

Field-Marshal
Kesselring

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*Great Commander
or War Criminal?*

By

Andrew Sangster

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FOREWORD

FIELD-MARSHALL KESSELRING IN CONTEXT: A RE-APPRAISAL

This book explores the life and context of Kesselring the last living German Field Marshal. It examines his background, military experience during the Great War, his involvement in the *Freikorps*, in order to understand what moulded his attitudes. Kesselring's role in the clandestine re-organisation of the German war machine is studied; his role in the development of the *Blitzkrieg*; the growth of the Luftwaffe is looked at along with his command of Air Fleets from Poland to Barbarossa. His appointment to Southern Command is explored indicating his limited authority. His command in North Africa and Italy is examined to ascertain whether he deserved the accolade of being one of the finest defence generals of the war; the book suggests that the Allies found this an expedient description of him which in turn masked their own inadequacies. During the final months on the Western Front, this study asks why he fought so ruthlessly to the bitter end.

His imprisonment and trial are examined from the legal and historical/political point of view, as are the contentions which arose regarding his early release. The study will confirm that Kesselring was guilty of war crimes, and offers new evidence that he was aware of his guilt, and explains why he committed perjury. His postwar activities are explored, and illustrate that he failed to come to terms with the new West Germany. During and after the war Kesselring was frequently regarded as a non-party, decent man considered by some as a possible candidate for the presidency of West Germany. This book challenges these long held views; he simply stayed in the limelight for a brief time due to the politics of the Cold War and then became an unwanted pawn in a lost game of chess.

PREFACE

A biography can be a problematic methodology, especially when it decontextualizes the individual and elevates him or her to the status of 'hero'.¹ In writing an account of Kesselring, a German Field-Marshal condemned to death as a war criminal, it has been important to explore him in the context of his times. A danger with this type of research is the tendency to develop a degree of empathy with the central figure, or the polarisation of views which sanctify or demonise the man. I concur with the words of Christopher Browning when he wrote – “What I do not accept, however, are the old clichés that to explain is to excuse, to understand is to forgive. Explaining is not excusing, understanding is not forgiving.”² It is necessary to examine Kesselring in context in an attempt to discover the historical and psychological predisposition which made him the man he was.

Whether he was a great military commander, or simply another Nazi war criminal, is only part of the study; it is the importance of background and circumstance which dictates the human predicament that motivated this book. Much of Kesselring's life was conflict, and “the physical, intellectual, and moral challenges of war allow us to see deep into the heart of Humanity.”³

Because of the intricate nature of conflict and war, various academic disciplines must be drawn upon in this study, because underpinning some of this particular investigation are areas of Law, both national and international, matters jurisprudential, and sometimes the fraught area of human conduct.

It is hoped that by placing Kesselring in the spotlight, this book will demythologise and reappraise some of the versions/narratives which tend to accumulate around admired enemy commanders such as Kesselring.

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I am also grateful for observations made by Professor John Charmley of the same University, and Dr Andrew Chandler Director of the Bell Institute and lecturer at Chichester University. I must also acknowledge my indebtedness to the various helpers in the different Archives I visited, most especially those in the National Archives in Kew Gardens where everyone was helpful, and generous in the time they gave.

I am very grateful to Neil Faulkner, editor of Military History for finding good quality photographs for this edition. I have also been most appreciative for the assistance of the Italian historian Pier Paolo Battistelli for casting fresh light on the Italian situation.

Above all I am grateful to my wife who read and re-read the MS to ensure that blunders were minimal and that it was readable.

ABBREVIATIONS

BA-MA	Bundesarchiv-Militärarchiv, Freiburg
BA-BL	Bundesarchiv Berlin-Lichterfelde
BHMK	Bayerisches Hauptstaatsarchiv, Kriegsarchiv, München
CLNAI	Committee of National Liberation of Northern Italy
IMCC	Inter-allied Military Control Commission
KNA	Kew National Archives
LRWC	Law Reports War Crimes -The UN War Crimes Commission
NA-AMP	National Archives-Air Ministry Pamphlets
NSDAP	Nationalsozialistische Deutsche Arbeiterpartei National Socialists German Workers' Party
PAC	USA Chief of Counsel for Prosecution of Axis Criminality
SIB	Special Investigation Branch
SNP	Subsequent Nuremberg Proceedings
USAHD	United States America Historical Division
USDS	US Department of State, Publication 3556
USFR	US Final Reports to Secretary of Army on Nuremberg War Crimes Trials under Control Council Law No. 10
VdS	Verband deutscher Soldaten

ILLUSTRATIONS



Figure 1. Smiling with Rommel in North Africa June 1942. His smile was enchanting, and for the camera; he was highly critical of Rommel.

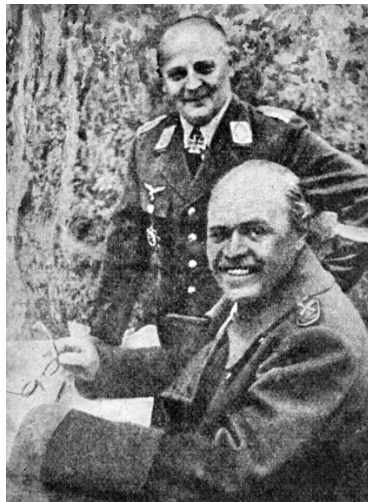


Figure 2. Kesselring with Lt-General Heidrich in Sept 1943. He was known as “Smiling Albert” by the Allies; seeing himself as a benign Bavarian gentleman.



Fig. 8-1 Kesselring in a more contemplative mood. He realised early on that the logistics and strength of the Allied power was overwhelming. Although regarded as an ordinary, non-political German officer, it is more than apparent that he must have been aware of the atrocities committed by the regime he served. He was clearly complicit in war crimes, and was at times the instigator. Kesselring was also possibly behind the little known Monte Sole massacre, where some 1800 civilians were slaughtered, as he referred to the incident as a “mere military operation.”

INTRODUCTION

GREAT COMMANDER OR WAR CRIMINAL? A RE-APPRAISAL

Why Kesselring?

After the last war there was a steady stream of memoirs written by military commanders on both sides; they make interesting reading, but very few are self-deprecating. Fewer still accept errors or blunders on the part of the writer, even less reflect any form of apology. The vast majority are self-serving and self-justifying, and must be tested for historical truth. Invariably and quite naturally autobiographies will be an attempt at self-justification, sometimes admitting to an occasional error, but generally doing so in order to be seen to be truthful overall. This does not make such authors necessarily Machiavellian, most are behaving true to human form; it is only natural to want to be seen in a favourable light. This is most especially true of those whose lives have involved life and death situations. It is one thing for the so-called modern celebrity to denigrate themselves; it is another thing when the author's decisions have directly resulted in the deaths of people. The power to make such decisions will hang heavily upon the person in later life, along with the knowledge that others will also be interested in what exactly happened and why. When writing on a defeat in battle, or having to explain a failure there are few notable occasions when a commander states that he made mistakes. There are always excuses, some justified most less so. The blame can be cast on matters beyond their control such as lack of resources and supplies; some on poor intelligence; some on the terrain and weather and bad luck, and others may invoke a sneaking admiration for the enemy. This latter reason can be found in many works based on the North African campaign where Rommel, both then and now, was almost revered with his title the Desert Fox. This type of reason for explaining failure also distorts the picture of other commanders, bolstering or denigrating their role to justify that of the particular writer in his pursuit of wanting to present his own point of view. Following WWII there was a huge amount of such memoirs and

autobiographies, especially American, British and German. Montgomery even had a series on popular early television where he lectured the public about his successes. This does not mean that such memoirs are of no value, but it is critical that they are appraised in a realistic context, and with the understanding that by their very nature they are self-serving.

Following such autobiographies, a number of biographies appeared which still retained an appeal for general reading. Many tended to be hagiographies, where the subject is not so much looked at critically, but in a rosy light of admiration. More recently military biographies have improved, but they too often tend to elevate the subject because of the natural tendency to associate with the person under study, and concentrate only on the military manoeuvres. Some of the most recent have much improved, but even their titles still hint of these problems, as in Manstein's latest biography which is proudly entitled *Hitler's Greatest General*, and Rundstedt *The Last Prussian*.¹

There is, for example, almost a fascination and envy about enemy commanders, and Rommel is the classic example; he has been the subject of numerous books and articles casting him in a heroic light, frequently ignoring the fact that in his early years he was a passionate disciple of Hitler. Rommel has been consistently presented as the epitome of brilliance.² Even during the war Göbbels, after reading the English press, noted that "they are making him one of the most popular generals in the entire world³." In her diary Countess of Ranfurly wrote of Rommel that "in spite of being our enemy, he gained our admiration and respect, almost our affection," reflecting a widely-held opinion during and after the war.⁴ Many were cautious of giving an almost mystical heroic status to an enemy leader: Alexander noted, in his memoirs, "Rommel's reputation contributed a great deal to the English Army's widespread belief in the invincibility of the *Afrika Corps* ... a debilitating effect⁵." Likewise, it has been argued that "the Allies esteemed Rommel more highly than did many German officers, partly because British and American self-respect was massaged by attributing their setbacks to his supposed genius.⁶"

Of all the major commanders in the European conflict Albert Kesselring is probably the least written about despite the fact that he was Rommel's superior, was a Luftwaffe commander at the time of the battle of Britain, was responsible for much of the North African and Italian campaigns, and was still fighting in mainland Europe during May 1945. It is proposed in this book to examine Kesselring, and put this much admired commander in the context of his background, and explore whether the admiration heaped on him, by so many, including himself, is justified. It will, in the form of a biography look at his life to understand what

influenced him, what shaped him and why, and not only explore his varied and much admired wartime command, but also examine the little known postwar controversies.

There are two biographies on Kesselring one by Macksey, and recently another by Battistelli; both tend to concentrate on the military campaigns.⁷ Macksey paints Kesselring as the great military strategist, and although it falls short of sanctifying him it is a sympathetic portrayal, viewing him as something of a patrician. The Italian historian Battistelli, who gave the author personal assistance in understanding the Italian perspective, is more realistic, but only deals with Kesselring's military campaign. Finding personal information about Kesselring has not been easy, he left no diaries or notes, and his postwar interrogation was nearly all military. The various German archives are seriously deficient in material, as warned by Kerstin von Lingen at Eberhard-Karls-Universität Tübingen: much of the material was destroyed, although not the early personnel records in the Bavarian archives. Dr Richard Raiber died before he finished his thesis on whether Kesselring committed perjury or not, and whether Kesselring was innocent of war crimes. His work has been published privately, posthumously, and his detailed research casts new light on one aspect of Kesselring's trial.⁸ The National Archives at Kew Garden has revealed a few items of interest, from an unexpected file which revealed evidence that Kesselring considered he was guilty, and may provide part of a confirming element in Raiber's research.⁹

Context of General Consensus

Mainly arising from the early Macksey biography, but enhanced by other sources to be viewed later, Kesselring is viewed as a non-political soldier, an educated man who was a linguist, good-natured and just followed orders. This would be Kesselring's own projected self-image, viewing himself as an honest career soldier who obeyed his government. He always claimed that, although a patriot, he had no idea of Hitler's plans for war. As a Luftwaffe leader who oversaw the bombing of Warsaw, Rotterdam and London, he is often regarded as the originator of strategy-bombing and a successful commander.¹⁰ When he was transferred to Italy and the Mediterranean he was understood by most, then and since, to have been in total charge, and was considered as sympathetic to the Italians. He had issues with Rommel because of supply problems, and leaving Malta militarily viable, but few historians consider this to have been Kesselring's fault. From the defeat in North Africa, through Sicily and Italy he developed a legendary reputation in defence. The American military historian D'Este

described Kesselring as bearing “the stamp of genius for defensive operations”.¹¹ Graham and Bidwell in their history of the Italian Campaign informed their readers that the Allies were “facing as good a general as emerged from the German Army in the Second World War and certainly the best on either side in the Italian Theatre.”¹² There is a body of opinion that believed Kesselring operated independently from Hitler, and that he was the saviour of much of Italy's cultural heritage.¹³ He always claimed total ignorance of the Holocaust and other barbarities, claiming the Wehrmacht always fought a 'clean war.' In Western Europe, in the final months, he fought to the bitter end claiming it was to save German soldiers fighting on the Eastern Front, as all he cared for was his soldiers and Germany's future.¹⁴ Although condemned to death by a British Court, his sentence was commuted following pressure by Churchill, Alexander and many others, leading Kesselring and others to believe he was vindicated. His short term in prison, released after seven years was viewed in the same fashion. For a time a few considered him as a potential President for the Federal Republic of Germany, and he devoted his final years to caring for old soldiers and POWs.¹⁵

This book, from the vantage point of more than half century after the events, and with the benefit of hindsight, will explore all these aspects of Kesselring. Using a biographical outline the book will examine the various contexts in which Kesselring lived and fought, and will demonstrate that most of the above traditional notions are far from the truth, and lack historical reality. By doing so, and by using this one commander as an example, the book hopes to raise the question as to whether the time is right for a re-appraisal of those men who dominated the world crisis of WWII.

Kesselring's Background

Chapters 1-2 will explore Kesselring's background, and the degree to which he was a 'typical' product of the German military, in so far as commanders reflect the ethos of their national background. It has been suggested Stalin “grasped the convenience of death as the simplest and most effective political tool” especially in the war of extermination.¹⁶ It is well known that Stalin took human life without any consideration and treated opposition with contempt. Stalin did not have any moral standards even when it came to “close family and friends.”¹⁷ As such a General like Zhukov merely reflected the ethos of his nation where life was cheap. This was true of most Soviet generals who feared Stalin, and had witnessed with fear the purges.

On the other hand, Field-Marshal Alexander appears at the opposite end of the spectrum. The son of an Earl educated at Harrow and Sandhurst he was raised a typical English gentleman, conscious of the sanctity of life and frequently accused of not being aggressive enough for that reason.¹⁸ The horrors of the Great War had left their mark on men like Alexander, who knew that mass sacrifice was not only unacceptable in western society, but morally questionable. Alexander and Zhukov were two entirely different commanders from two diverse backgrounds. It would have been out of character for Zhukov to worry about the potential loss of life, as it would if Alexander had given an order which ignored causalities. Alexander reflected his background as Zhukov was influenced by the Soviet system. Alexander noted that “British Generals had to be conscious of the sanctity of men’s lives,” Zhukov was not obliged to exercise that care.¹⁹ For this reason Kesselring and his background must come under scrutiny.

Chapters 1-2 will illustrate that Kesselring was a product of his own country's ethos from the earliest days, and that ethos and consequent character must be understood as part of the context in which we view Kesselring. He was born into a changing Europe; “by 1871, yet another new order had been created in Europe: that of nation states.”²⁰ This new order had been created by war and industrialization, which was hastening a new military and social structure. At the time of Kesselring’s birth Europe was at peace, but there “were military dynamics at work;” also nationalism was increasing, and in some states this sense of national self-consciousness took on a military ethos.²¹ Whether the Bavarian *Kriegsschule* was any different from the English Sandhurst of this period can be debated at length, but there can be little doubt that Kesselring’s birth-country had its own unique military ethos, self-conscious of the importance of its military might, which was both aggressive and expansionist. Germany had its great musicians, theologians and doctors, but military leaders created their own niche.

Kesselring was part of that generation which reflected the Wilhelmine military atmosphere; his generation was organic to a national structure that viewed war as a profession and, to our knowledge, he never questioned or took issue with this ethos. The Wilhelmine Empire was deeply affected by ultra-right-wing-nationalism, and although there were numerous members of the SPD and communists, they were unlikely members of the influential military machine Kesselring joined. Later he was a member of that generation obliged to accept what they perceived as a humiliating defeat, allowing themselves to believe that they had not so much lost, but had been betrayed; *dolchstoß*—The stab in the back, the popular theory that the

undefeated military was “betrayed by Social Democrats, profiteers and, most ominously, the Jews.”²² This was a pernicious and fallacious lie that persuaded many that Germany’s greatness should be restored.

Another influence was anti-Semitism prevalent immediately after the Great War, as clearly demonstrated by the German historian Wolfram Wette. Although the Bavarian military took a slightly less offensive attitude than the Prussians, Wette clearly demonstrates that from the earliest days the military was riddled with anti-Semitism, which clearly influenced Kesselring.²³ The man whom Kesselring admired most, General von Seeckt, was anti-Semitic, although his wife was Jewish. The defeat and humiliation of the Treaty of Versailles drove military officers such as Kesselring towards the extreme right-wing; it appeared to offer the route to recovery. Chapter 2 will explore Kesselring’s conduct in the 1920s, and will question Kesselring’s claim he was non-political. By claiming to be non-political Kesselring was indirectly calling on the defence of obeying orders, he was just a servant of the state.

Seeckt, an important post-Great War general deeply influenced what happened in German in the interwar years, and his influence on Kesselring was considerable. Seeckt “succeeded in rebuilding its {the army’s} spirit by making each regiment the tradition-bearer of several of the old, which he intended would be reborn in better times, and by teaching the officers that they were the guardians of Germany’s past and future greatness.”²⁴ Kesselring came under his pervasive influence. Seeckt made co-operation with Soviet Russia for military purposes necessary which was cynical and illegal, since it ran counter to the Versailles Treaty. Not only did they agree to build planes, train pilots and army officers, but also established a German/Russian joint stock company Bersol, near Samara, to build a chemical factory in order to make poison gas.²⁵ Seeckt’s one aim was for “Germany to recapture the prestige, powers and territories of which it had been stripped.”²⁶ Alexander was a product of English aristocracy and Zhukov a product of the Soviet regime; this book will illustrate that Kesselring was a typical product of the Wilhelmine era and the German defeat in the Great War. From his birth it will be illustrated that by nature Kesselring was unquestionably inclined towards right-wing nationalism, and remained so until his death. Chapters 1 and 2 will propose that Kesselring’s political attitudes and views were built in by his national background, a posture Kesselring never questioned. It will also demonstrate that after the Great War Kesselring was part of a team that prepared for an aggressive war even before Hitler came to power, and Chapter 2 and 3 will propose that despite postwar claims Kesselring knew war was anticipated.²⁷

Context as Military Commander

This book does not throw any doubt upon Kesselring's military ability, and his administrative skills were unquestionably good, but Liddell Hart noted that many German military leaders “were essentially technicians, intent on their professional job, and with little idea of things outside it. It is easy to see how Hitler hoodwinked and handled them, and found them good instruments up to a point.”²⁸ This study will explore this question in relation to Kesselring.

Kesselring left the Army as a Colonel who had been deeply involved in the clandestine re-establishment of the Wehrmacht, and joined the Luftwaffe. His considerable contribution to military tactics, especially in what has been dubbed by others as *Blitzkrieg*, which is by nature aggressive, raises a question as to his claim that war came as a surprise. In chapter 3 the frequently made claim that Kesselring started strategy bombing or terror bombing with Warsaw, Rotterdam and London will be challenged. It was not a question of morality or ethics, but a matter of tactics and suitability to the system of surprise attack. Moreover, despite Kesselring's claims that the Battle of Britain was inconclusive but it was not, and the British claim that it was the few against the many was a myth; this battle was Kesselring's first major defeat because he was against a superior foe that was equally as ruthless.²⁹ Popular history has tended to view the Battle of Britain as a David and Goliath battle, fought by young gentleman with a chivalry and decency reflecting their backgrounds. In reality the RAF was the larger force with better fighter planes, and the battle at times was cold blooded and bitter. Despite the volumes of literature on the subject there is little mention of senior Luftwaffe commanders such as Kesselring.

Chapter 3 will explore Kesselring as a Luftwaffe commander who watched the Barbarossa attack fail because of the leadership's failure in underestimating Russia, yet note that despite this Kesselring remained loyal to Hitler. Kesselring and many others followed military decisions dictated by Hitler. The book will constantly examine why Kesselring remained faithful to Hitler's wishes to the bitter end, and the strange hold Hitler exercised over men like Kesselring. This is also examined in Chapter 8 when Kesselring was responsible for the Western theatre in the closing months of the war. Kesselring may not have been a party member, but he exhibited a loyalty and allegiance to Hitler which most contemporaries and historians do not ascribe to Kesselring.³⁰ Intelligent and educated senior military commanders all seemed to accept a man who the world has often regarded as one of the most evil and dysfunctional

leaders of modern times. To understand this it is important to study the purpose of what this book calls context, and what influenced an intelligent man like Kesselring to be obedient to a dangerous and wicked system.

Over time attitudes towards Kesselring are mixed but mainly positive, and throughout this book this enigma will be explored. Amongst contemporary German officers and politicians Kesselring was admired, disliked, and held in affection. The critical and deeply religious Senger, who opposed the NSDAP, wrote that he admired Kesselring, whom he also recognised as a person torn between duty to his country and the evil of their political masters: this was a common attitude postwar.³¹ Opinions about Kesselring were divided at every level within the power structure. When Göbbels asked Hitler how the Generals were doing he wrote that “his opinion of Albert Kesselring’s military abilities is higher than my own.”³² Göring was less enthusiastic and Jodl, who had always opposed Kesselring, backed Kesselring once it was perceived that Kesselring’s Italian policy was working. Manstein, a major contemporary, had little time for Kesselring before and during the war, and his ADC, Stahlbertg wrote he had the distinct impression that Manstein “had no time for his fellow Field-Marshal Kesselring.”³³

It is immediately discernible that opinions during Kesselring’s lifetime are mixed, but generally favourable as they are amongst historians. There are many attitudes, and this book will attempt to examine him, and explore his context in an objective fashion to try and understand the real person. In Chapter 3 Kesselring's time in Eastern Europe raises the issue of how much Kesselring knew about the savagery and developing Holocaust, but there is little substantive evidence, only room for common sense speculative assessment.

Chapters 4 to 6 will explore Kesselring's reputation amongst the Allies: the vast majority of historians have commented on Kesselring's ability and his genius as a defence commander, as do some of those he fought, but these chapters will show that although Kesselring was only a sound professional military commander, much of his success was due to the inept and inexperienced Allied military leadership, and the defensive nature of the Italian terrain. There can be an impression that as Rommel proved an excuse of failure in the desert, so Kesselring provided a similar excuse for failure in Italy. Difficult as it is the historian must sometimes look to the unpalatable, and there is a strong argument that men like Rommel and Kesselring were elevated in order to excuse home failures.

The Allies knew him as *Smiling Albert* because in all photographs he appeared convivial; in their top-secret cipher telegrams in the Italian campaign they referred to Kesselring as the Emperor because of his

supposed total control. The book will question the ambiguous and limited nature of this command in Chapter 4, and again in Chapter 5, for when the Italians surrendered his power increased, but he never held total authority.³⁴ His London interrogator wrote that “proud Kesselring insisted on calling himself Commander-in-Chief of all German forces in Italy ... by 1944 he was nothing of the kind ... Kesselring’s authority in Italy had been virtually confined by 1944 to the realm of fighting the enemy; while the power of Himmler’s SS and SD police forces under the supreme control of General Karl Wolff was growing ever stronger.”³⁵ Most histories portray Kesselring as being totally in charge of the Southern theatre of German operations, and postwar Kesselring claimed the same, but in reality his power fluctuated, and he was never in total control as he and the Allies believed.

Kesselring experienced many failures which rarely detracted from the admiration expressed by so many. Chapter 4 will illustrate his failure to cope with British Intelligence, his failure as a commander to persuade Hitler and Mussolini to seize Malta, (which could have changed the North African war) his inability at times to control Rommel or provide necessary supplies, and his reputation also survived the surrender of a German army larger than that in Stalingrad. It is often forgotten that more Germans were captured in North Africa than Stalingrad, some Germans dubbing Tunis as *Tunisgrad*.

The image projected by Kesselring, as well as his defence counsel, and even some Italians, that Kesselring loved Italy’s cultural treasures needs to be explored. Chapter 6 examines Kesselring's reputation for fighting in a museum with minimum damage (increased by the Allied destruction of Monte Cassino Abbey) whilst saving the treasures and granting historical sites 'open city' status.³⁶ What is not so well documented was the agricultural and industrial plunder which took place under his command. There was a cruelty about the German occupation and retreat through Italy which is too often neglected and underplayed, and Kesselring’s role was more prominent than many have claimed.

Kesselring's charm disappeared when the Italians surrendered: Chapter 7 will explore the conduct of irregular warfare, and the vexed question of hostages and reprisals. Italy had become an invidious partisan/civil war, especially between the communists and the Fascists, and many other parties in between. Near the end of the war the brutality increased, and postwar the partisans fought one another killing on a scale commensurate with the war-years.³⁷ Italy was in turmoil before, during, and after the war. Chapter 7 will examine the particular nature of the Italian partisan/civil war, and try and understand Kesselring in this context.

Dealing with partisan/civilians involved political decisions which were subsumed into the questions of legality and morality. Kesselring's particular background made him a ready resource for the mores, or lack of mores, created by Hitler's NSDAP and their views on conquered races and civilian resistance. Max Hastings noted that Kesselring was *in the front rank of commanders*, yet in the same book states "that it is bizarre that Kesselring ... was reprieved from execution at Nuremberg."³⁸ This raises the question as to whether it is possible, as Hastings implies, that a general can be considered first class, but should also be executed for the way he conducted the war, unless one holds the view that a morally corrupt leader can be a good leader. A successful commander, if totally ruthless in disregarding human life, may be considered by some as not being successful, if destruction and annihilation are the outcome: others may view this as irrelevant. How others viewed Kesselring will be explored, and where possible, how Kesselring viewed himself.

The Context of Guilt

Kesselring's main opponent in Italy was Field-Marshal Alexander who after the war, with Churchill and Attlee, spoke against his death sentence because he fought a "decent" war."³⁹ His first biographer, Macksey, portrays him in a sympathetic light, and his interrogator in the notorious London Cage, Lt. Colonel A P Scotland became Kesselring's life-long friend. The concept of the decent war in Africa and Italy often arises in autobiographies such as Colonel von Luck on the German side, and Lord Alexander himself on the Allied side, as well as a variety of historical accounts.⁴⁰ Chapter 9 will examine this concept of a clean war, both in terms of how it was viewed in the trial and in reality. In his papers Alexander is impeccably polite and pleasant about his enemies; it may be that he was conscious that his orders to the Italians to kill Germans at every opportunity caused the brutal retaliation which Alexander found morally repulsive. This type of warfare was not always appreciated, and some senior officers believed guerrilla war not to be gentlemanly; it was felt by some that SOE and others blurred the notion of non-combatants. It was a conundrum, as Air Chief-Marshal Portal objected to dropping civilians in order to kill Germans, though he found indiscriminate bombing acceptable. This question of provocation was raised by Kesselring's defence, but never adequately dealt with by the then legal standards. Chapter 10 will examine why the clean war question became such a contentious political issue in the postwar period.

Kesselring's trial was based on events in Italy surrounding the partisan war, and as Howard writing on Clausewitz observed, if one side uses extreme measures the other reciprocates.⁴¹ Italy typified this view and was a bitter war, and whilst Chapter 7 will explore the nature of the Italian partisans and Kesselring's reactions, Chapter 9 examines the trial.

Kesselring's trial was founded on two charges, the first being the infamous Ardeatine Cave massacre, and the second his command-orders regarding reprisals in the partisan war. How far Kesselring was personally responsible for the first charge must be examined with care, as must the legality of his orders in the second charge. Also to be explored is the accusation that Kesselring committed perjury to avoid yet another more serious charge.

In law the question is usually resolved by whether the defendant had the necessary *mens rea*; but in this trial the most frequently raised legal question was whether the law itself was retrospective, (the London Agreement was, for example, signed as late as 1945) giving us the important jurisprudential dictum "*nulla poena sine praevia lege poende*" as well as "*nulla poena sine lege*" (no penalty without a law). There was also the vexed problem as to whether the Allies could agree that any law had been broken. Chapter 9 will examine the trial known as the Southeast Case, *United States v Wilhelm List, et al* when the Tribunal had occasion to consider at length the law relating to hostages and reprisals.⁴² "It was therein held that under certain restrictive conditions ... hostages may be taken, and after a judicial finding of strict compliance with all preconditions and as a last desperate remedy hostages may even be sentenced to death."⁴³ The Allied view appearing to be that the shooting of hostages was not necessarily illegal; immoral maybe, but not illegal. This is a serious conundrum in Kesselring's trial which raises the whole question of postwar trials. Not because of the question of *victor's justice*, but the demand for moral and educational lessons when the prosecution itself was aware that both sides committed crimes, and a degree of sympathy when dealing with irregulars such as partisans, especially the communists. The German hatred of communist partisans was obvious and apparent, but there was distrust, suspicion and a deeply cynical approach to the communists by the Allies as well.

The tangle of Kesselring's trial is not just a legal issue, but involves moral and political perspectives. The alleged crimes were committed by Germans on Italian soil, yet it was tried in a British military court in Venice. The day the trial started the British and Italians signed a treaty which resolved past problems and had obvious economic benefits; the British however found it difficult to trust the Italians, the Italian record

overseas in the Balkans was highly suspect, and the Italians wanted the British to oversee the trial.

The British frequently claimed that the person who should be in the dock was the Supreme Head of the SS in Italy, Karl Wolff, but he was given favourable treatment by the Americans. Amongst the arguments never raised, because of Kesselring's pride, was the fact that he was never solely in charge despite his title of Commander-in-Chief South. The area of Kesselring's authority was never raised in the court proceedings, and Kesselring's conceit may explain this omission

Chapter 9 will demonstrate that the trial was made yet more complex by the moral and human issues. These are the factors that run the deepest in human memory. Recently, in 2011, nine ex-German soldiers were sentenced to life imprisonment for massacres carried out in the Emilia Region.⁴⁴ The men, now in their 90s, ex-members of the Herman Göring Division had slaughtered up to 140 civilians. The ex-soldiers remain safe in Germany, but the heat of the conflict was still being considered in a Verona court.

Often overlooked is the fact that Kesselring avoided using the Nuremberg Defence of *obeying orders* claiming his orders were legal, and that the partisans were immoral and illegal under international law. His other defence related to his efforts to save Italian treasures and historical places from the effects of war; but they are a side-issue compared to the question of the massacres. Chapter 9 will examine the original court notes and try to understand the nature of the essential arguments as they stand in law, and within the context of that historical period. The main probe must be to identify whether the process was fair, or whether it was the much vaunted expression, *victor's justice*. Some newly discovered messages in the Kew National Archives will reveal how Kesselring personally regarded his own guilt. It will also be necessary to view the trial in its long term context and ask whether Kesselring behaved any differently from other commanders caught up in a total war.

Context of Postwar Politics

Chapters 9-10 explore Kesselring in the light of the Cold War, when new memories were constructed for political expediency. It has been claimed that after 1975 Spanish "people spoke of a voluntary collective amnesia."⁴⁵ Kesselring's trial also invoked the same phenomenon when "the manner in which a punishable action ... can disappear from the collective memory, while the trial itself can be retrospectively reinterpreted as an exercise in victors' justice ... such misinterpretation and reinterpretation can

be explained by considerations of *Vergangenheitspolitik*, the politics of memory, that accompanied the war trials after 1945.⁴⁶ This extract from Lingen's study summarises one of the more intriguing aspects of Kesselring's life after the war. The argument is that because the West perceived what it saw as potential dangers from the Soviet block, West Germany had to be brought back into the fold both politically and militarily. Politically, it had to be believed that the Wehrmacht had fought a clean war, and that the imprisoned Kesselring and Manstein, were good soldiers, who must be released as a sign of respect in order to encourage the new Federal Republic of Germany to co-operate. Kesselring's trial took place as the "Cold War lay its glacial hand on Europe. From the summer of 1947, the USA and Britain moved over to a policy of rapidly reconstructing western Germany as a prelude to any future agreement with the Soviet Union."⁴⁷ The new world politics needed it understood that in Italy the Wehrmacht conducted a clean war. To put it bluntly the West wanted Germany as a friend against the rising fear of Stalin, and this demanded a reassessment of German soldiers as being not much different from the Allies, and Kesselring's trial was symbiotic of this phenomenon.

In a debate on the King's address in Parliament the Minister of Health, Mr Reginald Paget argued that "one of the conditions for getting the right sort of German into our defence forces is that we should stop treating the Germans who once served in the army as criminals. There are at present people like Kesselring, Manstein and other commanders in prison. I saw a newspaper article {German} the other day which was headed. *'What sort of people do they think we are?'* It went on to ask if we imagined that they were going to serve as comrades with the men who are now imprisoning their most honoured commanders."⁴⁸ The question of good and bad Germans evolved quickly after the war. Eisenhower reflecting on Nuremberg said that the German officer corps had been identical with Hitler, "perpetrators of the same crimes, subject to the same penalties. Less than six years later, Eisenhower and the Allies had moved dramatically away from this global indictment; soldiers and NSDAP could not be lumped together... Eisenhower now averred that "there is a real difference between the regular German soldier and officer and Hitler and his criminal group."⁴⁹ As Eisenhower moved from military to political status he was aware of the need to have West Germany within the fold. Eisenhower's declaration was made on January 23rd 1951, and the Federal Chancellor Konrad Adenauer made a similar statement on April 5th 1951 because both leaders recognised that a new West German Army was needed, "and that the expertise of the former Wehrmacht elite would be indispensable in creating it."⁵⁰

This book will demonstrate that Kesselring's postwar reputation was repaired mainly for political reasons, albeit briefly, as political pressures worked to clean up the Italian campaign in retrospect. When the House of Commons debate mentioned *vide supra* it was not that Mr Paget was part of a political scheme, a greater plan of 'fixing,' but that it suited the current mentality to colour the past in order to secure a better future. The argument that politics demanded a different version of the Italian campaign for its own reasons is very cogent, but there were other factors.

The actual trial of 1947 would not necessarily have felt the influence of Cold War politics, but the aftermath did, when there was intense political pressure to have Kesselring released; although this book will contend that the motives varied from person to person. The key to Kesselring's release was probably his "defence lawyer, Hans Laternser, who accompanied by a barrage of publicity, combined to exert pressure to which British *Vergangenheitspolitik* had to react."⁵¹ There were some who sincerely believed that Kesselring and Manstein were being badly treated, both Lord Alexander, already mentioned, and Lord Hankey, were two such people.

Kesselring was released for a variety of reasons, but mainly political. Chapter 10 evaluates the post-prison period, and Kesselring's decline. Kesselring never changed, and made an error in accepting the presidency of a right-wing ex-soldier's association. Some hoped Kesselring might become the president of the new Germany, but he created diplomatic problems with an insensitive tour of Austria, and supported home-coming German officers who had committed war crimes. In his closing years his views and position made him something of a pariah. In his final years Kesselring had become both a pawn in the new world of Cold War politics, and also a slave to his own past, his reputation was tainted both at home and overseas. He was a product of a period that failed to recognise change.