

Trying Perpetrators:

Denazification Trials and Support for Democracy in West Germany

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Comparativists have been paying increasing attention to transitional justice (TJ) programs, by which, after a regime transition or in post-conflict situations, wrongdoers may be tried and punished (or amnestied), victims compensated, and truth-telling measures implemented. A burgeoning literature has focused on the consequences of TJ policies on the legitimacy of new democratic regimes.¹ A long-standing tradition of case study research² has been recently complemented by work that, based on large-scale data collection efforts, analyzes many countries over time.³

This literature has explored different causal pathways through which TJ policies can have an impact on a new democracy or on post-conflict peace. Kim and Sikkink, for example, analyze how human rights trials may deter elites in transitional or authoritarian regimes from engaging in further human rights violations.⁴ Others have analyzed the empowering effect of TJ trials on national judiciaries,⁵ or on marginalized groups in new democracies.⁶ An increasing number of scholars have focused on the attitudinal effects of TJ policies.⁷ This scholarship focuses on how TJ policies affect attitudes towards democracy, enhancing or undermining the legitimacy of a new democratic regime or of specific democratic institutions.⁸ In this vein of research, several scholars have analyzed the effects of TJ programs on subpopulations, i.e., groups of individuals involved in, or affected by, TJ programs,⁹ such as victims of authoritarian repression or of violence in civil or ethnic conflicts,¹⁰ displaced persons,¹¹ witnesses in Truth Commissions proceedings,¹² and soldiers or ex-combatants in civil wars.¹³

We contribute to this line of research by analyzing the attitudinal effects of TJ programs on defendants in TJ trials, namely, individuals who are tried for their responsibilities in a pre-existing authoritarian regime, a subpopulation that, to our knowledge, has never been analyzed through survey research. When a TJ program is designed to try and punish

large numbers of individuals, the attitudinal effects of TJ trials on defendants have consequences for the political attitudes of large sectors of society towards the new regime. Moreover, the attitudinal effects of TJ trials may be multiplied through within-family transmission. Such transmission dynamics, well-studied in political psychology,¹⁴ have never been investigated in the context of TJ programs.

Our analysis focuses on the “denazification” mass trials that were held in the aftermath of WWII West Germany under the supervision of U.S., UK, and French authorities. Beyond the well-known Nuremberg trials of the Nazi political, economic, and professional elites¹⁵, more than 3.5 million Germans underwent trial for their role in the Nazi regime in 545 TJ courts (*Spruchkammern*), established in 1946 across all three Western occupation zones.¹⁶ Amnesties and other circumstances interrupted many of these proceedings, but trials were completed in over two million cases, of which almost a million ended in a conviction. The high number of defendants makes the impact of denazification trials on their attitudes towards the new regime highly relevant for its popular legitimacy and provides insights about the consequences of any TJ programs designed to sanction large numbers of individuals. Indeed, the post-war West German regime is not unique in this respect: examples of TJ programs involving very large numbers range from post-Saddam Hussein Iraq to post-communist Eastern European countries.

Our theoretical framework centers on the idea, developed in the social psychology literature on criminal justice, that the attitudinal consequences of punishment for defendants depend on both the fairness of the trial procedures and on the fairness of the trial outcome. Despite their political valence, TJ trials share significant similarities with ordinary justice processes.¹⁷ As such, their procedures can be of varying quality and their verdicts can be perceived as more or less legitimate by different groups of actors. We draw on robust observational and experimental findings in social psychology to develop hypotheses about the impact of the outcomes and procedures of TJ trials on individual attitudes towards the new West German democracy. In this respect, the connection between TJ policies and the legitimacy of the new regime posited by the literature¹⁸ parallels the connection drawn in social psychology between the perceived legitimacy of punishment and that of the institutions imposing it, such as the courts, the police, or the legal system as whole.¹⁹

Scholars have long acknowledged the problem of the potential endogeneity of TJ policies to the politics of post-authoritarian transitions, which complicates efforts to assess the independent impact of TJ policies on democracy and to establish the direction of causality between TJ and other factors.²⁰ We address this problem by leveraging subnational variation in TJ policies in West Germany after 1945.²¹ The delimitation of the U.S., UK, and French zones of occupation was determined by diplomacy and by military “facts on the ground,” and the TJ policies of the three military governments were guided by their geo-political strategies and by public opinion at home. Therefore, German citizens in different occupation zones experienced different TJ policies, and these differences were largely exogenous to their political preferences. Cross-zone comparability is enhanced by the circumstance that the trials in the three zones were based on the same broad legal framework.

Analyzing data from a public opinion survey fielded in West Germany in 1957, we find that, in line with our hypotheses, democratic support among defendants was

strengthened when they experienced relatively fairer trial procedures, and when more individuals were punished in their region, thus enhancing the sense of outcome fairness. Indeed, we find no evidence that being a defendant during the denazification process undermined democratic support, unless this experience was reinforced by relatively less fair denazification trial procedures and a greater sense of having been singled out. Our data further suggest that the democratic support of family members of TJ defendants was partially affected by procedural justice, but we do not find that differences in the fairness of denazification outcomes triggered significant attitudinal differences between family members of TJ defendants and the broader public.

Redistributive Outcomes, Procedural Justice, and Defendants' Attitudes

Long-standing research traditions in social psychology have shown that the fairness of punishment sentences (the trial “outcomes”) and the fairness of the procedures through which punishment is imposed influence the acceptance of court verdicts on the part of defendants, as well their attitudes towards the legal system. Theorizations of punishment legitimacy based on outcome fairness are founded on theories of equity,²² distributive justice,²³ and relative deprivation.²⁴ A common principle of these theories is that certain reward distribution patterns will encourage people to evaluate their fairness according to a referent standard, typically based on social comparisons. If distributive outcomes are perceived as unfair, people will respond by displaying negative emotions such as anger and resentment, which will induce them to act to redress the perceived inequity. These theories conceptualize “distributively just relationships” as ones in which there is an equal balance between the ratio of a person’s contributions and their outcomes.²⁵ Propositions derived from these theories have been applied to several social contexts, including personal relationships, workplace decisions, commercial transactions, organizational dynamics, educational situations, and encounters with courts and the police.²⁶ When applied to judicial settings, this theoretical approach predicts that a defendant will be more inclined to accept a certain punishment as legitimate if they believe that other defendants who committed the same crime also receive the same level of punishment.²⁷ In the context of our analysis, this suggests the following hypothesis:

Hypothesis 1: The relative fairness of their conviction promotes democratic support among defendants of TJ trials.

Starting in the 1970s, research in social psychology stressed the importance of procedural justice in determining individual attitudes in social allocations. Motivating this literature was the consideration that if individuals’ attitudes were only driven by perceptions of outcome fairness, the endemic scarcity of resources in virtually any distributive setting would generate more dissatisfaction in society than is in fact observed.²⁸ This literature broadly defines procedural justice as the judgment on whether the complex of procedures used for an authoritative allocation of rewards or punishments respond

to some standard of fairness.²⁹ In a foundational study, Thibaut and Walker³⁰ applied these insights to court trials and showed that defendants' evaluation of the fairness of the procedures influenced their acceptance of the trial's outcome above and beyond the perception of the relative fairness of sentencing.³¹ Hence, we formulate the following hypothesis:

Hypothesis 2: Relatively higher levels of procedural justice promote democratic support among TJ defendants.

Building on Thibaut and Walker's analysis, scholars have identified multiple dimensions of procedural justice, which ground our operationalization. An earlier generation of studies emphasized that individuals value procedural justice in court proceedings because it serves their self-interest. "Fair" procedures allow defendants to have a measure of "control"—also called "voice"³² or "representation"³³—in the allocative process³⁴ by representing their concerns appropriately, producing evidence in support of their views, and receiving reassurances that such evidence will be considered properly.³⁵ Later studies, while recognizing the importance of the control/voice/representation dimension, have evidenced a broader psychological basis for the acceptance of judicial outcomes derived from fair procedures.³⁶ The influential group-value model of procedural justice stipulates that people appreciate procedural justice because they value their long-term relationships with the group to which they belong, be this the family, a larger organization, or even the national community.³⁷ Psychological research on Social Identity Theory demonstrates that individuals value belonging to a group because the group provides them with a source of self-validation, emotional support, a sense of belonging, and material resources.³⁸ Hence, group members attach importance to procedural justice not only because it allows them to defend their self-interest, but also because it expresses the dominant values of the group and because the application of fair procedures to their case signals to them their own standing within the group, which they intrinsically value.³⁹

Therefore, "non-control" procedural characteristics have been shown to play a crucial role in determining why individuals value fair procedures in court trials as well as other allocative processes.⁴⁰ Such characteristics include whether decisions are taken on the basis of full and correct information (*quality of the decision or accuracy*);⁴¹ whether decision-makers are perceived as trustworthy and impartial (*impartiality*);⁴² whether all parties are treated with politeness and their rights are respected (*ethicality*);⁴³ and whether formal or informal opportunities to reverse erroneous decisions exist (*correctability*).⁴⁴ In our analysis, we operationalize the dimensions of *voice*, *ethicality*, *impartiality*, *quality of decisions*, and *correctability* in the context of denazification in West Germany and aggregate them in an index of procedural justice.

Finally, social psychologists focusing on procedural justice have typically not denied the importance of distributive fairness, which they have often considered as equally important in explaining individual attitudes towards court verdicts.⁴⁵ Current research routinely considers both procedural justice and outcome fairness as affecting defendants' attitudes towards judicial decisions.⁴⁶

TJ Externalities: The Effects of Trials on the Families of Defendants

We also consider the impact of TJ outcomes and procedures on defendants' family members. Family members are important for understanding the regime implications of TJ trials: to the extent that their attitudes towards the new regime are shaped by TJ trials, family members may represent a multiplier effect, which can significantly magnify the impact of TJ on public opinion.

Building on work on the transmission of political attitudes and information within families, we posit that there are two distinct but not mutually exclusive mechanisms at play. The first builds on an extensive literature that documents the diffusion of political attitudes within families, both between couples and across generations,⁴⁷ typically through parental socialization.⁴⁸ From this perspective, the attitudinal impact of TJ policies on family members is mediated by defendants. Based on their evaluation of TJ procedures and outcomes, defendants accept or reject the legitimacy of the new democratic system and transmit their political preferences to their families.

The second mechanism focuses on the possibility that family members of TJ defendants have different information about the TJ process than the general public. Previous research has shown that political discussion within the family can represent an important source of political information.⁴⁹ Hence, it is likely that defendants would share some of their personal experiences of the TJ process with their relatives. Furthermore, family members are likely to have greater incentives than the general public to learn about the details of TJ procedures and outcomes since they are often significantly affected economically and psychologically from the punishments (such as fines, job demotions/losses, property confiscations, or prison sentences) imposed on those convicted. According to this view, the political effects of trials on family members of TJ defendants are the result of an independent processing of information about TJ procedures and outcomes rather than simply reflecting the transmission of the political preferences of defendants.

While theoretically distinct, these two mechanisms engender broadly similar theoretical expectations. In both cases, we would expect family members to display similar, though potentially muted, reactions to TJ defendants in response to the procedures and outcomes of TJ trials. The only observable implication of the difference between the two mechanisms is that in the case of attitudinal transmission, we would expect to see similar patterns between defendants and family members for both outcome fairness and procedural justice, whereas for the information transmission mechanism it is possible to see different patterns across dimensions if different aspects of TJ information are transmitted to varying degrees.⁵⁰

Hypothesis 3a: Outcome fairness promotes democratic support among family members of TJ defendants.

Hypothesis 3b: Procedural justice promotes democratic support among family members of TJ defendants.

Research Strategy and Case Selection

To test our hypotheses, we analyze subnational variation in denazification in the Western German territories, where U.S., UK, and French military authorities held sovereign power until 1949.⁵¹ A subnational design allows keeping constant at least some of the predictors pertaining to rival explanations.⁵² Importantly for our identification strategy, both the establishment of the boundaries of the three occupation zones and the general approach to denazification on the part of the Western Allies were largely exogenous to the preferences of the German citizens. Convergent historical accounts show that the zones' boundaries were based on diplomatic, military, and logistical considerations.⁵³ The boundaries of the Soviet zone were established in January 1944 based on the expected extent of the Red Army's advance. After that, the U.S. and the UK governments battled diplomatically for nine months over the right to occupy the northwestern regions of Germany, thereby controlling the German ports.⁵⁴ The dispute was settled only by granting the U.S. direct control of the Bremen enclave and its port, Bremerhaven, and the right of access to them through the British zone.⁵⁵ The French zone was then carved out from the other Western zones, again based on logistical considerations of the UK and U.S. governments.⁵⁶

Despite converging on the legal framework of denazification, the American, British, and French occupation governments approached denazification in markedly distinct ways. Their policies were not driven by the preferences of German citizens in their zones, but shaped by the strategic considerations that they attached to the occupation of Germany, as well as by public opinion at home.⁵⁷ In the U.S. zone, a retributive attitude prevailed. Roosevelt could only be dissuaded from enacting the encompassing purges and the partition and de-industrialization of Germany entailed by the Morgenthau Plan by a punitive denazification policy.⁵⁸ Hence, the U.S. Military authorities enacted harsh denazification measures in the first months of occupation.⁵⁹ This policy had the support of the American public. For example, in May 1945, 35 percent of Americans thought that Germany should be harshly punished, and an additional 45 percent believed that it should be supervised, controlled, and disarmed. Fewer than 10 percent favored rehabilitation and re-education.⁶⁰

In the UK, although positions favoring retribution existed, more pragmatic views prevailed.⁶¹ This attitude reflected important strategic concerns, embodied by the UK government's view that stabilizing the division between a Western German state under the influence of the US, and the eastern part of Germany, would be best suited to British interests.⁶² A further consideration was that leaving in place part of the German administrative and economic machinery would reduce costs for the UK Treasury, already strained by the war effort.⁶³ This approach to denazification was also possible because the hostility of British public opinion towards the Germans was less pronounced than in the U.S. Even in 1944, only about one third of Britons wanted the Allies' treatment of Germany to be based on vengeance.⁶⁴ In November 1945, more than one third of respondents either "sympathized" with the fate of Germans or were "indifferent" to it.⁶⁵

In the French zone, the denazification program was mainly designed to pursue three foreign and security policy priorities: the dismemberment of Germany, or at least the establishment of a strongly decentralized federal system, which many saw as the best way to reduce the German threat after the three Franco-German wars of the previous seventy years; the exploitation of the economy of the occupied zone to provide for reparations; and the re-education of Germans to French values of freedom and democracy.⁶⁶ This strategy found ample resonance in the French public.⁶⁷ In accordance with these goals, the implementation of denazification was decentralized, with no common zonal approach until 1947.⁶⁸ Like in the British zone, the French authorities endeavored to preserve a functioning economy and administration, which was important for resource extraction. Finally, the French occupation authorities explicitly rejected collective conceptions of guilt and automatic sanctions for particular categories of individuals in favor of considering each individual case on its merit.⁶⁹

These different approaches were reflected in the outcomes and procedures in denazification trials in the three zones, including how the *Spruchkammern* judged defendants. In a first phase, military authorities directly implemented restrictive measures, including arrests, internments, and dismissals, which continued, although with less intensity, also after the establishment of the *Spruchkammern* in March 1946.⁷⁰ The U.S. authorities initially aimed at eradicating Nazi elements from society through widespread purges and arrests, generally without much consideration of whether the individual purged, if a public employee, could be replaced. Furthermore, the whole adult population of the U.S. zone had to fill out questionnaires (*Meldebögen*) about their Nazi past, which then constituted the basis for prosecution.⁷¹ In the UK and French zones, instead, only senior employees in public and semi-public administrations were required to fill out questionnaires (*Fragebögen*).⁷² Their intention of preserving a functioning administration led the British authorities to target the smallest number of individuals of all three zones. Hence, while hardcore Nazis were generally prosecuted, individuals who had responsibilities in the Nazi regime but who also had useful technical or administrative competences were excluded from prosecution, and even industrialists that had significantly helped the German war effort were treated leniently.⁷³ The French authorities' decentralized approach meant that initially each *Land* in their zone implemented partially different denazification systems.⁷⁴ Overall, denazification in the French zone involved, in percentage terms, more individuals than in the other two zones, but the severity of the sanctions was generally milder.⁷⁵

For reasons of costs and feasibility, the Allies eventually switched to the *Spruchkammern* system that is the focus of this analysis. The new system was established in March 1946 in the U.S. zone with the "Liberation Act" (*Befreiungsgesetz*) and subsequently adopted, with limited procedural differences, in the other two zones.⁷⁶ Conceptually, this strand of denazification policies presents some hybrid characteristics. Akin to "lustration" policies,⁷⁷ many individuals were punished for their membership in Nazi organizations, or for their position in the civil service. At the same time, the *Spruchkammern* also targeted individuals for explicit acts.⁷⁸ Evidence of one's formal role in the Nazi regime was used to classify individuals into different categories of presumed guilt

(Appendix, Table A3), but sanctions could be adjusted upwards or downwards after trial procedures ascertained the defendant's actual level of responsibility.⁷⁹ Under the *Spruchkammern* system, witnesses could be heard and the accused had a right to a defense. The burden of proof, however, was reversed: guilt was presupposed and the accused had to prove their innocence.⁸⁰ The 545 *Spruchkammern* were staffed by about 22,000 members of the reconstituted German democratic parties that had been meanwhile licensed by the Allies.⁸¹ According to Vollnhals, the total number of cases in denazification trials amounted to 3,660,648.⁸² Of these, over 1.4 million were amnestied or had their proceedings interrupted for other reasons. Of the remaining defendants, over 1.2 million were exonerated, while 931,106 were convicted and sanctioned.⁸³

By mid-1948, criticisms of the *Spruchkammern* among the German public and tensions with the USSR, induced the Western Allies to wind down denazification.⁸⁴ With the creation of the Federal Republic in 1949, competences were passed to the *Länder*, some of which quickly approved laws to terminate denazification. In October 1950, the *Bundestag* issued "formal advice" to the *Länder* to end all trials except for the highest two categories of guilt, to reduce the sanctions for individuals in these categories and to allow them to apply for inclusion in a lower category.⁸⁵ By 1953, all *Länder* had adapted their legislation to these recommendations.⁸⁶

In sum, it was the priorities of occupation forces in terms of their geostrategic visions and the orientation of their domestic public opinion, rather than the preferences of German citizens in the different areas of the country, that drove subnational variation in conviction levels and procedures. Overall, conviction levels tended to be lower in the UK zone, which should reduce democratic support among defendants, while procedures tended to be fairer in the French zone, which we expect to promote stronger democratic support for those affected by denazification. In the next section we present our data and the operationalization of our variables.

Data and Variables

Our primary source is a 1957 *Institut für Demoskopie Allensbach* survey, which included several questions on democratic support, as well as a question on personal experiences with denazification. We combine survey data with *Land*-level statistics on denazification outcomes and procedures, as well as indicators of historical electoral support and socio-demographic characteristics.

Our dependent variable is a democracy index constructed from four survey questions.⁸⁷ The first asked respondents how they would react to the revival of the National Socialist party and allowed for five options (active support, passive support, indifference, passive opposition, or active opposition).⁸⁸ The second asked respondents to choose between two opposing statements, one of which advocated giving all the power to the "best" politicians so that "things would get done," while the other indicated a preference for collective decisions in order to avoid abuses of power. The third asked whether Germany needed a parliament or whether it would be fine without one. The fourth

question asked respondents about the ideal number of parties; we coded respondents preferring a single party as anti-democratic.⁸⁹

The survey asked respondents whether they or someone in their family had suffered because of denazification, thus offering the opportunity to test the impact of TJ trials on defendants.⁹⁰ To be sure, the survey was fielded a decade after the peak of the denazification process, and some defendants had passed away in the interim. Still, this question is answered in the affirmative by 12 percent of our sample, thus providing us with enough observations for our inferences.⁹¹ Gender and age criteria allow us to parse out reasonably well respondents who were more likely to have been defendants from those who were unlikely to have been, and who therefore we classify as their family members. Since the vast majority of defendants in denazification trials were men, we code women who responded that they had been “affected by denazification” as family members.⁹² Furthermore, given that all individuals under eighteen in 1945 were excluded from denazification procedures, we also code men under the age of thirty who answered the denazification question affirmatively as family members.

We operationalize *outcome fairness* as the ratio of punished individuals vis-à-vis the population of a respondent’s *Land*.⁹³ As discussed, individuals will be more inclined to consider their punishment legitimate if they perceive that others who committed similar offenses also received a similar punishment. The survey provides no information on the severity of the punishment of individual respondents, but this is unlikely to be a significant problem for our purposes: more than 85 percent of all defendants were classed as “Fellow Travelers” and received administrative punishments such as fines or demotions.⁹⁴ It is a safe assumption that a very large prevalence of Fellow Travelers would be replicated in our survey sample, also because the small minority of defendants punished with substantially harsher sanctions—prison or labor camp—due to their more senior role in the Nazi regime were on average older and less likely to have been still alive at the time of the survey.⁹⁵

We of course recognize that, in principle, individuals may evaluate the fairness of their situation vis-à-vis different reference groups.⁹⁶ Data limitations constrain our choice in this respect, but it is likely that the number of defendants in one’s *Land* was an important term of comparison. The press and the radio played a crucial role in providing information on denazification, and, although national outlets existed at the time, German media were mainly local and regional (*Land*-based). This circumstance increases the probability that *Land*-level patterns of denazification punishment figured prominently in the day-to-day media reports and therefore constituted at least one important group of comparison for respondents.⁹⁷

The administration of denazification fell short in several respects of the ideal of procedural justice that characterizes judicial adjudication in rule of law systems. Hence, our measures should be interpreted as capturing smaller or larger deviations from that ideal. At the same time, denazification procedures display significant subnational variation across the Western German territories and across time. To capture this variation, we score denazification policies in each *Land* along the procedural justice dimensions of control, ethicality, quality of decision, correctability, and impartiality as discussed in our theoretical

framework,⁹⁸ and then aggregate these scores into an additive “procedural justice” index (Appendix, Tables A1 and A2). We operationalize *control* with the length of time between May 1945 (the capitulation of the German Reich) and August 1949 (the month before competencies on denazification were transferred to the *Länder*) during which the *Spruchkammern* system—which allowed defendants and witnesses to be heard—was in place, having replaced direct administration of transitional justice by the Allies’ militaries, in which no such guarantees existed. In the context of our analysis, an important aspect referring to the *ethicality* of the denazification procedures was whether defendants were limited to only perform “common work” (manual, low-skill activities) for the whole duration of the proceedings, which *de facto* imposes a sanction before a verdict is reached. Furthermore, we take the extent to which the attribution of guilt was explicitly assumed on a collective basis (e.g., based on membership in certain organizations), rather than based on individual circumstances, as a measure of *quality of decision*, since it taps into the extent to which judicial authorities collected the information that they needed to make good decisions. The principle of *impartiality* may be violated by various forms of behavior by the authorities (for example, dishonest behavior or lack of effort to be fair),⁹⁹ but its most potent violation consists in pre-conceived bias against members of a sub-group,¹⁰⁰ and whether the defendant’s treatment was influenced by their “race, sex, age, nationality, or some other characteristic of them as a person.”¹⁰¹ Hence, we measure impartiality on the basis of whether the occupation authorities imposed the completion of denazification questionnaires—on which trials were based—only on specific groups (e.g., senior public employees) or on the whole population, which is tantamount to presuming guilt on the basis of nationality. Finally, *correctability* is measured by the extent to which initial denazification punishments could be revised. *Spruchkammern* judgments could be appealed before a chamber presided over by a judge or a lawyer with the same level of legal training, which inserted a common element of correctability in the system.¹⁰² In the French zone, however, *Spruchkammern* themselves devoted their action to revising the punishment imposed directly by occupation authorities in the first phase of denazification, while in the other two zones they only tried new cases.

Even though the boundaries of the occupation zones were not endogenous to the political preferences of German citizens, we want to make sure that zone or *Land* borders do not reflect the effects of other variables that may shape attitudes towards the new democratic regime and political values associated with the Nazi past.¹⁰³ Two issues are particularly salient. First, given that support for the Nazi regime was generally stronger in northern Germany (largely in the UK zone), we control for the extent of this support in the different *Länder* prior to the allied occupation. No detailed information exists about the levels of support for the Nazi regime in different regions of Germany at the end of the war. Therefore, we control for the vote shares of the NSDAP in the July 1932 *Reichstag* elections in each of the post-war *Länder*.¹⁰⁴

Second, the share of German refugees and expellees from the Eastern territories Germany lost during the war varied significantly across *Länder*. Not surprisingly, it was higher in the *Länder* along the Eastern border than in the Western parts of what would eventually become the German Federal Republic. Refugees could be expected to matter in the context of denazification for several reasons: first, they mostly hailed from areas of

the *Reich* (such as Eastern Prussia) that had heavily supported the Nazis in the 1930s, so they had a higher probability of being sympathetic to right-wing appeals. Furthermore, the trauma of displacement made them targets for the various parties of the *nationale Rechte* that wanted to relativize the German war guilt by pointing to the suffering of Germans. While both factors above could be captured by an individual-level indicator of refugee status (included in our regressions), the large presence of refugees in a *Land* could place additional stress on native residents, making them more susceptible to nationalist appeals.

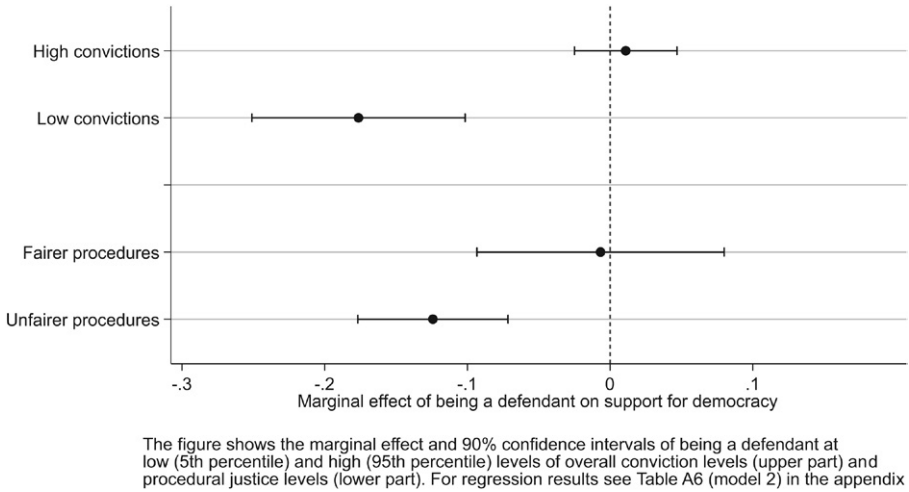
To make sure that political attitudes were not driven primarily by differences in short-term economic performance across German regions, we control for *Land*-level unemployment rates in the year preceding the survey (1956). Since the variables we have discussed so far only vary at the *Land* level, our regression results present standard errors clustered at that level.¹⁰⁵ To reduce the potential for omitted variable bias arising from other policies (besides denazification) of the Allies in their respective zones, we rerun our models with dummy variables for the three occupation zones, and our findings are unchanged (Appendix, Table A6). Our regressions also include individual-level controls for key demographic indicators that may affect political attitudes: age cohorts, occupational categories (including civil servants), sex, marital status, education, size of locality, income category (based on self-declared placement into household income bands), refugee status, and religious denomination. These variables are operationalized as series of dummy variables to avoid imposing arbitrary linearity assumptions.

Analysis

In the top part of Figure 1, we present the marginal effects of being convicted during the denazification process in *Länder* with low (tenth percentile) versus high (ninetieth percentile) rates of TJ convictions. The patterns are consistent with the outcome *fairness perspective* articulated in H1: the lack of an anti-democratic effect among those convicted in areas with high conviction rates suggests that TJ punishments do not necessarily undermine democratic legitimacy, as long as outcome fairness is relatively high. By contrast, where lower levels of convictions gave defendants greater reasons to feel singled out in the punishment they received, the anti-democratic effect of being a defendant was statistically significant and substantively large (over two thirds of a standard deviation in the dependent variable).¹⁰⁶ The difference between the two estimates indicates that the effects of outcome fairness were positive and statistically significant.

In the bottom part of Figure 1, we test H2 about the effects of procedural justice by comparing the democratic attitudes of defendants to the general public at low versus high levels of the procedural justice index. The results confirm our predictions: democratic support among defendants compared to the general population is significantly lower when defendants lived in areas where denazification trials were procedurally less fair, and the difference compared to defendants in areas with high procedural justice is statistically significant (at .05 one-tailed) and substantively fairly large (.12 on the 0–1 democracy index, which corresponds to roughly half a standard deviation). By contrast,

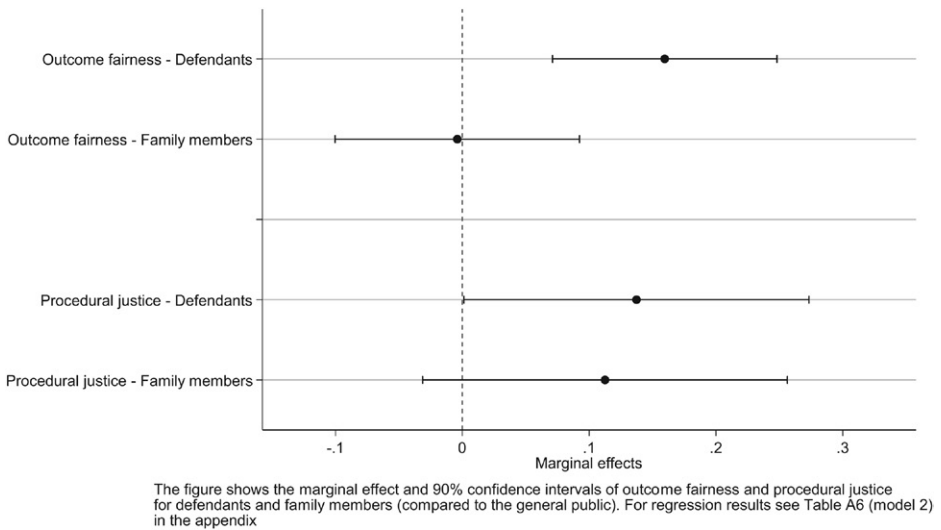
Figure 1 Outcome Fairness, Procedural Justice, and Democratic Support among Defendants



when procedural justice was high, the effect of being a defendant was substantively small and statistically insignificant. Hence, it appears that fairer procedures can eliminate the negative impact on democratic attitudes of being a defendant in a TJ trial, even though they are not sufficient to produce greater democratic support than in the general public.

Finally, we turn to the question of how denazification affected the democratic support among the families of those convicted in the process. A very large literature, composed of memory studies, oral history, and personal memoirs, has analyzed the reverberations of the Nazi years, the war, and its aftermath on post-war German society.¹⁰⁷ Several authors have emphasized the unpopularity of denazification not only among the population,¹⁰⁸ but also among the family members of the individuals targeted by denazification.¹⁰⁹ Indeed, in our data, the democratic attitudes of defendants' relatives are much closer to those of defendants themselves than to the general public.¹¹⁰ In Figure 2, we show the marginal effects of procedural justice and overall conviction levels for defendants and family members.¹¹¹

The results provide fairly weak support for the effect of denazification on democratic attitudes of family members. We find no support for Hypothesis 3a. The patterns on the top of Figure 2 suggest that, for family members, higher conviction rates do not have the positive effect on democratic support that they have among defendants. By comparison, we find tentative support for Hypothesis 3b, which predicted that greater procedural justice would be conducive to democratic support among the family members of those indicted in TJ trials. Judging by the patterns in the bottom part of Figure 1, the positive effect of procedural justice on family members' democratic support is similarly sized and statistically indistinguishable from the effects of procedures on defendants. However, it

Figure 2 Family Members, TJ Outcomes and Procedures, and Democratic Support

should be noted that the effects of procedural justice on family members are at best marginally significant (at .1 one-tailed). While this is arguably at least partly due to sample size limitations, it suggests caution in interpreting this last set of findings.

Taken together, the patterns in Figure 2 suggest that the German denazification process had modest multiplier effects beyond the defendants directly involved in the TJ process. To the extent that subnational variations in TJ features mattered for family members, the effects seem to have been limited to procedural justice. These patterns suggest that any multiplier effects were driven by the (albeit uneven) transmission of political information about the TJ process rather than political attitudes towards democracy between TJ defendants and their relatives.¹¹²

Conclusion

Designing a TJ program that ensures the maximum possible regime legitimacy is one of the most important challenges for policy makers in post-authoritarian and post-conflict democracies. Political scientists have held different views on whether a “forgive and forget” policy is preferable to widespread punishments of past perpetrators in order to enhance the legitimacy of a nascent democracy. Important views, while acknowledging compelling moral arguments for retribution, favor amnesty as the best pragmatic strategy to ensure the loyalty of mass and elite actors to the new regime.¹¹³ Others have instead stressed the importance of punishing perpetrators of human right abuses, not least to dismantle old power networks and ensure a loyal state bureaucracy.¹¹⁴

In this article, we analyze the implications of consolidated findings in social psychology for the consequences of these choices. A large amount of experimental and observational evidence shows that judicial trials have attitudinal consequences on defendants that transfer to the broader institutional and legal system. As such, encompassing TJ trial-and-punishment programs may have significant attitudinal consequences on large strata of society. Whether these are detrimental or supportive for the legitimacy of a new democracy depends on the levels of procedural and distributive justice characterizing them. In the case of West Germany, in regions where denazification trial procedures were relatively fairer, defendants expressed less negative views of German democracy a decade later. Similar attitudes prevailed in areas where more individuals were punished and in which, therefore, defendants were less likely to feel that they had been treated differently from others with similar responsibilities. Importantly, fairer outcomes and procedures did not imbue defendants with stronger democratic values than their fellow citizens, but rather canceled out their democratic value deficit. While turning former Nazis into enthusiastic democrats may have been a tall order, it is possible that better designed TJ processes in other contexts could be more effective in winning over the hearts and minds of TJ defendants than the widely unpopular denazification process in Germany.

To arrive at these findings, this study leverages subnational variation within an important historical case of transitional justice. With few exceptions, TJ analyses focus on one or more countries, rarely leveraging within-country variation for the study of processes that, while possibly decided nationally, are likely to be influenced by local conditions in their implementation and attitudinal impact. The peculiarities of the German case provide us with historical evidence on subnational variation; future data collection on more recent cases should probably give due importance to subnational variation in the implementation (and possibly in the design) of TJ programs.

Our findings will need to be replicated in other contexts in which TJ programs are designed to bring to trial large numbers of individuals. The implications of social psychology theories can be extended to other allocative processes typical of TJ programs, such as lustration, purges, and even restitution and reparation policies, as these also entail procedures that can be perceived as more or less fair by the individuals affected and generate outcomes that these individuals can evaluate through the lenses of distributive justice. Historical examples of TJ programs sanctioning large numbers of individuals include, among others, De-Baathification in post-war Iraq, which involved hundreds of thousands of individuals,¹¹⁵ as well as several cases of lustration in post-communist Eastern Europe that, although less encompassing, did affect large numbers. Examples include the lustration programs in the Czech Republic, Lithuania, Estonia, and (with peculiarities due to the 1990 reunification with the Federal Republic) East Germany.¹¹⁶

Post-1945 Germany could constitute an important comparison case for the study of the attitudes of another subpopulation that has recently attracted scholarly attention: displaced persons in post-conflict regimes.¹¹⁷ Through the lenses of psychological theories, scholars have studied the attitudinal effects of displacement and exposure to violence on displaced persons and the host communities, as well as other subpopulations relevant to

the specific contexts such as secondary occupants and non-returnees, among others.¹¹⁸ The end of the war in Germany coincided with the forced expulsion of millions of individuals (the highest estimates put the total at about 16 million) from the regions that were allocated to Poland and Russia and the resettlement of most of them in what would become the Federal Republic.¹¹⁹ Our data do not include information on whether individual respondents were refugees, but given the large amount of survey material on the first decades of the *Bundesrepublik*,¹²⁰ this type of analysis may become possible in the future if the materials in question are appropriately digitalized.¹²¹

Be that as it may, the application of established psychological theories to the study of attitudes towards TJ programs and the new regimes with which these are associated is rapidly becoming a standard in the field. If confirmed in other settings, our findings point to the importance of not only which and how many individuals are punished in the context of TJ programs, but also to how retribution is administered. In the context of large-scale retributive processes, paying attention to the justice of the procedures used and the fairness of the outcomes achieved may reduce the price tag in terms of mass antidemocratic attitudes in exchange for the potential legitimacy benefits of widespread TJ retribution.

We acknowledge, of course, that in many cases, respecting ideal standards of procedural and distributive justice is far from an easy task: the external conditions in which many TJ programs are implemented are typically less than ideal for respecting such standards, which may pose acute dilemmas to decision-makers. For example, a strict application of procedural justice standards may, due to lack of evidence, lead to a low number of convictions that may not satisfy the desire for justice of large strata of the population.¹²² Similarly, trying large numbers of individuals generally takes time, and as it has often happened, those who are brought to justice earlier are more likely to receive harsher punishments than those who face justice later for the same acts.¹²³ How decision-makers can best navigate these dilemmas depends on the historical context. Nevertheless, systematic attention to the procedural and distributive characteristics of encompassing retributive TJ programs remains a worthwhile, indeed necessary, effort to evaluate their effects on democratic legitimacy.

NOTES

1. James L. Gibson, "Truth, Reconciliation, and the Creation of a Human Rights Culture in South Africa," *Law and Society Review*, 38 (March 2004a), 5–40; James L. Gibson, "Does Truth Lead to Reconciliation?" *American Journal of Political Science*, 46 (April 2004b), 540–56; Jelena Subotic, *Hijacked Justice* (Ithaca, Cornell University Press, 2006); Katryn Sikkink and Carrie Booth Walling, "The Impact of Human Rights Trials in Latin America," *Journal of Peace Research*, 44 (July 2007), 427–45; Hugo Van Der Merwe, "Delivering Justice during Transition," in Hugo Van Der Merwe, Victoria Baxter, and Audrey Chapman, eds., *Assessing the Impact of Transitional Justice* (Washington, USIP, 2009), 115–42; Monika Nalepa, *Skeletons in the Closet* (Cambridge: Cambridge University Press, 2010); Tricia Olsen, Leigh Payne, and Arnold Reiter, "The Justice Balance," *Human Rights Quarterly*, 32 (November 2010), 980–1007; Hun Joon Kim and Katryn Sikkink, "Explaining the Deterrence Effect of Human Rights Prosecutions for Transitional Countries," *International*

Studies Quarterly, 54 (December 2010), 939–63; Renee Jeffery and Hun Joon Kim, eds., *Transitional Justice in the Asia-Pacific* (Cambridge: Cambridge University Press, 2014); Moira Lynch and Bridget Marchesi, “The Adoption and Impact of Transitional Justice,” in Lavinia Stan and Nadia Nedelsky, eds., *Post-Communist Transitional Justice* (Cambridge: Cambridge University Press, 2015), 73–96; Cynane Loyle and Benjamin Appel, “Conflict Recurrence and Postconflict Justice,” *International Studies Quarterly*, 61 (November 2017), 690–703; Anja Mihr, *Regime Consolidation and Transitional Justice* (Cambridge: Cambridge University Press, 2018); Tatiana Kostadinova and Milena Neshkova, “Reforming Post-Communist Bureaucracies,” *Governance*, 33 (April 2020), 305–21.

2. Neil Kritz, *Transitional Justice* (Washington: USIP, 1995); Carlos Nino, *Radical Evil on Trial* (New Haven: Yale University Press, 1996); Jon Elster, *Closing the Books* (Cambridge: Cambridge University Press, 2004).

3. Olsen, Payne, and Reiter; Helga Binningsbø, Cynane Loyle, Jon Elster, and Scott Gates, “Armed Conflict and Post-Conflict Justice,” *Journal of Peace Research*, 49 (September 2012), 731–40; Katryn Sikkink and Hun Joon Kim, “The Justice Cascade,” *Annual Review of Law and Social Sciences*, 9 (2013), 269–85; Genevieve Bates, Ipek Cinar, and Monika Nalepa, “Accountability by Numbers,” *Perspectives on Politics*, 18 (March 2020), 161–84; David Backer, “Cross-National Comparative Analysis,” in Van Der Merwe, Baxter, and Chapman, eds., 23–89; Milena Ang and Monika Nalepa, “Can Transitional Justice Improve the Quality of Representation in New Democracies?,” *World Politics*, 71 (October 2019), 631–66; Monika Nalepa, “Transitional Justice and Authoritarian Backsliding,” *Constitutional Political Economy*, 32 (September 2021), 278–300.

4. Kim and Sikkink; see also Loyle and Appel.

5. David Pion-Berlin, “The Pinochet Case and Human Rights Progress in Chile,” *Journal of Latin American Studies*, 36 (August 2004), 479–505; Alexandra Huneus, “Judging from a Guilty Conscience,” *Law and Social Inquiry*, 35 (Winter 2010), 99–135; Ezequiel Gonzalez Ocantos, “Evaluations of Human Rights Trials and Trust in Judicial Institutions,” *The International Journal of Human Rights*, 20 (May 2016), 445–70.

6. Arnaud Kurze, Christopher Lamont, and Simon Robins, “Contested Spaces of Transitional Justice,” *International Journal of Human Rights*, 19 (April 2015), 260–76.

7. James Gibson, “Truth, Justice, and Reconciliation,” *American Journal of Political Science*, 46 (July 2002), 540–56; Gibson, 2004a, 5–40; Gibson, 2004b; Harvey W. Weinstein, Laurel E. Fletcher, Patrick Vinck, and Phuong N. Pham, “Stay the Hand of Justice: Whose Priorities Take Priority?,” in Rosalind Shaw and Lars Walsdorf, eds., *Localizing Transitional Justice* (Stanford: Stanford University Press, 2010), 27–48. Paloma Aguilar, Laia Balcells, and Hector Cebolla-Boado, “Determinants of Attitudes toward Transitional Justice,” *Comparative Political Studies*, 44 (October 2011), 1397–440.

8. James L. Gibson, “The Contributions of Truth to Reconciliation: Lessons from South Africa,” *Journal of Conflict Resolution*, 50 (June 2006), 409–32, especially 430ff.; Giovanni Capoccia and Grigore Pop-Eleches, “Democracy and Retribution,” *Comparative Political Studies*, 53 (March 2020), 399–433; Cynthia Horne, “Assessing the Impact of Lustration on Trust in Public Institutions and National Government in Central and Eastern Europe,” *Comparative Political Studies*, 45 (April 2012), 412–46.

9. David Backer and Anupma Kulkarni, “Humanizing Transitional Justice,” *Transitional Justice Review*, 1 (March 2016), 1–47; Phuong Pham, Patrick Vinck, Bridget Marchesi, Doug Johnson, Peter Dixon, and Katryn Sikkink, “Evaluating Transitional Justice,” *Transitional Justice Review*, 1 (March 2016), 60–94, 62.

10. Roman David and Susanne Choi, “Victims on Transitional Justice,” *Human Rights Quarterly*, 27 (May 2005), 392–435; David Backer, “Cross-National Comparative Analysis,” in Van Der Merwe, Baxter, and Chapman, eds., 23–89; Hugo Van Der Merwe, “Delivering Justice during Transition,” *ibidem*, 115–42; Kieran McEvoy and Kirsten McConnachie, “Victims and Transitional Justice,” *Social & Legal Studies*, 4 (August 2013), 489–513; Jonathan Hall, Iosif Kovras, Djordje Stefanovic, and Neophytos Loizides, “Exposure to Violence and Attitudes towards Transitional Justice,” *Political Psychology*, 39 (April 2018), 345–63.

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12. Karen Brounéus, "The Trauma of Truth Telling," *Journal of Conflict Resolution*, 54 (June 2010), 408–37.
13. Lara Nettelfield, "From the Battlefield to the Barracks," *International Journal of Transitional Justice*, 4 (March 2010), 87–109; Michael Gilligan, Eric Mvukiyehe, and Cyrus Samii, "Reintegrating Rebels into Civilian Life," *Journal of Conflict Resolution*, 57 (April 2013), 598–626.
14. Laura Stoker and Kent Jennings, "Political Similarity and Influence between Husbands and Wives," in Alan Zuckerman, ed., *The Social Logic of Politics* (Philadelphia: Temple University Press, 2005), 51–74; Florian Foos and Eline De Rooij, "All in the Family," *American Journal of Political Science*, 61 (April 2017), 289–304; Peter Hatemi, Carolyn Funk, Sarah Medland, Hermine Maes, Judy Silberg, Nicholas Martin, and Lincoln Eaves, "Genetic and Environmental Transmission of Political Attitudes over a Lifetime," *Journal of Politics*, 71 (July 2009), 1141–56.
15. Kim Priemel and Alexa Stiller, *Reassessing the Nuremberg Military Tribunals* (New York: Berghahn, 2012).
16. Clemens Vollnhals, *Entnazifizierung* (München, DTV, 1991).
17. Elster, 2004, 48; Gibson, 2002; Eric Posner and Adrian Vermeule, "Transitional Justice as Ordinary Justice," *Harvard Law Review*, 117 (January 2004), 761–825.
18. Maria Łos, "Lustration and Truth Claims," *Law and Social Inquiry*, 20 (Winter 1995), 117–61; Juan Méndez, "Accountability for Past Abuses," *Human Rights Quarterly*, 19 (May 1997), 255–82; Roman David, "Lustration Laws in Action," *Law and Social Inquiry*, 28 (Spring 2003), 387–439; Olsen, Payne, and Reiter; Suzanne Choi and Roman David, "Lustration Systems and Trust," *American Journal of Sociology*, 117 (January 2012), 1172–201.
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21. Nico Voigtländer and Hans-Joachim Voth, "(Re-)Shaping Hatred. Anti-Semitic Attitudes in Germany 1890–2006," CEPR Discussion Paper DP8935; Capoccia and Pop-Eleches, 2020.
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28. Tyler, 2000; Jason Colquitt, Jerald Greenberg, and Cindy Zapata-Phelan, "What Is Organizational Justice?," in Jerald Greenberg and Jason Colquitt, eds., *Handbook of Organizational Justice* (Mahwah: Erlbaum, 2005), 3–56.
29. Gerard Leventhal, "What Should Be Done with Equity Theory?," in Kenneth Gergen, Martin Greenberg, and Richard Weiss, eds., *Social Exchange* (New York, Plenum, 1980), 27–55; Tyler, 1988; Tyler, 2000.
30. Thibaut and Walker.
31. Concerns about procedural justice are also present in situations involving other forms of allocation, ranging from encounters with police officers (Tom Tyler and Robert Folger, "Distributional and Procedural Aspects of Satisfaction with Citizen-Police Encounters," *Basic and Applied Social Psychology*, 1 (December 1980), 281–92), organizational and workplace decision-making (Jerald Greenberg and Robert Folger, "Procedure, Participation, and the Fair Process Effect in Groups and Organizations," in Paul Paulus, ed., *Basic Group Processes* (New York: Springer, 1983), 235–56), evaluation of political decisions (Tyler, Casper, and Fisher), educational settings (Leventhal, 35–55), and less formal interpersonal interactions (Edith Barrett-Howard and Tom Tyler, "Procedural Justice as a Criterion in Allocation Decisions," *Journal of Personality and Social Psychology*, 50 (February 1986), 296–304).
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33. Barrett-Howard and Tyler; Tyler 1988.
34. An allocative process determines the authoritative distribution of material and symbolic resources between different parties (e.g., Thibaut & Walker, 549).
35. Thibaut and Walker; Greenberg and Folger, 1983.
36. Kees van den Bos, "What Are We Talking about When We Talk about No-Voice Procedures?," *Journal of Experimental Social Psychology*, 35 (November 1999), 560–77; Colquitt, Greenberg, and Zapata-Phelan.
37. Tyler, 1989, 831; Tom Tyler, Peter Degoe, and Heather Smith, "Understanding Why the Justice of Group Procedures Matters," *Journal of Personality and Social Psychology*, 70 (May 1996), 925.
38. Henri Tajfel and John Turner, "An Integrative Theory of Intergroup Conflict," in William Austin and Stephen Worchel, eds., *The Social Psychology of Intergroup Relations* (Monterey: Brooks, 1979), 33–47. Henri Tajfel and John Turner, "The Social Identity Theory of Intergroup Behaviour," in Stephen Worchel and William Austin, eds., *Psychology of Intergroup Relations* (Chicago: Nelson, 1986), 7–24.
39. Tom Tyler, "The Psychology of Procedural Justice," *Journal of Personality and Social Psychology*, 57 (November 1989), 837; Tyler, Degoe, and Smith, 923–24. In the same vein, Lind and Tyler show that voice and control are valued even when these are detached from any possibility of influencing outcomes and only have a value-expressive function—that is, defendants perceive positively the mere possibility to express their views; Lind and Tyler, 1988.
40. Tom Tyler and E. Allan Lind, "Intrinsic versus Community-Based Justice Models: When Does Group Membership Matter?," *Journal of Social Issues*, 46 (April 1990), 83–94. See also Lind and Tyler, 1988; Tyler, 1989. Despite terminological differences, there is broad agreement in the literature on the dimensions of procedural justice that most influence defendants' attitudes and on their conceptualization. Following Tyler ("What is Procedural Justice—Criteria Used by Citizens to Assess the Fairness of Legal Procedures," *Law and*

Society Review, 22 (January 1988), 103–105), we concentrate on voice, ethicality, impartiality, quality of the decision, and correctability.

41. Leventhal, 17–22; Tyler 1988, 104–106.
 42. See e.g., Tyler, 1988, 105; Tyler and Lind, 1992, 142.
 43. See, e.g., Leventhal; Barrett-Howard and Tyler, 1986; Tyler, 1988, 129–30.
 44. Tyler, 1988, 113; see also Greenberg, 1986; Edith Barrett and Helmut Lamm, “The Role of Procedural Justice in the Allocation of Limited Resources,” *Social Justice Research*, 3 (March 1989), 21–30.
 45. See, e.g., Tyler, 1984; Tyler, 1988, 128; Barrett-Howard and Tyler; Barrett and Lamm; Greenberg, 1990, 425.
 46. E.g., Joel Brockner and Batia Wiesenfeld, “An integrative Framework for Explaining Reactions to Decisions,” *Psychological Bulletin*, 120 (September 1996), 189–208; Kjell Tornblom and Ali Kazemi, “Justice Judgments of Physical Abuse and Theft,” *Social Justice Research*, 23 (December 2010), 308–28.
 47. Stoker and Jennings; Alan Zuckerman, Josip Dasovic, and Jennifer Fitzgerald, *Partisan Families* (New York: Cambridge University Press, 2007); Foos and de Rooij.
 48. Kent Jennings and Richard Niemi, “The Transmission of Political Values from Parent to Child,” *American Political Science Review*, 62 (March 1968), 169–84; Grigore Pop-Eleches and Joshua Tucker, *Communism’s Shadow* (Princeton: Princeton University Press, 2017).
 49. William Eveland, “The Effect of Political Discussion in Producing Informed Citizens,” *Political Communication*, 21 (April 2004), 177–93; Myiah Hively and William Eveland, “Contextual Antecedents and Political Consequences of Adolescent Political Discussion, Discussion Elaboration, and Network Diversity,” *Political Communication*, 26 (January 2009), 30–47; Tracy Osborn and Jeanette Mendez, “Two Become One?,” *American Politics Research*, 39 (September 2011), 783–803.
 50. We are agnostic about which aspects of the TJ process would be more likely to be covered by family discussion and therefore more influential for the attitudes of defendants’ family members.
 51. Peter Merkl, *The Origins of the West German Republic* (Westport: Greenwood, 1982).
- For the *Länder* included in each zone, see Appendix, Table A1.
52. Agustina Giraudy, Eduardo Moncada, and Richard Snyder, eds., *Inside Countries* (Cambridge: Cambridge University Press, 2019).
 53. Philip Mosely, “The Occupation of Germany,” *Foreign Affairs*, 28 (July 1950), 580–604. Tony Sharp, *The Wartime Alliance and the Zonal Division of Germany* (Oxford: Oxford University Press, 1975); Daniel Harrington, “‘As Far as His Army Can Reach,’” *Diplomacy and Statecraft*, 20 (December 2009), 580–94.
 54. Sharp, 56–70.
 55. Mosely, 596–97.
 56. Frank Willis, *The French in Germany* (Stanford: Stanford University Press, 1962), 96. The British ceded the southernmost part of their zone, while the boundary with the U.S. zone reflected the American intention to control the Stuttgart-Karlsruhe highway. The ensuing partition of Baden and Württemberg, historical territories that had conserved a modicum of regional identity, was at odds with both German preferences and the declared U.S. aim to encourage federalism in Germany by preserving historical boundaries. Logistical requirement linked to the occupation were paramount. See Mosely, 600.
 57. Justus Fürstenau, *Entnazifizierung* (Berlin, Neuwied, 1969). Constantine Fitzgibbon, *Denazification* (New York: Norton, 1969); Vollnhals, 1991; Clemens Vollnhals, “Die Hypothek des Nationalprotestantismus,” *Geschichte und Gesellschaft*, 18 (1992), 54–55; Perry Biddiscombe, *The Denazification of Germany* (Stroud: Tempus, 2007).
 58. For a partially different interpretation of the causes of the U.S. approach to denazification, see Andrew Beattie, “The Allied Internment of German Civilians in Occupied Germany,” in Camilo Ehrlichman and Christopher Knowles, eds., *Transforming Occupation in the Western Zones of Germany* (London: Bloomsbury, 2018), 82.
 59. Donald Bloxham, *Genocide on Trial* (Oxford: Oxford University Press, 2001), 27; Biddiscombe, 30–32. See the measures in the “Directive N. 1067 of the Joint Chiefs of Staff” of May 1945 and the “Military Government Law N. 8” of September 1945. Richard Merritt, *Democracy Imposed* (New Haven: Yale University Press, 1995), 180; James Tent, *Mission on the Rhine* (Chicago: University of Chicago Press, 1984), 51.

60. Merritt, 41–43
61. Jill Jones, “Eradicating Nazism from the British Zone of Germany,” *German History*, 8 (April 1990), 147–50; Tom Bower, *Blind Eye to Murder* (London: Deutsch, 1981), 196; Biddiscombe, 84.
62. Joseph Foschepoth, “British Interest in the Division of Germany after the Second World War,” *Journal of Contemporary History*, 21 (July 1986), 391–411.
63. David Cohen, “Transitional Justice in Divided Germany after 1945,” in Jon Elster, ed., *Retribution and Reparation in the Transition to Democracy* (Cambridge: Cambridge University Press, 2006), 77; Ian Turner, “Denazification in the British Zone,” in Ian Turner, ed., *Reconstruction in Post-War Germany* (Oxford: Berg, 1992), 239–67.
64. Biddiscombe, 84.
65. IFOP, November 16, 1945, 216
66. Reinhardt Grohnert, *Die Entnazifizierung in Baden* (Stuttgart: Kohlhammer, 1991); Willis, 95, 126, 148.
67. In September 1944, 88 percent of French respondents agreed that Germany should be forced to pay reparations for war damages. Only 6 percent disagreed (IFOP, April 1, 1945, 81). In August 1945, 78 percent supported the dismemberment of Germany, while 12 percent disagreed (IFOP, September 1–16, 1945, 173).
68. Fürstenau, 135.
69. Biddiscombe, 158; Klaus-Dietmar Henke, “Politik der Widersprüche,” *Vierteljahrshefte Für Zeitgeschichte*, 30 (July 1982), 500–37.
70. E.g., Beattie; Heiner Wember, “Entnazifizierung nach 1945. Die deutsche Spruchgerichte in der britischen Zone,” *Geschichte in Wissenschaft und Unterricht*, 43 (1992), 405–26.
71. Jeffrey Olick, *In the House of the Hangman* (Chicago: University of Chicago Press, 2005), 125.
72. See, e.g., Biddiscombe, 168; Vollnhals 1991, 26. In the U.S. zone, every individual who sought public responsibilities or had business with the occupation authorities also had to compile a *Fragebogen* between January and March 1946. About 1.4m individuals filled such questionnaires. *Meldebögen* (“self-reporting questionnaires”) were instead introduced for the whole adult population of the U.S. zone in September 1946 and formed the basis for denazification in that zone. Olick, 121–22, 125.
73. Biddiscombe, 98–101, 115; Bower, 140, 323; Turner, 1989, 256–57.
74. Vollnhals, 1991, 36–42; Henke; Grohnert.
75. Fürstenau; Biddiscombe, 172. See Appendix, Table A1.
76. On the procedures used in the three Zones, see Appendix (Table A2).
77. Nalepa, 2010.
78. John Herz, “Introduction: Method and Boundaries,” in John Herz, ed., *From Democracy to Dictatorship* (Westport: Greenwood, 1982), 17.
79. Fürstenau, 109–11, 144. The Directive N. 38 of the Control Council (an inter-allied body), approved in October 1946, classified defendants in five categories based on their level of involvement with the Nazi regime: “Major Offenders,” “Offenders,” “Lesser Offenders,” “Fellow Travelers,” and “Exonerated.” The Directive spelled out sanctions ranging from the death penalty or hard labor for “Major Offenders” to fines and demotions for “Fellow Travelers.” The *Spruchkammern* passed judgments on individual cases. See Appendix (Table A3).
80. See, e.g., Vollnhals, 1991, 17.
81. Olick, 128; Giovanni Capoccia and Grigore Pop-Eleches, “Shaping Competition: Allies’ Party Licensing and the Extreme Right in Germany,” Paper presented at the Annual Meeting of the American Political Science Association, Seattle, WA, 2021.
82. Vollnhals, 1991, 333.
83. The figure of 931,106 does not include the number of convictions for the higher categories of guilt in the UK zone, which were reported differently vis-à-vis the other Western zones (Turner, 1989). In our analysis, we integrate Vollnhals’ UK zone figures following the estimates by Cohen (2006) and Wember (Heiner Wember, *Umerziehung im Lager* (Essen, Klartext, 2007), 318. (See Appendix, Table A1).
84. See, e.g., Olick, 128–32; Lutz Niethammer, *Die Mitläuferfabrik* (Berlin, Dietz, 1982).
85. Norbert Frei, *Vergangenheitspolitik* (München, Beck, 1997), 54–69.
86. Fürstenau, 158.

87. The index has a Cronbach's alpha of .71, which is reasonable for these kinds of survey questions. See Appendix, Table A4 for question wording.

88. The sensitivity of this question among TJ defendants raises a potential problem of preference falsification. We cannot test this possibility with our data, but this should not affect our findings since we are primarily interested in comparing TJ defendants across different parts of Germany.

89. Unfortunately, the survey did not include other more direct attitudinal questions tapping into democratic support. Arguably, such questions would have suffered from stronger social desirability bias than the questions we use in the index.

90. The arrests and internments without trials in the immediate war aftermath could influence the evaluation of the distributive fairness of denazification punishments. However, the analysis of the available data on these other streams of punishment confirms our main findings (Appendix, Table A6).

91. This is slightly lower but comparable to the 16 percent who answered a similar question affirmatively in a November 1948 *Allensbach* survey. Elisabeth Noelle and Erich Peter Neumann, *Jahrbuch der öffentlichen Meinung 1947–1955* (Allensbach: Verlag für Demoskopie, 1957).

92. Gender-based statistics for the whole denazification program are elusive, but several sources converge in reporting that very small percentages of women were involved in denazification proceedings; Katharina Von Kellenbach, "God's Love and Women's Love," *Journal of Feminist Studies in Religion*, 20 (October 2004), 8. Kohlhaas reports that "Very few women were held responsible for their participation in Nazi crimes or genocide and punished for it rather than simply acquitted. Female participation in crimes often escaped the judicial category of guilt"; Elisabeth Kohlhaas, "Revisions of Life Story/Revision of History," in David Messenger and Katrin Pachler, eds., *A Nazi Past* (Lexington: University Press of Kentucky, 2015), 250. Meyer reports that only 3 percent of internees in the U.S. zone were women; Kathrin Meyer, *Entnazifizierung von Frauen* (Berlin: Metropol, 2004). According to Wember, over 95 percent of the inmates in internment camps in the British zone were men; Wember, 2007, 385. No woman was among the twenty-two defendants in the first Nuremberg Trial, and among the 209 defendants in the twelve subsequent Nuremberg trials held by the U.S. military authorities, only two were women (Kohlhaas, 250). In this respect, denazification was no exception: trial defendants in most TJ programs were mostly men; Alette Smeulers, "Female Perpetrators: Ordinary or Extra-ordinary Women?," *International Criminal Law Review*, 15 (January 2015), 207–53. Our results do not change when we recode single and divorced women over the age of thirty as defendants (Appendix, Table A7).

93. For punishment statistics, see Table A1 in the Appendix.

94. See, e.g., Elster, 2004, 55.

95. Only about 3 percent of defendants were classed as "Major Offender" or "Offender," categories that entailed potential prison or labor camp punishments. After two years' probation, "Lesser Offenders" (about 11 percent of the total) could also be condemned to prison or camp or be classed as "Fellow Travelers" (Appendix, Tables A1 and A3).

96. Marek Wosinski, "Social Comparison and Experience of Injustice," *Journal of Economic Psychology*, 9 (September 1988), 359–67. Shanshan Zhen and Rongjun Yu, "Tend to Compare and Tend to Be Fair," *PLoS ONE*, 11 (May 2016); Simone Schneider and Peter Valet, "Relative Standards and Distributive Justice," *Social Psychology Quarterly*, 80 (September 2017), 276–87.

97. Margot Lindemann and Kurt Koszyk, *Geschichte der Deutschen Presse* (Berlin: Colloquium, 1966); Capoccia and Pop-Eleches, 2020.

98. Tyler, 1988.

99. *Ibidem*.

100. Tyler and Lind, 1992, 142.

101. Tyler, 1988, 112; Barrett-Howard and Tyler, 299.

102. Various historians report diffuse criticisms against the *Spruchkammern* for corruption and bias, especially during the last period of their activity (e.g., John Herz, "The Fiasco of Denazification in Germany," *Political Science Quarterly*, 63 (December 1948), 569–94; Niethammer; David Buxton, "To What Extent Was the Failure of Denazification in Germany 1945–1948 a Result of the Apathy of the Allies?," *Historian*, 78 (July 2003), 18–32; see public opinion data in Merritt, 184–200). Existing, mostly anecdotal, information does not indicate any systematic subnational variation in these attitudes.

103. Ideally, we would be able to compare how individual or *Land*-level democratic attitudes changed from right before and to right after the Denazification process. Unfortunately, no such survey data are available for 1945–1950. To capture other potential cross-zone differences that could confound our results, in the Appendix (Table A6 model 7) we show that our results are robust for controlling for indicators of occupation zone (interacted with defendant and family member status.)

104. The July 1932 election was temporally closer to the March 1932 elections in Saarland (which formally rejoined Germany only in 1935, after competitive elections had ceased) than the November 1932 elections, for which however we get similar results (Appendix, Table A6). The March 1933 elections were affected by a massive Nazi intimidation campaign.

105. We find similar results using hierarchical linear models with random intercepts (Appendix, Table A7).

106. As illustrated in Figure A2 in the Appendix, the magnitude of the effect in Figure 1 is very similar to the differences in the marginal effect of defendant status between *Länder* with low convictions (such as Niedersachsen and Nordrhein-Westfalen) and those with high convictions (such as Bayern and Hessen.)

107. This literature is too extensive to be discussed here. Notable contributions are Jeffrey Herf, *Divided Memory* (Cambridge: Harvard University Press, 1997); Robert Moeller, *War Stories* (Berkeley: University of California Press, 2002); Mary Fulbrook, *Reckonings* (Oxford: Oxford University Press, 2018).

108. Tony Just, *Postwar* (New York: Penguin, 2006), 56.

109. Beattie, 87; Fulbrook, 447.

110. On families in the immediate post-war years, see in general Elizabeth Heineman, *What Difference Does a Husband Make?* (Berkeley: University of California Press, 1999). Merith Niehuss, *Familie, Frau und Gesellschaft* (Göttingen: Vandenhoeck & Ruprecht, 2001). The similarly anti-democratic attitudes of defendants and family members, which are significantly different from those of the general public, can be the consequence of the fact that the former were more likely to be active supporters of the Nazi regime (Appendix, Table A6 and Figure A1).

111. Since all three indicators are normalized to a 0–1 scale, the marginal effects capture the difference of going from the minimum to the maximum of each indicator among the German *Länder* in our sample.

112. These patterns are also compatible with a scenario where family members receive information about both TJ outcomes and procedural justice but are only affected by the latter. Our data do not allow differentiating between these alternative mechanisms.

113. Guillermo O’Donnell and Philippe Schmitter, *Transitions from Authoritarian Rule* (Baltimore: Johns Hopkins University Press, 1976), 30–31; Samuel Huntington, *The Third Wave* (University of Oklahoma Press, 1993), 214; Jack Snyder and Leslie Vinjamuri, “Trials and Errors,” *International Security*, 28 (December 2003), 5–44; Posner and Vermeule, 825.

114. Janna Thompson, “Transitional Justice in Historical Perspective,” *Social Justice Research*, 20 (December 2007), 511–22; Tina Rosenberg, “Overcoming the Legacies of Dictatorship,” *Foreign Affairs*, 74 (May 1995), 134–53. See also Nalepa, 2021.

115. James Pfiffner, “US Blunders in Iraq,” *Intelligence and National Security*, 25 (February 2010), 76–85

116. Hilary Appel, “Anti-Communist Justice and Founding the Post-Communist Order,” *East European Politics and Societies*, 19 (July 2005), 379–405; Horne.

117. Bradley; Psaltis, Cakal, Loizides, and Bonnenfant.

118. Bradley; Hall, Kovras, Stefanovic, and Loizides.

119. R. M. Douglas, *Orderly and Humane* (New Haven: Yale University Press, 2012).

120. Noelle and Neumann; Merritt.

121. The literature also analyzes the attitude of displaced individuals towards TJ measures. In the German case, of course, many displaced persons, although victims of forced displacement, also belonged to the group of perpetrators.

122. Elster, 2004, 235; Thompson, 514.

123. Elster, 2004, 77.

APPENDIX

List of appendix tables

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Table A1 Denazification conviction statistics and procedural justice index by Land

Land	Zone	Major offenders ^a		Lesser offenders ^b		Fellow travelers ^c		Total convictions		Outcome fairness index (0-1)	Procedural justice index (0-1)
		Number		Number		Number		Number	% pop		
Baden	French	393		10653		19154		30200	2.52	0.53	1
Bayern	US	11783		52940		215585		280308	3.10	0.70	0
Berlin ^d	Int'l	1590		8530		59079		69199	2.38	0.49	.39
Bremen	US	394		815		14640		15849	3.26	0.75	0
Hamburg	British	341		1084		15052		16017	1.20	0.15	.19
Hessen	US	5766		28208		133722		167696	4.13	1	0
Niedersachsen	British	1523		610		40250		42383	0.70	0	.15
Nordrhein-Westfalen	British	2879		23266		100226		126371	1.12	0.12	.15
Rheinland-Pfalz	French	445		4840		18474		23759	0.86	0.05	1
Saarland ^e	French	179		3165		9191		12534	1.31	0.18	.95
Schleswig-Holstein	British	635		2217		66500		68352	2.66	0.57	.15
Württemberg-Baden	US	5833		24459		121110		151402	4.12	1	0
Württemberg-Hohenzollern	French	113		1333		11241		12687	1.13	0.13	1
Total	All	31874		162120		824224		1016757			
% of total convictions		3.1%		15.9%		81.1%					

Notes:

- a. Data for US and French zone from Vollnhals (1991:333); for British zone author's calculations based on Wember (1991:318).
- b. Data for US and French zone from Vollnhals; for British zone from Vollnhals (1991:333) and Wember (1991:318).
- c. Data for all three zones from Vollnhals (1991:333). For French zone this only includes those not amnestied early.
- d. Conviction rates for Berlin were calculated as population-weighted averages of the three zones, since detailed conviction statistics were not available (and the 1957 survey did not specify which sector of Berlin respondents were living in.) Our findings do not change if Berlin is excluded from the analysis (see Table A7).
- e. Since no detailed conviction statistics were available for Saarland, we used average conviction rates for the French zone. Our findings do not change if Saarland is excluded from the analysis (see Table A7).

Table A2 Index of procedural justice: components, operationalization, data sources

Dimension of procedural justice	Definition	Measure
Quality of decisions	Did authorities get the information they needed to make good decisions?	Individualized guilt as opposed to automatic attribution of guilt
Ethicality	Had authorities shown concern for respondents' rights?	"Common work" requirement for length of denazification proceedings
Correctability	Did respondents know of any "agency or organization" to which they could have complained about unfair treatment?	Actual possibility of reversing or correcting initial sentences
Control/representation	"Process control" - opportunity to present case to the authorities before decisions were made. "Decision control" - how much influence respondents had over decisions	Length of time in which <i>Spruchkammern</i> were operational
Impartiality	Bias: Was treatment or outcome influenced by their "race, sex, age, nationality, or some other characteristic of them as a person"?	Universal imposition of questionnaires
	Dishonesty: Did authorities do anything "improper or dishonest"?	No systematic information on subnational variation
	Effort to be fair: How hard had the police or judge tried to show fairness?	No systematic information on subnational variation

Dimensions of procedural justice are drawn from Tyler (1988)

We build a measure of procedural justice based on the dimensions in the table above. Each component is weighed equally and added to form the index. Below we briefly discuss our operationalization strategies and data sources.

"Quality of decisions": we consider whether military authorities adopted a collective and automatic conception of guilt – by which belonging to a certain organization (e.g. the NSDAP) or having a certain professional position (e.g. public employee) was considered an automatic indicator of guilt – or whether they considered each individual case on its own merits. The US and the UK authorities adopted the former conception, while the French authorities adopted the latter (e.g. Biddiscombe 2007, 158). We score this dimension dichotomously, with 1 indicating higher quality.

“Ethicality”: Our indicator – whether the defendant in a denazification trial was prohibited from engaging in anything else than “common work” (an expression by which the legislation meant forms of manual or low-level subordinate labor) for the whole duration of the proceedings – similarly sets apart the *Länder* of the French zone from those of the other two. The French military authorities, in fact, explicitly rejected art. 58 of the *Befreiungsgesetz* where such prohibition was included. The article in question was instead applied in the other two zones (Vollnhals 1991, 41). We score this dimension dichotomously, with 1 indicating higher ethicality.

“Correctability”: Procedures adopted in the *Länder* of the French zones also stand out from those occupied by British and American forces in terms of “Correctability”. While the verdicts issued by the *Spruchkammern* could in principle be appealed in all zones, in the French zone the possibility of reversing previous judgment was enhanced by the fact that the *Spruchkammern*, once introduced, did not try new cases. Instead, *Spruchkammern* in the French zone concentrated on reviewing denazification decisions that had been taken in the earlier phase of the occupation, in many cases overturning prior decisions of conviction or demoting individuals to lower categories of guilt (Grohnert 1991, 205-207). We score this dimension dichotomously, with 1 indicating higher correctability.

“Control/Representation”: For this dimension we adopt a continuous measure, corresponding to the number of months between May 1945 and August 1949¹ in which each *Land* had a quasi-judicial system in place, staffed by Germans, in which defendants had the right to be heard and the evidence they brought influenced the decision (essentially, the *Spruchkammern* system that we describe in the paper). As explained in the main paper, the different zones switched to the *Spruchkammern* system from previous denazification regimes. These earlier regimes varied slightly across *Länder* and zones, and were partially reformed at different points in time, but all of them shared the fundamental characteristics that military authorities had more power and defendants generally had no right to be heard. Even though in some cases (in the French zone, and the UK zone for the higher categories of guilt) military authorities formally retained the power of final decision even when *Spruchkammern* were empaneled, *de facto* they hardly used those powers.

To normalize our measure of “Control/Representation”, we divide the number of months in which *Spruchkammern* were operational² by the maximum number of months, among all *Länder*, in which the system was in place (forty-two months in all US zone *Länder*). The scores for different *Länder* range from 0.52 to 1. We have no information on West-Berlin, which we score as a weighted average of the average scores of the three zones. The variable was recoded to a 0-1 scale for the purpose of creating the index, with higher values indicating higher control/representation.

Table A2.1 Control/Representation procedural justice dimension in the Western *Länder*

Land	Zone	<i>Spruchkammern</i> system in force during:
Schleswig-Holstein	UK	Nov 47-Aug 49
Hamburg	UK	May 47-Aug 49
Niedersachsen	UK	Nov 47-Aug 49
Nordrhein-Westfalen	UK	Nov 47-Aug 49
Bremen	US	Mar 46-Aug 49
Hessen	US	Mar 46-Aug 49
Württemberg-Baden	US	Mar 46-Aug 49
Bayern	US	Mar 46-Aug 49
Rheinland-Pfalz	F	Oct 47-Aug 49
Baden	F	Oct 47-Aug 49
Württemberg-Hohenzollern	F	Oct 47-Aug 49
Saarland	F	May 48-Aug 49

“Impartiality”: Tyler identifies three sub-dimensions of “Impartiality”: “Bias”, “Dishonesty”, and “Effort to be fair”. We have no information on the latter two in the case of denazification in Western Germany. Regarding “Bias”, one way to capture whether authorities attributed guilt on the basis of individual characteristics such as nationality is to consider their policies on the administration of questionnaires to potential defendants. In the US zone, all Germans above 18 years of age were obliged to compile a questionnaire on their activities during the Nazi regime, which would then constitute the basis for potential prosecution. In the French and the UK zones, instead, similar questionnaires were used only for individuals in senior positions in the public administration, thus linking the presumption of guilt not to nationality (and age) as such but to the function that the individuals had exerted in the Nazi regime. This measure sets the US zone apart from the other two. We score this dimension dichotomously.

☞ **Table A3** Categories of guilt and sanction (Directive N. 38 of Control Council, 12 October 1946, Part II, Articles 1-13)³

Category	Criteria for inclusion	Main possible sanctions
Major offenders (<i>Hauptschuldige</i>)	Perpetration of political crimes or acts of brutality on behalf of the regime; Holding of leading positions in the NSDAP or any Nazi organizations, as well as in the administration of the <i>Reich</i> , <i>Länder</i> and occupied areas; Active engagement in or collaboration with the Gestapo, SS and similar police organizations; Members of the High Command of the Armed Forces	Up to 10 years of imprisonment; full requisitioning of property; loss of political rights (electability and vote); loss of rights to a public pension; restriction of rights of residence; prohibition for 10 years to engage in anything else than “common work”.
Offenders (<i>Belastete</i>)	Offenders included “Activists”, “Militarists” and “Profiteers”, each defined broadly. Criteria ranged from supporting Nazism in public or in education; perpetrating or advocating violence against opponents of Nazism; abusing office as a judge or prosecutor; advocating militarism or the domination of other peoples; having any undue advantage (including promotions to any office or position) deriving from NSDAP membership; profiteering from arms’ trade or occupation of foreign territories. <i>De facto</i> , these criteria allowed for inclusion in this category all lower officials of the Nazi organizations, all members of the NSDAP before May 1937, and all members of the Waffen-SS and the SS. The further criterion of responsibility for the “devastation of cities and country places” after the Allies’ invasion of Germany allowed the inclusion of high army officers.	Up to 10 years labor camp; partial or full requisition of property; loss of political rights (electability and vote); loss of rights to a public pension; restriction of right of leaving their occupation zone; prohibition for 5 years to engage in anything else than “common work”.

(Continued)

Table A3 *(Continued)*

Category	Criteria for inclusion	Main possible sanctions
Lesser offenders (<i>Minderbelastete</i>)	Anyone (including former members of the Armed Forces) who would be classifiable as an Offender but “because of special circumstances seems worthy of a milder judgement and can be expected according to his character to fulfil his duties as a citizen of a peaceful democratic state after ... a period of probation” (Art. 4.1.1) This was presumed of anybody born after 1/1/1919, and anybody who withdrew from Nazism “at an early time” (as long as not classifiable as major offenders) Anyone who would be classifiable as a Fellow Traveler “...but because of his conduct and in view of his character will first have to prove himself” (Art. 4.1.2)	Probation for two to three years, after which they will be classified as Offenders or Fellow Travelers. During probation: prohibition to own, operate, supervise or acquire any enterprise of more than 20 employees; to work as a teacher, author, preacher, radio commentator, or to exercise an independent profession; if civil servants, partial loss of salary or pension and demotion.
“Fellow Travelers” (“Followers”) (<i>Mitläufer</i>)	Being no more than “a nominal participant in, or a supporter of” the Nazi regime. This included mainly those members of the NSDAP who did no more than pay membership duties, attend compulsory meetings, and carry out routine tasks, as well as those former members of the Armed forces who, in the opinion of a Zone Commander, could “endanger Allied purposes”.	At the discretion of the Zone Commander: report periodically to the police; leaving their Zone subject to permission; loss of electability to public office (but not of right to vote); if civil servants, partial loss of salary or pension, and demotion; one-off or running payment to a common reparation fund.
Exonerated persons (<i>Entlastete</i>)	Those who, although incriminated, could prove their innocence, as well as those who, even though they may have belonged only formally to a Nazi organization, could prove that they actively resisted the Nazi regime within their possibilities, and that they were disadvantaged by such actions.	N/A

∞ **Table A4** Survey question wording

Variable number	German original	English translation
V467	Glauben sie, dass es fuer unser Land besser ist, eine Partei zu haben, damit moeglichst grosse Einigkeit herrscht, oder mehrere Parteien, damit die verschiedenen Meinungen frei vertreten werden koennen? Wenn man das einmal ganz von der nuetzlichen Seite betrachtet: Brauchen wir in Bonn denn ein Parlament und lauter Abgeordnete, oder ginge es auch ohne?	Do you think that it's better for our country to have one party, so there is as much unity as possible, or multiple parties, so that the different opinions can be freely represented? If we look at it from a purely practical side: Do we really need a Parliament and all those deputies in Bonn, or could we do without them?
V184	Zwei Männer unterhalten sich darüber, wie man ein Land regieren soll. - Der eine sagt: Mir gefällt es am besten wenn das Volk den besten Politiker an die Spitze stellt und ihm die ganze Regierungsgewalt überträgt. Der kann dann mit ein paar ausgesuchten Fachleuten klar und schnell entscheiden. Es wird nicht viel geredet und es geschieht wirklich was. - Der andere sagt: Mir ist es lieber, wenn mehrere Leute etwas im Staat zu bestimmen haben. Da geht es zwar manchmal hin und her bis was getan wird, aber es kann nicht so leicht vorkommen, daß die Regierungsgewalt missbraucht wird.	Two men talk about how one should rule a country. The first one says: I like it best when the people but the best politician in charge and transfer him all the governing power. With a few chosen experts he can then decide clearly and quickly. There is not much talking and things would get done. -The other one says: I like it better when more people get to decide something in the state. Sometimes things have to go back and forth until something gets done but it cannot happen as easily that the governing power gets misused (abused).
V241	Welche dieser beiden Meinungen kommt Ihrer eigenen Ansicht am nächsten - die erste oder die zweite?	Which of these two opinions comes closer to your own opinion – the first or the second?
V242	Angenommen, eine neue Nationalsozialistische Partei versucht, an die Macht zu kommen: Wie wuerden Sie sich da verhalten? Hier sind die verschiedenen Moeglichkeiten: 1. Ich wuerde es begnuessen und wuerde eine solche Partei unterstuetzen 2. Ich wuerde es begnuessen aber nichts besonders dafuer tun 3. Waere mir egal 4. Ich waere dagegen, aber wuerde nichts besonders tun 5. Ich wuerde alles tun, was ich koennte, damit so etwas nicht passiert	Let's assume that a new National Socialist party tries to come to power: how would you react? Here are the different possibilities: 1. I would applaud it and would support such a party 2. I would applaud it but not do anything special about it 3. I would be indifferent 4. I would be opposed but not do anything special about it 5. I would do everything I could so that something like that does not happen.

Table A5 Summary statistics

Variable	N	Mean	SD	Min	Max
Democracy index	1956	0.73	0.25	0	1
Denazification defendant	1941	0.05	0.23	0	1
Family member of defendant	1941	0.07	0.25	0	1
Procedural justice index	1954	0.20	0.25	0	1
Outcome fairness index (Total convictions/population)	1954	0.41	0.34	0	1
Unemployment % (1956)	1954	2.86	1.98	1.21	9.53
NSDAP vote share July 1932	1954	0.34	0.08	0.07	0.51
Refugee share %	1954	15.66	7.42	0.76	33
Refugee	1956	0.22	0.42	0	1
Protestant	1956	0.53	0.50	0	1
Catholic	1956	0.40	0.49	0	1
Other religion	1956	0.02	0.12	0	1
Male	1956	0.47	0.50	0	1
Single	1956	0.21	0.40	0	1
Widowed	1956	0.09	0.28	0	1
Divorced	1956	0.02	0.15	0	1
Middle maturity education	1956	0.16	0.37	0	1
High school education	1956	0.04	0.20	0	1
University education	1956	0.01	0.11	0	1
Agricultural occupation	1956	0.10	0.30	0	1
Worker	1956	0.29	0.46	0	1
Pensioner	1956	0.10	0.30	0	1
Self-employed	1956	0.07	0.25	0	1
Unemployed	1956	0.01	0.08	0	1
Homemaker	1956	0.26	0.44	0	1
Age 21-25	1956	0.10	0.30	0	1
Age 26-29	1956	0.08	0.27	0	1
Age 30-39	1956	0.18	0.39	0	1
Age 40-44	1956	0.10	0.30	0	1
Age 45-59	1956	0.28	0.45	0	1

(Continued)

Table A5 *(Continued)*

Variable	N	Mean	SD	Min	Max
Age 60+	1956	0.19	0.39	0	1
Income <250DM	1956	0.16	0.37	0	1
Income 250-399DM	1956	0.36	0.48	0	1
Income 400-599DM	1956	0.31	0.46	0	1
Income 600-799DM	1956	0.11	0.31	0	1
Income >800DM	1956	0.05	0.22	0	1
Locality size <2K	1956	0.25	0.43	0	1
Locality size 2-20K	1956	0.29	0.45	0	1
Locality size 20-100K	1956	0.14	0.35	0	1
Locality size >100K	1956	0.33	0.47	0	1

Table A6 Regression results and robustness checks

	(1)	(2)	(3)	(4)	(5)	(6)	(7)
Defendant	-.083* (.027)	-.198** (.044)	-.239** (.055)	-.351** (.098)	-.385** (.109)	-.199** (.044)	-.285** (.050)
Family member	-.071** (.023)	-.101# (.053)	-.114# (.059)	-.149 (.110)	-.159 (.123)	-.101# (.054)	-.148* (.058)
Procedural justice index	.039 (.030)	.027 (.035)	.022 (.036)	.020 (.032)	.014 (.033)	.037 (.031)	.290# (.143)
Defendant# Procedural justice index		.110# (.055)	.108# (.056)	.115 (.083)	.143 (.087)	.109# (.055)	.781# (.355)
Family member# Procedural justice index		.085 (.099)	.088 (.098)	.093 (.097)	.101 (.103)	.084 (.099)	.502* (.207)
Outcome fairness (Total convictions/population)	-.014 (.014)	-.026 (.016)				-.022 (.018)	.051 (.031)
Defendant# Outcome fairness (Total convictions/ population)		.185** (.048)				.187** (.049)	.148# (.077)
Family member# Outcome fairness (Total convictions/population)		.022 (.060)				.023 (.060)	-.154 (.143)
High-level convictions/population			-.050* (.022)				
Defendant#High-level convictions/population			.264** (.072)				
Family member#High-level convictions/population			.051 (.077)				

(Continued)

12 **Table A6** (Continued)

	(1)	(2)	(3)	(4)	(5)	(6)	(7)
Long-term internment/population				-.243* (.087)			
Defendant# Long-term internment/population				1.129* (.365)			
Family member# Long-term internment/population				.277 (.404)			
Total internment/population					-.145* (.052)		
Defendant#Total internment/population					.670* (.216)		
Family member#Total internment/population					.167 (.241)		
US zone							-.032 (.035)
French_zone							-.236# (.128)
Defendant # US zone							.124 (.085)
Defendant # French_zone							-.595 (.337)
Family member # US zone							.211# (.104)

(Continued)

Table A6 (Continued)

	(1)	(2)	(3)	(4)	(5)	(6)	(7)
Family member # French_zone							-345 (.205)
Unemployment (1956)	.004# (.002)	.005# (.002)	.005# (.002)	.005# (.002)	.005# (.002)	.004 (.002)	.011* (.005)
NSDAP vote share July 1932	-.010 (.112)	-.018 (.112)	-.036 (.086)	-.022 (.084)	-.022 (.084)		-.109 (.067)
NSDAP vote share November 1932						-.092 (.114)	
Refugees (%)	.001 (.001)	.001 (.001)	.001 (.001)	.001 (.001)	.001 (.001)	.002 (.001)	.001 (.001)
Respondent=refugee	-.018 (.015)	-.017 (.015)	-.017 (.015)	-.017 (.015)	-.017 (.015)	-.017 (.015)	-.017 (.015)
Demographic controls	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Observations	1,939	1,939	1,939	1,939	1,939	1,939	1,939
R-squared	.113	.116	.118	.117	.117	.117	.121

Note: OLS regression coefficients with standard errors (clustered at the Land-level).in parentheses ** p<.01, * p<.05, # p<.1

The first two models in Table A6 present the regressions that are the basis for Figures 1, 2 and 3 in the main paper and Figure A1 in the appendix.

The next three models use alternative measures of TJ punishments as robustness checks for our main findings. In model 3 we use the proportion of high-level convictions (i.e. Major Offender, Offenders and Minor Offenders but excluding Fellow Travelers), in model 4 we use the Land-level *long-term internments* in prison camps as a proportion of the population, while in model 5 we use Land-level *total internments* in prison camps as a proportion of the population. All three models confirm the patterns in our main analysis: at low levels of Land-level punishments, the coefficient for defendants was negative and statistically significant (indicating a democratic support deficit.) However, due to the positive and statistically significant interaction between punishment levels and the TJ defendant indicator, the anti-democratic effects among defendants diminished and lost statistical significance at high levels at Land-level punishments.

In model 6 we check the robustness of our results to using NSDAP vote share in the November 1932 elections (instead of the July 1932 elections) and find very similar results to those in the baseline specification in model 2.

Finally, in model 7 we present the results of a model specification where we control for occupation zones interacted with the defendant and family members dummy variables. Doing so essentially controls for any differences between the three Western occupation zones, which could confound the relationship between TJ procedures, TJ outcomes and democracy support. The coefficients in model 7 confirm that even once we account for other cross-zone differences, the anti-democratic effects on TJ defendants were much more pronounced in parts of Germany where defendants experienced worse TJ outcome fairness and lower procedural justice. While these results need to be interpreted very cautiously, since model 7 suffers from very high multi-collinearity (because TJ procedures and TJ outcomes are highly correlated with occupation zone), they nevertheless increase our confidence in the robustness of our findings.

In Table A7 we present a few additional robustness checks. The first two models simply reproduce the baseline models (models 1-2 from Table A6) to facilitate comparisons.

Models 3&4 present the results of random-intercept hierarchical linear models (HLM) using the same model specifications as the baseline models. While the standard errors for a few of the estimates are somewhat larger than for the OLS models with clustered standard errors, the overall patterns are very similar in terms of magnitude and statistical significance.

Models 5&6 test whether our main results in model 2 are robust to excluding two regions (Saarland in model 5 and Berlin in model 6) where TJ statistics were not available in the same format as for the other Lander, and were therefore calculated by the authors (as described in the notes to Table A1). The results for the main variables of interest are very similar to those in the baseline specification in model 2.

Table A7 Alternative specifications and statistical modeling approaches

VARIABLES	(1)	(2)	(3)	(4)	(5)	(6)	(7)
Defendant	-.083* (.027)	-.198** (.044)	-.083** (.025)	-.198** (.054)	-.194** (.041)	-.192** (.044)	
Family member	-.071** (.023)	-.101# (.053)	-.071** (.022)	-.101* (.043)	-.099# (.053)	-.108# (.053)	
Procedural justice index	.039 (.030)	.027 (.035)	.039 (.030)	.027 (.032)	.024 (.034)	.021 (.044)	.027 (.035)
Defendant# Procedural justice index		.110# (.055)		.110 (.105)	.116# (.055)	.073 (.043)	
Family member# Procedural justice index		.085 (.099)		.085 (.082)	.082 (.097)	.131 (.075)	
Outcome fairness (Total convictions/population)	-.014 (.014)	-.026 (.016)	-.014 (.017)	-.026 (.018)	-.030# (.016)	-.026 (.018)	-.026 (.016)
Defendant# Outcome fairness (Total convictions/population)		.185** (.048)		.185* (.073)	.190** (.041)	.182** (.049)	
Family member# Outcome fairness (Total convictions/population)		.022 (.060)		.022 (.063)	.030 (.059)	.022 (.064)	
Defendant (alt)							-.178** (.035)
Family member (alt)							-.110# (.051)

(Continued)

16 **Table A7** (Continued)

VARIABLES	(1)	(2)	(3)	(4)	(5)	(6)	(7)
Defendant (alt) # Procedural justice index							.086 (.054)
Family member (alt)# Procedural justice index							.099 (.101)
Defendant (alt)# Outcome fairness (Total convictions/ population)							.159** (.042)
Family member (alt) # Outcome fairness (Total convictions/population)							.032 (.056)
Unemployment (1956)	.004# (.002)	.005# (.002)	.004 (.004)	.005 (.004)	.012 (.007)	.004# (.002)	.005# (.002)
NSDAP vote share July 1932	-.010 (.112)	-.018 (.112)	-.010 (.111)	-.018 (.111)	-.026 (.113)	.007 (.137)	-.019 (.113)
Refugees (%)	.001 (.001)	.001 (.001)	.001 (.002)	.001 (.002)	.000 (.002)	.001 (.002)	.001 (.001)
Respondent=refugee	-.018 (.015)	-.017 (.015)	-.018 (.014)	-.017 (.014)	-.012 (.014)	-.017 (.015)	-.017 (.015)
Demographic controls	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Model type	OLS	OLS	HLM	HLM	OLS	OLS	OLS
Observations	1,939	1,939	1,939	1,939	1,834	1,916	1,939
R-squared	.113	.117	N/A	N/A	.116	.117	.116

Note: Regression coefficients with standard errors in parentheses ** p<.01, * p<.05, # p<.1

Finally, in model 7 we use an alternative definition of the TJ defendant and family member variables: unlike in the baseline models, we reclassify single and divorced women over the age of 30 as TJ defendants rather than family members (to account for the possibility that in such cases saying that their family was affected by denazification was more likely to mean that the respondent herself was a defendant.) While the results are very similar to those in model 2, the difference between the coefficients for defendants and family members was somewhat smaller, which suggests that our baseline categorization is more accurate.

Figure A1 is based on the regression in model 1 of Table A6 and shows the predicted value and 90% confidence intervals of democracy support for defendants, family members, and the general public. The results suggest that overall democratic support was indeed significantly lower among both TJ defendants and family members than among the general public. Moreover, it is worth noting that the differences in democratic support between defendants and family members were small and statistically insignificant.

Figure A2 uses the regression results from the same model used to create Figures 1&2 in the main paper (model 2 in Table A6), but predicts the effect of defendant status on democratic support at the Land-specific levels of procedural justice and outcome fairness. The figure illustrates the heterogeneity of defendant status effects as a function of the Denazification context: whereas in several Lander of the British zone (especially Niedersachsen, Hamburg and Nordrhein-Westfalen), characterized by low procedural justice and low outcome fairness, defendants were significantly less democratic than other German citizens,

Figure A1 Defendants, family members and democratic support

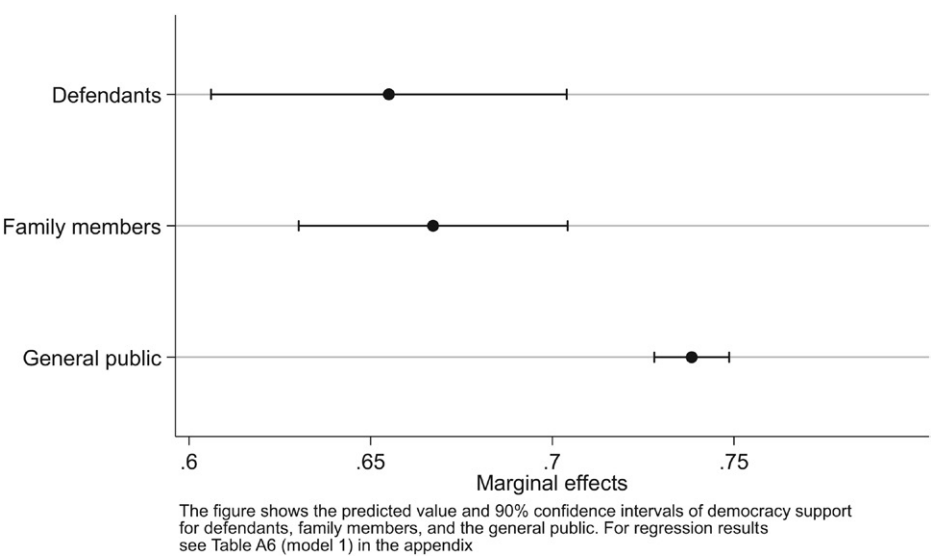
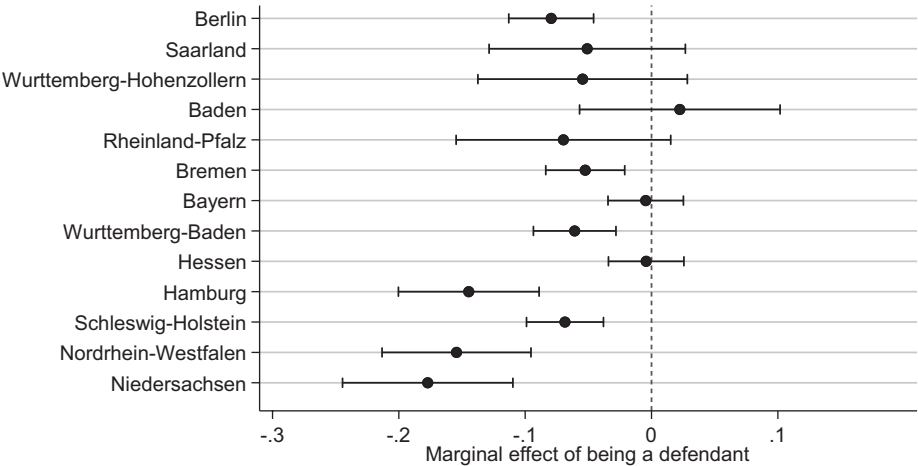


Figure A2 Defendant status effect on democratic support by Land



The figure shows the marginal effect and 90% confidence intervals of being a defendant at the overall procedural justice ratings and conviction levels corresponding to specific Lander.

the effects disappeared almost completely in areas characterized by either high procedural justice and moderate outcome fairness (as in Baden in the French zone) or by low procedural justice and very high outcome fairness (as in Bayern and Hessen in the US zone).

NOTES

1. The start and end of this time span are given respectively by the capitulation of the *Reich* in May 1945 to the month before the creation of the Federal Republic in September 1949, competencies on denazification were passed to the *Länder* administrations (our conviction data are also recorded at 31 August 1949, see Fig. 1 in main paper). The starting date is strictly speaking not entirely accurate as several Western areas of the *Reich* were occupied earlier as the Allied troops advanced through Germany. Lacking information on the exact period of occupation of different regions before the *Reich* capitulation, of how such regions would map onto post-1945 *Land* boundaries, and on whether such territories were occupied by US or UK troops, we chose to focus on May 1945 as a starting point to measure this index component.
2. This might differ slightly from when the system was formally approved. For example, in Baden the new system was formally introduced in March 1947, and in Rheinland-Pfalz and Württemberg-Hohenzollern in April 1947, but in all three *Länder* the *Spruchkammern* became operational only in October of the same year (Vollnhals 1991, 40).
3. See the full text of the directive in Ruhm von Oppen (1995).