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Toward a Criminology of the Holocaust?[1]

A historical overview of "states of denial" to foster a criminological analysis of the crime of the century

Auf dem Weg zu einer Kriminologie des Holocausts?

Ein historischer Überblick über „Zustände der Verleugnung" als Grundlage für eine kriminologische Analyse

Despite its still marginal position, state crime criminology has contributed to a criminological agenda that specifically deals with harms perpetrated by states and other powerful actors. Nevertheless, many relevant areas and topics within state crime research remain unexplored, including the study of the "crime of the century". Indeed, although the Holocaust is often invoked as the paradigmatic case of state crime, little has been produced on the subject by criminologists – an urgent, unresolved task. This article aims at fostering this pending undertaking by engaging with a core notion developed within criminological studies: states of denial (Cohen 2001). This concept is deployed to analyse not only the period where crimes were committed but also the long-durée aftermath in Germany. Concerning the aftermath and based on Olick's periodization (2013), the study particularly explores the role of the Allies and the (Western) Federal Chancellors in dealing with the atrocities of the past.

Altogether, this contribution, which builds upon the few criminological approaches to the study of the Holocaust (Friedrichs 2000; Karstedt 2010; Morrison 2013), is presented as a limited attempt towards the development of a "Criminology of the Shoah". Such a criminology cannot only help overcome certain criminological myopia about a breaking point in the history of atrocity crimes but can also help set a strong basis for a broader criminological understanding of atrocities and the massive suffering and challenges that stemmed from them throughout time.

Keywords: State crime; Holocaust; denial; aftermath; long-durée

Trotz ihrer immer noch marginalen Stellung hat die Forschung zu Staatskriminalität zu einer kriminologischen Agenda beigetragen, die sich speziell mit den von Staaten und anderen mächtigen Akteuren begangenen Schäden befasst. Dennoch bleiben viele relevante Bereiche und Themen innerhalb dieses Forschungsstrangs unerforscht, darunter auch die Untersuchung des Holocaust. Obwohl der Holocaust oft als paradigmatischer Fall von Staatsverbrechen angeführt wird, haben Kriminologen bisher nur wenig zu diesem Thema veröffentlicht – eine dringende, ungelöste Aufgabe.

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1 I want to dedicate this short essay to my dear friend David O. Friedrichs, who passed away in 2022. David played a major role in the development of state crime criminology and was personally and scholarly committed to expand the study of the Holocaust within criminological research.

Dieser Artikel widmet sich dieser Aufgabe, indem er einen in der Kriminologie entwickelten Kernbegriff, den der Verleugnung (Cohen 2001), im Dialog mit neueren Beiträgen zur Kriminologie der Staatsverbrechen aufgreift, um nicht nur die Zeit zu analysieren, in der die Verbrechen begangen wurden, sondern auch die langwierigen Nachwirkungen. Eine „Kriminologie der Shoah", so wird argumentiert, kann nicht nur dazu beitragen, eine gewisse kriminologische Kurzsichtigkeit in Bezug auf eine Zäsur in der Geschichte der Gräueltaten zu überwinden, sondern auch eine solide Grundlage für ein breiteres kriminologisches Verständnis von Gräueltaten und dem massiven Leid und den Herausforderungen, die sie im Laufe der Zeit mit sich brachten, zu schaffen.

Schlüsselwörter: Staatsverbrechen; Holocaust; Leugnung; Nachwehen; long-durée

Robbery, burglary, drug dealing, homicide: criminology continues to focus on street offences committed by individuals while paying little attention to the crimes of the powerful. Since Chambliss' 1988 presidential address at the American Society of Criminology (Chambliss 1989), state crime criminology emerged and challenged this silence, by looking at the harms perpetrated by states and other powerful actors, including atrocities such as the ones committed during civil conflicts, dictatorships, and wars (Barak 2011; Kauzlarich/Friedrichs 2015; Michalowski 2011; Rothe 2009; Roth/Friedrichs 2006).

However, many relevant areas and topics within state crime research remain unexplored, including the study of the crime of the century[2] (see Friedrichs 2000; Karstedt 2010; Morrison 2013 as noteworthy exceptions). Indeed, although research on the Holocaust in the Social Sciences and the Humanities is vast and rich and that even within criminology the Holocaust is often invoked as the paradigmatic case of state crime (e.g. Harff 1986), little has been produced on the subject by criminologists – an urgent, unresolved task. Not only can criminology provide a complex multi-dimensional long-durée framework for understanding the Shoah and its aftermath, but the Holocaust as a case study can also foster a more profound criminological engagement with the study of atrocities. This article thus argues for a criminology of the Holocaust that, building upon the already existing rich multi-disciplinary research on the topic, can illuminate the particularities of this major crime and its aftermath, allowing us to learn from the experience of more than 75 years of post-atrocity process.

Aiming at contributing to this endeavour, this essay looks at the work of one of the most relevant criminologists, Stanley Cohen, who, also relevant for the proposed point of analysis, developed his scholarship in the verge between

2 Claiming that the Holocaust was the crime of the century only refers to the unprecedented scope and modality of the killings, while it does not obstruct the need and pertinence of comparative analysis with other genocides, including colonialism. For a thorough discussion on the uniqueness of the Holocaust, see 'Historians' Dispute' or *Historikerstreit* in German.

human rights and criminology. Particularly, this essay deploys a core criminological notion, states of denial (Cohen 2001), to the study of the Holocaust and the long-durée aftermath of the crimes (McEvoy et al. 2017). Interestingly, Cohen looks at the "conditions under which information is acknowledged and acted upon" (2001: 249). In contrast to "acknowledgement", he argues, "states of denial" block, minimize or distort knowledge on atrocities.

Individuals, state representatives and organizations engage in denial, although the concept particularly looks at those in power, i.e., how "state officials are in the privileged position of being able to mobilise significant legal, financial and human resources, to conceal their illicit practices from public scrutiny" (Lasslett 2012: 126). Government officials do so by a broad range of modalities: either by suggesting that the crimes did not happen (literal denial), that they did not happen as stated by the victims (interpretative denial) or that they did happen but were justified (implicatory denial) (Cohen 2001). When analysing the aftermath of atrocities, implicatory denial often appears as *Realpolitik* denial: the crimes did happen, but other socio-economic priorities shall prevail over accountability efforts.

Against this background, the essay deploys the concept of states of denial with a special focus on the role of the (West) German Federal Chancellors to analyse how the German Federal Republic dealt with the Shoah and its legacy. While the German Federal Republic is one of the 18 countries worldwide that criminalizes the literal denial of the Holocaust,[3] an overview of approaches of the Federal Chancellors to the legacy of this mass atrocity exposes, paradoxically, that the (West) German state itself has engaged in different forms of denial. Particularly, based on Olick's periodization (2013), the essay will look at denial of the National Socialist (NS) regime crimes (1.) while the massacre occurred (1933-1945), (2.) during the post-war transition (1945-1949), (3.) during the first attempts to engage with the past marked by Adenauer's Chancellorship in West Germany (1949-1960s), (4.) during an era of normalization in West Germany (1960s-1990s) and (5.) after reunification (1990s-today). The decision to focus this essay on West Germany in the year between 1949 and 1990 is not based on the assumption that Western Germany has done a better job of dealing with the past than Eastern Germany, but responds to the fact that West Germany memorialization policies, legislation and discourses have been the ones that prevailed after reunification and until today (Eder 2016; Neiman 2019; Richardson-Little 2019; Weinke 2020).

The following offers only a very first and limited approach to the topic. Further work on the broad range of "states of denial" in the different Allies occupation zones and the GDR, as well as the role of other actors at the federal level (presidents, courts, parliament) and the state level, as well as from below, should follow. Furthermore, the notion of "states of denial" is only one of the many

3 § 130 StGB Incitement to hatred (1985, Revised 1992, 2002, 2005, 2015). See http://www.gesetze-im-internet.de/englisch_stgb/englisch_stgb.html#p1241

criminological concepts (e.g., techniques of neutralization, prevention, desistance, governance, selectivity, types of perpetrators, media criminology) that shall be deployed toward a comprehensive Criminology of the Shoah.

States of denial during the NS Regime (1933-1945)

Anti-Semitic, eugenic and xenophobic terminology were deployed by the NS Regime to ideologically justify its racist program and to deny the humanity of the victims even before massive killings started to take place. In the context of the Holocaust, these logics of denial expanded to hide the massacre itself. In this vein, claims stated: 'these are not people being buried, only Jews', which allowed perpetrators and society to literally deny that fellow humans were been killed (Morrison 2009: 16). Euphemisms, including the need for 'living space' (*Lebensraum*), 'evacuations' (transfers to concentration camps), and 'special treatment' (killings in the gas chambers), were used to hide the scale of the violence and murder.

In one notable example of the extent of this literal denial of the humanity of the victims and the scale of the inflicted terror, Wolfgang Hoffmann, a *Hauptsturmführer* of the paramilitary SS and convicted war criminal for accessory to murder in 1,800 cases, ordered to make his subordinates to sign a commitment not to steal and plunder in occupied Poland, was so offended that he refused to sign the document: "It appeared to me a piece of impertinence to demand of a decent German soldier to sign a declaration in which he obligates himself not to steal, not to plunder" (quoted in Goldhagen 1996: 4). The denial of killing and forced deportations was so strong as to strip these atrocities of their criminal features, allowing morality to survive exclusively in relation to obviously less harmful behaviours such as stealing and plundering (Day/Vandiver 2000).

As the killings of Jews, Sinti, Roma, and other "non-German" people became more and more known, implicatory denial replaced literal denial. This involved continuing the process of dehumanization and victim-blaming now based on an understanding of Jewish people as "weeds, or a cancer that had to be removed from society to heal it" (Morrison 2009: 15). This 'cancer' justified, in the Nazi view, that Germans had to fight "for the survival or non-survival of our people" (Alvarez 1997: 164). Moreover, implicatory denial also relied on prioritizing loyalty to the Nazi Party and its different agencies, even when it meant embracing subterranean values such as antisemitism and xenophobia (Day/Vandiver 2000). In addition to this misinformation and dehumanization of the victims, in the last moments of the war, concrete measures were also taken to destroy evidence in order to seek literal denial of the perpetrated crimes in the aftermath of the War and an expected Allied victory (Angrick 2018).

While the perpetrator state as well as other states allied with Germany and the collaborators in states occupied by Germany engaged in the highest mo-

dalities of denial, international organizations (The League of Nations, the Red Cross) and even the Allies were also involved in some degree of denial. It is that, while they were not the ones perpetrating the atrocities, these actors took no action even after receiving credible reports of the ongoing massacres (Cohen 2001; Friedrichs 2009). The justification adopted the form of interpretive denial as they often obfuscated Nazi crimes under layers of distortion arguing that the priority was ending the war – rather than saving the lives of those trapped in the ghettos and concentration camps. International organizations and the Allies – with important differences among them[4] – also engaged in implicatory denial by modifying the psychological, political, and moral implications of the crimes committed (see Burgess 2016; Kochavi 2010).

States of denial during the Transition (1945-1949)

Atrocities and denial can also take place within transitions as well as within established democratic and legitimate regimes. Indeed, denial did not disappear during the Allies' occupation or with the creation of a democratic government in West Germany in 1949. Furthermore, even when domestic criminal law, customary law and the emerging international criminal law, along with the massive evidence on the scope of the crimes that started to emerge, enhanced the state's obligation to bring perpetrators to justice (Berlin 2020), scattered accountability reigned, under denial strategies that either silenced or justified the shortcomings.

Between 1945 and 1949, when Holocaust victims were pushing for accountability and denouncing that their voices were silenced (Jockusch 2012), the Allies – although with important differences according to the occupation zones and representatives within each zone – embraced interpretative and *Realpolitik* denial. Within the new demands of the Cold War, rather than a substantive confrontation with the past, the main concern was carrying out an effective occupation and guiding Germany to its new role in international relations (*Realpolitik* denial), which included relativizing the accounts and demands of the survivors (interpretative denial). This was the tone of the Berlin Potsdam Conference of 1945, where the goals of the occupation were settled, namely "the eventual reconstruction of German political life on a democratic basis and eventual peaceful cooperation in international life by Germany."[5]

As a result, the denazification process was short-lived and discouraging (Priemel 2016): the arrest of "Nazi leaders, influential Nazi supporters and

4 For example, Eisenhower was the one preoccupied for the gathering of evidence as he understood very early on that the perpetrators would try to eliminate them before the end of the war and, without evidence, denial of the crimes would be stronger.

5 See Foreign Relations of the United States: Diplomatic Papers, The Conference of Berlin (The Potsdam Conference), 1945, Volume II, Document 856, https://history.state.gov/historicaldocuments/frus1945Berlinv02/d856

high officials of Nazi organizations and institutions could take place only so long as such individuals were regarded as 'dangerous to the occupation or its objectives'" (Britannica 2021). Accountability efforts were not to be carried out if they could undermine the "well-functioning economy and an efficient administration", meaning that "any danger of dissolving the functional elites in Germany should be avoided" (Lüdtke 1993: 549). In the words of Donald B. Robinson, an officer from US General Eisenhower's staff, "it looked better [to the occupation authorities] to have the town in running order than to throw out a Nazi; and it seemed safer to have a hospital functioning perfectly than to give a Hitlerite superintendant the bum's rush" (Boehling 1996: 63).

The Nuremberg Trials followed a similar logic of interpretative and *Realpolitik* denial. While the charge of crimes against humanity represented the interests and accounts of the victims (Jokusch 2012) and would have been the indictment best positioned to seek accountability for a greater number of perpetrators and recognize crimes beyond the war itself, the *Realpolitik* goals were oriented to obtaining rapid justice and turning a blind eye to the crimes of the Allies (e.g. Katyn massacre). Thus, the Allies focused on the crime of conspiracy, which would only focus on the leadership, forcing "the misleading interpretation that the regime was the result of a terrible criminal gang that seized power" (Morrison 2013). Likewise, the major indictment centred on the waging of aggressive war with a focus on the upper levels of the military leadership, following the 'intentionalist' school that interpreted Nazi policy as Hitler-dominated, and which, therefore, attributed responsibility for wartime atrocities to the top Nazi echelon (Pendas 2020; Sands 2016; Teitel 2000).

Allies' memorialization initiatives were also taunted with denial. The Allies could not literally deny their obvious role as bystanders, including the decision not to issue life-saving visas to persecuted individuals. Instead, engaging in interpretative denial, they encouraged a broad feeling of 'collective guilt' that belonged to all (and therefore to no one in particular) (Frei 1996; Herz 1948; Lüdtke 1993). In various German cities, US occupying forces put up posters with images of murdered camp victims, their bodies piled on top of each other, and the line: "These disgraces: Your Fault! You observed quietly and silently tolerated it.… That is your great guilt. You all are co-responsible for these gruesome crimes". Without a clear indication of who 'you' was, the posters seemed to implicate all Germans equally while blurring the Allies' responsibility (Moses 2007: 144).

The German elite and general population reacted against this imposed 'collective guilt' with literal denial: in numbers, despite the widespread information of concentration camps and mass murder, just a 59 % agreed by 1947 with the statement that Germany had tortured and murdered millions of defenceless Europeans (Margalit 2010). This literal denial was complemented with an interpretative denial. The reasoning was 'the crimes happened but, contrary to what the Jewish and other survivors claim, we, the Germans, are

also victims.' The narrative was that the population had been the victim of a handful of crazy leaders, had also suffered from the Allies' bombing, had lost their beloved ones in the war and were still struggling with hunger, dismembered families and destroyed cities. This tone included "a lack of empathy for the victims [and] a reluctance to name the crimes (the vague references to 'what occurred then')" (Moses 2007: 145). In this vein, surveys from 1947 confirmed that four in ten Germans believed that Germans bore no blame due to their support of Hitler (Margalit 2010).

States of denial during the first attempts to engage with the past (1949-1960s)

Denial did not diminish with the end of the occupation. On the contrary, it played a decisive role in the first democratic elections in 1949. While the German Social-Democrat presidential candidate Kurt Schumacher offered democratization through memory and justice, the Christian Democrat Konrad Adenauer ultimately won the election to become the first post-war chancellor by offering the population a continued reticence about public memory (Herf 1997). Aligned with the population, Adenauer moved directly from a notion of collective responsibility to a 'post-war amnesia'. In other words, the narrative of implicatory denial was that the crimes occurred but it was already time to turn the page. Paradoxically, Adenauer was a "resistor of the Nazi regime, [living] in hiding until he was arrested, together with his wife, in the crackdown raids which followed the [coup attempt on, VWW] 20th of July 1944" (Assmann 2021). He was even "interned in Brauweiler near Cologne, one of the first concentration camps and later in a secret police (Gestapo) prison. Having suffered himself, Adenauer, though, did not have much empathy for victims, and felt entitled to a policy of forgetting and forgiving" (Assmann 2021). In his first official address to the German parliament in 1949, the newly elected chancellor called "to put the past behind us" (Judt 2005: 61).

Specifically, he embraced a modality of *Realpolitik* denial, which underlined that focusing on the future was more urgent than memory and accountability, and that amnesia was functional and even a pre-condition for economic and social recovery: "without … collective amnesia, Europe's astonishing post-war recovery would not have been possible" (Judt 2005: 61). An expression of the scope of this *Realpolitik* denial was that Adenauer chose Hans Globke as a ministerial director and, since 1953, as a state secretary in the Federal Chancellery, even though he had been a senior official at the Interior Ministry during the Nazi regime and had helped create the antisemitic 1935 Nuremberg Laws (Müller 1992).

Moreover, during Adenauer's government, interpretative denial also continued and was even reinforced, extending the notion of victimization to the point of making it meaningless. By making the war rather than the Holocaust

the focus of attention (Karstedt 2009: 31), the Nazi past was now conceived of as a catastrophe for Germans in general, whose suffering was understood as almost equal to that of the victims of the Nazis (Confino 2004). Adenauer even struck this note in his public relations with Israel, saying during a visit there in 1966 that, "the Nazi regime has killed as many Germans as it has killed Jews (sic). We should now let this time sink into oblivion" (Assmann 2021). The statement released after the visit followed a similar tone: "[We are] determined to leave behind this time of atrocities which cannot be revoked or annulled. We should relegate it now to the past. I know how difficult it is for the Jewish people to accept this. But if good will is not acknowledged, nothing good can evolve from it" (quoted in Assmann 2021). The fact that most victims were dead, and the survivors dispersed throughout Europe or relegated to displaced person camps, awaiting emigration and without decision-making power, made interpretative denial somehow easier, as victims of the Nazi regime were not heard when claiming that they were the real sufferers and that they did not belong to this "all" that wanted to forget.

States of denial during an era of normalization (1960s-1990s)

The chancellorship of Christian Democrat Kurt Georg Kiesinger (1966-1969) marked a different level of erasure: literal denial. This was made clear by the fact that he was himself a decorated member of the Nazi Party, who had skipped the vetting procedures, although public protest obstructed a second governing mandate (Mushaben 2017). Subsequent administrations showed different levels of engagement with the past but always remained within the limits of interpretive and implicatory denial by distrusting the victims and continuing to stage the Nazi regime as limited to a bunch of crazy leaders without massive civil support. The message seemed to be: 'we will not deny it; it happened, but it was not as the victims claimed and it was not our responsibility; we suffered as well, and we were all under the spell of pathological leaders'.

In particular, Christian Democratic Chancellor Helmut Kohl (1982-1998) engaged in a specific form of implicatory denial. He acknowledged that the atrocities had indeed happened but pointed out that it was just one specific period of a long national past. It was now time to empower West Germans to identify affirmatively with their rich and broad history, with the positive actions that also took place during the war, and, more specifically, with their present. This narrative involved a focus on the 'new Germany' by directly overcoming the "shadow of the Nazi past" and the "fixation on the Holocaust" (Eder 2016: 2). In this vein, "there was to be a reduced public presence of the Nazi past to be, in turn, contrasted with examples of German heroism, suffering, and sacrifice during the war, or integrated into a narrative according to which the democratic achievements after 1949 had redeemed Germans

for the crimes of Nazi Germany" (Eder 2016: 5). It was time for 'normalization', i.e., to stand as a normal nation again rather than a perpetrator-country (Frei 2005).

In terms of memorialization, interpretative denial also involved denying victims' narratives and over-praising German resistance to the Nazi crime. Indeed, a specific museum was built in honour of those who conducted the coup against Hitler. It was 1983 when the West German President, Richard von Weizsäcker, "commissioned historian Peter Steinbach with the task of erecting a permanent exhibition dedicated to all manifestations of German resistance to National Socialism" (Geerling/Magee 2017: 8). This was the origin of the German Resistance Memorial Center (*Gedenkstätte Deutscher Widerstand*), located where these military men were hanged. The memorial was not based on historiography analysis as it was already "known during the 1980s that neither resistance nor heroism had been the predominant forms of experience of the average German during the Third Reich" (Eder 2006: 107). Furthermore, US Senior historian Sybil Milton (1993: 28) considered the *Widerstand* museum as a "blatant falsification of history" for "dubious ends".

Following a similar logic of interpretative denial, the Kohl administration also carried out an intense lobby to convince the US Holocaust Memorial Museum to include German resistance and victimization in the main exhibition, in line with the narrative of Germans on the ground as targets of a Nazi regime rather than bystanders of perpetrators. When the efforts to convince the US authorities showed useless, the Kohl government decided for a new plan: creating a German Historical Institute in Washington DC and three Centers of Excellence for German studies at different US leading universities to counterbalance the allegedly anti-German narrative of the US Holocaust Memorial Museum, which finally opened in 1993 without following Kohl's desired perspective and, therefore, without the presence of frustrated German leaders (Eder 2006).

States of denial after reunification (1990s-today)

Reichel (2001) refers to a second history of National Socialism, which started sixty years after the war as a new intention to "come to terms with the past" after a period of repression. Indeed, once the wall fell and the threat of communism disappeared, it was possible for West Germany to stop struggling against the increasing memory culture and reckon the horrors of the past. Chancellor Helmut Kohl himself would make a 180-turn and embraced an opposite strategy. From then on, Germans could still remain safe from accountability and maintain their pride and focus on *Realpolitik*, but they would do so by becoming memory world leaders for the sake of international politics. Following "the idea that the memorialization of the Holocaust as a national political priority might not weaken the Federal Republic's international reputation, but in fact, strengthen it", the Kohl administration discov-

ered that “instead of trying to change the discourse on the Holocaust abroad”, it was easier to pursue “such policies at home” (Eder 2016: 221). Ultimately, “in contrast to, indeed despite, his government’s former politics of history, Kohl had in the end helped to bring about an utter transformation, one that made the Holocaust the “core” of Germany’s “self-concept as a nation”’ (Eder 2016: 221).

In other words, the new narrative consisted of implicatory denial through self-praising. The message was that atrocities did occur, but that now it was time to stop pointing at them because the new focus should be on how Germany had made up for the horror through an even more ground-breaking process of coming to terms with the past. This narrative needed to over-praise what otherwise was a rather superficial and limited process of dealing with the past that largely failed to embrace structural change (Czollek 2020; Jikeli 2021). For example, in terms of memorialization, most initiatives since the end of the war were carried out by survivors and NGOs without governmental support. Moreover, even today it is the case that essential activities in research and memorialization are carried out by grassroots organizations with employees who are often poorly paid or who even work *ad honorem*.

Actually, it was not until 1999, six decades after the Holocaust, that a state-run initiative to commemorate the Nazi victims, and particularly Jewish victims, took place: it was then that the Bundestag approved the proposal to build the Monument to the Murdered Jews of Europe. The idea, however, did not spontaneously come from the state but instead, it started in 1989 as a private initiative inspired by Berlin television editor and granddaughter of Jewish Germans Lea Rosh and channelled through the grassroot initiative Vision Berlin. The idea was building a German Holocaust memorial at or close to the former Gestapo headquarters to “give the murdered Jews of Europe a monument – in the land of the perpetrators, remember the millions murdered and to honour them and give them their names back” (Holocaust Denkmal 2021). It was 1992 when the federal government and the Berlin state government gave their consent and granted parts of the funds (including the land) (Lüdtke 1993). However, it took a total of 11 years of debate to finally create the memorial in 2005 (Neiman 2019). The debate was not about a comprehensive social discussion of the Holocaust but, instead, it “was about *not* building the memorial at all, or not on such a prominent site, or not only for Jewish victims, etc.” (Herz 2014: 386).

This model of engaging with the past through implicatory self-praising was also embraced by the next chancellor, the Social Democrat Gerhard Schröder (1998-2005). In this vein, Schröder’s November 1998 speech, referred to the “self-confidence of a grown-up nation” that need not feel inferior or superior towards others because it had already succeeded in facing history and was ready to “look ahead to the future” (Wittlinger 2009: 11). The chancellor thus endorsed Kohl’s stand in terms of accepting the horrors of the German past as an empowering rather than a constraining strategy: “Does the readiness of

a new generation to engage [with the German past], not to forget, not also create an opportunity to represent one's own interests in a more uninhibited manner?" (Zeit 1999: 35). The affirmative answer became clear when, one year later, Germany joined NATO military interventions in Kosovo – the country's first military engagement since 1945, with the West applauding the action.

Later on, Schröder's successor, Christian Democratic chancellor Angela Merkel (2005-2021), marked a new era in the history of denial by conceiving the "Holocaust-centred memory as an integral part of German identity without any ifs and buts" (Wittlinger 2009: 15). The memorialization process was thus to be regarded as a strength in the international arena, but "without any attempts to 'normalise' the German past". Instead, it was accompanied by "a clear appreciation of German suffering coupled with an unambiguous acknowledgement that this happened as a consequence of Nazi Germany's aggressive expansionism" (Wittlinger 2009: 15).

This new rhetoric, although noteworthy, did not necessarily involve material changes to underlying structures or cultural understandings about the past. The psychological, moral, and political conditions of *otherness* that made the Nazi crimes possible remained implicatorily denied. As an example, the Merkel government's progressive stance on immigration and antisemitism has remained within the boundaries of a German *us* versus a (tolerated) *other*. In this regard, the Jewish German scholar and activist Max Czollek (2018) argues in dramatic terms, that, despite Merkel's repentant discourse, "Germany as a whole is not a stable open and democratic society, but a post-national socialistic country still very much affected by its modes of political thinking and its racist fantasies of purification and ethnic harmony" (Czollek 2018).

In addition, contrary to the more harmonious relationship between Adenauer and Kohl's politics and public opinion, Merkel's position was not fully welcomed within German society. Instead, polling reflected at least a small-scale backlash. By 2021, more than half of Germans stated that only the top Nazi leaders were responsible for the genocide. In other words, one in two Germans believe that "the bulk of the Germans were not to blame; it was just a few criminals who started the war and killed the Jews" (Jikeli 2021: 7). This data goes hand in hand with the striking number of only 3 % of Germans who think that their family members were implicated in the crimes of the Holocaust, even though almost every family in Germany had a member in the *Wehrmacht*. Taken together, the polling showed that there is a general acknowledgement of the Holocaust, but also a rejection of specific evidence about the scope of those involved and of specific family stories (Welzer 2012).

Equally alarming, polling showed a high level of agreement with the claim that "Jewish people talk too much about what happened to them" (Jikeli 2021: 7). Similarly, surveys reveal an increasing rejection of the relevance of the Nazi regime for contemporary Germans. While in 2018 only 26 %

of respondents called for an end to dealing with Germany's Nazi past, this percentage rose to 33 % in 2019 (DW 2020). This change in the population mindset has called the attention of the former Foreign Minister Heiko Maas, who warned about how the crumbling nature of the culture of remembrance amid increasing antisemitism and pressure from the extreme right (Hockenos 2019).

Brief Conclusions

While criminological research has focused extensively on ordinary crimes, the literature on massive atrocities is still in its infancy. The study of the most striking crime in recent history is part of this neglect. To address this lacuna, the essay argued that a classical criminological concept, states of denial, can set a seed to elaborate a pending criminology of the Holocaust. Furthermore, this conceptual tool allows us to also analyse the long-durée post-*Nationalsozialismus* process by exposing how, in top-down processes, denial often continues during the transition and even after democracy is re-established, as state and international powerbrokers tend to prioritize realpolitik goals over accountability for past crimes.

Looking at the long-durée, Germany only experienced a major transformation in terms of denial in the late 1990s, fifty years after the NS regime . This means that it was necessary to wait until changes in global geopolitical conditions (mostly sparked by the end of the Cold War and pressure from Shoah victims living in exile in Israel and the United States) made the embrace of the Holocaust appealing enough to force state officials to openly acknowledge the NS past. In other words, only when a superficial top-down memorialization process proved to be more politically profitable in the international arena than the prior forms of denial – and after decades of silence – did Germany assume its current role as a global memory leader. In short, the so-called 'culture of remembrance', conceived of today as eternal and unchanged since the immediate post-war period, has only now reached adulthood and still has a lot to learn. Moreover, even this culture of remembrance preserves denial, now through a self-praising narrative that silences the shortcomings of the process.

As a whole, this article argued that a 'Criminology of the Shoah' can help overcome certain criminological myopia about a breaking point in the history of atrocity crimes. Moreover, this undertaking is not contained in the study of a single past wrongdoing. Instead, exploring the crime of the century and the long-durée of particular actions, omissions, and actors across the 75 years since the genocide can help set a strong basis for a broader criminological understanding of atrocities and the massive suffering and challenges that stemmed from them.

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