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'A Hussy Who Rode on Horseback in Sexy Underwear in Front of the Prisoners': the Trials of Buchenwald's Ilse Koch

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Abstract

Ilse Koch's trials for her role in atrocities at the Nazi Buchenwald concentration camp served as visual spectacles and primed her portrayal in media and public spaces. Koch's conduct was credibly rumored to be one of frequent affairs, simultaneous lovers, and the sexual humiliation of prisoners. The gendered construction of her sexual identity played a distortive role in her intersections with law and with post-conflict Germany. Koch's trials revealed two different dynamics. Koch's actions were refracted through a patriarchal lens which spectacularized female violence and served as an optical space to (re)establish appropriate feminine mores. Feminist critiques of Koch's trials furthermore also spun problematic narratives of womanly innocence and victimized powerlessness, or at times ignored her as a perpetrator. In the end Koch's actual story—'her' story—becomes lost amid prurience, politics, and burlesque.

Keywords

women atrocity perpetrators – criminal justice – gender and violence

1 Introduction

An American Military Tribunal convened in Dachau convicted Ilse Koch in August 1947 of ‘violations of the laws and customs of war’ for her role in atrocities at the Buchenwald concentration camp.¹ This Nazi hard labor camp held ten thousand men. Average life expectancy among prisoners was three months. Fifty thousand prisoners died in Buchenwald over the course of its operation. Koch, the wife of camp *Kommandant* Karl-Otto Koch, was the only woman among the 31 defendants. Prisoners and other guards informally referred to her as the camp *Kommandeuse*. Karl never saw the end of the war because he was convicted by an SS court (and executed) for embezzlement, private enrichment, and murder of prisoners and medical staff.² Although Koch also had been charged in these SS proceedings, she was ultimately acquitted for lack of evidence.

Pregnant at the time of her 1947 trial, Koch was sentenced to life in prison, but her sentence was subsequently commuted to four years. Indeed, she was released. The charges against her were lurid: she allegedly collected shrunken human heads, had lampshades made out of stretched human skin in her living room, and beat prisoners who looked at her when she walked about in short skirts without underwear.

In 1950, following her release, Koch was prosecuted by West German authorities for murder. While many Nazi convicts had their sentences commuted, most were not subsequently retried for offenses which, while perhaps different, were nonetheless committed as part of the same crime base. Koch, however, was different: she was sentenced to life in prison, once again, yet this time remained in jail until she committed suicide on September 1, 1967.

1 The quoted part of this article's title draws from a statement to the *New York Times* by Dr. Konrad Morgen, an SS judge and investigator, who testified against Ilse Koch. D. Binder, ‘Ilse Koch's Posthumous Rehabilitation Sought by Son’ *N.Y. Times*, 7 May 1971. The authors are respectively Class of 1975 Alumni Professor and Director, Transnational Law Institute, Washington and Lee University, and Visiting Scholar, Queen's University Belfast; Associate Professor, Warwick University, School of Law. This article is dedicated to the memory of Rob Cryer. Many thanks to Barbora Holá, Rob Cryer, Alette Smeulers, Alan Norrie, and Michelle Drumbly for their views on and upon an early draft; and to Emily Silkowski and Lauren Hancock for stellar research assistance. This paper benefitted from feedback generated by participants in the (In)visible International Law panels at the 2019 European International Studies Association annual meeting held in Sofia, Bulgaria; an inspirational old-fashioned outdoor chat held in Birmingham in October 2020; and a faculty workshop convened at Queen's University-Belfast in December 2020.

2 It has been reported that Karl-Otto Koch was executed on April 5, 1945, just days before Buchenwald's liberation. He was subsequently burned in Buchenwald's crematorium. D.A. Hackett (ed.), *The Buchenwald Report* (Westview Press, Boulder, CO, 1995), p. 341; W.A. Sarti, *Women and Nazis: Perpetrators of Genocide and Other Crimes During Hitler's Regime, 1933–1945* (Academica Press, Palo Alto, CA, 2011), pp. 150–151.

Very few women became the subject of judicial proceedings following the Second World War. So, why Koch? And why prosecute her twice? Alone, the second time? Why did law find her so irresistible? These are the questions that jumpstart this article. Part 2 herein describes Koch's background, her trials, and her death. Part 3 examines advocacy, media, pop culture, and scholarly distortions of her story and connects these to both patriarchal and feminist impulses. Part 4 returns to the trials and unpacks two troubling due process aspects, namely, the proportionality of her punishment and the subtext of associative culpability. Part 5 concludes by gesturing towards broader insights discernible from Koch's encounters with the law: including the kinds of historical authentications that trials provide, the shadow sides of outreach, and the role of ordinary women in the metastasis of atrocity.

Before proceeding further as to unwrapping this article as it *is*, let us set out what this article is *not*. It is *not* a dive into Koch in the German literature or media, or Czech or Polish or Hungarian or Israeli literatures and media. Nor is it a reclaiming of Koch's story. Rather: this article offers a discussion of how law and the outreach of law into media and pop culture shaped Koch's official story. When 'extraordinary freaks' such as Koch bear the weight of scapegoating, conversations about the role of 'ordinary' women in the Holocaust become neglected—a different question entirely than whether Koch deserved to be convicted for what she was found to have done. And the focus on the narratives spun by Koch's Allied prosecutors remains helpful in particular in the modern context where international war criminals – whether women or men – largely are prosecuted through mechanisms that are populated by non-nationals, whether internationals or victors, not by the nationalities in which and putatively 'for which' the perpetrator committed the abuses, and in which 'outreach', which necessarily involves media, has become seen as indispensable to the 'success' of the aspirations of international criminal law. This is a thought-piece that raises questions, answers some, and instructs on the limits of law and the embeddedness, in both Anglo-American patriarchy and feminism, of stereotypes of the 'proper woman.'

2 Koch: Background, Prosecution, and Incarceration

2.1 *Beginnings and Progressions*

Margarete Ilse Köhler was born on September 22, 1906 in Dresden (Saxony).³ Her father was a factory foreman.⁴ The family was not politically active.⁵ 'She

3 *Ibid.*, p. 141.

4 *Ibid.*

5 *Ibid.*

was known as a polite and happy child in her elementary school.⁶ Koch later studied accounting and worked as a bookkeeper.⁷ She became a member of the Nazi Party in 1932.⁸

As of 1934, she worked as a secretary near Berlin at the Sachsenhausen concentration camp.⁹ She married Karl-Otto Koch in May 1937;¹⁰ she had met him (likely at Sachsenhausen camp) through contacts in the SS and SA.¹¹ They had three children together and she had one more child later on.¹² Artwin, Gisela, and Gudrun were born at Buchenwald.¹³ Artwin supposedly committed suicide after World War II.¹⁴ Gudrun died unexpectedly before her first birthday while on a skiing holiday.¹⁵

Koch arrived at Buchenwald in 1937 when her husband was assigned as the camp's *Kommandant*.¹⁶ They lived in the largest villa on site—which became known as 'Villa Koch'—where some prisoners 'worked' as servants.¹⁷ The Kochs lavishly and extravagantly entertained. Koch's Buchenwald lifestyle was privileged compared to that of her youth.¹⁸ She fancied 'aristocratic' conduct during the war and imagined herself as *eine gnädige Frau* (a gracious lady), an appellation which she insisted that the prisoners call her.¹⁹

In 1941, Karl-Otto Koch was transferred to Lublin, where he helped establish the Majdanek concentration and extermination camp.²⁰ Ilse Koch remained at Buchenwald, however, until August 24, 1943 when she and Karl were arrested on orders of the SS.²¹ Corruption at the Buchenwald camp had sparked an

6 'Little is known about Koch's childhood. Reports say that she had a normal and polite upbringing school life.' Foreign Policy I, *Ilse Koch, The Bitch of Buchenwald*, <https://foreignpolicyi.org/ilse-koch-the-bitch-of-buchenwald/> (accessed 14 July 2020).

7 Sarti, *supra* note 2, p. 142.

8 *Ibid.*, p. 142.

9 *Ibid.*, p. 142.

10 *Ibid.*, p. 144.

11 *Ibid.*, p. 142.

12 *Ibid.*, p. 144.

13 A. Przyrembel, 'Transfixed by an Image: Ilse Koch, the Kommandeuse of Buchenwald', 19(3) *German History* (2001) 369–399, p. 377.

14 *Ibid.*, p. 380 n. 48.

15 World War II Graves, *Koch, Ilse-Kochler, 'The Bitch of Buchenwald'*, <https://ww2gravestone.com/people/koch-ilse/> (accessed 14 January 2021).

16 Sarti, *supra* note 2, p. 144.

17 *Ibid.*, pp. 144, 146.

18 *Ibid.*, p. 145.

19 Hackett, *supra* note 2, p. 335.

20 Sarti, *supra* note 2, p. 149.

21 *Ibid.*, p. 150.

investigation into the couple.²² Both were charged with private enrichment, embezzlement and the murder of prisoners.²³ The ss Police Court convicted Karl-Otto Koch in 1944 and he was later executed at Buchenwald.²⁴ Ilse Koch was acquitted and was released.²⁵ She went to live with her surviving family in Ludwigsburg, where US authorities arrested her on June 30, 1945.²⁶

Information on the 1944 ss trial is scarce in that the trial records have been destroyed. That said, reported sources indicate that the investigation against Karl-Otto Koch had been ongoing for a while.²⁷ He had previously been arrested and released.²⁸ His transfer from Buchenwald, which was accompanied with demotions, likely resulted from these early investigations.²⁹ In his time as *Kommandant* at Buchenwald, Karl demonstrated deteriorating leadership which led to the escape of prisoners and deployment of excessive violence.³⁰ Koch was accused of habitually receiving stolen property (cash and goods).³¹ Little evidence was proffered against her however.³²

Koch's fourth child, Uwe, was conceived in her prison cell at Dachau by an unknown father.³³ Koch had been kept in isolation while awaiting trial purportedly with no contact with any men, except for the American interrogators and translators, most of whom were Jewish.³⁴ Hence, rumors swirled that the father was a Jewish translator, though it was likely another prisoner, Fritz Schäffer.³⁵ Koch gave birth to Uwe in October 1947 in the Landsberg prison hospital near Dachau where she had been sent to serve her first sentence.³⁶

22 *Ibid.*, pp. 148–149.

23 H. Höhne, *The Order of the Death's Head: A History of the SS* (Penguin Books, London, 2001).

24 J.J. Weingartner, 'Law and Justice in the Nazi ss: The Case of Konrad Morgen' 16(3) *Central European History* (1983) 276–294, p. 293.

25 *Ibid.*

26 Sarti, *supra* note 2, p. 151.

27 Weingartner, *supra* note 24, pp. 287–288.

28 Karl-Otto Koch had previously been arrested in 1941 at the recommendation of Josias Erbprinz zu Waldeck (ss-Obergruppenführer). For more information on the investigation. *Ibid.*

29 *Ibid.*

30 *Ibid.*, p. 288.

31 Sarti, *supra* note 2, p. 150.

32 Weingartner, *supra* note 24, p. 293.

33 Sarti, *supra* note 2, p. 151.

34 *Ibid.*

35 World War II Graves, *supra* note 15.

36 David Binder, 'Ilse Koch's Posthumous Rehabilitation Sought by Son', *N.Y. Times*, 7 May 1971, p. 8.

Uwe was immediately taken from Koch and put in a Bavarian foster home.³⁷ Uwe saw his mother's name by chance on his birth certificate when he was eight years old.³⁸ Eleven years later, he saw his mother's name in a newspaper headline and learned she was in prison.³⁹ Uwe visited Koch for the first time in 1966 when he turned nineteen years of age.⁴⁰ At that point, he began visiting her regularly at Aichach women's prison where she was serving the life sentence imposed by the West German state court.⁴¹

2.2 1947 Trial

United States of America v. Josias Prince zu Waldeck et al. (known as the 'Buchenwald Case') began on April 11, 1947.⁴² Waldeck was the highest ranked among the accused and hence was the first defendant listed.⁴³ The trial ended on August 14, 1947.⁴⁴ It was held at the American Military Tribunal at the internment camp of Dachau (General Military Government Court for the Trial of War Criminals).⁴⁵ This case forms part of a group of cases known colloquially as the 'subsequent proceedings.'⁴⁶

Interest in the trial was high. At the suggestion of General Eisenhower, a group of newspaper reporters and U.S. Congressmen were flown in and given a tour of the Buchenwald camp.⁴⁷ Every major newspaper in America reported on Koch. A number of these articles deployed sensationalized and misogynistic language to describe her.⁴⁸ Indeed, extra rows of seats had to be installed in the courtroom to accommodate the crowd of reporters. While Koch was just one of 31 accused, her presence garnered disproportionate attention.⁴⁹

37 *Ibid.*

38 *Ibid.*

39 *Ibid.*

40 *Ibid.*

41 *Ibid.*

42 7708 War Crimes Group European Command, *United States v. Josias Prince zu Waldeck et al.*, Case No.000-50-9, Review and Recommendations of the Deputy Judge Advocate for War Crimes, 15 November 1947, pp. 1-2.

43 *Ibid.*

44 *Ibid.*

45 *Ibid.*

46 Joan Ringelheim, Interview with William D. Denson, Chief Prosecutor of Buchenwald Trial, United States Holocaust Museum, 25 August 1994.

47 Walter H. Waggoner, 'Army Shows Films on Nazi Murders,' *N.Y. Times*, 23 October 1948, p. 4.

48 Przyrembel, *supra* note 13, pp. 389-390, 394-397.

49 *Infra* Part 4.a.



FIGURE 1 Ilse Koch is sentenced to life in prison by Brigadier General Emil C. Kiel (back to camera) at the trial of former camp personnel and prisoners from Buchenwald. Photograph | Photograph Number: 43010. Photo Credit: United States Holocaust Memorial Museum, courtesy of National Archives and Records Administration, College Park, PA, USA.

Koch (along with the 30 other defendants) was charged and convicted of violating ‘the Laws and Usages of War’ under the Hague Convention of 1907 and the Geneva Convention of 1929 (Figure 1).⁵⁰ Specifically, the charges involved ‘acting in pursuance of a common design to [...] aid, abet, and participate in the operation of Concentration Camp [...] which operation included the wrongful and unlawful subjection of citizens [...] to killings, beatings, tortures, starvation, abuses and indignities...’⁵¹

These convictions rooted within Koch’s contribution to the common design and her role in the structural violence in concentration camps.⁵² She was sentenced to life imprisonment on August 19, 1947.⁵³ *Time* magazine reported that a US lawyer at the trial noted that ‘there was no way to compute the number who wanted to testify against her [Koch] because (1) she was a woman, (2) she

⁵⁰ *Josias Prince zu Waldeck et al., supra* note 42, pp. 1–2.

⁵¹ *Ibid.*

⁵² Sarti, *supra* note 2, p. 151.

⁵³ *Josias Prince zu Waldeck et al., supra* note 42, p. 65.

was the commandant's wife, and (3) she was just so goddamn mean.⁵⁴ It is noteworthy that the sexualized presentation of Koch at this trial traces back to early journalistic reports publicly released in newspapers at the time when Buchenwald had been liberated. The US military had made a report of its findings in which Koch featured prominently.⁵⁵ In a sense, then, early on Koch was presented as *the* despicably blameworthy villain among many perpetrators at Buchenwald.

The prosecution presented documentary and physical evidence at trial: a film made three or four days after the liberated camp came under the control of the US Army, as well as two shrunken heads.⁵⁶

In addition, prosecutors offered *viva voce* evidence delivered by ten witnesses.⁵⁷ Witnesses recounted that any 'orders' given by Koch were to be obeyed as if they had been given by Karl in his official capacity as the *Kommandant*.⁵⁸ Witnesses testified that Koch often reported inmates to camp authorities for what she determined to be improper behavior, knowing as she did that these inmates would be severely punished.⁵⁹ Some witnesses provided specific examples. For example, one witness was reported by Koch for drinking a glass of wine and was then beaten, forced to run across a pile of rocks several times, lashed twenty-five times with a stick, and then taken to the camp prison and hung by his arms for three hours.⁶⁰ Two witnesses testified that Koch told her husband that 'this dirty pig dared to look at me' and then he beat that inmate so severely that it became necessary to carry him away while Koch watched.⁶¹ A witness testified that Koch told him: 'Have a look at this dirty Jewish swine off there, too lazy to work. I don't want to see him anymore,'⁶² and that Karl then proceeded to kick and severely flog him with a riding crop.⁶³ Witnesses also testified to the following:

- Koch saw an inmate who had diarrhea relieving himself and ordered the ss lieutenant in charge to put a stop to it.⁶⁴ The ss lieutenant then over-worked the inmate who collapsed and died the next day;⁶⁵

54 'The Bitch Again', *Time* 4 October 1948), p. 27.

55 Walter H. Waggoner, 'Army Shows Films on Nazi Murders', *N.Y. Times*, 23 October 1948, p. 4.

56 *Josias Prince zu Waldeck et al*, *supra* note 42, p. 64.

57 *Ibid.*, pp. 63–65.

58 Sarti, *supra* note 2, p. 152.

59 *Ibid.*, pp. 147–148.

60 *Josias Prince zu Waldeck et al.*, *supra* note 42, p. 63.

61 *Ibid.*

62 *Ibid.*

63 *Ibid.*

64 *Ibid.*

65 *Ibid.*

- Koch complained that 11 inmates picked berries near her house and they were punished by receiving 25 lashes;⁶⁶
- A witness and a Czech chaplain were digging a ditch and Koch stood astride that ditch in a short skirt with no underwear and when they looked up at her she beat them with her riding crop;⁶⁷
- Koch hit an inmate in the face and on the body with a stick in her house;⁶⁸
- Other inmates, who were weak and could not run, were forced to carry rocks to Villa Koch and she hit them with her riding crop causing them to fall and knock others down and many were injured;⁶⁹
- Koch allegedly had lampshades, photo albums, a briefcase, and a pair of gloves in her house made from human skin;⁷⁰
- Many inmates that Koch saw with tattooed skin were allegedly called to the hospital and killed in order to obtain their skin for Koch's collection.⁷¹

The evidence against Koch was extensive. That said, much of it was hearsay or 'common knowledge' and not necessarily direct knowledge.⁷² On the one hand, this is unsurprising in that direct eyewitness testimony for the most part may be difficult to come by in any atrocity trial, certainly one involving events in a sealed-off camp with extensive suffering and relatively few survivors. On the other hand, insofar as trials are to adhere to due process, hearsay evidence with select exceptions in civilian judicial systems may at times be inadmissible, or taken as inherently unreliable and hence accorded little weight.⁷³ Our point here is not to discredit the evidence—direct and circumstantial—against Koch. It was overwhelming. Nor is it to exonerate her. Rather it is to suggest that some of the most lurid evidence that 'lives on' still today in what is 'remembered' about Koch is the same evidence that, from an accuracy standpoint, is the least probative. This evidence remains stuck in the discourse that arose from the trial though the process excluded much of that evidence. What does this suggest about the value of 'legalism' and the authoritativeness of judgment? What might it reveal about the value of an acquittal, or the withdrawal of a specific charge, in an atrocity trial?

66 *Ibid.*

67 *Ibid.*

68 *Ibid.*

69 *Ibid.*

70 *Ibid.*, p. 64.

71 *Ibid.*

72 Przyrembel, *supra* note 13, pp. 381–382 (observing that inmates shaped Koch's image by forming 'common knowledge' about Koch that was necessary to survive).

73 Sarti, *supra* note 2, p. 153.

Koch took the stand in her own defense.⁷⁴ The spirit of her testimony was that she was just a normal ss wife, innocent, taking care of her children and being a mother.⁷⁵

The American Military Tribunal found *inter alia* that the evidence established that Koch reported inmates who were severely punished and that she knew the punishments would be severe.⁷⁶ She personally beat an inmate on at least one occasion.⁷⁷

On June 8, 1948, General Lucius D. Clay (the interim military governor of the American Zone) reduced Koch's term to four years on the grounds that there was 'no convincing evidence that she had selected inmates for extermination in order to secure tattooed skins, or that she possessed any articles made of human skin.'⁷⁸ The sentence reduction became public knowledge on September 16, 1948. An uproar ensued.⁷⁹ The case's Chief Prosecutor, William Denson, was among the more vocal protesters. He wrote a letter criticizing Clay's decision that was circulated in newspapers across the country.⁸⁰ While generally supportive of the commutation of many convicted Nazis so as to win the support of Germany amid emergent US-Russian 'Cold War' rivalries, the United States Congress was sufficiently concerned with Koch's early release that it conducted its own hearing on her case. This produced a Congressional Report.⁸¹ Despite this, Koch's commutation remained in place and she was released in 1950.⁸² Koch was one of 317 convicted war criminals who had their sentence commuted by Clay at that time out of a total of 1653 which were reviewed.⁸³ Of the 31 convicted at Buchenwald, 13 (including Koch) had their

74 *Ibid.*, p. 152.

75 *Ibid.*

76 *Josias Prince zu Waldeck et al.*, *supra* note 42, p. 65.

77 *Ibid.*

78 'Germany: Very Special Present', *Time*, 25 December 1950.

79 See 'Koch Freeing Protested', *N.Y. Times*, 28 March 1949, p. 27 (detailing the public protests in reaction to Koch's sentence commutation); 'Leniency for Nazi Arouses Germany', *N.Y. Times*, 18 September 1948, p. 6; The Associated Press, 'Clay to Advise on Koch Case', *The Washington Post*, 29 September 1948, p. 18.

80 See William D. Denson, 'Ilse Koch', *The Washington Post*, 23 September 1948, p. 10.

81 Przyrembel, *supra* note 13, pp. 390–391.

82 'Ilse Koch Faces German Trial', *N.Y. Times*, 6 October 1949, p. 11.

83 See Leon B. Poullada Personal Papers. Subject File, 1947–1965. 'Nordhausen-Dora Concentration Camp War Crimes Trials, 1947–1948 (1 of 2 folders)' LBPPP-001-021, John F. Kennedy Presidential Library and Museum Archives, Boston, Massachusetts 44. While the US Congressional hearing concluded there was sufficient evidence for Koch's life sentence to stand, it was noted that authority was lacking to overturn Lucius' commutation—this situation constituted yet another factor that pressed West Germany to subsequently charge Koch.

sentences commuted. Clays' biography later reported that he called Koch a 'loathsome creature' and that he 'received more abuse for' reducing Koch's sentence 'than for anything else [he] did in Germany.'⁸⁴

2.3 1950–1951 Trial

West German authorities (re)arrested Koch shortly after her release resulting from Clay's commutation of her sentence.⁸⁵ They did so under pressure of public opinion.⁸⁶ The USSR had fought to have Koch extradited to its jurisdiction to be prosecuted but this attempt was unsuccessful.⁸⁷ It was not too common at the time for convicted Nazis who were released on sentence commutation to be re-arrested and retried for different charges related to the same crime base and, what is more, to be sentenced to another life term. All this suggests, as explored further in the next part of this paper, that there was 'something special about Ilse Koch.'

In any event, Koch was arraigned and tried at the Augsburg state court (*Landgericht*).⁸⁸ Her trial lasted six weeks.⁸⁹ Three judges presided.⁹⁰ There were six jury members.⁹¹ A whopping two-hundred and fifty witnesses were heard, including fifty for the defense, in a tight time-frame.⁹²

The hearing opened on November 27, 1950.⁹³ On January 15, 1951, a 111-page-long decision was issued. Koch was not present in court when the verdict was rendered.⁹⁴ She was convicted and received a sentence of life imprisonment.⁹⁵

Koch was charged with instigating the murder of 45 prisoners, complicity in 135 other murders, and one attempted murder.⁹⁶ The situational context

84 J.E. Smith, *Lucius D. Clay, an American Life* (Henry Holt, New York, NY, 1992), p. 301.

85 Sarti, *supra* note 2, p. 155.

86 *Ibid.*

87 'Soviets Want Ilse Koch', *N.Y. Times*, 24 March 1949, p. 18.

88 The Associated Press, 'German Court Indicts Matron of Buchenwald', 26 May 1950, p. 10.

89 'Ilse Koch Trial Ends in Germany', *N.Y. Times*, 13 January 1951, p. 30.

90 'Ilse Koch Denies She Even Saw Horrors in Buchenwald Camp', *N.Y. Times*, 28 November 1950, p. 19.

91 *Ibid.*

92 'Ilse Koch Sentenced by German Court', *The Times*, 15 January 1951, p. 4.

93 'Ilse Koch Before a German Court: Evidence from Buchenwald', *The Times*, 28 November 1950, p. 3.

94 'Germans Give Ilse Koch Life Term for Crimes Against Countrymen', *N.Y. Times*, 16 January 1951, p.1,8.

95 'Ilse Koch Denies She Even Saw Horrors in Buchenwald Camp', *supra* note 90.

96 The exact numbers are not consistent across sources; some say 36 and 146, and others say 45 and 135. One source adds an additional charge of 'attempted murder.' Compare 'Ilse Koch's Denial About Tattooed-Skin Goods', *The West Australian*, 9 January 1951,

was substantially similar to the context that the Americans had prosecuted in the Dachau proceedings. The charges however were different. They were brought under ordinary criminal law, not international law as domesticated into national law. Furthermore, while at the 1947 trial Koch was charged with crimes against foreigners committed after September 1, 1939, in the 1950–1951 trial she was charged with crimes allegedly committed against Austrians and Germans (in the 1944 SS trial she was only charged with illicitly receiving financial proceeds). The Augsburg judge ruled that the previous trials in 1944 (the SS trial) and in 1947 were not bars to additional proceedings.⁹⁷

Koch's path of atrocity prosecution, following the end of the war in the 1947 and 1950–51 atrocity trials—namely first at an 'internationalized' proceeding by the Americans and then secondly in domestic proceedings by West Germans—presages a path that has become not entirely uncommon. Joris van Wijk and Barbora Holá pick up this trend in their work on acquittals rendered by the modern international criminal tribunals.⁹⁸ In contexts of mass atrocity, the sprawling nature of the violence permits an abundance of specific criminal charges to be brought. In addition, a variety of courts and tribunals with jurisdiction offer multiple venues in which to bring charges. Accordingly, van Wijk and Holá observe that 'persons acquitted by international criminal tribunals are relatively more susceptible to post-acquittal challenges.'⁹⁹ Now, Koch was not acquitted of many charges at the American trial, but charges for which Koch was acquitted, or charges which entirely were dropped, lived on in infamy and helped bestow upon her, in van Wijk and Holá's phrasing from a different context entirely, the status of an 'international pariah.'¹⁰⁰

Technically, it seems right to conclude that the West German trial did not infringe the 'double jeopardy' or *ne bis in idem* principle. This principle, which advocates for finality in criminal prosecutions and for the fairness to the accused, holds that 'no one shall be tried or punished again for an offense for which they have already been convicted or acquitted.'¹⁰¹ Yet, van Wijk and Holá problematize the application of this principle in a context in which an international prosecution for atrocity crimes precedes the domestic one. Here the

p. 4; with 'Charges Against Ilse Koch', *The Cairns Post*, 17 January 1951, p. 2; and "'Witch of Buchenwald" Imprisoned for Life', *The Washington Post*, 16 January 1951, p. 4.

97 M. Koessler, 'Ilse Koch Senate Investigation and Its Problems with Observations on Double Jeopardy and Res Judicata', 23(1) *Missouri Law Review* (1958) 1–24, pp. 14–17.

98 J. van Wijk and B. Holá, 'Acquittals in International Criminal Justice: Pyrrhic Victories?', 30 *Leiden Journal of International Law* (2017) 241–262.

99 *Ibid.*, p. 241.

100 *Ibid.*, p. 242.

101 *Ibid.*, p. 254.

principle must travel downwards (from the international to the domestic) and also laterally (as between different sets of laws). The concern is that it becomes easy to maintain the integrity of the principle while circumventing it. 'Limited jurisdiction, limited resources, and the sheer scale of atrocities often do not allow [international] prosecutors to charge the entirety of the possible criminal behavior.'¹⁰² And so it was with Koch. Yet, van Wijk and Holá also warn that these realities may also allow for extraneous factors to waft in to animate a subsequent prosecutorial impulse. These factors may be political, which is the focus of their work.¹⁰³ Yet these also may be visceral or emotional. And this is what we sense may have been at play with Koch—there was a politics, an emotionality, and a disgust that suffused decisions to prosecute her for a second time. And we find it implausible to dismiss the implicit role that her gender may have played in all this.

The West German trial also addressed the allegations that Koch selected prisoners for their tattooed skin to be used in the making of articles. At least four witnesses testified that they had seen Koch select tattooed prisoners, who were then killed, for their skin; testimony came from witnesses who been involved in the process of making lampshades from tattooed skin.¹⁰⁴ For example, Gustav Wegerer, an Austrian political prisoner and pathologist, testified that Koch was seen in his work detail, the lampshade made of human skin was being made for her, and he heard her say that the people chosen for the lamp 'had not found favor' with her.¹⁰⁵ Josef Ackermann, a political prisoner and secretary of the camp doctor, testified that he delivered the lampshade to Koch at her birthday party.¹⁰⁶ The lamp was allegedly made of a human foot and shinbone and observers could see tattoos and nipples on the screen.¹⁰⁷ That said, the prosecution ultimately dropped all charges related thereto.¹⁰⁸ Koch in testimony presented herself as a normal SS wife, mother, holiday-taker, caregiver, and horseback rider.¹⁰⁹ She denied seeing horrors at Buchenwald.

Koch was found guilty of incitement to murder, incitement to attempted murder, incitement to committing grievous bodily harm, and causing injuries

¹⁰² *Ibid.*

¹⁰³ *Ibid.*

¹⁰⁴ Przyrembel, *supra* note 13, pp. 381, 383.

¹⁰⁵ H. Stein, 'Is it true that the SS in the Buchenwald concentration camp had lampshades made from human skin?', <https://www.buchenwald.de/en/1132> (accessed 14 January 2021).

¹⁰⁶ 'Koch Witness Tells of Human Skin Lamp', *N.Y. Times*, 30 November 1950, p. 22.

¹⁰⁷ *Ibid.*

¹⁰⁸ Przyrembel, *supra* note 13, p. 383.

¹⁰⁹ *Ibid.*, pp. 378–379.

of two inmates.¹¹⁰ She was acquitted of personally assisting in any killings.¹¹¹ Koch was sentenced to life imprisonment and permanent forfeiture of civil rights.¹¹²

Koch later appealed to have the judgment quashed.¹¹³ The Federal Court of Justice dismissed her appeal on April 22, 1952.¹¹⁴

Koch's West German trial also highlighted her relationships and affairs. One witness, interestingly, refused to testify publicly about her affairs so the press was asked to leave the court that day.¹¹⁵ Media interest in Koch's West German trial was noteworthy.

2.4 *Suicide*

Koch remained close to Uwe in the hurriedly limited time they knew of each other. As mother and son, '[t]hey had a good relationship' and she 'wrote poetry for him.'¹¹⁶

She made several petitions for a pardon, but all were rejected by the Bavarian Ministry of Justice. She unsuccessfully protested her life sentence to the International Human Rights Commission.

Koch committed suicide on September 1, 1967, at Aichach women's prison by hanging herself with a bed sheet.¹¹⁷ It is reported that, at the time, she suffered from delusions and had become convinced that concentration camp survivors would abuse her in her cell. Koch is buried in an unmarked grave in Aichach's cemetery.

3 A Prurient Burlesque

The role(s) of women as perpetrators in the Holocaust remains a growing yet still wanting area of research. This lack of attention is somewhat vexing in light of the fact that women indeed served as overseers in the Nazi concentration and forced labor camp system. It has been estimated that 8.5% of Auschwitz

110 'Germans Give Ilse Koch Life Term for Crimes Against Countrymen', *supra* note 94.

111 *Ibid.*

112 *Ibid.*

113 *Ibid.*

114 'Ilse Koch Loses Appeal', *N.Y. Times*, 23 April 1952, p. 18.

115 "A German court took up illicit love affairs of Ilse Koch in secret today after a German witness refused to discuss them publicly." *Washington Post*, 1 December 1950, p. 17 (no title).

116 World War II Graves, *supra* note 15.

117 Hackett, *supra* note 2, p. 43, n. 19.

guards were women.¹¹⁸ A number of women's camps, Ravensbrück for instance, were particularly dreadful: 90 000 of the 130 000 women deported to Ravensbrück died, many falling victim to the brutality of SS female overseers. Yet no woman appeared in the dock alongside prominent Nazis, such as Rudolf Hess or Hermann Goering. The paucity of women defendants moreover extended well downwards into the subsequent proceedings held throughout occupied Germany, as well as the many Holocaust trials that took place in dozens of jurisdictions in the decades that followed. This paucity can to some degree be explained by the fact that women were not part of camp leadership; nor were women in the SS allowed to become full SS members with equal rights to men (they mainly served as helpers, namely, *ss-Helferin*). Nor were women allowed into combat. But there is more: women were simply not perceived as 'threats to post-war German society.'¹¹⁹ Many positions women occupied as nurses, administrators (within the SS, government, and police) or wives of prominent men did not give them official access to active planning and decision making. Many lacked the formal authority to commit crimes and conspire with their superiors.¹²⁰

But, still, women—such as Koch—inflicted wretched acts of violence upon others. Some did occasionally face trial, for instance in the local zonal courts, such as the one that convicted Koch. Women thusly prosecuted became stylized and portrayed either as monsters or, on the contrary, as so innocent that they were helplessly incapable of any monstrous acts.¹²¹ While prosecutions in West Germany trended towards judicial narratives that portrayed women as monsters, those undertaken in East Germany trended towards depictions of damsel-in-distress haplessness.¹²² Women prosecuted as monsters thereby became *sensationalized*, including by the media, and came to carry a heavy representational burden. These women were masculinized; that said, because they physically remained as women, they became

118 W. Sofsky, *The Order of Terror: The Concentration Camp* (Princeton University Press, Princeton, NJ, 1999), pp. 38, 102. See also Susannah Heschel, 'Does Atrocity Have a Gender? Feminist Interpretations of Women in the SS', in J.M. Diefendorf (ed.), *Lessons and Legacies Volume VI: New Currents in Holocaust Research* (Northwestern University Press, Evanston, IL, 2004), p. 304 (noting that very few women were even interrogated after the war even though women comprised 10% of SS guards).

119 W. Lower, *Hitler's Furies: German Women in the Nazi Killing Fields* (Houghton Mifflin Harcourt, New York, NY, 2013), p. 168.

120 *Ibid.*

121 *Ibid.*

122 A. Rowland, 'Reading the Female Perpetrator', 17 *Holocaust Studies: A Journal of Culture and History* (2011) 145–161, p. 147.

projected as deviantly wicked.¹²³ They did not correspond to the Nazi image of proper Aryan femininity¹²⁴ or the post-war image of women—the *Trümmerfrauen*—single-handedly and diligently shouldering Germany's reconstruction.¹²⁵

Koch's 1947 trial, we argue, was notably contoured by these reductive tropes just as much as it was fed by them. Koch was portrayed as a lascivious, atavistic nymphomaniac. This presentation served as an optical space to (re)establish appropriate feminine mores. Koch became a *visual spectacle*—burlesque, a carnival character of sorts. In Koch's case, the tropes fomented through the judicial process were seized upon, amplified, and disseminated through media outlets.¹²⁶ And the American trial laid a foundation from which the subsequent West German trial cannot be disaggregated.

Judicial processes do not explicitly seed such tropes in the case of all women atrocity perpetrators, to be clear. Pauline Nyiramasuhuko, the former Rwandan Minister of Women's and Family Affairs during that country's 1994 genocide is an example. Nyiramasuhuko was convicted by the International Criminal Tribunal for Rwanda (ICTR) on grievous charges, including rape.¹²⁷ Prosecution and defense deployed public relations strategies outside the courtroom that essentialized gender (Nyiramasuhuko was more deviant because she was a

123 On 'female masculinity' and Koch, see J. Halberstam, *Female Masculinity* (Duke University Press, Durham, NC, 1998) cited in *ibid*.

124 The Nazi Party's perception of Aryan women was one of purity and maternal strength. Under Nazi Germany, women and men's roles were clearly delineated. The ideal woman thrives within the confines of family life, contributes to reproduction, and avoids impurities (*Kinder; Küche; Kirche*—children, kitchen, and church). Adolf Hitler himself exhorted: 'Providence assigned to woman the cares of a world that is particularly her own, and it is only on this that man's world can be shaped and constructed. That is why these two worlds are never in conflict. They complement each other, they belong together, as man and woman belong together. We feel it is not appropriate when woman forces her way into man's world, into his territory; instead we perceive it as natural when these two worlds remain separate.' Adolf Hitler, 'Speech to the National Socialist Women's Organization', 8 September 1934, in F. Morris, 'Beautiful Monsters' 11 *Legacy* (2011) 59–70, p. 59).

125 Heschel, *supra* note 118, p. 311 (arguing that 'women perpetrators have had to be described as deviant females ... in order to preserve the innocence of German women—an effort ... in which postwar Americans collaborated').

126 'This framing of the media response in terms of gender politics is not to excuse or downgrade Koch's crimes, of course, but merely to provide an explication for their acute visibility.' See Rowland, *supra* note 122, p. 149.

127 M.A. Drumbly, 'She Makes Me Ashamed to Be a Woman: The Genocide Conviction of Pauline Nyiramasuhuko', 34 *Michigan Journal of International Law* (2013) 559–603, pp. 561, 564, 580.

woman; or she could not have done what she is accused of having done because she was a woman, wife, mother, and grandmother).¹²⁸ The media picked up on these tropes.¹²⁹ The courtroom space, however, in Nyiramasuhuko's case was not subject to these tropes nor was the judgment which, in the end, also reads awkwardly as if she had no gender.

In Koch's case, certainly at the US trial, all spaces were inflamed with the 'monsterish whore' narrative. Seated on a throne on a pedestal in the center of the makeshift courtroom, as captured in the photograph below taken during her US trial, Koch is ogled by the sideways gaze of gawking men while women spectators sit demurely in the shadows. Koch ensconces herself confidently. Her feet are firmly yet comfortably planted, legs uncrossed, wrist dangling on the armrest, her hand grips nothing, no fingers are clenched. Koch exudes defiance (Figure 2).

Dr. Konrad Morgen, a SS judge and investigator who testified against Koch in all three of her trials, subsequently described her as 'a hussy who rode on horseback in sexy underwear in front of the prisoners and then noted down for punishment the numbers of those who looked at her ... Simply primitive.'¹³⁰ A prosecutor simply referred to her as a 'creature.'¹³¹ Media accounts were even more graphic. These accounts eviscerated her: she was depicted as hyper-sexualized, a 'red headed cocotte', as the 'bitch' [in other instances 'witch'¹³² and in others 'beast'¹³³ and in still others 'queen'¹³⁴] of Buchenwald. Koch was also referred to as 'Butcher Widow.'¹³⁵ *Der Spiegel* described her as a 'Venus Callipyge.'¹³⁶

128 *Ibid.*, pp. 563, 583–586.

129 *Ibid.*, pp. 586–591.

130 See Binder, *supra* note 1.

131 T. Davison, 'Ilse Koch: The Bitch of Buchenwald & the Stereotyping of Female Perpetrators of Mass Atrocity', Washington and Lee University, Paper for Mass Atrocities Seminar (April 27, 2018), p. 17.

132 'Ilse Koch: Red Witch of Buchenwald, on Trial', *Los Angeles Times*, 28 November 1950, p. 5.

133 D. Alban, 'Books Bound in Human Skin; Lampshade Myth?', *Harvard Law Record*, 11 November 2005, <http://hlrecord.org/books-bound-in-human-skin-lampshade-myth/> (accessed 31 May 2020).

134 H. Boyle, 'Cruel "Queen of Buchenwald" given a permanent address', *The Milwaukee Journal*, 14 August 1947, p. 2; 'Buchenwald Queen Must Face German Court On Release', *The Evening Independent*, 4 July 1949, p. 15.

135 'Army Seeks New Charges Against Butcher Widow', *The Evening Independent*, 29 September 1948, p. 3.

136 Durch den Tunnel, 'Da kam der Koch', *Der Spiegel*, 9 October 1948, p. 9. Also known as the Aphrodite Kallipygos (Greek: *Ἀφροδίτη Καλλιπυγος*) or the Callipygian Venus, which all literally mean 'Venus (or Aphrodite) of the beautiful buttocks.'



FIGURE 2 Ilse Koch testifies in her own defense at the trial of former camp personnel and prisoners from Buchenwald. Photograph | Photograph Number: 43014. Photo credit: United States Holocaust Memorial Museum, courtesy of National Archives and Records Administration, College Park, PA, USA.

A 1975 Canadian Naziplotation/sexploitation film parodies Koch as the lead character in a series called 'Ilsa, She-Wolf of the ss' that features sexual acts with and torture of prisoners.¹³⁷ Woody Guthrie, a renowned American

¹³⁷ Directed by Don Edmonds, written by Jonah Royston, and produced by David Friedman. On Wikipedia, the plot line of the film is as follows: 'Ilsa is Kommandant of a Nazi prison camp, who conducts sadistic scientific experiments designed to demonstrate that women are more capable of enduring pain than men are, and therefore should be allowed to fight in the German armed forces (it is late in the war and the Nazi military is in dire need of reinforcements). Ilsa is also portrayed as a buxom woman with a voracious sexual appetite for men. Every night, she chooses another of her male prisoners and rapes him. However, owing to her hypersexuality, she is disappointed when her current victim eventually ejaculates, and promptly has him castrated and put to death. Only one American prisoner, who can avoid ejaculating, manages to use her weakness to his favor. He hopes that the Allies will arrive soon, but a faction of the ss wants to eliminate all evidence and witnesses.' Wikipedia, 'Ilsa, She Wolf of the ss', https://en.wikipedia.org/wiki/Ilsa_She_Wolf_of_the_SS (accessed 31 May 2020). In 1976, a sequel was made called 'Ilsa, Harem

folk singer, wrote a song about her in protest of her release;¹³⁸ note also Gilla Cremer's play, *Die Kommandeuse* (1995).¹³⁹ Koch, moreover, was included in a Channel 5 documentary film in 2002 as part of the series *The Most Evil Men and Women in History*, in which she is likened to Genghis Khan, Mary Queen of Scots, and Count Dracula.¹⁴⁰ It has been suggested that Hanna, a lead character in Bernhard Schlink's broadly acclaimed *The Reader*, is influenced by the iconography of Koch (and Irma Grese, another spectacularized female Nazi concentration camp guard).¹⁴¹

Koch's conduct at Buchenwald was credibly rumored to be one of frequent affairs, simultaneous lovers, and the sexual humiliation of prisoners. It is reported that she ordered prisoners to serve her while she was nude; that she forced prisoners to show her their penises which she would then beat with a small stick.¹⁴² Joseph Halow, who served as the court reporter in the US proceedings, wrote in his book *Innocent at Dachau* that gossip swirled that Koch had engaged in numerous affairs with SS officers, had sexually abused inmates at Buchenwald, and moreover that at her behest her marital relationship scandalously was an open one.¹⁴³ But such sexual proclivities and abuse, and open relationships too, were the behaviors of many men: indeed, much more so.¹⁴⁴ Yet in Koch's case these allegations sparked a feeding frenzy such that it becomes a challenge to separate fact from fiction. Gossip abounded that Koch had tempted Jewish translators in the prison cells while awaiting trial

Keeper of the Oil Sheiks.' For further discussion, see L. Rapaport, 'Holocaust Pornography: Profaning the Sacred in "Ilse, She-Wolf of the SS"', 22 *Shofar* (2003) 53–79.

138 The song tells of Koch's abuses in Buchenwald, her imprisonment, and her release. *Ilse Koch* [song], Lyrics by W. Guthrie, Music by L. Sklamberg, Woody Guthrie Publications & PsychoFreylekhs Music. The song was recorded in 2006 by The Klezematics.

139 See G. Cremer, 'Die Kommandeuse', <http://www.gillacremer.de/die-kommandeuse> (accessed 14 January 2021). This one-person play was written as part of a series of plays documenting war and fascism. The script depicts Koch's life, from 'court records, eyewitness reports, [and] self-testimonials.' 'Angemessen Grobartig', *Der Spiegel*, 13 March 1995, pp.134–136.

140 Rowland, *supra* note 122, p. 149.

141 *Ibid.*, p. 151.

142 Hackett, *supra* note 2, pp. 44, 335–337.

143 Prior to her trial, evidence surfaced that Koch had been having concurrent affairs with Waldemar Hoven, a SS captain who was the chief medical doctor at Buchenwald, and Hermann Florstedt, Buchenwald's Deputy Commandant. *Ibid.*, pp. 336–337.

144 For instance, the 'joy division', a brothel for male SS and male Kapos at Auschwitz. See also generally K. Allar, 'Setting the Picture Straight: The Ordinary Women of Nazi Germany and Rwanda Who Participated in Genocide' in Karin Auerbach (ed.), *Aftermath; Genocide, Memory and History* (Monash University Publishing, Melbourne, VIC, 2015), p. 21 ('[W]hile male violence is frequently normalized and even expected in certain situations, female violence both repels and attracts').

and during the trial. Indeed, Koch appeared late-term pregnant at her trial. Normally, when an accused becomes pregnant while isolated in detention, the assumption is that the sex was non-consensual. This is seen as a human rights violation. In Koch's case, however, the assumption was different—it was *she* who had seduced and inveigled men to impregnate her while she was behind bars.

Other lurid 'Koch gossip' surrounds the allegation that she had lampshades made out of prisoner skin. Although these allegations were never proven at any trial, and indeed were judicially dismissed as hearsay or dropped by prosecutors themselves, they still stick as 'facts' decades after Koch's death. In the end, Koch's actual story—'her' story—becomes lost. These accusations discursively stick even though the operation of law acquitted her of these charges and the evidence was not found to be probative. They stuck even though their unproven nature was one of the reasons US General Clay released Koch early, leading to the vigorous public protest. It seems that 'law' just cannot counter gossip, innuendo, or salaciousness. For example, the 2002 Channel 5 documentary film series *The Most Evil Men and Women in History*, made it 'historical "fact" that Koch commandeered the laboratory and requested tattooed skin' when roughly 50 years earlier she had twice been acquitted of these charges.¹⁴⁵

Questions linger. Who decided that all this was to be the *visible* narrative for Koch? Certainly, the American investigation and prosecution played an initial framing role, in particular, on the vixen characterization. The media really piled on. Scholars and activists, as well. And why? Ostensibly, this would be in the name of justice for the crimes and the reconstruction of Germany. Yet we see something deeper, namely, that the Koch's framing blurred and manipulated not only 'her' reality but also the broader space occupied by women in Nazi Germany and also in post-war Germany.

Two disparate perspectives appear to evidence an interest in either sensationalizing Koch or, alternately, in ignoring her. These two dynamics, delivered from an Anglo-American legal perspective, conspire to do Koch a disservice. Firstly, a patriarchal lens, voiced through the trial and the media reporting about the trial, which cascaded into film, music, and pop culture, rooted in the fact that she acted in a way in which women are not supposed to act. Secondly, a feminist lens, which overlooks and ignores Koch, because of what she was found to have done as not in accordance also with how women are supposed to act, and hence leaves her alone and subject only to the patriarchal refraction.

Patriarchal impulses tabooify Koch because she is so offensive to 'proper' femininity. Once Koch becomes apprehended she mutates into a public figure.

¹⁴⁵ Rowland, *supra* note 122, p. 149.

People—mostly, but not only, men—take ownership of her story without regard to her truth or reality. She becomes appropriated. This frame neatly positions women's role in a single-sided framework. International criminal justice as tangible and visible and visual therefore becomes infused with gender stereotyping and ensconces a patriarchal gaze along with its elisions and distortions. The spectacularization of Koch's 'story' has generalizable effects: these are that the female perpetrator becomes stylized as exceptional, aberrational, and utterly anomalous. As a result, 'her' freak acts and behaviors cannot fit the roles ascribed to women (maternal, caring, innocent, resilient) and thereby become overdrawn.¹⁴⁶

This second dynamic—that of ignoring or overlooking Koch—emerges from a different place. This pressure begins with the largely scholarly and academic push to 'discover' the women at Nuremberg and the presence of women in the historiography of international criminal law more generally. This push, however, tends sharply towards women in salutary and saving roles, to wit, women who judge, prosecute, or investigate—or in a sign of those times *help* those efforts—or women as witnesses and victims. Immi Tallgren chimes in:

Whether “academic” or “popular” histories, or histories written by lawyers, few women appear in their pages. When they do, it is as direct victims—killed, raped, tortured, enslaved, persecuted, detained—or their mothers, wives, daughters, other family or community members. In terms of criminal procedure, women figure as victims, victim-witnesses, or witnesses; not as the accused, convicted, or acquitted.¹⁴⁷

Referencing a recent blog series posted on the IntLawGrrls website (a US-based website on women and international criminal law), Tallgren adds:

Whereas women lawyers amongst the prosecutorial staff and defence counsels, as well as staffers, interpreters, and journalists receive a detailed

¹⁴⁶ See generally Lower, *supra* note 119, p. 144 (“To assume that violence is not a feminine characteristic and that women are not capable of mass murder has obvious appeal: it allows for hope that at least half the human race will not devour the other, that it will protect children and so safeguard the future. But minimizing the violent behavior of women creates a false shield against a more direct confrontation with genocide and its disconcerting realities”).

¹⁴⁷ I. Tallgren, “Voglio una donna!": On Rewriting the History of International Criminal Justice with the Help of Women Who Perpetrated International Crimes' in I. Tallgren and T. Skouteris (eds.), *The New Histories of International Criminal Law: Retrials* (Oxford University Press, Oxford, 2019), p. 110.

and celebratory description on the website, the very few women accused at the Nuremberg follow-up proceedings and in other trials by the US or UK occupation authorities seem to complicate the efforts to find the *first* women in histories of the *first* international trials.¹⁴⁸

Reclaiming the space of women and international criminal law also should mean recognizing that women were vastly underrepresented operationally *as accused defendants* in light of actual acts of perpetration.¹⁴⁹ As Agarwalla pithily notes: “The feminist truism that women did not and do not participate in the war as anything other than victims is simply not historically true.”¹⁵⁰

While not essentializing Koch, this lens does something equally hurtful, that is, to ignore her, which leads to a similar result than the patriarchal lurid stereotype, that is, to marginalize her as totally aberrational because women who are bad should be briefly mentioned and then cabined away, like an embarrassing aunt at a holiday dinner, because, indeed, she does not represent the group and the group, well, mostly it just cannot be so bad. If not ignored, then Koch’s conduct tends to be written off as entirely derivative of patriarchal forces—her husband or gender-based subordination, for example—without actually inquiring whether and how this actually may (or may not) have happened in terms of her individual case. Tallgren neatly captures the dynamic: ‘Behind every visible woman perpetrator, viewed as the exception, there is an invisible or visible man. Women perpetrating crimes either imitate, obey or seek to please men, with no ownership or ideological input of their own.’¹⁵¹

¹⁴⁸ *Ibid.*, p. 117.

¹⁴⁹ S. Agarwalla, ‘Critiquing the Mainstream Feminist Position on Sexual Violence during Conflict’, *IntLawGrrls*, 22 November 2019, <https://ilg2.org/2019/11/22/critiquing-the-mainstream-feminist-position-on-sexual-violence-during-conflict/> (accessed 22 November 2019) (‘Wendy Lower and Elizabeth Heineman, both feminist historians who have really been trying to unpack the complexities of law and politics during the period, assert that in both general histories of the Holocaust and studies of Nazi women, scholars have greatly underestimated the role these women played both during and after the war. Lower shows that the Nazi genocidal system could not have functioned without the participation of the thousands of women who filled key positions in the Nazi hierarchy as both helpers and overseers. Heineman similarly shows that women’s paid work and labor for the state bureaucracy and not just their reproductive capacity were crucial to carrying out [the] Nazi agenda.’).

¹⁵⁰ *Ibid.*

¹⁵¹ See Tallgren, *supra* note 147, p. 127 (‘[T]he few women who end up being prosecuted for such grave crimes get processed in a gendered discursive practice that produces and reproduces them as unnatural ‘non-women’ or dependent on men and infantilized.’); J. Reilly, *Belsen: The Liberation of a Concentration Camp* (Routledge, London, 1998), p. 43 (‘Modern feminist

In Koch's case, the visibilities and invisibilities generated by her trial omit a nuanced vision which rather than spectacularize or negate is more honest in unpacking the 'real' Koch or in the least seeks to identify, if possible, what crimes she 'really' was guilty of.¹⁵² The tabooification of Koch still hampers our understanding of the Holocaust and those who contributed to it. This fascination with Koch as a whorish 'monster' allows her story to be told only partially and for ulterior purposes. One effect of all this might be to obstruct the painful exercise of unravelling the Holocaust which would consist of questioning women's roles more generally whilst dispelling myths that women were only innocent bystanders to be sheltered or villainous deviant perverts to be gawked at. Casting female Nazi perpetrators as sadistic aberrations was more palatable than the alternative, namely, to accept that ordinary women could commit wretched crimes in the name of collective racial and national supremacy—or just because they wanted to and felt like it.

4 Two Legalistic Takeaways from the Trials

Each of the three trials frames Koch's actions differently. Whereas the American trial focused on her crimes against Allied nationals (non-Germans), the West German trial focused on her crimes against Austrians and Germans. And her SS trial (where she was acquitted) focused on her alleged crimes against Nazi Germany and the Nazi party, specifically, the couple's theft of money, valuables, and gold teeth from prisoners to fund a lavish private lifestyle as opposed to turning all these proceeds over to the Nazi

analysis and the 'tools' of socialization can offer some interesting insights into the position of women in Belsen. Under patriarchy women can be classified into two camps, broadly the "good" and the "wicked", the extremes of Madonna and Whore. The "good", portrayed as representatives of a higher or purer nature, can be venerated using the symbolism surrounding angelic, virginal and Mother of God figures. They manifest qualities of order and harmony, purity, virtue, chastity, decency and modesty. Conversely, women vilified by patriarchy, who are symbolized by darkness and represented as the Whore of Babylon figure, are inherently sinful, immodest, indecent, promiscuous and seek to contaminate society with their wickedness. The latter are detestable and open to abuse, the former in need of protection. These twin concepts (though perhaps not in the extreme forms outlined above) can be applied to Belsen when examining male responses to the different groups of women in the camp.')

¹⁵² As Taylor Davison aptly observes, an elision arises: 'This portrayal of Koch overrode the fact that she was a rational actor, although one who likely acted out of her own selfish desires for wealth, status and power; that makes her no different than many of the men who were complicit and in control of the Nazi hierarchy.' Davison, *supra* note 131, pp. 16–17.

cause. In the end, then, each trial expressed harms against three different audiences. Each of the three trials, moreover, demonstrates varying degrees of sexualized sensationalism. The US trial sits at the apex, though the motivations for the West German prosecution lie causally in the related furor arising from Clay's decision to release her and the West German proceedings did not debunk these images—they lingered.

4.1 *Disproportionality and Appropriate Femininity: Wasn't there Just 'Something' about Ilse Koch?*

As regards the 1947 and 1950–1951 proceedings, a question arises: was Koch on trial only for crimes within the jurisdiction of the prosecuting entities or was she also sanctioned for not fitting the image of the model woman whether constructed by the Allies, by post-conflict transitional West Germany, or by the Nazis? It is clear that Koch was punished at the more severe end of the spectrum when it comes to Nazi concentration camp guards: her lengthy sentence by the West German court places her in a position as having served more time than many other abusers. Koch would indeed spend the rest of her life in jail, 'while former Gestapo chiefs, generals of the Waffen-ss, and Einsatzgruppen commanders responsible for shooting tens of thousands of Jews regained their freedom after a handful of years in prison, and often quickly because esteemed and prosperous citizens.'¹⁵³ What is more, Koch was singled out for a second prosecution, albeit on different charges, for what was largely the same crime-base.

While Koch committed war crimes, questions of proportionality arise. Was this harsh punitiveness justified because of the actual heightened gravity of the harms Koch inflicted? Was it because the *kind of harms* she committed were seen as worse than the harms that other offenders committed? Or was there just 'something about Ilse Koch', namely, her unrepentant defiance? Or can this disproportionality of punishment be deconstructed as gendered, namely, because Koch as a woman and as a mother committed the impugned acts? Is it 'worse' when a woman abuses men?

Women atrocity perpetrators tend to situate themselves at either end of the punishment spectrum—a sharp bimodality arises. On the one hand, women atrocity perpetrators either are not prosecuted ('chivalry theory' as has been

¹⁵³ M.S. Bryant, 'Punishing the Excess: Sadism, Bureaucratized Atrocity, and the U.S. Army Concentration Camp Trials, 1945–1947' in N. Stoltzfus and H. Friendlander (eds.), *Nazi Crimes and the Law* (Cambridge University Press, Cambridge, 2008), pp. 63–85, n. 17 (citing U. Herbert and P. Helmberger (eds.), *Die Nationalsozialistische Konzentrationslager* (Wallstein Verlag, Göttingen, 1999)).

noted in Rwanda)¹⁵⁴ or are assigned low sentences. On the other hand, however, other women atrocity perpetrators become sentenced more severely than their similarly situated male comrades. SS female camp overseers were treated more harshly following the war than men of corresponding status and roles: these women 'were sentenced to death more frequently, and they received longer prison sentences.'¹⁵⁵ Indeed, the Chief Prosecutor in Koch's 1947 case said the only reason Koch was sentenced to life imprisonment, instead of to death, was because she was pregnant.¹⁵⁶ It is also interesting to note that six years after Clay's commutation of the Buchenwald and Dachau sentences, Koch was the only convict who remained in custody.¹⁵⁷ On this note, since '[f]emale cruelty was considered by the prisoners and the allies to be a more serious crime than male brutality,¹⁵⁸ perhaps the law simply gives voice to this victim- and occupier-centered view. Susannah Heschel remarks that 'men's cruelty is discussed without reference to their gender, as though the connection between atrocity and maleness is self-evident.'¹⁵⁹

The 30 male defendants on trial with Koch in 1947 received little to no media attention. In fact, news articles containing names other than Koch generically and anonymously read as a person who was put on trial and sentenced for their crime. Koch, on the other hand, is rarely mentioned by the media without an attached introduction. Reporters highlighted (1) that she was a woman, (2) that she had red hair, (3) that she was the 'Bitch of Buchenwald' (or some other formation of the phrase), (4) some sort of comment on her as a psychopath, arrogant, and plump lady (to name a few), and (5) that she was infamous for collecting human lampshades made out of tattooed skin. Looking numerically at the contrast in media attention Koch received, a search through the *New*

154 Chivalry theory suggests that '[I]nvestigators, prosecutors and judges are so infected by gender stereotypes that they either cannot perceive of women as criminals or feel protective towards them in spite of their suspected or proven criminality. Men therefore, perhaps unwittingly, exercise their discretion in women's favour at each level of the criminal justice system—during reports, arrests, prosecution and sentencing.' N. Hogg, 'Women's Participation in the Rwandan Genocide: Mothers or Monsters?', 92 *International Review of the Red Cross* (2010) 69–102, p. 81.

155 DEGOB, 'SS Female Overseers in Auschwitz', <http://degob.org/index.php?showarticle=2018> (accessed 31 May 2020) (discussing *inter alia* Maria Mandel, Johanna Langefeld, Margot Dreschler, and Irma Grese).

156 Interview with William D. Denson, *supra* note 46.

157 Przyrembel, *supra* note 13, p. 388.

158 Aleksander Lasik, 'The Apprehension and Punishment of the Auschwitz Concentration Camp Staff,' in W. Długoborski and F. Piper (eds.), *Auschwitz 1940–1945, Volume 1–5, Central Issues in the History of the Camp* (Auschwitz-Birkenau State Museum, Oswiecim, 2000), p. V/110.

159 Heschel, *supra* note 118, p. 305.

York Times archives reveals that there were over 92 stories reported about Koch from July of 1947 until 1952. Yet the other 30 defendants were only mentioned 2 to 3 times in that entire period. Most of the others were not named either, rather, they were mentioned as a group within articles whose focus lay on Koch. To the media, these other defendants were just other persons convicted of a particularly heinous crime. Indeed, there was no ‘something’ about them; there was just ‘something’ about her. She was more than just another person, she was a monster.

We believe that Koch’s experiences portend the salience, in her case, of factors *extraneous* to war crimes to deepen her stigma *as a war criminal*. It has been posited that Koch’s influence on the day-to-day running of Buchenwald has been overstated.¹⁶⁰ Disproportionality therefore arises in terms of retributive justice, namely, disconnects between the gravity of the actual harm that is inflicted (and prosecuted) and the reprehensibility of related conduct. Notably, this outcome is problematic from a legalist perspective.

Koch’s entanglement with the law also is problematic because we believe that it evokes gendered assumptions. Indeed, Koch’s treatment seems to support the ‘mother/monster/whore’ triptych that Laura Sjoberg and Caron Gentry develop. These scholars observe that ‘a woman who commits proscribed violence, in her home or in global politics, has committed a “double transgression”: the crime for which she is being tried and her disregard of a gender stereotype which denies her mental capacity to commit such a crime.’¹⁶¹ Sjoberg and Gentry further note:

The monster narrative at once demonizes violent women (characterizing them as evil) and ridicules them (hyperbolizing their evil [...]). This dual role that the monster narrative plays is further complicated by the element of sexual fantasy in the monster narrative, where popular culture fetishizes monstrous women.¹⁶²

Koch was certainly fetishized;¹⁶³ indeed, she triggered pornographic fantasia even thirty years later and well after her suicide, as evidenced by one film, of which the cover is shown in Figure 3.

160 Przyrembel, *supra* note 13, p. 384.

161 L. Sjoberg and C.E. Gentry, *Mothers, Monsters, Whores: Women’s Violence in Global Politics* (Zed Books, New York, NY, 2007), p. 15.

162 *Ibid.* 37.

163 See generally U. Weckel, ‘Does Gender Matter?’, 17 *Gender & History* (2005) 538–566, p. 560 (commenting upon ‘fantasies about particularly evil Nazi women—women so wicked that they turned the gender order upside down’).



FIGURE 3 Film poster for the 1975 exploitation film *Ilsa, She Wolf of the SS*. Work is in the public domain because published in the United States between 1926 and 1977, inclusive, without a copyright notice.

Koch's trials, and the hoopla that surrounded them, thereby became spaces to re-establish 'morality' even when some, if not most, of the 'immorality' had little to do with the crime.

In the end, then, we suggest that Koch's encounters with atrocity law demonstrate that atrocity trials can be deployed to build social narratives well beyond those related to post-conflict justice, in Koch's case specifically to reinforce appropriate social roles for women.

Other—male—SS officers may have harmed and killed many more victims, but Koch's perceived gender transgressions mean she becomes catapulted as *the visible* Buchenwald Nazi—salacious, degenerate, and perverted. A woman who rode on horseback, cracked a whip, engaged in sexual assault, led a lascivious lifestyle, and wore an altered form of her husband's riding trousers (to which Koch testified in the 1944 SS trial) was difficult to place. It thereby became important to restore normality and traditional womanhood by excommunicating her.

4.2 *Being 'the Wife': Visibilities, Absorptions, Occlusions*

While far from authoritative, Wikipedia remains illustrative and indicative. The Wikipedia page for Koch lists the two things she is 'known for':

'Atrocities committed at Buchenwald and Majdanek concentration camps'

'Wife of camp commandant chief overseer'¹⁶⁴

The World War II graves website¹⁶⁵ concurs in that it lists Koch's 'ranking' (*i.e.* her position) as 'wife', and then to wrap up: 'She was one of the first prominent Nazis to be tried by the U.S. military.'

Koch remained linked to her husband even after his death. Koch was judged with his ghost in the background. Witnesses at Koch's trial testified that orders she gave were to be followed as if they had been given by Karl in his official capacity as the camp *Kommandant*. Yet much of Koch's impugned conduct occurred while Karl was away for long swathes of time. Unknown in terms of the judicial narrative is what influence Karl actually may have exerted upon her. Yet Koch still remained subsumed within Karl's orb, indissociable from him, to her detriment in the 1947 and 1950–1951 proceedings. Koch's absorption into Karl as *alter* ego belies her own agency, and might bring pyrrhic comfort to constituencies—both patriarchal and feminist—who simply cannot imagine that she could have done what she was accused of doing but for the presence of a domineering husband.

This matrimonial absorption and its attendant occlusions also present legalistic concerns. Whereas formal military officials could invoke command capacity as a legal or moral defense (arguing remoteness or best efforts in command responsibility, for example, or being under a duty to serve or follow orders), their wives—Koch in this case—could not since she lacked any formal

¹⁶⁴ Wikipedia, *Ilse Koch*, https://en.wikipedia.org/wiki/Ilse_Koch (accessed 14 January 2021).

¹⁶⁵ World War II Graves, *supra* note 15 (the term 'military' is misspelled in the original).

position ('wife' is not an official rank).¹⁶⁶ On the other hand, prisoners may have genuinely felt her *de facto* command power regardless of her official *de jure* authority. All this suggests the need to develop broader and more finely tuned theories of command responsibility to further the accuracies of law's transliterations of what actually happened and how.

Such a refinement is topical. Generations after Koch, for example, Simone Gbagbo was charged at the International Criminal Court (ICC) based on a theory that, even though she stood outside the formal hierarchies of power, she was the *alter ego* to her husband, Laurent Gbagbo, the head of state of Côte d'Ivoire. Simone held 'no official position in government; she wore no military uniform; she did not personally commit any of the crimes charged'; the ICC Prosecutor, nonetheless, alleged that she was part of Laurent's 'inner circle' and that she participated in meetings and instructed forces.¹⁶⁷ What is the defense to such a charge? The case, to be clear, ultimately collapsed for totally unrelated reasons. That said, bringing these charges was feted for the 'ICC's new willingness to look beyond formal governmental and military hierarchies in identifying those most responsible for serious international crimes,'¹⁶⁸ without recognizing that some persons in such contexts—wives—face a peculiar sort of associative liability. None of this is to deny that, indeed, wives of human rights abusers may become 'ignominious in their own right.'¹⁶⁹ Our purpose here is to underscore that care must be taken with this kind of associative liability so as to safeguard due process imperatives as well as juridical accuracies.

Koch may be differentiated from other 'infamous' Nazi women concentration and forced labor camp guards who also were sexualized and sensationalized. Some of these women—for example Irma Grese, Margot Dreschler and Maria Mandel—had official positions and were not associatively (or reductively) linked as *alter egos* to their husbands when it came to culpability. Koch was not identified as an *Aufseherin* (overseer), *ss-Oberaufseherin*, or *Rapportführerin* (like these three other women) in the trial proceedings or judicial outputs; nor was she viewed as an employee of the Nazi machinery during the trials. To be sure, any official position did not in the end shield these other three women from culpability or mitigate their sentences. Irma

166 Cf. Lower, *supra* note 119, p. 180.

167 W. Burke-White, 'A Wife Accused of War Crimes: The Unprecedented Case of Simone Gbagbo', *The Atlantic*, 3 December 2012, <https://www.theatlantic.com/international/archive/2012/12/a-wife-accused-of-war-crimes-the-unprecedented-case-of-simone-gbagbo/265828/> (accessed 1 November 2019).

168 *Ibid.*

169 A. Smeulers and F. Grünfeld (eds.), *International Crimes and Other Gross Human Rights Violations* (Brill, Leiden, 2011), p. 326.

Grese was prosecuted in the Bergen-Belsen trial, convicted, and executed. Irma had arrived in Bergen-Belsen in March 1945 (after 2 years at Auschwitz) only weeks before the British liberated the camp. Maria Mandel received a death sentence in the Polish Auschwitz trial convened by the Supreme National Tribunal of Poland. Irma, too, has become tabooified, eroticized, degraded, and sensationalized; and she, too, had multiple sexual partners in Auschwitz, including among prisoners.¹⁷⁰ Sixteen women were convicted in the Belsen trial. Five women including Maria were prosecuted in the Polish trial of the Auschwitz staff. Four of these women were *ss-Aufseherinnen*—Maria herself was *ss-Oberaufseherin*—so all were official of formal rank. Two were sentenced to death, including Maria, and the sentence was carried out, one was sentenced to life imprisonment, and two to fifteen-year terms. It is noteworthy that Mandel and Therese Brandl, the other woman sentenced to death, were the first two of the twenty-three Polish death sentences to be carried out.

5 Conclusion: Feminine Defiance and Judicial Accountability

Koch's fate uncloaks limitations to trials as methods of post-conflict accountability and of *tableaux* of narrative framing. Trials may interface uneasily, perhaps even queasily, with gender when women are suspected of atrocity crimes. The hydraulics and pneumatics of trials inherently are deeply reductive. The prosecution proceeds with maximal outrage to convict the accused and sentence the accused to the longest possible term. The defense proceeds by assembling arguments that present the accused as innocent, helpless, and not responsible. Both of these goals map onto the ethical obligation of either side in an adversarial system. Trials exist to present the thesis of guilt and anti-thesis of non-guilt in the hope that the process, overseen by judge and jury, will yield the synthesis of 'the truth' and the outcome that is right.

This adversarial process, in the case of women atrocity perpetrators, becomes additionally distorted beyond existing shortcomings because of the law's disquiet and discomfort with violent women. Hence, prosecutors either balk or go for broke. They may balk by refraining from prosecuting because of 'chivalry theory', a move that may be buoyed not only by cringeworthy stereotype but

¹⁷⁰ For a survey see D. Brown, *The Beautiful Beast: The Life and Crimes of ss-Aufseherin Irma Grese* (Golden West Historical Publications, Ventura, CA, 1996); H. Webb, 'Irma Grese, the Aufseherinnen, and Female Violence during the Holocaust', Mass Atrocities seminar research paper, Washington and Lee University School of Law (2018).

also by ideological engagement of scholarly communities espousing theories of structural subordination of women suggesting that, indeed, women categorically cannot be responsible. Or prosecutors go for broke, harnessing the vilification of women atrocity defendants as being so deviant because they did what they did as women, mothers, and grandmothers. In this latter regard, trial narratives may become picked up and amplified by media—which are not under ethical duties of disclosure, evidentiary standards, and due process—leading to burlesque. Koch's atrocity trials, indeed, exemplify this. In the end, then, Koch as a subject of study is a taut one. While feminist scholars may overlook her in the normative interests of promoting gender equality, a patriarchal lens may ostracize her because of the need to reestablish 'harmonious' gender relations which in turn repose on appropriate feminine mores. In the end, then, Koch's 'real story' disappears.

Koch's treatment thereby gestures towards a rethink of trials as methods of dispensing justice and authenticating narratives of 'who did what where and to whom' in periods of atrocity and historicizing such narratives. Noting 'the heavy reliance on courtroom trials as the sole form of justice following atrocity,' Joanne Reilly makes this point more broadly:

In the quest to find 'those responsible,' the examination of societal systems that enable extreme violence is often pushed to the side. As can be seen from the Belsen Trial, gender norms may be used haphazardly if they further the case of the prosecution or defense. Larger truths become irrelevant when looking at a microscopic view of certain moments in time. However, as can be seen from the aftermath of every atrocity in history, taking away the individuals considered to be the 'worst' does not change the system or society that enabled those people in the first place.¹⁷¹

The atrocity trial's focus—whether conducted internationally or nationally—upon the actions of a few grotesquely portrayed women fails to unmask the structural factors that fueled the normalization of Nazism and the Final Solution among women. Koch's trial therefore promotes a broader agenda of collectivized innocence through Koch's becoming pilloried as a deviant freak. The focus on a handful of atavistically depicted women helps ease the burden of political transition by innocentizing the masses. Rowland concludes:

171 J. Reilly, *Belsen: The Liberation of a Concentration Camp* 43 (Routledge, Abingdon, 1998).

[T]he transformation of Ilse Koch into an icon of Nazism has had the effect of occluding the role of the male ss in Buchenwald, and the collusion of Germans living nearby the camp. Other—male—ss officers may have accounted for many more victims, but the perceived gender transgressions of Koch means she [becomes] *the* Buchenwald Nazi.¹⁷²

Koch raises another quandary for international criminal law. This involves outreach. Atrocity proceedings, whether conducted internationally or nationally, hunger for recognition, for dissemination, for connecting with the public. Outreach is a major priority of international courts and tribunals. Accordingly, these entities fund and launch major outreach efforts. Linkages with the public and presence on ‘the street’ are seen as desirable and remain heavily valued. Needless to say, Koch’s trials certainly connected with the public. This trial was quite popular, indeed, and remains so. Trials often are boring and tedious. Not hers, which vaulted war crimes law and war crimes trials into the public sphere. Indeed, the trial generated films, media, books, and tawdry porn flicks. When it came to outreach, then, Koch’s trial was a success. So, if war crimes prosecutions hunger for outreach and connectivity to the ‘street’, well, Koch’s achieved all this. So how to feel about that? One of us has thought about this in the context of memorials to Judge Pal, the radical dissenting judge on the Tokyo Tribunal who would have acquitted all the Japanese defendants.¹⁷³ Once again, there is outreach, a desired goal, but it’s not the kind international lawyers really wish for, rather it is the kind that unsettles ‘us’ as international criminal lawyers.

Whereas extensive efforts have been undertaken to examine how ‘ordinary men’ could commit atrocity crimes,¹⁷⁴ limited work has been undertaken to see how ‘ordinary women’ participated in mass atrocity.¹⁷⁵ Perhaps Koch could have been constructed as an ‘ordinary woman’ taking advantage of the

¹⁷² Rowland, *supra* note 122, p. 149.

¹⁷³ See M.A. Drumb, ‘Memorializing Dissent: Justice Pal in Tokyo’, 114 *American Journal of International Law Unbound* (2020) 111–116; see also M.A. Drumb, ‘Judge Pal with Jefferson Davis in Tokyo’, *Opinio Juris Blog*, 23 March 2019, <http://opiniojuris.org/2019/03/23/judge-pal-with-jefferson-davis-in-tokyo/> (accessed 31 January 2021).

¹⁷⁴ See, e.g., Christopher R. Browning, *Ordinary Men: Reserve Police Battalion 101 and the Final Solution in Poland* (Harper Collins, New York, NY, 2013).

¹⁷⁵ For examples of this scholarship, see Lower, *supra* note 119; J. Trisko Darden and I. Steflja, *Women as War Criminals: Gender, Agency, and Justice* (Stanford University Press, Stanford, CA, 2020); S. Labenski, ‘Female Perpetrators in The Former Yugoslavia and Rwanda: Disrupting Common Understandings’, in S. Mouthaan and O. Jurasz (eds.), *Women and War* (Intersentia, Cambridge, 2018); and A. Smeulers, ‘Female Perpetrators: Ordinary or Extra-ordinary Women?’, 15 *International Criminal Law Review* (2015) 207–253.

opportunities offered and available to her, whether monetary, power, or sexual. But she was instead cast as shockingly extraordinary, and this characterization continues to persist. It may be discomfiting to recognize that ordinary women are involved in genocide. Men may be this way, after all, for men are wayward; it is the peace-loving nurturing women who serves as a bulwark of morality, who are the gatekeepers of decency, who control access to sinful behavior including sex, who 'civilize' clueless men by gently grooming them including in matrimony. Those women—such as Koch—who wildly fail to conform to these feminine expectations and who could neither be ignored nor bestowed chivalry, well, they become cast as monsters. By framing Koch as extraordinary, the gaze drifts away from thinking or talking about the conduct of ordinary women—that ordinary women could be agents of eliminationism remains implausible in that it is the domain only of a handful of deviant beastly women.

This then paves a way to view Koch, namely, as defiant of her assigned gendered role as held in high regard by each of Nazi Germany, the Allies, and post-conflict reconstructed West Germany. The positionality of women as feminine objects has most likely contributed to the prosecution of few women notwithstanding the fact that women were also complicit in the Holocaust. In comparison, Koch's defiance provoked her prosecution and sears her in memory. Koch is a prurient trespasser who overstepped the boundaries of acceptability. In the end, all the innuendo, hyperbole, and salaciousness simply make it difficult, all these decades later, to grasp which acts Koch actually committed. Two different perspectives distort Koch. Patriarchal impulses sensationalize her. Some feminist approaches, moreover, tend to overlook or hollow her out. Either way, what is lost is a clear-eyed and steadfast assessment of her own story and, by extrapolation, the heterogeneous stories of women as present within the cataclysm of collective atrocity.