

Short Communication

Cooperation, defection and resistance in Nazi Germany



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Abstract

This article uses the court records of a sample of individuals, aged between 15 and 62, tried for high treason in Nazi Germany to analyze a rare, real-world prisoner's-dilemma-like scenario that resisters faced once taken into custody: keep quiet and protect their collaborators or turn informant in the hope of obtaining leniency? We find that, although self-interest and defection to the authorities was the norm for most, significant rates of cooperation remained. We also find evidence that the size of the stake, age, education, beliefs, affiliations, and sense of community could play roles in facilitating cooperative behavior.

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1. Introduction

Resisting tyranny takes courage. As it also imperils the lives of friends, family and colleagues, it is not a course of action taken lightly. Yet, perhaps somewhat surprisingly given the brutality and comprehensiveness of state terror, such resistance is rarely snubbed out. In fact, the histories of most authoritarian regimes are marked by at least some degree of internal resistance, admittedly, at most times, by just a very few. Nazi Germany, one of the most tyrannical regimes of all time, certainly conforms to this pattern. Between 1933 and 1945, small numbers of Germans and Austrians actively resisted the Nazi regime from within, challenging its legitimacy, undermining its support in the

community and offering alternative futures to their nations. These resisters were drawn from all walks of life and their stories have formed an important part of both post-war Germany and Austria's search for direction and identity (Kershaw, 2000; Benz, 2014). One aspect of the resister's experience, however, is typically less well understood: their behavior in custody. There, confronted by Gestapo interrogators, they faced a prisoner's-dilemma-like scenario: provide the authorities with intelligence on anti-regime activities ('defect') in the hope of receiving a less severe punishment or remain quiet ('cooperate' with their co-defendants) and feel the full wrath of the State. This article examines why some chose not to defect, when most others did.

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Our empirical understanding of behavior within a prisoner's dilemma largely derives from two sources: controlled experiments conducted within laboratories and game shows whose rules happen to incorporate a prisoner's dilemma. Yet, how translatable are findings from such contexts to other less contrived, settings (Levitt and List, 2008)? Lab experiments and game shows, after all, hardly take place in typical or naturally occurring contexts. Moreover, the stakes involved in these settings are usually very low. In experiments, including those carried out in low-income countries, they may be as small as a handful of dollars (Slonim and Roth, 1998; Cameron, 1999; Carpenter et al., 2005; Kocher et al., 2008; Khadjavi and Lange, 2013). Game shows, to be sure, offer contestants the potential of more significant gains. In one American show, *Friend or Foe*, the stake went as high as \$22,000, though the mean stake stood at about \$3500 (List, 2004, 2006; Oberholzer-Gee et al., 2003, 2010). While these amounts are certainly higher than those typically obtainable in an experimental lab, in terms of real-world dilemmas, they too are relatively low. Lives were not hanging in the balance; futures and fates were not being determined by a single decision.

How, then, do individuals behave when the stakes are truly high? This article considers a real-world situation where the 'players' played for nothing less than their lives and liberty. By examining the court records and legal protocols of a sample of anti-regime resisters tried for high treason in Nazi Germany, it explores the choices these resisters made after being taken into custody. Their plight – to defect or not – offers us a novel perspective on strategic behavior in a real-world game-theoretic context, a rare, natural experiment of a high-stakes, one-shot, prisoner's-dilemma-like game. As List (2006, p. 470) has observed, to the best of his knowledge, no other 'empirical examination of behavior in a high-stakes game that mirrors the classic prisoner's dilemma tale' exists.

Several interesting findings emerge from our analysis. We find that, although self-interest and defection was the norm for most resisters, significant rates of cooperation remained. The lower rate of cooperation observed in this context, at least relative to those typically found by experimental economists in laboratories, suggests that the size of the stake involved significantly reduced the willingness of resisters to cooperate with each other. We also find evidence that age, education, beliefs, political and social affiliations, sense of community and identity also played roles in forestalling defection and facilitating cooperative behavior.

2. Context

This article examines the decisions of a sample of resisters from Nazi Germany to defect to the authorities or not. Each resister had been charged with the same offense: high treason, the State's most serious offense, which on conviction, typically resulted in execution or lengthy spells of incarceration in either prison or a penitentiary where they would have had no civil rights and been forced to undertake hard labor (Geerling et al., 2013). In retrospect, some of the acts for which resisters were arrested and charged with high treason may appear to us relatively minor – the dissemination of anti-regime pamphlets, calls for strike action, writing pacifist letters to soldiers at the front – but caution is required here. To understand fully the gravity of such seemingly small actions, one must appreciate the time and broader context in which they occurred. To a ruthless fascist regime that brooked no opposition and which for a good part of its reign waged an existential war, these were all acts of both clear and non-trivial subversion. Moreover, the very fact that these resisters were also active members of illegal organizations represented in itself a grave challenge to the regime and was more than enough for them, irrespective of their actions, to be accused of the State's most serious crime.

Prior to their appearance before the People's Court (*Volksgesichtshof*), where cases of high treason were tried, each resister was investigated, arrested and interrogated. During interrogation, resisters were separated from their collaborators and encouraged to confess and provide intelligence on anti-regime activities and movements. For the Gestapo, such interrogations proved valuable sources of information and were used directly to identify and convict other resisters. In February 1943, for example, a thirty-year old mechanic from the Upper Donau region was arrested for taking part in meetings with senior functionaries of the outlawed Communist Party of Austria (KPÖ) and for acting as an intermediary between the party's Central Committee in Vienna and a cell active in his locality. The defendant denied the charges but, as the presiding judge noted during his trial, his conviction, like his arrest, had been secured by the 'statements of witnesses questioned [6 KPÖ functionaries]' and 'the contents of the minutes read out from the judicial interrogations' of three other KPÖ functionaries.¹

¹ Bundesarchiv, Case Files of the *Volksgesichtshof*, 7J 544/41, 20 February 1943, Verdict, p. 8.

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