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## A Case of Successful Transitional Justice: Fritz Bauer and his Late Recognition in the Federal Republic of Germany

**Abstract:** Germany is an example of a country which has been implementing transitional justice for decades and is still active in this field. What is more, contemporary Germans have recently come to terms with their not-so-distant past and their negligence in this area by showing the falsehood, backwardness, and injustice as negative foundations of the young Federal Republic. This article evokes the person of Fritz Bauer, the prosecutor in the state of Hessen. His struggle for human dignity and the memory of his achievements after his death exemplify an accomplished case of transitional justice and the memory of it. During his lifetime he contributed to bringing to trial numerous Nazi criminals, even at the cost of habitual threats and disregard. Forgotten for a few decades, Bauer and his legacy have been recently rediscovered and studied. Eventually Bauer became a movie character and was finally brought back to the collective memory of Germans. The belated, but well-deserved wave of popularity of Fritz Bauer in the German culture memory proves that reflections on the transitional justice are still topical and important.

**Keywords:** *German transitional justice; collective memory; cultural memory; Nazi crimes; Fritz Bauer; the Auschwitz trial in Frankfurt; coming to terms with the past*

The Federal Republic of Germany can be named as an example of a country that did succeed in most aspects of conducting transitional justice and coming to terms with its Nazi past in a broader context. The process, however, has lasted decades and its initiation in the late 1940s and at the beginning of the 1950s was not a desired

question for political elites. One of the individuals who put the human dignity of the victims above political interests while risking his own security was Fritz Bauer. He was the general prosecutor in the state of Hessen and the initiator of several trials against former Nazi criminals. His efforts to seek justice got a cool reception among German politicians and judges and made him plenty of enemies, many of whom were ordinary people who vented their exasperation by sending letters with threats to Bauer. These letters were full of anti-Semitic insults characteristic of a regime that seemingly was disassembled after 1945. For many decades after his sudden death in 1968 Bauer has remained an unacknowledged, forgotten hero. This, however, finally changed in the late 2000s after the organization of several exhibitions dedicated to him, streets and court rooms were named after him, and two biographies were published about his life. The final stage of recognizing Bauer's achievements in German collective memory consists of shooting both documentaries and feature films that tell a few words about Bauer to the representatives of the younger generations. The objective of this article is to highlight Bauer's efforts in seeking justice and to depict the revolution in the public memory of Bauer in contemporary Germany by proposing the essential thesis that Germany is not only a country with a successfully conducted transitional justice, but also a country that has become aware of the negligence in this area and is able to commemorate an individual who moved the process forwards many decades ago against all odds.

Transformation processes following dictatorships whose immanent part was consent to violence are always complex and unique. However, scholars consider the German example as an especially complex case of transitional justice in post-war societies (Cohen, 2006, p. 59–60). Dealing with the Nazi past was initially the domain of the Allied powers who, in spite of some common goals, did not develop joint actions and methods to put former criminals on trial. The best known trial took place in Nuremberg before the International Military Tribunal between November 1945 and October 1946. It referred to the major war criminals and was the result of a compromise between four Allied states. Apart from the Nuremberg trial, the occupying powers used their own programs against German defendants under the framework they had decided on in Control Council Law No. 10 or in reference to their own legislation. The first trials started in 1945, but in the course of time and due to the geopolitical shift in the late 1940s the number of convicted persons gradually diminished. Parallel to the Allied legal proceedings, Germans were granted permission to handle Nazi crimes on their own by the Allied Control Council Law No. 10 in December 1945.

However, the jurisdiction of German tribunals was restricted to the crimes Germans had committed to other Germans or stateless people. As Sanya Romeike states,

“by the end of 1949, German courts had, all told, convicted 4,667 people of Nazi crimes, comparable with the number of convictions by the Western occupation powers. However, convictions for the gravest atrocities remained rare” (Romeike, 2016, p. 15). The number of prosecutions decreased considerably after 1950 after a general change in cold war world politics. Two large amnesty acts in the Federal Republic of Germany—from 1949 and 1954—enabled plenty of former Nazi officials and bystanders to reintegrate into society and take up positions in the private sector and public institutions, as well. More fateful was the 1951 law on the Civil Service, which rehabilitated a great deal of former criminals under the cover of restoring pensions. Soon the trials fell into disrepute comparable to the attitude of the public opinion towards the denazification process. (Frei, 2002, p. 94) Leading politicians, both representatives of the government and members of the opposition parties, openly emphasized German victimhood during the last war (Schmid, 2009, p. 178). Moreover, Adenauer’s successful negotiations on the return of German POWs from the Soviet Union and obviously his endorsement for the expellees unions strengthened the collective beliefs of German victimhood and suffering (Moeller, 2001, pp. 105–122), whereas the amnesty law, the establishment of partner relations with former enemy countries and the Reparations Agreement with Israel in 1952 created the impression that the past had eventually been overcome. Except for some German intellectuals, most of whom were emigrants, and Jewish activists scarcely anyone differentiated the Holocaust from other war crimes or Jewish suffering from German war experiences, let alone the question of German guilt. At this stage it seemed that the transitional justice was fulfilled.

Many wounds, however, did not heal at that moment. Other key elements of transitional justice such as helping individual victims by compensating them for their losses, and fixing historical injustices that systematically disadvantaged them and stopping violence and consolidating stability, still remained open (Eisikovitz, 2017). The situation in Germany in the 1950s was far from this theoretical model as many Germans still expressed their anti-Semitism publicly, which concerned i.a. the American Jewish Committee. The anti-Semitic wave reached its peak in the late 1950s with numerous synagogue desecrations and derogatory comments of some German officials (Kahn, 2004, p. 15).

The situation began to change in the late 1950s after the Einsatzgruppen Trial in Ulm in 1958 which revealed the glaring shortcomings of the prosecution of Nazi crimes and attracted media attention. As a result, the Central Office of the State Justice Administrations in Ludwigsburg was established, whose objectives consisted of collecting and analysing evidence and launching preliminary investigations which were then passed on to the prosecutor offices. The founding of the Central Office

meant a breakthrough in the German transitional justice. Although the number of convictions did not increase immediately, the number of preliminary investigations grew rapidly. From 1958 until the early 1980s, trials became the essential means for coming to terms with the Nazi legacy. Two Treblinka trials (1964–1965 and 1970) along with the trials against the personnel of other German concentration camps, including Belzec (1963–65), Sobibor (1966), and Majdanek (1975–1981) were at least symbolic acts of belated justice (due to criticism of inappropriately mild verdicts for the most severe crimes). Germany has remained persistent in chasing former Nazi perpetrators regardless of their old age. For instance, the Central Office in Ludwigsburg has recently initiated investigations against eight members of the personnel of the concentration camp in Stutthof whose age ranges between 88 and 97 (Kellerhoff, 2016). Nonetheless it was the Frankfurt Auschwitz trial (1963–1965), also known as second Auschwitz trial, along with the prior Adolf Eichmann trial in Jerusalem in 1961, that is viewed as the turning point in the German reception of Holocaust. Before going into details, it is necessary to sketch the portrait of the individual whose role was essential in both trials – the prosecutor of State Hessen, Fritz Bauer.

It is difficult to judge how the evolution of German collective memory would have proceeded but for the tremendous efforts of Fritz Bauer in this regard. Undoubtedly, Bauer is, as Christoph Schneider argues, a personification of the change (Schneider, 2017, p. 209). Born in 1903 in an atheist Jewish-German family, Bauer was an ambitious and talented man who became master of law at the Heidelberg University at the age of 24. Only three years later, he took up the position of auxiliary judge in Stuttgart which made him the youngest judge in Germany at that time (Wojak, 2009, p. 107). His Jewish descent and social-democratic political beliefs exposed Bauer to Nazi persecutions. In March 1933 Bauer was put under arrest in the Heuberg concentration camp, the first to be established in Baden-Württemberg and the most notorious one beside Dachau (Wojak, 2009, p. 113), where he spent eight months. After being released Bauer was dismissed from his civil service position, thus he decided on emigration, first to Denmark in 1936 and then, in the face of the planned deportation of all the Danish Jews, to Sweden in 1943. There he met many prominent German social-democratic exiles, including Willy Brandt, the future president of the SPD and federal chancellor, with whom he founded the periodical *Sozialistische Tribüne* (Socialist Tribune). Once the Federal Republic of Germany was established in 1949, Bauer returned to his homeland. Initially he became director of the district courts and afterwards the equivalent of a U.S. district attorney, in a small Lower-Saxony town Braunschweig. In 1956, he was appointed the district attorney in Hessen in Frankfurt. He held this office until his death in 1968.

It was in 1952 when he served for the first time as a declared prosecutor against Nazi officials. He accused the former general major of the Wehrmacht, Otto Ernst Remer, of defamation of Claus von Stauffenberg and other mutineers from July 1944 who had called them state traitors. The trial turned out to be a victory. The court agreed with Bauer that the 'Third Reich' was a regime that did not obey the rule of law, thus, those who had resisted were morally exonerated. Remer, who co-established the Neo-Nazi *Sozialistische Reichspartei* (Socialist Party of the Reich) and was known for his Holocaust denial, was sentenced to four months imprisonment. The punishment, albeit fairly mild and never to be served, contributed to a symbolic rehabilitation of the anti-Hitler resistance members and the incorporation of the definition of the 'Third Reich' as an unjust state (Frei, 2002, p. 268; Nagorski, 2016, pp. 132–133).

In 1957 Bauer received a tip from an unofficial informer, a German emigrant in Argentina, about the whereabouts of Adolf Eichmann. Bauer chose to relay the tip to Mossad, the national intelligence agency of Israel, instead of passing on this important information to German services. He took up a clandestine cooperation with the Israelis fully aware that unveiling this fact would cause him to be charged with state treason. Notwithstanding, Bauer was strongly convinced that German authorities would not be interested in putting Eichmann on trial. After capturing Eichmann it turned out that he was right. The motion for extradition to Germany that Bauer put forward to Chancellor Adenauer was declined and Bauer had to resign himself to the fact that Eichmann would be judged in Israel.

Meanwhile, Bauer's attention focused on the indictment of 22 defendants under German criminal law for their contribution to the Holocaust in the Auschwitz concentration camp. The trial came about as a result of a coincidence. Bauer received some partially charred documents including names of victims and perpetrators of shootings in Auschwitz from a journalist who had obtained them earlier from a former camp inmate. Bauer knew this was the only chance to unveil crimes from the past that had remained covered for many years. In 1959 the Federal Supreme Court put him and the Hessian state court in Frankfurt in charge of the trial. Bauer knew that it would be extremely difficult to find former prisoners and talk them into testifying as witnesses, because the vast majority lived abroad. However, after many years' efforts, the prosecutors succeeded in bringing to Frankfurt and interrogating 359 witnesses from 19 countries, 59 of whom came from Poland. Moreover, a delegation of lawyers visited Poland in 1964 and conducted a viewing of the scene in Auschwitz despite the fact that both countries did not sustain diplomatic relations at that time. The trip verified the statements from defendants, who had claimed to be incapable of noticing the killings from their workplaces.

Nevertheless, the trial in Frankfurt unveiled once again numerous obstacles in convicting mass murderers, such as difficulties deriving from the German penal code. Paragraph 211, for instance, defines a murderer as somebody who “kills a human being out of murderous intent, to satisfy sexual desires, out of greed or otherwise base motives, insidiously or cruelly, or with a means dangerous to the public, or in order to commit or cover up another crime” (Gesetze im Internet, 2013). Roy Gordon points out that paragraph 211, along with the following 212 concerning manslaughter, “bear a resonating connection to the Nazi regime. Indeed, the definitions of the terms in Paragraph 211 and 212 were birthed from Nazi philosophy and remain in force, thus controlling the decisions of present day jurists” (Gordon, 2015, p. 184). As one can assume, it was not easy to use this definition in reference to Nazi murderers who very often committed mass atrocities without any intention, but because of permission and the will to do it. The fact that someone was capable of killing without order was one of the most difficult problems the judge and public opinion had to deal with in Frankfurt, along with the efforts of the accused (former perpetrators) to libel and to make a mock of the witnesses (former victims). Another potential obstacle in convicting the suspects of mass murders was the peril of lapse of the crimes. Bauer was its dedicated opponent; he emphasized the distinctions between a murder and a mass murder and genocide (*Völkermord*) and argued that the question concerns “the credibility of their (German) democracy founded on the rule of law” (Bauer, 1965, 49). The Bundestag postponed the deadline of the lapse of murder from 1965 to 1969, then to 1979, but the subject of the debate was still a murder that was not differentiated from genocide. Eventually in 1979 the German Bundestag, inspired by a resolution of the European Parliament, decided there would be no lapse for genocidal and murder crimes.

The second Auschwitz trial ended in 1965. Four defendants were acquitted, while eighteen defendants were found guilty. Six of them had life sentences; the others were either sentenced to life in prison or received sentences from 5 to 14 years imprisonment. For Bauer it was only one of many trials he would concentrate on. From the beginning of the 1960s his attention focused also on procedures against national socialist lawyers and physicians who participated in the Berlin conference in April 1941 to support carrying out the so called ‘*euthanasia*’ actions, which meant killing disabled persons, usually psychiatric patients, the who led ‘*lives unworthy of living*’ according to Nazi propaganda. Although many procedures did not succeed and some trials never took place, either because of suspects committing suicide, or due to the concealment or lack of evidence, the case of the first mass killing in the ‘*Third Reich*’ was brought to light and proved the involvement of the elites of the young German republic in Nazi atrocities (Fröhlich, 2006, pp. 365–369; Wojak, pp. 368–399). Investigations

against euthanasia perpetrators lasted until the 1990s, but only in a few cases were the defendants found guilty. This also resulted from the fact that German jurisdiction did not agree with Bauer's law interpretation and arguments to prove the collective and almost industrial character of the crimes. Whereas Bauer insisted on perceiving the killings as planned actions with numerous participants, judges preferred to consider solely individual responsibility of the accused. The remnant of the former system and the sluggishness of the courts were barriers Bauer usually could not overcome.

Nevertheless, his achievements in clearing up Nazi atrocities and attracting public opinion to critically observe the process of coming to terms with the past are unquestionable. This is a separate achievement itself since Bauer consequently stressed the significance of the means of trials (Bauer, 1945, p. 14) to better understand Nazi crimes and to deal with them in the post-war, democratic society. His appeal inspired some writers who appreciated the change in the attitude towards Nazi crimes and created their own literary works about coming to terms with Auschwitz (Steitz, 2017, pp. 89–97). Bauer held the opinion that the memory of Auschwitz, now vivid, affecting and spread by the media, should encourage future generations to learn about the past and to hinder other catastrophes, should be, as Levy and Sznajder defined its role – 'future oriented' (Levy & Sznajder, 2002, p. 9). Therefore Bauer vested his hopes in the youth, both young representatives of the jurisdiction and the younger generations of all who were supposed to admonish the crimes and foster the memory of them. He received plenty of invitations by various youth organizations and participated in conferences and seminars where representatives of the youth debated about National Socialism, the resistance, and the current political situation in the Federal Republic of Germany. As Fröhlich stresses, he was a supporter of the pedagogic similar to the one of Adorno which focuses on hard work with the young generation that is unencumbered with the burden of National Socialism (Fröhlich, 2006, p. 138).

Moreover, he was the main character of a TV program called 'Heute Abend im Kellerclub', broadcast on Hessischer Rundfunk television on December 8, 1964 at 8:45 p.m. while the trial in Frankfurt was still on. The idea of the program is based on a discussion between Bauer and students who ask him questions i.e.. about the trial, his opinion about the origins of National Socialism, and even facts from his own biography. The debate is carried out in fumes of cigarette smoke (Bauer was a passionate smoker) and many beverages are available to the participants which should render the debate casual. However, the atmosphere is solemn. Apart from a regular discussion Bauer inclines to digress from the main subject and tells of his feelings related to the trial and the obstacles he must face every day. His message, though, remains clear: it is incumbent on the young generation to clear up the crimes, even many years after Bauer's sudden death of heart attack in Frankfurt in 1968.



Taking into account that during his entire life Bauer had to face threats from ordinary citizens and the hostility of the elites it is no wonder that his figure was forgotten and it took many years to commemorate the great Frankfurt prosecutor. There is no exaggeration in a statement that only after Germany's reunification in 1990 Germans rediscovered Bauer and his achievements. A significant contribution to Bauer's acknowledgment was the establishment of the Fritz-Bauer-Institute in January 1995 as a non-profit foundation under civic law. The main objectives of the institute's activities are 'scholar investigations and documentation of the history of mass atrocities, and most of all, the Holocaust, and their ramifications up to now' (the Fritz-Bauer-Institut-Website). The institute publishes a series of thematic journals, organizes seminars, and stores the literature of and about Fritz Bauer and about German history and coming to terms with the past, as well.

In 2009 Irmtrud Wojak published the first biography of Bauer (Wojak, 2009), followed by a second monograph in 2013 (Steinke, 2013) that sheds light on many unknown facts from Bauer's life in exile. Although there were many examples of literature dedicated to the Frankfurt trial, only these two books fill the gap in the documentation of Bauer's life. In 2012 a street in a new built estate in Frankfurt and a courtroom in Stuttgart where Bauer had been born, were named after him. Furthermore, in the same year, a square in front of the building of the prosecutor office in Braunschweig, very close to the cathedral, was called Fritz-Bauer-Platz. It was in 2013 when the commemoration reached the peak – in the year of the 50<sup>th</sup> anniversary of the Frankfurt trial and Bauer's 110<sup>th</sup> birthday. The Jewish Museum in Frankfurt along with the Fritz-Bauer-Institut presented an exhibition called 'Fritz Bauer. Der Staatsanwalt. NS-Verbrechen vor Gericht' (Fritz Bauer. The Prosecutor. NS crimes on trial). The exhibition visited six other cities during the four following years. The last exhibition took place in the spring of 2017 in the Military Museum of Bundeswehr in Dresden.

In my view, the late recognition of Bauer illustrates the completion of a significant case of German transitional justice which is the memorialization of its shortcomings. This happens not only through local acts of politics of memory, but also through producing movies about Bauer: first documentaries, then one belonging to non-commercial cinema, and finally one movie of mainstream culture.

The regional television WDR (Westdeutscher Rundfunk) broadcast the first movie about Bauer, 'Die Würde eines jeden Menschen – Erinnern an Fritz Bauer' (The dignity of every single man – memory of Fritz Bauer), directed by David Wittenberg, in November 1995, but the film went unnoticed. The second documentary, however, from 2010, directed by Ilona Ziok, was presented at the Berlinale Festival in the Panorama section and met very positive reactions. The documentary combines archival



footage with the formula of talking heads – mostly friends and acquaintances of Bauer who touch upon various questions about Bauer's private, sometimes even intimate life and the legal cases he had worked on. Ziok turns out to be a scrupulous and detailed-oriented film maker. For instance, she evokes a seldom mentioned fact related to the cooperation between Bauer and the Vatican which he had taken up to bring back to Germany a Nazi criminal hiding after the Second World War in Spain. Bauer himself speaks not only about the trial and the politics, but also deliberates on the origins of National Socialism and presents his own typology of the Nazis. Moreover, Ziok uses several fragments of the program 'Heute Abend im Kellerclub' to repeat Bauer's manifest to clear up the crimes and educate next German generation. The appeal is interwoven with iconic scenes of the Holocaust: deportations, silhouettes of exhausted camp victims, and receipts of valuable objects confiscated from them. The most spectacular thesis that evolves in the film is the supposition of some witnesses that Bauer's death was not natural.

Soon Fritz Bauer attracted the attention of German public television. In December 2013 the first channel ARD broadcast the film of Rolf Bickel and Dietrich Wagner 'Auschwitz vor Gericht' (Auschwitz on trial) that concentrates on the Auschwitz trial in Frankfurt and the crucial contribution of Fritz Bauer. Only one month later, in January 2014, the second channel ZDF presented the documentary 'Mörder unter uns. Fritz Bauers Kampf' (Murderers among us. Fritz Bauer's struggle) directed by Peter Hartl and Andrzej Klamt. The movie title refers directly to the title of the first post-war German feature movie, 'Die Mörder sind unter uns' (Murderers are among us), directed by Wolfgang Staudte and produced by the DEFA film producing company in the Soviet occupation zone in 1946. The allusion to the issues of accounting with former Nazi criminals raised in the Staudte's movie is used in the documentary to depict the penetration of public institutions by former Nazis in the Federal Republic of Germany and contextualize the Auschwitz trial in Frankfurt.

Eventually Bauer became a character in feature movies. He appears as a supporting character in 'Eichmanns Ende - Liebe, Verrat und Tod' (The End of Eichmann – Love, Treason and Death) by Raymond Ley (played by Axel Milberg) and 'Im Labyrinth des Schweigens' (Labyrinth of Lies) by Giulio Ricciarelli (played by Gert Voss). Both films, however, are dedicated to the behind-the-scenes of the Eichmann and Auschwitz trials. The first feature movie fully devoted to the Hessian prosecutor is 'Der Staat gegen Fritz Bauer' (The People vs. Fritz Bauer) from 2015 directed by Lars Kraume. In spite of being described as political thriller the film is an example of intimate theatre that refrains from spectacular scenes in favor of a gradual dosage of suspense. We observe Fritz Bauer as a fragile individual who only in the beginning attempts to commit suicide in his bathroom. Bauer, played by Burghart Klaußner,

comes across as someone who is exhausted by his mission and law-spirited after receiving numerous threats. He speaks slowly and apparently with difficulties, he often needs to smoke a cigarette or simply breathe fresh air from the outside of stuffy office rooms. When he receives a phone call about Eichmann's capture he reacts with stoic calmness. The plot, dominated by dialogues, evolves leisurely. The narration resembles in this regard two adaptations of John Le Carré's prose ('Tinker Tailor Soldier Spy' by Thomas Alfredson and 'A Most Wanted Man' by Anton Corbijn) and this impression is strengthened by the soundtrack – occasional subdued tones of a trumpet. Bauer in the film dedicates himself to catch Adolf Eichmann and put him on trial in the German court. Although this is the main thread of the plot, the problem of legal and social victimizing of homosexuals in the young Federal Republic is the second most important issue. Unfortunately, the movie does not touch upon the other aspects of the conservative lifestyle of those times which were not related to homosexuals.

The last movie about the Hessian prosecutor is 'Die Akte General' (The General File) from 2016 by Stephan Wagner. In contrast to the previous work, 'Die Akte General' was a television movie, produced by the leading German TV film company UFA Fiction Film and broadcast on the first channel (ARD). Both films were shot separately from one another; nevertheless, the main guidelines of the plot are almost the same. Thus, some of the critics disliked the TV movie because of its too casual approach to a serious topic (the reproach concerned the broadcast at prime time, see: Porombka, 2016), and called it 'a remake' of 'People vs. Fritz Bauer' (kino.de, 2016), although they praised other aspects as acting and scenography. The Stephan Wagner film follows the footsteps of the first work and concentrates solely on the Eichmann case and highlights the isolation of homosexuals. Taking Bauer's homosexuality for granted and magnifying this problem by the filmmakers seems to be far-fetched and exaggerated since only Bauer's biography written by Steinke mentions the sexual orientation of Bauer (Steinke, 2014, pp. 99–102). It surprises that this issue seems to be more important for the directors than, for instance, the trials and the significance of the changes Bauer had initiated. Nonetheless, Bauer's presence in late German cinematography is regarded, as many reviewers noticed, as a belated monument for the great lawyer. Additionally, both films introduce the character of a young prosecutor who supports Bauer. This may be interpreted as paying homage to Bauer who insisted on the presence of the younger generation in the trials.

One can raise the question about the time of rediscovery of Bauer in the public memory of Germans. Why is this memory boom happening precisely now? According to Norbert Frei the interest in the figure of Fritz Bauer confirms the trend of Täterforschung (investigations of the perpetrators) that has been visible in the Federal Republic since the 1980s (Frei, 2014, 275). A social and cultural process initiated in

1979 after the broadcast of the American series ‘Holocaust’ caught the attention of Germans to the question of the genocide and its perpetrators and following historic and sociologic researches, but also other worldwide known movies, for instance, ‘Schindler’s List’ in 1993, kept this interest vivid. Another guide sign to an answer is the reflection about the German public television, especially the second channel ZDF which has been playing a crucial role in shaping the collective memory of the Germans. As Wulf Kansteiner explicates, “through that medium, a larger national audience was exposed to interpretations of Nazism, that were originally developed by historian, writers, and journalists in Germany and abroad” (Kansteiner, 2006, p. 132). Presenting Nazi past on ZDF has gone through a long process of distancing from Nazism with simultaneous “repairing the honour of the pillars of society” (Kansteiner, 2006, p. 139–140) through more direct engagement with National Socialism and its leaders to documentaries signed by Guido Knopp. Guido Knopp is one of the most famous German historians, who mixed the entertaining and educating functions of storytelling in the convention of *histotainment* which corresponds with the audience’s expectations and reflects the contemporary debates of historians (see Kansteiner, 2006, pp. 154–180, Ebbrecht, 2008, pp. 104–106). The last step is the appearance of great history movies produced usually by UFA Fiction Film (or movie producing companies that united into UFA Fiction Film in 2013). The blockbusters, broadcast in prime time originally solely on public television ARD and ZDF, and from a few years also on private channels, gather the audience comparable to popular TV talk and quiz shows. The evolution manifests itself in the content of the movies, as well. After the wave of the movies about ordinary Germans in the Second World War and the Cold War filmmakers recently have begun to focus on the issue of German negligence in clearing up the Nazi crimes. Simultaneously, the Auschwitz trial in Frankfurt turned out to be a popular theme too, since the premiere of ‘The Reader’, a book by Bernhard Schlink published first in Germany in 1995 and its movie adaption by Stephen Daldry in 2008. ‘The Reader’ became an example of intertwining of the German victimhood narratives and the narratives of German war offenses which has been recently the subject of numerous public debates. Thus, Fritz Bauer turned out to be a perfect, up-to-date movie character. Moreover, the genre of political thriller is usually attractive for the audience as well as stories about lone fighters against injustice and motifs of people once persecuted and later recognized as heroes.

Bauer’s symbolic legacy is of utmost importance. The trial of Adolf Eichmann unveiled a portrait of a desk murderer and the “banality of his evil”, a murderer, who, “except for an extraordinary diligence in looking out for his personal advancement, he had no motives at all” to cite the most known relation from the trial written by Hannah Arendt (Arendt, 1963, p. 287). The trial prompted a shift in the perception of the

Holocaust especially in Israel, where the Survivor's narratives were rather marginalised and undermined by the narratives of a courageous and hardworking nation capable of confronting enemy Arabic states (see Bilsky, 2001, pp. 250–251), and in Germany, where it occasioned many other trials and made the public opinion more aware of historic responsibility for Nazi crimes. The second trial which Bauer contributed to, the Auschwitz trial in Frankfurt, also attracted press attention from all over the world and is still regarded as a turning point in Germans' collective memory of Auschwitz that rendered the after-war generation curious about the past of their parents (see, e.g. Pendas, 2006, pp. 248–286). The trial presents a symbolic borderline in the periodisation of German memory culture presaging the process of familial, legal, and historical clearing up (Assmann, 2003, pp. 135–136). On the other hand the trial contributed to trivialization of the testimony about Auschwitz (Wittman, 2005, pp. 184–187) while other reproaches focused on the role of the media and their excitement of sensation (see Walser, 1965). In any case, both trials play a role in Germany that Mark Osiel defines as a “a focal point for the collective memory of whole nations”, even “secular rituals of commemoration. As such, they consolidate shared memories with increasing deliberateness and sophistication.” (Osiel, 1997, p. 6).

Germany's transitional justice, which was imposed by the Allied powers and then taken over by the Germans, has evolved for decades and includes all characteristic elements: compensations, trials, law modification, education, and symbolic memorialisation expressed by the politics of memory pursued by numerous actors of public life. Therefore, the German way of implementing transitional justice may serve as a model. The former Israeli ambassador to Germany, Avi Primor asked rhetorically in 2008: “Where in the world has one ever seen a nation that erects memorials to immortalize its own shame?” (Kulish, 2008). The person of Fritz Bauer and memory of him seem to be a proper exemplification of the German model. His struggle in the late 1950s and in the 1960s laid foundations to the trials against many former Nazis which are the essential stage of transitional justice.

Late acknowledgment of Bauer in the 21<sup>st</sup> century proves that new German generations are still interested in coming to terms with the past and the individuals who once initiated this process. The way Bauer was perceived in the German society in the 1960s and today reflects the evolution of the character of dealing with the Nazi past. Bauer was said to confess that as soon as he leaves the confines of his *office*, he is on *enemy* territory. This utterance may surprise today's audience watching movies about Bauer. If it really does, this means, that the German transitional justice turned out to be successful.

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