

**THE GUILT OF THE SYMBOL: WHO LEARNS WHAT IN A DIDACTIC
TRIAL?**

An Undergraduate Research Scholars Thesis

by

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ABSTRACT

The Guilt of the Symbol: Who Learns What in a Didactic Trial?

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This goal of this thesis is to present a correlation between the didactic war trials of two men following the demise of Nazi Germany, and the ability of society to meet a prescribed list of learning outcomes for the trials. Specifically, this project will focus on the outcomes of the trials of two men- Klaus Barbie and Albert Speer, and will explore if the prosecuted could learn from their mistakes when their trials were intended to teach a moral lesson to various societies, not just prove their guilt or innocence. It will also consider whether their own acceptance of their guilt (or lack thereof) led to a sway in public opinion that negated any potential learning outcomes from their trials. This will be accomplished through an analysis of relevant court documents, and any relevant opinion pieces that further explore the societal reactions.

DEDICATION

Dedicated to my parents, Alan & Cindy Kilpatrick, who have mastered the art of dealing with a daughter who has no chill.

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KEY WORDS

- Didactic: Intended to teach, especially a moral lesson
- Didactic Trial: Using the trial of a person or entity to teach a moral lesson to society
- War Crime: An act committed by a person or entity during war that violates an understood rule of war
- Crime Against Humanity: means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:
 - Murder;
 - Extermination;
 - Enslavement;
 - Deportation or forcible transfer of population;
 - Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;
 - Torture;
 - Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity;
 - Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court;
 - Enforced disappearance of persons;
 - The crime of apartheid;
 - Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.¹

¹ United Nations, *Crimes Against Humanity*

INTRODUCTION

Major war trials have tended to focus on the potential didactic nature they could possess, and how societies in general can learn from the errors and horrors of the past. However, the ability of the prosecuted themselves to learn from their own mistakes tends to become an auxiliary outcome during trials of this nature. Specifically, in the many major Nazi war criminal trials during the 20th century, a minority of those convicted displayed any semblance of remorse for their actions; many instead choosing to use their final words as a chance to declare their undying belief in the regime and in their former country.

In choosing to turn the courtroom into a classroom rather than a center for determining guilt of the accused, the various trials had to reinterpret what evidence is appropriate for use, and even the very meanings of the specific charges that were used to indict the accused. In specific reference to the Eichmann trial of the 1960's, some witness accounts were admitted into the court even though the witness never interacted with Eichmann simply because the prosecution thought it was necessary to provide a stage for these stories to be told on, whether or not they were immediately applicable to the trial at hand. In his book, *Law, War, & Crime*, Simpson mentions some of the issues relating to a trial's didactic goals overtaking the rule of law in the court, and concludes by saying "[it] is an inevitable part of war crimes proceedings freighted, as they tend to be, with political meaning and historical significance."² Simpson also includes the converse problem of forgoing personal narratives and public learning opportunities for the public in favor of strict law, and argues "Law, unable to produce its own memories, could not engage the in the acts of remembrance so fervently wished upon it by those who had advocated the war

² Gerry Simpson, *Law, War, and Crime* 86

crimes trials.”³ Simpson’s studies focus on the law and societal aspect of the trials, while I will focus on the specific impact of these men on the trial’s outcome and learnability of these men’s trials.

Leon Goldensohn’s book *The Nuremburg Interviews* describes the personal impact of the trials on the major defendants from his interviews with said defendants during the trial. Some of the men he interviewed spoke at length about their belief in how guilty or innocent they were in the eyes of the law. He focused primarily on their psychological health, but much of the book’s content was their individual characters based on their own words, with some of his own interpretations sporadically included. Goldensohn did not interview Klaus Barbie since he was not on trial, but he did include a short section dedicated to Speer. The author contributes information regarding the personal impact of the major trials on some men, but unlike my project, it does not go deeply into the intersection of the learning aspect of the trial’s effect on the men’s perception of guilt.

In my paper, I intend to show that their choice of repentance or not by Albert Speer and Klaus Barbie affected their public persona and the ability of society to learn from the trials as the organizers of these trials had hoped. Did the admission of regret lead to public resentment of the outcome, and an unintended learning outcome? I will be using Klaus Barbie to exemplify this for those who do not repent as well as the case of Albert Speer to provide evidence for someone who did choose to acknowledge their guilt and the consequences of their actions.

Literature Review

Along with the two books that I mentioned above in the introduction, I have also been reviewing *The Mark of Cain* by Von Kellenbach, *Pius XII and the Third Reich: A*

³ Simpson, *Law, War, and Crime* 86

Documentation by Friedlander, *Speer: The Final Verdict* by Fest, *Hitler's Willing Executioners* by Goldhagen, and Sereny's *Albert Speer: His Battle with Truth*. Von Kellenbach's book was useful for its thoughts on remorse and forgiveness in post-genocidal societies, but with the majority of the book taking a religious viewpoint, some of its later arguments were less useful to me. Friedlander's book provided a valuable perspective on one of the people who remained neutral during Nazism's final solution, Pius XII and the Catholic Church. It noted why they chose to not speak out against the crimes of Nazi Germany while they were occurring and justified their lack of action with the idea that it was the lesser of two evils in comparison to Soviet Communism. Goldhagen's book spoke about the German people's actions or inactions during the Third Reich. This book was read earlier than the others in hopes of answering a slightly different research question, but provides a useful perspective on the atmosphere of the time.

Moving into character-specific books, Fest's book has been background on the personhood of Albert Speer. It has spoken in-depth on his personal rise to his position, evidence for and against what he stated during the Nuremberg Trials, and the events that would eventually cause him to acknowledge guilt during the trial. This book has been useful because it provides a much-needed background on who he was before I begin examining the actual proceedings of the trial that relate to him. Finally, I have heavily relied upon the book *The Fourth Reich: Klaus Barbie and the Neo-Fascist Connection* by coauthors Magnus Linklander, Isabel Hilton, and Neal Ascherson for my own analysis, since I believe that it captures a comparable level of personhood for its subject to Fest's book.

Thesis Statement

This goal of this thesis is to consider whether their own acceptance of their guilt (or lack thereof) led to a sway in public opinion that negated any potential learning outcomes from their trials. This is based on their public repentance, or lack thereof, of two men found guilty for their crimes as members of Nazism—Albert Speer and Klaus Barbie.

Theoretical Framework

To explore the first objective, I plan on starting with creating a clear list of intended goals or learning outcomes of each trial. This will require analyzing the specific charges brought upon these men and any historical information that is relevant to creating the learning outcomes summary. Most importantly, I will be reviewing the individual trial transcripts as available and/or notes of the proceedings. This is to understand what happened during the trial and not only how it affected the verdict, but also what the accused experienced. Finally, I will collect the final words of the guilty party to show that they either learned what the prosecution intended them to learn or if they did not meet the learning objectives. To determine whether the second objective occurred, I will be considering sources like opinion pieces published over time about the trial to aggregate the argument that society met the learning outcomes based on the guilty man's repentance.

Project Description

This project will focus on the outcomes of the trials of two men- Klaus Barbie and Albert Speer, and will explore if the prosecuted could meet a list of learning outcomes when their trials were intended to teach a moral lesson to various societies, not just prove their guilt or innocence. The thesis statement will be accomplished through an analysis of relevant court documents and any relevant opinion pieces that further explore the societal reactions, as well as each man's

individual history. Assuming the goals above are met, this paper will provide more information about these trials.

CHAPTER I

THE TRIAL OF ALBERT SPEER

History and Role in the Third Reich

The man who would end up on trial for his role in instituting the slave labor system used in Nazi Germany began his remarkable career as an architect. Different sources debate his abilities as an architect, much like they debate the kind of person he truly was, but the architect that he studied under “sought to instill in his students sufficiently firm values to make them invulnerable to all the radical movements of the day, politically, artistically, and generally”⁴. Suffice to say that his ambition for his students was unmet with Speer. Although Speer says that he remained in an apolitical position, he became good friends with Hitler and eventually found himself a spot in Hitler’s close circle based on Hitler’s respect for his opinions and their mutual love of architecture discussions. This spot was the catalyst that gave Speer the opportunity to become the creator of the Reich era’s style. “[Hitler] certainly treated Speer as an equal in all building matters, and often even bowing to his judgement.”⁵ This position grew into a titled position after the death of Paul Troost in January of 1934⁶, and gave Speer the opportunity to exert his influence within his discipline while simultaneously remaining as apolitical as he wished to be. In this particular role, he designed a plethora of new buildings and monuments that attested to the rising might of Hitler and the Nazi party, which could have been satisfactory if his ambition did not grow as his power grew. However, Speer eventually proved himself to be more ambitious than simply being satisfied as Hitler’s favorite architect.

⁴ Joachim C. Fest, *Speer: the final verdict*, 27

⁵ Fest *Speer: the final verdict* 52

⁶ Fest *Speer: the final verdict* 48

He eventually worked his favorable status in Hitler's mind into a position with the Armaments industry as its appointed minister following the mysterious and sudden death of its previous position holder, Fritz Todt. The Reich Minister for Armaments and Ammunition oversaw the war economy since it was over the major war supplies that were currently in great demand. Speer was Hitler's immediate choice for the position upon hearing of its vacancy, since Todt had begun showing signs that he no longer believed that the war was winnable. Speer was not a specialist in armaments, but Hitler seemed to be more interested in acquiring an ally in the position who still believed that the war could be won. Speer was this person in his mind. "[Hitler] was confident that Speer would bring about the decisive turn in the war, particularly as far as organization was concerned."⁷

Although an immense amount of power was shifted into Speer's hands, he continued to claim an apolitical stance. Some argue that with this position, he became a political figure on 8 February 1942.⁸ Others claim that his value to Hitler was that he was "a man with never a thought of politics such as might cloud and complicate issues..." and therefore maintained his apolitical status claims until August 1943.⁹ Speer's actions were immediately that of a political figurehead because at a conference on February 13, he submitted a demand for full authority "to direct armaments and requested that all those present countersign the document."¹⁰ However, he did not necessarily follow the generally prescribed rules of bureaucracy and would "[feign] naïveté" with these rituals whenever they stood in his way.¹¹ These power demands and lack of regard for rituals gave him the ability to be as completely involved as possible with the

⁷ Fest *Speer: the final verdict* 133

⁸ Fest *Speer: the final verdict* 133

⁹ William Hamsher *Albert Speer- Victim of Nuremberg?* (115)

¹⁰ Fest *Speer: the final verdict* 137

¹¹ Fest *Speer: the final verdict* 138

production process that rested under his command. His efforts “saved the situation” regarding the munitions crisis and “sent the production graph soaring.”¹² His ability to do exactly what Hitler expected him to do and more intensified Hitler’s trust and gave Speer “a kind of dictatorial status” as he was only answerable to Hitler.¹³

As Speer became more comfortable with his position of privilege and power within the Nazi government, he also gained more equally powerful enemies. After all, his rise was continuously due to previous position holder’s deaths and favoritism on the part of Hitler. People like Bormann, who “was [de facto] conducting the internal affairs of the Reich” as Hitler’s personal secretary, as well as Göring, Goebbels, and Himmer, continuously acted in opposition to Speer’s subtle power grabs.¹⁴ What continued to make him untouchable by these men and others were his successes in his position as the armaments minister. When the war turned to favor the allies, Speer’s downfall was centered around his opposition to the Scorched Earth policy. Hitler appointed him in charge of implementing it but he resisted in the form of a memorandum and decree to the industry workers. “Speer told his workers not to implement the scorched earth policy, against Hitler’s wishes.”¹⁵ In response to this, Speer’s powers were stripped. According to Speer, Hitler “ordered the exact opposite of the things I had called for... ‘All military, transportation, communications, industrial, and supply facilities, as well as all resources within the Reich’ were to be destroyed” all while appointing a group that had opposed Speer, the Gauleiters, in charge of executing it.¹⁶ Speer’s power was associated with a favoritism by and appeasement of Hitler, and when this was removed, he became isolated and powerless.

¹² Hamsher: *Albert Speer-Victim* 123

¹³ Fest: *Speer: the final verdict* 64

¹⁴ Albert Speer: *Inside the Third Reich* 253

¹⁵ Fest *Speer: the final verdict* 259

¹⁶ Speer: *Inside the Third Reich* 442

His lack of power did not last long, for after a round of disagreements between Hitler and himself, they came to an ultimatum. Speer's ability to create responses that would ease his time in power showed themselves when Hitler demanded that Speer redact an earlier statement that the war was lost. Speer eventually declared to him that he "stood unreservedly behind [him]."¹⁷ This turned into a moment for Speer to, in his own words "profit"¹³ off of their long-standing friendship being restored, when he asked that Hitler "must entrust [Speer] instead of the Gauleiters with the implementation of your decree."¹³ His role's powers were restored to him, and he was now able to control the scorched earth policy, and not choose to use it during its intended time. His ability to sense opportunism in this moment would provide a long-term favorable outcome in regard to his future trial and sentencing for his roles in the Third Reich.

Capture by the Allies and Shift in Support

After the suicide of Hitler, Karl Doenitz was designated the successor to power. Speer quickly allied himself with the new commander. Speer took this new leadership as an opportunity to pass "an edict prohibiting the destruction of any facilities, including bridges"¹⁸ This was mostly a figurative edict, since the short-lived, post-Hitler government would soon be overtaken by Allied forces. Speer was first taken by Paul Nitze, to the site of the United States Strategic Bombing Survey, where he provided information to them about the bombing effects while Doenitz negotiated surrender terms. In fact, according to Gilbert King, he "knew his best chance to survive was to cooperate and seem indispensable to the Americans, and his cooperation had a strange effect on his interrogators. One of them said he 'evoked in us a sympathy of which we were all secretly ashamed.'"¹⁹ This willingness to assist the victors

¹⁷ Speer: *Inside the Third Reich* 455

¹⁸ Speer: *Inside the Third Reich* 495

¹⁹ Gilbert King: *The Candor and Lies of Nazi Officer Albert Speer*

further proves his opportunist persona, not necessarily someone who believed in the Nazi cause and could therefore learn from his error in judgement. Soon after this, Speer and the remaining living Nazi leadership were taken to Mannheim to await trial. Speer and others who were to be transported to the trials in Nuremberg were taken to Oberursel, the “notorious interrogation camp” there.²⁰ All of those who were brought to the International Military Tribunal in Nuremberg were charged with Crimes Against Peace, War Crimes, Crimes Against Humanity, and Conspiracy to Commit these crimes.

Speer came across as extremely helpful to the Americans while he was being held. He offered many answers to the questions that were asked regarding war production, but not as many answers when questioned about things that could indict him war crimes, like Slave Labor, according to Nitze.²¹ Later, when told of the crimes he was being charged with, he noted in his own book that

“I had imagined that each of us would receive an individual indictment. Now it turned out that we were one and all accused of the monstrous crimes that this document listed.... In [the despair of hearing this decision], I found the position I felt I should take in the trial: to regard my own fate as insignificant, not to struggle for my own life, but to assume the responsibility in a general sense.”²²

It did not take being shown the evidence of the atrocities that were committed by the regime and recorded by the allies and various witnesses, it merely took the threat of not being able to defend only himself for him to decide to concede in the trial to the whims of the accusers. He knew that he could not escape the punishments by acting ignorant of them in court at this point. He went so

²⁰ Speer: *Inside the Third Reich* 507

²¹ King: *Candor and Lies*

²² Speer: *Inside the Third Reich* 510

far to prove this identity that he wrote his wife a letter defending his idea soon after, as well as told the prison psychologist that “there is a shared responsibility for such horrible crimes even in an authoritarian state.”²³ He was creating a padded background that would withstand questioning by lawyers since it could be backtracked into his prison time. This was a genius idea on his part—he did not have to actually prove that he believed what he was saying, he just had to be willing to say what he knew that people wanted to hear to have the best chance of getting off with the fewest charges. He salvaged his reputation in the long run. This meant that he only had to act as though he had met the learning outcomes of the trial rather than decisively meet them.

Court Appearance and Charges

Speer, along with the other eleven men, was officially served with his indictment on 19 October 1945. “Throughout the occupied territories the defendants conscripted and forced the inhabitants to labor and requisitioned their services for purposes other than meeting the needs of the armies of occupation and to an extent far out of proportion to the resources of, the countries involved”²⁴ Count three, subsection H listed the specific war crime that would be attributed to defendant Speer over the course of the trial. The slave labor aspect of his work program was specifically banned in The Hague regulations and customs of war, along with the requirement of occupied civilians swearing allegiance to a hostile power (Nazi Germany). By being a member of the Nazi party and its leadership, he was indicted under the counts of Conspiracy and Crimes Against Peace. The exploitation of slaves also led him to be indicted for Crimes Against Humanity. Although he may not have personally forced the populations to become slave labor, he represented the face of the industries that heavily relied upon it. He was deemed responsible for every task that was committed under his oversight as the Reich Minister for Armaments and

²³ Speer: *Inside the Third Reich* 510

²⁴ Official Text Vol. I 63

Ammunition. His power-hungry nature increased his responsibility in workload but would also increase his responsibility in the later trial for the actions committed under him. He stated that he knew this to be aligned with his theory since “top leadership in a modern war could be expected to face the consequences at the end...because they had previously not been exposed to any danger,” and was followed by a citation in a letter to his wife.²⁵ In the same book, Speer noted that there was one line in the indictment that was what he had hoped to hear. The one sentence “accused the defendants of guilt for the regime’s crimes, but not the German people.”²⁶ This line gave him the opportunity to defend his assumed position of remorse but held the opportunity for potential redemption in the eyes of his people.

Pierre Mounier, a French Assistant Prosecutor, was one of the first people to question Speer from the Prosecution’s side. He used Speer’s testimony during the earlier interrogations to accuse him of being in the same league of evil as Göring and Hitler based on his knowledge of the Four Year Plan, he produced evidence of Speer’s knowledge and use of slave labor in armaments production, and even attributed the promotion of concentration camps to him in order to fuel the supply for mandatory labor. “Speer did not hesitate to resort to methods of terrorism and brutality as a means of achieving a peak output from the forced workers. He found justification for the action of the SS and of the police and for the use of concentration camps to subdue recalcitrants.”²⁷ Since the trials were intended to teach a lesson, they did not need to include his generally ambitious-at-any-cost nature in this condemnation; they merely had to turn him into a caricature of a modern-day slave driver. Speer would readily play into this role in to an extent he had long decided agreeability would be his only way to escape the group fate.

²⁵ Speer: *Inside the Third Reich* 513

²⁶ Speer: *Inside the Third Reich* 513

²⁷ Official Text, Vol. VII 89

On 19 June 1946, Albert Speer took the stand for his own defense. During the examination by his lawyer, Speer repeated in multiple ways his inexperience and lack of knowledge in the field he was appointed to. “I personally was no expert, and I did not want to act as an expert. Therefore, I selected the best possible experts to be found in Germany as my co-workers.”²⁸ He mentioned his status as merely an architect to further this initial defense and to slightly alter the persona that was thrust upon him at the beginning of the trial. He also denounced the claims made about him earlier by Mounier specifically, “[Terror and brutality] was against my interests. There were efforts in Germany to bring about increased productivity through very severe compulsory measures. These efforts did not meet with my approval. It is quite out of the question that 14 million workers can be forced to produce satisfactory work through coercion and terror, as the Prosecution maintains.”²⁹ He was, assuming some level of guilt without taking too much personal responsibility. He played an unknowing yet efficiency-minded architect and an apologist for his unwanted position’s role in slave labor.

The following day of questioning by Speer’s own defense lawyer led to his first major admission of ‘guilt’ for his role. It was both an acknowledgement of guilt for the war crimes he was on trial for and a rebuttal for the more iniquitous allegations made by the prosecution. “I considered it proper, therefore, that workers from concentration camps, too, should work in war production or armament industries. The main accusation by the Prosecution... is by no means correct. On the contrary I wanted just the opposite....”³⁰ Later on in the day, Speer made his more famous admission of ‘guilt’ to the audience of allied countries.

²⁸ Official Text, Vol. XVI 433

²⁹ Official Text, Vol. XVI 446

³⁰ Official Text, Vol. XVI 475

“[I]t is my unquestionable duty to assume my share of responsibility for this disaster before the German people. This is all the more my obligation, all the more my responsibility, since the head of the Government has avoided responsibility before the German people and before the world. I, as an important member of the leadership of the Reich, therefore, share in the total responsibility, beginning with 1942.”³¹

As stated earlier, he spent his questioning building up the character of an ‘architect given more responsibility than he knew what to do with’, who took “total responsibility” of the Reich’s actions. His actions during his time as a Reich Minister show that he was wholly invested in gaining personal power through interpersonal relations with Hitler. When he was faced with challenges to his “apolitical’ power grab, he would merely say that he was unknowledgeable about the rules, much like he was ‘unknowledgeable’ about the field that his position was entirely over when he took office. When he knew that he was about to be in serious trouble for his role in Nazi Germany, he immediately found someone new to try and build a relationship with that would lead to a position of power—Nitze and the United States. Speer was not a Nazi apologist, nor was he wholly invested in the ideology of the Nazi Party ideology like Barbie; he was merely a man who wanted to ensure that he would be given some semblance of respect and admiration after his fate was decided by the Allied Tribunal.

When the cross-examination time came, United States Justice Robert Jackson wanted a different kind of answer than what had been provided in the main examination. He simply pushed to know who was responsible for the atrocities committed against foreign workers. He used statements from factory workers and people outside of any power to set the scene of what the working conditions were like, and stressed pushing the overall decision making back to the

³¹ Official Text, Vol. XVI 483

top of the party. However, he did not put the blame on Speer as a person, but rather on his role, which was really on trial. “I am not suggesting that this was your responsibility. I am suggesting it is the responsibility of the regime.”³² Speer’s responses to the questions ranged from calling the accounts untruthful, to deemphasizing the role that the camps made, or even repeating that he had no knowledge of the events that occurred at factories under him. Mostly, he placed the responsibility into other sectors while repeating that he took responsibility for the workers under him. His answers were as confusing as was the man himself. Justice Jackson summarized his responses as “[Y]ou as a member of the Government and a leader in this period of time acknowledge a responsibility for its large policies, but not for all the details that occurred in their execution.”³³ This was the perfect way for Speer to respond so as to take enough responsibility to be looked upon favorably by the public, but not so much as to truly incriminate himself.

Councillor Raginsky’s, one of the Soviet Assistant Prosecutors, cross examination required Speer to answer the questions bluntly, and did not let him give confusing answers like the previous cross-examiner. Speer consistently evades many questions by blaming them on faulty translations and misunderstanding the sense of what was said. The fast-paced, intense questioning to the average person would most likely cause an erroneous statement to be made, but Speer was continuously clever in his responses and did not admit to any wrongdoing that he did not want attributed to him in the long run. These were claims that fell outside of the necessary guilt that the character he created for the trial would have to feel to achieve the perception that he wanted.

The final notable moment for Speer during the trial came from the Tribunal itself. Judge Francis Biddle of the United States used the ending time of the examination of Speer to ask into

³² Official Text, Vol. XVI 538

³³ Official Text, Vol. XVI 563

detail what exactly Speer was taking responsibility for. He specifically asked of Speer if he wanted to “acknowledge measurable guilt or coresponsibility under the penal law” or “to record a historical responsibility before your own people and before history?”³⁴ Speer, of course, responded with his now-usual elaborate responses that did not completely answer the simple question posed to him.

“That question is a very difficult one to answer; it is actually one which the Tribunal will decide in its verdict. I only wanted to say that even in an authoritarian system the leaders must accept a common responsibility, and that it is impossible for them to dodge that common responsibility after the catastrophe, for if the war had been won the leaders would also presumably have laid claim to common responsibility. But to what extent that is punishable under law or ethics I cannot decide, and it was not my purpose to decide.”³⁵

After some further pressing by Judge Biddle, Speer finally gave a clear response of what he meant by the general principle of leader responsibility.

“THE TRIBUNAL (Mr. Biddle): You deem the beginning of the war and the end of the war basic principles for which the leaders were responsible? SPEER: Yes.”³⁶

The Memory of Mr. Speer

Albert Speer is still impacting the world today. With a simple web search, articles as recent as 2017 still discuss his legacy. After the trial, he was one of a few defendants to receive a prison sentence instead of a death penalty for his role during the regime. He was only found guilty for Crimes Against Humanity and War Crimes due to the use of slave labor in manufacturing. The evidence presented during the trial was more incriminating than his own

³⁴ Official Text, Vol. XVI 586

³⁵ Official Text, Vol. XVI 586

³⁶ Official Text, Vol. XVI 588

defense argued, especially his attendance at multiple conferences that discussed the use of slave labor with Sauckel. “Speer knew when he made his demands on Sauckel that they would be supplied by foreign labourers serving under compulsion. He participated in conferences involving the extension of the slave labour programme for the purpose of satisfying his demands.”³⁷ Sauckel received the death penalty for the same sentence, which could be attributed to his closer exposure to the crimes than Speer. What also helped Speer’s life to be saved was his adamant refusal to implement the Scorched Earth policy that Hitler ordered, his creation of “Blocked Industries” that kept civilians of occupied nations from being deported, and being one of the few people to tell Hitler that the war was lost.³⁸

Following his twenty-year incarceration, Speer published many books; the most memorable being *Inside the Third Reich*. This was his firsthand account at his life and how he came to his role as well as his perceptions of Hitler and his opinions of the other major players of the Reich. He also gave a famous interview with Playboy magazine in June of 1971. Much of what he spoke of in that interview was recounted in his book, but there remains one important statement that came out of it regarding knowledge of the Holocaust. The interviewer asked:

This is the point that has aroused the greatest suspicion...about your integrity. You were intimately involved with all aspects of Nazi military and political strategy. How, they ask, can you expect people to believe that you remained ignorant...of the systematic extermination of 6,000,000 Jews...?

To which Speer maintained that “a fetish for secrecy” and rivals led to bureaucracy that kept information of the Holocaust from reaching his knowledge.³⁹ His book was met with praise by

³⁷ Jewish Virtual Library. Cooperative Enterprise, "Nuremberg Trial Judgements: Albert Speer"

³⁸ Jewish Virtual Library, *Nuremberg Trial Judgements: Albert Speer*

³⁹ Eric Norden: *Albert Speer: a Candid Conversation* 74

critics of newspapers like the New York Times. John Toland's recommendation included, "He has revealed himself layer by layer not in self-flagellation but in an earnest attempt...to atone for his mistakes...His admonitions have a frightening timeliness for all men of goodwill who have been led into the corridors of power."⁴⁰ They firmly accepted the persona that Speer presented in court and in his books, the one that took responsibility for the crimes; What people wanted to hear and believe.

Over 40 years later, this was proven false in private letters that he sent to confidants explicitly stating "...he had indeed heard Himmler's speech about exterminating the Jews. 'There is no doubt—I was present as Himmler announced on October 6 1943 that all Jews would be killed,' Speer wrote. 'Who would believe me that I suppressed this, that it would have been easier to have written all of this in my memoirs?'"⁴¹ While some authors who interacted with him immediately following his release fell for his wordplay and stories, most recent authors are on the side of skepticism. Renowned author Chimamanda Ngozi Adichie spoke of him recent article in the New Yorker Magazine, noting that "Speer demonstrates a slick honesty whose goal is to disarm...His rueful acknowledgment of his dedication to Hitler, and his philosophical puzzlement at his own complicity, seeks to cast a glaze of innocence over him"⁴² These letters were released after his death, indicating that Speer knew how easily the "truth" that the world was accepting could fall apart and he would be remembered in infamy. With time, he has begun sinking into a more infamous role that he will never know of.

⁴⁰ John Toland: *Inside the Third Reich*

⁴¹ King: *Candor and Lies of Albert Speer*

⁴² Chimamanda Ngozi Adichie: *Rereading Albert Speer's "Inside the Third Reich"*

CHAPTER II

KLAUS BARBIE: THE BUTCHER FACES TRIAL

Childhood, Career, and Escape

Based upon his childhood, Klaus Barbie was not the kind of person that anyone would expect to become one of history's most infamous villains and a face of Nazi occupation in France. He was the son of local schoolteachers, and many even expected him to become a priest when he was older. However, behind closed doors he faced an abusive father that he would only manage to escape by enrolling in a high school far enough away to justify dormitory living. His father was diagnosed with cancer and passed away shortly before he was due to go to college. His father's pension from being a teacher was not enough to care for his family and for him to obtain further education. Instead, he became involved with the Hitler Youth and enthralled with the Nazi ideology like much of Germany during the time, which is where he would begin his journey to becoming the Butcher of Lyon.

After failing to achieve the higher education that he initially thought he would receive, Klaus Barbie eventually found his way to joining the S.S. He was recruited by contacts after holding a volunteer position in another Nazi organization. "There was no chance of going to university after all... now there was nothing left in Klaus Barbie's life but his work in the National Socialist's movement, a future for Germany but no private prospects for himself."⁴³ He did well in his role as a Gestapo officer and progressed through the more common ranks. Following a successful assignment to Holland, he was stationed as the Gestapo Chief in Lyon, France, where he would garner his infamous title as The Butcher of Lyon. This was due to an

⁴³ Magnus Linklater et al. *Fourth Reich* 32

increase in Germany occupying France as well as the knowledge that Lyon was a stronghold for the Resistance movement.⁴⁴ His chosen headquarters location was Hotel Terminus which proved its strategic positioning valuable as he performed his own intelligence gathering practices around town. From this place, he would perform his assigned task with “unflagging and ruthless determination.”⁴⁵

Klaus Barbie was a man who was too invested in promoting the Nazi party and its ideals. There was no point in his life that set him apart from anyone else to become who he is remembered as, he was just another Nazi. In order to stand out in the S.S., he had to go above and beyond what anyone else was accomplishing or pursuing in the name of Nazism. Unfortunately, this sense of duty manifested itself into some truly inhumane torture methods that at best would leave victims physically and emotionally scarred for life rather than waiting for trauma-induced death to take over. He used his own ability to gather intelligence through personal excursions and through creating a network of informants and traitors to find the resistance leaders. One of his more notable ‘captures’ was related to Jean Moulin.

Jean Moulin had become the legendary glue of the French Resistance movement. After capture and torture the first time around by the Nazis, he returned to his leadership role. This made him even more of a target for Barbie. The downfall of Moulin would come from the mouth of Rene Hardy, a fellow man of the resistance. Hardy was captured by Barbie while on a train. After his capture, Barbie incentivized his cooperation with the Gestapo by threatening his girlfriend’s life. He captured Moulin, tortured and beat him to the point where he would die a

⁴⁴ Linklater et al. *Fourth Reich* 61

⁴⁵ Linklater et al. *Fourth Reich* 66

few days later. The Nazis celebrated this by “decorating Barbie with the Iron Cross, First Class, with Sword, and a recommendation for promotion...”.⁴⁶

Barbie would come to commit atrocities towards as many of Nazism’s ‘enemies’ as he possibly could during his time in Lyon. He sought out Jewish families and tortured them for information indiscriminately, similar to how he would personally hunt down the members of the French Resistance. His hunt for Nazi enemies would even extend to a Jewish children’s orphanage in the nearby town of Izieu. Here, he “entered the [children’s] home and forcibly removed the forty-four children and their seven supervisors, throwing the crying and terrified children on to the trucks like sacks of potatoes.”⁴⁷ Few witnesses survived to give their testimony of the incident, and only one person truly survived the raid and abductions. The rest of those involved were sent to the Drancy collection center and then shipped off to the death camps outside of the country.⁴⁸ Barbie, in true Nazi fashion, seemed to celebrate this ‘accomplishment’ in a later note on the incident.

"This morning the Jewish children's home 'Children's Colony' in Izieu-Ain was liquidated. Altogether 41 children aged three to thirteen were arrested. Furthermore, it was possible to arrest the whole Jewish staff consisting of ten persons, including five women. Cash or other valuables could not be seized."⁴⁹

These crimes and many others would make him a wanted criminal in the post-World War II trials. It would take almost 40 years before he would personally stand any form of trial for these deeds, since he managed to escape.

⁴⁶ Linklater et al. *Fourth Reich* 96

⁴⁷ Jewish Virtual Library., *The Children of Izieu*

⁴⁸ Jewish Virtual Library., *The Children of Izieu*

⁴⁹ Jewish Virtual Library., *The Children of Izieu*

This escape would be aided by an unlikely ally—the United States. From 1947-1949, he was an informant for the Counter-Intelligence Corps (C.I.C.), an American entity that would counter Soviet intelligence measures. They “wanted to force the S.S. men to work for the Americans by arresting them and then recruiting them through bribery and blackmail.”⁵⁰ Conflicting sources declare that he was either well paid and cared for by the United States for his anti-Communist work, or that he was only paid in “food, cigarettes, ration cards and German currency”^{51,52}.

Where there is more agreement about the American levels of involvement is in his escape to Bolivia. Since he was an informant, he was protected from the French government by the American one. When pressure increased to have him turned into the French government for trial, an escape plan was created. The C.I.C. used an extremely complex process to create justification for visas and other paperwork through falsification. Nicholas R. Dorman, in his article called *Aftermath of Nuremberg: The Trial of Klaus Barbie* described the process as follows:

Barbie's travel and his new documents were arranged with the help of a Croatian Fascist organization masterminded by a priest by the name of Krunoslav Draganovich...His new identity was listed as "Klaus Altmann, mechanic." A spurious biography for Klaus Altmann was prepared in Italian by the C.I.C. for the benefit of the Bolivian Consulate in Italy. In Genoa, Barbie obtained a Bolivian immigration visa as Klaus Altmann.”⁵³

He then moved to Bolivia with his family and created a much more comfortable lifestyle for himself through an alliance with Bolivia’s leader at the time, Hugo "El Petiso" Banzer.⁵⁴ Here,

⁵⁰ Jewish Virtual Library, Cooperative Enterprise, *Trial of Nazi Criminal Klaus Barbie*

⁵¹ Allan A. Ryan, Jr., Klaus Barbie and the United States Government 161

⁵² Jewish Virtual Library, *Trial of Nazi Criminal Klaus Barbie*

⁵³ Nicholas R. Dorman, *Aftermath of Nuremberg* 451.

⁵⁴ Jewish Virtual Library, *Trial of Nazi Criminal Klaus Barbie*

he used his Gestapo-acquired knowledge and expertise to assist in the oppression, in exchange for protection and uninhibited work with the arms industry through a “state-sponsored shipping business”⁵⁵. France and Bolivia seemed to be at an impasse for many years over the issue of Barbie, but when both governments had regime changes, it was finally possible to contemplate the extradition.⁵⁶ This, combined with the relentless work done by Nazi hunters Serge Klarsfeld and Beatte Kunzel to make it a popular issue, led to Mr. Barbie being brought back to face trial for the crimes he committed decades prior.

Return to France

Klaus Barbie, now 73 years old (May 1987), was to stand trial for Crimes Against Humanity. He was unable to stand trial for more obvious crimes like war crimes and torture, due to already being tried in-absentia for those crimes and convicted in 1954, thus implying that it would be a double-jeopardy trial.⁵⁷ He was also sentenced to death in-absentia, but the twenty-year statute of limitations had expired in his absence to Bolivia.⁵⁸ Thus, in order to prosecute Barbie, they had to create new charges that were exempt from the statute of limitations. The only possible alternative that the prosecution could come up with was history-making in France—Crimes Against Humanity. Specifically, the prosecution named “a raid on a Jewish office in the Rue Ste. Catherine, the deportation of 44 Jewish children from the village of Izieu and ordering the last train from Lyons to Auschwitz [as the crimes]. None of these duplicated previous charges, and, because they were called crimes against humanity, they were not subject to a

⁵⁵ Guyora Binder, *Representing Nazism* 1327

⁵⁶ Jewish Virtual Library, *The Trial of Nazi Criminal Klaus Barbie*

⁵⁷ Dorman, *Aftermath of Nuremberg* 451

⁵⁸ Ted Morgan, *Voices of the Barbie Trial*

statute of limitations.”⁵⁹ Legitimizing this trial took more legal wordplay and time than anticipated, so even though Barbie arrived in 1983 it took four extra years for the trial to begin.

When the trial began, an audacious defense lawyer would turn an already unprecedented trial into a complete spectacle. Jacques Vergès changed the tone of the entire trial from ‘putting an evil remnant of Nazi Germany’ on trial to putting France’s own historical misdeeds on trial. “The trial thus took on yet another dimension, not only was it going to be about Klaus Barbie, the Third Reich, and France, it would be about memory and memory's legacy, history.”⁶⁰ The trial itself was supposed to be didactic in nature, but it became one even more so than initially expected by the prosecution, especially since it created a new set of learning outcomes.

Trial and Memory

With a re-interested public, an invested world, and a fiery defense lawyer determined to make this trial into a time for France to reflect on its own misdeeds, the trial began. “For weeks, the French general public had been prepared by the press for this very event. During those weeks, the daily papers had published haunting recollections of Barbie's crimes and passionate essays on the necessity of condemning Barbie.”⁶¹ An old and ill-looking man appeared in the place that a mass murderer was expected to be. A New York Times writer who was at the trial made a special note of his appearance in his article:

“I had to remind myself that this balding elderly fellow, with his sunken cheek close to the interpreter's, was an evil man who had sent children to their deaths - that he had not simply obeyed orders, but had initiated operations such as Izieu on his own.”⁶²

⁵⁹ Ted Morgan, *Voices of the Barbie Trial*

⁶⁰ Jewish Virtual Library, *The Trial of Nazi Criminal Klaus Barbie*

⁶¹ Jewish Virtual Library, *The Trial of Nazi Criminal Klaus Barbie*

⁶² Morgan, *Voices from the Barbie Trial*

To add to the drama produced by the press around this trial, Vergès petitioned to dismiss the charges due to an “invalid extradition” and the “applicable statute of limitations had run out”.⁶³ Both were dismissed by higher courts based on Nuremberg-era laws and other legal justifications. The French legal system does not require that a defendant be present throughout their entire trial, so Barbie excused himself early on. This allowed his lawyer to continue pressing forward with various schemes to adjust the tone of the trial into something less simple than the trial of a Nazi criminal.

Barbie left the courtroom, and any possible condemnation or argument that Vergès could muster to use as a defense was entered into the record. He tried to confound who it was that was on trial—was it a German Nazi or the half-French man standing in front of them? When he became Barbie’s attorney, he immediately opened himself up for questioning and attacks by the press, just as his own client would be. “...an angry public interpreted Vergès' decision to defend Barbie as an endorsement of Barbie's political views...”⁶⁴ More surprisingly, Vergès’s did not truly try to defend his client’s actual guilt or innocence. Each defensive argument that he used, from claiming forgery on the memo (see page 25) to trying to redefine what a Nazi was (rather than using the commonly recalled understanding) and even not actually trying to defend his client’s innocence was all a part of his larger game of putting the prosecuting country on trial. In many of his arguments, Vergès invoked more recent memories of the French crimes against the Algerian uprising, which occurred from late 1954 until 1962. He selected stories to strategically recount in court that would make this later argument relevant. These stories focused on Barbie’s crimes against French Resistance, rather than just his crimes against the Jewish population. “Vergès wanted Barbie charged with crimes against the French Resistance so that he could

⁶³ Dorman, *Aftermath of Nuremberg* 462

⁶⁴ Binder, *Representing Nazism*, 1356

charge France with crimes against Algerian revolutionaries.”⁶⁵ When he did choose to invoke the charges against his client that were due to the Izieu affair, he compared them to “Algerian World War II veterans killed by the French during the Algerian revolution”⁶⁶ People grew aware of the game that Vergès was playing as his parallels between France and Nazi Germany became more uncomfortable for people to hear. Binder argues that “Vergès' arguments concerned the meaning of Nazism, which was, after all, the central issue addressed by the prosecution and its legion of expert witness” and were therefore more valid than given credit for during the time of the trial.⁶⁷

The outcome of this trial seemed to point to a conviction no matter what arguments the defense presented. This was a trial designed to teach society a lesson, and while it was rightful to convict Barbie based on his actions during the occupation, the question that would arise from Vergès's arguments is similar to the one that was brought up during the Nuremberg trials— are these trials just another way for the victor of a war to bask in their success? What is the point of trying someone when the outcome, dictated by retroactively-applied laws, is already mostly decided? Vergès exploited his client's obvious involvement in some genuinely inhumane events to force the people watching the trials to re-evaluate their own inhumane actions. Were some of the lawyer's course of actions more theatric and ridiculous than necessary? Probably. No matter what he should or should not have done in the trial, he managed to turn an unrepentant Nazi into the side character in his own trial.

Klaus Barbie never acted apologetic for his role, and continued to stand by National Socialism for most of his life. He must have felt no need to try and save his reputation, like Albert Speer did, simply because so much time had passed and he was already dying from

⁶⁵ Binder, *Representing Nazism*, 1361

⁶⁶ Binder, *Representing Nazism*, 1362

⁶⁷ Binder, *Representing Nazism*, 1363

cancer. The trial concluded on July 4th, 1987 with a conviction of guilt for Crimes Against Humanity for Mr. Barbie.⁶⁸ He was sentenced to life in prison (since the death penalty had been abolished in France years prior), and passed away about four years later. This trial was didactic because it was a reminder to French society at the time of France's willingness to stand up to Nazis, which will be further discussed in the next chapter.

Wolfgang Saxon, another New York Times journalist, wrote about his reaction to the decision. "He stood motionless and without expression as the presiding judge listed his crimes against French Jews and fighters of the Resistance."⁶⁹ Klaus Barbie was not a man of much emotion according to his responses on the stand and according to witness testimony, which reflects a vague irony in how his trial caused a great amount of emotion to French society, Jewish society, and the world at large.

⁶⁸ International Crimes Database, *The Prosecutor v. Klaus Barbie*

⁶⁹ Wolfgang Saxon, *Klaus Barbie, 77, Lyons Gestapo Chief*

CHAPTER III

THE DIDACTIC TRIAL

A didactic trial will be defined in this thesis as one that is intended to teach a moral lesson to a general population rather than to merely determine the defendant's personal guilt or innocence in a particular matter. While one may argue that all trials are intended to teach societal lessons regarding negative consequences of actions, a didactic trial differentiates itself by being used to put a single face on trial for the actions of many, including the actions of those beneath them. During the International Military Tribunals at Nuremberg following the demise of the Third Reich, Albert Speer was one of the faces of slave labor usage since it was utilized in the armaments and ammunitions production process. While he may not have used slave labor himself, the industry that he was the face of actively used it against the Geneva code of warfare. Klaus Barbie, although he did personally commit many atrocities, had his trial used as a spectacle by the French government to promote French patriotism and overcoming their Nazi occupation decades prior. This section will focus on the usage of the didactic trials to solve the societal conundrums created by these men, the intended learning outcomes for the trials by their respective prosecution, and how society actually responded after being presented with this type of trial.

Nuremberg & IMT

In an effort to promote the 'never again' belief that permeated the world after the end of its' second encounter with world war as well as the discovery of a massive genocide operation by the Nazis and their allies, the Allied countries of the United States, Great Britain, France, and Russia worked together and announced the creation of the International Military Tribunal (IMT)

to place prominent Nazis on trial for their roles in the war. These trials were to take place in their home country of Germany in the town of Nuremberg. Article 6 of the Charter for the IMT listed four specific charges that the men on trial would be faced with:

“(1) Conspiracy to commit charges 2, 3, and 4, which are listed here; (2) crimes against peace—defined as participation in the planning and waging of a war of aggression in violation of numerous international treaties; (3) war crimes—defined as violations of the internationally agreed upon rules for waging war; and (4) crimes against humanity—namely, murder, extermination, enslavement, deportation, and other inhumane acts committed against any civilian population, before or during the war; or persecution on political, racial, or religious grounds in execution of or in connection with any crime within the jurisdiction of the Tribunal, whether or not in violation of domestic law of the country where perpetrated.”⁷⁰

The tribunal, comprised of Robert H. Jackson (US), Francois de Menthon (FR), Roman A. Rudenko (USSR), and Sir Hartley Shawcross (GB) selected 24 major figures in the Nazi regime to stand trial for their actions or actions associated to their role, like Speer. Half of the men selected faced the death penalty, and the other half were incarcerated in Berlin’s Spandau Prison for lengths ranging from 10 years to life.⁷¹

Why was this extra effort by the Allies necessary to try their enemy’s leadership? Due to the “egregious acts of inhumanity committed that [the international community] could not let such acts go ignored.”⁷² The idea was to find a common, international solution rather than to let one country’s justice system alone handle truly unimaginable war crimes and human rights

⁷⁰ United States Holocaust Memorial Museum *Holocaust Encyclopedia: Nuremberg Trials*

⁷¹ Holocaust Memorial Museum *Holocaust Encyclopedia: Nuremberg Trials*

⁷² Peggy E. Rancilio, *From Nuremberg to Rome* 300

violations. It was, in short, to keep the countries of the world accountable to one another. It was also a way to ensure a certain level of fairness towards the accused by allowing certain fundamental rights to defendants, including:

1. The right to be furnished with the indictment in a language which the accused understands at a reasonable time before the trial;
2. The right to give any explanation relevant to the charges against the accused;
3. The right to translation of proceedings before the Nuremberg Tribunal in a language which the accused understands;
4. The right to the assistance of counsel; and
5. The right to present evidence and to cross-examine any witnesses called by the prosecution.⁷³

With this planning, the IMT at Nuremberg established a new precedent for future military tribunals where “the notion that individuals, acting pursuant to superior orders, could escape liability for their actions was repudiated.”⁷⁴ In short, people could no longer merely place the blame for their actions on a superior’s orders.

Albert Speer, as noted in chapter one, played a very strategic role during his time on trial. While many of the other defendants argued that what they were accused of was based on a superior’s orders, he told the prosecution what they wanted to hear—he was guilty (in a sense) for the crimes committed under his leadership. From his own book, he stated that the goal of the trial, as stated by Justice Jackson, “corresponded precisely with what I hoped would be a subsidiary result of the trial...the hatred directed against the German people... would now be

⁷³ Rancilio, *From Nuremberg to Rome* 303

⁷⁴ Rancilio, *From Nuremberg to Rome* 305

focused upon [top Nazi leadership].”⁷⁵ The rest of his narrative on his own experience at his trial can be described as putting as much of a positive slant on the events during the trial and his responses to questions as possible. He cautiously does not speak ill of the trial or its format, most likely in fear that it could ruin the reputation that he was trying to maintain.

Göring, a fellow member of Nazi leadership who staunchly maintained a pro-Nazism stance, took the opposite approach and insisted that “the trial was a travesty conducted by victors against losers” and that he “wanted all the accused to reject the validity of the court and claim innocence before the German law under which they had lived and...legitimized their actions”⁷⁶ Since few of the men on trial took a position of guilt similar to Speer, some of those who faced death like Göring continued their support of the Germany that they held until their death. While the opinions of those who were on trial is important, I believe that the ultimate goal of the trial was to not teach the accused that their actions were inhumane, but to teach the rest of the world that their actions were grossly inhumane. What is remembered about this trial with regards to Speer is that it was effective immediately following and immediately after his release from Spandau, but after his death, his deceit that was disguised by charm and an ability to manipulate words to his benefit came to light.

Throughout the 21st century, there has been a series of declassification of World War II materials. Since a large amount of time has obviously elapsed, they are no longer filled with information detrimental to national security. In 2005, a wartime diary described Winston Churchill’s opinions about if Brits would be in favor of a military tribunal to be negative. This contrasted with Roosevelt/the US and Stalin/USSR, who both saw merits to a new tribunal. The diary was described as saying it supported “selected Nazis to be "bumped off" rather than put on

⁷⁵ Speer, *Inside the Third Reich* 513

⁷⁶ Gitta Sereny, *Albert Speer: His Battle with Truth* 4

trial, after a commission of inquiry had "come to the conclusion" this was the preferred option."⁷⁷ This could set a dangerous precedent if a country like the USSR could accuse Nazis of crimes that they themselves had also committed during the war. The author of the above diary also stated a fear that the "tribunals would be little better than show trials".⁷⁸ These kinds of sentiments still hold true today for some people, especially those who could not advance past the USSR's involvement in a trial intended to teach society what not to do. However, I believe that the underlying goal of teaching a lesson through an unprecedented form of trial was successful. The use of a military tribunal after crimes against humanity became akin to an international standard, being used in the case of the Former Yugoslavia and the Rwandan Genocides decades later. Today, the International Criminal Court in Geneva is the primary derivative of the IMT. The original format was successful enough in the eyes of history to allow it to be used again. This is seen whenever there is contemplation of a military tribunal usage in complex cases, like when trying those associated with the terrorist attacks on the United States on September 11, 2001. In an opinion piece, William Shawcross wrote "Nuremberg was essential in creating memory and senses of responsibility, in Germany itself and far beyond... Military justice worked then and it can work again today too."⁷⁹ People learned, through the trials of these Nazis, that evil acts can be brought to justice. Albert Speer himself did not have to learn of his own personal guilt, all that he had to do to be successful in this trial was play the role that the Allied prosecution wanted him to play. He successfully learned how to navigate a trial that was never about his personal responsibility, but his perceived responsibility. I do not believe that he met the same learning outcomes as the rest of society did during the trial, but I believe that society in

⁷⁷ Ian Cobain, *Britain favoured execution*

⁷⁸ Cobain, *Britain favoured execution*

⁷⁹ William Shawcross, *Lessons From Nuremberg*

general will forever be able to look back upon this trial and know that justice will be sought for those who commit truly evil crimes.

The French Trials

As previously mentioned, the French trials took a different level of legal finesse than the Nuremberg Trials. Klaus Barbie was an elderly man who escaped to South America for a long enough time that he outlived the twenty-year statute of limitations on his previous trials as well as the usage of the death penalty in France. Therefore, any trial of something that he had already been previously tried for would have been considered *Double Jeopardy*. Richard Bernstein, an American journalist, wrote that the trial was, “a trial of France itself, whose mixed record of resistance and collaboration during the German occupation has [was never] subject to full public scrutiny.”⁸⁰ To try a single relic of the Nazi occupation, the prosecution had to redefine what a ‘Crime Against Humanity’ was in the context. This included finding new reasons for him to be on trial, and then managing to justify them in the context of a Crime Against Humanity.

The world was truly watching this trial. Unlike the Nuremberg trials, this trial was after a technological advent in the 1980’s, and more information was therefore accessible to the average person. French journalists comprised the largest group in the crowd outside of the courthouse, followed by the American journalists, East German journalists, British journalists, some Soviet occupied countries were also represented as well. Two South American countries also sent an envoy of journalists, neither of which being the countries where Barbie had taken refuge in his absence from France.⁸¹ The only camera allowed inside the entire proceeding was one that was completely government controlled. It was allowed because of a law intended to preserve the audiovisual memory of the trial, and the tapes were supposed to be kept in an archive for 30

⁸⁰ Richard Bernstein, *As the Trial of Barbie Begins, France*

⁸¹ Philippe Rassaert, *La presse au procès Barbie/The Press at the Barbie Trial*.

years after the conclusion of the trial. Excerpts of it were allowed as soon as five years following the trial.⁸² By allowing cameras and a hoard of journalists into the town of Lyon, the world could see France's attempt at something that theoretically should have been unifying—prosecuting a face of Nazism, however, they were able to see Vergès's defense and spin on the trial as well.

Klaus Barbie did not publish a book to state his opinions on the trial, but how he handled himself during his trials speaks to his general opinions on it. Christian Delage wrote

“If ... Klaus Barbie—decides not to attend his trial... he opens a void that diminishes the power of the confrontation between the criminal and his victims. There is also the risk, especially during a trial involving events as serious as the extermination of European Jews, that traumatic memories will be reactivated even though until that point the passage of time had allowed them to subside.”⁸³

Since he notably chose to leave early in the trial, as a way of protesting his extradition according to his lawyer, his lack of presence reduced what could have been taught from this potential confrontation. Instead, what was recorded was a series of tangents and divergent topics by the defense's lawyer, citing France's own misdeeds in history.

Another feature of this trial to consider was the temporal change that had occurred in comparison to the Nuremberg trial. Nuremberg was relatively immediate and 'fresh' in the minds of the world. This trial took place over forty years later. Its cultural importance had shifted from the physical presence of the Nazis to the memory of occupation and Nazi ideology. During the 1980's, there was a rise in overt popularity towards the French Front-National, a political party in France that “often has been accused of fostering xenophobia and anti-Semitism”⁸⁴ due to its

⁸² Philippe Rassaert, *La presse au procès Barbie/The Press at the Barbie Trial*

⁸³ Christian Delage *The Klaus Barbie Trial: Traces and Temporalities* 28

⁸⁴ Michael Ray, *National Front*

strict attitude towards immigration. Their target during that time was Arab immigrants, but Jewish citizens also “report[ed] a revival of hostility and a backlash from the trial that blames them for stirring up unpleasant memories.”⁸⁵ This rise in nationalism made the trial even more important, it would force France to relive occupation, but this time, not being as complacent in what was happening as they were the first time around. The trial had to make a statement, a statement that they would not turn a blind eye to evil within their own border. “It can educate a new generation and remind an older one about Fascism and racism, demons that live on in France as elsewhere.”⁸⁶

Finally, this trial was not a trial conducted by an international tribunal. A paper by Simpson notes “the classical war crimes trials both prior to and since 1945 have generally occurred in domestic settings under national law rather than international law.”⁸⁷ It was not explicitly a set of victors against a set of losers as was the case with Nuremberg, but it was a man against the country he committed crimes in. Nuremberg was also able to limit the defenses by the accused, by removing their ability to claim it was the result of a higher order. Barbie’s defense did not quite resort to this, but the defense options available to him were not limited to a similar level. Arguably, since the trial was completely French controlled, from the justice system to the video recording employees, they were able to more easily control the narrative of the trial, rather than three different countries learning to work under a system that was not what any one was used to on top of getting the kinds of answers they wanted that could be used for their own respective teaching purposes, like the USSR getting a narrative that would be useful for their

⁸⁵ Anonymous, *The Barbie Trial: Not Just Vengeance*

⁸⁶ Anonymous, *The Barbie Trial: Not Just Vengeance*

⁸⁷ Gerry J. Simpson, *Didactic and Dissident Histories* 806

own propaganda and the United States getting a differing narrative to take back to their own people. Altogether, this trial was smaller and less complex than the one Speer faced.

Learning Outcomes

The learning outcomes of these trials have been alluded to throughout this paper, but they are explicitly stated below, as well as if they were “met” or “unmet” by both those being prosecuted as well as the public.

For the trial of Albert Speer:

- a) Promote the idea of “never again”
- b) Hold Speer accountable for his role in slave labor
- c) Show the world that allies would stand together to prevent a future level of evil
- d) Explicitly show the accused the horrors of the death camps, and implicitly show them to the public as well
- e) Have the Nazis accept their guilt in their respective circumstance

For the trial of Klaus Barbie

- f) Reinforce the French victory over Nazi occupation
- g) Prove that they will prosecute wanted war criminals to any extent necessary
- h) Teach a new generation about the dangers of Fascism and racism
- i) Provide a forum for victims of the occupation to face a Nazi in the flesh

For Barbie’s trial, from the perspective of the defense:

- j) Remind France that it is not completely innocent from crimes of its past
- k) Prove that a didactic trial can teach more than one moral lesson

Point (a) required a large enough public response and agreement to continue teaching that what occurred during Nazi Germany is inherently evil. The ideology had to be condemned by all sides. I believe that this was the most successful part of Speer and the extended Nazi leadership's trial in the IMT. The proof of this can be found in textbooks, popular culture, and more because it is now considered an extremely low point in history.

Point (b) was also accomplished, since he was found guilty of Crimes Against Humanity and War Crimes by the tribunal. These charges were the ones that fit with his perceived level of involvement in using slave labor for manufacturing armaments and ammunition. While he was not held accountable for all four points that he was charged with, nor was he sentenced to death as some hoped he would be, he was not found innocent of any crime.

Point (c) was met on a surface level. The International Military Tribunal required four different countries to agree to stand against the faces of Nazism. Unfortunately, due to Stalin and the USSR's own crimes committed during this time, this part could be argued to have only been met on paper. This, the US's turn against the USSR as soon as the war was over, and the use of former Nazis like Speer (and later Barbie) to keep the spread of communism at bay negated the idea of standing together permanently.

Part (d) was wholeheartedly met. The accused may or may not have known about what was happening to the prisoners of the death camps during their time being used, but either way, they were forced to watch hours of footage showing the atrocities, and could no longer feign a lack of knowledge. This was important for the public as well, and one of the main points of the didactic nature behind Speer's trial. People could see what there was and the reactions of those held responsible. The effects of this continue to this day with the various memorials and museums

that have been established and the publication of survivor's accounts of what happened taken completely as fact.

Part (e) was the least successful of the learning outcomes for Albert Speer's trial. As I have stated before, he may have said that he was 'taking full responsibility' (to an extent) and continued this claim throughout the rest of his life in his books and interviews, but there is little evidence that he truly believed what he was saying based on contradictions and letters obtained after his death. Part (e) has also seen a decline in success over the years. More recent articles and writers contradict the veracity of his claims based on the knowledge that we have now, but it does not negate the fact that people were more inclined to believe it 40-60+ years ago.

Moving on to the trial of Barbie, the learning outcomes of this trial had to be modified throughout, much like how the accusation had to be modified to be tried. Had it not been for the efforts of Barbie's lawyer, Jacques Vergès, learning outcome (f) would have been much easier to meet. As Vergès made his arguments about France's own, similar crimes throughout the world on top of their complacency towards the crimes committed under occupation, the French "victory" aspect was demoted. There was also a certain sense of difficulty in trying an aging man. Ted Morgan, an American journalist, wrote "it will take an act of will to reconcile the frail 74-year-old man in the dock...with the crimes he is accused of committing."⁸⁸ This idea of a difficult trial leads into the next learning outcome.

The idea of going to the full extent to try a relic of the Nazi occupation was one that seemed easier on paper. It took years of pressure from citizens, failed extradition requests to Bolivia, and an "illegal" (in the defendant's eyes) extradition to even get him back to France. It would then take more work for the prosecution to be able to indict Barbie with Crimes Against

⁸⁸ Ted Morgan, *The Barbie File*

Humanity. Then, they had to present a frail and dying old man to the public, declaring him to be a notorious Nazi. This learning outcome was achieved, but its popularity decreased as the trial went underway.

Part (h) was met simply because of the time when the trial occurred. Populism rose in popularity, but has since decreased in popularity overall. This might not be attributed to the Barbie trial, but it was most likely a good instigator for its decline.

Part (i) parallels the trial of Adolf Eichmann in Jerusalem. It provided those who dealt with the terror he inflicted on Lyon a place to face him once again. As witnesses gave their testimony of events from decades prior, the world took note. Barbie, who was not required to be at the trial, was the intended audience. Without the intended listener, this learning outcome was only partially met. The more important audience in a didactic trial, the public, heard these words through newspapers and later videos but the accused did not.

Parts (j) and (k) were both successfully met by the defense. Part (j) was the defense's entire thesis statement. They meticulously connected the points that Barbie was indicted with to counterpoints of French genocide, especially with regards to the relatively recent Armenian genocide. This was why the trial became a social conundrum—it was not just a Nazi accused of crimes, but the actions (or inactions) of French citizens being accused as well. The jury did not appreciate this. “The jurors reportedly said of the defense lawyer’s implausible defense arguments ‘Il nous a pris pour des cons’ (He took us for fools).”⁸⁹ However, this was important for those watching the trial to see; things are never just a black and white issue, but they have layers of complexity that must be expected when exploited for personal gain. Learning outcome (k) was also achieved as learning outcome (j) was. The moral lesson of France’s own historic

⁸⁹ Ted Morgan, *Voices from the Barbie Trial*

involvement in crimes was something that needed to be addressed publicly, and a place where it was not expected was the best possible place for it. In summary, the majority of the learning outcomes for the trial were met in one way or another for the public, even if the men on trial did not meet the learning outcomes. These men have shown that they will continue to support their ideology in an explicit or implicit way, but luckily important players in the world stage have shown that they will not tolerate it too.

CONCLUSION

The goal of this paper was to present an effective usage of a didactic trial based on how it affected the men being tried along with the general public. Specifically, this was done through the trials of two men involved in the Third Reich—Albert Speer and Klaus Barbie. This was accomplished through separate individual analyses of the men and their roles, as well as evidence providing insight into their feelings about their trial. Especially since their trials were not just about their own personal responsibility within the war, but the responsibility of those beneath them in command or the responsibility of Nazi occupation in France (as was the case with Barbie). This was followed by an analysis of the didacticism of their trial and the official learning outcomes for the trial based on evidence provided throughout the paper. While the men themselves may have not met a single learning outcome personally, I believe that the most important people to learn something from these trials, the people watching, did meet the learning outcomes, making the didactic trial a success.

Beginning with the trial of Albert Speer, the primary learning outcome of his trial at Nuremberg was the same as the other men being prosecuted: to promote the idea that something like Nazism and the Third Reich's final solution would never happen again. The world was to police itself, and hold those it found responsible to this new international law, even if their own country did not see the actions they took as illegal. Speer historically aligned himself with whoever was most in power in order to achieve the roles and level of power that he wanted. He ascended the ranks of the Nazi power structure based on appointments and favoritism, while simultaneously feigning a lack of knowledge whenever he overstepped his limits of power. After Hitler's suicide, he aligned himself with the government that was working to surrender to the

Allied powers. After the surrender, he aided the Allies as much as possible to presumably get a reduced prison sentence or to not have to face the consequences of his actions during Hitler's reign. Once he realized that he was not going to be able to charm his way out of the trials awaiting his fellow Reich ministers, he immediately began building up a reputation of 'repentance' for his actions. During the trial, he would emphasize repeatedly the need for the leaders to take responsibility for the crimes committed by the regime. Without truly incriminating himself by stating any knowledge in the holocaust aspect of the regime, he let his role take as much responsibility as the allied prosecution placed on him. Thus, when it was time for sentencing, he was rewarded for playing the game that the allies had created in this trial. He was sentenced to prison for only 20 years, while the majority of the other defendants faced death.

After he spent his 20 years as the perfect prisoner in Spandau, he would go on to release multiple books detailing his time working with Hitler (while putting himself in the best possible light) and would give interviews to a variety of sources. He spent his final years exactly as he had hoped—living off the fame of being 'the good Nazi who repented'. Years after his death, his personal letters were released and the public began to see that he did not realize the evils of the Nazi regime when he said that he did, but rather stuck to a story he knew would save him. Moreover, there were discrepancies in his accounts that point towards an overall tendency of misrepresenting his truth. With regards to his didactic trial specifically, he may have seemed like he learned something from it, but it is more likely that he did not. The people watching did learn something from it. His memory has become less positive in recent years, but the idea of the international tribunal being used to place consequences on major offenders became more commonplace than ever before, and it set precedence for other major trials. 'Never Again' is still taught in textbooks to children worldwide.

For Albert Speer, he who controls the pen controls the story. He controlled his own pen to tell a version of the story for many years, but it has recently taught people the importance of skepticism with criminals. His trial was historically extremely important, and who he was as a person reminds the people that the faces of Nazi Germany were not all evil appearing, but very few in power ever truly seemed to regret their actions even with a trial intended to teach them that it was bad.

Klaus Barbie was a man who, on first glance, had a similar trial to Albert Speer. His trial was also didactic and was for his role in Nazi occupation of France. However, his trial was the result of a greater level of drama, was filled with drama, and had a much less clear-cut outcome than Mr. Speer. The primary learning outcomes of his trial were originally reinforce the French overcoming their occupiers and to teach another generation about the dangers of Fascism and Racism, but it would instead force France to look into its own misdeeds in the past and their ability to define one evil as 'truly evil' versus another.

Barbie had a reputation as The Butcher of Lyon after years of crimes towards the resistance and Jewish citizens of Lyon. He was personally involved in intelligence gathering and the physical torture of people, without regards to age or gender. He was, in short, a man who took his job as the Gestapo chief of the area extremely seriously and used any means necessary in his mind to achieve what he wanted from people. After he committed multiple crimes and the Nazi regime officially fell, he was recruited by the Americans for counterintelligence efforts. He escaped with the help of many different groups to South America, where he lived under an assumed name in Bolivia with his family. He would use his knowledge gained in the Gestapo to aid the dictator of Bolivia at the time, and lived a relatively comfortable lifestyle there. This was until he was discovered by two relentless French citizens who pressured France to bring him to

justice. It took years of pressure to bring him back to stand trial, and even more to come up with charges that fit the notion of “crimes against humanity” that had not been already listed in previous indictments. After some smart usage of legal wording, he was able to face trial in 1987. His trial was not easy because his defense lawyer, Jacques Vergès, took control and paralleled each crime he had been associated with to another one that France had committed. He especially looked to the Algerian Massacre in the middle of the century as a prime example. While he was ultimately found guilty as was expected, it was not without reopening some historical wounds that France would rather have left alone.

His didactic trial came at a time of revival in nationalist thinking in France. The Front-National, led by Le Pen, was infamous for its anti-Semitic and racist policies, and invoked a certain memory of Nazism’s similar ideology. The town of Lyon had the world’s attention, and needed to show a continued strength over Nazi ideology, even if the one on trial was now frail and dying. With the major time difference between the Nuremberg trials and these trials, the prosecution would have to overcome a lack of memory for these events (because the population was not alive for it) to truly make their mark in the trial. There were two different sets of learning outcomes associated with this trial—one from the perspective of the defense and the other from the prosecution. Since Klaus Barbie showed no remorse for his actions throughout his life, nor during the trial because he chose to protest it by not being there more than required, there was no hope that he would meet the learning outcomes like Speer acted as though he did. Instead, it was completely up to the people to meet both sets of learning outcomes. All learning outcomes were achieved to various degrees of success in my opinion, and the legacy of Klaus Barbie will forever be associated with the show put on in the court by his lawyer.

In conclusion, the goal of this thesis was to consider whether their own acceptance of their guilt (or lack thereof) led to a sway in public opinion that negated any potential learning outcomes from their trials as well as how the men responded to being in a didactic trial. There was some correlation, and Albert Speer's acceptance aided his learning outcomes, while Klaus Barbie's lack caused a change in the expected outcomes so that his lack of acceptance was mostly irrelevant to what France wanted to teach from the trial.

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