

BOOK REVIEW: R. STEINKE, FRITZ BAUER. ODER AUSCHWITZ VOR GERICHT, PIPER VERLAG,
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Ronen Steinke's essay is characterised by the journalistic style the author chose for his work, which however is supported by a wide array of documents as evidence of his reading of Fritz Bauer's life and work. The subtitle of the book is quite a different matter, though, as it sounds restrictive compared with the contents and in fact with the Attorney General himself.

His work is not just about the Auschwitz-Prozess, even if that was the highlight and maybe also the beginning of a downward parabola in Bauer's legal career, but there were also another two key events, as also perfectly recalled by Steinke's book, such as his decisive cooperation with the Israeli secret service in finding Adolf Eichmann - in order to have him tried in Israel, and not in Germany, where, due to the magistracy's compromised position with the earlier regime, he would not have been fairly tried – and the Remer-Prozess which rehabilitated Claus Schenk von Stauffenberg and all those who had made an attempt on Hitler's life on July 20th 1944.

After a time spent in a concentration camp from which he managed to escape (92-98), Fritz Bauer first took shelter in Denmark in 1936 and then from there to Sweden in 1943, in Stockholm. Finally, after another four years in Denmark, in 1949 he was able to return to Germany, called to direct the Court of Braunschweig, where one year later he was appointed Attorney General of the Court of Appeal of the same city.

The trial against Otto Ernst Remer, ex major of the Wehrmacht, for slander and defaming the dead, meaning those who had failed to kill Hitler on July 20th 1944, was held there in March 1952. Partly helped by Bauer's long, well-articulated pleadings, according to which the Nazi State should not be considered a Constitutional State but a criminal state, the perpetrators of the failed attack were rehabilitated by the Court, their attempt at killing Hitler completely legitimised, while Remer, sentenced to three months in jail for defamation of the dead, fled abroad (143-51).

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The Archimedean point in Steinke's praiseworthy work is the Auschwitz-Prozess that took place in Frankfurt, where Fritz Bauer was Attorney General from December 20th 1963 to August 21st 1965. Bauer's main goal was to provide an overview of the concentration camp through which all those involved would have been examined, from the commanders to the Kapo who supervised prisoners. That was the only way to give a full picture of the system and charge the perpetrators at least with complicity.

Despite the great efforts made by Bauer and his young Attorneys' team, the sentences inflicted by Frankfurt's Court of Assizes to the defendants seemed quite mild. Even Robert Mulka, deputy commander of the camp and the man who had decisively helped turn it into an extermination camp, was only sentenced for complicity in murder (211). The outcome of the trial was a great disappointment for Bauer, especially for the poor pedagogic effect it had had on the German people (254).

Partly for this reason, in the late 1960s, the mood of the man who had made it possible to arrest Eichmann and bring to court not only Remer and the "Auschwitz system", but the guilty conscience of a country that was still heavily involved with its own past, grew increasingly dark. As he wrote to his friend Thomas Harlan on January 31st 1967, one and a half years before dying: «In this Country the aversion toward overcoming the past is growing, and this is enormous and dangerous» (271-72).