After the Genocide: Proximity to Victims and Support for Punishing Ingroup Crimes

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November 30, 2022

Abstract

How does proximity to the victimized group affect support for transitional justice among members of the perpetrator group? We study this question in the context of West Germany during the 1960s and examine how proximity to Jews prior to and during WWII shaped support for prosecuting Nazi crimes among German elites and the mass public. First, we link biographical information on Bundestag deputies to roll call voting and find that support for extending the prosecution of Nazi crimes was significantly higher among deputies born in localities with a prewar Jewish community. Second, we show that as the Frankfurt Auschwitz trial increased the salience of Nazi crimes, the SPD – which endorsed full accountability for these crimes – gained in districts with prewar Jewish presence, while parties that resisted transitional justice lost electoral support. Our findings highlight the importance of bystander experiences for shaping views about punishing ingroup perpetrators.

Word Count: 11,963

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We thank Laia Balcells, Ga Eun Cho, Julia Coyoli, Mariya Grinberg, Anton Peez, Daniel Solomon, Jessica Stanton, Dawn Teele, Jason Wittenberg, Ariel White, Bernardo Zacka, and participants in the Harvard Comparative Politics seminar and the Political Science seminar at John Hopkins University for helpful comments. The authors also thank BreAnne Fleer and Johanna Kleibl for excellent research assistance. We are grateful to Daniel Solomon for sharing geocoded data on synagogues in Germany.

1 Introduction

Eight decades after the Holocaust, German prosecutors are racing against the clock to deliver justice to the former guards and administrators at concentration camps, now in their 90s. This hardly seemed possible after WWII, when Germans perceived the Allied efforts to prosecute Nazi crimes as victor's justice (Art 2006, Ch.3). When West Germany regained sovereignty, it provided amnesty for Nazi-era officials and refused to accept the legal precedent set at Nuremberg, treating Nazi perpetrators as common criminals under the penal code. War atrocities were thus subject to the statute of limitations, at 20 years for murder and 15 years for manslaughter. The overrepresentation of Nazi judges in courts ensured that Nazi criminals received lenient sentences or evaded justice altogether.

The domestic consensus that Germans were themselves victims of the Nazi regime and that further trials were unnecessary began to unravel only in the mid-1960s (Art 2006). At this time, the Frankfurt Auschwitz trial publicized gruesome details of Nazi extermination camps and drew attention to the pending expiration of the limitations statute on murder. After intense debates, the Bundestag narrowly approved the statute's extension, first by five years (1965) and then by ten years (1969).[1] The free roll-call votes on the statute revealed considerable variation in support for further trials within and across parties.

Why did some members of the West German parliament push for punishing Nazi crimes while others resisted extending the statute? How did voters respond to parties that advocated greater accountability for past wrongdoing and parties that rejected it? More broadly, what explains the variation in support for criminal trials in cases where an entire nation is complicit in genocide?

These questions lie at the heart of "transitional justice", which encompasses formal and informal procedures designed to bring justice to perpetrators, collaborators, and victims (Kaminski et al. 2006). They are important because addressing the crimes of past oppressive

or violent social orders – through criminal trials, truth commissions, or lustration — affects the quality, legitimacy, and stability of post-transition democratic governance (Bates et al. 2020; Capoccia and Pop-Eleches 2020; Nalepa 2022). Democracies that deal with their violent past appropriately are less likely to slide back into authoritarianism or experience the recurrence of violence (Ang and Nalepa 2019; Gibson 2004).

Building on evidence from West Germany, a paradigmatic case in transitional justice literature (Elster 2004, xi), we highlight an important yet understudied factor in shaping attitudes toward transitional justice among members of the perpetrator nation: proximity to the victims of repression. In regimes motivated by racist ideology, individuals experience authoritarian policies in dramatically different ways based on their racial identity and, crucially, on the demographic composition of their locality. Those who live near the persecuted group are more likely to interact with the victims and witness repression. Seeing their neighbors and acquaintances suffer may increase the willingness to punish ingroup perpetrators after the democratic transition. The opposite effect is also possible. Proximity to repression implicates by association and increases opportunities to benefit from and to participate in state-sponsored violence, which may reduce support for punishing ingroup perpetrators.

We find a positive relationship between proximity to the victims and support for punishing Nazi crimes among both elites and the mass public in West Germany. To study transitional justice attitudes among elites, we collected an original biographical dataset of MPs who voted on the statute of limitations, i.e. all members of the 4th and 5th Bundestag (1961 – 1969). For each MP, we establish whether his or her place of birth had at least one synagogue, a proxy for the visibility of Jews and Nazi repression against Jews. We also coded whether MPs were members of the Nazi Party, experienced Nazi repression, or fought in WWI/WWII.

We find that deputies born in places with a synagogue were about 5 percentage points more likely to support extending the limitations statute in both 1965 and 1969. Conversely,

MPs who were former NSDAP members – one-fifth of all deputies – were about 11 percentage points less likely to vote for the extension of the statute. These results, obtained after controlling for party affiliation, type of mandate, state, and a host of other MP characteristics, are notable in light of the large literature that does not expect MPs' moral considerations and personal experiences to influence their legislative behavior (Sieberer 2010).

Next, we study shifts in electoral behavior after the Auschwitz trial and the Bundestag debate on the limitations statute, the two interrelated events that raised the salience of transitional justice before the 1965 election. Using a difference-in-differences design, we show that the Social Democrats (SPD) – the party unequivocally supportive of transitional justice – gained votes in cities with a pre-war Jewish presence. By contrast, parties that opposed transitional justice (the Free Democratic Party (FDP) and the far-right NPD/DRP) were less electorally successful in counties with synagogues, even as they gained votes in Germany as a whole. We do not detect effects on support for parties that were divided on the issue, such as the Christian Democrats (CDU/CSU). Importantly, we also demonstrate that Jewish presence does not predict support for the SPD or the NSDAP in the 1930s. In short, in cities with a visible Jewish presence before the Holocaust, exposing Nazi extermination policies benefited parties that endorsed transitional justice at the expense of parties that opposed it.

It is critical to understand what factors increase support for transitional justice, and our paper advances the nascent scholarship on this topic. To date, most research has focused on the country-level processes leading to the adoption of transitional justice policies (Sikkink 2011; Subotic 2009; Hopgood 2013) and on their implications for intergroup reconciliation and democratization (e.g., Elster 2004; Capoccia and Pop-Eleches 2020; Ang and Nalepa 2019; Gibson 2004). Only recently have scholars sought to understand the role of individual and communal authoritarian experiences in shaping attitudes toward the past among the mass public (Balcells 2012; Hall et al. 2018; Aguilar et al. 2011; Daly 2018; Capoccia and Pop-Eleches 2020; Penic et al. 2018). We advance this scholarship in two ways. First, in showing that proximity to the victims is important for understanding transitional justice preferences,

we draw attention to ethnic context, which we show matters above and beyond individual status as a victim or perpetrator, which has been the focus of this literature. Second, to our knowledge, this is the first study to analyze variation in support for transitional justice in the legislature. Understanding elite preferences is particularly important because elites decide whether and how transitional justice policies are implemented. Elites are also opinion leaders; their statements and behavior shape public views about transitional justice (Zaller 1992; Art 2006). At the same time, elites in new democracies are often directly implicated in crimes of the old regime. In our dataset, every fifth member of the Bundestag had belonged to the NSDAP, a significantly higher proportion than that among the general population.

This paper also contributes to the broader literature on how *local* experiences with authoritarian repression and its victims shape political behavior and attitudes after the democratic transition (e.g., Rozenas and Zhukov 2019; Homola et al. 2020; Charnysh and Finkel 2017; Zhukov and Talibova 2018; De Juan et al. 2022a; Penic et al. 2018), particularly when made salient through contemporary political discourse (Charnysh 2015; Fouka and Voth 2021; Belmonte and Rochlitz 2019). Echoing our findings, De Juan et al. (2022a) demonstrate that exposure to violence during the death marches reduced voting for right-wing, nationalist parties after WWII in Bavaria, especially in elections where the Nazi crimes were politically salient.

2 Research on transitional justice

One of the key determinants of support for transitional justice in the aftermath of genocide is one's status as a victim, perpetrator, or bystander. Individual and family victimization generally increases support for transitional justice policies, particularly of the more punitive kind (Balcells 2012; Aguilar et al. 2011; Gibson 2004; Nalepa 2010). Victims exposed to more serious crimes are more likely to endorse trials that lead to harsh punishments and to oppose reconciliatory measures, such as forgiveness for perpetrators who come forward

(Samii 2013; Hall et al. 2018). Conversely, sharing social ties and living near perpetrators reduces support for harsh punishments and increases support for restorative justice among victims (Hall et al. 2018).

Attitudes toward transitional justice among perpetrators and bystanders have received less scholarly attention, in part because these groups are more likely to obscure their role in the conflict (Cohen 2001). There is some evidence that members of the perpetrator group consider personal risk: their support for transitional justice decreases with their involvement in the victimization of civilians and their proximity to places where violent acts were committed (Daly 2018). This leads Daly to conclude that transitional justice is "an intimate micro-level [relationship] between former victimizers and victims" (658). Relatedly, Penic et al. (2018) find stronger collective guilt in places with ethnically heterogeneous populations, where individuals learned about outgroup suffering and ingroup atrocities than in places with a homogenous population. There is also evidence that interaction with the victimized population *after* the conflict increases acknowledgment of ingroup responsibility among members of the perpetrator group (Čehajić and Brown 2010).

We build on this work and theorize that support for retributive transitional justice will depend on bystander experiences with the victimized group.

3 Theoretical framework

State repression is commonly demographically targeted: that is, people from specific ethnic, religious, or other easily identifiable demographic categories are subjected to harsher policies (Rozenas 2020). Individuals who do not share these ascriptive characteristics experience the repressive period differently – and thus draw different lessons from the past – depending on whether the targeted group is present in their community. There are several distinct ways in which their experiences will differ from the experiences of individuals whose communities

had no victims, which in turn can shape attitudes towards transitional justice.

First, individuals who live in places where the victimized group is sufficiently numerous and socially integrated are more likely to know victims personally. For them, the targets of state repression are no longer anonymous. Violence that befalls one's neighbors and acquaintances is harder to ignore and will elicit stronger reactions. More importantly, interpersonal contact with the victims increases empathy and facilitates perspective-taking (Pettigrew and Tropp 2008).[2]

Second, individuals who live next to victims may have a greater awareness of the victims' innocence and regime brutality than individuals whose main source of information about the victimized group is state media. Most autocracies tightly regulate information and seek to legitimize their use of repression. They frame the targets of repression as enemies in order to secure the approval of their domestic audience and deter criticism (Josua 2022). In this context, living close to victims can be "the only systematic source of critical knowledge [...] about events of in-group perpetration and out-group suffering" (Penic et al. 2018, 146).

These two channels – familiarity with the victims and a more accurate understanding of repressive policies – suggest that individuals who lived near the victimized population will be more supportive of punishing ingroup perpetrators after the democratic transition.

At the same time, proximity to the victims creates opportunities to benefit from repression and/or implicates individuals directly. In the 1940s, across Central and Eastern Europe, the gentile population in ethnically mixed communities benefited materially from the Nazi repression of Jews (Aly 2006; Dean 2008) and sometimes participated in pogroms against their Jewish neighbors (Kopstein and Wittenberg 2018). These experiences can undermine support for retributive justice through the psychological mechanism of cognitive dissonance (Festinger 1957; Davis and Jones 1960). Having witnessed ingroup members commit violence or engaged in violence directly, individuals may seek to justify their actions or downplay the severity of ingroup crimes to avoid mental discomfort (Branscombe and

Miron 2004, Branscombe et al. 2007). These related processes could produce opposition to retributive justice.

Indeed, the modal response in the aftermath of conflict is blaming the outgroup and denying ingroup responsibility. This is common even in the aftermath of genocide when violence is overwhelmingly one-sided. Research on the legacies of the 'Third Reich' in Poland and Germany finds that proximity to concentration and extermination camps created a backlash effect and bred outgroup intolerance (Charnysh and Finkel 2017, Homola et al. 2020, but see De Juan et al. 2022a).

In line with this discussion, we derive two competing predictions about the effect of proximity to the victimized group on support for punishing ingroup perpetrators:

- H_1: Individuals who lived near the victimized group will be *more* supportive of punishing ingroup perpetrators.
- H_2: Individuals who lived near the victimized group will be *less* supportive of punishing ingroup perpetrators.

We also consider a null hypothesis that proximity to the victims will have no influence on support for transitional justice among bystanders and a related hypothesis that only personal status as a victim or perpetrator matters.

- H_3: Individuals' support for punishing ingroup perpetrators after the democratic transition will depend only on their personal victim/perpetrator status.

Finally, localities where the targeted minority is present may a priori differ in their political predispositions from localities where it is absent, a possibility to which we return in empirical sections.

4 Context: From the Third Reich to the Auschwitz Trial

4.1 Jews and Germans in Nazi Germany

One of the key sources of variation in how gentile Germans experienced the Nazi regime during the 1930s was the presence of German Jews in their locality.[3] At less than 1% of the population in 1933, Jews lived predominantly in urban areas; most were middle-class and secular. Despite their small number, they were highly visible because of their predominance in commerce, and in the free professions such as medicine, law, and journalism. Everyday contact between Jews and non-Jewish Germans was extensive and Jewish intermarriage rates reached 28% by 1933 (Lowenstein 2005, 26).

Starting with Adolf Hitler's appointment as chancellor in January 1933, Jews were gradually stripped of all legal rights and excluded from the public sphere. Stormtroopers and the SS organized multiple boycotts of Jewish businesses, put up anti-Semitic street signs, and desecrated cemeteries. In 1935, the Nuremberg laws were enacted to further marginalize Jews, Roma, and other so-called 'non-Aryan' groups. In November 1938, the Nazi regime set off a coordinated wave of pogroms across the country. During what was later euphemistically called 'Kristallnacht' ('Night of the Broken Glass'), Nazi paramilitaries destroyed 929 synagogues, 7,500 Jewish businesses, and deported up to 30,000 Jewish males to concentration camps (United States Holocaust Memorial Museum 2019). The pogrom marked a turning point; it was the first time Jews experienced outright violence and large-scale incarceration. The following year, Jews were prohibited from using all public facilities and their property was "Aryanized," that is, confiscated.

Growing repression accelerated Jewish emigration. The size of the Jewish minority dropped from 522,000 people in 1933 to just 214,000 in 1939.[4] In September 1941 Jews

were required to wear a yellow star and subjected to forced labor. By May 1943, the remaining Jews were deported to Theresienstadt and Auschwitz and the Reich was declared "free of Jews" (*'judenrein'*). Altogether, about six million Jews were murdered as part of the Holocaust, including about 165.000 German Jews.

Because Jews were so few in number, for many Germans the main source of information about Jews was the media. Although antisemitism had always been present in Germany, the media increasingly justified Nazi policies and blamed Jews for Germany's economic crisis and defeat in WWI after 1933 (Gellately 2001, 6-7). Only Germans who lived near large and active Jewish communities directly observed Nazi policies. Some benefited from the "Aryanization" policies by moving into Jewish apartments and taking over Jewish property, while others sought to help their Jewish friends and neighbors. According to historical sources, both active participation and open resistance to Nazi policies were rare. The vast majority of Germans were mere bystanders (Evans 2005, 542).

German elites who lived in localities with a larger Jewish population may have been particularly likely to interact with Jews, who were over-represented in high-status professions such as medicine or law. Some encounters were mentioned in their biographies. For example, Walter Menzel, SPD member of the Bundestag 1949–1963, worked as a district administrator in Berlin during the Nazi period, administering the assets of many Jewish emigres (Vierhaus 2002). Fritz Sänger (SPD deputy in 1961–1969) worked as a stenographer in Berlin and helped many Jews by hiding them or organizing their escape (Vierhaus 2002).

Eyewitness reports from the *Lebendiges Museum Online* (LEMO), an online portal on German history, suggest that Germans who lived near synagogues quickly realized that the November pogroms were engineered from above. For example, Dorothea Günther (born in 1914) describes her visit to the town square after the November pogrom as follows: "We couldn't believe what we were seeing: the destroyed and looted shops, inside the pale faces of the owners, if anyone showed up at all. Also in the shop we wanted to go to: smashed

shop windows and a devastated interior. SA men stood guard in front of it, legs apart [...] It was actually embarrassing how little I had heard of the situation of the Jews up until then. I later went so far as to feel guilty. The critical thinking that I was proud of seemed to have totally failed." (Günther 2010). Another eyewitness, Cornelie Ziegler (born in 1922) observes that Germans who lived near Jewish communities were aware that the November pogrom did not erupt spontaneously, as claimed in the Nazi propaganda. Ziegler herself learned about the fate of Jewish families through family and school contacts (Ziegler 2018). Wolfgang Findeisen (born 1926) recalled the November pogrom as follows: "The synagogues are burning. Many shops on Prager Strasse have signs saying "Aryanization in progress" - most of the time we didn't know that these shops were owned by Jews." (Findeisen 2000). The image of a burning and vandalized synagogue was mentioned by many others.

4.2 Transitional justice in postwar Germany

West Germany was slow to take responsibility for the Nazi past. The first transitional justice policies were imposed by the occupying powers. The best-known trial took place in Nuremberg from November 1945 to October 1946. Each occupying power also conducted smaller trials within its territory. Germans resented these policies. In 1946, future chancellor Konrad Adenauer (Christian Democratic Union (CDU), 1949-1965) argued that it was time to stop punishing ordinary Germans for the crimes perpetrated by what he considered to be a small group of Nazi fanatics (Art 2006, 50). Shortly after Adenauer's election, a series of amnesty laws were passed to overturn previous sentences. By the 1950s, West German elites converged on the position that Germans were themselves victims of the Nazi regime and that the main perpetrators were already punished (Art 2006, 53–57).

West German jurists – many of whom had been dedicated NSDAP members themselves — insisted on prosecuting Nazi perpetrators under the German penal code as common criminals, rejecting the Nuremberg precedent (Bazyler 2017). Nazi crimes were thus subject

to a statute of limitations. The 1949 constitution set a 15-year limit for manslaughter and a 20-year limit for murder. In May 1960, Walter Menzel of the SPD filed a motion to extend the 15-year limit for manslaughter, but the legal committee of the Bundestag rejected the motion. In 1964, the government announced that it would not extend the statute of limitations on murder, set to expire on May 8, 1965, ostensibly to avoid the Nazi practice of making exceptions to legal principles (NYT 1964).

By the mid-1960s, however, the consensus on forgoing further trials began to unravel. An important milestone was the Frankfurt Auschwitz trial (1963-65), initiated by Hessian Attorney General Fritz Bauer, a Jewish émigré who fled Nazi Germany in 1936 and returned in 1949. The trial involved 22 former SS members who were involved in running the Auschwitz-Birkenau concentration camp. Bringing these perpetrators to trial was anything but easy and ultimately involved "coincidence and luck" (Wittmann 2002, 359) rather than domestic willingness to prosecute perpetrators of genocide. An outspoken critic of the statute of limitations, Bauer argued that because of the time constraints, only 22 out of 800 defendants under investigation were charged (Wittmann 2002, 353). Nearly every newspaper in West Germany, including smaller local papers, covered the trial. A striking 933 articles about the proceedings appeared in the supraregional press (*Die Welt, FAZ, Frankfurter Rundschau, Süddeutsche Zeitung*) in 1963-65 (Pendas et al. 2013, 186). A July 1965 survey by the Institute for Applied Social Science (*Institut für Angewandte Sozialwissenschaft*) showed that 83% of Germans had heard about the trial (Pendas et al. 2013, 186).

As new details about Nazi crimes came into focus, disagreements over how to deal with Nazi crimes emerged both across and within parties. While the opponents of extending the statute of limitations emphasized legal arguments, such as concerns about the retroactive application of justice and lower quality of evidence with the passage of time, the proponents framed transitional justice as a moral decision and emphasized guilt and accountability of all Germans for what had happened.

The SPD perceived continuing to prosecute Nazi criminals as an essential element of democratization. The party submitted motions to the Bundestag for extending the statute of limitations in both 1960 and 1965. Its leader Willy Brandt was close to Bauer and supported the Auschwitz trial. Unlike other parties, the SPD emphasized the collective guilt of all Germans for the Nazi crimes (Pendas et al. 2013, 202). Some SPD members appear to have been influenced by witnessing Jewish suffering in their locality. SPD deputy Adolf Arndt (born in 1904), closed his speech in favor of extending the statute of limitations before the 1965 Bundestag vote with the following reflection:

> Finally, I want to share a personal memory (...) I consider myself guilty. Because I did not go out on the streets and scream when I saw Jews being deported from our community with transport wagons. I did not put on the yellow star and yell: me too! (...) I cannot claim that I did enough. And I'm not sure if anyone can claim he did. But this legacy, this inheritance, does put responsibility on us."[5]

The CDU/CSU was split down the middle. Its liberal wing agreed that all Germans were complicit in Nazi atrocities and endorsed extending the statute of limitations for political and moral reasons. For instance, Ernst Benda argued that "[a] people's sense of justice would be corrupted if the murders had to go unpunished." (Deutscher Bundestag 2017). The party's conservative wing emphasized individual conceptions of guilt and the rule of law instead. For instance, MP Karl Kanka called for a general amnesty for Nazi murderers for "reasons of pacification." (Spiegel 1964). In a letter to *Die Zeit*, Walter Gaßmann, a former NSDAP member, claimed that ordinary Germans did not know about – and thus were not complicit in – atrocities against Jews in the east.[6]

Most members of the liberal Free Democratic Party (*Freie Demokratische Partei, FPD*), the CDU/CSU's coalition partner, disagreed with collective responsibility for the Nazi past and advocated amnesty for war criminals (Pendas et al. 2013, 187). They claimed that extending the statute of limitations on murder would undermine public faith in the rule of

law (Sharples 2004). In the interview with *Der Spiegel* in 1965, the FDP's Ewald Bucher, then the Minister of Justice, explained that Germans "must be prepared if necessary to live with a few murderers" in a rule-of-law state (Sharples 2004, 85). However, a handful of FDP politicians ended up supporting transitional justice.

The strongest opposition to prosecuting Nazi crimes came from the far right, represented by the German Reich Party (*Deutsche Reichspartei, DRP*) and its successor, the National-Democratic Party of Germany (*Nationaldemokratische Partei Deutschlands, NPD*), founded in 1964. The NPD viewed the Auschwitz trial as "national masochism" and argued that Germans were already demoralized and robbed of their national pride (Pendas et al. 2013, 200). In a November 1966 Interview with *Der Spiegel*, Otto Hess – former state chairman of the DRP in Rhineland-Palatinate and a chief ideologue of the NPD at the time of the interview – said he "personally did not feel guilty" for Auschwitz "because guilt is individual." The DRP and NPD elites claimed that the extermination of Jews was a justifiable policy and that the Allies had also committed war crimes (Kühnl 1969, 97).

In March 1965, the Bundestag held a roll-call vote on extending the statute of limitations.[7] At the time of the vote, the majority of Germans (57%) opposed further trials (fn. 1068 in Pendas 2013). Although German MPs typically follow the (formally nonbinding) recommendations by their respective party leaders in roll call votes, in this case they were free to vote according to their own personal conscience ('*Gewissensentscheidung*').[8] They voted 344 to 96 to extend the limit by four years, to December 31, 1969. This was a compromise, justified as resetting the clock to 20 years since the formation of the Federal Republic in 1949, rather than since the end of WWII in 1945. Four years later, in June 1969, the Bundestag held another vote on the limitations statute. As explained by Dr. Adolf Süsterhenn (CDU), "In questions that touch on the conscience – and this really is a question of conscience of the first order – only one thing is necessary: that everyone remains free in his decision and that everyone respects the reasoned opinion of the other."[9] This time the MPs voted 279 to 126 in favor of extending the Statute for an additional ten years. The issue would be revisited

again in 1979 when all time limits on murder would be abolished.

Table 1: Summary of free roll-call votes by party for transitional justice legislation.

Statute of limitations 1965: extend by four years				
Party	Yes	No	Abstained	Total MPs
CDU/CSU	180	37	2	250
SPD	177	0	1	203
FDP	4	59	0	67
Statute of limitations 1969: extend by ten years				
Party	Yes	No	Abstained	Total MPs
CDU/CSU	107	91	3	253
SPD	188	2	1	219
FDP	0	35	1	50

Note: Some MPs did not formally abstain but were not present during the vote, which included those who were sick or absent for other reasons. The far-right parties did not secure Bundestag seats and are not represented.

As shown in Table 1 there were significant differences of opinion *within* parties, and only the SPD consistently supported abolishing limits on prosecuting Nazi crimes. Why did some MPs vote in favor of the statute and others against it? How did parties that unequivocally supported or opposed transitional justice perform at the polls? In the remainder of this paper, we turn to empirically test our hypothesis that proximity to the Jewish victims influenced support for transitional justice among MPs and the mass public.

5 Measurement and Empirical Strategy

5.1 Outcome: attitudes towards transitional justice bills

We test whether Bundestag members' support for transitional justice varies as a function of their personal experiences during the period of National Socialism. We measure transitional justice attitudes among MPs using the roll call votes for the statute of limitations extension bills discussed in Section 4. We use the data collected by Sieberer et al. (2020) as well as

archival records from the 243rd session of the 5th Bundestag (June 26, 1969) to create this variable.[10] As outlined in Section 4, these were free votes, which meant that MPs were not bound to the party line but instead were free to vote according to their moral beliefs. As shown in Table 1, this suspension of party discipline resulted in considerable within-party variation in voting behavior, especially within the CDU/CSU, which was nearly evenly split in support for the statute in 1969.

5.2 Data on MP biographies and wartime experiences

We combine the roll call voting data with detailed biographical information on each MP's experience during the 'Third Reich' coded manually based on the three-volume *Biographisches Handbuch der Mitglieder des Deutschen Bundestages: 1949–2002* (2002) and online sources.[11] Table 2 lists our main variables.

Table 2: Overview of variables coded based on MP biographies.

Variable	CDU/CSU	FDP	SPD
NSDAP member	24.58	45.95	10.93
Jewish presence in home town	61.13	67.57	71.66
WW1 Veteran	12.29	12.16	7.29
WW2 Veteran	59.80	79.73	61.13
WW2 POW	31.89	40.54	33.20
Soviet POW	3.32	5.41	3.64
Repressed or in exile during WW2	9.30	6.76	25.51
Resistance against Nazis	1.00	0.00	7.29
Catholic	60.47	17.57	18.22

Notes: The Table shows the share of MPs with a given characteristic by party (in %).

Exposure to the victimized minority: We proxy for exposure to Jews with the presence of at least one synagogue in an MP's birth municipality (*Gemeinde*) in 1933 (see Figure 1).[12] The data on synagogues and their destruction was compiled by Solomon (2021) based on the Synagogue Memorial Beth Ashkenaz project.

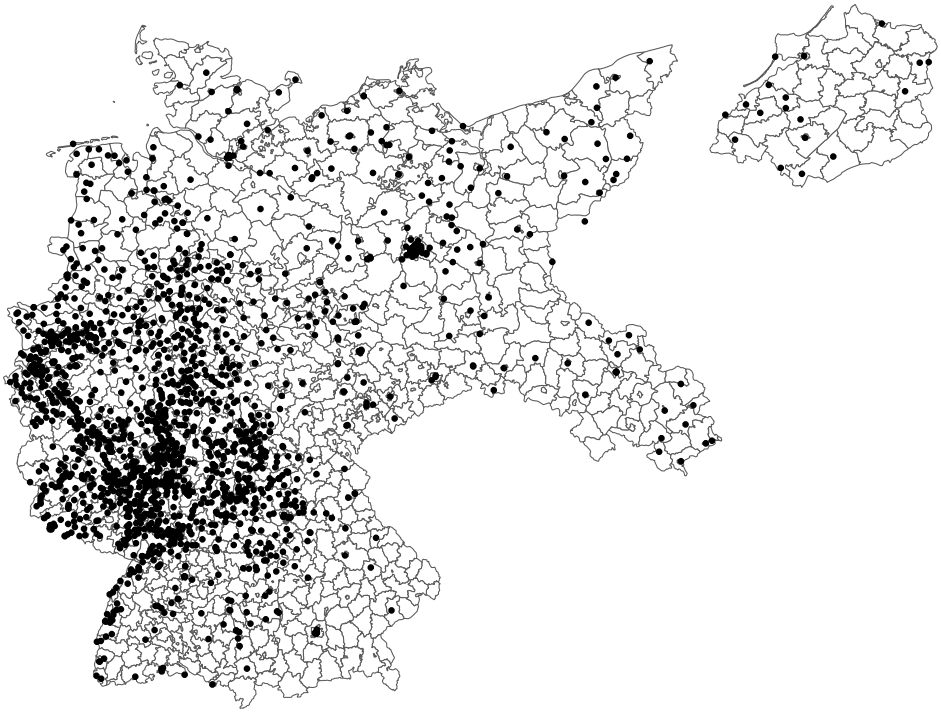
We focus on synagogues for theoretical and practical reasons. First, the Jewish population was much more visible in places that had a synagogue, given the central place that synagogues occupied in Jewish communal and religious life and the very small number of Jews in Germany (at just 1% of the population). As a physical marker of Jewish history, synagogues were frequently vandalized during the Nazi period. The largest attack occurred on "Kristallnacht," when synagogues across Germany burned through the night in full view of local residents. Bystanders recalled the image many decades later (see Section 4.1).

Second, both the 1933 and 1939 censuses only contain demographic information for relatively large municipalities with a population size of at least 10,000. For a large number of MPs born in smaller towns and rural areas, it is thus difficult to establish the exact share of Jews in the locality they grew up in. What is possible to measure with certainty is whether the Jewish community was large enough to have a synagogue. Indeed, we see a clear relationship between the presence of synagogues and the size of the Jewish population across counties: the average number of Jews in counties with a synagogue was more than ten times higher (916) compared to counties without a synagogue (65). The correlation between the number of synagogues and the number of Jews in a given county is high, at $r = 0.77$.[13]

NSDAP Membership: We find that approximately 20% of all MPs in the 4th and 5th Bundestag were former NSDAP members. A few served the Nazi regime in prominent positions. In line with other sources, we find that former NSDAP members were overrepresented in the FDP, at 46% of MPs, and the CDU/CSU, at 25% of all party MPs. By contrast, "only" 11% of SPD MPs were former members of the NSDAP. These percentages are significantly higher than the 7% membership rate estimated for the adult population in 1939.

Veteran status: We also consider the relevance of military service in WWII and captivity. The overwhelming majority (91%) of MPs were men, nearly two-thirds of whom fought in WWII. One-third endured captivity.Individuals drafted to fight in WWII were subjected

Figure 1: Synagogues in Germany 1933.



Note: The map shows the distribution of synagogues in 1933. The data was originally collected by Solomon (2021). See Figure A.2 in the appendix for a map of synagogues that were (not) attacked during the Kristallnacht.

to additional socialization into Nazi values, risked their lives for the 'Third Reich', and were more likely to participate in repression against civilians in occupied territories. This experience could reduce support for punishing Nazi crimes after the war. Some MPs became prisoners of war, experiencing years of captivity and forced labor. German POWs in the Soviet Union were treated particularly poorly.

Nazi persecution: Some MPs were themselves victims of the Nazi regime, which could increase their support for retributive justice. This was often the case for (future) SPD deputies, who opposed the Nazi regime and were affiliated with various left-wing organiza-

tions. Some future MPs were arrested and imprisoned in concentration camps (e.g., Fritz Steinhoff, Georg Stierle). Only 3% of MPs in our dataset were involved in active resistance, and 15% were repressed by the regime and/or had to spend (a part of) the Nazi period in exile. We do not code occasional demotions and employment discrimination as repression because this did not preclude gainful employment during the Nazi era.

Catholicism: We also collected information about MPs' religion (Catholic, Protestant, Unaffiliated, or Other) because religion was an important determinant of Nazi support and exposure to repressive policies in Nazi Germany. In particular, Catholics were less likely to vote for the NSDAP than Protestants, in part because the Catholic clergy criticized Hitler and the NSDAP (Spenkuch and Tillmann 2017). Starting in 1933, the NSDAP began to repress Catholic clergy, interfere with religious activities, and banned Catholic associations. In Bavaria, almost half of all priests experienced Nazi intimidation or violence (Queralt and Peisakhin 2022). Correspondingly, we expect Catholic MPs to be more supportive of punishing Nazi crimes than Protestant or unaffiliated MPs.[14]

Additional MP covariates: We collected information about MPs' gender and year of birth. We note that 90% of MPs who voted on the 1965/69 statute of limitations extension were born before 1926 and thus witnessed the Nazi regime and discrimination against Jews as adults. Figure A.1 presents a histogram of the year of birth of all MPs in our dataset.

Strategic voting incentives: Models of legislative voting behavior expect MPs to care about reelection and furthering their careers within the party, in addition to shaping policy in line with personal preferences. Germany has a mixed-member proportional representation system, with most candidates competing in single-member districts as well as running on party lists. The candidates who achieve a plurality and win district mandates (*Direktmandate*) have more incentives to appeal to their constituencies (Sieberer 2010). Relatedly,

scholars of the Bundestag have argued that in a free vote, when party discipline does not apply, MPs cater to their consistencies because this increases their chances of reelection (Baumann et al. 2015). It is thus possible that MPs' vote on the limitations statute reflects strategic considerations rather than beliefs about transitional justice shaped by Nazi-era experiences. To account for this, we control for (i) the type of mandate MP holds (district vs. list), (ii) whether the MP ran as a dual candidate, and (iii) the closeness of the district race. These variables were coded by Sieberer et al. (2020).

5.3 Estimation

We analyze the roll call voting data using linear probability models of the following form:

$$Y_{i,c,p,s,t} = \alpha_p + \gamma_t + \theta_s + \tau T_c + \beta \mathbf{x_i} + \epsilon_{i,c,p,s,t}$$

where $Y_{i,c,p,t}$ is a binary indicator that equals one for a given MP i of party p if she voted 'yes' on the extension of the statute of limitations in election cycle t (1965 or 1969). Our outcome variable is coded as zero for MPs who explicitly abstained; MPs who did not cast a vote are excluded from the analysis. T_c is a binary variable that indicates the presence of at least one synagogue in the birth municipality c of MP i as of 1933. For our main specification, we include fixed effects for the election period (i.e. bill) (γ_t), party (α_p), and state of birth of each individual MP (θ_s). Because we include fixed effects for the state in which MPs were born, we only leverage relatively local variation in exposure to Jews (e.g. within Bavaria); we do not compare across distant regions (e.g. between Bavaria and Prussia). We also include a series of individual-level covariates $\mathbf{x_i}$ in the model, including all biography covariates listed in Table 2. In addition, we control for year of birth, gender, type of mandate, dual candidacy, and district closeness (see Section 5.2).[15]

Beyond the control variables included in our models, the local presence of Jews might be

correlated with other latent determinants of MP voting behavior. It might be the case, for example, that Jews lived in localities with lower levels of anti-semitism. Likewise, the number of Jews was higher in large cities, which in turn could be correlated with MP ideology. We systematically address such concerns in Section 6.1.

6 Results: vote on extending the statute of limitations

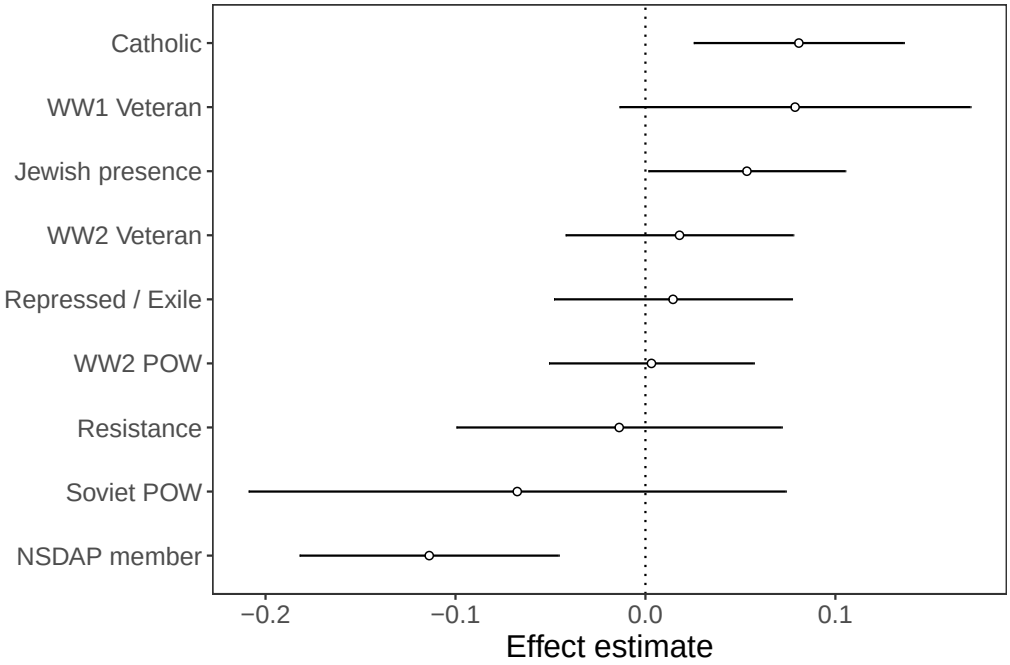
We present our main results in Figure 2. Here we show estimates from our most demanding specification including party fixed effects, state fixed effects, and additional individual-level controls (see Section 5.3). We examine the robustness of our results across a variety of alternative specifications in Table 3. Because all biography covariates and our outcome are binary, the coefficient estimates can be interpreted as expected changes in the probability to vote in favor of extending the statute of limitations for any given characteristic.

Table 3: Authoritarian experiences and support for extending the statute of limitations. Robustness.

	DV: Vote for Statute of Limitations Extension (0/1)					
	(1)	(2)	(3)	(4)	(5)	(6)
NSDAP member	-0.291^{***}	-0.108^{***}	-0.105^{***}	-0.253^{***}	-0.114^{***}	-0.114^{***}
	(0.045)	(0.037)	(0.036)	(0.045)	(0.037)	(0.035)
Jewish presence	0.092^{**}	0.090^{***}	0.050^{*}	0.080^{**}	0.088^{***}	0.053^{**}
	(0.038)	(0.030)	(0.027)	(0.035)	(0.028)	(0.026)
Catholic	0.004	0.064^{**}	0.063^{**}	0.024	0.092^{***}	0.081^{***}
	(0.035)	(0.029)	(0.027)	(0.040)	(0.030)	(0.028)
Party FE	No	Yes	Yes	No	Yes	Yes
State FE	No	No	Yes	No	No	Yes
Covariates	No	No	No	Yes	Yes	Yes
Vote FE	Yes	Yes	Yes	Yes	Yes	Yes
DV mean	0.74	0.74	0.74	0.74	0.74	0.74
DV s.d.	0.44	0.44	0.44	0.44	0.44	0.44
N	888	888	888	888	888	888

Notes: Results from OLS regressions where the outcome is a binary indicator that equals one for MPs who voted for the 1965/1969 statute of limitations extension. The units of observation are individual MPs. Standard errors are clustered by municipality/birthplace. $^{***}p < .01$; $^{**}p < .05$; $^{*}p < .1$

Figure 2: Main results



Notes: The Figure shows OLS effect estimates for MP covariates. The specification includes party fixed effects, state fixed effects, and additional individual-level controls (see Section 5.3). Standard errors are clustered by municipality/birthplace. Error bars indicate 95% confidence intervals.

Three key predictors of support for extending the limitations statute stand out. First, among all variables we consider, prior NSDAP membership is by far the strongest negative predictor, decreasing the probability to vote for the extension by 11 percentage points in our preferred specification (Model 6, Table 3). This finding is consistent with lower support for transitional justice among individuals more implicated in crimes of the old regime.

Second, we find that MPs born in localities with a synagogue are substantially more likely to support extending the statute. Based on our preferred specification, we estimate that local exposure to Jews increased the probability to vote in favor of extension by about five percentage points (Model 6, Table 3). These results remain unchanged when we subset to MPs from the CDU/CSU – the faction with the highest degree of within-party variation (see Table A.5) or exclude expellees (see Table A.6).

Third, Catholic MPs are more likely to support extending the statute of limitations, as

expected. The estimated coefficient is at seven percentage points in the most demanding specification (Model 6, Table 3). Because Catholics also experienced Nazi repression, though to a much lesser extent than Jews, this finding indirectly supports the role of ingroup victimization in shaping opinions about retributive justice (Balcells 2012; Aguilar et al. 2011).

Other aspects of individual experience during the Nazi era do not predict MPs' voting behavior. MPs who were in exile during the war, repressed by the Nazis, or active members of the resistance were not significantly more likely to vote for the transitional justice bills. Note that these null findings might be explained by the fact that most variation in these variables is soaked up by party fixed effects: nearly all MPs whom we identified as members of the resistance, for example, were SPD members (see Table A.10). At the same time, the SPD almost unanimously supported the extension of the limitations statute (see Table 1). We likewise do not find evidence that either WWI or WWII frontline experiences shaped MP attitudes.

6.1 Threats to inference

In this section, we systematically examine a series of alternative explanations. Specifically, we provide evidence that (i) our results are not driven by urban-rural differences, (ii) localities with (without) Jewish presence did not differ in their voting behavior – including support for the Nazi Party – prior to WWII, and (iii) MPs from localities with (without) Jewish presence do not diverge in their roll call voting behavior on bills that do not relate to the Nazi past.

First, the Jewish population was not randomly distributed. Jews were clustered in large cities such as Berlin and Frankfurt (see Table A.2 for the number of synagogues by city). Urban-rural differences, in turn, might be correlated with attitudes toward transitional justice. To address this concern, we conducted three tests. First, we demonstrate in Table A.7 that our results remain unchanged when we control for population size. In addition,

we show that our results remain unchanged when we exclude the largest cities with respect to population size (Table A.8) or the cities with the highest density of synagogues (Table A.9). Finally, we conduct a jackknife analysis and demonstrate that our results are robust to sequentially dropping individual cities from the sample (see Figure A.3). These additional analyses speak against the idea that our main results are driven by urban-rural differences.

Second, we further test for systematic differences in ideology between localities with (without) Jewish presence by examining voting behavior in the 1930s. Perhaps the biggest concern in this regard is that Jewish presence correlates with support for Nazi ideology. It is possible Jews were more likely to settle in places that were less anti-Semitic. If this was the case, we would expect to see systematically lower levels of support for the NSDAP in localities with Jewish presence during the Weimar period. To test this empirical implication, we draw on county-level voting data for the November 1932 German federal election – the last free and fair election before WWII.[16] The results presented in Table 4 show that Jewish presence does not predict electoral support for the Nazi Party, the Social Democrats, or the Communist Party (KPD). Across specifications and parties, the effect estimates are not statistically significant and small in magnitude. While the Jewish population was not evenly distributed across Germany, these settlement patterns were uncorrelated with voting behavior prior to WWII.

Finally, we conduct a placebo analysis to scrutinize the possibility that MPs born in towns with Jewish communities vary in their propensity to deviate from the majority position of their party. If this were the case, we would also expect to see systematic differences in MPs' voting behavior on bills unrelated to the Nazi past as well. Following this logic, we conduct a placebo test using all other roll call votes during our study period. In total, we observe more than 31,000 votes by individual MPs on a total of 60 bills during our study period 1961–1969 (Sieberer 2010). For each bill, we estimate analogous specifications as for our main results including party fixed effects, state fixed effects, and MP-covariates. Our outcome variable is a binary indicator that equals one for MPs who deviated from their respective party line for

Table 4: Jewish presence and voting behavior prior to WWII

	NSDAP		SPD		KPD	
	(1)	**(2)**	**(3)**	**(4)**	**(5)**	**(6)**
Jewish presence	0.842	−0.142	−0.171	−0.419	−0.128	0.049
	(0.886)	(0.902)	(0.640)	(0.579)	(0.475)	(0.458)
State FE	No	Yes	No	Yes	No	Yes
DV mean	34.77	34.77	17.76	17.76	12.31	12.31
DV s.d.	13.44	13.44	9.57	9.57	7.12	7.12
N	923	923	923	923	923	923

Notes: The Table shows the results from OLS regressions where the county-level vote share of the NSDAP/SPD/KPD in the November 1932 federal elections is the dependent variable. We regress the vote share for a given party on a binary indicator for the presence of at least one synagogue in a given county. The units of analysis are counties as of 1933. $^{***}p < .01$; $^{**}p < .05$; $^{*}p < .1$

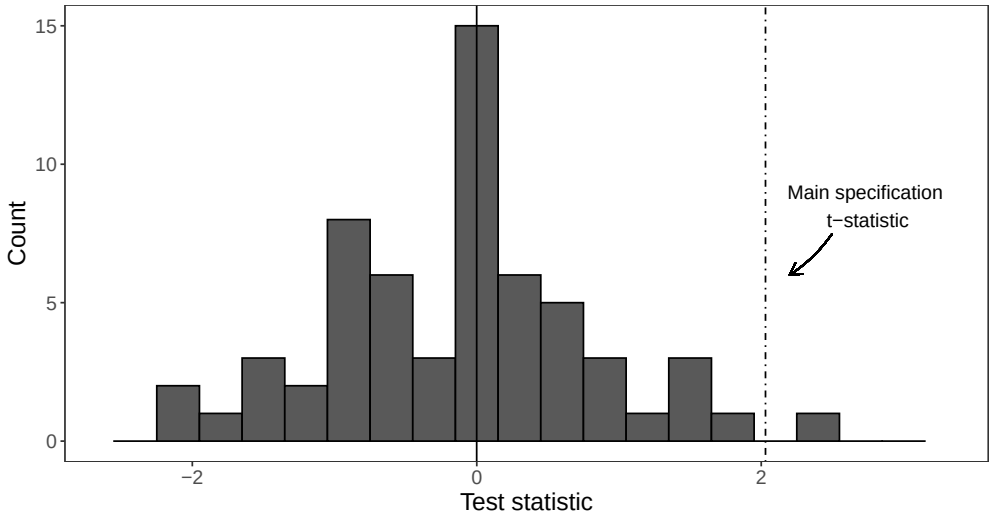
a given bill (see Section A.1.3 for more details). We present the distribution of test statistics across all placebo votes in Figure 3. As we would expect under the null hypothesis, we find that this distribution is centered around zero. The median test statistic across bills is ≈ 0 (solid line in Figure 3). We only find statistically significant effect estimates (t-statistic above 1.96 or below -1.96) for 5% of the bills in our sample. Reassuringly, we thus do not find evidence for systematic differences in deviant voting behavior between MPs with/without pre-war exposure to Jews with respect to issue areas that do not directly relate to the Nazi past.

6.2 Exploring the mechanism

In this section, we conduct additional analyses to explore the mechanisms underlying our main finding – higher support for extending the statute of limitations among MPs exposed to Jewish presence before the Holocaust.

First, we explore whether the patterns in MP voting could be driven by the constituent preferences rather than MPs' own views. To examine this possibility, we reconstructed the borders of Germany's electoral districts (*Wahlkreise*) for the 1961 and 1965 federal elections

Figure 3: Distribution of test statistic across placebo roll call votes



Note: The figure shows t-statistics for the binary Jewish presence indicator across placebo OLS regressions. The outcome is a binary indicator that equals one for MOPs who deviated from the party line in a given roll call vote. Standard errors are clustered at the municipality level. The median test statistic across all placebo specifications is shown as a solid line. The t-statistic for our main specification is shown by the dotted line.

based on maps published by Statistisches Bundesamt (1965) and matched the birthplaces of MPs holding district mandates to their electoral districts. We find that only about one-third of district MPs were born in the district they are representing. Next, we re-run our analysis for the subset of district MPs and add the number of synagogues in each MP's district as an additional predictor (see Table A.3).[17] The effect estimate for this variable is small in magnitude and does not reach conventional levels of statistical significance. By contrast, the estimate for Jewish presence in an MP's birthplace doubles in magnitude when controlling for district characteristics and subsetting to district MPs. These results align with our hypothesis that MP votes on the statute of limitations were influenced by personal experiences.

We argue that MPs vote differently because they were exposed to the victimized minority. This presumes that they were old enough to perceive Jewish presence and comprehend Nazi treatment of Jews. For the 1965 and 1969 votes, the median year of birth is 1911, suggesting that a typical MP grew up prior to the rise of the NSDAP and the intensification of anti-

Semitic propaganda. This means that many MPs may have interacted with the Jewish minority under normal circumstances when Jews were still considered citizens rather than outcasts. These factors likely contributed to their understanding of Nazi crimes against Jews and support for extending the statute of limitations.

As time passed, however, the number of MPs with such experiences dwindled. When the Bundestag returned to the issue of extending the statute of limitations in 1979, its members' median year of birth was 1929. These deputies had only fleeting experiences with Jews in Weimar Germany and were educated in the Nazi system; Nazi propaganda may have had greater sway over their perception of the victimized group than the experiences with actual Jews, who were now excluded from social and economic life and emigrating in large numbers. Among this group, we expect being born in a place with a synagogue to be less predictive of views on transitional justice. This is indeed what we find when we examine the 1979 vote on abolishing the statute (see Table A.4). In the full sample, the coefficient estimate for Jewish presence is small and insignificant. When we divide the sample into MPs born before and after 1929 (median), we find a positive effect estimate within the subset of older MPs. The effect estimate is of similar magnitude as for the 1965/69 votes, though not significant. The point estimate for the group of younger MPs – i.e. those MPs who had fewer experiences with the Jewish minority – is negative, small in magnitude (≈ 0), and not significant. These additional results align with our theoretical framework that links personal experiences with Jews to support for transitional justice.

Exposure to the victimized group measured by the presence of a synagogue in one's hometown is a bundled treatment: MPs who grew up in places with a synagogue had greater contact with the Jewish minority and witnessed greater repression against Jews following Nazi takeover. Although we cannot separate the effects of intergroup contact from the effects of witnessing repression against one's neighbors, we can get some leverage on the relative importance of these two factors using data on the destruction of synagogues during the "Kristallnacht" (Solomon 2021), which appears to have left particularly vivid impression

on German bystanders (see Section 4.1). Over two-thirds of municipalities with a synagogue experienced an attack. This enables us to disaggregate our treatment variable into (i) *synagogue present but not attacked* and (ii) *synagogue present and attacked*.

Table 5: Synagogue attacks and support for transitional justice

	DV: Vote for Statute of Limitations Extension (0/1)					
	(1)	(2)	(3)	(4)	(5)	(6)
Synagogue: attacked	0.115***	0.092***	0.046*	0.076**	0.083***	0.047*
	(0.041)	(0.030)	(0.027)	(0.036)	(0.029)	(0.027)
Synagogue: not attacked	0.118*	0.126**	0.098*	0.114*	0.127**	0.093*
	(0.068)	(0.052)	(0.052)	(0.068)	(0.058)	(0.055)
Party FE	No	Yes	Yes	No	Yes	Yes
State FE	No	No	Yes	No	No	Yes
Covariates	No	No	No	Yes	Yes	Yes
Vote FE	Yes	Yes	Yes	Yes	Yes	Yes
DV mean	0.74	0.74	0.74	0.74	0.74	0.74
DV s.d.	0.44	0.44	0.44	0.44	0.44	0.44
N	888	888	888	888	888	888

Notes: Results from OLS regressions where the outcome is a binary indicator that equals one for MPs who voted for the 1965/1969 statute of limitations extension. The unit of observation is individual MPs. Standard errors are clustered by municipality/place of birth. ***p < .01; **p < .05; *p < .1

The results of this analysis are presented in Table 5. The coefficients on each component of the treatment are positive and significant. The point estimate for the presence of a synagogue that was not attacked is slightly larger, suggesting that having a Jewish community in one's hometown was sufficient for increasing MPs' support for extending the statute of limitations. An important caveat when interpreting these results is that even when the synagogue was not attacked during the November pogrom, the local Jewish community experienced various forms of repression both during and after "Kristallnacht"; furthermore, the attacks are endogenous to our primary variable of interest: the size and visibility of the Jewish community (Solomon 2021).

7 Voting behavior after the Auschwitz Trial

So far we have found evidence that exposure to victims of Nazi violence increased support for punishing Nazi crimes among German legislators. Next, we investigate how voters responded to parties' divergent positions on transitional justice, laid bare during the Bundestag debate over the limitations statute, at the time when the Holocaust was salient in political discourse due to the widely publicized Frankfurt Auschwitz trial (1963–65). While the CDU/CSU was divided internally, other parties – SPD, FDP, and NDP – adopted clear-cut positions in favor of or against dealing with the Nazi past (see section 4.2). Against this background, we examine whether proximity to Jews increased into increased electoral support for parties that unequivocally supported transitional justice. If proximity to Jewish communities increased empathy toward Jews and support for trying Nazi perpetrators, we would expect a disproportionate increase in support for the SPD – the party most critical of the Nazi regime and unequivocally supportive of transitional justice – in places with Jewish communities after the Auschwitz trials. Conversely, we expect to see a decrease in support for the FDP, and especially for the NPD – the two parties most critical of transitional justice.[18]

7.1 Data and Empirical Strategy

To test these empirical implications, we obtained county-level electoral returns for the West German federal elections in 1953, 1957, 1961, and 1965 from the *Bundeswahlleiter* (see Table A.10 for summary statistics). To examine electoral shifts after the Auschwitz trials, we estimate a series of two-period difference-in-differences models of the following form:

$$Y_{c,t,p} = \alpha_c + \gamma_t + \beta T_c \times \text{post}_t + \epsilon_{c,t,p}$$

where $Y_{c,t,p}$ vote share of party p in county c at time t. The terms α_c and γ_t denote unit and time fixed effects, respectively. T_c is a binary treatment indicator. In line with our analysis of the roll call voting data, the treatment is defined as the presence of at least one synagogue in a given county as of 1933. We are interested in estimating β: the effect of Jewish presence before the Holocaust on the vote share of party p after the Auschwitz trial. This parameter gives us the divergence in the level of electoral support for different parties in counties with and without Jewish communities between different election periods. We use standard errors clustered at the county level for all inferences in this part of the analysis.

Before moving on, we note two features of our empirical strategy. First, we conduct our analysis within the subset of 136 'city-counties' (*Stadtkreise*, see Table A.12 for a complete list).[19] We focus on cities rather than the full sample of counties because our identification assumptions are more likely to hold within this subset. As the Jewish population was concentrated in cities rather than the countryside, comparing votes for urban and rural counties would conflate trends in places with synagogues and trends in urban areas. We note that our substantive conclusions remain unchanged when we conduct the analysis in the full sample of counties (see Table A.11). Second, we recognize the downsides of using two-way fixed effects estimators in panel settings with more than two periods (Imai and Kim 2021). We, therefore, adopt a conservative approach and do not pool more than two periods in a single model; all of our federal election voting analyses are based on two-period panels covering consecutive election periods.

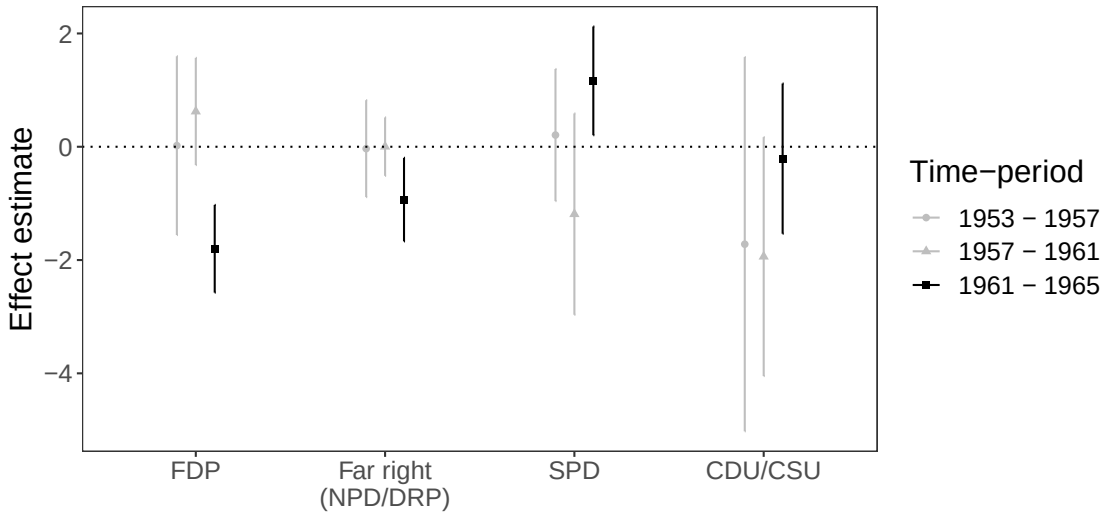
7.2 Results

We present our main results in Figure 4. In line with individual-level results for German legislators, we find that electoral support for the SPD, which endorsed transitional justice, increased by about one percentage point in communities with a Jewish presence before WWII (0.13 s.d.). Conversely, the Free Democratic Party (FDP), which was a vocal critic of

transitional justice and advocated for amnesty for war criminals, lost about two percentage points in cities that had a synagogue (0.39 s.d.). We find consistent findings for the parties on the far right (NPD/DRP), which lost about one percentage point in electoral support (0.56 s.d.).

Overall, we see a greater change in support for the far right parties that opposed transitional justice rather than for the SPD, the party that pushed for punishing Nazi crimes. One reason could be that the SPD platform was broader and dominated by economic issues: the party criticized the social market economy model and called for the nationalization of basic industries. By contrast, the Nazi past and transitional justice were central to the NPD platform.

Figure 4: The effect of Jewish presence on voting behavior after the Auschwitz trials (1961 – 1965) and in prior placebo periods.



Note: The figure shows treatment effect estimates from difference-in-differences regression models. We estimated separate models for each election period and each outcome. Gray bars indicate effect estimates for placebo periods, prior to the Auschwitz trial.

To substantiate these results, we performed a series of robustness checks. Most importantly, our analysis assummes that electoral results in cities with and without Jewish communities prior to WWII would have evolved in parallel between 1961 and 1965, had the Auschwitz trials not taken place. While we cannot directly test this assumption, we pro-

vide several pieces of evidence that support its plausibility. First, we demonstrate parallel trends prior to the Auschwitz trials by performing placebo regressions in two pre-treatment electoral cycles. Specifically, we show that electoral support for all major parties evolved in parallel in treated and control counties for ten years prior to the trial (light gray bars in Figure 4). In addition, we demonstrate that the regression results are mirrored in the raw data and are hence unlikely to be driven by idiosyncratic model specification choices. We present the raw vote shares in cities with and without synagogues in Figure A.5 in the appendix. After the Auschwitz trials, the SPD gains in cities that had a Jewish community prior to the war, whereas the FDP and far-right parties lose electoral support. We also show that our main results remain unchanged when we do not subset to cities, but instead retain all counties in the sample (see Table A.11). Finally, we demonstrate that our results are not driven by spatial clusters of synagogues. Specifically, we repeat our main analysis and sequentially exclude one of the nine West German federal states one by one. We present the results in Figure A.6. We find that our main results remain unchanged when we exclude different spatial subsets of our sample.

8 Discussion

Experiences with authoritarian repression are inherently local and personal. Individuals may experience the past in different ways based on where they live, and their attitudes toward transitional justice will vary accordingly. This paper has demonstrated that living next to victims increases support for punishing ingroup perpetrators among political elites. In addition, we find that proximity to the victimized group – Jews in our setting – raised support for political parties that champion transitional justice among the mass public. We argue that this is because contact with the victimized population and direct exposure to repression against it increased empathy and perspective-taking. Germans who had Jewish neighbors witnessed Nazi violence directly, a more vivid and objective experience compared

to that of Germans who read about Nazi policies in biased media reports. Perhaps more importantly, the victims were their neighbors and acquaintances, rather than the abstract racial enemy conjured by Nazi propaganda. This made them more critical of the Nazi regime and more willing to punish the perpetrators following democratization.

This is an important and surprising finding in light of other work on the legacies of violence, which indicates that members of the perpetrator and bystander populations often react in the opposite way, becoming intolerant toward minorities and voting for parties that deny ingroup wrongdoing (Charnysh and Finkel 2017; Homola et al. 2020; Hoerner et al. 2019, e.g.,). These studies use proximity to Nazi concentration and death camps created for Jews, Roma, and other marginalized groups by the Nazi regime as the 'treatment'. Proximity to such camps did not promote interaction between Germans and the victimized minorities, who were brought in from other regions and were stripped of their rights and human dignity upon incarceration. By contrast, we focus on the residential *proximity* to the Jewish minority that dates back to before the onset of National Socialism. While anti-Semitism has a long history in Germany, German Jews were an assimilated minority by the 1930s; intermarriage rates between Jews and Germans were high. Nazi repression in such communities thus befell individuals who had "Aryan" friends, family, colleagues, and customers. Living in such integrated settings has been shown to promote empathy and perspective-taking (e.g., Pettigrew and Tropp 2008). This difference in the nature of 'treatment' could explain why our findings diverge from prior research: exposure to violence against complete strangers likely has divergent effects from exposure to violence against a group one knows personally. De Juan et al. (2022a) reach similar conclusions in a study of the effect of exposure to Nazi Death Marches in Bavaria. They hypothesize that such "visual" evidence of "the regime's horrific nature" dampened support for the far right by compelling bystanders to update their long-held beliefs about the Nazi regime.

It is critical to understand what makes members of the perpetrator group support transitional justice because there can be no true reconciliation without their engagement. One

policy-relevant implication of our finding is that support for punishing ingroup perpetrators varies not only with individual victimization/perpetrator status but also with exposure to the victimized population in one's hometown. An important task for future investigation, then, is to disentangle and examine different mechanisms that link such localized authoritarian experiences to support for punishing ingroup crimes. Potential mechanisms include greater awareness of victims' suffering, heightened empathy due to victims' familiarity and preexisting social ties, and increased collective guilt for failing to intervene and standing by atrocities.

Finally, we note that our study focuses on the trial of Nazi perpetrators, and thus primarily speaks to retributive forms of transitional justice. Such policies are particularly apt in the aftermath of genocide and the most severe forms of repression. However, it is possible that proximity to the victimized group will have different consequences for attitudes toward restorative justice which aims toward reconciliation and forgiveness through measures such as truth commissions and amnesties (Hall et al. 2018).

Notes

[1]In 1979, the statute was abolished altogether.

[2]More generally, a large body of research on the 'contact hypothesis' (Allport 1954; Pettigrew and Tropp 2006; Paluck et al. 2019; Brown et al. 2021) suggests that contact with outgroups can reduce outgroup prejudice.

[3]While the Nazi regime also engaged in violence against other groups. Jehovah's Witnesses, Roma and Sinti communities, homosexuals, and Jews were by far the most common and numerous target of Nazi repression.

[4]This number is for Germany within the 1937 borders (United States Holocaust Memorial Museum 2022)

[5]Deutscher Bundestag. 4 Wahperiode, 170 Sitzung. March 10, 1965. pp. 8552-8553.

[6]Schiefes Weltbild. R. Z.: Verfahren gegen KZ-Opfer. "Wie MdB Gaßmann die Welt sieht", ZEIT Nr. 6 . Freitag, den 26. February 1965.

[7]Only a minority of votes (5% of all motions) in the Bundestag are conducted by a roll call, typically on request by a parliamentary party group or 5% of all MPs (Hohendorf et al. 2020).

[8]Such free or conscience votes typically occur when bills relate to broader moral issues, such as abortion, same-sex marriage, and organ donation.

[9]Bundestag Plenary minutes, 243rd session on June 26, 1969 (p. 13554).

[10]We hand-coded MP votes on the 1969 bill because it was not covered by Sieberer et al. (2020).

[11]Haus der Bayerischen Geschichte Bavariathek; Hessian Regional History Information System (LAGIS); Wikipedia.

[12]To match birthplaces to synagogues, we use contemporary municipal borders. The average municipality is 33 km^2. For MPs born outside of Germany's post-WWII borders, we hand-coded the presence of synagogues.

[13]These calculations are based on data from the 1925 census, analyzed at the level of 1933 county borders. We draw on data collected by De Juan et al. (2022b).

[14]For 19% of MPs information on religion was missing. We code these MPs as non-Catholic on the assumption that had their Catholic values been important to them, this would be mentioned in their biography.

[15]We control for expellee status by including it as a separate category as part of our state fixed effects. For religion, we include a binary indicator for Catholic MPs. District closeness is defined as the difference between the district winner and runner-up in vote shares. We discretized this variable and included a separate category for cases in which it is not defined. We refer to Sieberer et al. (2020) for more details on the coding of MP covariates.

[16]The March 1933 election followed the Nazi seizure of power and was marred by violence against the SPD and the KPD.

[17]Because electoral districts are large geographical units that frequently combine multiple counties (*Kreise*), we use the count of synagogues in the electoral district rather than a binary indicator for this analysis. There is little variation in the presence of at least one synagogue across electoral districts: 91% of districts contain at least one synagogue.

[18]Because the NPD emerged only in 1965, we use the votes for the far-right DRP in 1961 as a baseline. At the DRP party congress in Bonn in June 1964, its leadership decided to form a "Union of All National Democratic Forces", which led to the establishment of the National Democratic Party of Germany and the dissolution of the DRP. Although the two parties existed side by side for a brief period, they had overlapping memberships: 3,000 out of 4,000 DRP members were also NPD members (Kühnl 1969, 24). The NPD leadership included former DRP leaders, some of whom were active in the NSDAP before the war.

[19]We use county borders as of 1950 throughout this analysis.

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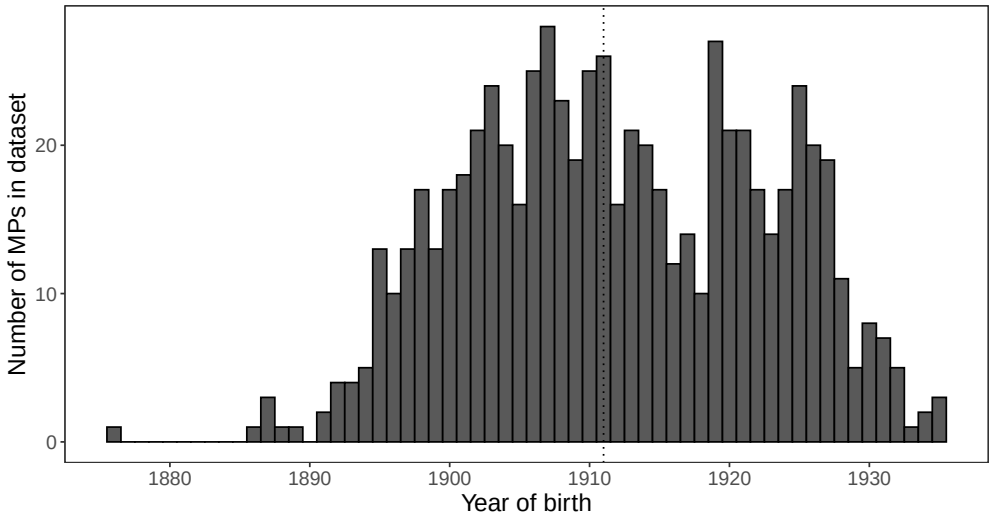
A Supporting Information (Online Only)

Contents

A.1 Roll call voting

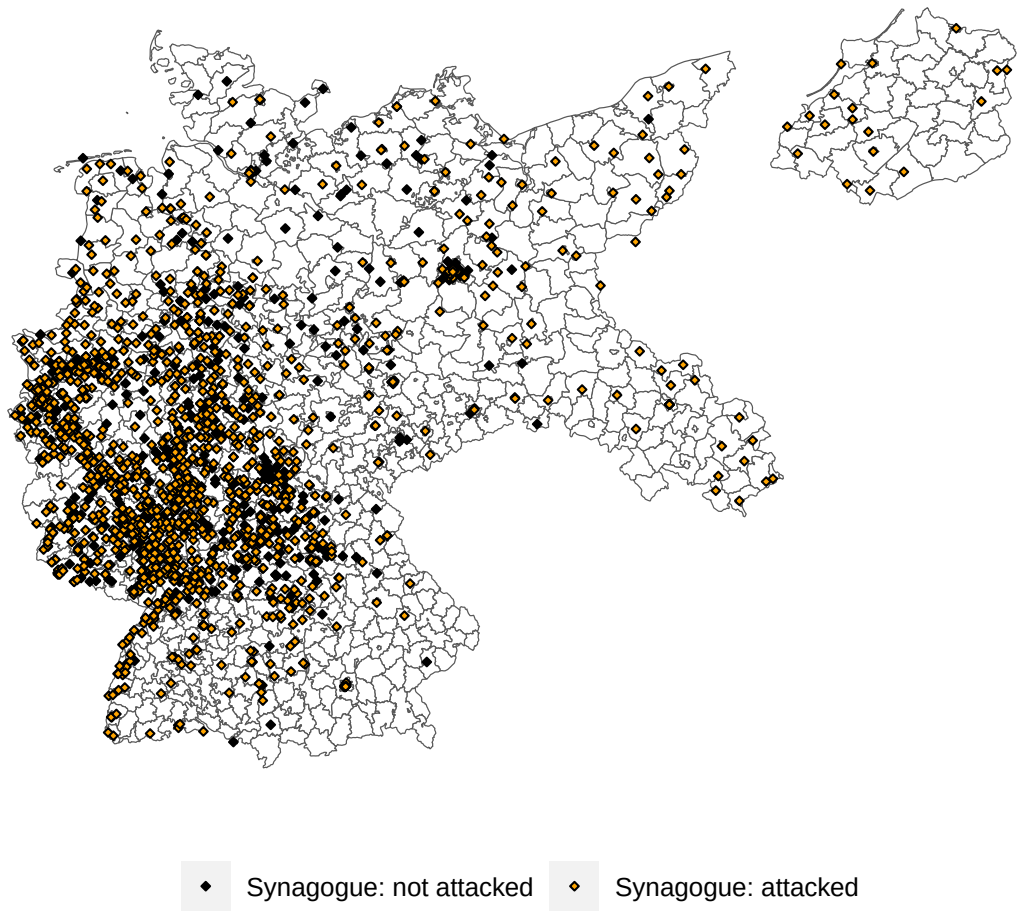
A.1.1 Descriptive statistics

Figure A.1: Histogram, year of birth of members of parliament



Note: The figure shows a histogram of the year of birth across MPs who voted on the 1965/69 statute of limitations extension bills. The median year of birth is 1911 (dotted line on the plot).

Figure A.2: November 1938 pogroms



Note: The map shows the spatial distribution of synagogues as of 1933 across Germany. The data was originally collected by Solomon (2021). Orange dots indicate synagogues that were attacked during the November pogroms in 1938.

Table A.1: Top 10 places of birth in MP sample

City	Number of MPs born in city
Berlin	51
München	25
Hamburg	21
Dortmund	20
Köln	20
Breslau	16
Wuppertal	12
Stuttgart	11
Bochum	10
Nürnberg	10

Table A.2: Top 10 cities by number of synagogues

City	Number of Synagogues in city
Berlin	91
Frankfurt am Main	37
Leipzig	16
Hamburg	15
Wiesbaden	13
München	13
Düsseldorf	12
Dortmund	12
Mainz	9
Mönchengladbach	8
Bonn	8
Stuttgart	8

A.1.2 Additional results

Table A.3: Synagogues in electoral district as alternative predictor

	DV: Vote for 1965 Statute of Lim. Extension					
	(1)	(2)	(3)	(4)	(5)	(6)
No. of Synagogues in Elec. District	0.006*	0.003	0.002	0.003	0.001	0.001
	(0.003)	(0.003)	(0.003)	(0.003)	(0.003)	(0.003)
Jewish presence in MPs hometown	0.222***	0.155***	0.092**	0.194***	0.173***	0.112***
	(0.057)	(0.051)	(0.044)	(0.051)	(0.049)	(0.043)
Party FE	No	Yes	Yes	No	Yes	Yes
State FE	No	No	Yes	No	No	Yes
Covariates	No	No	No	Yes	Yes	Yes
DV mean	0.86	0.86	0.86	0.86	0.86	0.86
DV s.d.	0.34	0.34	0.34	0.34	0.34	0.34
N	374	374	374	374	374	374

Notes: Results from OLS regressions where the outcome is a binary indicator that equals one for MPs who voted for the 1965/1969 statute of limitations extension. We subset to MPs with district mandates. Standard errors are clustered by municipality/place of birth. ***p < .01; **p < .05; *p < .1

Table A.4: 1979 Statute of limitations extension

	DV: Vote for 1979 Statute of Lim. Extension		
	Full sample	Born after 1929	Born before 1929
Jewish presence	0.011	−0.014	0.062
	(0.030)	(0.044)	(0.040)
Party FE	Yes	Yes	Yes
State FE	Yes	Yes	Yes
Covariates	Yes	Yes	Yes
N	496	238	258

Notes: Results from OLS regressions where the outcome is a binary indicator that equals one for MPs who voted for the 1979 statute of limitations extension. The unit of observation are individual MPs. Standard errors are clustered by municipality/place of birth. ***p < .01; **p < .05; *p < .1

Table A.5: Subset of CDU/CSU MPs

	DV: Vote for SoL Extension (0/1)			
	(1)	(2)	(3)	(4)
Jewish presence	0.184***	0.088*	0.174***	0.094**
	(0.056)	(0.050)	(0.056)	(0.047)
State FE	No	Yes	No	Yes
Covariates	No	No	Yes	Yes
Vote FE	Yes	Yes	Yes	Yes
DV mean	0.68	0.68	0.68	0.68
DV s.d.	0.46	0.46	0.46	0.46
N	420	420	420	420

Notes: Results from OLS regressions where the outcome is a binary indicator that equals one for CDU/CSU MPs who voted for the 1965/1969 statute of limitations extension. The unit of observation are individual MPs. Standard errors are clustered by municipality/place of birth. ***p < .01; **p < .05; *p < .1

Table A.6: Excluding Expellees

	DV: Vote for Statute of Limitations Extension (0/1)					
	(1)	(2)	(3)	(4)	(5)	(6)
Jewish presence	0.162***	0.116***	0.065**	0.131***	0.110***	0.074**
	(0.044)	(0.034)	(0.031)	(0.040)	(0.033)	(0.030)
Party FE	No	Yes	Yes	No	Yes	Yes
State FE	No	No	Yes	No	No	Yes
Covariates	No	No	No	Yes	Yes	Yes
Vote FE	Yes	Yes	Yes	Yes	Yes	Yes
DV mean	0.74	0.74	0.74	0.74	0.74	0.74
DV s.d.	0.44	0.44	0.44	0.44	0.44	0.44
N	770	770	770	770	770	770

Notes: Results from OLS regressions where the outcome is a binary indicator that equals one for MPs who voted for the 1965/1969 statute of limitations extension. The unit of observation are individual MPs. Standard errors are clustered by municipality/place of birth. We exclude MPs born outside of Germany's post-WWII borders from the analysis (i.e. MPs born east of the Oder–Neisse line). ***p < .01; **p < .05; *p < .1

Table A.7: Controlling for population size

	DV: Vote for SoL Extension (0/1)		
	(1)	(2)	(3)
Jewish presence	0.128***	0.102***	0.067*
	(0.040)	(0.033)	(0.034)
Party FE	No	Yes	Yes
State FE	No	No	Yes
Covariate: pop. size	Yes	Yes	Yes
Other covariates	Yes	Yes	Yes
Vote FE	Yes	Yes	Yes
DV mean	0.73	0.73	0.73
DV s.d.	0.44	0.44	0.44
N	769	769	769

Notes: Results from OLS regressions where the outcome is a binary indicator that equals one for MPs who voted for the 1965/1969 statute of limitations extension. We control for municipality population size (as of 2021) in all models. We only observe this variable for MPs born within Germany's post-WWII borders (including the GDR), hence this analysis excludes expellees. The unit of observation are individual MPs. Standard errors are clustered by municipality/place of birth. ***p < .01; **p < .05; *p < .1

Table A.8: Excluding MPs born in largest cities by population size

	DV: Vote for Statute of Limitations Extension (0/1)					
	(1)	(2)	(3)	(4)	(5)	(6)
Jewish presence	0.116***	0.099***	0.054*	0.084**	0.090***	0.052*
	(0.037)	(0.029)	(0.028)	(0.034)	(0.028)	(0.028)
Party FE	No	Yes	Yes	No	Yes	Yes
State FE	No	No	Yes	No	No	Yes
Covariates	No	No	No	Yes	Yes	Yes
Vote FE	Yes	Yes	Yes	Yes	Yes	Yes
DV mean	0.74	0.74	0.74	0.74	0.74	0.74
DV s.d.	0.44	0.44	0.44	0.44	0.44	0.44
N	791	791	791	791	791	791

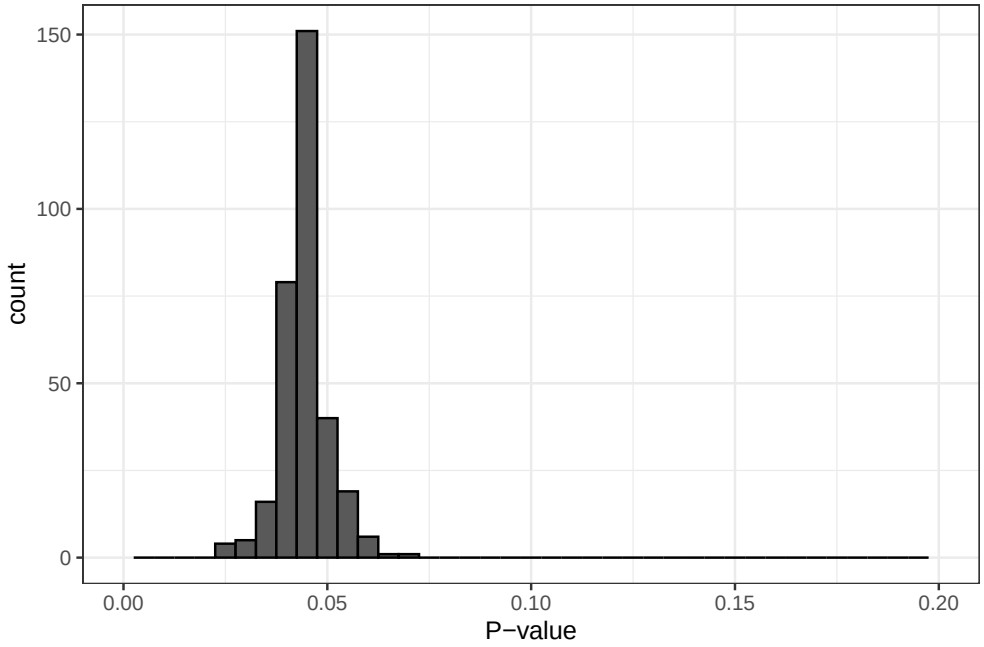
Notes: Results from OLS regressions where the outcome is a binary indicator that equals one for MPs who voted for the 1965/1969 statute of limitations extension. The unit of observation are individual MPs. Standard errors are clustered by municipality/place of birth. We exclude MPs who were born in Berlin, Hamburg, or Munich. ***p < .01; **p < .05; *p < .1

Table A.9: Excluding MPs born in cities with highest number of synagogues

	DV: Vote for Statute of Limitations Extension (0/1)					
	(1)	(2)	(3)	(4)	(5)	(6)
Jewish presence	0.099***	0.086***	0.049*	0.070**	0.080***	0.050*
	(0.038)	(0.030)	(0.027)	(0.035)	(0.029)	(0.026)
Party FE	No	Yes	Yes	No	Yes	Yes
State FE	No	No	Yes	No	No	Yes
Covariates	No	No	No	Yes	Yes	Yes
Vote FE	Yes	Yes	Yes	Yes	Yes	Yes
DV mean	0.74	0.74	0.74	0.74	0.74	0.74
DV s.d.	0.44	0.44	0.44	0.44	0.44	0.44
N	825	825	825	825	825	825

Notes: Results from OLS regressions where the outcome is a binary indicator that equals one for MPs who voted for the 1965/1969 statute of limitations extension. The unit of observation are individual MPs. Standard errors are clustered by municipality/place of birth. We exclude MPs who were born in Berlin, Frankfurt, or Leipzig. ***p < .01; **p < .05; *p < .1

Figure A.3: Excluding cities one by one



Note: The figure shows a histogram of p-values for the Jewish presence coefficient across 322 OLS models. For each model, we exclude one municipality from the sample. The maximum p-value across specifications is 0.068.

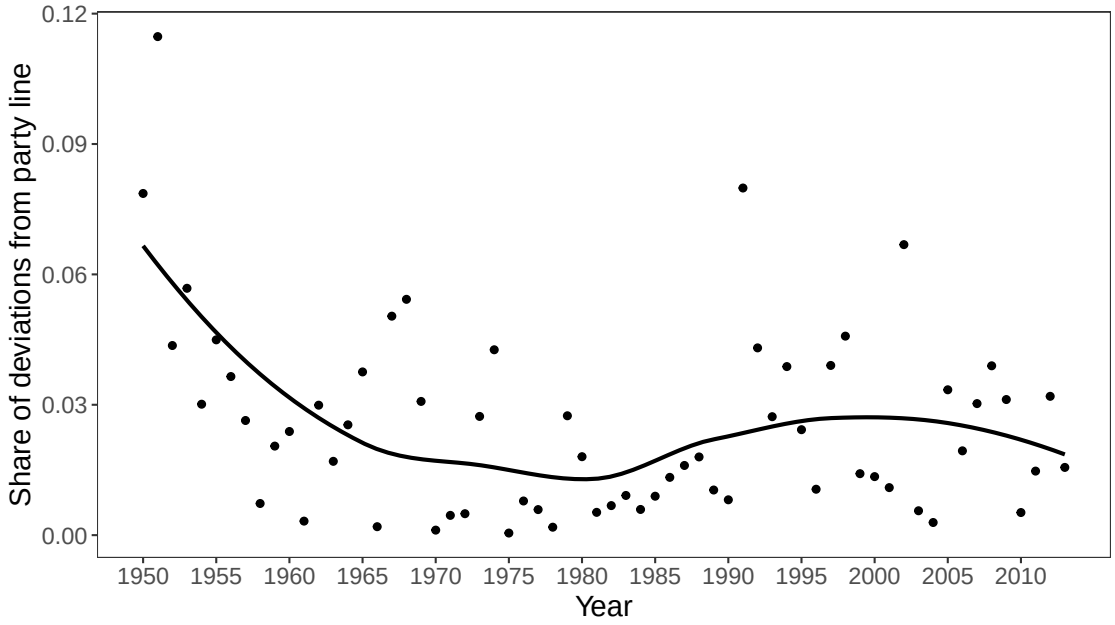
A.1.3 Additional details: placebo analysis

For the placebo analysis, we again draw on the roll call voting data collected by Sieberer et al. (2020). To code deviant voting behavior, we followed the coding in Sieberer et al. (2020), who record 'strong' and 'weak' deviations from the party line as follows:

> "The party line is defined as the absolute majority position within the party group in the roll call vote; if there is no absolute majority position, the position taken by the chair of the parliamentary party group is coded as party line. Strong deviation: MP votes yes and party group votes no or the other way around; weak deviation: MP or party group abstains and the other votes yes or no (quoted from codebook provided by Sieberer et al. (2020))."

Our binary indicator outcome variable equals one for MPs who strongly or weakly deviated from their respective party line for a given vote. We plot the share of deviant votes by year in Figure A.4 below.

Figure A.4: Deviations from party line by year



Note: The figure shows the share of votes deviating from the party line by year (see also Section A.1.3).

A.2 Voting behavior after the Auschwitz trials

A.2.1 Summary statistics

Table A.10: Summary statistics

Variable	Mean	Median	S.D.	N	Min	Max
CDU/CSU vote share (in %)	44.51	43.86	8.89	547	20.98	70.61
SPD vote share (in %)	36.71	36.84	9.00	547	12.29	59.72
Far-right vote share (NPD/DRP, in %)	1.48	0.90	1.66	547	0.00	11.15
FDP vote share (in %)	9.86	9.10	4.66	547	1.90	28.34
Jewish presence (0/1)	0.84	1.00	0.37	547	0.00	1.00

Note: The table shows summary statistics for the county-level voting data, pooled across the federal elections 1953, 1957, 1961, and 1965.

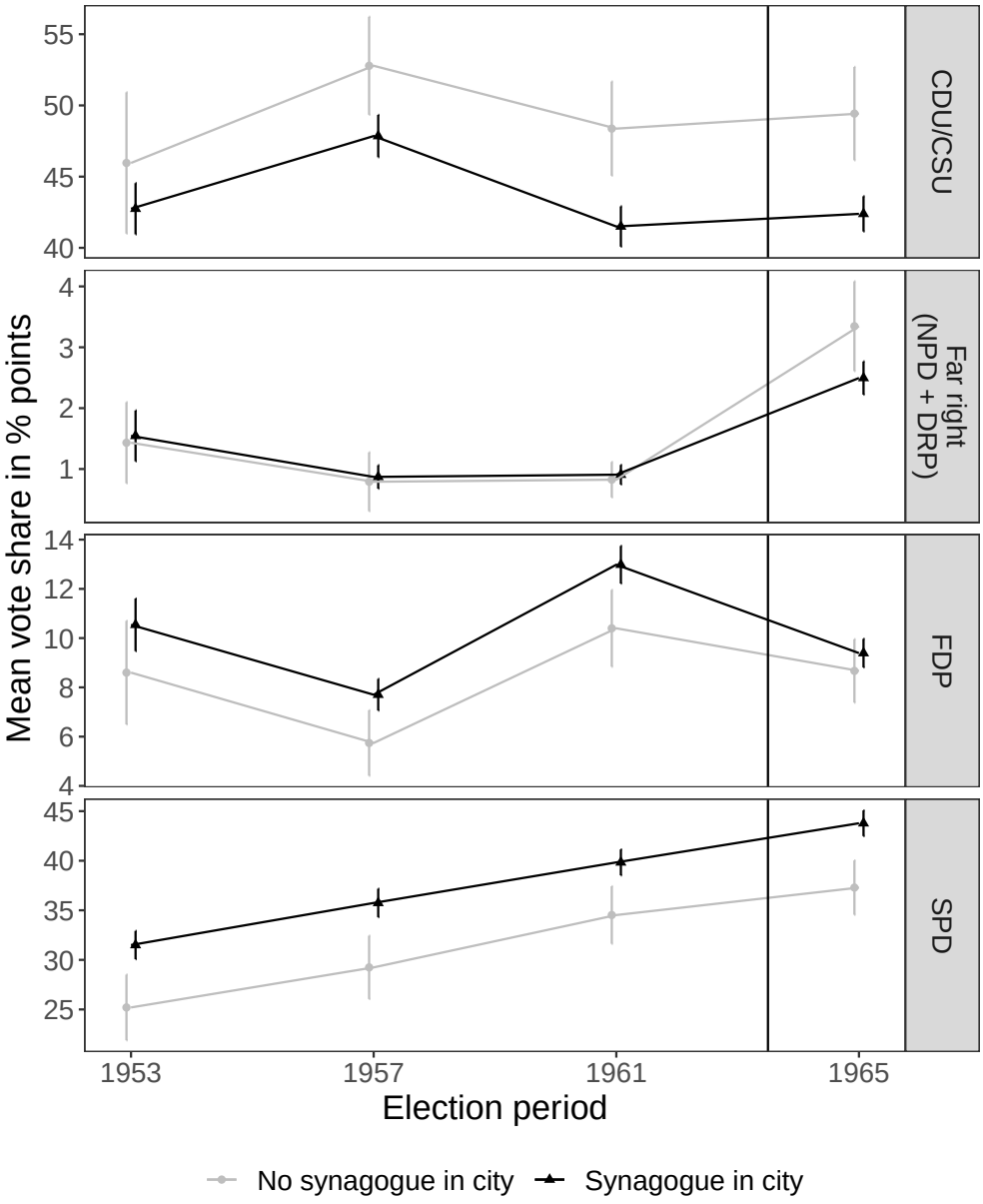
A.2.2 Robustness

Table A.11: The effect of Auschwitz trial on voting in the full sample of all West German counties.

	FDP	**Far-right**	**CDU/CSU**	**SPD**
	(1)	**(2)**	**(3)**	**(4)**
Jewish presence × post	-1.380^{***}	-0.283^{***}	-0.672^{*}	0.490^{**}
	(0.187)	(0.106)	(0.402)	(0.194)
N	1124	1124	1124	1124
R-squared	0.960	0.821	0.978	0.989

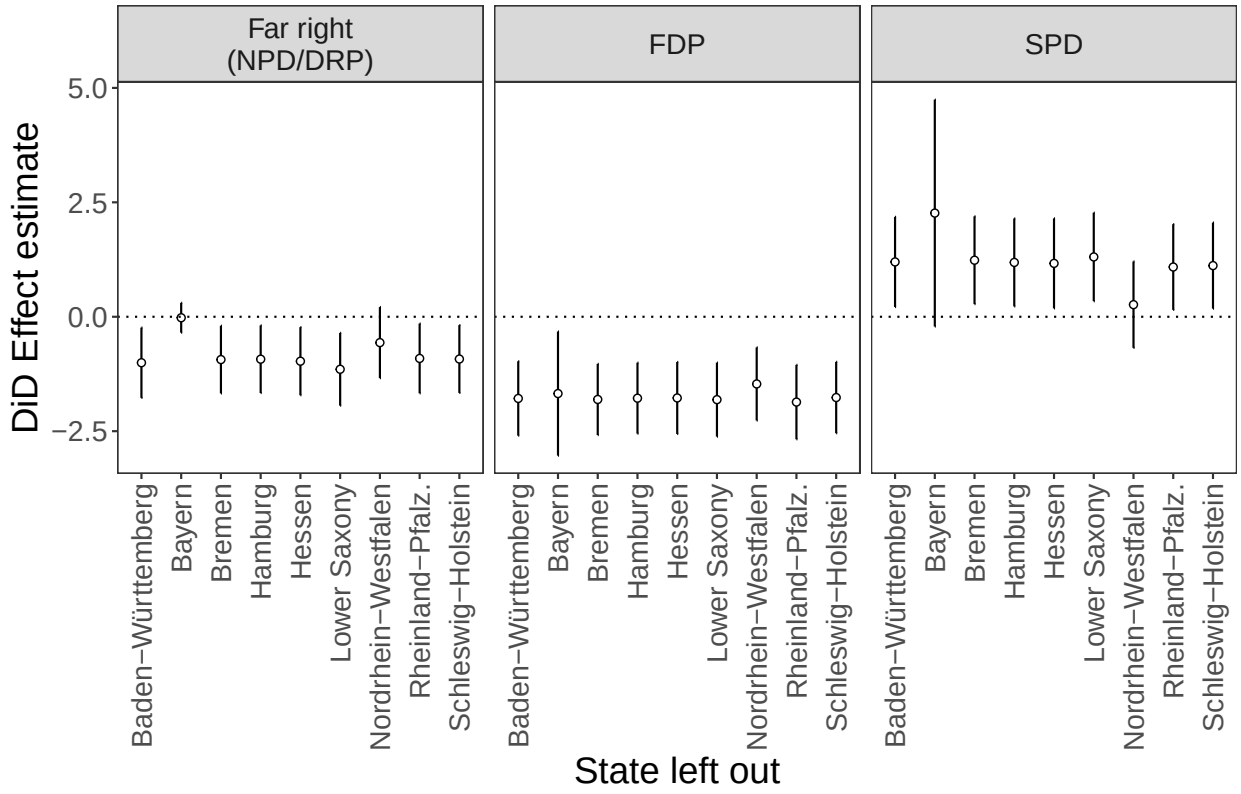
Notes: The Table shows treatment effect estimates from difference in differences models for the time period 1961 to 1965. For this analysis, we do not subset to city counties (*Stadtkreise).* Instead, we retain all West German counties (as of 1950). Otherwise, the analysis is identical to our main results. The binary treatment is defined as the presence of at least one synagogue in a given city. Standard errors are clustered at the county level.***p $< .01$; **p $< .05$; *p $< .1$

Figure A.5: Mean vote shares of different parties in cities with and without synagogues over time.



Note: The figure shows the average vote shares for different parties in counties with and without synagogues over time. Our sample only consists of cities (*Stadtkreise)*.

Figure A.6: The effect of Auschwitz trial on voting behavior when excluding spatial clusters of synagogues.



Note: The figure shows treatment effect estimates from difference in differences models for the time period 1961 to 1965. We repeat the same analysis as for our main results (see Figure 4), but sequentially exclude one of the nine West-German federal states one by one. Standard errors are clustered at the county level. We fit separate models for each vote share outcome variable.

A.2.3 List of city counties in sample

Table A.12: City counties in sample

Aachen	Günzburg	Neuburg an der Donau
Amberg	Hagen	Neumarkt in der Oberpfalz
Ansbach	Hamburg	Neumünster
Aschaffenburg	Hameln	Neuß
Augsburg	Hamm (Westfalen)	Neustadt an der Weinstraße
Bad Kissingen	Hanau am Main	Neustadt bei Coburg
Bad Reichenhall	Hannover	Nördlingen
Baden-Baden	Heidelberg	Nürnberg
Bamberg	Heilbronn	Oberhausen
Bayreuth	Herford	Offenbach am Main
Bielefeld	Herne	Oldenburg (Oldenburg)
Bocholt	Hildesheim	Osnabrück
Bochum	Hof	Passau
Bonn	Ingolstadt	Pforzheim
Bottrop	Iserlohn	Pirmasens
Braunschweig	Kaiserslautern	Recklinghausen
Bremen	Karlsruhe	Regensburg
Bremerhaven	Kassel	Remscheid
Castrop-Rauxel	Kaufbeuren	Rheydt
Celle	Kempten (Allgäu)	Rosenheim
Coburg	Kiel	Rothenburg ob der Tauber
Cuxhaven	Kitzingen	Schwabach
Darmstadt	Koblenz	Schwandorf in Bayern
Deggendorf	Köln	Schweinfurt
Delmenhorst	Krefeld	Selb
Dillingen an der Donau	Kulmbach	Siegen
Dortmund	Landau in der Pfalz	Solingen
Duisburg	Landsberg am Lech	Speyer
Düsseldorf	Landshut	Straubing
Eichstätt	Lindau (Bodensee)	Stuttgart
Emden	Lübeck	Traunstein
Erlangen	Lüdenscheid	Trier
Essen	Ludwigshafen am Rhein	Ulm
Flensburg	Lüneburg	Viersen
Forchheim	Lünen	Wanne-Eickel
Frankenthal (Pfalz)	Mainz	Watenstedt-Salzgitter
Frankfurt am Main	Mannheim	Wattenscheid
Freiburg im Breisgau	Marburg an der Lahn	Weiden in der Oberpfalz
Freising	Marktredwitz	Weißenburg in Bayern
Fulda	Memmingen	Wiesbaden
Fürth	Mönchen Gladbach	Wilhelmshaven
Gelsenkirchen	Mülheim an der Ruhr	Witten
Gießen	München	Worms
Gladbeck	Münster	Wuppertal
Goslar	Neu-Ulm	Würzburg
		Zweibrücken