

## Forced to join the Waffen-SS? Chief pharmacist Victor Capesius (1907–1985) and his role in Auschwitz concentration camp

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Received April 15, 2021, accepted May 25, 2021

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Pharmazie 76: 455-460 (2021)

doi: 10.1691/ph.2021.1070

Victor Capesius (1907-1985) attained sad fame as chief pharmacist in the Auschwitz concentration camp. After the war he outlined himself as a victim of his time and claimed to have been forced into the Waffen-SS as a so-called Romanian “Volksdeutscher” (ethnic German). But does this claim stand up to critical scrutiny? What was his actual role in Auschwitz, how did his life develop in the postwar period, how did he himself evaluate his actions in the Third Reich, and to what extent do self-image and historical facts coincide? These are precisely the questions that this article explores. The study is based on primary sources from various archives. These are supplemented and compared with the existing literature on Capesius, the role of pharmacists in the Third Reich, and the Auschwitz concentration camp.

The analysis shows that Capesius was not only complicit in the criminal acts in the concentration camp, but directly involved in the systematic killing of thousands of Jewish people – among other things, by dispensing Zyklon B and phenol and by the lethal selection of people at the ramp. The alleged compulsion to join the Waffen-SS, on the other hand, cannot be substantiated. After 1945, Capesius was imprisoned twice by the Allies, but only charged in the first Auschwitz trial in the 1960s. Despite a guilty verdict, he was released from prison as early as 1968. At the end of his life, Capesius could look back on a successful career as a pharmacist and businessman in Germany. At no time did he come to a self-critical evaluation of his role in the Third Reich.

### 1. Introduction

The term “Auschwitz” is indelibly linked to the history of the Holocaust and developed into the killing site of almost one million European Jews (Wachsmann 2015). But it also documents the eponymous trial that first revealed the criminal structures and suffering within the camp to a world audience in the 1960s. Previous historical research has established that approximately 8,000 SS men and 200 SS supervisors worked in Auschwitz and its subcamps and thus contributed to this systematic “killing machinery” (Lasik 1999).

It could also be established that different medical specialties were involved in the crimes of National Socialism, especially in the concentration camps. This also applies to the profession of pharmacists. Belinda Klausning’s (2013) historical revision was the first to show the participation of pharmacists in the SS and the concentration camps. Her work has also identified research gaps that remain to be filled – such as prosopographical and individual biographical studies of pharmacists to reflect the nature and extent of their involvement in crimes.

Paul Milata (2019) systematically studied Romanian ethnic Germans, many of whom entered the German Reich during World War II and served in the *Waffen-SS*. His work provides a comprehensive insight into the political-military processes between the German Reich and the Romanian government – including recruitment efforts, collusions, and individual motivations.

One of the ethnic German Romanians who moved to the German Reich to serve in the *Waffen-SS* was pharmacist Victor Capesius (1907–1985). He worked in the rank of a *Sturmbannführer* (equivalent to a major of the army) in the SS pharmacy at the Auschwitz concentration camp. Capesius, dubbed the “Pharmacist of Auschwitz”, came to public attention primarily through the works of Schlesak (2006) and Posner (2017), which contributed significantly to the unraveling of his biography. The “confusions”

in his biography were created by Capesius himself; Posner aptly noted in this regard: “Writing about a man who spent more than half his life buying his past through distortions and lies was no easy task” (Posner, 2017, p. 201). The present article also aims to contribute to this “unraveling” by reflecting on key stages of his life before and after the war. Special attention will be paid to Capesius’ entry into the *Waffen-SS* and the question to what extent it was compulsory.

### 2. Investigations and results

This paper is largely based on primary sources from the Federal Archives Berlin (formerly Berlin Document Center), the Hessian State Archives, the Federal Archives Ludwigsburg, the State Archives Ludwigsburg, the Federal Archives of Bayreuth and the Bayer-Archives Leverkusen. These include the SS-Officer file and denazification files on Capesius as well as documents from the First Auschwitz Trial in Frankfurt am Main.

In addition, a reanalysis of the relevant secondary literature on Capesius, the role of pharmacists in the Third Reich, and the Auschwitz concentration camp was conducted – with the aim of complementing or contrasting the primary sources and revealing possible inconsistencies.

#### 2.1 Biography until 1943

Victor Ernst Capesius was born on February 7, 1907 in *Reußmarkt* (Miercurea Sibiului) in the region of Transylvania (Romania) into a Protestant family. He was the son of the physician and public health officer Dr. Victor Capesius, who also ran a pharmacy, and his wife Rosa, née Beer. The couple had three other children, Alvyll (†1942), Rosa, and Alfriede. Victor Ernst Capesius spent the first two decades of his life mainly in the Transylvanian region, the center of his social and educational life: he attended elementary

school in *Reußmarkt* from 1913 to 1917. According to his own statement, his family fled to Upper Hungary during World War I and returned in 1918 after the annexation of Transylvania to Romania. He attended high school in *Hermannstadt* (Sibiu) until 1925. Afterwards he went to the King Ferdinand I University (Universitatea Regele Ferdinand I) of *Klausenburg* (Cluj-Napoca) to study pharmacy, where he graduated in 1930 (*mag. pharm.*). In 1931, Capesius and his brother Alvy took over the pharmacy “Zur Krone” in *Schäßburg* (Sighisoara), which they had inherited from their uncle. But Capesius’ further professional career was interrupted by his call-up to Romanian military for general conscription in the very year. There he served as *Apotheker-Oberleutnant* (pharmacist lieutenant) and, by royal decree, was part of the military reserve from February 1932. After this one-year intermezzo, he was given “administrative leave” from military service to study chemistry at the University of Vienna in Austria. There, he was a doctoral student at the Pharmacognostic Institute of Professor Dr. Richard Wasicky (1884–1970). In November 1933, he received his doctorate (*Dr. phil.*) with a thesis on “Chenopodium oil”. At the beginning of 1934, Capesius completed a three-month training course as a pharmaceutical sales representative at the company “ROMIGEFA” S.A.R. in Bucharest – the Romanian subsidiary of German Bayer-Leverkusen, IG Farben. Capesius was to be employed there for a total of ten years. In the meantime he also worked temporarily (1939–1940) for the *Klausenburg* site of Bayer-Leverkusen until its liquidation in 1940. On January 28, 1934, he married the Austrian pharmacist Dr. phil. Friederike (Fritzi) Hermine Karoline Bauer (\*8.11.1907), whom he met during his studies at the Pharmacognostic Institute in Vienna. According to Capesius’ statement (1965) his wife was half-Jewish – her father, the advocate Friedrich Bauer, was a Jewish convert. A year after their marriage, the Capesius couple became parents of their first daughter (Melitta), followed by the birth of two more girls in 1936 (Ingrid) and 1940 (Christa). Once again during World War II, for the period of one year (1941–1942), Victor Capesius joined the Romanian military – this time as a senior pharmacist and then, from January to June 1942, in the rank of a *Hauptmann* (captain) in the military hospital in *Schwarzwasser* (Cernavodă) in Romania. Immediately thereafter, Capesius held a *Unabkömmlichstellung* (indispensable status), requested by the “ROMIGEFA” for the Bucharest company location, meaning that he could not be called up for military service. However, this status was revoked in August 1943 by a German commission responsible for economic relations. So Capesius was “drafted” in 1943 (Capesius 1947; Capesius 1953–68; ROMIGEFA 1927–40; Garweg and Leimkugel 2020; Posner 2017; Gross and Renz 2013a,b; Naumann 2013; Werle and Wandres 1997).

## 2.2 Joining the *Waffen-SS* and the question of “coercion”

According to his own slightly varying statements (1947), Capesius was “compulsorily drafted”, “commanded” or received a “draft order” into the *Waffen-SS* in 1943 for the duration of the war (Capesius 1947). He also noted (1959) that he was mustered for military service in the *Wehrmacht* (German Army) and thereupon involuntarily assigned to the SS (Capesius 1959–62; Langbein 1995). What these statements have in common is the aspect of compulsion to which Capesius was allegedly subjected – and which was subsequently adopted uncritically in research. In addition, it has been collocated that Capesius was drafted due to an agreement between the German Reich and the Romanian government (Gross and Renz 2013a,b; Naumann 2013). Thus, his forced conscription into the *Waffen-SS/Wehrmacht* and the agreement between the two governments require closer examination:

On May 12, 1943, a written agreement was reached between the German Reich and the Romanian government on the conditions under which ethnic Germans from Romania could be legally recruited by the *Waffen-SS*. In the Romanian version of the agreement, the erroneous designation *armata germana SS* (German Army SS) was used as a literal translation of *Waffen-SS* – this

error was not corrected by the German side, possibly for tactical reasons, in order to enable recruitment to the *Schutzstaffel* (SS) and the German Army (*Wehrmacht*). First recruitments of foreigners for military organizations of the German Reich already took place in Romania between October 1939 and June 1940 (so-called *1000-Mann-Aktion*); later, these recruitments were to be officially taken by the aforementioned agreement and resulted in a mass recruitment of about 50,000 ethnic German Romanians for the Third Reich. The agreement explicitly provided for the voluntary enlistment of recruits, for which the following characteristics were envisaged: being of German origin, having reached the age of 17 (on April 1, 1943), and having a low military rank (officers were excluded). Accordingly, direct compulsory transfer from the Romanian army or the performance of Romanian military service in the German Reich was not envisaged, nor was the forced recruitment of Romanian citizens (Milata 2019). With these stipulations, Capesius did not belong to the group of people targeted by the agreement, and furthermore, the voluntary basis of recruitment was established by law. Those who were allowed to be recruited had to present a certificate of voluntary enlistment after their physical examination, which then had to be certified by representatives of the Romanian side. Permission for the transfer of (reserve) officers like Capesius, who were excluded from the agreement, was only possible by special authorization from the Grand General Staff (*Großer Generalstab*) (Milata 2019; Reiser 1993; Schuster 1987). Accordingly, it would have required some effort for Capesius to join the *Waffen-SS*, which was in contrast to a “passive” enlistment with no leeway.

Nevertheless, it must be acknowledged that, in practice, the aforementioned parameters of recruitment were extended in places, especially in terms of how individuals were persuaded to join German military; the agreement did not impose any restrictions in this regard, so that all means of communication and advertising could be used. The Romanian state administration objected to the expansions of recruitment parameters, but did not strictly pursue them in order to prevent political discord with the other party of the agreement. Accordingly, although the recruitments were legally carried out under the premise of voluntariness, they were also factually handled as conscription into the German military. This “handling” was particularly evident in the wording of advertising measures, which could take on the ductus of a conscription order (Milata 2019). Capesius cited one such example in 1947: an advertising leaflet entitled “*Wir treten an!*” (“We line up”, dated November 1943) that circulated in his home country. It stated that officers, physicians and pharmacists of all year classes would be detached to *Waffen-SS* and *Wehrmacht* in Germany (Capesius 1947). Even if Capesius declared this leaflet to be a conscription certificate, it was merely the result of the publicity measures that were deliberately used by the German side to attract a large number of people to the German Reich. There is no doubt that in this context many addresses may have taken such contents as an actual conscription – especially young recruits. It is very questionable whether this was true for Capesius. In view of his status as a soldier with many years of experience, studied pharmacist and trained pharmaceutical representative, this view seems improbable, especially since his status enabled him to obtain information as to whether and how the forced transfer to the German Reich could be averted.

There are no statements by Capesius that he tried in any way to “resist” a forced transfer. Only Karl Heinz Schulery, military priest of the Romanian army, who knew Capesius, later testified (1964) that he was classified as an officer and was also forced to be transferred from the Romanian to the German military by the mentioned agreement. Unlike Capesius, Schulery even goes so far as to claim that he appealed to his Romanian General to allow at least the officers, including Capesius, to remain in the Romanian army, but this was refused. This is precisely what makes his statement untrustworthy. Schulery’s claim is in contrast to the stated requirements, interests and goals of the agreement between the German Reich and Romania. Capesius, on the other hand, never stated that he had resisted the alleged compulsion in any way; he

only ever referred to the agreement, suggesting an inevitable and universal situation of compulsion (Capesius 1947; Schlesak 2006). There were undoubtedly a number of passive and active measures on the part of the recruiters to achieve their goals. The fact is, however, that the majority of Romanian Germans “voluntarily” joined the *Waffen-SS* in 1943. It can be assumed that Capesius’ motives, as with many other Romanian Germans, were of a pragmatic nature – such as the unattractive prospects of serving (again) in the Romanian army, which had a bad reputation due to quality of training and violent treatment of soldiers (Milata 2019; Posner 2017). Romania had suffered high casualties at the front, Capesius’ entry into the Romanian army might have meant front-line service – and he could also observe the high number of Romanian ethnic Germans who transferred to the German military in the meantime. In contrast, the German Reich was fighting on several fronts and a German victory promised civic and cultural allegiance (Reiser 1993). Compared to the service in the Romanian army, the German Reich seemed to offer better prospects in other respects as well, like career opportunities, financial improvement and support of relatives. At that time, Capesius was a 36-year-old husband and family father of three daughters (between 3 and 8 years old). Financial security as such was probably not the trigger for Capesius, because from the time he joined the company until the liquidation of the Bucharest branch in August 1944, he continuously received a salary from IG Farben (in 1939 per month: 30,000 Romanian Lei, equivalent to 1,000 Reichsmark) – i.e. also during his entire time in the German Reich (in 1943 per month: up to 100,000 Romanian Lei, equivalent to 1,600 Reichsmark) (Capesius 1953-68).

It must have been around July 1943 when Capesius arrived in Vienna to the assembly point of the *SS-Ergänzungsamt Südost* (SS Supplementary Office Southeast). There, all arrivals were subjected to a muster by an SS commission and then placed in appropriate SS training and spare units (Milata 2019; Langbein 1995). First Capesius was at the Berlin *SS-Führungshauptamt (SS-FHA)*, the central administration office of the *Waffen-SS* to which the medical service was subordinate. There he was promoted to *Hauptsturmführer der Waffen-SS* (SS-Captain) on August 1, 1943, by adjustment of rank (Capesius 1943-45). According to Capesius’ statement and in line with the Nazi racial ideology, Capesius received the racial evaluation “Osttyp” (“eastern racial type”) (Capesius 1947). Due to the fact that he was not classified as “Aryan” and because of his Romanian citizenship, he could not become a member of the SS and was assigned to the *Waffen-SS* as foreign volunteer; accordingly, he did not receive an SS number (Capesius 1943-45; Capesius 1947). He then completed a one-month training course at the *SS-Sanitätszweiglager Warschau* (Warsaw SS medical branch camp) for service as a pharmacist of the *Waffen-SS*. After a brief recall to Berlin, he was assigned for six weeks on September 24, 1943, as deputy to the head of the *SS-Sanitätszweiglager Dachau* (Dachau SS medical branch camp) (Klausing 2013); branch camps served as support of the *SS-Hauptsanitätslager* (main SS medical camp). In November 1943, he was then in Oranienburg near Berlin at the *SS-Wirtschafts- und Verwaltungshauptamt* (SS Economic and Administrative Main Office), which was largely responsible for the organization of the concentration camps. The last facility where Capesius was active was the Auschwitz concentration camp where he worked as head of the SS pharmacy until its evacuation in January 1945 (Gross/Renz 2013a; Gross/Renz 2013b).

### 2.3. SS pharmacy and activities at Auschwitz concentration camp

Of 13 central camps established by the end of the war, the Auschwitz concentration camp was one of the few that had additionally a pharmacy. More precisely, there were two pharmacies in Auschwitz: a SS pharmacy, which served to supply the prisoners and SS personnel, and a military hospital pharmacy to supply the SS front-line fighters. The SS pharmacy in Auschwitz functioned as the central camp pharmacy and was responsible for the main camp in Auschwitz and all subsidiary ones (Klausing 2013).

It is still unclear from when Victor Capesius worked in the SS pharmacy of Auschwitz – 1943 or 1944 (Naumann 2013). It can be assumed that he was already in Auschwitz at the end of 1943 (Schlesak 2006), various witnesses reported having seen or met him during this time, e.g., a SS member stated that he met Capesius at the Christmas party in the camp (Gross and Renz 2013a; Lasik 1997). Capesius, on the other hand, repeatedly stated that he had not been to Auschwitz until 1944. However, his statements varied: he once noted February, but also April 1944 as the beginning of his stay (Capesius 1959-62; Gross and Renz 2013a; Klausing 2013). Capesius was assigned to the SS pharmacy in 1943/1944 as the deputy of the pharmacist in charge at the time, *SS-Sturmbannführer* Adolf Krömer (1890–1944) (Langbein 1995). Krömer worked in the pharmacy from November 1941 until he fell ill in September 1943 – according to Capesius he suffered from Angina pectoris (Capesius 1959-62). Five months later, on February 17, 1944, Krömer died and Capesius was put in charge from then on (Lasik 1997; Langbein 1995). Capesius later (1978) claimed that his predecessor has been executed due to defeatism (Schlesak 2006), but Krömer’s death certificate, discovered in 2010, proves that he died of cardiac infarction (Kellerhoff 2010).

During his time in the SS pharmacy, a total of twelve people were subordinate to Capesius, including prisoners who had been trained as pharmacists or druggists (Capesius 1959-62; Klausing 2013; Schlesak 2006). Capesius was responsible for monthly orders of pharmaceutical products from the *SS-Hauptsanitätslager* in Berlin, which was headed by Karl Blumenreuter (1881–1969). Blumenreuter was the leading pharmacist of the SS and in this position primarily responsible for the pharmaceutical-technical equipment and supplies of the concentration camps (Schmidt et al. 2018).

The equipment of the SS pharmacy also included Zyklon B and phenol. The trade name Zyklon B (prussic acid) assigned a poison gas originally developed for vermin control, which was first used “on an experimental basis” to kill people in Auschwitz in the fall of 1941; subsequently, the use of Zyklon B in Auschwitz (and in other camps) led to the mass killing of people in gas chambers set up specifically for this purpose – from 1942 onwards, several thousand people from all over Europe were murdered in Auschwitz every month (Wachsmann 2015; Kalthoff and Werner 1998).

The request for Zyklon B at Auschwitz was usually passed on by the *SS-Standortarzt* (SS leading physician) to the senior pharmacist, who then requested it from the *SS-Hauptsanitätslager* in Berlin. Capesius received such requests during his time at Auschwitz from Eduard Wirths (1909–1945), who was *SS-Standortarzt* from September 1942 to January 1945. Pharmacists like Capesius were involved in various ways in the targeted mass killing in concentration camps by organizing and managing the Zyklon B (Morsch 2006; Lasik 1997).

In addition to Zyklon B, phenol, a disinfectant used, e.g., in the production of ear drops in pharmacies, also played a lethal role in killing practices in the concentration camps (Wachsmann 2015). Phenol was also ordered by or delivered to the camp pharmacies “by injection” – as stated by Blumenreuter in 1965. In Auschwitz, phenol was used to kill prisoners by injecting the disinfectant directly into their hearts. Blumenreuter testified in this regard that it was clear to him that an application of phenol by injection to humans could be lethal – but he later recanted this statement (Schmidt et al. 2018). Statements by witnesses illustrated that the SS pharmacy in Auschwitz also requested large quantities of phenol and that it was managed there. As senior pharmacist, Capesius must have been aware of the phenol requirements and that the demand had increased strikingly. Moreover, like Blumenreuter, he should have concluded that ampoules “by injection” could have lethal consequences in humans (Naumann 2013; Schmidt et al. 2018).

Beside these pharmacy-specific tasks, Capesius was also active in other ways related to the so-called ramp where deported Jewish people arrived in Auschwitz in rail wagons. People who were deported to Auschwitz and murdered were completely expropriated from their belongings, which became state property after

their death. The possessions thus looted were collected in nearby stock camps (valuables, e.g. made of gold or silver, were forwarded directly to the *Reichsbank*) – for this purpose, a special commando (so-called “Canada Commando”), consisting of hundreds of prisoners, collected and sorted the mass of material goods (Strzelecki 1999; Walter 2007). Medicines or medical equipment from the former property of the deported and murdered people were transferred to the camp pharmacy. Capesius, accompanied by prisoners from the pharmacy, regularly drove an ambulance to the ramp to collect pre-sorted suitcases and materials that were brought to the SS pharmacy for sorting (Capesius 1959-62; Klausning 2013).

Capesius also participated in the so-called selections at the Auschwitz ramp. Arriving deported Jewish people were selected with regard to their ability or inability to work (e.g. due to weakness, age, illness) in the camp. The evaluation of a person as incapable of work meant a death sentence; these people were separated from the others and killed in gas chambers by Zyklon B. These decisions on life and death in Auschwitz were consistently made by SS medical personnel by visual inspection – Capesius was one of these decision-makers. In early 1944, the leading SS physician Wirths ordered that SS pharmacists and SS dentists should also select people at the ramp. The reason was that the camp physicians who were assigned to this task could not fulfill their duties as physicians in Auschwitz because they were almost exclusively occupied with the many arriving transports. According to witnesses, Capesius participated 1944 several times in selections in Auschwitz together with the physicians Josef Mengele (1911–1979) and Fritz Klein (1888–1945). The most perfidious thing about this situation was that Capesius also selected people he knew from his Romanian homeland. As pharmaceutical sales representative for IG Farben he had professional contact with many people – and some of them faced him on the ramp as deported Jews from Transylvania and recognised him (Renz 2014; Gross and Renz 2013b; Klausning 2013; Naumann 2013).

SS medical personnel at Auschwitz also had to be present during the killing procedures in the gas chambers to monitor the process and make sure that the people inside were dead. According to a witness, Capesius was also involved in this (Gross and Renz 2013b; Klausning 2013; Werle and Wandres 1997; Langbein 1995). In addition, Capesius is mentioned in connection with pharmacological experiments on humans; such experiments were conducted at Auschwitz from 1941 to 1944. They were carried out, i.a., by the physician *SS-Hauptsturmführer* Helmut Waldemar Vetter (1910–1949), who was active in various concentration camps and at the same time scientific representative of IG Farben from 1938–1946. During Vetter’s absence, Wirths was responsible for the experiments at Auschwitz; the pharmacological test preparations were consistently provided by IG Farben. Capesius, along with concentration camp physicians, was mentioned in witness reports regarding these experiments; more specific details of his involvement are not available (Mikulski 1967). Capesius’ involvement in the so-called “coffee experiment” in 1944, in which prisoners were killed by an overdose of medication (hexobarbital, morphine) administered to them in a cup of coffee, is also only roughly documented by witness statements; the dispensing of the experimental medication and also the preparation of the coffee are said to have taken place in the SS pharmacy – in Capesius’ presence (Naumann 2013).

On November 20, 1944, Capesius was promoted to *Sturmbannführer der Waffen-SS* (SS-Major) (Capesius 1943–45). Only two months later, the Auschwitz death camp was evacuated and Capesius, together with other SS members, left for Berlin on January 18, 1945 (Gross/Renz 2013a; Gross/Renz 2013b). Nine days later, on January 27, Auschwitz was liberated by the Soviet Army.

#### 2.4. Life and judiciary after 1945

From Berlin, Capesius arrived in Schleswig-Holstein at the end of March or beginning of April 1945, where he was captured by the British on May 3, 1945. A year later, in June 1946, he was released, settled in Stuttgart and enrolled at the local Technical University for Electrical Engineering. Still at the end of 1946, he was again transferred to an internment camp, this time to the American camp

in Ludwigsburg. The reason for this imprisonment was that in the fall of 1946, during a visit to Munich, he was recognised by a former prisoner from Auschwitz, Leon Czekalski, who informed the American military police.

As a result, Capesius was initially detained for about two months in a Munich prison, after which he was transferred to the Dachau internment camp, which was responsible for Nazi war criminals and concentration camp personnel. From there he was finally transferred to the internment camp in Ludwigsburg, where he remained until August 1947 (Capesius 1947; Posner 2017; Renz 2014; Gross and Renz 2013a,b; Langbein 1995). In May 1947, Capesius was charged as one of the main culprits on basis of the “Law for the Liberation from National Socialism and Militarism”. In the trial at the Denazification Tribunal he succeeded in presenting himself as a homeless fugitive, forcibly recruited, penniless, and separated from his family. In particular, the aspect of compulsion regarding his transfer to the *Waffen-SS* in the German Reich brought him the desired success: Capesius’ aforementioned leaflet was accepted as evidence of his forced recruitment to the *Waffen-SS*. It was further established in the trial that he had been deployed under duress solely for the purpose of health care, not for military service. Finally, it was determined that as a pharmacist he had not significantly promoted the “National Socialist tyranny” through his activity. Thus, Capesius was released from internment on August 2, 1947, and the denazification tribunal ruled on October 9, 1947, that he was “not incriminated” (Capesius 1947).

After his release, he took up a job in a pharmacy (*Reitelsberg-Apotheke*) in Stuttgart and did not continue his studies in electrical engineering. He went into business for himself and opened his own pharmacy (*Markt-Apotheke*) in Göppingen on October 5, 1950, around 50 kilometers from Stuttgart. Five years later, he also opened a cosmetics institute (*Cosmetic Dr. Capesius*) near Tübingen, in Reutlingen. According to Capesius, the annual turnover of these two companies in 1959 was around 400,000 Deutsche Mark. In 1953, he filed an application under the *Lastenausgleichsgesetz* (Equalization of Burdens Act) to receive financial compensation for his war-related property losses – namely for several apartments in his property in Romania and the inherited pharmacy of his uncle in *Schäßburg* (Capesius 1953-68).

Capesius’ centre of life had thus shifted to Germany – a return to Romania was no longer an option. One of the reasons may have been the fact that he was sentenced to death in absentia by Romanian military court in *Klausenburg* in 1946/1947; a total of 184 Romanian ethnic Germans were sentenced there (Posner 2017; Schlesak 2006). Two possibilities could have led to Capesius’ death sentence: If he was “forcibly” detached to the *Waffen-SS* by the Romanian military, he could have been sentenced for his activities in Auschwitz, especially participating in the killing of his compatriots; but if he “voluntarily” joined the *Waffen-SS*, the Romanian military could also have sentenced him for desertion. These assumptions still need to be verified.

As early as the 1950s, Capesius made efforts to bring his wife and children from *Schäßburg* in Romania to Germany – via the German Red Cross. It was not until the 1960s, during his time in pre-trial detention, that he gradually succeeded in reuniting his family: his wife came to Germany in 1963, his other two daughters in 1962 (Christa) and 1964 (Melitta). According to his own account, his mother Rosa Capesius was granted entry to Germany in 1958. The family’s emigration had been curbed by the Romanian side, as they were considered to be supporting labor for the country, whereas the emigration of the mother was easier, as she was already receiving a state pension. The decisive factor for the family’s emigration was probably securing his livelihood (pharmacy, cosmetics institute) in Germany during his imprisonment. In fact, his wife took over and managed the businesses (Capesius 1959-62; Capesius 1959-66; Renz 2014; Gross and Renz 2013a,b; Klausning 2013; Schlesak 2006; Langbein 1995).

At that time, however, Capesius was not at liberty but in pre-trial detention. On December 3, 1959, a warrant was issued for his arrest and one day later he was detained in Göppingen. The reason for his custody were the preparations for the so-called Auschwitz Trial in Frankfurt, which stretched over several parts and years in

order to come to terms with the crimes committed in the Auschwitz concentration camp. Capesius was one of 20 people at the First Auschwitz Trial (1963–1965) to be charged, tried and convicted. Capesius spent four years in prison before the trial began and another two years before the verdict was pronounced (Capesius 1959-62; Capesius 1959-66; Renz 2014; Langbein 1995).

During the investigation and trial, Capesius was questioned about his activities as a pharmacist in Auschwitz. He denied all accusations or even involvement in the mass killings: neither would he have had anything to do with killings by Zyklon B (gas chambers), phenol or experiments, nor would he have carried out selections at the ramp. He only admitted that he had picked up medicines and medical equipment from the ramp for the SS pharmacy. Several witnesses (former prisoners and SS members) testified against him, confirming his involvement in the crimes at Auschwitz in various ways and incriminating him; in particular, statements about his selections on Jewish people at the ramp, including those from Transylvania, incriminated him heavily at the trial. Capesius deflected everything and gave various reasons: he suggested that the witnesses had confused him with other SS members (especially with the Romanian-German camp physician Fritz Klein, who had been executed in 1945), he accused the witnesses of lying, and he insinuated that they had been bribed and that a plot had been hatched to incriminate him (Capesius 1959-62; Capesius 1959-66; Renz 2014; Gross and Renz 2013b; Naumann 2013; Schlesak 2006).

Even before the trial began, during the investigation, attempts were made (presumably directed by Capesius) to find witnesses who could exonerate Capesius. Thus the Göppingen friend Hermann Eisler and also his Nuremberg brother-in-law Helmut Ernst made efforts to contact a number of persons to obtain intercessions. The efforts were in vain: none of the persons contacted testified on Capesius' behalf – on the contrary, accusations even arose that witnesses had been bribed to exonerate Capesius. The public prosecutor's office took a critical view of these efforts during the investigations, but refrained from initiating proceedings for favoritism (Renz 2014; Schlesak 2006).

The two-day sentencing on 19-20 August 1965 marked the end of the First Auschwitz Trial and Victor Capesius was found guilty of aiding and abetting communal murder of at least 2,000 people each in at least four cases. Capesius was classified as an accessory (not an accomplice, as no personal interest in the deaths of the selected people was established) and received a prison sentence of 9 years. The testimonies of witnesses concerning his selections at the ramp were decisive. Matters were made worse by the fact that he selected people "known" to him and deceived them about their fatal fate. An additional aggravating factor was that he enriched himself with the assets of the deported and killed people in connection with the material transfers from the ramp to the SS pharmacy. On the other hand, the already discussed aspect of "coercion" – the claim that he was drafted into the *Waffen-SS* against his will and transferred to the concentration camp Auschwitz – was credited by the court as mitigating the punishment.

The 1965 verdict became final in February 1969, but before that Capesius' defense successfully appealed against pre-trial detention on the grounds that there was no flight risk given the limited time he still had to spend in prison to serve his sentence and his stable living conditions in Germany; the time he had spent in pre-trial detention since 1959 was deducted from the sentence he had to serve. Ultimately, Capesius was released from pre-trial detention two and a half years after the verdict was handed down without having to serve a "penitentiary sentence" – he was released on January 17, 1968. After that, he lost his civil rights for five years, was deprived of his doctorate by the University of Vienna, and his license to practice as a pharmacist was revoked (Capesius 1959-66; Renz 2014; Gross and Renz 2013b; Klausning 2013).

After his release in 1968, he worked as an employee at the *Markt-Apotheke* in Göppingen – in the meantime, the business had passed to his wife Friederike who ran it until 1983. She had also opened another pharmacy in 1966. Their daughters were studying (i.e., pharmacy) or had already graduated at this time. Victor Capesius spent the following 17 years in Göppingen until his death on March

20, 1985. On the occasion of the 100<sup>th</sup> birthday of Victor Capesius, a (private) special stamp was produced in Vienna on February 7, 2007, as a tribute to his services and those of his wife with regard to the family pharmacy in Göppingen (Capesius 1959-66; Renz 2014; Klausning 2013; Naumann 2013; a copy of the stamp is available to the authors).

### 3. Discussion

*In dubio pro reo* had to apply to Victor Capesius in many respects in the First Auschwitz Trial: Many accusations, even those that were witnessed, could not be proven beyond doubt. He was eventually found guilty of participating in the killing of 8,000 Jewish people, making the sentence – nine years in prison – seem lenient for the defendant with the highest military rank, all the more because he was already at liberty after two and a half years. It could be argued that Capesius benefited legally from the scale of the Holocaust, because the Code of Criminal Procedure was designed for the trial of individuals, not for the "processing of an overall historical event" – accordingly, the outcome of the Auschwitz Trial was received ambivalently by the public. The selections and killing of people in gas chambers at Auschwitz did not constitute a direct crime, because they were classified as, albeit murderous, "fulfillments of duty". The decisive factor for measuring perpetration was therefore the individual's own initiative, i.e. actions beyond the order, which in Capesius' case was not recognisable beyond the aspect of enriching and deceiving selected people about their fate and was therefore classified as aiding and abetting (Pendas 2013; Werle and Wandres 1997).

Nevertheless, the Auschwitz Trial contributed significantly to making the genocide of the European Jews a public issue and thus to exposing the criminal machinery and the people involved. At the same time, it is sobering to see how strategically the defendants and their defence lawyers dealt with these accusations in the trial, with the sole aim of avoiding punishment (Pendas 2013; Werle and Wandres 1997). Capesius is a prime example of this: from his very first arrests in 1945/1946, he surrounded himself with lawyers and supporters, offered to pay bail and conspired with other defendants to escape justice (Capesius 1947; Schlesak 2006; Langbein 1995). In the end, it was a procedure in which he invested a lot of money and which shaped his life for the next 20 years until the verdict in the Auschwitz trial – and ultimately paid off. He and his family had the necessary financial means for this all these years. He was later accused of having enriched himself at Auschwitz, in particular that he had appropriated dental gold from people who had been killed, which contributed to his wealth. However, this could not be proven in the context of the Auschwitz trial (Renz 2014).

Capesius is definitely remembered as one of the most familiar faces of the First Auschwitz Trial. He was always dressed in dark sunglasses in the courtroom. His behavior was described as superficially polite, but at the same time arrogant, mocking and at times aggressive. This was particularly challenging for the witnesses when they had to face Capesius and to describe the events at the ramp in Auschwitz (Renz 2014; Naumann 2013; Langbein 1995). Throughout, Capesius portrayed himself as an alienated, innocent person forced into a random and hopeless situation – though he repeatedly adjusted his tactics and accents depending on the time and the occasion. He only "remembered" bureaucratic data and facts – mainly aspects and events that were measurable or provable anyway (Naumann 2013; Schlesak 2006; Werle and Wandres 1997). A very similar defense strategy was recently demonstrated for Willi Schatz, who had also worked at Auschwitz – as a concentration camp dentist – and was also a defendant in the Auschwitz Trial (Schwanke and Gross 2020).

In particular, the aspect of "compulsion" is a recurring narrative that Capesius successfully maintained since his entry into the German Reich in 1943. In fact, as explained, it is highly likely that he joined the German Reich and ultimately the *Waffen-SS* of his own volition – perhaps not so much for political or ideological reasons, but rather out of a pragmatic attitude that was due to the living conditions in Romania. Furthermore, it should be noted that Capesius used the discretionary power and room for manoeuvre he

had due to his position at Auschwitz not to save lives, but primarily for self-care.

Besides, Capesius shared three characteristics with many other Nazi perpetrators – especially from the field of the health professions: (1) his trial ended with a comparatively mild sentence, (2) he was able to continue his career in post-war Germany and achieve considerable success, and (3) he did not come to a self-critical evaluation of his role in the Third Reich. On the contrary: During his imprisonment by the Allies after the end of the war, Capesius never tired of claiming that in Auschwitz and in the *Waffen-SS* he had merely fulfilled his duties as a member of the health professions in order to preserve and save human lives – for this he quoted the following passage from the oath he had taken: “In my activity I shall always conscientiously work for the good of suffering humanity, so long as God helps me” (Capesius 1947). To the ears of former Auschwitz prisoners, these words must have sounded like a mockery.

Conflicts of interest: None declared.

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