschaft*.¹⁰⁴ Later, he instructed one of his doctoral students to carry out a human experiment on such ‘enemies’ in order to study the physical traces caused by different hanging methods. At the execution site ‘Red Ox’ in Halle, the student murdered 15 prisoners, using different types of rope and techniques for tying nooses. He tested the various speeds of tightening the nooses in killing the prisoners, took notes on their death throes, and studied these afterwards in order to make comparisons with the corpses of 41 other hanged prisoners kept in Schrader’s institute.¹⁰⁵

In Winniza, Schrader was assisted by a team of forensic pathologists, including Gerhart Panning and Wilhelm Hallermann, whose involvement in the investigations in Bromberg

¹⁰² Reichsminister für die besetzten Ostgebiete (ed.), *Amtliches Material zum Massenmord von Winniza* (Berlin, 1944).

¹⁰³ *Ibid.*, p. 255.

¹⁰⁴ Gerhard Schrader, ‘Die Todesstrafe’, *Münchener Medizinische Wochenschrift*, 81/16 (1934), pp. 605-07, p. 607.

¹⁰⁵ Siegfried Krefft, *Über die Genese der Halsmuskelblutungen beim Tod durch Erhängen* (Halle, 1944), pp. 13-14.

and Posen was no longer an obstacle, now that they were dealing with Ukrainian rather than Polish victims. In Winniza, Schrader and his team examined three large mass graves, in which the bodies had been stacked in several layers and were covered in chlorinated lime. After bodies had been excavated by Polish and Ukrainian prisoners, the forensic pathologists established that most of them had been killed with a shot to the base of the neck. In 393 cases, the victims had been killed with a blow to the head from a heavy object. Their clothing and the documents found in their pockets identified them as Ukrainian civilians. A comparison of the decay of the bodies suggested that these murders pre-dated Katyn by several years. In contrast to the investigations in Katyn, the investigators deliberately repressed the fact that there were many Jews among the victims in Winniza.¹⁰⁶

After it was clear that there would be no unexpected problems like the ones seen in Katyn, Goebbels set the propaganda machine in motion. On 9 July 1943, the *Deutsche Allgemeine Zeitung* cited the new mass graves as further justification for the war against 'Jewish-Bolshevism':

The mass graves of Winniza are a new, terrible piece of evidence of the systematic policy of extermination, which the Kremlin Jews have pursued on Ukrainian soil. The murdered Ukrainians denounce Stalin and his henchmen again and call the world to fight without compromise against the Jewish-Bolshevik danger, which seeks to inflict on them the same fate experienced by the countless dead in Winniza.¹⁰⁷

As with Katyn, the press discussed the course of the investigations extensively. On 12 July 1943, the *Deutsche Allgemeine Zeitung* explained that a commission under Schrader had

¹⁰⁶ Irina Paperno, 'Exhuming the Bodies of Soviet Terror', *Representations*, 75/1 (2001), pp. 89-118, p. 95. The identity of the Jewish victims was only established by later Russian examinations.

¹⁰⁷ *Deutsche Allgemeine Zeitung*, An den Massengräbern von Winniza, 9.7.1943. ('Die Massengräber von Winniza sind ein neuer furchtbarer Beweis für die systematische Ausrottungspolitik, die die Kremljuden auf ukrainischem Boden betrieben haben. Die ermordeten Ukrainer klagen Stalin und seine Henker erneut an und rufen die Welt zum kompromißlosen Kampf gegen die jüdisch-bolschewistischen Gefahren auf, die Europa und seinen Bewohnern das gleiche Schickal bereiten wolle wie den unzähligen Toten von Winniza.')

excavated 950 bodies so far and had examined most of them.¹⁰⁸ Another article from 17 July 1943 detailed the state of the criminal investigations by Claß. He was quoted as saying that those who had been killed had neither been politically active nor criminals, with the aim of showing that the Soviet terror could affect anyone.¹⁰⁹ The next day, the *Deutsche Allgemeine Zeitung* gave voice to the relatives of the victims. Elena Ochowska explained that she had been told that her husband was taken away and that she was later informed that he had been banished to the north without the right of correspondence. After she had described how she identified her husband among the victims, Ochowska was quoted as saying that this arbitrary arrest was probably due to a denunciation by Jews.¹¹⁰

From the morale reports, Goebbels could learn that the core message of the Winniza campaign was widely understood, which did not come as a surprise, given it was simply a continuation of the Katyn campaign. The observers recorded statements such as: ‘If the Russians come, we will suffer the same fate’. At the same time, the report indicated that some Germans still had not grasped the reasoning behind the Katyn and Winniza campaigns. Some Germans found it difficult to identify with the Ukrainian victims while others drew parallels to the German actions in the East: ‘Frequently the opinion can be heard that we have also exterminated enemy elements, especially Jews, without mercy’. The SD, however, also reported a new reaction, namely that, after months of constant repetition, this kind of propaganda raised less and less interest, especially since many

¹⁰⁸ *Deutsche Allgemeine Zeitung*, Die Identifizierungsarbeit in Winniza, 12.7.1943.

¹⁰⁹ *Deutsche Allgemeine Zeitung*, Der Befund lautet: “Gemeiner Mord!”, 17.7.1943.

¹¹⁰ *Deutsche Allgemeine Zeitung*, Stalins Terrorsystem in der Ukraine, 18.7.1943.

Germans considered the discussion of Ukrainians who had been killed years ago to be a distraction from the ongoing bombing of German cities.¹¹¹

In light of the experience with Katyn, Goebbels did not attempt to involve the International Red Cross again. Instead, the decision was made to send an International Commission of forensic experts to Winniza. It had the same fundamental flaw as the Katyn commission, in that the Swedish doctor Gösta Häggqvist was the only member who did not come from a country that was either occupied by or allied to the *Reich*. In Winniza, the commission went on to perform autopsies on 11 bodies, resulting in reports that confirmed the original German findings.¹¹² Goebbels was concerned about the lack of international impact, especially given that the Soviets went on the offensive and drew attention to their own investigations of German war crimes and atrocities. As German troops retreated from the Volga and Caucasus, the Soviets were able to carry out proper investigations, destroying the German advantage of being the only ones able to do this. In July 1943, the Soviets conducted the first trial concerning German crimes in Krasnodar, which became a stage for this evidence to be showcased. In the courtroom, local witnesses talked extensively about the executions and gassings of ‘Soviet citizens’ at the hands of *Sonderkommando 10a*, which were observed and reported on by the journalists in the courtroom. The witnesses described how the *Sonderkommando* members put their naked prisoners in the back of a van set up to gas them and subsequently drove them to anti-tank ditches at the outskirts of Krasnodar. On the way, prisoners were killed by inhaling carbon monoxide and only had to be dumped. Amongst the victims were also patients of several hospitals. Forensic experts estimated that about 7,000 bodies had been buried in the area, of which they had examined

¹¹¹ *Meldungen aus dem Reich*, Vol. 14, p. 5547, 29.7.1943. (‘Wenn die Russen hereinkommen, steht uns das gleiche bevor’, ‘Häufig ist die Meinung zu hören, daß auch von uns alle gegnerischen Elemente im Osten, vor allem die Juden, ohne Rücksicht ausgemerzt worden seien.’)

¹¹² Reichsminister für die besetzten Ostgebiete (ed.), *Amtliches Material zum Massenmord von Winniza*.

623.¹¹³ After the witness testimonies and expert witnesses had been heard, the court sentenced the defendants, who had been local auxiliaries to the *Sonderkommando*, to death.¹¹⁴ From their seats in the auditorium, international observers had recorded the witness statements and findings of the expert witnesses and subsequently transmitted them to their home countries where they were published as damning evidence against the Germans.¹¹⁵

Goebbels believed that the Soviets had conducted the Krasnodar trial for the sole purpose of distracting from the German revelations regarding Winniza.¹¹⁶ He was unable to do anything about it, however. If Katyn had failed to create an international impact, then it was unreasonable to assume that the Winniza material would do so. Even though, prior to their retreat, the *Wehrmacht* had conducted investigations in Krasnodar, it likewise seemed implausible that this could help the *Reich*'s position. A German soldier had testified that Red Army soldiers had stabbed or beaten to death wounded Germans, but it was obvious that such cases would not sway world opinion, given that even cases in which the victims were not German had failed to do so.⁹⁵

Following the pattern of the Krasnodar trial, another Soviet trial took place in December 1943 in Kharkov. On the defendants' bench was a member of the Secret Field Police named Reinhard Retzlaff, alongside a Russian auxiliary and two other German defendants, a counter-intelligence officer and a member of an SS company. One of the charges against

¹¹³ Fedorovich Ignatz Kladov, *The People's Verdict. A Full Report of the Proceedings at the Krasnodar and Kharkov German Atrocity Trials* (London, 1944), pp. 1-44.

¹¹⁴ Ilya Bourtnan, "'Blood for Blood, Death for Death". The Soviet Military Tribunal in Krasnodar 1943', *Holocaust and Genocide Studies*, 22/2 (2008), pp. 246-65.

¹¹⁵ Arieh J. Kochavi, *Prelude to Nuremberg. Allied War Crimes Policy and the Question of Punishment* (Chapel Hill, N.C, 1998), p. 64.

¹¹⁶ *Goebbels-Tagebücher*, Pt. 2, Vol. 9, p. 115, 17.7.1943. BA-MA, RW 2/218, fol. 176: GFP 657, Aufgefundene verstümmelte Leichen von SS-Angehörigen in Charkow und Umgebung, 23.4.1943.

Retzlaff was the use of a gas van. He gave a description of the dramatic scenes that took place as their prisoners were loaded into the back of the van. He described how they forced women with kicks and blows with rifle butts into the van and grabbed the children by the arms and threw them in after them. He continued to detail how, after they had been gassed, the bodies were unloaded into barracks, doused in petrol, and set ablaze.¹¹⁷ Forensic experts then testified that they had performed autopsies on victims who had been killed in the manner described by Retzlaff.¹¹⁸ The defendants were also accused of having conducted mass shootings. A witness described one of the many mass shootings that had taken place in a forest, again focusing on women and children. Here, the children were said to have been thrown into a ditch to be buried alive, while their mothers were shot as they tried to rescue them.¹¹⁹ With regard to the motive for these crimes, the state prosecutor explained that the defendants were acting in accordance with the ‘German plan to exterminate all Slavs’. The defendant Wilhelm Langheld was forced to testify that the murder of prisoners was rooted in German prejudices against the Russian people before he admitted that he had directed executions of Soviet prisoners ‘just because they were Russians’.¹²⁰ Like the other defendants, Retzlaff declared himself guilty but asked to be spared so that he could ‘open the eyes of the German people to the falseness of the Hitlerite propaganda’.¹²¹ In the end, the court sentenced them to death, and the trial was widely reported, prompting shock and outrage at the crimes committed.¹²²

¹¹⁷ Kladov, *The People's Verdict. A Full Report of the Proceedings at the Krasnodar and Kharkov German Atrocity Trials*, pp. 50-51.

¹¹⁸ *Ibid.*

¹¹⁹ Kladov, *The People's Verdict. A Full Report of the Proceedings at the Krasnodar and Kharkov German Atrocity Trials.*, p. 55.

¹²⁰ *Ibid.*, p. 58.

¹²¹ *Ibid.*, p. 120.

¹²² Michael J. Bazyler and Frank M. Tuerkheimer, *Forgotten Trials of the Holocaust* (New York, 2015), pp. 15-44.

It was certainly no coincidence that with Retzlaff the Soviets had chosen to make a member of the Secret Field Police such a prominent defendant at Kharkov. The Secret Field Police was not only involved in many war crimes but one of their units had played an important role in the investigations in Katyn. The Soviets not only tried to delegitimise the German investigators by highlighting their own crimes which they had committed but they also tried to prove that the Germans had lied about Katyn. After the Red Army recaptured Smolensk in October 1943, preparations began for investigations that were supposed to reveal that the Germans were responsible for the Katyn massacre. The NKVD, which had been responsible for the execution of the Polish officers, sent its own men to Katyn where they prepared the witnesses for the subsequent investigation by a Special Commission led by the Chief Surgeon of the Red Army, Nikolai Burdenko.¹²³ The report produced by the Burdenko Commission quoted the former chief of a prisoner of war camp, where the Polish officers had allegedly been held in 1941. He explained that he had been waiting for orders regarding the evacuation of the prisoners when communication broke down. He went to Smolensk where he was unable to obtain railway cars or the permission to evacuate the prisoners on foot. In the meantime the connection between Smolensk and Katyn was cut off so that he did not know what had happened to the prisoners.¹²⁴ A local witness explained that the Germans treated their Polish prisoners of war in a manner that was familiar from the description of the suffering of Polish civilians in German concentration camps. According to this witness, ‘the Germans did not regard the Poles as human beings. They oppressed and outraged them in every way. On some occasions Poles were shot

¹²³ Sorokina, ‘People and Procedures. Toward a History of the Investigation of Nazi Crimes in the USSR’.

¹²⁴ Special Commission for Ascertaining and Investigating the Circumstances of the Shooting of Polish Officer Prisoners by the German-Fascist Invaders in the Katyn Forest, *The Truth about Katyn* (London, 1944), p. 1.

without any reason at all'.¹²⁵ Witnesses from Katyn then explained that they saw Polish prisoners of war being taken into the forest. Afterwards, they heard shots and could see that the Germans returned without their prisoners. According to this testimony, there was no doubt that the forest was being used as an execution site by a unit that had been given the innocent-sounding cover name Signals Regiment 537, which the Soviets knew from the Germans' public statements was the first to find out about the existence of mass graves.¹²⁶ In other words, they tried to portray the first German witnesses as the perpetrators. One witness claimed to have had a conversation with a German officer who told him that they had executed the Polish officers as part of the elimination of the Polish élites. He said that 'absolutely no intellectuals had been left in Poland, as they had all been hanged, shot or confined in camps'.¹²⁷ The report then cited the key witnesses to the German investigations, who all explained that the Germans had forced them to incriminate the Soviets. Kiselev, described that Gestapo officers tortured him until he was finally willing to act as a witness and to lie and say that the Soviets had shot the prisoners.¹²⁸ Ivanov, the railway worker who had seen the arrival of the trains, testified that he was made to sign a statement that he did not understand.¹²⁹

The report then went on to question the forensic examinations carried out by the Germans. Witnesses testified that the Germans used Soviet prisoners of war to remove all the documents from the pockets of the victims that dated after 1940. After they had completed their task, the Soviet prisoners were shot and the documents, which proved that the

¹²⁵ *Ibid.*, p. 2.

¹²⁶ *Ibid.*, p. 31.

¹²⁷ *Ibid.*, p. 11.

¹²⁸ *Ibid.*, p. 13.

¹²⁹ Special Commission for Ascertaining and Investigating the Circumstances of the Shooting of Polish Officer Prisoners by the German-Fascist Invaders in the Katyn Forest, *The Truth about Katyn*, p. 6.

prisoners were still alive when the area was captured by the Germans were burned.¹³⁰ The report then presented the findings of the Soviets' own forensic experts, who had allegedly examined 952 bodies within a week. They claimed that they had found documents dating from 1941 which the Germans had overlooked. An expert explained that metal objects found in the graves were not heavily rusted, which ruled out the idea that they had been in the soil for as long as the Germans had claimed.¹³¹ According to these experts, only the German estimates that there were more than 10,000 victims was correct, which conveniently meant that the Soviet Union would not have to answer for the whereabouts of the rest of their Polish prisoners, who had in reality been executed in different locations.¹³² The report concluded with the statement that the executions of Polish prisoners were identical to the methods used in the execution of Soviet citizens in, among others places, Krasnodar and Kharkov.¹³³ The Soviets presented their findings to international observers who remained sceptical about the claims because they had seen photographs of the victims wearing heavy winter coats, despite the Soviet claim that the prisoners had been executed in the summer of the German invasion.¹³⁴ Nevertheless, the Soviet charade at Katyn meant that there were two competing versions of events, clouding the issue through the Nuremberg trials until the 1990s.¹³⁵

Since the beginning of 1944, Voß and the other members of Secret Field Police 570 who had conducted the investigations in Katyn found themselves once more in Mogilev where, back in 1941, they had investigated the torture and murder of a group of German prisoners

¹³⁰ *Ibid.*, p. 20.

¹³¹ *Ibid.*, p. 20.

¹³² *Ibid.*, p. 3.

¹³³ Special Commission for Ascertaining and Investigating the Circumstances of the Shooting of Polish Officer Prisoners by the German-Fascist Invaders in the Katyn Forest, *The Truth about Katyn*, p. 10.

¹³⁴ Cienciala, Lebedeva, and Materski, *Katyn*, p. 231.

¹³⁵ Weber, *Krieg der Täter. Die Massenerschießungen von Katyn*, pp. 393-432.

of war in the NKVD building, which now served as their headquarters.¹³⁶ In contrast to 1941, the members of Secret Field Police 570 now had reason to fear that their own brutal crimes would catch up with them. Unlike other Secret Field Police units, they had to fear that they would be punished not only for the executions of civilians and prisoners of war, but also specifically for their role in the investigations in Katyn. They received new identity papers that described them as ‘ordinary’ *Wehrmacht* soldiers.¹³⁷ Secret Field Police 570 continued with the torture and murder of suspected partisans and their alleged supporters but they became much more conscious of the need to hide the traces of their actions. In Mogilev, they began to kill their victims in houses in the town, which they subsequently set ablaze. With the Red Army closing in on them, they also became increasingly reluctant to execute their prisoners. In response to this problem, the leader of the unit introduced a killing method which had been discussed at great length in the Krasnodar trial. A captured Soviet motor lorry was converted into a gas van. Instead of shooting their victims, they could now load them into the back of the car, tilt a switch in the driver’s cabin and drive around Mogilev until the exhaust fumes that were fed into the back of the vehicle had killed the prisoners. This seems to have eased the concerns of the Secret Field Police members who no longer had to pull the trigger and who also no longer had to bury the bodies, a task which was taken over by local auxiliaries who unloaded the contorted and stained bodies and buried them in prepared pits.¹³⁸ At this point, the investigative function of this unit fell by the wayside. Since the spring of 1944, they had only been able to move outside Mogilev

¹³⁶ Rüter and de Mildt (eds.), *Justiz und NS-Verbrechen. Sammlung westdeutscher Strafurteile wegen nationalsozialistischer Tötungsverbrechen 1945–2012*, p. 662. BA-MA RW 2/147, fol. 342-343: GFP 570, Schlussbericht über den Tatortfund in Mogilew, 10.8.1941.

¹³⁷ Rüter and de Mildt (eds.), *DDR-Justiz und NS-Verbrechen. Sammlung ostdeutscher Strafurteile wegen nationalsozialistischer Tötungsverbrechen, 1945–1998*, p. 489.

¹³⁸ Rüter and de Mildt (eds.), *Justiz und NS-Verbrechen. Sammlung westdeutscher Strafurteile wegen nationalsozialistischer Tötungsverbrechen 1945–2012*, pp. 662-63. Rüter and de Mildt (eds.), *DDR-Justiz und NS-Verbrechen. Sammlung ostdeutscher Strafurteile wegen nationalsozialistischer Tötungsverbrechen, 1945–1998*, pp. 499-500.

in an armed convoy. They were not alone. Indeed, with the German army in retreat and the Soviets uncovering more and more German crimes, it would be an increasingly difficult challenge to document or otherwise help in the development of Goebbels' propaganda narrative.

In 1944, when Voß looked back at the past year, he had been responsible for starting a remarkable case. Without him pursuing reports about mass graves in Katyn, there would have been no German investigation but, like his co-investigators, he could not anticipate its full importance. As in 1941, the investigators focused on their original mandate to find German soldiers among the victims, and were unable to imagine that other victims could prove useful to the regime's propaganda narrative. This was particularly understandable in this case, as it turned out that the victims were Polish. Buthz, who died on the Eastern Front in 1944, had played a role in depicting the Poles, and especially Polish officers, as the chief perpetrators of atrocities against ethnic Germans in 1939-40. His colleague Beck had been directly involved in the murder of Poles, most notably in the deportation of patients from a psychiatric hospital to Auschwitz. The Criminal Police had conducted investigations against Poles for the atrocities against ethnic Germans and, as members of the *Einsatzgruppen*, had carried out executions. If it had not been for Meyer, the imaginative propagandist of *Einsatzgruppe B*, then this case probably would have been filed away after it had become clear that there were no German victims, just as it had been the case when Winniza was first investigated in 1941.

Although the case was highly unusual, it continued familiar themes and it had a clear rationale. Goebbels recognised that this case would enable him to revive the propaganda message of the Lemberg campaign at a critical point in time when the German armies were retreating from the Caucasus and Volga, and military defeat for the first time seemed like a real possibility. Instead of Ukrainians, he used the murdered Polish officers as surrogate

Germans in order to communicate the dangers of Bolshevism. For the German population to grasp the direction of the campaign, it was by no means necessary to feel sympathy for the Poles. It was sufficient to ponder the question: If this is what they did to the Poles, what are they going to do to the Germans? Although the general message of the campaign was well understood, namely that Germans had to fear the worst from a Soviet invasion, the emotional empathy which the media devoted to individual Polish victims and their grieving relatives still demanded a lot from Germans who had become too accustomed to seeing the Poles as perpetrators, enemies, and 'sub-human' slave labourers to now view them now as noble victims.

More familiar to the German public was the attribution of guilt to the Jews. As in 1941, they were held responsible for the murders in Katyn that became yet another instance of a 'Jewish mass murder'. Like in 1941, the case was used to justify the German measures against the Jews, albeit retroactively. Those acts were deeply familiar to the investigators who, like Buhtz, knew of the mass executions of Jews, and to the Secret Field Police, which had directly carried out many of them. The knowledge of these murders was not confined to the perpetrators whether they were the investigators or not, but had spread to the *Reich*, where it shaped German responses to the Katyn propaganda. The reactions documented in the morale reports show that many Germans had not sufficiently internalised the logic that the condemnation of Jewish crimes justified the same treatment of the Jews, as we can see when they criticised the regime for having executed Poles and Jews in the same manner. In spite of such limitations, the regime did not scale back on its references to the 'extermination' of the Jews, as this invited Germans to think deeply about the possibility of a 'Jewish revenge', which, if it followed the same logic as the German rationalisations, would make no distinction between Germans who had committed crimes against Jews and those who were innocent. With the revival of the Winniza case, Goebbels hoped to continue

these propaganda themes, but quickly found that the German public showed little interest in this case after months in which the Katyn message had been repeated over and over again, especially since it failed to address the more immediately pressing problem of the Allied bombing of German cities.

The attempt to use Katyn to influence audiences outside the *Reich* appears less hypocritical or short-sighted than has often been thought, if one considers the fact that the regime had used enemy atrocities to deflect criticism from its actions since the start of the war, most notably in Poland. Now that the regime had lost its claim to any high ground due to widespread reports about German atrocities emerging from the occupied territories, especially reports to the extermination of the Jews, they changed tack. Their new aim in this context was never to deny that the Germans had committed questionable acts, which was not really possible, but to portray these as a reasonable and proportionate response to the actions of the enemy, thereby diffusing criticism.

In contrast to 1941, when the *Reich* did not capitalise on the discoveries made in Lemberg and elsewhere, Goebbels was determined to extract maximum international impact from Katyn. By taking the side of the Polish victims and presenting the Jews as perpetrators, Goebbels also hoped to deflect mounting Allied criticism regarding the German treatment of Poles and Jews by drawing attention to the Allies' own moral hypocrisy in siding with Stalin. The hypocrisy charge was also not something new and had been used against the Western Allies in previous campaigns, notably in 1939 when they were accused of providing cover for the ongoing murder of ethnic Germans, and in 1940 when they were criticised for violence against the civilian population in Belgium for which they had previously condemned the Germans in 1914. In order to convince international audiences of their version of events, the regime even attempted to involve the International Red Cross, which was supposed to carry out an independent investigation. This failed due to the Soviet

veto and the International Commission of forensic experts proved an insufficient substitute due to the fact that its members had the same air of objectivity as the German investigators. In any case, the Western Allies had no intention of letting this case drive a wedge between them and the Soviet Union and the Nazi regime could not built up enough public pressure in Britain or the US to achieve more than a mild discomfort. If the Western Allies were unwilling to let the Katyn case impress them, then the Winniza case, in which the victim group was less explosive, had no chance.

But what Goebbels could do with the Katyn case was to use it to strengthen the narrative of a European war of defence against 'Jewish Bolshevism'. Goebbels considered the situation of the *Reich* to be so perilous that he wanted to position the Poles against the Soviets. Although the Poles had been on the receiving end of a German atrocity campaign, he succeeded in convincing them that the Soviets were responsible for Katyn. The decision to give them a free hand to conduct their own investigations proved crucial in this context, despite the fact that it revealed a lot of facts that were at odds with the propaganda line. But the inconsistencies in regard to the numbers, the Jewish victims, and the type of ammunition used only confirmed the Poles' belief that the case was authentic. However, the case did not prompt Poles to side with the Germans and the Polish resistance movement continued to grow in the autumn of 1943.

The German retreat also meant that the Soviets were finally able to conduct proper investigations of German war crimes and atrocities and put a few perpetrators on trial for the first time. In Krasnodar and Kharkov, the Soviets presented the world with testimony concerning terrible crimes that more than equaled the German allegations against the Soviets, as details of mobile gassing were aired for the first time in court. According to the Soviets, there were thousands of victims in just these two locations, prompting the obvious conclusion that the Germans had committed even more monstrous crimes. As the

Wehrmacht continued to retreat on the Eastern Front, the Soviets regained control of the Katyn site itself and swiftly moved to create evidence for a counter-narrative of their own, blaming the Germans for Katyn. The continuing German retreat would also inevitably tilt the balance of claim and counter-claim of war crimes still further against the *Reich*.

5. Final Mobilisation - East Prussia and West Germany 1944-45

In 1944, the fears the regime had long stoked became reality. The Red Army stood at the doorstep of the *Reich* and in October, they made their first incursion onto German soil. In response to reports which said that the Red Army had committed war crimes, the counter-intelligence officer with the High Command of the 4th Army ordered Secret Field Police 718 to carry out investigations. On 25 October 1944, a special unit comprised of three Secret Field Police officers was sent to Sodehnen as a result. There, they only encountered a peasant along with his wife and daughter, who told them that the Red Army had not come this far. However, they had heard from German soldiers that the Red Army had murdered women and children in Nemmersdorf. If this proved true, it would be the first case in which Red Army soldiers had harmed German civilians since the start of the war. At Nemmersdorf, the Secret Field Police unit encountered soldiers of the Armored Infantry Regiment 413, who explained that the bodies of civilians had been found in various parts of the town. One of these soldiers declared that he was certain that the victims had been shot by Red Army soldiers. The Secret Field Police realised that the regime intended to use this case in a major propaganda campaign, when they found that several members of different propaganda units had arrived before them. These were the Director of the Gau Propaganda Office East Prussia, Märtings, and his photographer as well as a propaganda officer and a photographer from the *Waffen-SS-Standarte Kurt Eggers*. They were later joined by propagandists from Army Group Centre and the *Luftwaffe*. Together, their presence suggested that Nemmersdorf would become the next major propaganda case.¹

This would prove a difficult undertaking, however. The presence of German victims could

¹ Bernhard Fisch, 'Nemmersdorf 1944 – ein bisher unbekanntes zeitnahes Zeugnis', *Zeitschrift für Ostmitteleuropa-Forschung*, 56/1 (2007), pp. 105-14, pp. 107-08. Bernhard Fisch, 'Nemmersdorf 1944 - nach wie vor ungeklärt', in Gerd R. Ueberschär (ed.), *Orte des Grauens. Verbrechen im Zweiten Weltkrieg* (Darmstadt, 2003), pp. 155-67, pp. 158-59.

not help but suggest that all the regime's efforts had been in vain since 1941, when they had claimed to have 'prevented' an invasion by attacking the Soviet Union. The propaganda now threatened to raise serious questions about the ability of the *Reich* to protect its citizens. Surrogates for German victims, such as the Ukrainian victims in Lemberg or the Polish officers in Katyn, were no longer available.

After the war, historians showed little interest in the investigations which the *Wehrmacht* had carried out into the murders of German civilians during the conflict. In 1953, Theodor Oberländer became Federal Minister for Expellees, Refugees and War Victims, which had commissioned a major research project on the fate of Germans in the Eastern territories of the *Reich* during the final stage of the war and its aftermath.² Before and during the war years, Oberländer did research on the 'German East', which provided the blueprint for the violent 'Germanisation' of these territories.³ During the war against the Soviet Union, Oberländer acted as an officer in a battalion of Ukrainian volunteers for the *Wehrmacht*. In 1941, this battalion was deployed in Lemberg where it was involved in the violence against the Jews living there.⁴ In commissioning the research project on German victims during the flight and expulsion, Oberländer's aim was to gather evidence which could be used to strengthen the West German position towards the Allies in regard to the former German territories in the East. The research project was designed to criticise the removal of the Germans from the East of the Oder-Neisse line as a fundamental injustice and to keep the

² Mathias Beer, 'Im Spannungsfeld von Politik und Zeitgeschichte. Das Großforschungsprojekt "Dokumentation der Vertreibung der Deutschen aus Ost-Mitteleuropa"', *Vierteljahrshefte für Zeitgeschichte*, 46/3 (1998), pp. 345-89.

³ Michael Burleigh, *Germany Turns Eastwards. A Study of Ostforschung in the Third Reich* (Cambridge, 1988), pp. 145-47. Götz Aly and Susanne Heim, *Vordenker der Vernichtung. Auschwitz und die deutschen Pläne für eine neue europäische Ordnung* (Frankfurt, 1991), pp. 92-93. Philipp-Christian Wachs, *Der Fall Oberländer (1905-1998). Ein Lehrstück deutscher Geschichte* (Frankfurt am Main, 2000).

⁴ Struve, *Deutsche Herrschaft, ukrainischer Nationalismus, antijüdische Gewalt*, pp. 354-60.

door open for a return of these territories, or, at the very least, compensation.⁵ The Commission's director was the historian Theodor Schieder who had also been involved in research on the 'Germanic East' which had provided policy recommendations to the German occupiers.⁶ As they built their case, the Commission stayed away from the material which had been gathered during the war and focused on post-war sources which did not seem tainted by Nazi propaganda. These witness testimonies provided shocking descriptions of the suffering of Germans. At times, we can see the continuation of certain elements which characterised the way in which the regime had framed events, for example in the characterisation of 'Asiatic' soldiers as particularly brutal in the introduction to the volumes as well as many of the witness statements.⁷ Other themes disappeared completely because they were too closely associated with Nazism, such as the theme of 'Jewish Commissars'. Focused on the German experiences, these accounts gave little sense of the background against which this violence unfolded and in particular avoided discussion of the policies of mass murder and displacement in the territories occupied by the Germans. The concern was evidently that to contextualise the experience of German victims with reference to Nazi policies would only harm the goal that the Commission was supposed to achieve. The Commission's work, which was published in five volumes, set the tone for the way in which the topic of the flight and expulsion was henceforth discussed.⁸ A flood of publications, often written by Germans who had themselves fled, discussed their often

⁵ Beer, 'Im Spannungsfeld von Politik und Zeitgeschichte. Das Großforschungsprojekt "Dokumentation der Vertreibung der Deutschen aus Ost-Mitteleuropa"', p. 358.

⁶ Angelika Ebbinghaus and Karl Heinz Roth, 'Vorläufer des "Generalplan Ost". Eine Dokumentation über Theodor Schieders Polendenkschrift vom 7. Oktober 1939', 1999. *Zeitschrift für Sozialgeschichte des 20. und 21. Jahrhunderts*, 7/1 (1992), pp. 62–94.

⁷ Bundesministerium Für Vertriebene, Flüchtlinge Und Kriegsgeschädigte (ed.), *Die Vertreibung der deutschen Bevölkerung aus den Gebieten östlich der Oder-Neiße*, ed. Theodor Schieder 5 vols. (1; Bonn, 1953), p. 61.

⁸ Bundesministerium für Vertriebene, Flüchtlinge Und Kriegsgeschädigte (ed.), *Die Vertreibung der deutschen Bevölkerung aus den Gebieten östlich der Oder-Neiße*, ed. Theodor Schieder 5 vols. (Bonn, 1953-1962).

terrible experience in the final stage of the war and its aftermath. Despite their volume, these publications continued to provide little sense of the suffering caused by Germans during the war. It was as if to acknowledge the German crimes would diminish the suffering of German civilians. Instead, they often portrayed themselves as the final victims in a war of unprecedented destructiveness.⁹

Włodzimierz Borodziej has pointed out how Polish historians approached the issue of the flight and expulsion in an exact mirror image of the West German view. They, like most other Eastern European scholars, firmly placed the emphasis on the crimes and atrocities committed by the Germans, and in particular on their own violent displacement from the territories that had been occupied by the *Reich* during the war. These historians insisted that the removal of the German population was an inescapable consequence of the crimes which had been committed in their name. If they concerned themselves at all with the way in which this goal was accomplished, they provided only a version of events which gave little sense of the violence involved in the process. These historians feared that to acknowledge the violence against Germans in the final stage of the war and its aftermath would play into the hands of those who sought to delegitimise the post-war order. Furthermore, they feared that it would be used to downplay or to relativise their own suffering during the war.¹⁰

Although these clashing perspectives continue to play out in public debates even today, historians have now moved beyond these particular points of contention. In the mid-1980s,

⁹ Constantin Goschler, “‘Versöhnung’ und ‘Viktimisierung’”. Die Vertriebenen und der deutsche Opferdiskurs’, *Zeitschrift für Geschichtswissenschaft*, 53/10 (2005), pp. 873-84.

¹⁰ Włodzimierz Borodziej, ‘Anmerkungen zur deutschen und polnischen Historiographie der “Vertreibung” in den 1990er Jahren’, in Ralph Melville, Jiří Pešek, and Claus Scharf (eds.), *Zwangsmigrationen im mittleren und östlichen Europa. Völkerrecht - Konzeptionen - Praxis 1938-1950* (Mainz, 2007), pp. 193-201, p. 183. Bömelburg, Hans-Jürgen, ‘Gestörte Kommunikation. Der polnische Monolog über Flucht und Vertreibung und seine deutsch-polnischen Ursachen’, *Mittelweg* 36, 14 (2005), pp. 35-52.

historians in West Germany developed a new approach to the topic of the violence against civilians, which expressly acknowledged the crimes which Germans had committed against the civilian populations in the East, and which no longer sought to milk the suffering of Germans to make political demands.¹¹ After Germany had finally recognised the borders with their neighbours, Polish historians no longer felt that they had to close their minds to the often terrible experiences of German civilians. As a result of this rapprochement, historians have moved beyond the idea of competing victimhoods.¹² Facilitated by events in the Balkans in the 1990s, the discussion of the displacement of Germans has been integrated into a broader history of violent population transfers, in which the German perspective in the final stage of the Second World War plays only a minor role.¹³

As historians started to examine how the German population experienced the war, primarily to better understand their resilience, they also brought new questions to bear on the flight of Germans in the final stage of the conflict. In this context, historians such as Richard Bessel and Ian Kershaw have acknowledged the importance of atrocities against Germans in mobilising resistance to the Soviets until the bitter end.¹⁴ Manfred Zeidler has used some of the investigators' files to create a balanced reconstruction of the events and the German perspective on them. He provided a valuable corrective to the post-war historiography which had presented the Soviet war crimes and atrocities in an all too black-and-white light. If the picture beforehand was simply one of Red Army troops hell-bent on murdering

¹¹ Wolfgang Benz, 'Vierzig Jahre nach der Vertreibung. Einleitende Bemerkungen', in Wolfgang Benz (ed.), *Die Vertreibung der Deutschen aus dem Osten. Ursachen, Ereignisse, Folgen* (Frankfurt, 1985), pp. 7-14.

¹² Hans-Jürgen Bömelburg, 'Gestörte Kommunikation. Der polnische Monolog über Flucht und Vertreibung und seine deutsch-polnischen Ursachen', *Mittelweg* 36, 14 (2005), pp. 35-52, p. 43. Włodzimierz Borodziej and Hans Lemberg (eds.), *Niemcy w Polsce 1945–1950. Wybór dokumentów* 4 vols. (Warsaw, 2000-2001).

¹³ Norman M. Naimark, *Fires of Hatred. Ethnic Cleansing in Twentieth-Century Europe* (Cambridge, MA, 2001). Richard Bessel and Claudia B. Haake (eds.), *Removing Peoples. Forced Removal in the Modern World* (Oxford, 2009).

¹⁴ Richard Bessel, *Germany 1945. From War to Peace* (London, 2009), p. 69. Ian Kershaw, *The End. Hitler's Germany 1944-45* (London, 2011), pp. 119-20.

civilians, Zeidler highlighted the pivotal role of local exigencies and individual commanders in understanding the more complex ways in which events unfolded.¹⁵ Similarly, Bernhard Fisch has carefully reconstructed the Nemmersdorf case, placing it in the context of the history of German violence in the Soviet Union, revising the previous, simplified accounts and debunking post-war testimonies.¹⁶

Although we have come to a more nuanced understanding of the violence against German civilians in the East, there is still little awareness of how the regime tried to make its case against the Soviets at a time when highlighting enemy atrocities could be as demoralizing as they were mobilizing. Also, due to the focus on the extreme violence in the East, there is still little awareness of the fact that the regime tried to build a similar case against the Western Allies. After the war, historians continued the work begun by Allied investigators at the war's end, placing the emphasis on German war crimes against Allied soldiers, most notably those in Normandy and Malmédy as well as the murders of civilians, for example, in Rome. They published extensive studies that reconstructed specific crimes, without placing the focus on the German perspective beyond the immediate perpetrators.¹⁷ These historians also held true to the focus of the Allied investigators in that they had little interest in the crimes committed by their own troops, which they feared would distract or relativise German actions. If historians showed little interest in the German investigations in the East, the same applied even more so to the Western theatre of war. In West Germany, there was no ministry that would have commissioned a research project on American war crimes in the West, which would have only alienated their new Allies as the Cold War unfolded.

¹⁵ Zeidler, *Kriegsende im Osten*, pp. 153-67.

¹⁶ Bernhard Fisch, *Nemmersdorf, Oktober 1944. Was in Ostpreussen tatsächlich geschah* (Berlin, 1997).

¹⁷ Danny S. Parker, *Fatal Crossroads. The Untold Story of the Malmédy Massacre at the Battle of the Bulge* (Boston, 2013). Alessandro Portelli, *The Order has been Carried Out. History, Memory, and Meaning of a Nazi massacre in Rome* (New York, 2003).

Generally, West German historians held a positive view of the Americans, comparing them favourably to the Soviets. As a result, there is little awareness of the fact that the Soviets were not the only ones who committed war crimes and atrocities against German civilians and soldiers. In recent years, there have been isolated attempts to cast light on crimes committed against German civilians in the West, but these do not look at the investigations and the way in which they were used.¹⁸ Whereas classic war crimes were largely ignored, there was a focus on the bombing war against German cities and the civilian suffering it caused. Jörg Friedrich's book *Der Brand* acted as an important impulse for the research into the aerial war against German cities.¹⁹ He focused on the suffering caused by the bombing war, and was heavily criticised because he used terms to describe the bombing war which were until then reserved for the description of German war crimes, such as 'Einsatzgruppen' for the bomber squadrons and 'crematoria' for the cellars. Historians who had focused on German crimes criticised this as an attempt to create a moral balance sheet between the bombing war and the German crimes.²⁰ Nevertheless, historians such as Frederick Taylor and Dietmar Süß started to concern themselves with the way in which the bombing war was experienced and sold to the population and the international arena by the regime.²¹ They did not explore the perspectives of the German investigators, presumably fearing that to do so would mean to step into a trap set by Goebbels and his propaganda machine – this is why there remains no awareness that the Dresden case in particular was also an attempt to defuse Allied allegations pertaining to German war crimes in the West.

¹⁸ Michael S. Koziol, 'US-Kriegsverbrechen in Hohenlohe. Der Fall Jungholzhausen', in Folker Förtsch (ed.), *Kriegsende in Crailsheim und Umgebung* (Crailsheim, 2008), pp. 114-21, Miriam Gebhardt, *Als die Soldaten kamen. Die Vergewaltigungen deutscher Frauen am Ende des Zweiten Weltkriegs* (München, 2015), pp. 115-68.

¹⁹ Jörg Friedrich, *Der Brand. Deutschland im Bombenkrieg 1940-1945* (Berlin, 2002).

²⁰ Stargardt, 'Opfer der Bomben und der Vergeltung', pp. 61-62.

²¹ Frederick Taylor, *Dresden. Tuesday, 13 February 1945* (London, 2005), Dietmar Süß, *Tod aus der Luft. Kriegsgesellschaft und Luftkrieg in Deutschland und England* (München, 2011).

At Nemmersdorf, the Secret Field Police learned that not only had propagandists arrived before them, but that they were not even the first investigators at the scene. This surprised them, as they had only found their way to Nemmersdorf on the basis of speaking to local civilians; as far as they knew, the *Wehrmacht* was not aware that there had been an incident specifically in Nemmersdorf. They learned that, on the previous day, the *Waffen-SS* doctor Karl Gebhardt had been in Nemmersdorf. It was said that he had made ‘medical assessments’, the results of which were unclear.²² A Commission of the *Sicherheitspolizei* from Tilsit had also arrived in Nemmersdorf before the Secret Field Police, but they did not seem to have conducted any investigations, which was equally strange. Uncertain about what had already been done, the Secret Field Police unit decided to initiate their own investigations from scratch. Several other investigators, who had arrived in the meantime, joined forces with them. These were military judge Karl Fricke, attached to the Command of the 4th Army; military judge Paul Groch of the Court of the Senior Pioneer Leader 17; and the military doctor Werner Rose of Armored Infantry Regiment 413.²³ The Secret Field Police immediately began to look for witnesses who could cast light on what had happened in Nemmersdorf. Emil Radüns, a member of the newly-formed *Volkssturm*, explained that he and the District Commissar, Wurach, had come to Nemmersdorf on 23 October 1944 in order to establish whether the Red Army had killed civilians there. At the Western entrance to the village, they found the bodies of three men, three women, and three children with head wounds. In Nemmersdorf, the bodies of a man, two women, and a child lay scattered on the street. Another adult male corpse lay in a shed. As they entered the houses, Radüns found the bodies of two women, one of whom had her legs spread apart. Radüns explained that he and other *Volkssturm* members carried the bodies to the graveyard for burial. As a

²² Fisch, ‘Nemmersdorf 1944 – ein bisher unbekanntes zeitnahes Zeugnis’, p. 109.

²³ *Ibid.*, p. 111. (‘ärztliche Feststellungen’)

result, the crime scene was destroyed, making it difficult for the Secret Field Police and the other investigators to conduct their work. It seemed that the *Waffen-SS* doctor Gebhardt and the *Sicherheitspolizei* unit from Tilsit had not taken any steps to preserve the scene in a manner that would enable a reconstruction of the murders.²⁴ At the graveyard, the Secret Field Police, together with the other *Wehrmacht* investigators, exhumed the bodies, laying out 13 women and 8 men, most of whom were older than 60, as well as five children. Werner Rose, the military doctor, established that they had been killed with a shot to the head or the chest fired from close range. He also established that one of the women had been raped. Radüns identified her as the woman whom he had described to the Secret Field Police. In the case of another woman, it seemed very likely to Rosen that she had also been raped. Later, the investigators discovered the bodies of four women and three children in an anti-tank ditch alongside the road from Nemmersdorf to Tuttehn. Rose established that they had also been killed with a shot to the head. He saw no signs that the women had been raped before they were killed. A *gendarme* from Schlossberg, who had arrived in the meantime, identified ten of the victims based on documents found in their pockets. Several of the victims were not locals but had fled to Nemmersdorf from the East. In sum, the investigators had found 33 victims in the area.²⁵

The Secret Field Police tried to establish whether the Red Army had systematically murdered German civilians as had long been expected of them. However, several witnesses had survived their encounter with the Red Army and explained to the Secret Field Police that there was no clear pattern to their conduct. Marianne Stumpfenhorst, a 24-year-old woman, for example, explained that the Soviet soldiers had not done her any harm. On 21 October 1944, she had left her hometown together with her mother and was overtaken by

²⁴ *Ibid.*, p. 109.

²⁵ *Ibid.*

Red Army soldiers on the road to Nemmersdorf. Instead of returning to their hometown as they were told, Marianne and her mother went to Tutteln, where they stayed with the Hoffmann family. On the next day, Red Army soldiers searched the house for German soldiers, weapons, and alcohol. A Soviet commander assured them that the ‘Russians’ would not harm them. When the Germans started their counter-attack, the officer took Marianne and her mother to a shelter to protect them from the artillery shells. On one occasion, Marianne had been taken into a dark room where she had expected to be raped. When this did not happen, she concluded that the soldier refrained from his plan to rape her because he feared that he would be interrupted.²⁶

In contrast to Marianne’s account, Charlotte Müller, also 24-years-old, had experienced the Red Army soldiers to be violent and unpredictable. On 21 October 1944, Charlotte along with her parents and her little brother and four Polish workers, had decided to flee from the Red Army. On their way, they were stopped by Soviet soldiers who fired shots into the air and searched their vehicles. After they had responded ‘no’ to the question: ‘*Du Hitler?*’, the soldiers let them go and told them to go back to their house, where they immediately burned their Nazi flags and Hitler portraits. Shortly afterwards, a different group of soldiers came to their house. These soldiers ordered them to leave their house and shot Charlotte’s mother in the arm because she was not fast enough. Outside, the Red Army soldiers lined them up against a wall and installed a machine gun in front of them. They were told that they had to give up all their valuables and provide the soldiers with food and drink, which they did. Two soldiers told Charlotte that they would have to interrogate her. When alone with her in a room, they proceeded to rape her. The next day, another group of Soviet soldiers appeared, demanded two geese, and, after receiving them thanked the family and

²⁶ *Ibid.*, pp. 110-11.

shook their hands. On the third day, another more hostile group of Soviet soldiers appeared at their doorstep. The soldiers were looking for their superior officer because they wanted to know whether they were supposed to shoot Charlotte and her family. The Polish workers intervened to save the family and, on the next day, the soldiers left the town.²⁷

The propagandists had no interest in accounts that complicated the narrative regarding what Germans should expect from the Soviets. They used the material which had been sent to them from the SS investigators and the propagandists who had arrived in Nemmersdorf before the *Wehrmacht* investigators. They had manipulated the appearance of the bodies. Women had their underwear dragged to their feet and their skirts flipped up to create the photographic impression that they had all been raped.²⁸ When Goebbels received this material, he decided to use Nemmersdorf for a great ‘enlightenment’ campaign ‘so that every last person is convinced of what the German people has to expect if Bolshevism takes over the *Reich*’.²⁹ For the first time in three months, Goebbels reminded the Germans that they were fighting for their survival. He explained that in the event of a Soviet victory, the Red Army would eliminate 30 to 40 million German people via mass terror and deportations.³⁰ The *Völkische Beobachter* criticised those Germans who had not believed the news about the mass graves in Katyn and Winniza, and encouraged them to go to Nemmersdorf to convince themselves of what the Soviets were capable of. The newspaper argued that ‘Jewish Commissars’ had acted with the same ‘extermination mentality’ in

²⁷ *Ibid.*, p. 110.

²⁸ Fisch, *Nemmersdorf, Oktober 1944*, p. 135. Fisch, *Nemmersdorf 1944 - nach wie vor ungeklärt*.

²⁹ *Goebbels-Tagebücher*, Pt. 2, Vol. 14, p. 110, 26.10.1944. (‘Aufklärung’, ‘damit im deutsch[hen] Volk auch die letzten harmlosen Zeitbetrachte[r] überzeugt werden, was das deutsche Volk zu erwar[ten] hat, wenn der Bolschewismus tatsächlich vom Reich Besitz ergreift.’)

³⁰ *Völkischer Beobachter*, Reichsminister Goebbels über die Kriegslage, 30.10.1944.

Nemmersdorf, where they had carried out a Stalin order which called for the extermination of all Germans.³¹

Goebbels soon learned that the propaganda was widely believed in those areas of the *Reich* that were directly threatened by a Soviet invasion. In other parts of the country, however, he was told that many believed the German propaganda regarding the events in Nemmersdorf to be an exaggeration.³² In addition to the general scepticism towards the regime's propaganda, which had been detected prior to the Katyn and Winniza campaigns, there was the memory of the First World War to contend with. Back then, the Germans had claimed that the Russians had committed similar atrocities in East Prussia in August 1914. After the Russian troops had been ejected from the area, German investigators had been unable to find evidence in support of the allegation that Russian troops had murdered German civilians in a bloody frenzy. Based on evidence collected by the German investigators, the *Reichsarchiv* published a volume in 1925 on the *Liberation of East Prussia* explaining that Russian troops had opened fire at German civilians because they wrongly believed that these had attacked them. Outside of such incidents, war crimes against German civilians were the exception.³³ Aware of this legacy, in order to increase the credibility of their Nemmersdorf claims, the regime took a drastic step. For the first time since 1939, when ethnic Germans had been murdered by Poles, the *Völkische Beobachter* published shocking photographs of dead German women and toddlers.³⁴ Whilst this helped the credibility of the propaganda, it also raised the question as to why the area had not been evacuated. To counter this criticism, Goebbels initiated a word-of-mouth

³¹ *Völkischer Beobachter*, Furchtbare Verbrechen in Nemmersdorf, 28/29.10.1944.

³² *Goebbels-Tagebücher*, Pt. 2, Vol. 14, p. 193, 10.11.1944.

³³ Reichsarchiv (ed.), *Die Befreiung Ostpreussens* (Der Weltkrieg 1914 bis 1918. Die militärischen Operationen zu Lande, 2; Berlin, 1925).

³⁴ *Völkischer Beobachter*, Mordbestien wüten in Westen und Osten, 31.10.1944.

propaganda campaign which allowed the regime to spread messages without including them in official channels, and alleged that all women and children had been evacuated and that only men and 'childless' women had been left behind to secure the harvest; nevertheless, this left open the question as to why there had been children among the victims.³⁵ Another problem, which had already become noticeable during the Vinnista campaign, was that the propaganda regarding Soviet atrocities did not have the same impact in Western Germany, where the population was understandably more concerned with the death and destruction caused by the resumption of British and American bombing on a massive scale that autumn. With cities like Darmstadt, Bremerhaven, Bielefeld, and Braunschweig being reduced to rubble in September 1944 and thousands of lives lost, reports of a few dozen victims far in the East did not seem a pressing concern.³⁶ In the East, of course, the threat was more imminent. A powerful testimony to the effectiveness of the Nemmersdorf propaganda was a spate of German suicides in 1945. In Germau, for example, investigators discovered that 11 individuals had committed suicide before the arrival of the Red Army. Among them was a mother who slit the wrists of her child. The investigator of the *Sicherheitspolizei* commented: 'The people were swept into a fearful frenzy, driving them to suicide'.³⁷

In contrast to the Katyn and Winniza propaganda, Goebbels did not use the Nemmersdorf case in order to justify German measures against the Jews or to evoke fear of a 'Jewish revenge'. However, it seems that it was not necessary to repeat these claims. In Stuttgart,

³⁵ Steinert, *Hitlers Krieg und die Deutschen*, p. 523. ('kinderlose')

³⁶ Kershaw, *The End. Hitler's Germany 1944-45*, p. 117.

³⁷ BA-MA, RH 2/2684, fol. 73-74: Sicherheitspolizeiliche Ermittlungen in Germau, Krattlau und Ammental, 16.2.1945. ('Die Menschen hatten sich aus Angst zum Selbstmord hinreißen lassen')

which had been bombed weeks earlier, the SD reported that the news from Nemmersdorf was discussed in the context of German measures against the Jews:

The leadership must realise that every thinking human, when he sees these blood sacrifices, cannot help but think of the atrocities which we committed in enemy lands and even in Germany. Did we not slaughter thousands of Jews? Did German soldiers not repeatedly say that Jews had to dig their own graves in Poland? And what did we do with the Jews who were in the concentration camps in Alsace? Jews are, after all, also human.³⁸

At the end of the report, the SD indicated that, despite this criticism, the message that the Jews would do the same to the Germans in revenge, had been understood: 'We have demonstrated to the enemy what they are allowed to do with us in the event of their victory'.³⁹

As before, the investigators also gathered significant evidence for Soviet war crimes against German soldiers. In November 1944, the office of the General for Special Assignments compiled a comprehensive report on such crimes. German soldiers who had escaped from Soviet captivity recounted the murder of German soldiers after they had surrendered. One soldier reported that after they had left their trench with their hands raised above their heads, the Soviets instructed them to lie on the ground. Subsequently, they opened fire, killing or severely wounding most of them. Then, the Red Army soldiers said that those who were still able to do so should get up. Of the 160 men, only 9 were able to comply. Another soldier recounted that 15 or 16 soldiers of the *Waffen-SS* who wanted to surrender to the Soviets were told to stand in a slit trench and were later shot with machine guns.

³⁸ Kulka and Jäckel (eds.), *Die Juden in den geheimen NS-Stimmungsberichten 1933-1945*, p. 546. ('Sie (die Führung) müßte sich doch sagen, daß jeder denkende Mensch, wenn er diese Blutopfer sieht, sofort an die Greuelthaten denkt, die wir im Feindesland, ja sogar in Deutschland begangen haben. Haben wir nicht die Juden zu Tausenden hingeschlachtet? Erzählen nicht immer wieder Soldaten, Juden hätten in Polen ihre eigenen Gräber schaufeln müssen? Und wie haben wir es denn mit den Juden gemacht, die im Elsaß im KZ waren? Die Juden sind doch auch Menschen.', 'Damit haben wir den Feinden ja vorgemacht, was sie im Falle ihres Sieges mit uns machen dürfen.')

³⁹ *Ibid.* ('Damit haben wir den Feinden ja vorgemacht, was sie im Falle ihres Sieges mit uns machen dürfen.')

Those who had survived being taken prisoner described being tortured. Another soldier said that his Soviet captors pulled out his fingernails with pincers and beat him repeatedly. He was also tied behind a horse and forced to run to keep up with it until his feet were bleeding.⁴⁰

Goebbels continued to hold back this material, lest it affect morale. For the time being, he saw no reason to alter this consistent stance. He wrote:

Our troops fight extraordinarily. An encouragement of their general morale and steadfastness is presently unnecessary. The publication of the Nemmersdorf atrocities has been sufficient to make it clear to every soldier what is at stake.⁴¹

In addition to general concerns, he had a particular reason not to highlight war crimes against regular German soldiers. In October 1944, the regime had conscripted male civilians into the *Volkssturm*, a last line of defence militia. On 18 October, Himmler had given a speech to new conscripts in East Prussia, in which he told them that they were the last line of defence in order to prevent the ‘extermination’ of the German people.⁴² In light of the German practice of punishing enemy civilians for armed resistance, regardless of whether or not they were recognisable as combatants, the establishment of the *Volkssturm* created predictable confusion. In 1939, the regime had denied Polish civilians the right to take up arms. The investigations had shown that German soldiers believed civilian resistance to be illegitimate even when they were recognisable as combatants and carried their weapons openly. Then there was the memory of the anti-partisan war in the Soviet Union, in which the investigators had learned that German soldiers executed those partisans

⁴⁰ BA-MA, RH 2/2583, fol. 117-118: General z.b.V., Völkerrechtsverletzungen, 11.11.1944.

⁴¹ *Goebbels-Tagebücher*, Pt. 2, Vol. 14, p. 159, 5.11.1944. (‘Unsere Truppe kämpft hervorragend; eine Anfeuerung ihrer allgemeinen Moral und Standhaftigkeit ist im Augenblick nicht notwendig. Die Veröffentlichung der Greuelthaten von Nemmersdorf hat schon ausgereicht, um jedem Soldaten klarzumachen, worum es geht.’)

⁴² *Völkischer Beobachter*, Der erste Appell, 20.10.1944. (‘Ausrottung’).

whom they had captured without any concern for the legality of their actions. Against this background, it is unsurprising that the regime had no interest in publicising reports which would have shown that even regular German soldiers could not reasonably expect to be treated fairly if captured. Nevertheless, as in the Katyn campaign, the reports showed that Germans were very much able to think for themselves and articulated severe doubts in regard to what the *Volkssturm* members could expect. A report from East Prussia stated: 'It was not clear to the majority of the population if the members of the *Volkssturm* were to be considered "combatants" or "partisans without the protection of the international laws of war"'.⁴³ Also the *Wehrmacht* registered concerns that the enemy would not recognise the *Volkssturm* as regular troops and 'that the captured men of the *Volkssturm* would be shot on the spot'.⁴⁴

In a similar fashion to the Katyn and Winniza campaign, the regime wanted to make the case internationally that, whatever their own misdeeds, they were still less terrible than the Soviets. Crudely put, the *Reich* presented itself as the heroic defender of European culture against the hordes from the steppes whipped into a frenzy by the 'Jewish Commissars'. However, this proved more difficult than ever before. When the Red Army liberated the Majdanek concentration camp in July 1944, a Polish-Soviet Extraordinary Commission set out to conduct an investigation.⁴⁵ At the start, the investigators found out that the German camp commanders had taken steps to hide the murders of prisoners from them. Bodies had

⁴³ Christian Tilitzki, *Alltag in Ostpreußen. Die geheimen Lageberichte der Königsberger Justiz 1940-1945* (Leer, 1991), p. 288. ('Die Mehrzahl der Bevölkerungskreise war sich nicht darüber im klaren, ob der Volkssturmmangehörige als "Kombattant" oder als "Partisane ohne völkerrechtlichen Schutz" aufzufassen sei.') David K. Yelton, *Hitler's Volkssturm. The Nazi Militia and the fall of Germany, 1944 - 1945* (Lawrence, Kan.), pp. 89-105.

⁴⁴ Wolfram Wette, Ricarda Bremer, and Detlef Vogel (eds.), *Das letzte halbe Jahr. Stimmungsberichte der Wehrmachtspropaganda 1944/45* (Essen, 2001), p. 148. ('den Volkssturm als reguläre Truppe nicht anerkenne und die gefangen genommenen Volkssturmmänner gleich erschießen werde.')

⁴⁵ Communique of the Polish-Soviet Extraordinary Commission for Investigating the Crimes committed by the Germans in the Majdanek Extermination Camp in Lublin (Moscow, 1944). Stone, *The Liberation of the Camps*, pp. 36-40.

been stacked on railway tracks, soaked in petrol and set ablaze. Crematoria were also used to incinerate bodies.⁴⁶ Afterwards, the bones were ground up. Forensic experts established that the gas chambers within the camp had been used to kill prisoners, either via carbon monoxide poisoning or with the aid of a potassium cyanide compound known as Zyklon B, of which they discovered five hundred canisters.⁴⁷ The commission estimated that this setup enabled the Germans to murder more than one thousand prisoners at a time and concluded that the prisoners had been brought there for the sole purpose of their murder.⁴⁸ Their report quoted a former SS officer who explained that Majdanek was therefore called an ‘extermination camp’.⁴⁹ The commission established that the victims were Soviet and Polish prisoners of war as well as men, women, and children from Western Europe and from the German-occupied territories in the East. The committee estimated over a million bodies had been burned in the crematoria.⁵⁰

As a result, the German propaganda regarding Nemmersdorf was competing with recent revelations of a completely different scale, which had already been reported internationally. As the Soviet-Polish commission had identified the SS as the perpetrators in Majdanek, it is unsurprising that the SS would not play a prominent role in the subsequent Nemmersdorf propaganda effort. This distinguished the campaign from the public role of the SS in the investigations in Poland in 1939 and Winniza in 1943. This decision also made sense because the *Waffen-SS* doctor on the scene, Karl Gebhardt, had been involved in war crimes. He had conducted human experiments on concentration camp prisoners in 1942 and 1943. He had Polish women infected with gas gangrene in order to identify the most

⁴⁶ *Ibid.*, p. 16.

⁴⁷ *Ibid.*, p. 14.

⁴⁸ *Ibid.*, pp. 3-5.

⁴⁹ *Ibid.*, p. 2.

⁵⁰ *Ibid.*, p. 26.

effective treatment for this common cause of death among wounded German soldiers. He had also ordered a different experiment regarding the transplant of bones. He had his assistant remove the shoulder blade of a Polish woman, who was subsequently killed, so that he could insert it into a patient. Gebhardt also carried out an experiment on Soviet prisoners of war, in which he removed their skullcaps under light anesthesia and performed surgery on their brains. He later had these men killed in order to further examine their brains.⁵¹

Before they had come to Nemmersdorf, the *Sicherheitspolizei* unit from Tilsit had assisted in the exhumation of mass graves and the incineration of the remains of those killed by the *Einsatzgruppen* in the East in 1941.⁵² This was part of a concentrated effort by the regime to hide the traces of their actions before the Red Army discovered them, a process which had begun in the extermination camps in the East, and which had not been completed in Majdanek because of the speed of the Soviet advance in July 1944. This effort, which was code-named ‘Aktion 1005’ was headed by Paul Blobel, the *Einsatzkommando* leader who had helped the forensic pathologist and German war crimes investigator Gerhart Panning to carry out the human experiment with explosive ammunition on Soviet prisoners of war in 1941.⁵³ Blobel, who was also responsible for mass executions of Jews, most notably at Babi Yar, would revisit the sites where mass executions had taken place.⁵⁴ There, his *Sonderkommando* forced Jewish prisoners to dig up the bodies, burn them and grind up the bones, before they, too, were executed after they had fulfilled their task, so that not a single

⁵¹ Ebbinghaus and Roth, *Kriegswunden. Die kriegschirurgischen Experimente in den Konzentrationslagern und ihre Hintergründe*.

⁵² Hans-Heinrich Wilhelm, *Die Einsatzgruppe A der Sicherheitspolizei und des SD 1941/42* (Frankfurt am Main, 1996), p. 438.

⁵³ Streim, *Zum Beispiel: Die Verbrechen der Einsatzgruppen in der Sowjetunion*, p. 75.

⁵⁴ Erhard Roy Wiehn, ‘Die Schoah von Kiew-Babij-Jar 1941’, in Erhard Roy Wiehn (ed.), *Babi Jar 1941. Das Massaker deutscher Exekutionskommandos an der jüdischen Bevölkerung von Kiew 60 Jahre danach zum Gedenken* (Konstanz, 2001), pp. 21-70.

witness would remain.⁵⁵ In spite of the regime's efforts to keep 'Aktion 1005' secret, its observers of morale noted that news leaked and began to circulate as rumours. For example, in October 1943, the SD from Bavaria reported the following: 'The *Führer* is supposed to have had the Jews dug up again and burned, so that in the event of a further retreat in the East, no propaganda material similar to Katyn, etc., should fall into the hands of the Soviets'.⁵⁶

Due to the decision not to involve the SS, the *Wehrmacht* investigators would become crucial to the international promulgation of the Nemmersdorf case. They would speak to a hastily constituted International Commission, which had the same fundamental problem as those in Katyn and Winniza. It was led by the Estonian Fascist Hjalmar Mae. Its only 'neutral' member was Thorvald Calais from Sweden. As the crime scene had been destroyed, they were not taken to Nemmersdorf. Instead, the commission listened to carefully selected witnesses in front of an audience of party members and journalists who had assembled in the auditorium of the Charité hospital in Berlin. The first witness was the *Volkssturm* member Emil Radüns. He recounted that he saw several of the victims and emphasised that these civilians were shot after the fighting was over. The Secret Field Police was not called upon as witnesses; although they were part of the *Wehrmacht*, their units consisted of men who in their civilian lives served in the *Sicherheitspolizei*. Moreover, the Secret Field Police was tainted by its association with the Soviet Kharkov trial which had drawn into focus their crimes. Instead, the military judge Groch read out a long list with the names of the victims and the nature of their wounds. Werner Rose, the doctor whose observations were repeated by Groch, was also not present for reasons that are

⁵⁵ Shmuel Spector, 'Aktion 1005. Effacing the Murder of Millions', *Holocaust and Genocide Studies*, 5/2 (1990), pp. 157-73, pp. 167-68. Jens Hoffmann, "Aktion 1005" - wie die Nazis die Spuren ihrer Massenmorde in Osteuropa beseitigten (Hamburg, 2008), pp. 91-100.

⁵⁶ Stargardt, Rumors of Revenge, p. 373.

unclear. Groch explained that the victims had been killed with shots fired from close range, which suggested that they had not been killed during the fighting but rather in a manner that followed the pattern of the murders in Katyn and Winniza. Groch then embellished Rose's evidence and claimed that most of the victims had been shot with small calibre weapons, a claim which was designed to suggest that the shooters had been Commissars who carried such pistols. However, no such autopsy had been carried out. The Commission also heard Major Hans Hinrichs from *Fremde Heere Ost*, the military intelligence office for the Eastern Front. He emphasised that he believed that these crimes had been committed on the orders of the Soviet leadership. He stated: 'It follows from Stalin's order in May of this year that the "animal" should now be exterminated in its lair'. The Committee concluded that 'all facts contradict the norms of the international laws of war in regard to the conduct of warfare and that the crimes make a mockery of all humane sentiments'.⁵⁷

Despite the carefully staged nature of the tribunal, it ultimately generated little international impact – so little, in fact, that the Soviets, in contrast to Katyn, felt no need to engage with the German claims.⁵⁸ Therefore, it is unsurprising that the regime did not make another attempt at international propaganda when German troops discovered just a few days after the 'Nemmersdorf tribunal' that the Red Army had also killed civilians in Goldap. In contrast to Nemmersdorf, the *Wehrmacht* investigators did not encounter their SS counterparts or propagandists at the site. In one house, the body of an old woman was found left lying on the floor with her legs splayed and her skirt rolled up. According to the investigation report, she had been raped and stabbed to death. Another civilian was also

⁵⁷ *Völkischer Beobachter*, Wie Moskaus Henker tobten, 3.11.1944. ('Es entspricht dem Befehl Stalins vom Mai dieses Jahres, dass das "Tier" nur in seiner Höhle vernichtet werden soll', 'alle Tatsachen den völkerrechtlichen Normen der Kriegführung widersprechen und daß die Verbrechen jedem menschlichen Gefühl Hohn sprechen'); Fisch, *Nemmersdorf, Oktober 1944*, pp. 154-58.

⁵⁸ *Ibid.*, p. 150.

found stabbed to death. The case would have been of limited use for domestic propaganda as the investigations revealed that those who had been particularly brutally murdered were Nazi party officials, challenging the narrative that the Soviets were indiscriminate in their violence. According to the report, the deputy district leader from Insterburg was ‘mutilated beyond recognition’. He had been dragged around by a noose that was still hanging around his neck. The bodies of two other party officials were covered from head to toe with stab wounds. They also discovered the bodies of German soldiers who displayed signs of gruesome mutilation, something which the propagandists had no interest in publicising.⁵⁹

When the Red Army launched its major offensive into the Eastern German provinces in January 1945, investigators learned that it was committing terrible atrocities against men, women, and children. The *Wehrmacht*'s own retreat, however, made investigations at best difficult and more often impossible. Reports remarked: ‘Many unconfirmed reports about atrocities’.⁶⁰ One of the few comprehensive investigations took place in Germau and Krattlau. After the Soviets had occupied Germau, they had locked between 400 and 500 civilians in the church, most of them women, children, and elderly men. Over the course of the next few days, Soviet soldiers entered the church and selected women whom they repeatedly raped in the houses surrounding the church. 150 women told the investigators that they had been raped. In Krattlau, the investigators heard that the Soviets had only selected the youngest and most attractive women to rape. One of the survivors told the investigator that she had been raped by seven men over a time period of 1 1/2 hours. Afterwards, she was taken to a different house where the rapes began again. Two women

⁵⁹ BA-MA, RH 2/2686, fol. 33: Auffindung von ermordeten Soldaten und Zivilpersonen in Goldap, 7.11.1944.

⁶⁰ BA-MA, RH 2/2684, fol. 80: Verhalten der Bolschewiken und Zustände in den feindbesetzten Gebieten, (‘Viele Gerüchte über Greuel ohne Bestätigung’.)

were killed during such ordeals.⁶¹ Another investigation took place in Laubin. With the exception of one woman who had a rash, all 40 women who had remained in the town were raped. The report summarised the findings as:

The Soviets consistently appeared in the rooms with their trousers undone and took the women forcefully to different rooms or houses in order to rape them there, or in one case they raped them in the company of their parents, other civilians, and children.⁶²

The report also explained that the Red Army soldiers ignored the men present, considering them to be no threat as they were disabled. They did, however, execute those men whom they believed had fought in the war against the Soviet Union.⁶³

As the investigators continued to learn more and more about the Soviet atrocities against civilians in the Eastern territories of the *Reich*, the scale of their findings created a dilemma for the propagandists. Goebbels initially held back this material for fear of spreading mass panic in the East and undermining civilians' confidence in the regime. However, as the military situation continued to worsen in February 1945, with much of East Prussia and Silesia already in Soviet hands, Goebbels came to realise that there was little benefit to holding back: 'If this material does not help us, the people and the *Wehrmacht* react negatively, then what else can one do to make the nation continue the struggle'.⁶⁴ On 9 February 1945, the *Völkische Beobachter* published an article entitled 'This is How the

⁶¹ BA-MA, RH 2/2684, fol. 73-74: Sicherheitspolizeiliche Ermittlungen in Germau, Krattlau und Ammental, 16.2.1945.

⁶² BA-MA, RH 2/2685, fol. 58-59: AOK 17, Bericht über sowjetische Greuelthaten in Berthelsdorf, Lauban, 8.3.1945. ('Die Sowjets seien durchweg in angetrunkenem Zustand mit offener Hose im Zimmer erschienen und haben die Frauen mit Schlägen zur Vergewaltigung in andere Räume oder Häuser verschleppt oder in einem Fall im Beisein der Eltern, anderer Zivilisten und Kinder geschändet. Die zurückgebliebene männliche Bevölkerung war nicht beachtet worden, weil behindert. Erschossen wurden Personen, die in Russland gekämpft hätten.')

⁶³ *Ibid.*

⁶⁴ *Goebbels-Tagebücher*, Pt. 2, Vol. 15, p. 337, 8.2.1945. ('Wenn dies Material nicht mehr hilft und das deutsche Volk und die Wehrmacht negativ darauf reagieren, was sollte man dann noch vorbringen, um die Nation zum weiteren Durchhalten zu bestimmen.')

Soviets Rampage through East Germany' which argued in colourful language that the cases described showed

the merciless method of extermination, through which the Bolshevick want to turn Germany into a desert devoid of humans; the German women are raped and subsequently murdered together with children and the elderly, in order to eradicate our people biologically. Men are tortured and killed but also kept alive and deported as slave labourers to the Soviet Union.⁶⁵

But Goebbels still held back some of the available material regarding Soviet war crimes: in February 1945, he had received news that a Soviet submarine had sunk the *Wilhelm Gustloff* as it ferried German soldiers and civilians across the Baltic Sea.⁶⁶ Although this sinking represented the hitherto largest sea catastrophe in history with 9,000 victims, Goebbels did not use this case for propaganda. It would have further undermined confidence in the regime's military capacity and specifically its ability to evacuate the German population from the East. It was also unsuitable for international propaganda due to German actions in the past. In 1915, the *Reich* had justified the sinking of the *Lusitania* with the claim that the ship had carried ammunition aboard. To condemn the sinking of the *Wilhelm Gustloff*, which had carried soldiers on board, would have meant a complete reversal of the German position of the past 20 years.⁶⁷ Certainly, Goebbels was not above making U-Turns of this kind, but at this point in the conflict, the potential propaganda benefits could scarcely have seemed worth the considerable mental gymnastics required.

⁶⁵ *Völkischer Beobachter*, So wüten die Sowjets in Ostdeutschland, 9.2.1945. ('die erbarmungslose Methodik der Ausrottung, mit denen der Bolschewismus Deutschland in eine menschenleere Wüste verwandeln will; die deutschen Frauen werden vergewaltigt und nachher mit Kindern und Greisen zusammen getötet, um so unser Volk biologisch auszulöschen. Die Männer werden gequält und getötet, aber auch am Leben erhalten und dann als Arbeitssklaven nach der Sowjetunion deportiert.')

⁶⁶ *Goebbels-Tagebücher*, Pt. 2, Vol. 15, p. 291, 1.2.1945.

⁶⁷ Cathryn Prince, *Death in the Baltic. The Sinking of the Wilhelm Gustloff* (Basingstoke, 2013), p. 169. Christopher Dobson, John Miller, and Ronald Payne, *The Cruellest Night. Germany's Dunkirk and the Sinking of the Wilhelm Gustloff* (London, 1979), pp. 140-41.

As Goebbels continued to focus on the atrocities committed against civilians on land, he hoped that these events would also enable him to turn international sentiment in favour of the *Reich*. For this purpose, he demanded ‘that prominent National Socialists exercise restraint in publicising the Soviet atrocities, so that our reports receive greater international credibility’.⁶⁸ Like in Nemmersdorf, the *Wehrmacht* investigations, however, had revealed information that did not support the narrative of a Soviet ‘war of extermination’ against the German people. The investigators knew that the Red Army soldiers did not systematically rape and murder on the basis of a general order that called for the extermination of all Germans. Similar to the findings at Nemmersdorf, the investigations in early 1945 revealed that local Soviet commanders played an important role in how the encounters of the Red Army with the German civilian population played out, one way or the other. Hertha Kerl, for example, testified that an officer initially intervened to protect them from Red Army soldiers who threatened them. At night, however, her two sisters were called away. When they returned, they told Hertha that they had been raped. They were then let go and returned to their parents’ house, where Hertha was raped by a Soviet interpreter and subsequently by the three soldiers who had held her down during her first rape. She was raped again in front of her children.⁶⁹

In regard to the events in Germau, captured Soviet soldiers testified that they had locked up the women inside the church to prevent violence against them. However, drunken officers had entered the church and started to rape the women.⁷⁰ German witnesses independently confirmed that when a new Soviet commander learned of the rapes, he

⁶⁸ *Goebbels-Tagebücher*, Pt. 2, Vol. 15, p. 424, 5.3.1944. (‘dass ausgesprochene Nationalsozialisten sich bei der Publizierung der sowjetischen Greuel etwas zurückhalten, da unsere Nachrichten damit eine größere internationale Glaubwürdigkeit erhalten.’)

⁶⁹ BA-MA, RH 2/2688, fol. 41: Fremde Heere Ost, Dieter Matschullat, 13.3.1945.

⁷⁰ BA-MA, RH 2/2684, fol. 71: Oberkommando der Armee-Abteilung Sanland, Sergej Kostikoff, 13.2.1945.

ordered his soldiers to prevent this from happening again and to open fire on their own men if necessary.⁷¹ From letters captured with Soviet soldiers, the investigators also learned where the motivation for this violence came from: not, as Goebbels would have it, from generalised racial hatred, but as revenge for crimes committed by the Germans in the Soviet Union. One Soviet soldier wrote: ‘We liberated hundreds of Soviet citizens from Fascist subjugation. (...) We exercise revenge and this revenge is just’.⁷² Another soldier wrote: ‘We exercise revenge against the Germans for all the crimes that they have committed against us’.⁷³ Another soldier wrote that this revenge was directed against German women: ‘Now, the German women should have to experience the terror of war. They should experience themselves what they had intended for other peoples’.⁷⁴

On 26 March 1945, *Fremde Heere Ost* conducted a review of the material on Soviet atrocities which summarised the state of German knowledge. The review explained that Soviet commanders encouraged their men to exercise revenge for atrocities that the Germans had committed in the Soviet Union, citing Marshal Zhukov as having said: ‘We are going to exercise gruesome revenge for everything. For the death, for the blood of our Soviet people, the Fascist thieves will have to pay with still more of their mean, dark blood’.⁷⁵ According to the report, this encouragement resulted in atrocities against German

⁷¹ BA-MA, RH 2/2684, fol. 73: Sicherheitspolizeiliche Ermittlungen in Germau, Krattlau und Ammental, 16.2.1945.

⁷² BA-MA, RH 2 2685, fol. 135-136: Auszüge aus sowjetischen Feldpostbriefen (‘Wir befreien hunderte von Sowjetmenschen aus der faschistischen Knechtschaft. (...) Wir nehmen Rache für alles und unsere Rache ist gerecht’, ‘Und wir nehmen Rache and den Deutschen für all ihre Schandtaten, die sie an uns verübt haben’, ‘Schrecken des Krieges verspüren. Sollen sie das, was sie den anderen Völkern zudedacht haben, jetzt selbst erleben.’). Zeidler, *Kriegsende im Osten*, p. 136-37.

⁷³ *Ibid.*

⁷⁴ *Ibid.*

⁷⁵ BA-MA, RH 2/2889, fol. 159: Fremde Heere Ost, Lage in den von der Roten Armee neubesetzten deutschen Gebieten, 26.3.1945. (‘Wir werden uns grausam rächen für alles.’ ‘Für den Tod, für das Blut unseres Sowjet-Volkes sollen die faschistischen Räuber mit der vielfachen Menge ihres gemeinen schwarzen Blutes bezahlen.’)

civilians along the entire Eastern Front, particularly against German women and girls. The report concluded that Red Army soldiers took the violence so far that Soviet commanders became concerned over its adverse impact on the military discipline and on Soviet relations with the Western Allies. As a result, the Soviet commanders issued orders that threatened punishment for the violence that they had previously encouraged. As an example of this, the report cited Zhukov who now threatened to hold his commanders accountable for their actions.⁷⁶

In March 1945, Goebbels concluded that the propaganda campaign, which had given Germans no idea about such complexities, had been a success: 'We have succeeded, through our atrocity campaign against the Bolsheviks, to stabilise our front in the East, and to prompt the civilian population to adopt an absolute defensive readiness'.⁷⁷ In light of the renewed optimism prompted by the delay in the Soviet advance, a *Wehrmacht* officer compiled a list of names of Soviet war criminals in order to counter the 'Allied show trials, which had made the term war criminal synonymous with German'.⁷⁸ The report presented evidence against eight Soviet commanders. The first one on the list was Senior Lieutenant Sashenko, Commander of the 275th Rifle Regiment, who was held responsible for the murders and rapes in Germau. The description in this 'indictment' differed from the original report in that it gave a much higher number of victims and omitted the exculpatory

⁷⁶ BA-MA, RH 2/2889, fol. 160: Fremde Heere Ost, Lage in den von der Roten Armee neubesetzten deutschen Gebieten, 6.3.1945.

⁷⁷ *Goebbels-Tagebücher*, Pt. 2, Vol. 15, p. 609, 28.3.1945. ('Es ist uns durch unsere Greuelkampagne gegen die Bolschewisten gelungen, unsere Front im Osten wieder zu befestigen sowie auch die Zivilbevölkerung in absolute Abwehrbereitschaft zu versetzen.')

⁷⁸ BA-MA, RH 12-23/542: OKW/WPr IV an 1 SKL: Maßnahmen gegen die feindliche Propaganda mit Kriegsverbrechern, 30.12.1944. ('Schauprozessen, der Begriff „Kriegsverbrecher“ gleichbedeutend mit deutsch geworden.')

evidence which had surfaced since then, most notably the claim that the commander had intervened to stop the rapes.⁷⁹

At this point, in reality it was the Nazi regime that had cause to fear a war crimes tribunal. It had come increasingly under pressure, not only in the East but also in the Western theatre of war. In the past they had not faced this problem, as their enemies in the West were unable to carry out investigations on territory that was held by the Germans. For example, in 1940, the *Waffen-SS* had committed severe war crimes against British troops, the news of which did not reach the retreating British. On 28 May 1940, the *Waffen-SS Leibstandarte Adolf Hitler* had executed 80-90 British prisoners of war captured at Wormhoudt on the orders of Wilhelm Mohnke. He had intercepted a column of prisoners of war and berated the officer in charge for taking prisoners and made it clear to him in no uncertain terms that he expected the prisoners to be shot. The *Waffen-SS* men put the prisoners in a barn, threw grenades inside and then opened fire into the building.⁸⁰ On the same day, the *Waffen-SS Totenkopf Division* had carried out a mass shooting of 100 British prisoners of war at Le Paradis. After they had been captured, the prisoners were searched and marched across the road where they were lined up against a wall and shot with two machine guns. Those who still displayed signs of life were killed with bayonets.⁸¹ The executions of 1940 did not become a problem for the regime: the survivors whose wounds had been treated by *Wehrmacht* medics had become prisoners of war, unable to relay news of this massacre until they were exchanged for German prisoners in 1943.⁸² In the meantime, the Germans attempted to eradicate the traces of the murder. French workers were ordered to open the

⁷⁹ BA-MA, RH2/2685: Lt. A. Naas, Namentliche Erfassung sowjetischer Kriegsverbrecher, 17.3.1945.

⁸⁰ Ian Sayer and Douglas Botting, *Hitler's Last General* (London, 1989), pp. 61-68.

⁸¹ Charles W. Sydnor, *Soldiers of Destruction. The SS Death's Head Division 1933-1945* (Princeton, NJ, 1977), pp. 106-08.

⁸² *Ibid.*, p. 86.

mass grave and thereafter distributed the bodies to several smaller, less conspicuous grave sites.⁸³

In 1944, Mohnke and other commanders of the *Leibstandarte* acted no differently. However, this time the crucial difference would be that the Germans had to retreat, enabling the Allies to conduct investigations. Led by former *Leibstandarte* members, *Waffen-SS Division Hitlerjugend* was ordered to repel the Allied invasion in June 1944 in Normandy. Like many other Germans, the commanders believed that defeating the British and American forces on land would bring about a decisive turning point in the course of the war, making it impossible for the Allies to mount another invasion for a long time. If the *Waffen-SS* and *Wehrmacht* divisions failed, the *Reich* would find itself under attack on two fronts in precisely the scenario that it had so carefully sought to avoid.⁸⁴ In an effort to strengthen the resolve of their soldiers, the commanders told the *Hitlerjugend* soldiers to view their deployment as an opportunity to exercise revenge for the bombing war. During their training, the recruits had seen the Allied planes fly over them; and some received news that their relatives had been killed by the bombs those planes had dropped.⁸⁵ In order to discourage them from surrendering to the enemy, the commanders also told their recruits that the Allied soldiers would shoot them.⁸⁶ In combat, the *Hitlerjugend* members acted accordingly, leaving behind a trail of evidence for Allied investigators to find. Canadian investigators spoke to a Canadian soldier who had been injured in Authie and who testified that he had seen a *Waffen-SS* soldier stab to death a severely wounded Canadian soldier.

⁸³ Sayer and Botting, *Hitler's Last General*, p. 86.

⁸⁴ Stephen Hart, 'Indoctrinated Teenaged Nazi Warriors. The Fanaticism of the 12th SS Panzer Division Hitlerjugend', in Matthew Hughes and Gloria Johnson (eds.), *Fanaticism and Conflict in Modern Conflict* (London, 2005), pp. 81-100, p. 85.

⁸⁵ Brode, *Casual Slaughters*, p. 15.

⁸⁶ Hart, *Indoctrinated Teenaged Nazi Warriors*, pp. 84-90.

Subsequently, three other soldiers of the *Waffen-SS* shot eight Canadian prisoners and dragged one of the bodies into the middle of the road so that vehicles would run over it.⁸⁷ The Canadian investigations also learned that commanders of the *Hitlerjugend* had ordered Canadian prisoners of war to be executed after they had been unsuccessfully interrogated. Compared to what had happened in Authie, this was a much more serious case, not just a case of spontaneous vengeance in the volatile situation after a battle, but a systematic murder ordered by a commanding officer. A French witness explained that a *Hitlerjugend* commander personally interrogated two groups of three prisoners before they were executed at his headquarters.⁸⁸ Prisoners from the *Hitlerjugend* also severely incriminated their commanders. One testified that a commander had ordered the execution of seven Canadian prisoners.⁸⁹ Another witnessed the execution of three prisoners in the presence of Mohnke and directed the investigators to where the three bodies had been buried.⁹⁰ It only became known after the war was over that Mohnke was also responsible for another shooting of prisoners of war. Just as in 1940 at Wormhoudt, he intercepted a column of Canadian prisoners of war, berated the officer in charge and gave him the order to execute the 40 prisoners. There were five survivors who were taken prisoner by the retreating *Wehrmacht* so that they could not relay news of this massacre.⁹¹ The Canadians viewed the evidence which they had collected as sufficient to assume that there was an order in place on the German side that called for the execution of prisoners of war. In order to protect

⁸⁷ Howard Margolian, *Conduct Unbecoming. The Story of the Murder of Canadian Prisoners of War in Normandy* (Toronto, 2000), pp. 60-62.

⁸⁸ Brode, *Casual Slaughters*, pp. 8-9. Margolian, *Conduct Unbecoming*, pp. 125-29.

⁸⁹ Hart, *Indoctrinated Teenaged Nazi Warriors*, p. 89.

⁹⁰ Brode, *Casual Slaughters*, p. 21.

⁹¹ Hart, *Indoctrinated Teenaged Nazi Warriors*, p. 89.

their soldiers, the Canadians announced to the German troops that they knew of the killings and threatened them with consequences.⁹²

In the past, the *Wehrmacht* had tried to neutralise such threats with denials and counter-examples which were supposed to weaken the allegations by claiming that the enemy was guilty of similar offences. For example, in September 1943, the British government had protested against the execution of British prisoners of war at Djebel Djaffa that occurred in April earlier that year. A survivor explained that the German soldiers told him and another prisoner to face a wall before they opened fire at them. The witness survived by pretending to be dead and observed how another soldier was taken away and then shot.⁹³ In response to the British protest, the *Wehrmacht* had pointed to a similar case of a British war crime committed against German soldiers which had taken place in the same theatre of war. On 17 May 1941, four German soldiers, who had been taken prisoner near Tobruk, were told to form a line before an English soldier fired shots at them. One of the prisoners lost consciousness after he had experienced what he described as an electric shock, but which in reality was a bullet that hit him in the arm. When he woke up, he realised that all his comrades had been killed.⁹⁴ The situation did not escalate, presumably because both sides did not have an interest in a repetition of the events of 1942, when the Germans initiated reprisals against British soldiers after they had discovered that British commandos were shackling German prisoners, prompting a tit-for-tat exchange which was then quietly resolved. In 1944, the Germans were even less well positioned for such an escalatory

⁹² Brode, *Casual Slaughters*, p. 20.

⁹³ BA-MA, RW 2/46, fol. 4-5: Amt Ausland/Abwehr an Wehrmacht-Untersuchungsstelle, Abschrift einer Verbalnote der Schweizerischen Gesandtschaft vom 15.9.1943, 1.10.1943.

⁹⁴ BA-MA, RW 2/46, fol. 28: Wehrmacht-Untersuchungsstelle an Wehrmacht-Rechtsabteilung, 13.1.1944. RW2/61, fol. 9, 88R: Gericht des Hauptquartiers OKH, Heinz Vetter, 2.7.1942.

exchange. They would have been unable to match the reprisals against them as they held far fewer British soldiers in captivity.

Furthermore, the Germans could make little headway in countering Canadian investigations, lacking as they did a catalogue of Canadian transgressions from which to draw. Without such material to counter or at least offset the allegations concerning the actions of the *Hitlerjugend* in Normandy, the regime could do little more than inform the Canadians that they were conducting investigations into the allegations.⁹⁵ Although the Investigation Office routinely investigated cases in which members of the SS were the victims, the *Wehrmacht* had no jurisdiction over SS members who stood accused of crimes. Therefore, instead of forwarding the complaint to the Investigation Office, which had been created specifically to look into such allegations, it landed on the desk of Mohnke who was effectively asked to self-investigate. He replied that the Canadian allegations were baseless and with this flimsy response, the *Wehrmacht* rejected the Canadian protests as propaganda fabrications.⁹⁶ In the end, the Canadians decided not to escalate in retaliation. Their investigators had registered that the Waffen-SS had refrained from murdering their prisoners of war once they had realised that their mission to halt the Allied landings had failed; the initial excitement of battle had faded away and the idea that they might face consequences for their actions had taken hold and so no new massacres were committed.⁹⁷

In December 1944, the Western Allies' patience was tested yet again, when the Germans launched the Ardennes offensive in a final effort to turn the tide in the Western theatre of war. Again, Mohnke was in charge of spearheading this crucial advance. He told his officers that the battle would have 'to be fought with special brutality and without human

⁹⁵ Brode, *Casual Slaughters*, p. 28.

⁹⁶ *Ibid.*, p. 23, pp. 50-51. Lieb, *Konventioneller Krieg oder NS-Weltanschauungskrieg?*, pp. 160-61.

⁹⁷ Hart, *Indoctrinated Teenaged Nazi Warriors*, pp. 96-97.

inhibitions'.⁹⁸ The message that they passed on to their soldiers was: 'This humanitarian fussing around is over. Until now we have acceded to certain rules in the West. All that doesn't exist anymore. (...) We will fight them like we fought against the Russians'. In addition, Mohnke had also admonished his men to 'remember the victims of the bombing terror'.⁹⁹ The soldiers did not need much of a reminder as they had just helped to recover civilian victims in bombed-out Düren.¹⁰⁰

As in Normandy, the soldiers under Mohnke's command acted as they were encouraged to do, leaving a distinctive trail of crimes in their wake. Soon after the German offensive had started, American investigators spoke to two American soldiers who explained that they were survivors of a massacre that had been perpetrated by *Waffen-SS* troops at Malmédy. After a short fight, the American soldiers were disarmed and gathered on the roadside. Shortly afterwards, *Waffen-SS* soldiers opened fire at them and then proceeded to finish off those who were still displaying signs of life. The two survivors pretended to be dead until the Germans had left the area.¹⁰¹ As the site was situated behind German lines, it took until mid-January before Americans were able to conduct investigations that confirmed the witness accounts. Snow and the cold had preserved the bodies, some of which were still lying with their hands raised above their heads and autopsies confirmed that many of them had been killed with shots fired from close range.¹⁰² Even before the investigations were

⁹⁸ Parker, *Fatal Crossroads*, p. 24.

⁹⁹ *Ibid.*

¹⁰⁰ *Ibid.*, p. 22. Weingartner, *Crossroads of Death. The Story of the Malmédy Massacre and Trial*, p. 42.

¹⁰¹ Jens Westemeier, *Joachim Peiper. A Biography of Himmler's SS Commander* (Atglen, PA, 2007), p. 153.

¹⁰² John M. Bauserman, *The Malmédy Massacre* (Shippensburg, PA, 1995), pp. 82-85. Michael Frank Reynolds, *The Devil's Adjutant. Jochen Peiper, Panzer Leader* (Staplehurst, 1995), p. 92.

carried out, the Americans protested against the treatment of their soldiers and threatened severe consequences for German troops.¹⁰³

Like in Normandy, the *Wehrmacht* had no comparable material concerning American war crimes that would have enabled them to counter these allegations. There were few witnesses who had accused the American troops of any crimes at all. An exception was a claim made by the *Waffen-SS* soldier Xaver Schott, who testified that Americans used German prisoners as human shields. After he had been captured near Louviers in August 1944, he claimed that the Americans stripped them of their uniforms and put them naked on top of their tanks as they drove towards the German lines. He also detailed that he had been beaten for an attempt to escape. The Americans also fired shots at their feet while they were made to stand still for 24 hours as punishment for attacking a German pastor who had told them that the war was lost.¹⁰⁴

But such claims, even if verified, could hardly bear comparison with Malmédy, and so the *Wehrmacht* could only assure the Americans that they were taking the allegations seriously and that they had initiated inquiries.¹⁰⁵ The High Command once again circumvented its own war crimes Investigation Office and instead forwarded the request for information to the commanders of the responsible units who were, again, asked to self-investigate. Just as in Normandy, the SS commanders denied the Allied allegations, which the High Command then duly rejected and denounced as enemy propaganda.¹⁰⁶

¹⁰³ Charles Whiting, *Massacre at Malmédy. The Story of Jochen Peiper's Battle Group, Ardennes, December, 1944*. (London, 1971), p. 61.

¹⁰⁴ BA-MA, RW 2/89, fol. 8: Xaver Schott, 17.1.1945.

¹⁰⁵ de Zayas, *Die Wehrmacht-Untersuchungsstelle. Deutsche Ermittlungen über alliierte Völkerrechtsverletzungen im Zweiten Weltkrieg*, p. 205.

¹⁰⁶ Weingartner, *Crossroads of Death. The Story of the Malmédy Massacre and Trial*, p. 63.

After the Allied landings in Italy in 1943, the German treatment of not just enemy soldiers but also civilians moved into the focus of the Allied investigators. After the liberation of Rome in June 1944, a commission under the forensic expert Attilio Ascarelli began to concern itself with the executions of over three hundred civilians in the Ardeatine caves. Their examinations revealed that most of the victims had been killed with a shot to the base of the neck fired from close range. The victims had been prisoners of the *Sicherheitspolizei* and also of the *Wehrmacht* in Rome.¹⁰⁷ In October 1944, the American General Alexander cited the executions in the Ardeatine Caves in an appeal to the German troops. He explained that such incidents were being investigated by his headquarters and that he considered the officers and soldiers who carried out such acts to be war criminals who would be tried accordingly.¹⁰⁸

As a result of this American threat, the *Wehrmacht* turned its attention to the Ardeatine case. Back in March 1944, when the executions had occurred, the *Wehrmacht* had considered the shooting a routine reprisal for a partisan attack against a German police unit. In response to the killing of 33 police officers, it was decided to execute 330 civilian prisoners. At first glance, it seemed that they had fulfilled all requirements that rendered the reprisal legitimate in their own eyes: they had made public the executions in order to deter future acts of resistance.¹⁰⁹ The Italian investigations, however, claimed that the Germans had executed five more prisoners than they had publicly proclaimed, thereby exceeding their own ratio of deterrence. As these five individuals had not been executed as part of the reprisal, their death represented a murder, even by the regime's own

¹⁰⁷ Attilio Ascarelli, *Le Fosse Ardeatine* (Rome, 1965).

¹⁰⁸ BA-MA, NL 431/872: Aufruf General Alexanders an die deutschen Truppen in Italien, 20.10.1944.

¹⁰⁹ Steffen Prauser, 'Mord in Rom? Der Anschlag in der Via Rasella und die deutsche Vergeltung in den Fosse Ardeatine im März 1944', *Vierteljahrshefte für Zeitgeschichte*, 50/2 (2002), pp. 269–302, p. 290.

definitions.¹¹⁰ As a result of this confusion, the *Wehrmacht* sought reassurance from the SS, since it was the *Sicherheitspolizei* which had carried out the executions. The SS vetoed an investigation and replied: ‘After consulting the *Reichsführer SS* it is not deemed appropriate to have the matter investigated by the *Wehrmacht* Investigation Office’.¹¹¹ There was a clear reason for this response; as they had carried out the executions, the *Sicherheitspolizei* had accidentally brought five prisoners too many to the cave. Instead of returning them, the Head of the *Sicherheitspolizei* in Rome made the decision to have them executed alongside the others. There was no legal defence for this.¹¹²

For the domestic German audience, unaware of such Allied allegations, Goebbels tried to stir up fear and resentment towards the Americans. He argued that they would commit terrible atrocities against the civilian population. In order to convince the population of this, the *Völkische Beobachter* cited a specific case. It was alleged that American troops had forced the inhabitants of Wallendorf to watch as their town was set ablaze. According to the article, this conduct was proof that the American troops were not liberators, but ‘conquerors’ with the desire to exterminate the Germans. In Wallendorf, these ‘mercenaries of international Jewry’ had provided a chilling preview of their desire to pursue ‘the extermination of the home of the German to usher in their enslavement and extermination’.¹¹³ The *Völkische Beobachter* explained that the Americans intended to destroy German industry and to starve to death those Germans who could not be deported

¹¹⁰ Joachim Staron, *Fosse Ardeatine und Marzabotto. Deutsche Kriegsverbrechen und Resistenza. Geschichte und nationale Mythenbildung in Deutschland und Italien (1944–1999)* (Paderborn, 2002), pp. 36-70.

¹¹¹ BA-MA, NL 431/872: Wehrmachtsführungsstab an Wehrmachtsuntersuchungsstelle, 18.12.1944. (‘Es wird nach Benehmen mit dem Reichsführer-SS nicht für zweckmäßig gehalten, die Angelegenheit durch die Wehrmachtsuntersuchungsstelle aufklären zu lassen.’)

¹¹² Prauser, ‘Mord in Rom? Der Anschlag in der Via Rasella und die deutsche Vergeltung in den Fosse Ardeatine im März 1944’, p. 213.

¹¹³ *Völkischer Beobachter*, Das Fanal von Wallendorf, 14/15.10.1944. (‘Söldner des international Judentums’, ‘die Vernichtung der Heimat des deutschen Volkes als Beginn der Versklavung und Ausrottung’)

as slave labourers. It was alleged that 30 million Germans would fall victim to famine.¹¹⁴

It was argued that ‘a system of hunger is being deliberately brought against the population, serving the same purpose of exterminating the German people, and which all Anglo-American-Soviet extermination plans had as their goal’.¹¹⁵

Although many Germans had fled from the fighting in the West, Goebbels, however, had to learn that most Germans did not fear the Americans to the same extent as the Soviets. There had been no investigations in Wallendorf, which in reality had been destroyed during the fighting between American and German troops, and without photos or witness testimonies the case failed to develop any traction.¹¹⁶ The obvious reason for this was the fact that thousands of Germans had returned from American captivity in prisoner exchanges in 1943, whereas there was no reliable information about the fate of the German prisoners of war captured in the Soviet Union. After their return from American captivity, these former prisoners of war were interviewed by investigators in order to obtain information about any possible mistreatment of German soldiers. Many German prisoners had initially feared the worst from ‘Jewish officers’ in the American army.¹¹⁷ One soldier described the ‘hate-filled face’ of a ‘Jewish-looking’ officer who spoke German. When asked, however, he explained that ‘he did not threaten me with words, he also did not beat me’.¹¹⁸ In the

¹¹⁴ *Ibid.* (‘Ganz bewusst wird gegen die Bevölkerung ein Hungersystem in Anwendung gebracht, das dem gleichen Ziel der Ausrottung des deutschen Volkes dient, das alle anglo-amerikanischen-sowjetischen Vernichtungspläne sich zum Ziel gesetzt haben.’)

¹¹⁵ *Völkischer Beobachter*, Schikanen der USA-Truppen im Rheinland, 19.3.45. (‘Ganz bewusst wird gegen die Bevölkerung ein Hungersystem in Anwendung gebracht, das dem gleichen Ziel der Ausrottung des deutschen Volkes dient, das alle anglo-amerikanischen-sowjetischen Vernichtungspläne sich zum Ziel gesetzt haben.’)

¹¹⁶ Klaus-Dietmar Henke, *Die amerikanische Besetzung Deutschlands* (München, 1995), pp. 152-53.

¹¹⁷ Rafael A. Zagovec, ‘Gespräche mit der “Volksgemeinschaft”. Die deutsche Kriegsgesellschaft im Spiegel westalliierten Frontverhöre’, in Jörg Echternkamp (ed.), *Die Deutsche Kriegsgesellschaft 1939 bis 1945* (Das Deutsche Reich und der Zweite Weltkrieg, 9,2; München, 2005), pp. 289-382, p. 318.

¹¹⁸ BA-MA, RW 2/88, fol. 72R: Heinz Mende, 16.10.1944. (‘hasserfüllte Gesicht’, ‘mit Worten hat er mich nicht bedroht, geschlagen hat er mich auch nicht’)

end, in only a few cases, did witnesses mention violence towards German prisoners in American captivity. For example, one witness explained that two prisoners were talking to each other across a barbed wire fence, when a guard fired a shot at them, killing one of them.¹¹⁹ Another witness to the same incident explained that the guard had shot into the sand in order to remind the pair that it was not permitted to talk across the fence, but that the bullet had ricocheted and killed one of the German prisoners. The distraught German prisoners were even told that this case would be investigated by the Americans.¹²⁰

The German investigations seemed to confirm that the Americans did not treat German civilians as the Soviets had done. In 1944 and 1945, there were only a few cases in which investigators had documented American war crimes against German civilians. For example, in December 1944, the *Wehrmacht* soldier Matthias Weber testified that he saw German civilians moving towards the German lines from a bunker where they had sought refuge during the fighting. Amongst them were American soldiers. He concluded that the Americans had driven them out of hiding and used them as human shields.¹²¹

Despite the limited evidence, there were still some soldiers who remained convinced that the Americans would commit terrible crimes against the German civilian population. One such believer was the *Wehrmacht* soldier Hermann Drechsler. He had escaped from American captivity after he was taken prisoner in Aachen and returned to the German lines to protect his national comrades from the ‘Jewish officers’ who had subjected him to a mock execution and threatened revenge for the murder of the Jews. He quoted them: ‘All Germans are Nazis, are swine – go poison yourselves. What did you do with the Jews in

¹¹⁹ BA-MA, RW 2/87, fol. 63: Willibald Gold, 22.5.1944.

¹²⁰ BA-MA, RW 2/87, fol. 66R: Willi Ewald, 13.6.1944.

¹²¹ BA-MA, RW 2/83, fol. 7: Matthias Weber, 10.12.1944.

the concentration camps?’¹²² In doing so, he clearly echoed the theme of ‘Jewish revenge’ familiar from the Katyn campaign.

Given that cases such as these were few and far between, in the ongoing search for material to rebalance the mounting allegations regarding German war crimes in the Western theatre of war, the German Foreign Office decided it would be useful to collect material specifically concerning the air war. Albrecht, who had compiled the ‘Black Book’ on the Polish killings of ethnic Germans in 1939, criticised the narrow focus of the *Wehrmacht* Investigation Office, which had looked primarily at attacks against military hospitals, which more often than not did not produce clear results.¹²³ An example of this was an alleged attack by American planes against a German military hospital in Acquapendente in April 1944. According to a German witness, the hospital area had been clearly marked with Red Cross signs on the roofs. The witness also explained that there had been no military targets in the area. He noted, however, that nobody was killed, despite the bombs and the fact that the plane had fired its guns at the hospital.¹²⁴ After a thorough investigation, the case looked less straightforward. A different witness believed that the attack had been aimed at the nearby railway station. Another witness explained that the smokescreen deployed by the Germans to hide the railway station from bombers also obscured the Red Cross signs on the hospital buildings.¹²⁵ As a result, the investigating judge came to the conclusion that the hospital had been hit by accident.¹²⁶

¹²² BA-MA, RW 2/127, fol.4: Hermann Drechsler, 2.12.1944. (‘Alle Deutschen sind Nazis, sind Schweine. Gift könnt ihr kriegen. Was habt ihr mit den Juden im Konzentrationslager gemacht?’)

¹²³ BA-MA, RW 2/83, fol. 10: Albrecht, Völkerrechtswidrige Tieffliegerangriffe auf die deutsche Zivilbevölkerung, 24.12.1944.

¹²⁴ BA-MA, RW 2/79, fol. 41R: Theodor Luft, 15.5.1944.

¹²⁵ BA-MA, RW 2/79, fol. 147R: Emil Andrä, 8.11.1944.

¹²⁶ BA-MA, RW 2/79, fol. 148: Vermerk, 8.11.1944.

The German Foreign Office suggested widening investigations to include Allied aerial assaults on German cities, in particular:

The Anglo-American strafing attacks, which are aimed at the German civilian population itself, and are not just the offshoot of attacks against military objects, can be considered as military acts that violate the international laws of war and thus are war crimes.¹²⁷

Goebbels agreed with this suggestion and it was decided that the police rather than the *Wehrmacht* – whose dedication to finding out what had really happened was becoming ever more of a propaganda liability – ought to concern themselves with these cases.

In January 1945, the Reich Ministry for Propaganda announced internally that the ‘Anglo-American air terror against the civilian population’ would be highlighted abroad and warned: ‘In doing so, any tone of pity and any impression of weakness has to be avoided’, which suggested that the regime would stay true to its tactic not to publicise the true suffering caused by the bombings, lest it further weaken morale.¹²⁸ In February 1945, the bombing of Dresden presented an opportunity to put this directive into practice. After the Allied bombers had left, the Higher SS and Police Leader Elbe ordered an investigation into the bombing. There had been four waves of planes. The first struck the entire inner city, which caused a firestorm. The second attack was carried out with explosive bombs, with incendiary bombs being dropped over the areas where roofs had already been opened up by explosive bombs. By 10 March 1945, the police established that 18,375 people had been killed, while a further 15,930 individuals had been injured. Almost 350,000 had been made homeless. Most of the dead were burned or had been buried under the rubble. The

¹²⁷ BA-MA, RW 2/83, fol. 10: Albrecht, Völkerrechtswidrige Tieffliegerangriffe auf die deutsche Zivilbevölkerung, 24.12.1944. (‘Die anglo-amerikanischen Tieffliegerangriffe, die sich gegen die deutsche Zivilbevölkerung als solche richten und nicht lediglich Begleiterscheinungen von Angriffen auf militärische Objekte sind, können als völkerrechtswidrige Kampfhandlungen und damit als Kriegsverbrechen angesehen werden.’)

¹²⁸ BA-MA, RH 12-23/542: Bekämpfung der feindlichen Greuelagitation, 22.1.1945.

police estimated – very accurately, as it turned out – that the death toll would total about 25,000 victims.¹²⁹

Without waiting for the outcome of the investigations, the German Foreign Office started to use this case to argue that the Allies had deliberately targeted the civilian population in Dresden. To increase the impact of their allegation, the German Foreign Office circulated exaggerated estimates about the number of victims killed in the attack. In March 1945, the police investigative report was leaked to the neutral press, presumably on Goebbels' order.¹³⁰ It had a zero added to the number of victims so that there was talk of 250,000 dead, a grossly inflated number which haunted the historiography for a long time. The German Foreign Office also distributed shocking photographs of the civilian victims to further drive home the point that the Allies had deliberately targeted the civilian population and was responsible for the gruesome death of women and children. It served them well that the Associated Press in London reported that the Allies had adopted the strategy of deliberate 'terror bombing' to hasten the regime's downfall. In fact, an Allied press officer had let it slip at a press conference that the bombing had not just been aimed at destroying military targets, but also at what was left of German morale.¹³¹ The German Foreign Office therefore succeeded in placing the Western Allies in a position where they had to explain their decision to bomb a city with a famous cultural heritage, albeit one whose military significance had been acknowledged in the German police report.¹³²

¹²⁹ Höhere SS- und Polizeiführer Elbe, Schlußmeldung über die vier Luftangriffe auf den LS-Ort Dresden am 13., 14. und 15. Februar 1945, 15.3.1945. Walter Weidauer, *Inferno Dresden. Über Lügen und Legenden um die Aktion "Donnerschlag"* (Berlin, 1983), pp. 206-21.

¹³⁰ Taylor, *Dresden*, pp. 369-70.

¹³¹ *Ibid.*, p. 361.

¹³² *Ibid.*

In the *Reich* itself, Goebbels continued to stay true to his strategy of minimizing the impact of the bombing war in domestic propaganda. On 16 February 1945, the *Völkische Beobachter* reported in an article entitled ‘The Crime Against Culture in Dresden’ that American and British bombers had destroyed the Zwinger and other significant cultural landmarks, but gave no sense of the civilian suffering.¹³³ As the propaganda that had been intended for international audiences found its way back to the *Reich*, however, the national press started to acknowledge the civilian victims. In March 1945, Goebbels’ *Das Reich* described the gruesome death of civilians in the firestorm and the deliberate shooting of Germans who tried to flee the destruction (the latter was a lie, laying the foundation for another post-war myth). The article claimed that the bombing of Dresden had been part of an Allied ‘murder and extermination plans’.¹³⁴

Immediately after the bombing of Dresden, the idea of abandoning the international laws of war in the Western theatre was floated by the regime’s leadership. Already in 1944, the regime had taken steps in this direction with Goebbels encouraging the population to exact revenge against downed Allied aircrews. On 27 May 1944, he published an article in the *Völkische Beobachter*, in which he called these aircrews criminals and explained: ‘The pilots cannot claim that they were soldiers who acted on orders. There is no law of war which states that a soldier is freed from the consequences of his terrible crimes when he invokes superior orders’. He then argued – in terms reminiscent of the pogrom of 9 November 1938 against denying the thirst for popular justice which he was orchestrating: ‘It does not seem possible or permissible to deploy the police or *Wehrmacht* against the

¹³³ *Völkischer Beobachter*, Das Kulturverbrechen an Dresden, 16.2.1945.

¹³⁴ *Das Reich*, Der Tod von Dresden, 4.3.1945. (‘Um Mitternacht erschien am glutroten Himmel des Elbtals eine zweite britische Luftflotte und richtete mit Sprengbomben und Bordwaffen unter den Menschenmassen auf den Grünflächen ein Blutbad an.’, ‘Allied ‘Mord-und Vernichtungsplanes’) Wolfgang Fleischer and Udo Hänchen, ‘Tieffliegerangriffe auf Dresden am 13. und 14. Februar 1945’, in Rolf-Dieter Müller, Nicole Schönherr, and Thomas Widera (eds.), *Die Zerstörung Dresdens 13. bis 15. Februar 1945. Gutachten und Ergebnisse der Dresdner Historikerkommission zur Ermittlung der Opferzahlen* (Göttingen), pp. 177-88.

German population when the people are giving the murderers of children what they deserve'.¹³⁵ In reality, the murders would usually be carried out by the party or the *Sicherheitspolizei*, by men like Arthur Jetzinger, who had conducted investigation into the killing of three German airmen in Vimy in 1940 and had since then risen to the rank of Director of the Criminal Police in Dessau.¹³⁶ In May 1944, he told two of his men that he had received the secret order that 'all pilots who were shot down and taken prisoner should be shot'. When three American airmen were arrested near Dessau, Jetzinger instructed three of his men to execute them in the woods.¹³⁷ By blaming the murder of the Allied aircrews on civilians, the regime hoped to avoid any negative repercussions for the actions of its party officials and *Sicherheitspolizei* officers.

Now, in 1945, the question was whether there was still any need to keep this pretence that enraged civilians were killing downed Allied airmen, which had so far given the regime a degree of plausible deniability. In secret, the regime had long toyed with the murder of enemy prisoners of war since 1942 when the Commando order was issued, which had been outsourced to the SD.¹³⁸ In a further step in this direction, in 1944 Hitler had personally ordered the killing of British prisoners of war who had escaped from the prisoner of war

¹³⁵ *Völkischer Beobachter*, Ein Wort zum feindlichen Luftterror, 27.5.1944. ('Es erscheint uns kaum noch möglich und erträglich, deutsche Polizei und Wehrmacht gegen das deutsche Volk einzusetzen, wenn es Kindermörder so behandelt, wie sie es verdienen. Auch die anglo-amerikanische Kriegswillkür muß irgendwo ein Ende haben. Die Piloten können sich nicht darauf berufen, daß sie als Soldaten auf Befehl handeln. Es ist in keinem Kriegsgesetz vorgesehen, daß ein Soldat bei einem schimpflichen Verbrechen dadurch straffrei wird, daß er sich auf seine Vorgesetzten beruft.')

¹³⁶ Barbara Grimm, 'Lynchmorde an alliierten Fliegern im Zweiten Weltkrieg', in Dietmar Süß (ed.), *Deutschland im Luftkrieg. Geschichte und Erinnerung* (München, 2007), pp. 71–84. Klaus-Michael Mallmann, "'Volksjustiz gegen anglo-amerikanische Mörder". Die Massaker an westalliierten Fliegern und Fallschirmspringern 1944/45', in Alfred Gottwaldt, Norbert Kampe, and Peter Klein (eds.), *NS-Gewaltherrschaft. Beiträge zur historischen Forschung und juristischen Aufarbeitung* (Berlin, 2005).

¹³⁷ NARA, Maryland: Record Group 549, Case No: 12-1745, US vs. Fritz Pohla et al, 24.4.1946, cited after Fern Overbey Hilton, *The Dachau Defendants. Life Stories from Testimony and Documents of the War Crimes Prosecutions* (Jefferson, N.C), p. 77.

¹³⁸ Lieb, *Konventioneller Krieg oder NS-Weltanschauungskrieg?*, pp. 142-46.

camp *Stalag III*, which was carried out by the *Sicherheitspolizei*.¹³⁹ After the bombing of Dresden, the legal departments of the *Wehrmacht* started to consider the following question:

The daily terror attacks against the German civilian population, which, in their extent, cast a shadow over all atrocities in history, force the question of whether it makes sense for Germany to continue to hold on to the laws of war regarding the conduct of war and if this can be demanded from the population.¹⁴⁰

The question was whether Germany would gain any advantage from waging war in the West on the same unrestricted principles as in the East. A formal objection was that Germany would have to wait a year after cancelling the Hague Conventions before its regulations would no longer apply, and that the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armies in the Field did not allow for a cancellation at all. Moreover, it was pointed out that a rejection of the laws of war did not free the *Reich* from the obligation to adhere to the customs of war, which limited the conduct of war considerably.¹⁴¹ Leaving aside these objections, the legal departments then engaged in some strategic reasoning and considered the *Reich's* ability to conduct unrestricted warfare against the Western Allies. They pointed out that the use of chemical and bacteriological weapons would lead to initial success due to the shock effect that this step would cause. Then, however, one had to consider the fact that the Allies had the superiority over the skies and would be able to attack densely populated German areas with the very same weapons, leaving the refugees from the East particularly vulnerable as they

¹³⁹ Stephen R. Davies, *RAF Police. The 'Great Escape' Murders. The Official Investigation into the Murders of 50 RAF POWs from Stalag Luft III in 1944* (Begnor Regis, 2009).

¹⁴⁰ BA-MA, RW 5/335: Wehrmachtsführungsstab Derzeitiger Wert und Unwert völkerrechtlicher Bindungen, wie Genfer Konvention, Haager Landkriegsordnung usw., 20.2.1945. ('Die täglichen Terrorangriffe auf die deutsche Zivilbevölkerung, die in ihrem Ausmaß alle Greuelthaten der Geschichte in den Schatten stellen, zwingen zu der Frage, ob für Deutschland das Festhalten an den völkerrechtlichen Bindungen über die Art der Kriegsführung überhaupt noch Sinn hat und dem Volk damit zugemutet werden kann.')

¹⁴¹ *Ibid.*

would have no gas masks available to protect themselves. The conclusion therefore was clear: ‘The use of gas or bacteria as a means of waging war has to be to our disadvantage’.¹⁴² German soldiers and civilians would also lose the protection that these Conventions afforded. It was explained that such a step would mean that the German medics and wounded would end up losing all protection from air attacks which would make it impossible to treat wounded soldiers and send them back to the front once they had recovered. The conclusion then was: ‘The existence of the Geneva Convention is an advantage for us’.¹⁴³

The military judges next considered the effects that such a step would have on the attitudes of the soldiers and the population. It was explained that this would prompt the soldiers to offer fierce resistance but that it could also prompt them to give up their positions prematurely for fear of what awaited them in captivity. It was also entirely unclear what would happen to German prisoners of war in the West. As there were only half as many Americans and British soldiers in German captivity, reprisals were not an option to enforce adequate treatment. Furthermore, the members of the *Volkssturm*, who were already worried about their status, would lose any claim to protection as legitimate combatants. The *Wehrmacht*’s experts in the international laws of war therefore concluded that ‘one cannot see a great advantage here’.¹⁴⁴ With regards to the civilian population, a major disadvantage of the proposal was that it would weaken their morale by increasing their concerns about the fate of their relatives on the front. Moreover, it would mean that the *Reich* would no longer be able to condemn the air war against German cities. The only advantage would be that the population could exercise revenge against the Allied aircrew

¹⁴² *Ibid.*, (‘Der Einsatz von Gas und Bazillen als Kriegsmittel muß zu unserem Nachteil ausschlagen.’)

¹⁴³ *Ibid.*, (‘Das Bestehen der Genfer Konventionen ist also für uns ein Vorteil.’)

¹⁴⁴ *Ibid.*, (‘Überragender Vorteil ist demgemäß auch hier nicht festzustellen.’)

who bombed the German cities, which, the report acknowledged, was already common practice. Therefore, the conclusion was: 'Due to the fact that terror-airmen can be eliminated without rescinding the international laws of war, there is no advantage to breaking with the international laws of war'.¹⁴⁵

In the end, the *Wehrmacht's* legal departments counseled against the idea of a formal rejection of the laws of war and explained this with the experience of the previous war:

As wrong as it was in 1914 to publicly and formally declare war against all states which had for a long time intended to wage war against us, and to thereby shoulder the entire guilt for the war, and as wrong as it was to admit that the necessary passage through Belgium was our own fault, so it would be wrong now to publicly rescind the laws of war which we openly accepted and to stand there as the guilty party yet again.¹⁴⁶

The *Wehrmacht's* legal experts explained that the fact that the *Reich* continued as a signatory to these Conventions did not mean they would have to respect any restrictions that would limit their conduct in war. If German U-Boats sank Allied hospital ships, they could always pretend that it was an accident. Put another way, the experts for international law proposed waging unrestricted war and, at the same time, laying claim to the protection that the Hague and Geneva Conventions offered. They noted one final advantage: the *Wehrmacht's* war crimes investigators could continue to denounce Allied violations of the international laws of war in order to neutralise complaints about German actions.¹⁴⁷ In making this suggestion, they were effectively recommending an approach in the West which had been common practice in the war against the Soviet Union, in which the

¹⁴⁵ *Ibid.*, ('Da, wie dargelegt, Terrorflieger auch ohne Lossagen von völkerrechtlichen Bindungen unschädlich gemacht werden können, ist auch hier kein Vorteil eines Bruchs mit dem Völkerrecht zu erkennen.')

¹⁴⁶ *Ibid.* ('So falsch wie es 1914 war, allen Staaten, die uns schon lange mit Krieg überziehen wollten, unsererseits feierlich den Krieg zu erklären und damit nach außen die ganze Kriegsschuld auf uns zu nehmen, und so falsch es war, den notwendigen Durchmarsch durch Belgien 1914 als eigene Schuld zu gestehen, so falsch wäre es jetzt, sich öffentlich von den übernommenen völkerrechtlichn Verpflichtungen loszusagen und damit wieder nach außen als die Schuldigen dazustehen.')

¹⁴⁷ *Ibid.*

Wehrmacht had made the decision to consciously violate the laws of war, yet simultaneously to investigate and denounce enemy war crimes.

By April 1945, Goebbels was forced to realise that all of his efforts over the past few months had been in vain. His desperation becomes clear if we consider the fact that he did not shy away from publicising the murders of German civilians at the hands of the Red Army in Nemmersdorf, and for the first time since 1939 confronted Germans with images of dead German women and children. This campaign was a particularly sensitive matter as it had to create enough of an impact to shock Germans into fighting on, but at the same time had to avoid demoralizing them completely or putting them in a state of panic. The ‘preventive’ attack in 1941 and the continuous fighting on the Eastern Front had, it seemed, merely delayed the Soviet invasion, and the regime had now failed to rescue women and children from the Red Army. He was no longer able to use stand-ins like the Ukrainian or Polish victims of the NKVD to soften his message.

Although the Nemmersdorf case was dramatic and not without problems, it was, at the same time, well-suited to Goebbels’ purposes, due to the relatively small number of victims and the fact that the *Wehrmacht* had repelled the Soviets thereafter. Nevertheless, due to the sensitive nature of the case, the investigations had to be tightly managed. From Goebbels’ perspective, the decision to task the SS with the investigation had been wise. Gebhardt, the *Waffen-SS* doctor, who had been the first ‘investigator’ at the scene and who now, in 1945, was also sheltered in the bunker with Goebbels, had been the right man for the job. Indeed, it is clear that Gebhardt had not been in Nemmersdorf as an investigator but as a propagandist. He ensured that the photographers and correspondents were able to gather material that enabled Goebbels to tell the story of a systematic mass murder, something which the parallel investigation of the Secret Field Police, who had become involved by accident, contradicted. The latter revealed that, although civilians had been

killed, this did not occur in a systematic or comprehensive fashion. Their evidence was filed away and the story created by Gebhardt and Goebbels did not fail to impress those Germans who were directly threatened by the Red Army – as evidenced by the suicides motivated by powerful fears of the Soviets later documented by the investigators.

If the Nemmersdorf case inspired Germans who had been drafted into the *Volkssturm* to resist the Soviets, Goebbels continued to sit on the evidence pertaining to war crimes against German soldiers. To publicise such cases would only have weakened the morale of these men who were supposed to be the last line of defence. After all, the *Reich* had categorically denied enemy civilians the right to armed resistance, regardless of whether it had technically been legal.

In the West of the *Reich*, the population was more concerned with the death and destruction caused by the bombing war, and soon the regime would publish depictions of the suffering caused by the aerial strikes which it hitherto had also held back, lest it weaken morale. In light of the deaths of thousands in the bombing war, the murders of a few dozen civilians in the distant East failed to develop traction in the West. All the same, when the Red Army continued its offensive in January 1945, the pressing propaganda dilemmas raised by Nemmersdorf resurfaced with even greater urgency. The reports which Goebbels received from the investigators on the ground put him in a difficult position, as it was unclear whether this material would cause Germans to fight or give up. In the end, Goebbels released this material and claimed that it was evidence for a Soviet extermination plan, a concept long threatened in the newspapers. Nevertheless, as in Nemmersdorf, in these new cases the investigators knew that the Red Army had committed severe war crimes, albeit not in the fashion claimed by Goebbels. Even in this remarkably desperate situation, Goebbels believed that he should continue to hold back reports about war crimes against German soldiers, and to repress the news of the sinking of the *Wilhelm Gustloff*, which,

under less hopeless circumstances, would have been a gift for the propagandists. In the end, the bombing of Dresden prompted a discussion of abandoning the laws of war in the West in a final, desperate attempt to sway the war back in the *Reich's* favour. The *Wehrmacht*, however, rejected this proposal with the argument that such a move would not give Germany an worthwhile advantage and that the German troops could anyway always just commit war crimes and deny them as they had done in Normandy and Malmédy.

If the mobilization of German society was a difficult undertaking, the same applied to shaping opinion in the international arena. In light of the Soviet findings in Majdanek, the German attempt to use Nemmersdorf to put pressure on the Soviets was doomed to failure. The mass murder of hundreds of thousands of innocent civilians could not help but overshadow the murder of a few dozen Germans. Even if this had not been the case, the idea that Nemmersdorf would sway the Western Allies when they had been so unimpressed with Katyn and Winniza was a pipe dream. Moreover, the Western Allies continued to find evidence for German war crimes against prisoners of war and civilians. After the Allied invasion in Normandy, the Germans could no longer expect that their actions would go undiscovered as had been the case in 1940, when *Waffen-SS* units executed British prisoners of war. In 1944, Allied investigators immediately found out about the executions of prisoners of war in Normandy and Malmédy. Unable to neutralise the Allied complaints with evidence of comparable war crimes committed against German soldiers, the *Wehrmacht* assured the Western Powers that the allegations would be taken seriously. In fact, the *Wehrmacht* circumvented its own office that had been established for precisely such a task and instead commissioned the perpetrators to investigate themselves, bringing the often paradoxical relationship between investigation and perpetration to its final conclusion.

After the Allied landings in Europe, the German conduct towards civilians fell under the microscope of the Allied investigators. When Italian investigators revealed that the Germans had committed a war crime against civilians in Rome, the SS vetoed an *Wehrmacht* investigation into these allegations, leaving this negative portrayal uncorrected. Their thought process was revealing: they considered the reprisal executions of some 330 civilians acceptable, but were well aware that the five additional victims not covered by this order represented a war crime. Despite their often heinous actions, even at this stage in the war, it remained important to many German officers that their actions felt justified.

It was in the context of the Allied protests regarding German war crimes against enemy soldiers and civilians that the German Foreign Office and Goebbels moved to focus on the aerial war against German civilians. In spite of the fact that they were absolutely on the defensive at this time, the regime was able to score an unexpected propaganda victory before the lights went out across the Reich. After the bombing of Dresden, the regime succeeded in building up pressure on the Allies by leaking exaggerated numbers and gruesome images that forced the Allies to defend their actions. The reverberations of this propaganda campaign, at least, would continue to resonate for decades.

Conclusion

If the Nuremberg trials have understandably shaped our sense of the war and the numerous crimes committed in it, it may come as a surprise that it was not the Allies but the Germans who first carried out war crimes investigations. At first glance, reading these documents draws our attention to the atrocities themselves. The investigations confront us with the fact that the Germans were not the only ones who committed war crimes during the conflict, although Allied crimes were certainly on a much smaller scale and were committed for different reasons. As such, the investigations draw into focus a neglected aspect of the war. The German war crimes investigators' first major enquiry took place in Poland, where they documented the mistreatment and murder of the ethnic German minority living there. The subsequent investigations in the Western theatre of war in 1940 dealt with the little-known crimes which French troops committed against German soldiers, and the execution of Belgian civilians by British and French soldiers. In 1941, the investigators documented war crimes committed by civilians on Crete who, without being recognisable as combatants, attacked German soldiers. This investigation also covered a major British war crime against German soldiers, in which British war ships opened fire on German vessels which had surrendered, and then ploughed through the shipwrecked soldiers, killing more than three hundred of them. Most of the evidence gathered by the investigators throughout the war concerned war crimes committed against German soldiers in the Soviet Union. There, war crimes were systematic and widespread, gruesome and committed openly in a manner that was unfamiliar from other theaters of war. However, the investigators also continued to look into other cases which did not involve German soldiers. After the invasion of the Soviet Union, the investigators documented how the NKVD had committed massacres against civilians they had arrested in the territories occupied by the Red Army in 1939 and 1940. In 1943, the investigators documented the murder of thousands of Polish prisoners

of war, most of them officers, who had been taken prisoner by the Red Army in 1939 and who had later been executed by the NKVD in Katyn in the following spring. In the final stages of the war, the investigators documented the mistreatment and murder of Germans at the hands of the Red Army, as well as lesser-known war crimes against German soldiers. These investigatory files often constitute the only source we have for these Allied war crimes, but they not only tell us something about the crimes and the perpetrators. When read carefully and systematically, rather than plumbing through them for specific illustrative purposes, these materials tell us a great deal about the investigators themselves and the context in which they operated. This goes beyond the way in which the evidence was gathered, or the methods and procedures employed by the investigators. For example, Katyn required the excavation, identification and determination of the cause of death of thousands of victims. Beyond the evidence-gathering, however, the way in which the materials gathered by the military investigators was used shows us how the regime wanted the war to be understood. This takes us right into the centre of what historians have described as a 'fantasy of victimhood' or 'inversion of reality'. It reminds us that the regime did not just do as it pleased vis-à-vis a population that had been terrorised into doing whatever the regime demanded, but that they felt the need to make a plausible and compelling case, and needed to keep remaking it over the long years of the war. When the regime made this case, it was clear that it felt the need to communicate the war to the population in terms that could not have been more different from their true motives. They did not feel that they could reach the population with aggressive and imperialist rhetoric. Instead, they played on established values. They painted the Germans as the victims of a continuous campaign of 'extermination'. The result of this is an astonishing 'inversion of reality' in which everything the Germans did represented a response to the prior aggression of the enemy, resulting in a scenario in which the Germans only ever did to others what

they claimed to have averted happening to themselves. Looking at the investigations shows us how this narrative could become compelling, namely because the regime was able to point to actual cases of Allied wrongdoing. When we speak of ‘inversions of reality’, therefore, we must be acutely aware of the often powerful evidence the regime gathered to back up their claims, however far they might exaggerate them afterwards, rather than considering those who bought into the regime’s narrative to be indulging in fantastical projections with no basis in reality.

From the outset, the regime used the evidence gathered by the investigators to present the war as the opposite of what it was: not as a war of aggression, conquest, and extermination, but as a defensive war, waged to save the lives of innocents. In 1939, it argued that the invasion of Poland served to save the ethnic German minority living there from being exterminated by the Polish state in a ‘war of extermination’. In 1940, the campaign in the North was justified as a preventive strike in response to a British plan to mine the coastal waters around Norway, a strike aimed at preventing another blockade. The subsequent invasion of Western Europe was then justified as a move against an enemy who had supported the Poles in their endeavor to expunge the ethnic Germans, declaring war on the *Reich* when it tried to save those victims and had then rejected the subsequent German peace offers. The investigations draw into focus the development of this narrative, which was not always straightforward and took many unexpected detours while retaining its internal logic and consistency. After the invasion of the Soviet Union, for example, the investigators initially did not pay much attention to the Soviet civilian victims in Lemberg and elsewhere. In contrast to the invasion of Poland, there had been no propagandistic built-up to the invasion of the Soviet Union, in order to preserve the element of surprise. Also, the investigators had not been told that they would have to concern themselves with victims of Soviet terror. On the contrary, they had been instructed to see the civilian population as

enemies – irregular combatants in the making. More than this, they had been told that the lives of these civilians mattered so little, that if German soldiers committed violent acts against them, they should simply turn a blind eye. When they learned of the discoveries in Lemberg, the investigators initially paid them little attention, and instead focused on the search for German victims. They shifted their focus only after the regime's propagandists had recognised the civilian victims as an opportunity to tap into the older images of Bolshevik terror which had circulated so widely in Germany in the 1920s and 1930s to craft a more widely palatable explanation for the attack against the Soviet Union. The mass killing of civilian prisoners by the NKVD was used to bolster the *Reich's* claim that the German invasion of the Soviet Union had been a preventive strike to forestall an imminent Soviet invasion and to ward off a 'war of extermination' against the German population. In light of the 1939 investigations against Poles for the murders of ethnic Germans, it is unsurprising that the investigators also failed to recognise that the Polish victims they found in Katyn could be useful for propaganda purposes. They fell in line only after a military propagandist had brought the discovery to Goebbels' personal attention; Goebbels then latched onto this case in order to refresh and reiterate the message that a Soviet invasion of the *Reich* would lead to the enslavement and extermination of the German population. In the final stage of the war, the investigators returned to this same familiar territory. When the Red Army invaded Germany, the regime argued that the Soviets had systematically murdered innocent civilians and committed sexual violence against women in order to mobilise desperate resistance against the Soviet troops. This disturbing message, although it implicitly underlay the war effort at all times, had to be made explicit and concrete at particular moments.

In the regime's efforts to make these cases useful to the story they wanted to tell, they placed great emphasis on the investigators themselves, whose professional integrity as

judges and doctors was expected to give the investigations an air of authenticity and scientific objectivity. The investigations helped to accomplish what mere propaganda claims about a brutal, inhuman enemy failed to accomplish. This became clear from the beginning: in September 1939, the regime's morale observers noted that the population gave the news of the German invasion of Poland a reluctant response, despite the claim that the ethnic German minority living in Poland was at the brink of extermination at the hands of the Polish state, and that Polish troops and insurgents had committed acts of aggression along German borders. Even those who bought into the propaganda completely still did not believe that it justified a major war with Britain and France. In June 1941, the claim that the attack against the Soviet Union had averted a terrible fate for the German population found little purchase in the minds of Germans who were more confused by the surprise attack against their former ally. In 1943, the observers noted that, in spite of a continuous propaganda campaign about the dangers of Bolshevism, Germans had become reluctant to believe the hysterical claims about what a German defeat would mean, even though by this time military defeat was an all too pressing possibility. After the investigators had been deployed and their findings made available to Germans, however, their scepticism rapidly changed. In 1939, the regime's observers started to notice a far wider acceptance of their justification for the war after Germans had seen actual evidence – in the form of photographs and autopsy reports – for the claim that ethnic Germans had actually been victimised by Poles, even though this only happened after the German invasion. In 1941, the morale observers could see that Germans were shocked by the discoveries in Lemberg and elsewhere and did in fact believe that a Soviet invasion would mean a terrible fate for Germany. In 1943, they noted that the sudden shift in propaganda to emphasise Polish victimhood at the hands of the NKVD demanded a lot from Germans who had become accustomed to thinking of Poles as the vile murderers of ethnic Germans. Nevertheless, the

Katyn propaganda successfully renewed fears about what a Soviet victory might mean for the Germans. In the final stage of the war, the regime's observers noted that the depiction of the mistreatment and murder of German civilians by the Red Army made the long standing fears of a 'Jewish-Bolshevik' revenge very concrete for Germans, especially among those in the East who were most threatened by a Soviet invasion. Both the spate of suicides and the fierce resistance against the Red Army displayed by these Germans are evidence of the extent to which the propaganda narrative was believed.

Despite these real successes in shaping German perceptions of the war, the propaganda narrative was not without problems. In 1943, the regime's observers noted that Germans were not very receptive to news that the NKVD had murdered civilians in Winniza, not only because they had grown tired of hearing the message of Jewish responsibility for these murders, which had been made sufficiently clear in the Katyn campaign, but also because the bombing of German cities in mid-1943 was a far more pressing concern than the fate of Ukrainian civilians. Similarly, in 1944, the regime's observers noted that people in Western Germany remained far more concerned by the air raids on their cities and the advance of the British and Americans, and were therefore not particularly worried by the comparatively small numbers of victims in Nemmersdorf, a far remote village in East Prussia. Nevertheless, in spite of such problems, the investigations were instrumental in shaping both the propaganda narrative of the war, and its credibility for the German population, not least in rendering the alleged threat posed by the Allies comprehensible and concrete. With this evidence, however adulterated by the regime, when buying into the official narrative, the German population was not performing a crude 'inversion of reality' in a complete and transparent reversal of the actual roles of victim and aggressor. One did not need to fully believe the Nazi version of events, nor to be a staunch regime supporter,

in order to consider many of their claims credible and to ponder the question of what would happen to the German civilian population if the *Reich* fell.

The investigations effectively made an argument for the war which contemporaries could even consider to be separate from Goebbels' explicitly ideologised version; by simply documenting what the enemy was doing, this material could stir moral outrage, a patriotism seemingly uninflected by Nazism, and appeal to simple self-interest. This could often then be channeled by the regime into their ideological narrative. This is not to argue that the German population or military should be somehow exonerated and understood as having had no alternative but to believe everything the regime said. There was a constant tension between the regime's claims that the war was defensive and waged for humanitarian purposes (which could include and exclude the same groups at different times, as it had the Polish and Soviet citizens) and the Germans' own crimes. Even if the latter were not documented in the same thorough manner, they were also widely known and shaped fearful attitudes towards the war, especially as Germans increasingly had reason to fear punishment. It is also vital for us to appreciate that while German crimes were hinted at and spread widely as rumours, even if believed, these stories did not necessarily have the same weight as the thoroughly-documented crimes of the Allies. Instead of individual reports from soldiers or from reading between the lines of the newspapers, the investigations confronted Germans with an endless supply of photographs, witness statements, and autopsy reports which left little room for doubt that the enemy was committing terrible crimes. Even if one had extensive or first-hand knowledge of the regime's crimes, it was still possible to think of oneself as an actual or potential victim. This could also reduce the war to a cynical game of moral equivalencies in which all sides are considered to have done wrong and places everyone on the same moral footing.

Indeed, when one examines the investigations, it becomes clear that the German narrative of victimhood was not isolated from the crimes of the regime. It was not something that existed independently from or in contradiction to them. To the contrary, ideas of German victimhood were deeply interwoven with the knowledge of crimes of the regime. We can see this logic most vividly in the experience and work of the investigators themselves. They, of course, were not isolated from or ignorant of the criminal war waged by the Nazi regime; they did not live in a reality where only their enemies committed crimes. Indeed, many of them personally contributed or witnessed many of the very same crimes for which they had criticised the enemy. After the attack against Poland, investigators witnessed the mass executions of Polish civilians by *Einsatzgruppen* and *Wehrmacht* units. One of the investigators even walked past the aftermath of an execution right before he began his investigation. The same trucks that were used to transport ethnic German victims to the autopsy rooms were used to transport Poles to execution sites. The investigators also knew of the brutal murders of Poles carried out by ethnic German militias. By the time the investigators returned to Berlin, tens of thousands of Poles had been murdered. Similarly, after the airborne invasion of Crete, the investigators learned that thousands of civilians had been executed by the *Wehrmacht*. In their reports about attacks against German soldiers, they also remarked that the male population of entire villages had been executed and their villages razed to the ground by *Wehrmacht* troops. During the war against the Soviet Union, they knew of the official policy to murder an entire group of prisoners of war, namely the Commissars. While they carried out investigations into the murders in Soviet prisons, the investigators looked on as the *Wehrmacht* aided and abetted Ukrainian nationalists to club local Jews to death; at the same time, they could hear the shots fired by the *Einsatzkommandos* who executed tens of thousands of Jews. The investigations also led them to the *Wehrmacht* camps where Soviet prisoners of war were being left to die of

starvation, prompting outbreaks of cannibalism. Specific investigators also had personal insight into the Nazi concentration and extermination camp system and the murderous treatment of German and foreign civilians as well as prisoners of war there.

It is therefore abundantly clear that the investigators were far from ignorant of the *Reich's* many crimes. Their ability to rationalise this seeming contradiction with their duties leads us to the heart of the German justificatory framework for this violence. In this framework, German actions were always seen as a response to the actions of the enemy and never as the original transgression. This outlook makes it easier to understand why seemingly ordinary people like the investigators could tolerate or commit the crimes they did without compromising their self-image. For them and ultimately for the propaganda narrative, German crimes could always be interpreted as caused by the actual or imagined crimes of the enemy; in other words, we are not looking at a paradoxical but a causal relationship between the two. The animating force in this relationship was the reprisal doctrine, which allowed for a rationalisation of the murder of innocent bystanders. Crucially, this was familiar from the previous war, and therefore was a framework that could appear and function as if independent of Nazism, but served the regime's ideology very well. Despite the regional differences, we can see this mechanism at work in all theaters of war.

In 1939, German measures against Poles were justified by claims that they had brutally murdered defenceless ethnic Germans and ambushed German soldiers. Investigators publicly declared that the extent of the crimes against Germans required ruthless counter-measures against the Poles and justified the brutal character of occupation rule with the necessity of preventing a repetition of Polish attempts to exterminate the Germans. On Crete, war crimes committed by local civilians against German soldiers served as the justification for the execution of thousands of Cretan men. In this case, the very same officer who was responsible for the executions of civilians was also in charge of

coordinating the investigations, vividly highlighting the direct connection between the two. After the reprisals were carried out, signs were put up announcing that villages had been razed to the ground and the male inhabitants shot in retaliation for their crimes against German soldiers. As the war went on, the regime bid farewell to the formalities of the reprisal doctrine, but never abandoned the guiding principle that enemy atrocities provided a mandate for indiscriminate violence against uninvolved civilians. This becomes particularly clear in the war against the Soviet Union, where the reprisal doctrine – already pushed to its limit and beyond in Poland – became a mere pretext for murder with barely a thought for the appearance of legality. A conscious decision was made to wage this war outside the realm of the international laws of war, but this was seen as necessary and inherently moral: it was a fight for survival against an enemy who they claimed would do the same to them, given the chance. Therefore, in the Soviet Union we see a shift from exaggerated responses to actual misdeeds to preventive strikes for actions that had not yet been committed – thereby making practically anything justifiable. This can be found in its clearest form in the decision to murder the Commissars of the Red Army or in the practice of extreme anti-partisan warfare.

Despite this innovation, the reprisal logic as it had been practiced in Poland also continued. After the invasion, German executions of Jewish civilians were explained as a response to the NKVD murders of Soviet citizens, which were pinned on the ‘Jewish Commissars’, for which their ‘racial comrades’ were punished. Furthermore, it was in the war against the Soviet Union that the investigators gave up any plausible deniability with regard to the regime’s crimes: they were no longer just bystanders or enablers, but were directly involved in the perpetration of war crimes. This becomes particularly clear when we consider the example of the Secret Field Police, which carried out numerous executions of Commissars and civilians. Knowing this, it is obvious why investigators in these units were particularly

and most intensely invested in upholding a narrative in which their own actions were always justified. Perpetrators almost always think of themselves as good people; the challenge for historians has been to understand how they preserved this self-image. The regime's morale reports from the home front indicate that many Germans were also open to this interpretative framework in which German measures were always retaliatory. In the initial stage, responses were not dissimilar to those from the previous war when Germans reacted with outrage to reports that their soldiers had been attacked by Belgian civilians and were therefore acting defensively when they executed civilians and burned down villages. In turn, in 1939 the morale observers noted that because the regime had condemned the murder of ethnic Germans in Poland, there was little to no condemnation of the German reprisals against the Polish population. On the contrary, they recorded support for the German measures. In 1940, they even recorded demands to punish French intellectuals in the same manner as the Poles in response to rumours about war crimes being committed against German troops. Similarly, after the invasion of the Soviet Union, the observers noted that the horrified responses to the mass murder of civilians by the NKVD meant few condemned the 'reprisals' carried out against the Jewish population in those areas, and some even demanded the punishment of Jews living in the *Reich*. In spite of this evidence of popular understanding, the reports also highlight the limitations of the retaliatory logic. This became particularly clear in 1943 when the regime blamed the mass executions of Polish prisoners of war on 'Jewish Bolshevists', and observers noticed that Germans began to question the regime's reasoning. Some Germans remarked that the regime was in no position to condemn the Soviets considering that German units had executed Poles and Jews in the exact same fashion. However, the regime found a way to exploit this sentiment: they stoked fears of a 'Jewish-Bolshevik' revenge for all the

Germans had done to them, thereby increasing German determination to resist the Soviets out of fear if nothing else.

In contrast to the German population, which was only presented with the most clear and straightforward evidence of enemy wrongdoing, the investigators knew that the cases looked much more complicated on the ground and did not unequivocally support the radical conclusions drawn by the regime. In the previous war, the investigators had written down information that contradicted or complicated the official narrative. In 1914, they were unable to find any hard evidence to support the claim that civilians had opened fire at German troops in Belgium. To make matters worse, the investigations raised the possibility that German soldiers might have mistaken friendly fire for attacks by civilians. As the *Wehrmacht* Investigation Office had been established to look into actual cases of enemy war crimes, this pattern of discovering and documenting ‘difficult’ evidence continued in the Second World War. In Poland, the claim that the German invasion had saved the ethnic Germans was disproved by witnesses who stated that violence against ethnic Germans only started after the German attack. Even then the violence had not been directed against all ethnic Germans, but was focused on those who were considered Nazi sympathizers. In this context, the most severe contradiction the investigators found was that some ethnic Germans had actually served in the very units which stood accused of trying to exterminate the ethnic German population. In France, they found no evidence to support the claim that French Colonial troops from Morocco and Senegal had been particularly criminal in their conduct towards the German troops. In 1940, the investigations gave reason to assume that British, and to a lesser extent French, soldiers had killed civilians for the same reasons the Germans had done in the First World War – namely, because they imagined they had been fired upon. On Crete, investigators warned that the claims about the mutilations of German soldiers, which were a driving force behind the retaliatory violence against the civilian

population, were incorrect. The combination of heat and animal interference had given the bodies a terrible appearance. In Lemberg, the investigators actually discovered and documented that Jews were among those killed by the NKVD and they also drew attention to Polish victims. Investigators were able to integrate such information only by explaining the existence of Jewish victims as the result of some kind of ‘intra-Jewish’ dispute between Communists and Zionists. Again at Katyn, Jews were found among the victims. A few years later, a parallel investigation by the *Wehrmacht* in Nemmersdorf revealed that even though Red Army soldiers had indeed murdered civilians, their conduct had neither been systematic nor indiscriminate. Rather, as the *Wehrmacht* investigation showed, Soviet violence was targeted specifically against those who were perceived to be Nazi supporters – something which the propagandists had little desire to highlight, as they were trying to signal to the German population that they were all in this together. When the Soviets continued their advance, the investigators were in most cases unable to carry out comprehensive investigations due to the German retreat, and instead had to rely on witness statements collected in haste from refugees fleeing from the Eastern territories. However, those investigations which were carried out showed that the violence did not unfold according to a pattern of a systematic policy of extermination, which was what the regime had told them to anticipate.

In spite of their better knowledge, the investigators had a strong personal interest in buying into the propaganda narrative. As noted, we can see this particularly in those units directly involved in atrocities – the Secret Field Police above all. They clung to the notion that the enemy was waging a similarly criminal and racial war against them, an equivalence which led them to assume that, in various ways, the Red Army was but a mirror image of the *Wehrmacht*. Therefore, because the investigators had received the order calling for the execution of all Commissars, they became certain that an equivalent order must exist on

the Soviet side, revealing their powerful belief in an escalatory reciprocity which would have established parity and normalised their own actions. The fact that they actually found orders that contradicted their belief did not convince them they were wrong because, after all, even though the *Wehrmacht* had rescinded its own Commissar Order in May 1942, the investigators knew first-hand that the practice of executing these prisoners of war continued unabated. Their suspicion was confirmed when the knowledge of the murder of German prisoners of war was openly communicated within the Red Army, as revealed by captured documents and monitored radio communications. Furthermore, captured Soviet prisoners of war claimed that the Commissars had ordered the murder of German prisoners of war. In the absence of a written order, the investigators turned instead to Stalin's speech of November 1941, in which he talked about the 'extermination' of the invaders. The idea that a Stalin speech was an order did not seem unconvincing because a Stalin speech had also inspired partisan resistance against the German troops. In pursuing their desire to find a mirror image for their own actions, the Secret Field Police exhibited such enthusiasm that they even tortured witnesses into stating that the Red Army was waging a war of extermination against the Germans.

Although the investigations highlight the cardinal importance of the reprisal doctrine, they also remind us that the regime's logic of retaliatory violence did not follow an iron law, separate from political exigencies. There was no unbreakable principle which dictated that the discovery of enemy war crimes demanded an escalation of violence. In France, the major investigative cases concerned German air crews who had to make forced landings behind enemy lines and were attacked by civilians. The German response showed that such cases did not automatically lead to reprisals; instead, they dealt with these attacks with military tribunals. In 1940, in an atmosphere in which Germans had been led to expect the French population to face harsh punishment for war crimes and revenge for the humiliation

of the *Reich* at Versailles, the investigators did begin to collect material which incriminated the French. When the regime reached an agreement with *Vichy*, however, the investigations threatened to become a serious problem to this new cooperation. This problem was solved by creating a narrower, racial interpretation of the crimes. Already during the campaign, the regime had accused Jewish and French Colonial troops of war crimes; thereafter, the investigators were ordered to focus only on these groups, who would serve as lightning rods for the accusations against the French as a whole. In a quid pro quo, the French did not accuse the Germans of war crimes. A similar problem emerged when German nationals who had been arrested in Belgium and then taken to internment camps in the south of France were released. They reported severe mistreatment during the transports and inside the camps, which threatened to burden the new German-French relationship. The matter was dealt with by sentencing individual guards who had mistreated or murdered internees, rather than holding accountable the senior officials who were actually responsible. As a result the investigations into the conditions in the internment camps focused on the role of Jewish and Communist prisoners, thereby again diverting attention away from the responsibility of the French. When the investigators documented the hitherto severest war crime against German soldiers during the invasion of Crete, when hundreds of German soldiers were killed by the British, the regime did not make this an occasion to brutalise their conduct against the British, presumably due to the fact that they did not want to risk an escalation in the Western theatre prior to the invasion of the Soviet Union. The investigators instead gave their full attention to the violence of Cretan civilians, this time making them the lightning rods.

In 1942, a much less serious case was taken as the occasion for escalating relations with Britain, which was really the only case in which the investigations were directly responsible for such an escalation, rather than justifying existing conduct. After investigators had

discovered that British commandos had shackled German soldiers, the regime conducted 'reprisals'. These reprisals took a different form to those in the East, where soldiers and civilians were simply executed; here, they were just shackled under medical supervision. The British answered this with shackling of their own, resulting in a deadlock until the matter was quietly resolved following the German defeat in North Africa. The responses to the shackling crisis in Germany showed how concerned the German population was about the fate of its soldiers and therefore highlighted the risk of any atrocity propaganda suggesting German soldiers had been victimised (endorsing Goebbels strategy of holding back such information from the press). After the British shackling of German soldiers was revealed, the regime began a charade which would continue to be relevant in this theatre later on. The regime considered murdering British prisoners of war in secrecy, just as they had done it in the East. This 'Commando Order' can be considered the equivalent of the Commissar order in the East, albeit on a much smaller scale.

The bombing of German cities led the *Reich* a step closer to abandoning the laws of war in the West, as they had done from the outset of the conflict in the East. The regime issued orders that demanded the murder of Allied aircrews, a process in which they tried to maintain deniability and tried to present the murders as spontaneous civilian revenge in order to avoid retaliation. In fact, the aircrews were executed by party officials and members of the *Sicherheitspolizei*, including investigators who had examined similar murders of German airmen in Vimy. In the wake of the bombing of Dresden, the regime considered a total escalation of the war with the Western Allies. The discussion of whether or not the *Reich* should officially reject the laws of war came to the conclusion that they did not need to do so explicitly; they could simply commit war crimes and deny them afterwards, so that they would not lose the protection that these laws afforded them.

If the investigatory material takes us deeply into how the regime wanted the war to be understood, it also reveals a great deal about those cases which the regime did not want to discuss. A lot of material was left on the shelves: clearly, there were limits to what the regime believed it could or should confront the population with. The propagandists were acutely aware that they could lose popular support for the war if they painted a picture that was too dark and that, instead of bolstering the Germans' fighting spirit, would lead to despair and hopelessness. As a result, the vast majority of the evidence which the investigators collected over the course of the war that pertained to war crimes against German soldiers was never used in the public sphere. It was feared that descriptions of the torture and murder of German prisoners of war would undermine rather than strengthen morale. When war crimes against German soldiers were still the exception, in the early part of the war, the regime published occasional reports. Nevertheless, even in 1939, although a few stories were released, the mass execution of German soldiers in Stopnica was not made public. In 1940, there were a few reports of war crimes against the *Wehrmacht*, but the population was left in the dark about their extent, which created the foundation for the post-war notion that the campaign in the West had been 'clean'. Then, in 1941, the war crimes committed during the invasion of Crete were considered something that the German population could not be told about. The fact that German soldiers had been attacked by civilians and that British ships attacked shipwrecked German soldiers, killing more than 300, remained largely unknown.

In the war against the Soviet Union, where the fighting was fiercest, the propagandists shied away from the evidence gathered by the investigators, who had detailed the gruesome murder and mass executions of German soldiers. The regime's fears would be confirmed when, in 1942, the German soldiers' relatives became increasingly fearful when they heard that Britain and Germany were carrying out mutual reprisals against their prisoners of war.

The revelation that the Soviets had executed their Polish prisoners of war in Katyn also prompted intense fears that they would do the same to their German prisoners. In the final stage of the war, the regime still assumed that it had to calibrate and restrain its own message so as not to create panic and demoralization at home. After they had publicised the mistreatment and murder of German civilians during the brief Soviet invasion of East Prussia in 1944, the morale observers noticed that Germans started to question the ability of the *Reich* to protect its citizens, which had to be countered with an oral propaganda campaign that shifted the responsibility to the victims for not complying with the evacuation order. When the Soviets continued their advance in January 1945, this problem became even more acute. After long deliberation, in a final, desperate attempt to stoke a civilian resistance to the Soviet invasion, the regime decided to make selective use of the investigators' material. However, they did not want to create the impression that they were unable to evacuate the German population from the East and remained silent when the *Wilhelm Gustloff* was torpedoed in the Baltic, sinking with thousands of civilians on board. Similarly, it was only after the bombing of Dresden in 1945 that the regime gave up its previous restraint not to exploit the true extent of the civilian suffering caused by the Allied bombings of German cities.

Beyond the complexities of the domestic sphere, the investigations also shed new light on the way in which the regime tried to spread its narrative of a defensive war waged for humanitarian reasons to international audiences, who were far more receptive to such claims than we, in a post-Nuremberg world, would expect. At first, the regime showed that it had learned from the mistakes made in the First World War. Back then, the *Reich* was caught off-guard when the Belgian government conducted investigations and published witness statements that described how the German troops had shot and executed thousands of innocent civilians during the invasion of that neutral country. The *Wehrmacht*

Investigation Office was established specifically to counter future Allied allegations head on: its purpose was defensive. The name of the Investigation Office was supposed to signal the German commitment to the international laws of war and part of its mandate was even to investigate potential allegations made against German soldiers.

Despite such foresight and planning, the fact that the *Reich* was able to avoid a repetition of the experience of 1914 had less to do with their own preparation than with the actions of the Poles. At first, it seemed that history would indeed repeat itself and that Germany would again, from the very start of the war, be cast in the role of the violent aggressor. As in 1914, German soldiers executed thousands of civilians ‘in reprisal’ for their alleged attacks against German troops and, just as in 1914, the investigators could not find compelling evidence in support of this claim. If this had been the end of the story, then the *Reich* would again have found itself on the defensive from the outset. Until reports emerged that Poles had actually killed ethnic Germans, this narrative was simply a lie that had failed to gain traction. Armed with this evidence, the *Reich* was able to go on the offensive and again the First World War provided crucial orientation to the regime as it sought to capitalize on this development.

Ironically, the *Reich* had now maneuvered itself into a position that was similar to that of the Belgian government in 1914, and it condemned its enemies for the murder of innocent civilians. The investigators quickly adapted to this new situation and documented the civilian murders in a detailed and comprehensive manner. With this evidence, the *Reich* succeeded in placing the Poles in the same uncomfortable position that the Germans had occupied in 1914. To outside observers, it was initially unclear who was the greater villain in this scenario and some even voiced understanding for the ‘reprisals’ against Poles. The role reversal also became apparent in the defense strategies employed by the Poles. Defeated and occupied, they could not counter the German allegations effectively. In order

to defend themselves, the Polish government-in-exile used the very same arguments as the Germans had in 1914. They claimed that the dead ethnic German civilians had been irregular combatants who had opened fire on Polish troops who then defended themselves and subsequently executed those responsible for the illegal attack. That the Germans gambled away this initial advantage came in the end simply down to the fact that their actions in Poland far exceeded anything that had been alleged against them in the First World War, but the *Reich* soon received a temporary reprieve. Developments in the Western theatre of war soon drew the international spotlight away from the blood-soaked fields of Poland.

In the Western theatre, the regime was able to avoid past mistakes and go on the offensive. Here again, it seemed at first that history would repeat itself when reports came in that a German U-boat had sunk a passenger liner, resulting in the death of more than one hundred passengers. However, the regime prevented this case from becoming a repetition of the *Lusitania* incident. This time, the *Reich* did not attempt to justify the sinking and loss of civilian life, and instead promptly denied all responsibility. In light of the absence of any German self-incrimination, the British found it difficult to convince world opinion that the Germans were responsible. Their own investigations went nowhere, just as the German one had into the *Lusitania* incident in 1915. As in Poland, the regime would benefit from the fact that their enemy acted in a way that enabled the *Reich* to paint them as aggressors.

After the British attack on the German ship *Altmark* in Norwegian territorial waters, *Wehrmacht* investigators were deployed to look into the incident, in which several members of the German crew had been killed. Echoing British condemnations of the German invasion of Belgium as a violation of the country's neutrality, the regime condemned the British for this attack against a ship in neutral waters. Again, the British investigations led nowhere as the assumption that the British prisoners on board had been

subjected to torture proved unfounded. They had little to counter the German claims and had to look on as the Germans used the case as one of their justifications for the invasion of Norway.

During the land campaign in the West, the regime also successfully avoided a repetition of the events of the previous war, when they had been accused of having murdered innocent civilians for no reason. This time, the investigators did manage to document cases in which civilians had attacked German soldiers, albeit on a much smaller scale than had been claimed in 1914. However, this evidence was not needed to justify reprisals against civilians to the international audience because the *Wehrmacht* dealt with these attacks using military tribunals, instead of using them as the occasion for indiscriminate mass civilian executions and the destruction of cities. As a result, the Germans were not confronted with allegations of criminal warfare – a very clear difference to both 1914 and 1939. A factor in this was undoubtedly that, in contrast to the Belgian government in the First World War, which skillfully orchestrated a campaign that led to the widespread condemnation of the *Reich*, the defeated French military and political leaders sought to reach an understanding with the Germans and therefore pursued a policy of de-escalation. As a result the *Reich* had not only avoided allegations but, unexpectedly, was able to go on the offensive, as Belgian civilians came forward to accuse British and, to a lesser extent, French troops of war crimes against civilians. The investigators confirmed that the British troops had indeed shot civilians in a series of incidents during their retreat from Belgium.

During the invasion of Crete in May 1941, the investigators also succeeded where their forebears had failed in the previous war, namely by finding compelling evidence which showed that armed civilians, who were not recognisable as regular combatants, had taken up arms and fought against German soldiers. Although the German reprisals on Crete were comparable to those of 1914 and of 1939, in that German troops razed villages to the ground

and executed all male inhabitants in front of their relatives, there was no international outcry this time around. When the extent of the executions became known outside of Crete, international media attention had already turned to the German attack on the Soviet Union, and so the investigations were never needed to fend off any accusations of criminality.

Although the *Reich* was thus surprisingly successful in learning from past mistakes or at least capitalizing on the missteps of its enemies, it struggled to put forward its justificatory narrative when confronted with scenarios that did not have a direct precursor in the First World War through which they could orientate themselves. In 1941, the regime missed a golden opportunity to make its case for the invasion of the Soviet Union to the wider world. After crossing the border, the investigators had been confronted with an actual state-sponsored mass murder, rather than the imaginary one the regime had claimed took place in Poland: thousands of NKVD prisoners had been executed in a systematic fashion. They had been tortured, executed, and left in grisly makeshift piles in cellars and mass graves. Although the Soviets had effectively done the Germans a favour by killing thousands of civilians and leaving behind evidence that could easily have been exploited to denounce the Soviet regime as criminal, the *Reich* made itself unable to capitalise on these mass murders. As the investigators had, prior to the invasion, been instructed to view Soviet civilians as enemies, against whom extreme violence was permissible, they did not recognise the propaganda value of these deaths. Once the investigators caught up with the propaganda demands and began to examine the deaths of non-Germans, their investigations had to be abruptly abandoned due to the effects of the intense summer heat on the corpses, thereby denying the regime the possibility of gathering compelling forensic evidence to convince international observers of their version of events. Without this, everything the Germans claimed could be easily dismissed as fabrications; even the photographs of victims did not prove who had killed them; indeed, in the *Wehrmacht* exhibition, some of

them would be wrongly attributed to the German troops.¹ This made it possible for the Soviets to simply deny responsibility for the massacre and to promptly blame it on the Germans. The *Reich* could not build up the kind of pressure which they had kindled against the Poles in 1939.

By 1941, the *Reich* had not only failed to create a damning case against the Soviet Union, it had long since gambled away its initial advantage in Poland. This was entirely its own fault. The regime had used the atrocities against ethnic Germans as a pretext for massive atrocities against the Polish population. Moreover, by condemning the murders of ethnic Germans by Poles, they had provided their enemies with the yardstick against which their own actions would soon be judged. After the Poles had overcome their initial paralysis, they established a network of informants who, at great risk to themselves, were able to document the German murders of Poles. In contrast to 1914, Germans no longer stood accused of the execution of thousands of civilians, in reprisals or otherwise. The new allegation was far more expansive: that they were conducting a systematic campaign of mass murder, displacement and enslavement against the entire Polish population.

As a result of the Poles employing the same investigative methods as the Germans, albeit with far fewer resources, the *Reich* quickly found itself in uncomfortably familiar territory. As in 1914, the *Reich* could not counter the Polish findings with equivalent claims. Once again, and certainly not for the last time, the investigations had revealed substantial problems in the German narrative of the conflict. They found no evidence for the claim that the Poles had murdered Germans in an orchestrated campaign, which was the entire justification for the 1939 invasion and brutal character of the occupation rule. Indeed, in many cases, the violence unfolded according to a pattern that would have been familiar to

¹ Bartov, *Złoczów*, July 1941.

the investigators from the descriptions provided by Belgian witnesses in 1914. Ethnic German witnesses explained that the Polish soldiers genuinely believed they were under attack by ethnic Germans. The witnesses' descriptions of the violence suggested that the Polish soldiers and civilians had acted in a thoroughly confused manner, undermining any suggestion that there was a cold and calculated decision to murder the country's ethnic German minority on the part of the Polish government. As in 1915, the German Foreign Office proceeded to manipulate the evidence in order to refute the allegations. This time, they did not doctor the witness testimonies and instead simply multiplied the already-published number of German victims tenfold to 58,000; they promised future investigations would substantiate the claim, but were in no position to be able to do so.

The fact that the *Reich* committed the same and then worse crimes than it had accused its enemies of was a problem that made itself felt once again in the Soviet Union. Since the invasion of the Soviet Union, the regime was confronted with reports that criticised its murderous measures against the Jews, which were not backed up by investigations but which could not be ignored. In 1943, the regime attempted to defuse these claims and to renew its case against Bolshevism through the Katyn campaign. In this context, the regime showed that it had learned its lesson from the botched investigations in 1941. The Katyn investigations were prepared in a comprehensive manner in order to maximize their international impact, even involving Poles in the reconstruction of the crime; in the process, they even managed to convince the Poles that the Soviets were the perpetrators. This was a truly strange alliance, in which Germans who had murdered Poles worked alongside Polish observers and investigators who themselves were building a case against the Germans. Although the *Reich* failed in its aim to convince the Poles that German rule – however terrible it might be – was still preferable to that of the Soviets, it did convince the

Poles of Soviet responsibility for Katyn, which decades of Soviet attempts to suppress the truth could not eradicate.

Once again, the investigators' thoroughness caused the propagandists great concern because the lead investigator at Katyn revealed problematic points to the international observers, yet it was precisely this concern with the facts that made the case so convincing. The observers were sure that had the Germans staged the whole thing, they would surely have done so in a less confusing manner, not least by removing Jewish victims from the site. The regime was acutely aware that its own investigations would not be sufficient, not least in light of the way they had so blatantly inflated the numbers of ethnic German victims in Poland. The innovative idea to involve the International Red Cross in war crimes investigations during an ongoing conflict failed, due to the Soviet veto. However, the Soviets did not automatically appear uncooperative, because they could argue that the Germans had had sufficient time to manipulate the scene to produce their desired result. The International Commission formed by the Germans in place of the Red Cross was a back-up plan with the fundamental flaw that it included only one member from a neutral country and, therefore, failed to make a real impact on world opinion, not least because the Western Allies had decided not to let the Katyn case drive a wedge between them and Stalin. Indeed, they even turned a deaf ear to their own investigators when these substantiated the German story. However terrible Katyn might have been with its 12,000 victims, it was still comparatively negligible compared to the millions who had been murdered and enslaved by the Germans, who could only be vanquished with the assistance of Stalin and his forces.

As in Lemberg in 1941, the Soviets denied responsibility for the massacre and argued that the Polish prisoners of war had been executed by the Germans, which was an entirely plausible claim in light of the mass death of some 3 million Soviet prisoners of war in

German camps; the Soviet case for Katyn was also later ‘proven’ by their own investigation. Nevertheless, the case had at least one consequence for international alliances: when the Polish government-in-exile demanded investigations, the Soviet Union severed ties with it, branding them Nazi collaborators.

After Katyn, Goebbels had sensed a weakness in the Allied case for the war against Germany and tried to continue the theme of Allied hypocrisy in order to deflect from German crimes by focusing on the case of Winniza, where civilian prisoners had been murdered by the NKVD. However, if the Katyn case had not fulfilled the international propaganda hopes of the regime, then it was unrealistic to expect Winniza – a much less controversial and older case, being confined to the Soviet domestic sphere – to exceed these results.

The German investigations in Katyn and Winniza also did not provide a distraction from the war crimes investigations against the *Reich*, which began after the Soviets recaptured territories from the Germans. The Soviets conducted the first war crimes trial in July 1943 in Krasnodar and, a few months later, against German perpetrators in Kharkov. The international journalists in the courtroom ensured that the descriptions of the German crimes offered by the prosecutors and witnesses reverberated around the world. These new discoveries of German atrocities and killing centres shocked the conscience of the international community. Even if the German claims about Katyn had been believed, the Allies made discoveries which dwarfed the murders of a few thousand Polish prisoners. In July 1944, the Soviets advanced rapidly through Belorussia and captured the Majdanek concentration camp with its gas chambers still intact. They flew in international journalists and released film footage of the gas chambers and crematoria, and their investigators documented how the Germans had murdered hundreds of thousands of civilians and prisoners of war in shootings and gassings. This would make it difficult if not impossible

for the Germans to criticize any Soviet war crimes from the past or in the future. The idea that, at this stage, the regime could use its investigations to discredit the Soviets in the eyes of the Western Allies was but a desperate hope.

Pressure was also building in the West. Since the Allied landings in Italy and France, not only Soviet investigators or underground informants in Poland were documenting German atrocities. Americans and Canadians now also started to build a damning case against the Germans for their conduct in the Western theatre of war, which had long been thought to be less severe, but which now seemed disturbingly similar to German actions in the East. They unearthed evidence of the murder of Canadian and American prisoners of war in mass shootings, and of brutal violence against civilians which had long been the norm in the East.

As they were forced to retreat, the German investigators were unable to find evidence of similar war crimes against German civilians or soldiers with which to counter or pre-empt these allegations, which, the regime worried, could lead to an escalation of warfare in the West. In order to go on the offensive, the regime decided to focus on a topic which they had neglected for a long time. This was the bombing of German cities. They had exercised restraint on the subject because the Germans had also found themselves accused of bombing cities without regard for the civilian population. Nevertheless, the bombing of Dresden provided the opportunity to put this new strategy of emphasising civilian deaths into practice. As planned, the regime conducted investigations, which revealed that approximately 25,000 civilians had been killed in the bombing. In order to make their claims more impactful, the regime resorted to a tactic which they had used unsuccessfully in 1939: with the consensus that the true number was too low to make an international impact, a zero was added to the victim count. In contrast to 1939, this tactic proved successful. Due to the fact that an Allied spokesperson had called the attack a terror

bombing aimed at civilians, the German version of events received a boost in coverage and credibility; the inflated number was taken seriously, and remained lodged in the historiography for decades to come.

As the war drew to a close, the regime unsuccessfully tried to use the murders of German civilians in Nemmersdorf in a last ditch attempt to achieve what the Katyn and Winniza campaigns had failed to accomplish, namely to discredit the Soviets in the eyes of the Western world. At this stage, Germans were ever more concerned with what would happen to them after defeat. Even as the *Reich's* ability to shape and control popular opinion disintegrated, the way in which Germans had experienced and conceptualised war crimes and atrocities throughout the conflict would continue to condition their expectations of what was to come – sometimes this continued even after those expectations were overturned by events.

The merciless way in which the regime had responded to alleged enemy atrocities provided the model for how Germans expected those enemies to deal with German crimes. The Allied strategy to take Germans to the sites where Nazi crimes had occurred would only enflame those fears.² What was meant as an attempt to discredit Nazism by highlighting its crimes and as a means to ensure that the Allied claims would be believed was actually understood by many Germans as an attempt to hold them collectively responsible, with all the consequences that they believed this would entail.³ This response is all the more understandable, given the direct precedents set by the *Reich*. In 1941, the German media reported that Jews were being taken to the sites where the NKVD had executed political prisoners. This marked the start of a campaign branding the Jews collectively responsible

² Dagmar Barnouw, *Germany 1945. View of War and Violence* (Bloomington, 1996), pp. 6-41.

³ Norbert Frei, *1945 und wir. Das Dritte Reich im Bewußtsein der Deutschen* (München, 2005), pp. 143-55.

for the actions which had allegedly been committed by Jewish Commissars. What was not reported, but which Germans learned through word-of-mouth, was that the German units had subsequently executed tens of thousands of Jews in mass shootings. Another Allied strategy to expose Germans to documentary evidence of Nazi atrocities, be it in the form of photographs or films, provoked the same fearful response.⁴

What the Germans learned in person or through these documentary traces was not new to many of them. Indeed, it gave confirmation to the rumours which had circulated during the war. Germans had learned that the use of such documentary material could only serve one purpose: to brand a population collectively responsible for such crimes and to prepare the stage for terrible retaliation. In 1939, for instance, the German population was shown evidence of the crimes that Poles had committed. They learned that the Poles were punished with mass murder and enslavement for killing ethnic Germans, without any consideration for questions of individual guilt and responsibility. Specifically, the regime had argued that a people could not shift responsibility to their government, and that superior orders were never an excuse. Then, in 1943, Germans were shown the discoveries in Katyn, which were blamed on ‘Jewish Commissars’. In the context of this campaign, Germans established a connection to the crimes which had been committed in their name and feared a ‘Jewish revenge’. It is therefore understandable that many interpreted the documentation of German crimes as an attempt to punish the whole German population for the transgressions of some.⁵ Many Germans went on to reject charges of collective guilt, even when it became clear that the Allies would not punish Germans collectively for the crimes that had been

⁴ Ulrike Weckel, *Beschämende Bilder. Deutsche Reaktionen auf alliierte Dokumentarfilme über befreite Konzentrationslager* (Stuttgart, 2012), pp. 347-64.

⁵ *Ibid.*, p. 520.

committed.⁶ Even as that charge faded away, many Germans remained locked in the narrative that Goebbels had so long fed them. In reality, the Allies would adopt the exact opposite approach to that taken by the Nazi regime. The former German war crimes investigators and other Germans learned that they would not be collectively punished like Poles and Jews. Instead, the Allies prosecuted selected war criminals on the basis of their actions. At first, it seemed that the Allies would limit this to the military and political leaders of the regime, and a selection of lower-rank perpetrators, such as the *Waffen-SS* members who had murdered Allied prisoners of war in 1944. Against this background, the former war crimes investigators and other Germans moved on with their lives, thinking that they would not be affected by the prosecutions. Military judges distanced themselves from the Nazi regime and started to develop the narrative that they had tried to save legal norms from the influence of the Nazi regime.⁷ Forensic pathologists had it easier than other medical doctors because they dealt with people who were already dead and the human experiments which many of them had conducted only came to light years later.⁸ Criminal Police officers, many of whom had served in the Secret Field Police, benefited from the fact that the public focus was on the Gestapo; the fact that the Secret Field Police had officially been a part of the *Wehrmacht*, which had not been declared a criminal organization at Nuremberg, also shielded them.⁹

This allowed some of these investigators to become very successful after the war. Bernhard Wehner, the Criminal Police officer who had carried out investigations in Poland in 1939

⁶ Frei, *1945 und wir. Das Dritte Reich im Bewußtsein der Deutschen*, pp. 143-55.

⁷ Christoph Rass and Peter M. Quadflieg, 'Ganz normale Richter? Kriegserfahrung und Nachkriegskarrieren von Divisionsrichtern der Wehrmacht', in Joachim Perels and Wolfram Wette (eds.), *Mit reinem Gewissen. Wehrmachtrichter in der Bundesrepublik und ihre Opfer* (Berlin, 2011), pp. 184-99.

⁸ Herber, *Gerichtsmedizin unterm Hakenkreuz*, pp. 9-13.

⁹ Brown, 'The Senior Leadership Cadre of the Geheime Feldpolizei 1939–1945', p. 278.

and on Crete in 1941, became head of the Criminal Police department in Düsseldorf in 1954 and then quickly advance through the ranks of the newly-founded *Bundeskriminalamt*. As editor of the professional journal *Kriminalistik*, he helped to shape the – ‘sanitized’ – postwar history of the Criminal Police. In his 1983 book *Dem Täter auf der Spur*, Wehner provided an account of his career as a Criminal Police officer the Weimar Republic, the Third Reich and West Germany. In this context, he omitted his investigations into the murders of ethnic Germans in 1939 and the civilian resistance against the German airborne invasion of Crete in 1940, which served as the justification for summary executions of civilians.¹⁰ Alfons Waltzog, the military judge who had carried out investigations in Bromberg, where he had witnessed the executions carried out by the *Einsatzgruppen*, continued his career as a lawyer and became a Conservative politician in West Berlin.¹¹

More so than other Germans, these investigators were well aware that to draw attention to their past activities would raise questions about their own knowledge of, or involvement in, Nazi crimes. Other Germans, however, thought that the time had come to talk freely about their own victimhood, now that the prosecution of the leaders of the regime had effectively exonerated the rest of the German population.¹² Nevertheless, it is perhaps no coincidence that the post-war tendency to recognise the suffering of Germans during the war did not focus on the early stages of the conflict, when a victimization narrative was used to justify retaliatory violence. To talk about the victimisation of ethnic Germans in

¹⁰ LAB, B Rep. 057-01, Nr. 3211, fol. 26: Staatsanwaltschaft München I, Bernhard Wehner, 24.10.1961. Bernhard Wehner, *Dem Täter auf der Spur. Die Geschichte der deutschen Kriminalpolizei* (Bergisch Gladbach, 1983).

¹¹ BA-ZSL, B 162/6126, fol. 1453-1455: Staatsanwaltschaft Berlin, Alfons Waltzog, 3.3.1967.

¹² Peter Reichelt, *Vergangenheitsbewältigung in Deutschland. Die Auseinandersetzung mit der NS-Diktatur von 1945 bis heute* (München, 2001), pp. 66-72.

1939, for example, would have inevitably raised questions about the German responses. Instead, the focus was on the later stage, as German society was falling apart and Nazi crimes now lay in the past. This made the bombing of Dresden, the fate of German prisoners of war in the Soviet Union, or the atrocities of the Red Army in the East much more suitable for telling stories about German victimhood, as there was no immediate connection to the crimes of the regime.¹³

As Germans reveled in their newly-restored victimhood, the investigations into Nazi crimes continued, but these were now being carried out by prosecutors in West and East Germany who continued to broaden the circle of perpetrators well beyond the regime's leadership. While the military judges and forensic pathologists continued to fly under the radar, the former members of the *Einsatzgruppen*, who did not correspond to the picture of the brutal SS concentration camp guards, moved into the spotlight. Hans Discar, who had been Bernhard Wehner's counterpart during the investigations in Poland, had worked for a real estate company in West Germany before he was put on trial in Munich in 1973 for the murder of Jews in the Soviet Union. During this trial, he did not talk about his involvement in the investigations in Posen, as it would have betrayed knowledge of the laws of war that rendered his subsequent actions in the Soviet Union, the subject of the court proceedings against him, clearly illegal. Back then, Discar had been a driving force behind the murder of thousands of Jews and disabled people, but he declared in the courtroom that he had just been following orders and that he experienced severe problems while doing so. He said that he could not have had any doubts with regard to the legality of these orders because the *Wehrmacht* had known of them and done nothing to prevent them from happening.¹⁴ The

¹³ Robert G. Moeller, *War Stories. The Search for a Usable Past in the Federal Republic of Germany* (Berkeley, CA, 2001), pp. 21-50. Biess, *Homecomings. Returning POWs and the Legacies of Defeat in Postwar Germany*, pp. 43-69.

¹⁴ B-ZSL, B162/14509, Bl. 18: Urteil LG München 114 Ks 1/72 gg. Bock u.A. , 23.3.1973.

court did not find his defence credible and pointed out that former members of his unit recalled how he egged them on to murder Jews and disabled people. In contrast to the Poles, whose actions Discar had helped to investigate and who, in 1939, were sentenced to death by the Special Courts for allegedly merely voicing anti-German sentiments, Discar only received two years in prison for his role in the murder of thousands of Jews and handicapped Russians.¹⁵ Hans Discar's former colleague Friedrich Claß, who had conducted the investigations in Winniza, did not even have to face a court. In 1964, the investigations into the murder of Polish youth in Gdynia were stopped, despite the fact that it seemed evident to the state prosecutor in Dortmund that Claß had been fully aware that the executions of ten randomly selected youths for throwing stones at a German police station violated legal norms.¹⁶ Gerhart Panning, who had died from a lung disease during the war, became the subject of investigations for the murder of Soviet prisoners of war with explosive ammunition in the Soviet Union. In this context, the German prosecutors interviewed his former colleague, Wilhelm Hallermann, who had continued his career as a forensic expert after the war, and who expressed his shock and disbelief that Panning could have done such a thing.¹⁷

If Goebbels' narrative of a defensive war and German victimhood continued to condition the broader German population's understanding of the peace, these perpetrators had too much direct knowledge of the holes in that justificatory framework, and so they did not try to defend themselves on that basis. Instead, they resorted to lies, elision, and the classic defence that they had 'just' followed orders. If they might have salved their consciences in

¹⁵ B-ZSL, B162/14509, Bl. 1687: Urteil Landgericht München 114 Ks 1/72 gg. Bock u.A. , 23.3.1973.

¹⁶ B-ZSL, B 162/27028, Bl. 103: Staatsanwaltschaft Dortmund, Einstellung des Verfahrens gegen Angehörige des Polizeibattailons 64, 3.4.1964.

¹⁷ BA-ZSL, B 162/5658, Bl.181: Staatsanwaltschaft Darmstadt, Wilhelm Hallermann, 4.1.1966.

everyday life with the Nazi regime's comforting narrative, when they stood in the dock, they knew that their own actions – which had so often been contradictory to their professed aims and values – could not be defended outside the moral and legal universe which had underpinned the German war of extermination.

But it would be wrong to assume that the Allied victory had destroyed all norms employed by the Nazis and replaced them entirely with something new. We have seen how the Nazi regime played upon existing legal norms such as the reprisal doctrine and pushed it to the limit and beyond to achieve its genocidal aims, and this particular legal norm was successfully applied as a defence strategy after the war. In 1967, for example, investigations were carried out in West Germany against a military commander for the execution of a group of Jews in Rozanaka in 1941.¹⁸ The responsible commander made no attempt to deny the execution had taken place, but he strongly rejected the allegation that he was a war criminal, and even claimed that he had been an opponent of the Nazi regime. He argued that this execution represented a legitimate reprisal for the murder of German soldiers in the area, which would then have been legal in any context, and referred to the investigations which had been carried out by the *Wehrmacht* at the time.¹⁹ On the basis of this defence, he did not face any legal consequences. Some norms which had been so crucial to the Nazi moral universe continued to be recognised as a justification for the regime's murder of racial enemies even decades after its downfall. It is therefore understandable that historians, who often appeared as expert witnesses in such trials, were reluctant to engage in their published analyses of the war with the arguments put forward by the perpetrators. They considered these to be blatantly utilitarian devices; elements of a defence strategy that was

¹⁸ B 162/9030, fol. 6R: Ermittlungen gg. H. Thumm wg. der Erschießung von 50 jüd. Einwohnern in Rozanka 1941 als Vergeltungsmaßnahme für die Ermordung von deutschen Soldaten

¹⁹ Ibid., fol. 212

supposed to excuse their violent actions which to the perpetrators, they genuinely did. As a result of historians' reluctance to engage with these contemporary arguments, the misleading idea emerged that to talk about the victimisation of Germans inevitably meant to downplay their crimes or to find excuses for them. In fact, it was these narratives of victimhood, allied to a Nazi moral framework and facilitated by an extreme version of the reprisal doctrine, which had been the driving and legitimating force behind the regime's crimes.

Sources

Bundesarchiv Berlin (BAB)

R 3001 Reichsjustizministerium

R 3012 Reichsjustizprüfungsamt

Bundesarchiv Militärarchiv Freiburg (BA-MA)

Admiral Südost

RM 35 III/4 Kurzer Bericht über Operation
Motorseglerstaffel Maleme-Iraklion 23.5.1941

AOK 12

RH 20-12/357 Tätigkeitsbericht IV b

Heeressanitätsinspektion

RH 12-23/539 Tätigkeit und Einsatz beratender
Gerichtsmediziner 1941-44

RH 12-23/542 Selbstverstümmelung sowie gegnerische
Völkerrechtsverletzungen

Militärbefehlhaber Belgien-Nordfrankreich

RW 36/436 Völkerrechtsverletzungen durch Engländer und
Franzosen

OKH/Generalstab des Heeres

RH 2/2684-88 Sowjetische Völkerrechtsverstöße

OKW / Amt Ausland/Abwehr

RL 33/98 Amt Ausland/Abwehr, Abteilung / Amtsgruppe
Ausland, Gruppe VI / Ausland VI
(Kriegsvölkerrechtsfragen)

Verbände und Einheiten der Fallschirmtruppe der Luftwaffe

RL 33/98 Gefechtsbericht über den Einsatz Kreta

Wehrmachtuntersuchungsstelle

RW 2/48-59 Völkerrechtsverletzungen Polen

RW 2/60-132 Verhalten und Völkerrechtsverletzungen der
Westalliierte

RW 2/133-146 Völkerrechtsverletzungen auf Kreta

RW 2/145-241 Verhalten und Völkerrechtsverletzungen der
Sowjetunion

Bundesarchiv Aussenstelle Ludwigsburg (B-ZSL)

B162/14509 Urteil LG München 114 Ks 1/72 gg. Bock u.A. ,
23.3.1973.

B 162/27028 Ermittlungen gg. Angehörige des Pol.Batl. 64,
1.-3. Kompanie wg. NS-Gewaltverbrechen in
Polen und auf dem Balkan 1939-42

B 162/9030 Ermittlungen gg. H. Thumm wg. der
Erschießung von 50 jüd. Einwohnern in Rozanka
1941 als Vergeltungsmaßnahme für die
Ermordung von deutschen Soldaten

B162/14509 Urteil LG München 114 Ks 1/72 gg. Bock u.A.
B 162/21434 Tötung von Patienten des Staatlichen
Krankenhauses für Geistesranke in Kobierzyn
bei Krakau in den Jahren 1939 bis 1942

B 162/8753 "Aussonderung" von Kriegsgefangenen im
Stalag 357 Poltawa und im Zweiglager Romadak

B 162/1640 Erschießung von Lemberger Hochschullehrern
und deren Angehörigen am 4.7.1941 durch das
z.b.V. Kommando Dr. Schöngrath

B 162/21457 Tötungen von Zivilpersonen durch Angehörige
der GFP-Gruppen 570 und 729 im
Mittelabschnitt der Ostfront in den Jahren 1941
bis 1943

B 162/3795	Beteiligung von Angehörigen des Pol.Batl. 310 (später III./Pol.Regt. 15) an verschiedenen Tatkomplexen u.a. in den Distrikten Radom, Galizien und im Pripjet-Gebiet (Ukraine) in den Jahren 1941/42
B162/7192	I/287 in Kertsch und Feodosia / Krim (Ukraine) an gegen Juden und Krimtschaken gerichteten Vernichtungsmaßnahmen
B 162/5658	Vorermittlungsakten

Hessisches Staatsarchiv Darmstadt (HHStADA)

H13 DA 1291/111	Urteil in der Strafsache gegen Cuno Callsen u.a.
-----------------	--

Landesarchiv Berlin (LAB)

B Rep. 057-01	Generalstaatsanwaltschaft bei dem Kammergericht/Arbeitsgruppe RSHA
---------------	---

Periodicals

Das Reich

Der Angriff

Deutsche Allgemeine Zeitung

Frankfurter Zeitung

Freiheitskampf

Heeresverordnungsblatt

Pravda

The New York Times

Völkischer Beobachter

Westdeutscher Beobachter

Bibliography

Printed Primary Sources

- Ascarelli, Attilio, *Le Fosse Ardeatine* (Rome, 1965).
- Auswärtiges Amt (ed.), *Die völkerrechtswidrige Führung des Belgischen Volkskrieges* (Berlin, 1915).
- (ed.), *Die polnischen Greuelthaten an den Volkdeutschen in Polen* (Berlin, 1940).
- (ed.), *Dokumente britisch-französischer Grausamkeit. Die britische und französische Kriegsführung in den Niederlanden, Belgien und Nordfrankreich im Mai 1940* (Berlin, 1940).
- (ed.), *Dokumente polnischer Grausamkeit* (Berlin, 1940).
- Behnken, Klaus (ed.), *Deutschland-Berichte der Sozialdemokratischen Partei Deutschlands (SOPADE) 1934–1940* (6; Frankfurt am Main, 1980).
- Bell, Johannes (ed.), *Völkerrecht im Weltkrieg* (Das Werk des Untersuchungsausschusses der Verfassungsgebenden Nationalversammlung und des Deutschen Reichstages 1919-1928, 2; Berlin, 1927).
- Boberach, Heinz (ed.), *Meldungen aus dem Reich 1938-1945. Die geheimen Lageberichte des Sicherheitsdienstes der SS* (12; Herrsching, 1984).
- Boelcke, Willi (ed.), *Kriegspropaganda 1939-1941. Geheime Ministerkonferenzen im Reichspropagandaministerium* (Stuttgart, 1966).
- (ed.), *“Wollt ihr den totalen Krieg?” Die geheimen Goebbels-Konferenzen 1939 - 1943* (Stuttgart, 1967).
- Bryce, James (ed.), *Report of the Committee on Alleged German Outrages* (London, 1915).
- Buhtz, Gerhard, ‘Begrüßungsansprache’, *Deutsche Zeitschrift für die gesamte gerichtliche Medizin*, 34 (1940), 1-7.
- Bundesministerium für Vertriebene, Flüchtlinge und Kriegsgeschädigte (ed.), *Die Vertreibung der deutschen Bevölkerung aus den Gebieten östlich der Oder-Neiße*, ed. Theodor Schieder 5 vols. (1; Bonn, 1953).
- (ed.), *Die Vertreibung der deutschen Bevölkerung aus den Gebieten östlich der Oder-Neiße*, ed. Theodor Schieder 5 vols. (Bonn, 1953-1962).
- Caballero, Ernesto, *La mantanza de Katyn. Visión sobre Russia* (Madrid, 1943).
- Centre for Information and Documentation of the Polish Government (ed.), *The German Invasion of Poland. Polish Black Book Containing Documents, Authenticated Reports and Photographs* (London, 1940).
- Daily Chronicle (ed.), *Black Book of the War. German Atrocities in France and Belgium. Full Text of the Official Reports* (London, 1915).
- Deutsche Informationsstelle (ed.), *Amtliches Material zum Massenmord von Katyn* (Berlin, 1943).
- Dwinger, Edwin Erich, *Der Tod in Polen. Die volksdeutsche Passion* (Jena, 1940).
- Freisler, Roland, ‘Ein Jahr Aufbau der Rechtspflege im Reichsgau Wartheland’, *Deutsche Justiz*, 102/41 (1940), 1125–30.
- , ‘Psychische Grundlagen der Polengreuel. Dargestellt an der Entwicklung des polnischen Volksgeistes’, *Deutsche Justiz*, 102/20 (1940), 557-63.
- Fröhlich, Elke (ed.), *Die Tagebücher von Joseph Goebbels* (München, 1993-1996).
- Hallermann, Wilhelm, ‘Die Todesopfer der Volksdeutschen aus den Geiselnügen im Warthegau’, *Deutsche Zeitschrift für die gesamte gerichtliche Medizin*, 34/1-3 (1940), 54–90.

- Kladov, Fedorovich Ignatz, *The People's Verdict. A Full Report of the Proceedings at the Krasnodar and Kharkov German Atrocity Trials* (London, 1944).
- Kreffft, Siegfried, *Über die Genese der Halsmuskelblutungen beim Tod durch Erhängen* (Halle, 1944).
- Mackiewicz, Józef, *The Katyn Wood Murders* (London, 1951).
- Omang, Reidar, *Altmark-saken 1940. Aktstykker i Det Kgl. Utenriksdepartements arkiv* (Oslo, 1953).
- Panning, Gerhart, 'Der Bromberger Blutsonntag. Ein gerichtsärztlicher Bericht', *Deutsche Zeitschrift für die gesamte gerichtliche Medizin*, 34 (1940), 7-54.
- , 'Wirkungsform und Nachweis der sowjetischen Infanteriesprengmunition', *Der Deutsche Militärarzt*, 7 (1942), 20-30.
- Polish Ministry of Information (ed.), *The German New Order in Poland* (London, 1941).
- Reichsarchiv (ed.), *Die Befreiung Ostpreussens* (Der Weltkrieg 1914 bis 1918. Die militärischen Operationen zu Lande, 2; Berlin, 1925).
- Reichsminister für die besetzten Ostgebiete (ed.), *Amtliches Material zum Massenmord von Winniza* (Berlin, 1944).
- Schrader, Gerhard, 'Die Todesstrafe', *Münchener Medizinische Wochenschrift*, 81/16 (1934), 605-07.
- Select Committee to Conduct an Investigation and Study of the Facts, Evidence, And Circumstances on the Katyn Forest Massacre (ed.), *The Katyn Forest Massacre. Hearings before the Select Committee to Conduct an Investigation of the Facts, Evidence and Circumstances of the Katyn Forest Massacre. Investigation of the Murder of Thousands of Polish officers in the Katyn Forest near Smolensk, Russia* 7 vols. (5; Washington, D.C., 1952).
- Shirer, William, *Berlin Diary. The Journal of a Foreign Correspondent 1934-1941* (New York, 1942).
- Special Commission for Ascertaining and Investigating the Circumstances of the Shooting of Polish Officer Prisoners by the German-Fascist Invaders in the Katyn Forest, *The Truth about Katyn* (London, 1944).
- Sündermann, Helmut (ed.), *Tagesparolen. Deutsche Presseweisungen 1939 - 1945*. (Leoni am Starnberger See, 1973).
- The Polish Ministry of Information (ed.), *The German Fifth Column in Poland* (London, 1941).
- Ukrainian Youth Association of America (ed.), *The Crime of Moscow in Vynnytsia* (Edinburgh, 1952).
- Von Stülpnagel, Otto, *Die Wahrheit über die deutschen Kriegsverbrechen* (Berlin, 1921).
- Waltzog, Alfons, *Recht der Landkriegsführung. Die wichtigsten Abkommen des Landkriegsrechts* (Berlin, 1942).
- Wehner, Bernhard, 'Kriminalistische Ergebnisse bei der Aufklärung polnischer Greuel an Volksdeutschen', *Deutsche Zeitschrift für die gesamte gerichtliche Medizin*, 34/1-3 (1940), 90-115.
- , *Die polnischen Greuelthaten. Kriminalpolizeiliche Ermittlungsergebnisse* (Berlin, 1942).

Printed Secondary Works

- Aly, Götz and Heim, Susanne, *Vordenker der Vernichtung. Auschwitz und die deutschen Pläne für eine neue europäische Ordnung* (Frankfurt, 1991).

- Aly, Götz, *“Endlösung”. Völkerverschiebung und der Mord an den europäischen Juden* (Frankfurt, 1995).
- Angerick, Andrej, *Besatzungspolitik und Massenmord. Die Einsatzgruppe D in der südlichen Sowjetunion 1941-1943* (Hamburg, 2003).
- August, Jochen, *Sonderaktion Krakau. Die Verhaftung der Krakauer Wissenschaftler am 6. November 1939* (Hamburg, 1997).
- Aurich, Peter, *Der deutsch-polnische September 1939. Eine Volksgruppe zwischen den Fronten* (Berlin, 1985).
- Bailey, Thomas and Ryan, Paul, *The Lusitania Disaster. An Episode in Modern Warfare and Diplomacy* (London, 1975).
- Baird, Jay, *The Mythical World of Nazi Propaganda 1939-45* (Minneapolis, 1974).
- , *Hitler's War Poets. Literature and Politics in the Third Reich* (Cambridge, 2008).
- Bajohr, Frank and Pohl, Dieter, *Massenmord und schlechtes Gewissen. Die deutsche Bevölkerung, die NS-Führung und der Holocaust* (Frankfurt am Main, 2008).
- Balfour, Michael, *Propaganda in War 1939-1945. Organisations, Policies and Publics in Britain and Germany* (London, 1979).
- Ballard, Robert D. and Dunmore, Spencer, *Exploring the Lusitania. Probing the Mysteries of the Sinking that Changed History* (Toronto, 1995).
- Barnouw, Dagmar, *Germany 1945. View of War and Violence* (Bloomington, 1996).
- Bartov, Omer, *Hitler's Army. Soldiers, Nazis, and War in the Third Reich* (Oxford, 1991).
- , ‘Złoczów, July 1941. The Wehrmacht and the Beginning of the Holocaust in Galicia. From a Criticism of Photographs to a Revision of the Past’, in Omer Bartov, Atina Grossmann, and Mary Nolan (eds.), *Crimes of War. Guilt and Denial in the Twentieth Century* (New York, 2002), pp. 61-99.
- Bauserman, John M., *The Malmédy Massacre* (Shippensburg, PA, 1995).
- Bazyler, Michael J. and Tuerkheimer, Frank M., *Forgotten Trials of the Holocaust* (New York, 2015).
- Beck, Birgit, *Wehrmacht und sexuelle Gewalt. Sexualverbrechen vor deutschen Militärgerichten 1939-1945* (Paderborn, 2004).
- Beer, Mathias, ‘Im Spannungsfeld von Politik und Zeitgeschichte. Das Großforschungsprojekt “Dokumentation der Vertreibung der Deutschen aus Ost-Mitteleuropa”’, *Vierteljahrshefte für Zeitgeschichte*, 46/3 (1998), 345-89.
- Beevor, Anthony, *Crete. The Battle and the Resistance* (London, 2005).
- Benz, Wolfgang, ‘Vierzig Jahre nach der Vertreibung. Einleitende Bemerkungen’, in Wolfgang Benz (ed.), *Die Vertreibung der Deutschen aus dem Osten. Ursachen, Ereignisse, Folgen* (Frankfurt, 1985), pp. 7-14.
- Bergen, Doris L., ‘Instrumentalization of “Volksdeutschen” in German Propaganda in 1939. Replacing/Erasing Poles, Jews, and Other Victims’, *German Studies Review*, 31/3 (2008), 447-70.
- Berzel, Barbara, *Die französische Literatur im Zeichen von Kollaboration und Faschismus. Alphonse de Châteaubriant, Robert Brasillach und Jacques Chardonne* (Tübingen, 2012).
- Bessel, Richard, *Germany 1945. From War to Peace* (London, 2009).
- Bessel, Richard and Haake, Claudia B. (eds.), *Removing Peoples. Forced Removal in the Modern World* (Oxford, 2009).
- Biess, Frank, *Homecomings. Returning POWs and the Legacies of Defeat in Postwar Germany* (Princeton, 2006).
- Bilinsky, Yaroslav, ‘Methodological Problems and Philosophical Issues in the Study of Jewish-Ukrainian Relations During the Second World War’, in Peter J. Potichnyj

- and Howard Aster (eds.), *Ukrainian-Jewish Relations in Historical Perspective* (Edmonton, 2010), pp. 373-94.
- Blanke, Richard, *Orphans of Versailles* (Lexington, 1993).
- Böhler, Jochen, *Auftakt zum Vernichtungskrieg. Die Wehrmacht in Polen 1939* (Frankfurt am Main, 2006).
- , *Der Überfall. Deutschlands Krieg gegen Polen* (Frankfurt am Main, 2009).
- Bömelburg, Hans-Jürgen, 'Die deutsche Besatzungspolitik in Polen 1939 bis 1945', in Bernhard Chiari (ed.), *Die polnische Heimatarmee. Geschichte und Mythos der Armia Krajowa seit dem Zweiten Weltkrieg* (München, 2003), pp. 51-86.
- , 'Gestörte Kommunikation. Der polnische Monolog über Flucht und Vertreibung und seine deutsch-polnischen Ursachen', *Mittelweg* 36, 14 (2005), 35-52.
- Borodziej, Włodzimierz and Lemberg, Hans (eds.), *Niemcy w Polsce 1945–1950. Wybór dokumentów* 4 vols. (Warsaw, 2000-2001).
- Borodziej, Włodzimierz, 'Anmerkungen zur deutschen und polnischen Historiographie der "Vertreibung" in den 1990er Jahren', in Ralph Melville, Jiří Pešek, and Claus Scharf (eds.), *Zwangsmigrationen im mittleren und östlichen Europa. Völkerrecht - Konzeptionen - Praxis 1938-1950* (Mainz, 2007), pp. 193-201.
- Bourtman, Ilya, "'Blood for Blood, Death for Death". The Soviet Military Tribunal in Krasnodar 1943', *Holocaust and Genocide Studies*, 22/2 (2008), 246–65.
- Bramstedt, Ernest K., *Goebbels und die nationalsozialistische Propaganda 1920-1945* (Frankfurt am Main, 1971).
- Brode, Patrick, *Casual Slaughters and Accidental Judgments. Canadian War Crimes Prosecutions 1944-1948* (Toronto, 1997).
- Broszat, Martin, *Nationalsozialistische Polenpolitik 1939-1945* (Stuttgart, 1961).
- Brown, Paul B., 'The Senior Leadership Cadre of the Geheime Feldpolizei 1939–1945', *Holocaust and Genocide Studies*, 17 (2003), 278–304.
- Browning, Christopher, *Ordinary Men. Reserve Police Battalion 101 and the Final Solution in Poland* (New York, 1992).
- Bundesarchiv (ed.), *Die Okkupationspolitik des deutschen Faschismus in Jugoslawien, Griechenland, Albanien, Italien und Ungarn (1941-1945)* (Berlin, 1992) 171-72.
- Burleigh, Michael, *Germany Turns Eastwards. A Study of Ostforschung in the Third Reich* (Cambridge, 1988).
- Bussemer, Thymian, 'Das Internationale Rote Kreuz und die NS-Kriegspropaganda. Der Fall Katyn', *Vorgänge*, 39/3 (2000), 81-89.
- Caroll, Francis M., *Athenia Torpedoed. The U-Boat Attack that Ignited the Battle of the Atlantic* (Barnsley, 2012).
- Chinciński, Tomasz and Machcewicz, Paweł, *Bydgoszcz 3–4 września 1939. Studia i dokumenty* (Warsaw, 2008).
- Chu, Winson, *The German Minority in Interwar Poland* (Cambridge, 2012).
- Cienciala, Anna M., Lebedeva, Natal'ia Sergeevna, and Materski, Wojciech, *Katyn. A Crime without Punishment* (New Haven, 2007).
- Clark, Christopher, 'Johannes Blaskowitz. Der christliche General', in Ronald; Syring Smelser, Enrico (ed.), *Die Militäreliten des Dritten Reiches* (Berlin, 1995), pp. 28-49.
- Datner, Szymon, *Crimes Committed by the Wehrmacht during the September Campaign and the Period of Military Government* (Warsaw, 1962).
- Davies, Stephen R., *RAF Police. The 'Great Escape' Murders. The Official Investigation into the Murders of 50 RAF POWs from Stalag Luft III in 1944* (Begnor Regis, 2009).

- De Zayas, Alfred Maurice, *Die Wehrmacht-Untersuchungsstelle. Deutsche Ermittlungen über alliierte Völkerrechtsverletzungen im Zweiten Weltkrieg* (München, 1979).
- Dobson, Christopher, Miller, John, and Payne, Ronald, *The Cruellest Night. Germany's Dunkirk and the Sinking of the Wilhelm Gustloff* (London, 1979).
- Doherty, Martin, 'The Attack on the Altmark. A Case Study in Wartime Propaganda', *Journal of Contemporary History*, 38/2 (2003), 187-200.
- Dragan, Anthony, *Vinnitsia: A Forgotten Holocaust* (Jersey City, NJ, 1986).
- Dreßen, Willi, 'Befehlsnotstand', in Wolfgang Benz (ed.), *Legenden, Lügen, Vorurteile. Ein Wörterbuch zur Zeitgeschichte* (München, 1992), pp. 45-47.
- Ebbinghaus, Angelika and Roth, Karl Heinz, 'Vorläufer des "Generalplan Ost". Eine Dokumentation über Theodor Schieders Polendenkschrift vom 7. Oktober 1939', *1999. Zeitschrift für Sozialgeschichte des 20. und 21. Jahrhunderts*, 7/1 (1992), 62-94.
- , 'Kriegswunden. Die kriegschirurgischen Experimente in den Konzentrationslagern und ihre Hintergründe', in Angelika Ebbinghaus and Klaus Dörner (eds.), *Vernichten und Heilen. Der Nürnberger Ärzteprozess und seine Folgen* (Berlin, 2001), pp. 117-218.
- Eggers, Christian, 'Die Reise der Kundt-Kommission durch die südfranzösischen Lager', in Jacques Grandjonc and Theresia Grundtner (eds.), *Zone der Ungewissheit. Exil und Internierung in Südfrankreich 1933-1944* (Reinbek bei Hamburg, 1993), pp. 235-48.
- Elsner, Gine and Stuby, Gerhard, *Wehrmachtsmedizin und Militärjustiz. Sachverständige im Zweiten Weltkrieg: Beratende Ärzte und Gutachter für Kriegserichte der Wehrmacht* (Hamburg, 2012).
- Fache, Thomas, 'Gegenwartsbewältigung. Dresdens Gedenken an die alliierten Luftangriffe vor und nach 1989', in Jörg Arnold, Dietmar Süß, and Malte Thießen (eds.), *Luftkrieg. Erinnerungen in Deutschland und Europa* (Göttingen, 2009), pp. 221-38.
- Fisch, Bernhard, *Nemmersdorf, Oktober 1944. Was in Ostpreussen tatsächlich geschah* (Berlin, 1997).
- , 'Nemmersdorf 1944 - nach wie vor ungeklärt', in Gerd R. Ueberschär (ed.), *Orte des Grauens. Verbrechen im Zweiten Weltkrieg* (Darmstadt, 2003), pp. 155-67.
- , 'Nemmersdorf 1944 – ein bisher unbekanntes zeitnahes Zeugnis', *Zeitschrift für Ostmitteleuropa-Forschung*, 56/1 (2007), 105-14.
- Fischer, Peter, *Die deutsche Publizistik als Faktor der deutsch-polnischen Beziehungen* (Wiesbaden, 1991).
- Fleischer, Hagen, 'Deutsche "Ordnung" in Griechenland 1941-1944', in Loukia Droulia and Hagen Fleischer (eds.), *Von Lidice bis Kalavryta. Widerstand und Besatzungsterror. Studien zur Repressalienpraxis im Zweiten Weltkrieg* (Berlin, 1999), pp. 151-224.
- Fleischer, Wolfgang and Hänchen, Udo, 'Tieffliegerangriffe auf Dresden am 13. und 14. Februar 1945', in Rolf-Dieter Müller, Nicole Schönherr, and Thomas Widera (eds.), *Die Zerstörung Dresdens 13. bis 15. Februar 1945. Gutachten und Ergebnisse der Dresdner Historikerkommission zur Ermittlung der Opferzahlen* (Göttingen, 2010), pp. 177-88.
- Forsbach, Ralf, *Die Medizinische Fakultät der Universität Bonn im "Dritten Reich"* (München, 2006).
- Förster, Jürgen, 'Das "Unternehmen Barbarossa" als Eroberungs- und Vernichtungskrieg', in Horst Boog, et al. (eds.), *Der Angriff auf die Sowjetunion (Das Deutsche Reich und der Zweite Weltkrieg 4; Stuttgart, 1983)*, pp. 413-47.

- Fox, Frank, 'Jewish Victims of the Katyn Massacre', *East European Jewish Affairs*, 23/1 (1993), 49-55.
- Frei, Norbert, *1945 und wir. Das Dritte Reich im Bewußtsein der Deutschen* (München, 2005).
- Friedrich, Jörg, *Der Brand. Deutschland im Bombenkrieg 1940-1945* (Berlin, 2002).
- Fritzche, Peter, *Life and death in the Third Reich* (Cambridge, MA, 2008).
- Gebhardt, Miriam, *Als die Soldaten kamen. Die Vergewaltigungen deutscher Frauen am Ende des Zweiten Weltkriegs* (München, 2015).
- Gellately, Robert, *The Gestapo and German Society. Enforcing Racial Policy 1933-1945* (Oxford, 1990).
- Gerlach, Christian, *Kalkulierte Morde. Die deutsche Wirtschafts- und Vernichtungspolitik in Weissrussland 1941 bis 1944* (Hamburg, 2000).
- Geßner, Klaus, *Geheime Feldpolizei. Zur Funktion und Organisation des geheimpolizeilichen Exekutivorgans der faschistischen Wehrmacht* (Berlin, 1986).
- Giziowski, Richard, *The Enigma of General Blaskowitz* (London, 1997).
- Goldhagen, Daniel Jonah, *Hitler's Willing Executioners. Ordinary Germans and the Holocaust* (London, 1997).
- Goschler, Constantin, "'Versöhnung' und 'Viktimisierung'. Die Vertriebenen und der deutsche Opferdiskurs', *Zeitschrift für Geschichtswissenschaft*, 53/10 (2005), 873-84.
- Grimm, Barbara, 'Lynchmorde an alliierten Fliegern im Zweiten Weltkrieg', in Dietmar Süß (ed.), *Deutschland im Luftkrieg. Geschichte und Erinnerung* (München, 2007), pp. 71-84.
- Gross, Raphael and Konitzer, Werner, 'Geschichte und Ethik. Zum Fortwirken der nationalsozialistischen Moral', *Mittelweg* 36, 8/4 (1999), 44-67.
- Gross, Raphael, *Anständig geblieben. Nationalsozialistische Moral* (Frankfurt, 2010).
- Grynberg, Anne, *Les camps de la honte. Les internés juifs des camps français, 1939-1944* (Paris, 1991).
- Haney, Craig, Banks, Curtis, and Zimbardo, Philip, 'Interpersonal Dynamics in a Simulated Prison', *International Journal of Criminology and Penology*, 1 (1973), 69-97.
- Hankel, Gerd, 'Deutsche Kriegsverbrechen des Weltkrieges 1914-18 vor deutschen Gerichten', in Wolfram Wette and Gerd R. Ueberschär (eds.), *Kriegsverbrechen im 20. Jahrhundert* (Darmstadt, 2001), pp. 85-98.
- , *Die Leipziger Prozesse. Deutsche Kriegsverbrechen und ihre strafrechtliche Verfolgung nach dem Ersten Weltkrieg* (Hamburg, 2003).
- Hart, Stephen, 'Indoctrinated Teenaged Nazi Warriors. The Fanaticism of the 12th SS Panzer Division Hitlerjugend', in Matthew Hughes and Gloria Johnson (eds.), *Fanaticism and Conflict in Modern Conflict* (London, 2005), pp. 81-100.
- Hartmann, Christian, *Wehrmacht im Ostkrieg. Front und militärisches Hinterland 1941-42* (München, 2009).
- Hartmann, Christian, Hürter, Johannes, and Jureit, Ulrike (eds.), *Verbrechen der Wehrmacht. Bilanz einer Debatte* (München, 2014).
- Hausmann, Frank-Rutger, *"Dichte, Dichter, tage nicht!". Die Europäische Schriftsteller-Vereinigung in Weimar 1941-1948* (Frankfurt am Main, 2004).
- Heer, Hannes and Naumann, Klaus, *Vernichtungskrieg. Verbrechen der Wehrmacht 1941-1944* (Hamburg, 1995).
- Heer, Hannes, 'Der letzte Band. Kriegsverbrechen und Nachkriegserinnerung', in Hamburger Institut für Sozialforschung (ed.), *Eine Ausstellung und ihre Folgen. Zur Rezeption der Ausstellung "Vernichtungskrieg. Verbrechen der Wehrmacht 1941 bis 1944"* (Hamburg, 1999), pp. 123-62.

- , 'Lemberg 1941. Die Instrumentalisierung der NKVD-Verbrechen für den Judenmord', in Wolfram Wette and Gerd R. Ueberschär (eds.), *Kriegsverbrechen im 20. Jahrhundert* (Darmstadt, 2001), pp. 165–77.
- Henke, Klaus-Dietmar, *Die amerikanische Besetzung Deutschlands* (München, 1995).
- Herber, Friedrich, *Gerichtsmedizin unterm Hakenkreuz* (Paderborn, 2006).
- Herbert, Ulrich, *Best. Biographische Studien über Radikalismus, Weltanschauung und Vernunft, 1903 - 1989* (Bonn, 1996).
- , 'Neue Antworten und Fragen zur Geschichte des "Holocaust"', in Ulrich Herbert (ed.), *Nationalsozialistische Vernichtungspolitik 1939-1945. Neue Forschungen und Kontroversen* (Frankfurt, 1998), pp. 9-66.
- , 'Der Historikerstreit. Politische, wissenschaftliche, biographische Aspekte', in Martin Sabrow (ed.), *Zeitgeschichte als Streitgeschichte. Große Kontroversen nach 1945* (München, 2003), pp. 94-113.
- Herf, Jeffrey, *The Jewish Enemy. Nazi Propaganda during World War II and the Holocaust* (Cambridge, MA, 2006).
- Hilton, Fern Overbey, *The Dachau Defendants. Life Stories from Testimony and Documents of the War Crimes Prosecutions* (Jefferson, N.C., 2004).
- Himka, John-Paul, 'War Criminality. A Blank Spot in the Collective Memory of the Ukrainian Diaspora', *Spaces of Identity*, 5/1 (2005), 9-24.
- Hirte, Ronald and Stein, Harry, 'Die Beziehungen der Universität Jena zum Konzentrationslager Buchenwald', in Uwe Hoßfeld, et al. (eds.), *"Kämpferische Wissenschaft". Studien zur Universität Jena im Nationalsozialismus* (Köln, 2003), pp. 361-98.
- Hochschild, Adam, *King Leopold's Ghost. A Story of Greed, Terror, and Heroism in Colonial Africa* (Boston, 1999).
- Hoffmann, Jens, *"Aktion 1005" - wie die Nazis die Spuren ihrer Massenmorde in Osteuropa beseitigten* (Hamburg, 2008).
- Hoffmann, Joachim, *Stalins Vernichtungskrieg 1941 - 1945* (München, 1995).
- Horne, John and Kramer, Alan, *German Atrocities 1914. A History of Denial* (New Haven, 2001).
- Hubatsch, Walther, *"Weserübung". Die deutsche Besetzung von Dänemark und Norwegen 1940* (Göttingen, 1960).
- Hull, Isabel V., *Absolute Destruction. Military Culture and the Practices of War in Imperial Germany* (Ithaca, 2005).
- , *A Scrap of Paper. Breaking and Making International Law during the Great War* (Ithaca, 2014).
- Hürter, Johannes, *Hitlers Heerführer. Die deutschen Oberbefehlshaber im Krieg gegen die Sowjetunion, 1941/42* (München, 2006).
- Jackson, Julian, *France. The Dark Years 1940-44* (Oxford, 2001).
- , *The Fall of France. The Nazi Invasion of 1940* (Oxford, 2004).
- Jacobsen, Hans-Adolf, 'Kommissarbefehl und Massenexekutionen sowjetischer Kriegsgefangener. Schriftliches Gutachten für den Auschwitz-Prozeß', in Hans Buchheim (ed.), *Anatomie des SS-Staates* (2; München, 1979), pp. 137-232.
- Jansen, Christian and Weckbecker, Arno, *Der "Volksdeutsche Selbstschutz" in Polen 1939/40* (München, 1992).
- Jastrzębski, Włodzimierz, *Der Bromberger Blutsonntag* (Poznań, 1990).
- Jilge, Wilfried, 'Competing Victimhoods – Post-Soviet Ukrainian Narratives on World War II', in Elazar Barkan, Elisabeth A. Cole, and Kai Struve (eds.), *Shared History – Divided Memory. Jews and Others in Soviet Occupied Poland 1939-1941* (Leipzig, 2007), pp. 103-31.

- Johnson, Eric A., *Nazi Terror. The Gestapo, Jews, and Ordinary Germans* (New York, 1999).
- Kaiser, Gerd, *Katyn. Das Staatsverbrechen - das Staatsgeheimnis* (Berlin, 2002).
- Kallis, Aristotle, *Nazi Propaganda and the Second World War* (Basingstoke, 2005).
- Kalmbach, Peter, *Wehrmachtjustiz* (Berlin, 2012).
- Kamenetsky, Ihor (ed.), *The Tragedy of Vinnytsia. Materials on Stalin's Policy of Extermination in Ukraine, 1936-1938* (Toronto, 1991).
- Keenan, Thomas, 'Getting the Dead to Tell me What Happened. Justice, Prosopopoeia, and Forensic Afterlives', in Forensic Architecture (ed.), *Forensis. The Architecture of Public Truth* (New York, 2014), pp. 35-55.
- Kershaw, Ian, *Popular Opinion and Political Dissent in the Third Reich. Bavaria 1933-1945* (Oxford, 1983).
- , 'Der Überfall auf Polen und die öffentliche Meinung in Deutschland', in Ernst W. Hansen, Gerhard Schreiber, and Bernd Wegner (eds.), *Politischer Wandel, organisierte Gewalt und nationale Sicherheit* (München, 1995), pp. 237-50.
- , *The End. Hitler's Germany 1944-45* (London, 2011).
- Kielkowski, Roman, *Das deutsche Verbrechen in der Anstalt für Geisteskranke in Kobierzyn* (Warsaw, 1988).
- Klarsfeld, Serge, *Vichy - Auschwitz. Le rôle de Vichy dans la solution finale de la question juive en France 1943-1944* (Paris, 1985).
- Klee, Ernst, *Auschwitz, die NS-Medizin und ihre Opfer* (Frankfurt am Main, 1997).
- , *Deutsche Medizin im Dritten Reich. Karrieren vor und nach 1945* (Frankfurt, 2001).
- Knoch, Habbo, "'Selbst verschuldet". "Vergeltung" und die Dynamik genozidaler Gewalt im 20. Jahrhundert', in Oliver von Wrochem (ed.), *Repressalien und Terror. "Vergeltungsaktionen" im deutsch besetzten Europa 1939-45* (Paderborn, 2017), pp. 39-58.
- Koch, H.W., 'Operation Barbarossa—The Current State of the Debate', *The Historical Journal*, 31/2 (1983), pp. 377–90.
- Kochavi, Arieh J., *Prelude to Nuremberg. Allied War Crimes Policy and the Question of Punishment* (Chapel Hill, N.C, 1998).
- Konitzer, Werner, 'Moral oder "Moral"? Einige Überlegungen zum Thema "Moral und Nationalsozialismus"', in Werner Konitzer and Raphael Gross (eds.), *Moralität des Bösen. Ethik und nationalsozialistische Verbrechen* (Frankfurt, 2009), pp. 97-115.
- Koonz, Claudia, *The Nazi Conscience* (Cambridge, MA, 2005).
- Koziol, Michael S., 'US-Kriegsverbrechen in Hohenlohe. Der Fall Jungholzhausen', in Folker Förtsch (ed.), *Kriegsende in Crailsheim und Umgebung* (Crailsheim, 2008), pp. 114-21.
- Kramer, Alan, 'Versailles, deutsche Kriegsverbrechen und die Auslieferungsbegehren der Alliierten 1919/20', in Wolfram Wette and Gerd R. Ueberschär (eds.), *Kriegsverbrechen im 20. Jahrhundert* (Darmstadt, 2001), pp. 72-84.
- Krausnick, Helmut, 'Kommissarbefehl und "Gerichtsbarkeitserlaß Barbarossa" in neuer Sicht', *Vierteljahrshefte für Zeitgeschichte*, 25 (1977), 682-738.
- Krausnick, Helmut and Wilhelm, Hans-Heinrich, *Die Truppe des Weltanschauungskrieges. Die Einsatzgruppen der Sicherheitspolizei und des SD 1938-1942* (Stuttgart, 1981).
- Krzoska, Markus, 'Bromberger Blutsonntag. Unklare Fakten, Klare Interpretationen', in Hans Henning Hahn and Robert Traba (eds.), *Deutsch-Polnische Erinnerungsorte* (2; München, 2014), pp. 351-64.
- Kulka, Otto Dov and Jäckel, Eberhard (eds.), *Die Juden in den geheimen NS-Stimmungsberichten 1933-1945* (Düsseldorf, 2004).

- Kundrus, Birthe, 'Totale Unterhaltung? Die kulturelle Kriegführung 1939 bis 1945 in Film, Rundfunk und Theater', in Jörg Echternkamp (ed.), *Die Deutsche Kriegsgesellschaft. 1939 bis 1945*. (Das Deutsche Reich und der Zweite Weltkrieg, 9,2; München, 2005), pp. 93-157.
- Laub, Thomas J., *After the Fall. German Policy in Occupied France 1940-1944* (Oxford, 2010).
- Lieb, Peter, *Konventioneller Krieg oder NS-Weltanschauungskrieg? Kriegführung und Partisanenbekämpfung in Frankreich 1943/44* (München, 2007).
- Longerich, Peter, "Davon haben wir nichts gewusst!". *Die Deutschen und die Judenverfolgung 1933 - 1945* (München, 2006).
- Macdonald, Callum A., *The Lost Battle. Crete 1941* (London, 1995).
- Mackenzie, Simon P., 'The Shackling Crisis. A Case-Study in the Dynamics of Prisoner-of-War Diplomacy in the Second World War', *The International History Review*, 17/1 (1995), 78-98.
- Mallmann, Klaus Michael, Böhler, Jochen, and Matthäus, Jürgen (eds.), *Einsatzgruppen in Polen. Darstellung und Dokumentation* (Darmstadt, 2008).
- Mallmann, Klaus-Michael, "'Volksjustiz gegen anglo-amerikanische Mörder'. Die Massaker an westalliierten Fliegern und Fallschirmspringern 1944/45', in Alfred Gottwaldt, Norbert Kampe, and Peter Klein (eds.), *NS-Gewaltherrschaft. Beiträge zur historischen Forschung und juristischen Aufarbeitung* (Berlin, 2005).
- Manoscheck, Walter, "Serbien ist judenfrei". *Militärische Besatzungspolitik und Judenvernichtung in Serbien 1941/42* (München, 1995).
- Margolian, Howard, *Conduct Unbecoming. The Story of the Murder of Canadian Prisoners of War in Normandy* (Toronto, 2000).
- Mazower, Mark, *Inside Hitler's Greece. The Experience of Occupation 1941-44* (New Haven, 2001).
- Messerschmidt, Manfred, 'Kommandobefehl und NS-Völkerrechtsdenken', *Revue de Droit pénal militaire et de Droit de la Guerre*, 11 (1972), 110-33.
- Messerschmidt, Manfred and Wüllner, Fritz, *Die Wehrmacht im Dienste des Nationalsozialismus. Zerstörung einer Legende* (Baden-Baden, 1987).
- Messerschmidt, Manfred, 'Präventivkrieg? Zur Kontroverse um die deutsche Außen- und Militärpolitik vor dem Angriff auf die Sowjetunion', in Bianka Pietrow-Ennker (ed.), *Präventivkrieg? Der deutsche Angriff auf die Sowjetunion* (Frankfurt am Main, 2000), pp. 19-36.
- Meyer, Ahlrich, 'Oradour 1944', in Gerd R. Ueberschär (ed.), *Orte des Grauens. Verbrechen im Zweiten Weltkrieg* (Darmstadt, 2003), pp. 176-86.
- Milgram, Stanley, *Obedience to Authority. An Experimental View* (London, 1974).
- Moeller, Robert G., *War Stories. The Search for a Usable Past in the Federal Republic of Germany* (Berkeley, CA, 2001).
- Motadel, David, *Islam and Nazi Germany's War* (Cambridge, MA, 2014).
- Müller, Sven Oliver, *Deutsche Soldaten und ihre Feinde. Nationalismus an Front und Heimatfront im Zweiten Weltkrieg* (Frankfurt, 2007).
- Musial, Bogdan, "Konterrevolutionäre Elemente sind zu erschießen". *Die Brutalisierung des deutsch-sowjetischen Krieges im Sommer 1941* (Berlin, 2000).
- , 'Das Schlachtfeld zweier totalitärer Systeme. Polen unter deutscher und sowjetischer Herrschaft 1939-1941', in Klaus-Michael Mallmann and Bogdan Musial (eds.), *Genesis des Genozids. Polen 1939-1941* (Darmstadt, 2004), pp. 13-35.
- Naimark, Norman M., *Fires of Hatred. Ethnic Cleansing in Twentieth-Century Europe* (Cambridge, MA, 2001).

- Niven, Bill, 'German Victimhood at the Turn of the Millenium', in Bill Niven (ed.), *Germans as Victims. Remembering the Past in Contemporary Germany* (Basingstoke, 2005), pp. 1-25.
- Nolte, Ernst, *Der europäische Bürgerkrieg 1917-1945. Nationalsozialismus und Bolschewismus* (Frankfurt am Main, 1987).
- O'Malley, Owen, *Katyn. Dispatches of Sir Owen O'Malley to the British Government* (Chicago, 1972).
- Obenaus, Herbert and Obenaus, Sibylle (eds.), "Schreiben, wie es wirklich war!". *Aufzeichnungen Karl Dürkefeldens aus den Jahren 1933-45* (Hannover, 1985).
- Orend, Brian, *The Morality of War* (Peterborough, Ont., 2006).
- Paperno, Irina, 'Exhuming the Bodies of Soviet Terror', *Representations*, 75/1 (2001), 89-118.
- Parker, Danny S., *Fatal Crossroads. The Untold Story of the Malmedy Massacre at the Battle of the Bulge* (Boston, 2013).
- Paul, Gerhard, '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, 2002), pp. 13-90.
- Peschanski, Denis, *La France des camps. L'internement, 1938-1946* (Paris, 2002).
- Peter, Karen (ed.), *NS-Pressenanweisungen der Vorkriegszeit. Edition und Dokumentation*, eds. Hans Bohrmann and Gabriele Toepser-Ziegert 7 vols. (7.2; München, 2001).
- Peukert, Detlev, *Volksgenossen und Gemeinschaftsfremde. Anpassung, Ausmerzung und Aufbegehren unter dem Nationalsozialismus* (Frankfurt, 1982).
- Pohl, Dieter, *Nationalsozialistische Judenverfolgung in Ostgalizien 1941-1944. Organisation und Durchführung eines staatlichen Massenverbrechens* (München, 1996).
- , *Die Herrschaft der Wehrmacht. Deutsche Militärbesatzung und einheimische Bevölkerung in der Sowjetunion 1941-1944* (München, 2008).
- Poppe, Uli, "'Wie der Sachverständige treffend sagt". Die Bedeutung von gerichtsmedizinischen Gutachten für die Rechtsprechung des Sondergerichts.', in Robert Bohn and Uwe Danker (eds.), *"Standgericht der inneren Front". Das Sondergericht Altona/Kiel 1932-1945* (Hamburg, 1998), pp. 276-324.
- Portelli, Alessandro, *The Order has been Carried Out. History, Memory, and Meaning of a Nazi massacre in Rome* (New York, 2003).
- Pospieszalski, Karol Marian, *Sprawa 58 000 "Volksdeuschów". Sprostowanie hitlerowskich oszczerstw w sprawie strat niemieckiej mniejszości w Polsce w ostatnich miesiącach przed wybuchem wojny i w toku kampanii wrześniowej* (Poznań, 1981).
- Prauser, Steffen, 'Mord in Rom? Der Anschlag in der Via Rasella und die deutsche Vergeltung in den Fosse Ardeatine im März 1944', *Vierteljahrshefte für Zeitgeschichte*, 50/2 (2002), 269-302.
- Preston, Diana, *Wilful Murder. The Sinking of the Lusitania* (London, 2002).
- Preuß, Johanna, Madea, Burkhard, and Lignitz, Eberhard, 'Gerhart Panning - Ordinarius für gerichtliche Medizin in Bonn und seine Verstrickung in nationalsozialistische Verbrechen', *Bonner Geschichtsblätter*, 57/58 (2008), 361-88.
- Prince, Cathryn, *Death in the Baltic. The Sinking of the Wilhelm Gustloff* (Basingstoke, 2013).
- Rass, Christoph, 'Missbrauchte Verbrechen. Die "Wehrmacht-Untersuchungsstelle für Verletzungen des Völkerrechts" war nicht viel mehr als eine Hilfstruppe der NS-Propaganda', *Die Zeit*, 12. November 2009.

- Rass, Christoph and Quadflieg, Peter M., 'Ganz normale Richter? Kriegserfahrung und Nachkriegskarrieren von Divisionsrichtern der Wehrmacht', in Joachim Perels and Wolfram Wette (eds.), *Mit reinem Gewissen. Wehrmachtrichter in der Bundesrepublik und ihre Opfer* (Berlin, 2011), pp. 184-99.
- Reichelt, Peter, *Vergangenheitsbewältigung in Deutschland. Die Auseinandersetzung mit der NS-Diktatur von 1945 bis heute* (München, 2001).
- Reynolds, Michael Frank, *The Devil's Adjutant. Jochen Peiper, Panzer Leader* (Staplehurst, 1995).
- Römer, Felix, *Der Kommissarbefehl. Wehrmacht und NS-Verbrechen an der Ostfront 1941/42* (Paderborn, 2008).
- , "'Im alten Deutschland wäre solcher Befehl nicht möglich gewesen". Rezeption, Adaption und Umsetzung des Kriegsgerichtsbarkeitserlasses im Ostheer 1941/42', *Vierteljahrshefte für Zeitgeschichte*, 56 (2008), 53-99.
- Rossino, Alexander, *Hitler Strikes Poland. Blitzkrieg, Ideology, and Atrocity* (Lawrence, Kan., 2003).
- Rossoliński-Liebe, Grzegorz, 'Erinnerungslücke Holocaust. Die ukrainische Diaspora und der Genozid an den Juden', *Vierteljahrshefte für Zeitgeschichte*, 62/3 (2014), 397-430.
- Rudling, Per A., *The OUN, the UPA and the Holocaust. A Study in the Manufacturing of Historical Myths* (Pittsburgh, 2011).
- Ruhm Von Oppen, Beate (ed.), *Helmuth James von Moltke - Briefe an Freya 1939-1945* (München, 1991).
- Runzheimer, Jürgen, 'Der Überfall auf den Sender Gleiwitz im Jahre 1939', *Vierteljahrshefte für Zeitgeschichte*, 10/4 (1964), 408-26.
- , 'Die Grenzzwischenfälle am Abend vor dem deutschen Angriff auf Polen', in Wolfgang Benz and Hermann Graml (eds.), *Sommer 1939. Die Großmächte und der Europäische Krieg* (Stuttgart, 1979), pp. 107-47.
- Rüter, Christian Frederik and De Mildt, Dick W. (eds.), *DDR-Justiz und NS-Verbrechen. Sammlung ostdeutscher Strafurteile wegen nationalsozialistischer Tötungsverbrechen, 1945-1998* (1; Amsterdam, 2002) 485-518.
- (eds.), *Justiz und NS-Verbrechen. Sammlung westdeutscher Strafurteile wegen nationalsozialistischer Tötungsverbrechen 1945-2012* (39; Amsterdam, 2012).
- Sandkühler, Thomas, *"Endlösung" in Galizien. Der Judenmord in Ostpolen und die Rettungsinitiativen von Berthold Beitz 1941-1944* (Bonn, 1996).
- Sanford, George, *Katyn and the Soviet massacre of 1940. Truth, Justice, and Memory* (London, 2005).
- Sayer, Ian and Botting, Douglas, *Hitler's Last General* (London, 1989).
- Scheck, Raffael, *Hitler's African Victims. The German Army Massacres of Black French Soldiers in 1940* (Cambridge, 2006).
- Schenk, Dieter, *Der Lemberger Professorenmord und der Holocaust in Ostgalizien* (Bonn, 2007).
- Schöller, Peter, *Der Fall Löwen und das Weissbuch. Eine kritische Untersuchung der deutschen Dokumentation über die Vorgänge in Löwen vom 25. bis 28. August 1914* (Köln, 1958).
- Schreiber, Carsten, *Elite im Verborgenen. Ideologie und regionale Herrschaftspraxis des Sicherheitsdienstes der SS und seines Netzwerks am Beispiel Sachsens* (München, 2008).
- Schubert, Günter, *Das Unternehmen "Bromberger Blutsonntag". Tod einer Legende* (Köln, 1989).

- Schwartz, Michael, 'Dürfen Vertriebene Opfer sein? Zeitgeschichtliche Überlegungen zu einem Problem deutscher und europäischer Identität', *Deutschland Archiv*, 38/3 (2005), 494-505.
- Segesser, Daniel Marc, *Recht statt Rache oder Rache durch Recht? Die Ahndung von Kriegsverbrechen in der internationalen wissenschaftlichen Debatte 1872-1945* (Paderborn, 2010).
- Seidler, Franz W., *Verbrechen an der Wehrmacht. Kriegsgreuel der Roten Armee* (Selent, 2000).
- Sorokina, Marina, 'People and Procedures. Toward a History of the Investigation of Nazi Crimes in the USSR', *Kritika*, 6/4 (2005), 797-831.
- Spector, Shmuel, 'Aktion 1005. Effacing the Murder of Millions', *Holocaust and Genocide Studies*, 5/2 (1990), 157-73.
- Sprenger, Isabell, *Gross-Rosen. Ein Konzentrationslager in Schlesien* (Köln, 1996).
- Stargardt, Nicholas, 'Opfer der Bomben und der Vergeltung', in Lothar Kettenacker (ed.), *Ein Volk von Opfern? Die neue Debatte um den Bombenkrieg 1940-45* (Berlin, 2003), pp. 56-71.
- , 'Rumors of Revenge in the Second World War', in Belinda Davis, Thomas Lindenberger, and Michael Wildt (eds.), *Alltag, Erfahrung, Eigensinn. Historisch-antropologische Erkundungen* (Frankfurt am Main, 2008), pp. 373-88.
- , 'Speaking in Public about the Murder of the Jews. What did the Holocaust mean to the Germans?', in Christian Wiese and Paul Betts (eds.), *Years of Persecution, Years of Extermination. Saul Friedländer and the Future of Holocaust Studies* (London, 2010), pp. 133-55.
- , *The German War. A Nation Under Arms 1939-45* (London, 2015).
- Staron, Joachim, *Fosse Ardeatine und Marzabotto. Deutsche Kriegsverbrechen und Resistenza. Geschichte und nationale Mythenbildung in Deutschland und Italien (1944-1999)* (Paderborn, 2002).
- Steinert, Marlis, *Hitlers Krieg und die Deutschen. Stimmung und Haltung der deutschen Bevölkerung im Zweiten Weltkrieg* (Düsseldorf, 1970).
- Stone, Dan, *The Liberation of the Camps. The End of the Holocaust and its Aftermath* (New Haven, 2015).
- Streim, Alfred, 'Zum Beispiel: Die Verbrechen der Einsatzgruppen in der Sowjetunion', in Adalbert Rückerl (ed.), *NS-Prozesse. Nach 25 Jahren Strafverfolgung* (1971), pp. 65-106.
- Streit, Christian, *Keine Kameraden. Die Wehrmacht und die sowjetischen Kriegsgefangenen 1941-1945* (München, 1978).
- Struve, Kai, 'Eastern Experience and Western Memory. 1939-1941 as a Paradigm of European Memory Conflicts', in Elazar Barkan, Elisabeth A. Cole, and Kai Struve (eds.), *Shared History - Divided Memory. Jews and Others in Soviet-Occupied Poland, 1939-1941* (Leipzig, 2007), pp. 43-66.
- , *Deutsche Herrschaft, ukrainischer Nationalismus, antijüdische Gewalt. Der Sommer 1941 in der Westukraine* (Berlin, 2015).
- Süß, Dietmar, *Tod aus der Luft. Kriegsgesellschaft und Luftkrieg in Deutschland und England* (München, 2011).
- Sydnor, Charles W., *Soldiers of Destruction. The SS Death's Head Division 1933-1945* (Princeton, NJ, 1977).
- Sywottek, Jutta, *Mobilmachung für den totalen Krieg. Die propagandistische Vorbereitung der deutschen Bevölkerung auf den Zweiten Weltkrieg* (Opladen, 1976).
- Szarota, Tomasz, *Warschau unter dem Hakenkreuz* (Paderborn, 1985).
- Taylor, Frederick, *Dresden. Tuesday, 13 February 1945* (London, 2005).

- Tilitzki, Christian, *Alltag in Ostpreußen. Die geheimen Lageberichte der Königsberger Justiz 1940-1945* (Leer, 1991).
- Toppe, Andreas, *Militär und Kriegsvölkerrecht. Rechtsnorm, Fachdiskurs und Kriegspraxis in Deutschland 1899-1940* (München, 2008).
- Trimmel, Gerald, *Heimkehr. Strategien eines nationalsozialistischen Films* (Wien, 1998).
- Ueberschär, Gerd R. and Wette, Wolfram (eds.), *Der deutsche Überfall auf die Sowjetunion. "Unternehmen Barbarossa" 1941* (3 edn., Frankfurt, 1991).
- Umbreit, Hans, 'Der Kampf um die Vormachtsstellung in Europa', in Klaus A. Maier, et al. (eds.), *Die Errichtung der Hegemonie auf dem europäischen Kontinent* (Das Deutsche Reich und der Zweite Weltkrieg, 4; Stuttgart, 1979), pp. 235-328.
- Vance, Jonathan F., 'Men in Manacles. The Shackling of Prisoners of War,' *The Journal of Military History*, 59/3 (1995), 483-504.
- Vande Winkel, Roel, 'Die Kriegsberichtserstattung der Ufa-Auslandswochenschau', in Rainer Rother and Judith Prokasky (eds.), *Die Kamera als Waffe. Propagandabilder des Zweiten Weltkriegs* (München, 2010), pp. 209-28.
- Vogel, Detlef, 'Das Eingreifen Deutschlands auf dem Balkan', in Gerhard Schreiber, Bernd Stegemann, and Detlef Vogel (eds.), *Der Mittelmeerraum und Südosteuropa. Von der "non belligeranza" Italiens bis zum Kriegseintritt der Vereinigten Staaten* (Das Deutsche Reich und der Zweite Weltkrieg, 3; Stuttgart, 1984), pp. 417-511.
- Volkman, Hans-Erich, 'Zur Verantwortlichkeit der Wehrmacht', in Rolf-Dieter Müller and Hans-Erich Volkman (eds.), *Die Wehrmacht. Mythos und Realität* (München, 1999), pp. 1195-222.
- Von Rosen, Hans Freiherr, *Die Verschleppung der Deutschen aus Posen und Pommerellen im September 1939* (Berlin, 1990).
- Von Xylander, Marlen, *Die deutsche Besatzungsherrschaft auf Kreta 1941 - 1945* (Freiburg i. Br., 1989).
- Wachs, Philipp-Christian, *Der Fall Oberländer (1905-1998). Ein Lehrstück deutscher Geschichte* (Frankfurt am Main, 2000).
- Wagner, Patrick, *Hitlers Kriminalisten. Die deutsche Kriminalpolizei und der Nationalsozialismus* (München, 2002).
- Walzer, Michael, *Just and Unjust Wars. A Moral Argument with Historical Illustrations* (London, 1978).
- Weber, Claudia, 'Wider besseres Wissen. Das Schweigen der Westalliierten zu Katyn', *Osteuropa*, 59/7/8 (2009), 227-47.
- , "'Too closely identified with Dr. Goebbels". Die Massenerschießungen von Katyn in der Geschichte des Zweiten Weltkriegs und des Kalten Kriegs', *Zeithistorische Forschungen/Studies in Contemporary History*, 8/1 (2011), 37-59.
- , *Krieg der Täter. Die Massenerschießungen von Katyń* (Hamburg, 2015).
- Weckbecker, Gerd, *Zwischen Freispruch und Todesstrafe. Die Rechtsprechung der nationalsozialistischen Sondergerichte Frankfurt/Main und Bromberg* (Baden-Baden, 1995).
- Weckel, Ulrike, *Beschämende Bilder. Deutsche Reaktionen auf alliierte Dokumentarfilme über befreite Konzentrationslager* (Stuttgart, 2012).
- Wehner, Bernhard, *Dem Täter auf der Spur. Die Geschichte der deutschen Kriminalpolizei* (Bergisch Gladbach, 1983).
- Weidauer, Walter, *Inferno Dresden. Über Lügen und Legenden um die Aktion "Donnerschlag"* (Berlin, 1983).
- Weingartner, James, *Crossroads of Death. The Story of the Malmédy Massacre and Trial* (Berkeley, 1979).

- Weinke, Annette, *Eine Gesellschaft ermittelt gegen sich selbst. Die Geschichte der Zentralen Stelle Ludwigsburg 1958-2008* (Darmstadt, 2009).
- Welch, David, *The Third Reich. Politics and Propaganda* (London, 1993).
- Welzer, Harald, *Täter. Wie aus ganz normalen Menschen Massenmörder werden* (Frankfurt a.M., 2007).
- Westemeier, Jens, *Joachim Peiper. A Biography of Himmler's SS Commander* (Atglen, PA, 2007).
- Wette, Wolfram, 'Die propagandistische Begleitmusik zum deutschen Überfall auf die Sowjetunion am 22. Juni 1941', in Gerd Ueberschär (ed.), *"Unternehmen Barbarossa". Der deutsche Überfall auf die Sowjetunion 1941* (Paderborn, 1984), pp. 111-29.
- , 'Der 22. Juni 1941 und die NS-Propaganda', in Hans Schafranek and Robert Streibel (eds.), *22 Juni 1941. Der Überfall auf die Sowjetunion* (Wien, 1991), pp. 75-85.
- Wette, Wolfram, Bremer, Ricarda, and Vogel, Detlef (eds.), *Das letzte halbe Jahr. Stimmungsberichte der Wehrmachtpropaganda 1944/45* (Essen, 2001).
- Wette, Wolfram, *Die Wehrmacht. Feindbilder, Vernichtungskrieg, Legenden* (Frankfurt am Main, 2005).
- Whiting, Charles, *Massacre at Malmédy. The Story of Jochen Peiper's Battle Group, Ardennes, December, 1944.* (London, 1971).
- Widera, Thomas, 'Gefangene Erinnerung. Die politische Instrumentalisierung der Bombardierung Dresdens', in Lothar Fritze and Thomas Widera (eds.), *Alliiertes Bombenkrieg* (Göttingen, 2005), pp. 109-34.
- Wiehn, Erhard Roy, 'Die Shoah von Kiew-Babij-Jar 1941', in Erhard Roy Wiehn (ed.), *Babi Jar 1941. Das Massaker deutscher Exekutionskommandos an der jüdischen Bevölkerung von Kiew 60 Jahre danach zum Gedenken* (Konstanz, 2001), pp. 21-70.
- Wiggan, Richard, *Hunt the Altmark* (London, 1982).
- Wildt, Michael, 'Differierende Wahrheiten. Historiker und Staatsanwälte als Ermittler von NS-Verbrechen', in Norbert Frei, Dirk van Laak, and Michael Stolleis (eds.), *Geschichte vor Gericht. Historiker, Richter und die Suche nach Gerechtigkeit* (München, 2000), pp. 46-59.
- , *Generation des Unbedingten. Das Führungskorps des Reichssicherheitshauptamtes* (Hamburger, 2003).
- , *Volksgemeinschaft als Selbstermächtigung. Gewalt gegen Juden in der deutschen Provinz 1919 bis 1939* (Hamburg, 2007).
- Wilhelm, Hans-Heinrich, *Die Einsatzgruppe A der Sicherheitspolizei und des SD 1941/42* (Frankfurt am Main, 1996).
- Wolf, Gerhard, *Ideologie und Herrschaftsrationalität. Nationalsozialistische Germanisierungspolitik in Polen* (Hamburg, 2012).
- Wüllner, Fritz and Ausländer, Fietje, 'Aussonderung und Ausmerzungen im Dienste der "Manneszucht". Militärjustiz unterm Hakenkreuz', in Fietje Ausländer (ed.), *Deserteure und ungehorsame Soldaten im Nationalsozialismus* (Bremen, 1990), pp. 65-89.
- Wylie, Neville, *Barbed Wire Diplomacy. Britain, Germany, and the Politics of Prisoners of War 1939-1945* (Oxford, 2010).
- Yelton, David K., *Hitler's Volkssturm. The Nazi Militia and the fall of Germany, 1944 - 1945* (Lawrence, Kan., 2002).
- Zagovec, Rafael A., 'Gespräche mit der "Volksgemeinschaft". Die deutsche Kriegsgesellschaft im Spiegel westalliiertes Frontverhöre', in Jörg Echternkamp

- (ed.), *Die Deutsche Kriegsgesellschaft 1939 bis 1945* (Das Deutsche Reich und der Zweite Weltkrieg, 9,2; München, 2005), pp. 289-382.
- Zawodny, Janusz Kazimierz, *Death in the Forest. The Story of the Katyn Forest Massacre* (Notre Dame, 1962).
- Zeidler, Manfred, *Kriegsende im Osten. Die Rote Armee und die Besetzung Deutschlands östlich von Oder und Neisse 1944/45* (München, 1996).