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Case VI. The I.G. Farben Trial at Nuremberg

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Introduction

The I.G. Farben Trial, one of the trials of war criminals held in Nuremberg, traced back to Allied agreements that members of the U.S. Treasury Department and Department of Justice had been helping to negotiate since fall 1943.¹ Thus it was primarily thanks to their initiative that on October 30, 1943, the foreign ministers of the three Allied Powers, in their Moscow Declaration regarding the punishment of war crimes, added to the classical elements of crime the preparation and waging of wars of aggression. A Four-Power Agreement ensued on August 8, 1945, laying the legal basis for punishment of war crimes and mandating the establishment of an International Military Tribunal to take action against war crimes, crimes against humanity, and crimes against peace. In addition, in order to pass judgment on the Nazis' crimes, a framework of criminal and procedural law first had to be created, as international law neither recognized the concept of culpability nor offered concrete norms of criminal law and procedural rules. This was accomplished by the enactment of Control Council Law No. 10 on December 20, 1945, which outlined the elements and the criteria for perpetration, complicity, and connivance, as well as for assent to war crimes, crimes against humanity, and crimes against peace, and for the first time also included the economic and financial elites in the category of those to be prosecuted. The Trial of the Major War Criminals in Nuremberg subsequently was conducted on this legal basis, but a second action by the four Allied Powers against leading managers from industry and the central economic authorities, for which the American prosecuting counsel had designated Hermann Schmitz and Georg von Schnitzler, did not take place. Nonetheless, the U.S. administration was unwilling to forgo additional trials of war criminals in which the leading exponents of the arms industry and high finance also were called to account. This decision reflected, on the one hand, the strong position of the judiciary as the third pillar of American constitutional tradition, which was not accustomed to sparing even the political

1 On the legal framework of the I.G. Farben Trial and on the composition of the tribunal: *Trials of War Criminals Before the Nuernberg Military Tribunals: The Farben Case, Military Tribunal VI, Case 6: The United States of America against Carl Krauch et al.*, Vols. 7 und 8 (Washington, D.C.: U.S. Government Printing Office, 1953), pp. 5ff.; *Das Urteil im I.G.-Farben-Prozess. Der vollständige Wortlaut* (Offenbach am Main: Bollwerk, 1948), annexes, pp. 153ff.; Telford Taylor: *Die Nürnberger Prozesse: Kriegsverbrechen und Völkerrecht* (Zürich: Europa, 1951); OMGUS: *Ermittlungen gegen die I.G. Farbenindustrie AG* (Nördlingen: Greno, 1986), pp. LIVff.

and economic elites; on the other hand, there was a desire to show the world public by example that even the ruling elites of a dictatorial regime that had ridden roughshod over the standards of international law and fundamental human rights could be made accountable in fair proceedings based on the rules of U.S. criminal law. In this sense, the subsequent Nuremberg trials were a component of "re-education," which sought to reintegrate the ruling and managing elites in particular into civil society. First, however, they had to pass through the purgatory of a series of trials that would relentlessly reconstruct their crimes and make their deeds publicly known. It goes without saying, and it came across with particular clarity in the I.G. Farben Trial, that there were substantial differences of opinion within the U.S. administration and the U.S. military government with regard to the sanctions that should be sought and the economic and political courses that should be derived from the outcome of the trial.²

On October 24, 1946, the United States Military Government, pursuant to Ordinance 7, mandated the use of purely American military courts. The military governor was empowered to name American judges to the tribunals, while the Office of Chief Counsel for War Crimes (OCCWC), created in January 1946, was appointed as prosecuting body. By late summer 1947, 12 military tribunals were constituted, including three to pass judgment on top managers of the Flick, Krupp, and I.G. Farben firms. The case against I.G. Farben was assigned to Military Tribunal VI, constituted on August 8, 1947. The judges were Curtis Grover Shake (former Chief Judge of the Supreme Court of Indiana, presiding judge), James Morris (a justice of the Supreme Court of North Dakota), Paul Macarus Hebert (dean of the Law School of Louisiana State University), and Clarence F. Merrell (alternate judge, a member of the Bar of the State of Indiana).

2 Cf. Bernd Greiner: *'IG-Joe.'* *IG Farben-Prozess und Morgenthau-Plan* (Frankfurt am Main: Fritz Bauer Institut, 1996).

Institution of Proceedings

In contrast to the judges, the members of the prosecution team had been preparing for the trial since December 1946.³ Some of the 10-member group had spent years dealing with I.G. Farbenindustrie AG in the context of their work for the Office of Foreign Funds Control of the Treasury Department and the Antitrust Division of the Department of Justice. The team's chief exponents were Josiah E. DuBois, a prosecutor from Camden and the head of the I.G. Farben trial team; Drexel A. Sprecher,⁴ the second-ranking lawyer under DuBois; and Emanuel Minskoff of Washington, D.C. The prosecution team could draw on extensive document collections and investigative reports that had originated in its government departments, the Office of Strategic Services, the Kilgore Committee of the U.S. Senate (Senate Military Affairs Subcommittee on War Mobilization), and the Foreign Economic Administration (FEA). Of particular importance were the extensive statements and papers that Farben managing board members Hermann Schmitz, Georg von Schnitzler, and Max Ilgner had put on record for Bernard Bernstein's⁵ investigative team in summer 1945.⁶ They gave a comprehensive overview of the teamwork between the chemical trust and the Nazi leadership that was begun early on, the trust's active participation in the arms build-up and preparation for war, and the coordination of its policy of expansion with the aggressive foreign policy of the Third Reich. Further, they served the trial team led by DuBois and Sprecher as cornerstones for the trial preparation, which they correlated with extensive exhibits from the firm's internal filing departments.

3 Josiah E. Dubois: *The Devil's Chemists* (Boston: Beacon Press, 1952); Josiah E. Dubois: *Generals in Grey Suits. The Directors of the International Farben Cartel, Their Conspiracy and Trial at Nuernberg* (London: Bodley Head, 1953).

4 A Visual History Archive interview with Drexel A. Sprecher is available in the workroom of the Wollheim Memorial: Drexel Sprecher, oral history interview [Eng.], March 24, 1996. USC Shoah Foundation Institute, Survivors of the Shoah Visual History Archive, Interview Code 12462.

5 Bernard Bernstein, a high-ranking U.S. Treasury Department official, was the first chief of the Finance Division of the USMG. In summer 1945, he put together a task force to investigate the activities of the financial institutions of the Nazi dictatorship and I.G. Farben. The investigative report on I.G. Farben was presented as early as September 1945; it documented for the first time I.G. Farben's activities abroad and political-economic symbiosis with the Third Reich. A German translation of the I.G. Farben Report was published in 1986: OMGUS: *Ermittlungen gegen die I.G. Farbenindustrie AG* (Nördlingen: Greno, 1986).

6 They were available in Nuremberg as exhibits for the OMGUS report and within the scope of the Nuremberg EC (Economic Case) document series: Archiv der Stiftung für Sozialgeschichte Bremen, I.G. Farben, Beweisstücke zum I.G. Farben-Report; Archiv der Stiftung für Sozialgeschichte Bremen, Nürnberger Dokumente, EC-Dokumente.

On May 3, 1947, the lawyers filed the bill of indictment with the general secretariat of the Nuremberg Military Tribunals.⁷ It listed five charges, based on the normative provisions of Control Council Law No. 10, and accused 24 managers of I.G. Farben of having been guilty of the following crimes:

1. Planning, preparation, initiation, and waging of wars of aggression through a strategic alliance with Hitler and the Nazi movement, through active and synchronized participation in rearmament and preparation for war in the context of the Four-Year Plan, and also through the weakening of potential adversaries, active participation in foreign espionage and propaganda in support of the Nazi dictatorship, and concealment of foreign assets immediately before the start of the war.
2. Plundering and spoliation in the annexed and occupied countries of German-controlled Europe. In Austria, Czechoslovakia, Poland, France, Norway, and the Soviet Union, I.G. Farben was alleged to have attempted to subjugate the chemical industry of Europe and, in this process, to have acted in accordance with carefully developed plans.
3. Participation in the slave labor program and genocidal policy of the Nazi dictatorship. The Farben management energetically helped itself to foreign forced laborers, prisoners of war, and concentration camp prisoners in order to carry out its wartime economic programs, the indictment said. In the process, thousands of concentration camp prisoners, especially at the I.G. Farben Auschwitz plant, were driven to their deaths. Moreover, managers were jointly responsible for illegal medical experiments on enslaved persons and, as members of the managing board of the holding company Degesch, should have known that the poison gas Zyklon B, supplied to the concentration camps by Degesch, was used to murder camp inmates.
4. Membership in criminal organizations. Three defendants were charged with having been functionaries of the SS, which was declared a criminal organization by Control Council Law No. 10 and subsequently by the International Military Tribunal.

7 Indictment Case No. 6, May 3, 1947. Archiv des Fritz Bauer Instituts, Nürnberger Nachfolgeprozess Fall VI, reel 107, Official Court File, Vol. 46, pp. 44–137. The English original is also reproduced in: *Trials of War Criminals: The Farben Case*, Vol. 7, pp. 10–80.

5. Joint planning of a conspiracy against peace. The defendants were charged with having been among those who conspired against peace for years, in the period before May 8, 1945. Further, the crimes against humanity that were committed in the process were an integral component of the crime against peace as defined in Control Council Law No. 10. For that, they were individually responsible; moreover, they shared responsibility for the acts of violence that others committed while carrying out the joint plan.

To these charges was appended a detailed supplement, Appendix A, which contained particulars of the careers and areas of activity of the 24 defendants. The accused were Chairman of the Supervisory Board and main defendant Carl Krauch,⁸ Chairman of the Managing Board Hermann Schmitz,⁹ 19 members of the managing board who were active until the end of the war: Otto Ambros,¹⁰ Max Brüggemann, Ernst Bürgin,¹¹ Heinrich Bütetfisch,¹² Fritz Gajewski,¹³ Paul Haefliger,¹⁴ Heinrich Hörlein,¹⁵ Max Ilgner,¹⁶ Friedrich Jähne,¹⁷ August von Knieriem,¹⁸ Hans Kühne,¹⁹ Carl Ludwig Lautenschläger,²⁰ Wilhelm R. Mann,²¹ Heinrich

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| 8 | For biographical information, http://www.wollheim-memorial.de/en/carl_krauch_18871968 . | see: | http://www.wollheim-memorial.de/en/carl_krauch_18871968 . |
| 9 | For biographical information, http://www.wollheim-memorial.de/en/hermann_schmitz_18811960 . | see: | http://www.wollheim-memorial.de/en/hermann_schmitz_18811960 . |
| 10 | For biographical information, http://www.wollheim-memorial.de/en/otto_ambros_19011990 . | see: | http://www.wollheim-memorial.de/en/otto_ambros_19011990 . |
| 11 | For biographical information, http://www.wollheim-memorial.de/en/ernst_buergin_18851966 . | see: | http://www.wollheim-memorial.de/en/ernst_buergin_18851966 . |
| 12 | For biographical information, http://www.wollheim-memorial.de/en/heinrich_buetefisch_18941969 . | see: | http://www.wollheim-memorial.de/en/heinrich_buetefisch_18941969 . |
| 13 | For biographical information, http://www.wollheim-memorial.de/en/friedrich_fritz_gajewski_18851965 . | see: | http://www.wollheim-memorial.de/en/friedrich_fritz_gajewski_18851965 . |
| 14 | For biographical information, http://www.wollheim-memorial.de/en/paul_friedrich_haefliger_18861950 . | see: | http://www.wollheim-memorial.de/en/paul_friedrich_haefliger_18861950 . |
| 15 | For biographical information, http://www.wollheim-memorial.de/en/philipp_heinrich_hoerlein_18821954 . | see: | http://www.wollheim-memorial.de/en/philipp_heinrich_hoerlein_18821954 . |
| 16 | For biographical information, http://www.wollheim-memorial.de/en/max_ilgner_18991966 . | see: | http://www.wollheim-memorial.de/en/max_ilgner_18991966 . |
| 17 | For biographical information, http://www.wollheim-memorial.de/en/friedrich_jaehne_18791965 . | see: | http://www.wollheim-memorial.de/en/friedrich_jaehne_18791965 . |
| 18 | For biographical information, http://www.wollheim-memorial.de/en/august_von_knieriem_18871978 . | see: | http://www.wollheim-memorial.de/en/august_von_knieriem_18871978 . |
| 19 | For biographical information, http://www.wollheim-memorial.de/en/hans_kuehne_18801969 . | see: | http://www.wollheim-memorial.de/en/hans_kuehne_18801969 . |
| 20 | For biographical information, http://www.wollheim-memorial.de/en/carlludwig_lautenschlaeger_18881962 . | see: | http://www.wollheim-memorial.de/en/carlludwig_lautenschlaeger_18881962 . |
| 21 | For biographical information, http://www.wollheim-memorial.de/en/wilhelm_rudolf_mann_18941992 . | see: | http://www.wollheim-memorial.de/en/wilhelm_rudolf_mann_18941992 . |

Oster,²² Christian Schneider,²³ Georg von Schnitzler,²⁴ Fritz ter Meer,²⁵ and Carl Wurster,²⁶ the two directors Walther Dürrfeld²⁷ and Heinrich Gattineau,²⁸ and the two executives Erich von der Heyde²⁹ and Hans Kugler.³⁰ Because Max Brüggemann (1882–1959), the chief legal adviser and secretary of the I.G. Farben Managing Board, fell seriously ill, the proceedings against him were closed shortly after the main trial began.

The indictment did not catch the majority of the accused off guard. Some, of course, were arrested and taken to the Nuremberg Prison only after the filing of the indictment, but in addition to the leading “businessmen” Schmitz, Schnitzler, and Ilgner, several “engineers” from the management board and the Technical Committee had been interned and questioned since the summer of 1945. Over the course of 1946, they were moved to the Kramsberg internment center in the Taunus Mountains (codenamed the “Dustbin”), and they came together there for regular meetings. In the course of the meetings, it turned out that they had behaved in very different ways during the first phase of questioning.³¹ In the interrogations and in their compositions, the “businessmen” from the firm’s head office had given quite candid accounts of the symbiosis of their corporation with the Nazi dictatorship and its preparations for war, because they wanted to omit discrediting details in this way and hoped their cooperative behavior would yield advantages for them. The interned chief chemists and engineers had taken exactly the opposite tack: They had satisfied the curiosity of their American col-

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| 22 | For biographical information, | see: | http://www.wollheim-memorial.de/en/heinrich_oster_18781954 . |
| 23 | For biographical information, | see: | http://www.wollheim-memorial.de/en/christian_schneider_18871972 . |
| 24 | For biographical information, | see: | http://www.wollheim-memorial.de/en/georg_von_schnitzler_18841962 . |
| 25 | For biographical information, | see: | http://www.wollheim-memorial.de/en/fritz_friedrich_hermann_ter_meer_18841967 . |
| 26 | For biographical information, | see: | http://www.wollheim-memorial.de/en/carl_wurster_19001974 . |
| 27 | For biographical information, | see: | http://www.wollheim-memorial.de/en/walther_duerrfeld_18991967 . |
| 28 | For biographical information, | see: | http://www.wollheim-memorial.de/en/heinrich_gattineau_19051985 . |
| 29 | For biographical information, | see: | http://www.wollheim-memorial.de/en/erich_von_der_heyde_1900unbekannt . |
| 30 | For biographical information, | see: | http://www.wollheim-memorial.de/en/hans_kugler_19001968 . |

leagues regarding details of technological innovations in the armaments industry, but they were reticent when it came to the contexts and consequences of their actions. When it became clear that a trial was imminent, serious quarrels about the different approaches ensued, because the statements of the businessmen—who had laid many trails besides and also presented the “engineers” Krauch, ter Meer, Bütetisch, and Gajewski with unpleasant follow-up interrogations—substantially worsened the chances of a more or less successful defense against the charges that could be clearly deduced from Control Council Law No. 10. In this situation, the chairman of the Technical Committee (*Technischer Ausschuss*, TEA), ter Meer, took the initiative. As the spokesman of the “engineer” contingent, he forced Schmitz, Schnitzler, and Ilgner to bow to the discipline of the management board. In spring 1946, he began composing several memoranda on the history, technology policy, and internal structure of I.G. Farben, which hid their contexts and ties to the Nazi dictatorship. Schmitz and Ilgner were induced to distance themselves from their previous memoranda and backtrack to the “nonpolitical” framework worked out by ter Meer. Schnitzler was even forced to formally retract his memoranda written in the summer and fall of 1945. On a number of occasions, he was on the verge of a nervous breakdown and wrote disclaimers in which he gave the impression that he had failed to perceive the course-setting decisions and developments of the prewar and war years, in spite of his central economic policy functions. When the prosecution, perturbed by the disclaimers, pursued the matter, the cause was quickly revealed. Schnitzler was transferred to a different prison, and he reverted for the most part to his original statements. Schmitz got out of the affair by remaining silent during the trial, and Ilgner alternated during the questioning between denial and confirmation of the statements he had made in the first phase of interrogation.

31 OMGUS: *Ermittlungen gegen die I.G. Farben*, pp. LVIIff.; DuBois: *Generals in Grey Suits*, p. 46f.; Bernd C. Wagner: *IG Auschwitz. Zwangsarbeit und Vernichtung von Häftlingen des Lagers Monowitz 1941–1945* (Munich: Saur, 2000), pp. 301ff.

Main Trial

The main trial began on August 27, 1947, with an opening statement by the chief prosecutor, Telford Taylor. The prosecution team was extremely well prepared, but it encountered a closed phalanx of defense, vigorously assisted by the task forces of I.G. Farben's Upper Rhine and Lower Rhine Groups in Ludwigshafen and Leverkusen. It countered the prosecution, which introduced 2,282 pieces of documentary evidence, 419 affidavits, and 87 witnesses, by producing 4,102 defense documents, 2,394 affidavits, and 102 witnesses who testified on the defendants' behalf.³² Each of the accused had a defense lawyer whom he had chosen, and most of the defendants replaced these lawyers once during the trial. Among them were the highest-profile defense specialists of the main war criminal trials and the previous subsequent trials, including Fritz Derschel and Karl Hoffmann (for Ambros), Alfred Seidl (for Walther Dürrfeld), Ernst Achenbach (for Fritz Gajewski), Hans Laternser (for Ilgner), Hans Pribilla (for Jähne and Lautenschläger), Horst Pelckmann (for Knieriem), Conrad Boetticher (for Krauch), Erich Berndt (for ter Meer), Otto Kranzbühler and Rudolf Dix (for Schmitz), Walter Siemers (for Schnitzler), and Eduard Wahl as special adviser to all the accused. They were supported by up to three assistants, who were executives of I.G. Farben or contract lawyers associated with them. They not only advised the defense team on issues requiring expertise, but also established illegal contacts with I.G. Farben's central archives at the Griesheim plant and with the trial task forces in Leverkusen and Ludwigshafen, in order to buttress the defense strategies by constructing documentary "facts of the matter."

Thus there was a fierce struggle, lasting 152 trial days, regarding the truth of the proceedings. In its course, the external parameters increasingly played into the hands of the defense. When the trial began, the Cold War had just reached its first crisis with the United States' separate reconstruction offer to Western Europe, including the Western zones of occupation (the European Recovery Program, known as the Marshall Plan). And when the trial ended in late July 1948 with the rendition of judgement, the menace of a third world war was looming as a result of the currency reform and the Soviets' reactive blockade of the Berlin

sectors controlled by the Western Allies. Under these omens, the Nuremberg trial seemed increasingly anachronistic, because—by having recourse to the condemnation of wars of aggression under international law—it interfered with the deployment of the west-to-east military-industrial power blocs, which was well under way. The prosecution team, however, did not allow itself to be impressed by that. In particular, Josiah E. DuBois, the head of the prosecution, showed plenty of backbone. He was undeterred by the fact that one of the judges had inquiries made to learn whether he was a “Jew,” or that he was denounced as a supporter of “Communist party doctrine,” or that the conservative U.S. media complained about the presence of “too many Jews” on the prosecution team.³³

Nevertheless, the accusations that were brought forward had to be at least rebutted or put into perspective, and that was not an easy task in light of the damning documentary evidence presented and Schnitzler’s decision to stand by his restored statements. In its general approach, the defense built onto the depoliticized structural description of I.G. Farben that ter Meer had already provided in 1946. With that as a basis, the defense constructed general facts of the case that boiled down to blaming the undeniable matters of fact on the political/governmental central authorities, alleging that they had forced the corporation’s leaders to take part in the arms programs on penalty of ruin and under personal threats, misused them to prepare for war, and compelled them to accept larger and larger contingents of forced laborers in plant workforces. Thereby, the defense continued, Farben’s leaders lost all other options for action and found themselves in a crisis situation that grew increasingly acute for the duration of the war. There remained only the opportunity to prevent the worst excesses and improve the lot of the forced laborers who were compelled to work at the plants.

On the basis of this general approach, the defendants, the defense lawyers, and the Leverkusen and Ludwigshafen task forces that did the groundwork for their assistants then constructed detailed scenarios to counter the specific accusa-

32 On this and the following, cf.: *Das Urteil im I.G. Farben-Prozess*, pp. 3ff.; *Trials of War Criminals: The Farben Case*, Vol. 7, pp. 7ff.

33 DuBois: *Devil’s Chemists*, pp. 68, 193; OMGUS: *Ermittlungen gegen die I.G. Farben*, p. LVI.

tions.³⁴ The charge of complicity with the concentration camp doctors and their barbaric human experiments was countered by witnesses for the defense in support of the accused representatives of the pharmaceutical division (Hörlein and Lautenschläger), using a well-orchestrated allegation: that the delivery of medications and vaccines to the concentration camps had been stopped as soon as their use for nonstandard purposes became known. The defendants Hörlein, Mann, and Wurster denied the accusation of connivance regarding the deadly use of the insecticide Zyklon B, saying that as members of the managing board, they had had no insight into the business practices of Degesch, which were controlled by Degussa, and that there also had been no significant increase in turnover due to the improper use of the insecticide in the concentration camps. Finally, there was an especially ambitious attempt to present correspondingly doctored documents in corroboration of the well-orchestrated statements about the dating of the decision to build the Monowitz plant. That was intended to create several impressions: that the Auschwitz location had been forced on the I.G. Farben management; that the management, at the time of the decision, had not taken into consideration the existence of the neighboring concentration camp and its pool of workers; and that the management had attempted to improve the lot of the concentration camp prisoners who were forced upon the firm by introducing extensive compensatory benefits with regard to food, clothing, and housing.

These defensive maneuvers did not go unchallenged. In particular, the surviving concentration camp prisoners, forced laborers, and prisoners of war made statements in emphatic opposition. More than 60 of them, during the investigations, had told about their experiences and made affidavits for the record. In addition, 25 traveled to Nuremberg and testified before the tribunal as witnesses for the prosecution. They included 16 former prisoners and forced laborers, as well as 7 British POWs, who had been exploited by the construction management and plant management of I.G. Farben's Monowitz plant. Most of them were interrogated in direct and cross-examination during November 1947. In particular, the

34 On the following, cf. Max von Schinkel, hearing of witness, April 30, 1948. Archiv des Fritz Bauer Instituts, Nürnberger Nachfolgeprozess Fall VI, Protocol of the Main Trial (= Prot.) (g), reel 058, Vol. 36a, pp. 13247–13269; OMGUS: *Ermittlungen gegen die I.G. Farben*, pp. LVIIIff.; Wagner: *I.G. Auschwitz*, p. 303f.

accounts of the surviving concentration camp prisoners Grégoire Afrine,³⁵ Berthold Epstein,³⁶ Philippe Pfeffer,³⁷ Felix Rausch,³⁸ Ervin Schulhof,³⁹ Jan Stern,⁴⁰ Ernest Tauber,⁴¹ Noack Treister,⁴² Rudolf Vitek,⁴³ Robert Elie Waitz,⁴⁴ and Norbert Wollheim⁴⁵ and the former POWs Charles Joseph Coward,⁴⁶ Leonard Dales,⁴⁷ Eric James Doyle,⁴⁸ Robert William Ferris,⁴⁹ and Charles Hill⁵⁰ changed

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- 35 Gregoire M. Afrine, hearing of witness, November 14, 1947. Archiv des Fritz Bauer Instituts, Nürnberger Nachfolgeprozess Fall VI, Prot. (e), reel 005, Vol. 11, pp. 3855–3873, or Prot. (g), reel 050, Vol. 11a, pp. 3880–3899.
- 36 Berthold Epstein, hearing of witness, November 18, 1947. Archiv des Fritz Bauer Instituts, Nürnberger Nachfolgeprozess Fall VI, Prot. (e), reel 005, Vol. 12, pp. 3986–3992, or Prot. (g), reel 050, Vol. 12a, pp. 4011–4019.
- 37 Philippe Pfeffer, hearing of witness, November 17, 1947. Archiv des Fritz Bauer Instituts, Nürnberger Nachfolgeprozess Fall VI, Prot. (e), reel 005, Vol. 11, pp. 3907–3920, or Prot. (g), reel 050, Vol. 11a, pp. 3934–3946.
- 38 Felix Rausch, hearing of witness, November 13/14, 1947. Archiv des Fritz Bauer Instituts, Nürnberger Nachfolgeprozess Fall VI, Prot. (e), reel 005, Vol. 11, pp. 3753–3778, or Prot. (g), reel 050, Vol. 11a, pp. 3777–3804.
- 39 Ervin Schulhof, hearing of witness, November 12, 1947. Archiv des Fritz Bauer Instituts, Nürnberger Nachfolgeprozess Fall VI, Prot. (e), reel 005, Vol. 11, pp. 3600–3611, or Prot. (g), reel 050, Vol. 11a, pp. 3621–3633.
- 40 Jan Stern, hearing of witness, November 12, 1947. Archiv des Fritz Bauer Instituts, Nürnberger Nachfolgeprozess Fall VI, Prot. (e), reel 005, Vol. 11, pp. 3663–3678, or Prot. (g), reel 050, Vol. 11a, pp. 3687–3702.
- 41 Arnest Tauber, hearing of witness, November 7 and 12, 1947. Archiv des Fritz Bauer Instituts, Nürnberger Nachfolgeprozess Fall VI, Prot. (e), reel 005, Vols. 10 and 11, pp. 3535–3596, or Prot. (g), reel 049, Vol. 10a, and reel 050, Vol. 11a, pp. 3555–3618.
- 42 Noack Treister, hearing of witness, February 26, 1948. Archiv des Fritz Bauer Instituts, Nürnberger Nachfolgeprozess Fall VI, Prot. (e), reel 008, Vol. 22, pp. 7697–7732, or Prot. (g), reel 053, Vol. 22a, pp. 7815–7849.
- 43 Rudolf Vitek, hearing of witness, November 18, 1947. Archiv des Fritz Bauer Instituts, Nürnberger Nachfolgeprozess Fall VI, Prot. (e), reel 005, Vol. 12, pp. 3957–3985, or Prot. (g), reel 050, Vol. 12a, pp. 3984–4011.
- 44 Robert Elie Waitz, hearing of witness, November 14, 1947. Archiv des Fritz Bauer Instituts, Nürnberger Nachfolgeprozess Fall VI, Prot. (e), reel 005, Vol. 11, pp. 3779–3808, or Prot. (g), reel 050, Vol. 11a, pp. 3804–3834. On Robert Waitz, see also the biographical entry at http://www.wollheim-memorial.de/en/robert_waitz_19001979.
- 45 Norbert Wollheim, hearing of witness, November 13, 1947. Archiv des Fritz Bauer Instituts, Nürnberger Nachfolgeprozess Fall VI, Prot. (e), reel 005, Vol. 11, pp. 3700–3718, or Prot. (g), reel 050, Vol. 11a, pp. 3724–3742. On Norbert Wollheim, see also the biographical entry at http://www.wollheim-memorial.de/en/norbert_wollheim_19131998.
- 46 Charles Joseph Coward, hearing of witness, November 13, 1947. Archiv des Fritz Bauer Instituts, Nürnberger Nachfolgeprozess Fall VI, Prot. (e), reel 005, Vol. 11, pp. 3679–3691, or Prot. (g), reel 050, Vol. 11a, pp. 3702–3715. On Charles Joseph Coward, see also the biographical entry at http://www.wollheim-memorial.de/en/charles_joseph_coward_19051976.
- 47 Leonard Dales, hearing of witness, November 13, 1947. Archiv des Fritz Bauer Instituts, Nürnberger Nachfolgeprozess Fall VI, Prot. (e), reel 005, Vol. 11, pp. 3692–3699, or Prot. (g), reel 050, Vol. 11a, pp. 3715–3723.
- 48 Eric James Doyle, hearing of witness, November 17, 1947. Archiv des Fritz Bauer Instituts, Nürnberger Nachfolgeprozess Fall VI, Prot. (e), reel 005, Vol. 11, pp. 3920–3927, or Prot. (g), reel 050, Vol. 11a, pp. 3946–3953.
- 49 Robert William Ferris, hearing of witness, November 14, 1947. Archiv des Fritz Bauer Instituts, Nürnberger Nachfolgeprozess Fall VI, Prot. (e), reel 005, Vol. 11, pp. 3830–3844, or Prot. (g), reel 050, Vol. 11a, pp. 3854–3867. On Robert William Ferris, see also the biographical entry at http://www.wollheim-memorial.de/en/robert_william_ferris_1921.

the atmosphere of the trial. Brutal reality, exemplified by Auschwitz and Monowitz, returned to the courtroom: the undescrivable working conditions of the construction and transportation detachments, which moved at a quick pace and were constantly goaded to hurry up; the bullying done by the I.G. Farben master craftsmen and foremen, who sought to outdo the cruelties perpetrated by the SS guard forces; the chronic hunger, the constant ill-treatment, and the overcrowded barracks of the Monowitz camp; the horror of the labor education camp (*Arbeitserziehungslager*); and the periodically repeated selections, which took place before the very eyes of the employees of I.G. Farben and the plant manager, Walther Dürrfeld, to keep the number of workers out sick as low as possible. The defense had little with which to counter these harrowing testimonies and the statements of the former prisoner functionaries about the numbers of victims. During the cross-examinations, the defense lawyers concentrated on relativizing the joint responsibility of I.G. Farben's construction and plant management by offering evidence of inconsistencies between affidavits and testimonies, but refrained from aggressive challenging of the statements in their entirety. In November 1947, time seemed to stand still in the Nuremberg courtroom. The parties to the case and the courtroom audience saw the inferno pass by very close to them. The authenticity of the horror was so overpowering that the cross-examinations grew increasingly intense. Who would have been willing to question, for example, the account of Norbert Wollheim, who was separated from his wife and 3-year-old son at the ramp in Auschwitz in March 1943 and, along with 220 Berlin deportees who were deemed fit for work, was taken directly to Monowitz, survived the tortures of a transportation detachment, went to a welders' detachment in fall 1943, and worked with British POWs to put together a survival network, in order to be able to tell about the inferno later and call to account those who were responsible?

In the battle against many other charges, too, the strategies of the defense team were largely built on sand. Apart from the Zyklon B issue, the prosecution counsel succeeded in picking to pieces the self-serving allegations of the defendants in the cross-examinations, uncovering the fictitious facts of the case as

50 Charles Hill, hearing of witness, November 14, 1947. Archiv des Fritz Bauer Instituts, Nürnberger Nachfolgeprozess Fall VI, Prot. (e), reel 005, Vol. 11, pp. 3845–3853, or Prot. (g),

developed on the basis of deliberately withheld documents, and proving what prodigious energy the firm had exerted before and during the Four-Year Plan period to promote a war scare, a “Krieg in Sicht” perspective. Especially convincing, in addition, was the successful rebuttal of the self-serving attempts at justification with regard to the medical experiments and use of forced labor, attempts that involved the submission of additional documents in the final phase of the trial.⁵¹ Although the specific professional background of its members made it difficult at first for the prosecution team to forgo action against the firm as a collectively acting entity—an approach familiar from antitrust proceedings—and instead impute individual responsibility for the elements as was mandated by the criminal action, overall it did an excellent job of holding its ground.

Verdict

On May 28, 1948, the main trial ended, after 152 days in court. In contrast to the procedure in the other subsequent trials, however, the judges took two months to reach a verdict. The reasons for the lengthy deliberations are not known, but substantial differences of opinion probably were the underlying cause. These conflicts, to be sure, were played down in the rendering of the verdict, when Judge Paul M. Hebert voiced his dissent for the record with only a brief comment,⁵² but they were significant, according to the credible disclosures of DuBois, the chief prosecutor in the Farben case. Therefore it seems improper that historical scholarship has thus far neglected or even kept completely quiet about the actual splitting of the court into distinct majority and minority currents.⁵³

On July 29 and 30, Military Tribunal VI announced its verdict. Because Hebert cosigned it despite his reservations, the majority opinion of Judges Shake and

reel 050, Vol. 11a, pp. 3868–3897.

51 Archiv des Fritz Bauer Instituts, Nürnberger Nachfolgeprozess Fall VI, Prosecution Document Book (= PDB) 93 and 94.

52 *Das Urteil im I.G. Farben-Prozess*, p. 151f.

53 This is also true of GDR scholarship, whose authors, in their highly charged historico-political characterizations, obviously were bothered by the existence of the minority vote. In the documentation of the I.G. Farben Trial edited by Hans Radandt, both the short version and the later long version of Judge Hebert’s opinion on count 3 were omitted without comment. See Hans Radandt, ed.: *Fall 6. Ausgewählte Dokumente und Urteil des IG-Farben-Prozesses* (Berlin: VEB Deutscher Verlag der Wissenschaften, 1970).

Morris obtained legal force immediately.⁵⁴ With regard to counts 1 and 5 (preparation of a war of aggression and conspiracy against peace), on which the judges had indicted all the defendants, they bowed to the arguments of the defense and pronounced all the accused men not guilty. I.G. Farben, the judges found, had indeed been a major factor in the preparation and waging of the war, but none of its managers belonged to Hitler's circle of decision-makers who planned and implemented the wars of aggression. Even Krauch, despite his importance to the arms industry, was only a subordinate, marginal figure, and even his activity report for April 1939 did not indicate that he had been an accomplice or accessory to a concrete plan of aggression against a specific or probable foe. All in all, the prosecution's attempt to prove that the accused had knowledge "that rearmament was a component of a plan of aggression or had as its aim the waging of wars of aggression"⁵⁵ met with failure. Consequently, no joint conspiracy against peace could be imputed to them, either. Hebert also voted for acquittal, but for different reasons, and announced that he would file his dissenting opinion at a later date.

On the other hand, the court found the charge that I.G. Farben managers had appropriated private property in the occupied territories and thus violated Article 46 of the Hague Convention (count 2: plundering and spoliation) to have been proven on several points. In Poland, they had attempted to acquire permanent possession of chemical companies, and the facilities of the Wola and Winnica dye factories had been dismantled and brought to Germany. Further, in the capital increase for Norsk Hydro, the pre-emptive rights of the French shareholders had been denied, and the management of Norsk Hydro had been forced into a participation in Nordisk Lettmetall S/A. The founding of Francolor S/A and the liquidation of the dye plants not included in it also had been accomplished forcibly, the court found. For their active part in these crimes, the nine defendants Schmitz, Schnitzler, ter Meer, Ilgner, Bürgin, Häfliger, Jähne, Oster, and Kugler were pronounced guilty.

Then the court turned to the three elements of crime for count 3 (crimes against humanity and slave labor). Here all three judges found it had been proven that

54 *Das Urteil im I.G. Farben-Prozess*, pp. 1ff.; the English original is reproduced in: *Trials of War Criminals: The Farben Case*, Vol. 8, pp. 1081ff.

the accused had not been accomplices or accessories to the mass murders and medical experiments in which supplies of Zyklon B and medications made by Degesch or I.G. Farben were used. The Degesch management board members Hörlein, Mann, and Wurster had, in contrast to Degussa, no decisive influence on business policy and therefore could not have realized the murderous use to which a portion of the Zyklon B shipments would be put. Equally erroneous, the court believed, was the assumption of complicity between Hörlein, Lautenschläger, and Mann and the concentration camp doctors and their criminal actions, because they had discontinued the shipping of medications as soon as "the suspicion of illegal or unprofessional conduct by the doctors arose"⁵⁶ in the pharmaceutical departments of I.G. Hoechst and I.G. Leverkusen.

In contrast, there were majority and minority votes on the verdict regarding another crime with which the defendants were charged: recruitment of foreign forced laborers, prisoners of war, and concentration camp inmates for use as slave labor. Shake and Morris, the representatives of the version of the verdict that became final, found credible the arguments of the accused and their defense team that they had found themselves in a real crisis situation: The labor deployment authorities of the Nazi dictatorship had forced the Farben managers to accept a growing number of slave laborers in order to carry out the armament programs dictated to them by the regime. This emergency left them no alternatives for action, because if they had made a stand against the production programs and the use of slave labor as required by these programs, this would have "been treated as treasonous sabotage" and given Hitler the opportunity "to make an example of a key figure at I.G. Farben."⁵⁷ Nevertheless, in accordance with the verdicts in the Flick and Röchling proceedings, there was a need to consider whether the accused, in so doing, had also developed initiatives of their own that went beyond what was absolutely necessary. In fact, this was so in the case of I.G. Auschwitz and Fürstengrube, the court held. Admittedly, the initiative for the establishment of the Auschwitz plant had emanated from the Reich, but the I.G. Farben management selected the site while taking into account the availability of concentration camp labor. Further, the concentration camp prisoners were not

55 *Das Urteil im I.G. Farben-Prozess*, p. 38.

56 *Das Urteil im I.G. Farben-Prozess*, p. 112.

forced on the firm, and the concrete conditions of the deployment of prisoners ruled out any plea of acting under superior orders (*Befehlsnotstand*). Therefore the executives immediately in charge of the site—Ambros, Bütetisch, and Dürrfeld—as well as the supervisory board/TEA members Krauch and ter Meer must be held accountable.

Still remaining was count 4 (membership in the SS). Here the judges concluded unanimously that punishment must be meted out only to those SS members who voluntarily sought their membership and committed crimes against humanity or war crimes in the capacity of active accessories or perpetrators. The court held, however, that this did not apply to the three defendants Christian Schneider, Bütetisch, and von der Heyde. Schneider merely paid membership dues. Bütetisch was pressed by Brabag manager Fritz Kranefuss into honorary membership in the Circle of Friends of the Economy, or *Freundeskreis Himmler*. Apart from that, he had substantiated that his preferments were negligible, the court held, stating also that the fact that he along with Schmitz had remitted RM 100,000 annually since 1941, as argued by the prosecution, could in no way imply knowledge of the “criminal intents or actions of the SS.”⁵⁸ Finally, von der Heyde, the court found, had belonged only to the SS mounted unit, the *Reitersturm*, which the International Military Tribunal had not classified as criminal, and he obviously had been automatically promoted to the rank of SS-Hauptsturmführer in this context. Thus, in all three cases, membership in a criminal organization had not been proven and the defendants in question were to be acquitted. From today’s perspective, this consideration of evidence seems particularly grotesque. The basis for it, however, was the fact that the prosecution had missed the controversial connections of Schneider, who was the chief security officer (Hauptabwehrbeauftragter) and an official Gestapo agent, and his deputy von der Heyde to the Reich Security Main Office (Reichssicherheitshauptamt, RSHA), with which they had collaborated in the policing and oppression of the plant workforce and of the forced laborers in particular. Moreover, the role of the Circle of Friends of the Economy was still unexplored in 1948, and it had been suc-

57 *Das Urteil im I.G. Farben-Prozess*, p. 116.

58 *Das Urteil im I.G. Farben-Prozess*, p. 146.

cessfully downplayed by the defense lawyers in the Flick trial; it was the verdict reached in that trial which Military Tribunal VI invoked as a precedent.

Next, on July 30, came the convictions. Thirteen defendants received prison sentences and 10 were acquitted. The stiffest sentences were given to Ambros (8 years), Dürrfeld (8 years), Krauch (6 years), and Bütefisch (6 years) because of their responsibility for the exploitation and inhumane treatment of concentration camp prisoners at Farben's Auschwitz plant. For their participation in the confiscations of property in the occupied territories, Schnitzler (5 years), Schmitz (4 years), Ilgner (3 years), Oster (2 years), Häfliger (2 years), Jähne (1 year and 6 months), and Kugler (1 year and 6 months) were made accountable. The only defendant who was found guilty and sentenced on the two sanctioned counts 3/C (I.G. Auschwitz) and 2 (plundering and spoliation) was Fritz ter Meer (7 years), the strategic brains behind the defense.

The glaring shortcomings and argumentative weaknesses of this verdict are revealed in a comparison with the minority opinion of Hebert and the alternate judge Merrell, who was not entitled to a vote. According to the account published by DuBois, the chief prosecutor, Hebert and Merrell were in opposition to Shake and Morris and had formulated a comprehensive opinion by the end of 1948.⁵⁹ Because Hebert put a dissenting opinion on record at the sentencing only with regard to count 3/C (slave labor and I.G. Auschwitz), only this portion became part of the official documentation of the trial proceedings.⁶⁰ Subsequently, however, Hebert and Merrell also seriously questioned the acquittal on the historically decisive counts 1 and 5 (preparation and waging of wars of aggression and acting in a conspiracy against peace), and it is principally for this reason that the reasoning of the outnumbered minority should be prevented from falling into oblivion.

When working through the trial documents again, Hebert and Merrell realized that the management of I.G. Farben had shared substantial responsibility in preparing for and unleashing the wars of aggression. Krauch's position inside the planning apparatus had been anything but peripheral, and his statements under cross-examination regarding developments in the last months before the war had

59 Excerpts published in DuBois: *Generals in Grey Suits*, pp. 347ff.

60 *Trials of War Criminals: The Farben Case*, Vol. 8, pp. 1307ff.

not been taken into account in the majority opinion. Krauch at least should have been convicted of crimes against peace, Hebert and Merrell believed, finding extraordinarily damning the energy with which he and the Farben leaders had rearmed Germany, in defiance of economic considerations, "in a warlike atmosphere of emergency and crisis."⁶¹

The verdict on count 3/C (slave labor) also set other standards. Hebert put on record in December 1948 that the management board members and plant managers of I.G. Farben had pursued, at their own initiative, an active policy of acquiring and exploiting forced laborers, and that this in no way applied exclusively to the Auschwitz plant but to the entire operation. Further, at no time did an emergency situation exist, because there were clear alternative courses of action. Instead, Hebert asserted, the I.G. Farben managers had used their powers and their influence at all corporate levels to acquire foreign forced laborers, prisoners of war, and concentration camp prisoners and use them for carrying out the unilaterally agreed-upon production programs. In particular, he said, the eight plant managers Bürgin, Gajewski, Hörlein, Jähne, Kühne, Lautenschläger, Schneider, and Wurster had been accomplices in the German slave labor program, but the management board members who were not plant managers and did not participate regularly in the TEA meetings were also complicit in the crimes.

For DuBois, Sprecher, and Minskoff, this minority opinion brought a belated sense of satisfaction, because they viewed the sentences as suitable at most for penalizing chicken thieves or negligent drivers who had injured a pedestrian.⁶² The opinion rendered by Hebert and Merrell would undoubtedly have been more appropriate to the outcome of the trial, and as authors of the majority opinion they would have set a signal subjecting the actors in the bipolar arms race and new war scares to substantial pressure to justify their actions. Because Merrell had no vote, however, they remained in the minority. Precisely for this reason, the opinions of the dissenters, too, should be considered in a historical review of this trial. The trial could have ended quite differently, and its outcome was attributable not to the inherent necessities of the Cold War, but to the actions of in-

61 Cited in DuBois: *Generals in Grey Suits*, p. 349.

62 DuBois: *Generals in Grey Suits*, p. 339.

dividuals who in a contingent event were prevented from bucking the trend and setting new standards.

On the other hand, the men who had been called to account could no longer make sense of their world, and this applied equally to those who were convicted and those who were acquitted. They were in deep turmoil, although they had escaped a grave verdict by a narrow margin. Their self-confidence was shaken, and their hopes for a smooth change of roles that would assign them the position of a junior partner at the Americans' side were dashed. Added to that was the bitterness of being put under the spotlight of prosecution while thousands of other co-perpetrators from lower levels—directors, authorized signatories, and top managers—now could concentrate unchallenged on rebuilding and on their careers. But the need to offer explanations to friends and family members was formidable. After his sentencing, Ambros wrote an extensive memoir in which he added several more constructions to those developed during the trial, in an effort to justify the Auschwitz plant.⁶³ Lautenschläger was embittered, feeling that his initial trust of the Americans had deceived him and the plant management of Hoechst had left him in the lurch, and he processed the events by writing anti-Semitic tirades of hate in his diary.⁶⁴ Fritz ter Meer, after being taken to the Landsberg prison for war criminals, suffered a nervous breakdown. He wrote a statement in which he accused his junior colleagues on the management board of having forced through the Auschwitz project against his will, and he tried in vain to have appeal proceedings instituted.⁶⁵ Krauch wrote extensive memoirs, which primarily served the purpose of justifying himself to his family members. The proceeding and the verdicts were the subject of controversial public discussion. As the radio stations and newspaper editorial offices were still under the censorship of the military governments, purely factual reporting was dominant, while the commentators were clearly restrained in their assessments and possible critical considerations. Only on the left and left-liberal fringes of the print media was criticism offered: Not altogether wrongly, these writers pointed to the

63 Raymond G. Stokes: "Von der I.G. Farbenindustrie AG bis zur Neugründung der BASF (1925–1952)." In: Werner Abelshauser, ed.: *Die BASF. Eine Unternehmensgeschichte* (Munich: Beck, 2002), pp. 221–358, here p. 343f.

64 Stephan H. Lindner: *Hoechst. Ein I.G. Farben Werk im Dritten Reich* (Munich: Beck, 2005), p. 355f., p. 439 (note 26).

65 Lindner: *Hoechst*, p. 357.

fact that Military Tribunal VI actually revoked the preambles of several Allied laws and decrees intended to decartelize I.G. Farben, because it had acquitted the defendants of shared responsibility for the war policy of the Nazi dictatorship. In fact, the economic elites in the Western occupation zones promptly took advantage of this state of affairs to intensify their opposition to the American plans for liquidating I.G. Farben.⁶⁶ But the chemical industry, too, saw its chance. Step by step, it reintegrated the acquitted men and the I.G. Farben managers gradually released from the Allied prisons into its boards of directors and executive boards. In addition, at the moment of the Western Allies' withdrawal from I.G. Farben's supervisory bodies, it launched a journalistic offensive that fundamentally called into question the legal construction of the Nuremberg trials.⁶⁷ These attempts at de-construction extended into the 1960s in the gutter press,⁶⁸ but at no time did the economic elites on the Rhine manage to free the I.G. Farben complex and its liquidation company, established in the meantime, from the "whiff of guilt" that had been established by Case VI despite the unsuccessful majority verdict.

At the beginning of 1951, the sentences of the last few convicted men still in prison were commuted by Allied High Commissioner John McCloy, and they were released. Even after that, they did not stop justifying their deeds in private and in public, and they enjoyed the appearance of rehabilitation, which resulted from their integration into the economic rebuilding. Nevertheless, the trial had marked a break, reminding them and the non-sanctioned co-perpetrators and jointly responsible individuals of the past transgressions. Neither the euphoria of the "economic miracle" nor the revisionist propaganda of the economic elites could undo the factuality and the enormous consequences of the symbiosis between

66 Cf. Gottfried Plumpe: *Die I.G. Farbenindustrie AG. Wirtschaft, Technik und Politik 1904–1945* (Berlin: Duncker & Humblot, 1990), p. 756f. On the breaking up of I.G. Farben, see in particular: Peer Heinelt: "The Decartelization and Postwar History of I.G. Farbenindustrie AG," Fritz Bauer Institut / Goethe Universität Frankfurt am Main: Norbert Wollheim Memorial 2010, http://www.wollheim-memorial.de/files/1067/original/pdf_Peer_Heinelt_The_Decartelization_and_Postwar_History_of_IG_Farbenindustrie_AG.pdf.

67 The first and also course-setting publication was the work of Knieriem, one of those acquitted in Nuremberg, and Eduard Wahl, a law professor who worked as coordinator of the overall defense: August von Knieriem / Eduard Wahl: *Nürnberg. Rechtliche und menschliche Probleme* (Stuttgart: Klett, 1953).

I.G. Farben's management and the Nazi dictatorship. Even more than the other subsequent Nuremberg trials, Case VI created the prerequisites for a medium-term process of democratization, which in the mid-1960s began contributing to the mental surmounting of the Nazi dictatorship. It found its expression in the fact that quite a few sons and daughters, as well as nephews and nieces, of the I.G. Farben managers became active in the student movement and rebelled against their fathers and uncles. Only now did the Farben management finally resign. That much we can glean from a nostalgic documentation of the lives of 161 I.G. Farben managers published in 1990: "The tragedy of the former I.G. Farben figures, however, was and is not having been vilified and humiliated by hostile foreign countries and sentenced by a victors' tribunal, but having to experience similar things in their own country, particularly at the hands of the postwar generation."⁶⁹

(Translated from German by Kathleen Luft)

68 A typical example was presented by Werner-Otto Reichelt in collaboration with Manfred Zapp: W[erner]-O[tto] Reichelt: *Das Erbe der IG Farben*, in collaboration with Manfred Zapp and with an introduction by Dr. Franz Reuter. (Düsseldorf: Econ, 1956), ch. 2, pp. 45ff.

69 Jens Ulrich Heine: *Verstand & Schicksal. Die Männer der I.G. Farbenindustrie A.G.* (Weinheim: VCH Verlagsgesellschaft, 1990), p. 295.