

WITH INTENT TO DESTROY

Reflecting on Genocide



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obliged to go beyond the act of teaching: obliged to try to know that which we do not, to comprehend the incomprehensible. Bauer always reminds us that this epochal event was a historical one, occasioned by humans upon humans: it must, therefore, be explicable in terms of human nature and human behaviour in this corporeal world. 'Who said the Truth was meant to be revealed?' is a proverbial question. To which a wise old rabbi replied: 'It has to be sought, that's all.'

3

GERMANY: THE GENOCIDAL ENGINE

Much of the earlier literature on modern Europe, Germany and World War II – by notable historians A.J.P. Taylor and Alan Bullock, among others – generally ignored antisemitism and relegated the Judeocide to mere paragraphs, footnotes or parentheses. Where the fate of the Jews was treated, the message conveyed was that some bad people, almost alien people, called Nazis somehow invaded Weimar Germany, seized power, wrought both evil and havoc and were destroyed or brought to justice at Nuremberg.

However, genocide must, and does, have context. In slightly different wording, Yehuda Bauer and Richard Dekmejian have pinpointed the prerequisites of both the Jewish and Armenian genocides. Among others, they insist on an ancient hatred, or an ideological imperative. In the case of the Jews, antisemitism was the fuel; without it, there could have been no Holocaust. Argument has raged among scholars as to whether German antisemitism was always 'exterminatory' (as Daniel Goldhagen (1996) insists) or only became so at opportune moments during the war. So when did it begin? Or rather, when did Jew-hatred begin to look 'serious', become institutionalised rather than merely a matter of individual 'prejudice', and to assume near-homicidal or even genocidal proportions?

GERMAN ANTISEMITISM BEFORE HITLER

I thought scholars had finally done with the 'Hitler-arrived-from-outerspace-in-1933' explanation of German antisemitism. Yet William Rubinstein (formerly of Deakin University in Geelong, Victoria and now at Aberystwyth in Wales) has revisited this mischief (*Australian Jewish News*, 31 May 1996). It is 'simply wrong', Rubinstein declared, to say 'that Germany was pervasively antisemitic before Hitler came to power'. There was a 'golden age of Jewish achievement', typified by Berlin giving Albert Einstein 'a princely official residence' in 1930. Jews, he contends, were 'universally accepted in Weimar Germany'; most had good, 'even excellent relations with their Gentile neighbours until 1938' – in fact, he writes, most didn't perceive Germany as 'murderously anti-Jewish even after 1933', and 'most [German Jews] remained where they were until after *Kristallnacht*'.

Rubinstein deplores the 'ahistoricity which bedevils so many works on the Holocaust'. My serious concern is with his *unhistoricity*. What can and should be said about the position of German Jews from the end of the nineteenth century, or even from Weimar in 1919, until 1933, in the cultural, political, academic, scientific, social and even sporting fields?

Modern German antisemitism may well have its wellspring in the peasant riots of 1819, seventy years before Hitler was born. And while there were different antisemitisms at work, much of the content shows a continuity. From the middle of the nineteenth century, the Jew was depicted in German literature as being without soul, without the traditional humble German virtues, uprooted, troublesome, malevolent, shiftless. Much of the literature followed Gustav Freytag's character, Veitel Itzig, who was ugly, grasping, without a shred of humanity. Hermann Gödsche's novels 'revealed' the Jews as conspirators against the Gentile world.

Wilhelm Marr, who founded the Anti-Semite League in 1879, placed great store on these literary pieces. Through his works and those of Eugen Dühring, Otto Boeckel and Heinrich von Treitschke, the stereotype of the dangerous Jew was integrated into the dynamics of the *völkisch* struggle against a state that did not represent, for them, the true will of the German people.

As early as 1895, Hermann Ahlwardt introduced a *Reichstag* bill to close Germany's borders to 'Israelites who are not citizens of the Reich'. Teutons

wanted no more Jews, people of a different race and culture, people who would, as 'cholera bacilli', cause the death of Germanness. Mixing the metaphor, he saw them as beasts of prey who had best be exterminated. But tramps, beggars and social nuisances were different: they were 'Germans like us', something the Jew could never be. The bill was defeated then by 167 votes to 51, but succeeded in 1906. Some historians like to talk about 'a generalised xenophobia' in such contexts, but if anything was highly 'Jew-specific', it was these legislative forays.

Wistrich points out that while these 'rabble-rousers' were ultimately unsuccessful, and while ephemeral anti-Jewish political parties came and went with the vagaries of the economy, there were, indeed, powerful and more enduring forces at work (Wistrich, 1992: 60–62). Right-wing lobbies, imperialist lobbies, the *Akademischer Turnbund* (a gymnastics club) and the *Verein Deutscher Studenten* (an antisemitic students' movement), helped transform German antisemitism 'into a formidable political force'.

The German, rather than the Nazi, state had a view of the Jews as a biologically determined race. Frenchman Comte Arthur de Gobineau's work on 'the essential inequality of the human races' postulated that mixed and mongrel man had finally come together in a 'pure blood type' and that Jews, as 'baneful germ plasmas', were the omnipresent danger to that purity. De Gobineau societies spread throughout Germany, aided greatly by Richard Wagner and his son-in-law, Houston Stewart Chamberlain. They spearheaded an antisemitism which, while not yet physically murderous, was homicidal in language, spirit and intent. From then on, journals and university departments of 'racial hygiene' flourished – well before Hitler. *Völkisch* belief, now substantiated by 'science', owed nothing to Hitler, but much to Imperial and Weimar Germany.

Legally, Jews received little justice and almost no satisfaction from the Weimar courts. The *Centralverein für deutsche Staatsbürger jüdischen Glaubens*, founded in 1893, spent decades fighting attacks, calumnies and libels on Jews, using Paragraph 130 of the Criminal Code (on what amounted to incitement to racial violence) and then, despairing of the courts finding in favour of Jews, using Paragraph 166 on crimes against religion.

The chief defamer was, of course, Julius Streicher and his *Der Stürmer*. In the 'Great Nuremberg Ritual Murder Trial' of 1929, Streicher was charged with suggesting that some unsolved deaths were Jewish ritual murders. He was given two months in prison, but nearly every other case

brought against him resulted in acquittal because he argued, successfully, that he was attacking not the Jewish religion but the separate Jewish race! In 1924, a judge came to the aid of a newspaper editor charged with incitement against Jews. This was 'far from incitement', he ruled: 'even the best men of our nation share this view [antisemitism]'. A Berlin court rejected a Jewish landlord's claim of defamation against an evicted foreign tenant who called him 'a German swine'. The startling judgment was that 'despite his German citizenship, the plaintiff does not fall into the category of persons popularly connoted by the word "German"'. *Und so weiter*, in the pre-Hitlerian courts.

The German youth movement, the *Wandervogel*, was based on the concept of *Volk*, that is, German faith, heroism, tradition, lore and all the Nordic virtues. By 1914, 92 per cent of the local chapters reported that they had no Jewish members; in fact, 84 per cent had specific constitutional clauses banning Jews. *Blau Weiss*, Blue and White, the Jewish youth movement, was founded in 1916 in self-recognition of Jews as being separate from the mainstream.

How comfortable could Jews have been in such environments? German students were swept up by *völkisch* ideology, their fraternities embracing virulent hostility to all things Jewish. The Jews were 'the enemy within', a belief the students expressed violently. *Die Mitteilungsblätter*, the major Jewish journal devoted to combating antisemitism, had much to report. When a distinguished legal professor told his class to read the works of two Jewish legal theorists, he was jeered and decried. In 1920, Berlin University students threatened riot if the university went ahead with a memorial service to the assassinated Foreign Minister, the Jewish Walter Rathenau.

As ever, the only protection for Jews was to form their own fraternities, starting as early as 1896. As ever, they were ostracised by university authorities and closed down at every opportunity. Heidelberg University decreed that 'the very existence of a Jewish fraternity is sufficient to endanger peace among the students'.

The highest form of social interaction among students was duelling – for sport and for honour. Early on, German students barred Jews from this significant activity. The message from noisy students and silent, acquiescent professors was smash the Jewish conspiracy and the *Volk* will flourish.

Jews were excluded from the socially important student gymnastic

organisations and had to form their own *Turnerschaften* (gymnastics associations). Gershom Scholem (1966) has written poignantly about the assimilating, German-loving, German-craving Jews. The German liberals castigated a culture or 'race' that surrendered so readily; the Jew-haters wanted to know what kind of 'bacillus' this was that invaded them, purporting to be German when it so patently was not and could not be. Torn by this dilemma, German Jewish male youth resorted to suicide in great numbers between the wars. Suicide – much of it rational, conscious, political suicide – was, indeed, a litmus of the German-Jewish relationship within pre-Hitlerian Germany. In a farewell letter, Fritz Rosenfelder said he was 'unable to go on living with the knowledge that the movement to which national Germany is looking for salvation considers [him] a traitor to the fatherland . . . I leave without hate or anger . . . and so I have chosen a voluntary death in order to shock my Christian friends into awareness' (Kwiet, 1984: 147).

Einstein, his 'princely official residence' notwithstanding, was hated by many. Philipp Lenard and Johannes Stark, both Nobel laureates, did their best to discredit Einstein, as Jew rather than as scientist. As one Nobel laureate observed: 'A Jew conspicuously lacks understanding for the truth, in contrast to the Aryan research scientist.' Long before '*Kristallnacht*' the Nazis 'persuaded' or forced the cream of German scientists, especially physicists, to leave their posts and their Fatherland: no less than nine Nobel prize-winners had to leave Germany. Hitler's gift to the West, in the end, was a total of 1,500 scientists, who between them had achieved twenty Nobel prizes by the 1960s (Medawar and Pyke, 2000: 1–31).

Rubinstein's 'golden age' of achievement really began with the creation, in September 1933, of the Jewish umbrella organisation, the *Reichsvertretung der Juden in Deutschland*, under Rabbi Leo Baeck. Under the direction of Martin Buber, Jewish adult education programmes led to Schocken Books publishing 5,000 titles between 1933 and 1938. A great achievement – but how 'golden' were the dynamics that gave rise to it, especially in the years 1933 to 1938? There are many accounts of this so-called 'golden' era, but even a glance at Saul Friedländer's chapter on 'The Spirit of Laws' would show Rubinstein just how grim life was for German Jews in the 1930s (Friedländer, 1997: 147–73).

So what did the majority of German Jews perceive about their world? How comfortable were they in a society in which they believed they were

integrated and accepted, in which they pursued Germanness rather than Jewishness, but which degraded them in special laws, denied them judicial fairness, banned their kosher dietary rituals, excluded them from the social and sporting life of universities, despised them in mainstream literature, excoriated them as racially different, as inferior and dangerous?

What they did was to leave, in great numbers. To the best of anyone's knowledge, there were 566,602 Jews in Germany in 1933, a mere 0.86 per cent of the population. By 1941, 347,103, or 61 per cent, had left. More significant is that 252,400, or just on 45 per cent, had left before 'Kristallnacht', and before the forced emigration policy got fully under way. Most German Jews assuredly did not stay.

Hitler wasn't the first to present a package called antisemitism. There were already several antisemitisms in Germany, and Hitler radicalised the traditional forms of that mindset. Rubinstein asserts that Jews were comfortable with the Weimar brand and 'enjoyed excellent relations' with their despisers and detractors. If that statement contains any truth, it tells us something about some German Jews and their perceptions, or their absence of perceptions. To say that they were 'happy' is not to say that there was no objectively visible and provable danger intrinsic to their past and their present. (I grew up among 'happy' South Africans', surrounded as they were by virulent and violent physical attacks on persons and property. In today's crime and violence-ridden South Africa, there are still many who claim 'happiness'.)

Imperial and Weimar antisemitism was cruel, unkind, demeaning. It singled out the most loyal and devoted of all Jewish communities, the one that tried so hard to be German above all else. It caricatured Jews in literature, art and music, it excluded Jews as migrants, penalised Jews in courts, and ostracised its Jewish students. It made Jews, with Gypsies, the especial target of racial hygiene policies. None of this was yet fatal to Jewish suburban, business or actual life. But the antisemitic fuel tanks were full enough, historical enough, institutionalised enough to make the genocidal engine ready for its radical driver.

'KRISTALLNACHT': THE DEFINING MOMENT

The 'Night of Broken Glass', the official and intentional euphemism for the NSDAP pogrom on 9–10 November 1938, confronts us with several major questions. First, was it an aberration in the German-Jewish relationship or an extension of continuous German antisemitism? Second, was this planned pogrom the turning point in German-Jewish history, the first shot in the war against the Jews, shots which, in Herbert Strauss's words, signalled that this November might saw Jews as 'the first victims of World War II' (Strauss, 1980)? Third, did German Jews stay when they could have left? Fourth, does this pogrom help us resolve the debate about whether the Holocaust was intended from the start, or whether it happened, functionally, as a result of happenstance, of chance; or, rather, whether it resulted from a series of opportunities that were neither expected nor predictable?

To address these questions, I invite readers to consider the table below, and then to follow the brief annual accounts which follow.

Migration of German Jews, 1933 to 1945

Total Jewish population in Germany in January 1933: 566,602
Numbers who left (from Jewish sources given to the Nazis):

1933	63,400
1934	45,000
1935	35,500
1936	34,000
1937	25,500
Sub-total	203,400
1938	49,000
1939	68,000
1940	20,996

(It has been argued that 'Kristallnacht' greatly increased emigration, that 35 per cent of emigration between 1933 and the end of 1939 was in the fourteen months after the pogrom.)

1941–45	8,500
Total	349,896 (or 61.7 per cent)

Where they went:

	German Jews only	German, Austrian, Moldavian and Bohemian Jews
North America (particularly US)	57,000	approx. 90,000
Central America	9,728	13,428
South America	53,472	68,028
Asia	16,374	40,336
Palestine	53,000	64,000
Africa	14,000	17,500
Australia	4,015*	5,962*
Total	207,589	299,254
'Third Reich' countries, like Holland, Belgium, France		153,000
Total		360,589

Note: Given the difficulty of finding precise figures, there is a good correlation here between the figure of 350,000 Jews who left Germany and the 360,000 believed to have found haven in various countries.

* Konrad Kwiet lists a total of 9,000 Jews (from all sources) from 1933 to 1945: 1,500 until 'Kristallnacht', a total of 7,200 before the war began, plus 1,500 (German, Austrian, Czech) aliens transported by Britain to Australia on the *Dunera*, plus 500 from Singapore, Hong Kong and Iran during the war.

Let us now look at each year from 1933 until 1945.¹

1933

63,400 Jews left because of panic at the Nazi arrival in government. Regrettably, in the belief that Hitler was a short-term aberration and that return would soon be possible, they went mainly to neighbouring countries like Belgium, Holland and France. Usually husbands stayed and sent their wives and children.

Article 9 of the Weimar Constitution was a barrier to Nazi action against Jews: it proclaimed that all citizens were equal before the law. In March 1933, the Nazis passed the 'Enabling Law' which cleared the way for persecution.

Those Jews who were considered 'political' left, as did those who

became unemployed as a result of the April 1933 'Law for the Restoration of the Professional Public Service' which aimed at 'de-Judaising' the public service. In the same month, the short-lived boycott of Jewish shops, goods, lawyers and doctors began. Measures were taken to reduce Jewish activity in many professions: Jewish doctors and dentists couldn't participate in the state health insurance plans. Kosher food rituals were outlawed.

In September, after years of internal bickering and disunity, the new Jewish umbrella organisation, the *Reichsvertretung der Juden in Deutschland* (National Representation of German Jews), was established under Rabbi Leo Baeck and Otto Hirsch. The opening statement of this organisation was one of 'hope for the understanding assistance of the Authorities, and the respect of our gentle fellow citizens, whom we join in love and loyalty to Germany'. People who went to Palestine could take out property: they lost around 20 per cent of its value.

1934

45,000 left, for two reasons: first, the continuing panic about Hitler; second, the now omnipresent and enduring antisemitism in which there was no clear political line. In short, there was a high degree of ambiguity, and much unease and uncertainty. Jews were no longer allowed to be licensed as pharmacists. The 1933 law to establish a Reich Culture Chamber specifically excluded non-Aryan membership. But in this year they were allowed a cultural association (*Kulturbund deutscher Juden*), albeit one supervised by the State Police and other Nazi organs.

The *Hilfsverein der deutschen Juden* (Aid Association of German Jews) now had an additional task, that of giving advice and assistance to those wanting or needing to emigrate. Even in this climate, the *Hilfsverein* could talk about 'feeling an inner bond with their Fatherland', but if 'emigration becomes economically and politically necessary', they would assist such emigration. Desecration of buildings, attacks on synagogues and arbitrary arrests were commonplace, but there was no killing of Jews. There was a policy of curbed violence, a moderated violence, that could easily become murderous.

1935

A decreasing number, 35,500, left. This was not because countries were closing their doors, but because there was greater physical and economic security as a result of the Nuremberg Laws. The first act to reduce Jews' citizenship rights was the March 1935 law to reconstruct the German army, the *Wehrmacht*: it banned Jews, 100,000 of whom had enlisted and 12,000 of whom had died for Germany in World War I. (Unofficially, so to speak, it did allow well over 100,000 Jews of 'mixed-blood' descent to serve.) The Nuremberg Law for the Protection of German Blood and German Honour, passed on 15 September 1935, deprived Jews of German citizenship. Henceforth, marriages and sex between Jews and 'subjects of the state of German or related blood' (which no longer included Jews) were forbidden. Jews could no longer employ such 'German blood' women under the age of forty-five as servants, and Jews could no longer fly the national flag but could display their own. As non-citizens, Jews no longer had the right to vote in elections and they could no longer hold any public office. The sale of Jewish newspapers in the streets was prohibited.

Earlier, I mentioned Emil Fackenheim's contention that these Laws signalled a fatal change for Jews. He says these Laws were the second great catastrophe in Jewish history: the first was the destruction of the Temple in 70 CE; the second was the enactment of the Nuremberg Laws. They removed citizenship not because of what Jews did, or preached, or practised, but simply *because they were*. He stands in strong contrast to the responses of the Jewish representative body, the *Reichsvertretung*, on 24 September 1935:

The Laws decided upon by the Reichstag in Nuremberg have come as the heaviest of blows for the Jews in Germany. But they must create a basis on which a tolerable relationship becomes possible between the German and the Jewish people. The *Reichsvertretung der Juden in Deutschland* is willing to contribute to this end with all its powers. A precondition for such a tolerable relationship is the hope that the Jews and the Jewish communities of Germany will be enabled to keep a moral and economic means of existence by the halting of defamation and boycott.

They believed that there were limits to Nazi antisemitism, that they could rely on people like bank managers to stop any murder of Jews. They believed, erroneously, that the SA, the Storm Detachment or *Sturm*

Troopers, had been destroyed in 1934 and that, as a result, a second emancipation was possible and a *modus vivendi* was attainable. In short, they saw the Nuremberg Laws as something they could cope with, if that was indeed the worst that was to befall them, and they believed that an accommodation of sorts was possible. Hitler, too, depicted these Laws as 'the only possibility of achieving a tolerable relationship with the Jews living in Germany'.

There was an internal Jewish struggle: let's wait another winter, said the optimists, but even they did not foresee a return to the days of Weimar. From a Nazi perspective, the Laws were essentially a bone thrown to the SA to appease their desire for greater action against the Jews. The idea had first been floated in 1933, but rejected. So here we have two sharply conflicting perspectives: Fackenheim's notion of a 'semi-final' prelude to the end of German Jewry as opposed to the shallow and superficial Nazi use of these Laws merely as a sop to appease their extreme wings.

1936

34,000 left. Again, this was a lower number because of a belief in some kind of accommodation. It was a relatively quiet year, mainly because of the winter and summer Olympic Games. A Yugoslav medical student, David Frankfurter, killed the Nazi Party representative in Switzerland, Wilhelm Gustloff, yet Hitler ordered no action. It was important at that time for Nazis to present an image of calm and moderation. There were a few days of controlled press indignation, a state funeral, followed by the important business at hand, the Olympics. It is interesting to compare that response to an assassination with the event that was to trigger '*Kristallnacht*'.

Jews had already lost their right to vote in *Reichstag* elections. Despite the 'quietness' of the year, a significant book was published by Victor Gollancz in England in February 1936. The *Yellow Spot*, probably written by Gollancz, and based on many intelligence reports to him in England, was sub-titled 'The outlawing of half a million human beings'. From the text, and the tenor of his sub-title, it was clear that he and his colleagues knew, as few others seemed to know, that something more serious was afoot than banning Jews from flying the German flag, from playing in orchestras, or from owning theatres and large stores.

1937

25,500 left. Figures were down as part of this accommodation. The number in concentration camps was low, about 7,000. What we don't know is how many *émigré* Jews returned, from Poland (because of pogroms), from France and even from Palestine. Limitations were placed on the numbers of Jewish pupils in schools and universities. However, relatively speaking, there were no major legislative or administrative actions against Jews in this year.

1938

49,000 left. This high figure was not related to 'Kristallnacht' which, as we know, occurred at the end of the year. The year began badly. It saw a revitalisation of Nazidom, a re-Nazification. It also saw the economic destruction of German Jews. Something radically new was happening in Nazi politics and antisemitism was becoming more strident, more vigorous. In March, Jewish community organisations were prohibited from being legally registered as incorporations under public law. Jews had to hand over their property, and as of 1 January 1939, all Jews would be obliged to carry special identity cards. All Jewish physicians were obliged to call themselves *Krankenbehandler*, caretakers of the sick. All Jewish street names were changed.

In July, at Evian in France, the international community met to discuss the plight of Jewry, but did nothing practical to achieve any positive outcomes. In August, all Jews were required to take an additional name, adding 'Israel' and 'Sarah' to the given names of each and every male and female. In the same month, Eichmann took complete control of Austrian Jewry, now in a state of great confusion and flux, establishing the Central Office for Jewish Immigration in Vienna. By October, Eichmann insisted on people signing to leave as part of the now full-scale forced emigration phase. 'If the Jews have no passports', he wrote, 'then they will be pushed over the Czech border to Prague without a passport.' Vienna's Jews were subjected to unspeakable acts of spite and brutality.

There was pressure for more antisemitic activity. Jews could no longer keep their drivers' licences and students could no longer attend universities. The fantasies of an accommodation were fast disappearing. The SS newspaper, *Das Schwarze Korps*, was now openly talking of an extermination policy. On 24 November 1938, it was advocating that all Jews be driven out of their dwelling places, marked and segregated from the rest of society.

They would soon 'sink down into a criminal existence' and there was no way the German people would put up with 'hundreds of thousands of criminals' who 'crumble away from the edge of our own nation as the result of a process of natural elimination... We shall therefore now take the Jewish Question towards its total solution.' By 1938, Jews who left could take nothing in the way of money or property.

1939

68,000 left. The year began with Hitler's infamous *Reichstag* speech on 30 January:

Today I will once more be a prophet: If the international Jewish financiers in and outside Europe should succeed in plunging the nations once more into a world war, then the result will not be the bolshevism of the earth, and thus the victory of Jewry, but the annihilation of the Jewish race in Europe!

The 1939 exodus was due directly to economic destruction and to the impact of 'Kristallnacht' the previous November. So, what is 'Kristallnacht' (always in inverted commas)? We need to remember that it was 'Reichskristallnacht', a sarcastic term used in Berlin to remind Nazis that this was not, as Goebbels insisted it was, 'a spontaneous public response' to vom Rath's death, but a *Reich*-organised pogrom.²

In essence, this event was the most violent public display of antisemitism in German history. The codified verbal menace of the Nuremberg Laws had ended. There was to be no more masking of the underlying violence towards the Jews. It was also the most aberrant behaviour, given that the Nazis had achieved in Germany what they had promised in 1933, then a time of agitation, street fights and selective violence, namely, *Ordnung, Ruhe, and Recht*, public order, peace and law. German historian Martin Broszat saw this pogrom as transforming Jews from a stigmatised group into a '*minorité fatale*' (in Kwiec, 1986: 59).

The details of the events themselves are well rehearsed and documented elsewhere. It will suffice simply to record here two quotations, the first from the American Consul in Leipzig, David Buffum:

At 3 a.m. on 10 November 1938 was unleashed a barrage of Nazi ferocity as had had no equal hitherto in Germany, or very likely anywhere else in

the world since savagery began. Jewish buildings were smashed into and contents demolished or looted . . . Jewish shop windows by the hundreds were systematically and wantonly smashed throughout the entire city at a loss estimated at several millions of marks . . . Three synagogues in Leipzig were fired simultaneously by incendiary bombs and all sacred objects and records desecrated or destroyed, in most cases hurled through the windows and burned in the streets. No attempts were made to quench the fires, the activity of the fire brigade being confined to playing water on adjoining buildings . . . Ferocious as was the violation of property, the most hideous phase of the so-called 'spontaneous' action has been the wholesale arrest and transportation to concentration camps of male German Jews between the ages of sixteen and sixty, as well as Jewish men without citizenship. This has been taking place daily since the night of horror. This office has no way of accurately checking the numbers of such arrests, but there is very little question that they have run to several thousands in Leipzig alone. Having demolished dwellings and hurled most of the movable effects into the streets, the insatiably sadistic perpetrators threw many of the trembling inmates into the small stream that flows through the Zoological Park, commanding horrified spectators to spit at them, defile them with mud and jeer at their plight . . . These tactics were carried out the entire morning of 10 November without police intervention and they were applied to men, women, and children . . . It has been reported that three Aryan professors at the University of Jena have been arrested and taken off to concentration camps because they had voiced disapproval of this insidious drive against mankind.

Buffum, 1946: 1037-41

And, from a fifteen-year-old Jewish boy, Arno Hamburger, who was a witness in Nuremberg:

Many of the 'spontaneous' avengers were equipped with pistols and knives, while each group brought along axes, large hammers, and iron bars to force entry into Jewish homes. Several SS men had bags for collecting money, jewelry, paintings, and other valuables which they hauled off. The apartments were supposedly being searched for weapons because of a new law enacted the day before that forbade Jews to possess such items. Glass doors, mirrors, and pictures were broken. Paintings were cut with knives, and beds, shoes, and clothes were cut apart. Everything was broken into small pieces, and so, on the morning of November 10th, the victimised families

had nothing left. Most had no coffee cups, no spoons, no knives, nothing at all . . .

in Wollenberg, 1996: 11-14

At a meeting on 12 November, the same day on which he issued the decree 'Regulation for the Elimination of the Jews from the Economic Life of Germany', Göring made this significant statement:

Gentlemen! Today's meeting is of a decisive character. I have received a letter written on the Führer's orders by Bormann, the chief of staff of the Führer's deputy, requesting that the Jewish question be now, once and for all, coordinated and solved *one way or another* . . .

in Arad, 1981: 108-15

That last phrase, Hitlerian wording used at least two years earlier, '*so oder so*', 'one way or another', is the key to the fate of the Jews. Henceforth, with all that organised violence behind them, there was, in a sense, no turning back.

The pogrom signalled that the Jews had finally been stigmatised as never before as an unwanted people. Jews who had reasonable relations with Germans were now removed from the ranks of society. Seven weeks after '*Kristallnacht*', a health insurance agency wrote to a member, saying that 'as a Jewish member, your continued membership is highly undesirable due to your race'. Jews were now outside the social network, outside the society of human beings. Within two years, Jews were not permitted in Aryan insane asylums, they had lost their driving licences because their presence on the roads offended 'the German traffic community', there was a tobacco ban on Jews, and then the decree to wear the yellow Star of David, and so on.

'*Kristallnacht*' was not a pre-ordained, pre-planned step in the systematic plan for Jews. But it did hasten emigration, which was Nazi policy at that time. Emigration, however, was also something of a negation of another, conflicting policy, namely, to keep Jews and exploit them financially. The result? A radicalisation of everything: *Gauleiters* of cities like Berlin, Frankfurt and Vienna began competing as to which would be the first to be free of Jews. '*Kristallnacht*' produced new demands for more radical means of solving the 'Jewish question'. It was also, in Herbert Strauss's analysis, the precursor to war, that is, a war against the Jews within, or alongside, another kind of conventional war.

After World War I, Germans had become fixated with the belief that

they had lost that war because the Jews and their lackeys – the socialists, the pacifists, the trade unions – had stabbed the undefeated German army in the back. In the paranoia of Hitler, combined with these *völkisch* beliefs, we can see what became the strategy: in order to pre-empt a second stab in the back, you get the Jews first. You remove Jews from German society, lest they again fulfil the fantasies of yesteryear. Hitler's famous, or rather, infamous *Reichstag* speech of 30 January 1939 is to be seen in this context. '*Kristallnacht*' was indeed the first *Aktion* in the elimination of Jews.

In July 1939, the Jewish *Reichsvertretung*, a mere six years old, was recreated, by law, as the *Reichsvereinigung der Juden in Deutschland*, now primarily responsible 'to further the emigration of Jews'. It was also directly responsible to the *Reich* Minister of the Interior.

1940

20,996 left. The war had started and so had the first deportations of German Jews. Jews couldn't get visas and couldn't reach ports. The way out was to cross into France, cross the Pyrenees into Spain and then try to find some way of eventually reaching the Trans-Siberian rail system.

1941–45

Astonishing as it may seem, some 8,000 got out in these years. This figure includes women with Turkish citizenship who were sent to the Ravensbrück camp and exchanged; those fortunate enough to have Palestine residence certificates who were sent to the Lauffen camp in Bavaria and later to France where they were exchanged; and property owners who could afford to buy their freedom and were sent to Sweden in 1944. Some bribed their way out of Theresienstadt. Despite the enactment of a law banning the emigration of Jews from the *Reich* in October 1941, in that year Eichmann was assisting Jews to get to Palestine. After all, his job was to facilitate the forced emigration of Jews.

THE SILENCE OF THE CHURCHES

On 29 July 1999, His Excellency, the Honourable Sir William Deane, AC, KBE, then Governor-General of Australia, chaired an evening at the

Wesley Institute, Sydney. The occasion was the presentation by His Eminence, Edward Idris, Cardinal Cassidy, of the Vatican's document *We Remember: a Reflection on the Shoah*. In 1987, the Vatican Commission for Religious Relations with the Jews began preparation of an official Catholic statement on the Church and the *Shoah*. By 1999, this short document was ready for presentation around the globe.

My response to the Cardinal that evening is transcribed below, with some later comments added in square brackets. The Vatican has since denied further access to its wartime archives by its own Commission for Religious Relations with the Jews. To date (2003) it has allowed access to only eleven volumes of the Acts and Documents of the Holy See during World War II, a fraction of the total. The Vatican no longer insists on enforcing its policy that papal papers may not be opened for seventy-five years from the date of any pontiff's death. After much outcry, there has been some relenting. The war years of Piacelli (Pope Pius XII) will begin to be exposed to the world possibly as early as 2006 and no later than 2009. This was a result of the direct intervention of the present Pope, John Paul II.

My address

His Excellency, the Governor-General, has opened the way for a response to the Vatican's *We Remember* document. Sir William Deane suggests a tone of 'polite frankness'. Let me then be both polite and frank.

One has to surrender the idea that the Catholic Church is a monolithic structure, at least in the Holocaust years. There was not one Catholic church during this era, but dozens of Catholic churches and thousands of churchmen: some saved Jews, others defended Jews, some killed Jews, and some betrayed Jews. On one hand, Father Jozef Tiso, a priest, headed a Nazi puppet state in Slovakia, from where Jews were deported to Auschwitz; on another, Carmelite nuns in Vilna ran guns for the Jewish underground. Holocaust history has taught me that one cannot view the Church as a singularity, and therefore this important Vatican document, while talking about Catholic differences, does the Church something of a disservice by talking about a single, indivisible Church.

The Vatican document inadvertently poses a problem for all churches, all faiths, including Judaism: that nationalism and ethnic fire often transcend

religious adherence. Catholics and Protestants alike have a duty to uphold and venerate life: yet 43 per cent of Germans were Catholics, and a much greater percentage were Catholic in the 'Independent State of Croatia' that saw fit not only to kill Jews *en masse*, but also to annihilate (at least) 500,000 Serbs under the Ustasa leader, Ante Pavelic.

Cardinal Casidy talks of the sons and daughters of the Church 'who fostered long-standing sentiments of mistrust and hostility which the Vatican calls anti-Judaism'. If only it had been merely mistrust and hostility. Jews could have lived with that, as they have done for two millennia, and longer. But they had to live with, and die from, things infinitely greater than mere mistrust and hostility.

What motivated people to behave the way they did? The Cardinal says: 'Many Christians did in fact fail to give every possible assistance to those being persecuted.' He talks of people 'who failed to give the witness that might have been expected of them as Christ's followers'. The tenor of this is that, at worst, the Catholic Church was merely one third of what we call the Holocaust triangle, whose corners comprise perpetrators, victims and bystanders. The latter were those who by their indifference, or even by what Professor Yehuda Bauer calls their 'hostile indifference', allowed it to happen. Many churches, and churchmen, were very much more than bystanders. The document also makes several references to the Church, or its adherents, as co-equal victims. There is a near-blasphemy involved in equating the fate of the Jews of Europe with the fate of the Catholic Church, or even several hundred of its servants.

There are, literally, innumerable examples of Catholic perpetrators, whether in Germany or among her satellite allies. We don't have time for them here. But we do have to address some aspects of Church involvement.

The essential thrust of *We Remember* is that there was a 'them' and 'us' dichotomy: 'us' were the anti-Jewish Church leaders and ideology-makers who taught and preached a doctrine of contempt, now regarded as morally and ethically wrong; 'them' were an aberrant group of pagan Nazis whose roots lay outside of Catholic Christianity and who murdered in the name of blood and race. This, I regret to say, is deflection that does not become the Vatican. It is reminiscent of the famous German historian, Ernst Nolte, who talks about 'us' Germans, the good people, the anti-Nazis, and the 'them' Germans, Nazis who seemingly descended from some alien planet ship in 1933 and who were vanquished by the forces of good in 1945.

Not only were 43 per cent of Germans Catholics, but 22.7 per cent of the SS were adherents, Catholic Christians, attendees at mass, seeking rites and rituals. Only twenty-three SS officers were ever court-martialled for refusing to obey orders or carry out 'Final Solution' policy. It is certainly true that Hitler was a radical figure, the one who put the extermination engine into operation. But the engine, and most of its parts, were well assembled before Hitler came to power. The radicalism of Hitler was that he threw off the brakes or reins that had always held back the Church, namely, the injunction of St Augustine in the fourth century that Jews could be, should be, demeaned, brought low, expelled, harassed, deported, reviled, but not killed.

Inevitably, there will always be a major focus on Pope Pius XII, and whether or not his personality was responsible for the inaction of the Vatican. But before touching on that issue, we need to see the context of his all-important constituency, which was German Catholicism.

In the Weimar period in the 1920s, bishops spoke out against the glorification of race and blood, but said nothing about anti-Jewish propaganda. They did, however, talk strongly about 'the destructive influence of the Jews'. The main protagonists were Franciscan Father Erhard Schlund, Jesuit Gustav Gundlach and Bishop Buchberger.³

In the post-Weimar period, Hitler had intense dialogue with the Catholic leadership, who in turn began an appreciation of the values of racial purity. Archbishop Konrad Gröber, heavily involved in persuading the German bishops to sign a concordat with the *Reich*, stated:

Every people bears itself the responsibility for its successful existence, and the intake of entirely foreign blood will always represent a risk for a nationality that has proven its historical worth. Hence, no people may be denied the right to maintain undisturbed their previous racial stock and to enact safeguards for this purpose. The Christian religion merely demands that the means used do not offend against the moral law and natural justice.

The famous Advent sermons of 1933 by Cardinal Michael Faulhaber have been misinterpreted: he said he didn't object to the attempt to keep national characteristics 'pure and unadulterated' but he objected to placing loyalty to race above loyalty to the Church. This was misinterpreted as Catholic condemnation of Nazi ideology. It wasn't. He went on to say that he was 'not concerned with defending the Jews of our time'. In fact,

despite condemning the euthanasia programme, he never once uttered a word about the persecution and extermination of the Jews.

In 1939, Bishop Hilfrich of Limburg conceded the Jewishness of Jesus 'but the Christian religion has not grown out of the nature of this people and is not influenced by their racial characteristics'. Rather, he said, the Church 'has to make its way against this people'.

The Church agreed to the Nuremberg Laws which prohibited marriages between Jews and Aryans: in short, the Church agreed to an inadmissible infringement of her spiritual jurisdiction to give sacraments to a baptised Jew. While many Catholic leaders abroad condemned these Laws, Bishop Hudal, head of the German Church in Rome, said the Nuremberg Laws were 'essential as a measure of self-defence against the influx of foreign elements'.

A pastoral letter from the German bishops was read on the first Sunday in January 1937. It agreed with Hitler's perception of the Bolshevik danger:

The German Bishops consider it their duty to support the head of the German Reich by all those means which the Church has at its disposal. Cooperation in repelling this threat is a religious task.

In effect, the bishops were at one with Hitler in perceiving Jews as the chief engineers, carriers and exploiters of Bolshevism.

The appalling pogrom of 9 November 1938, known as '*Kristallnacht*', went unmentioned upon by Catholic churchmen, apart from Provost Bernhard Lichtenberg of Berlin. Lichtenberg commented: 'What took place yesterday, we know; what will be tomorrow, we do not know; but what happens today, that we have witnessed; outside this church the synagogue is burning, and that is also a house of God.' He was taken to Dachau, and died *en route*, of causes unknown.

One other churchman, a Protestant minister in the small town of Württemberg, asked: 'Who would have thought that one single crime in Paris would have resulted in so many crimes being committed in Germany?' Dietrich Bonhoeffer and Pastor Niemöller, founders of the Lutheran Confessing Church, may be lauded for their opposition to the 'Aryan Paragraph' in its constitution, but they and their 6,000 adherents were as silent as the Catholic churches on the events of '*Kristallnacht*'. Both men, now folk heroes, remained deeply ambivalent about Jews, the 'Chosen People who nailed the saviour of the world to the cross'. Otto

Dibelius, the Church's general superintendent, sermonised that 'one cannot ignore the fact that Judaism is taking a leading role in all of the destructive manifestations of modern civilisation' (Wolfgang Getlach in Wollenberg, 1996: 68-71).]

The Church in Germany also supplied lists of birth certificates of those not considered Aryan, and was therefore directly complicit in assisting the deportation processes. The Church in Germany also rejected, from service and sacraments, those ordered to wear yellow armbands. They were fellow Catholics, but they were Jews.

The Church in Germany certainly protested against the euthanasia programmes and Cardinal-Archbishop of Münster, Clemens Galen, has rightly been honoured as a heroic figure. But he, like Gröber and Faulhaber, never protested against Jewish treatment. That was left to the lonely figure of Provost Bernhard Lichtenberg of Berlin.

By the end of 1942, the German episcopate was well informed of what was happening. Colonel Kurt Gerstein had joined the SS to 'take a look into Hitler's kitchen', to see for himself what was happening to Jews. After witnessing a gassing near Lublin, he tried to inform Cesare Orsenigo, the Papal Nuncio. The Monsignor refused to see him. [Gerstein also informed about one hundred members of the Confessing Church about the gas chambers, but no one wanted to believe him.]

In February 1943, the German bishops were most upset at the forced annulment of mixed marriages. They made no statements about the fate of Jews in Dachau or in other camps, but expressed concern solely at the intrusion into the indissolubility of Christian marriages. Archbishop Bertram and others expressed concern about Jewish converts in the camps, but not about Jews in general. What is so astonishing is that in all their pleas and pleadings about the right to life and liberty, these men could not bring themselves to utter the word 'Jew'. What is also astonishing is that these men opposed the euthanasia programme to the extent that it at least stopped, officially, though it continued in private until the last day of the war. But they could not find it within their Christianity to oppose the Jewish programmes. It was these self-same men who were ordered to deny the sacraments to Catholics who engaged in duelling or who sought cremation rather than burial, but did not deny such rites to men who killed Jews.

We need to look briefly at the roles of Pius XI and Pius XII. On 14 March 1937, Achille Ratti, Pope Pius XI, wrote the first ever encyclical in

German, addressed to the German bishops. It ran to twelve pages and was taken by courier to Berlin. On 21 March it was read from every pulpit. He declared: 'Whoever exalts race or nation or the State to the highest norm and worships them like idols perverts and distorts the divine order of things . . . True Christianity proves itself in the love of God and in the active love of one's neighbour.' He added that 'human laws which run counter to natural laws are not obligatory in conscience'. The encyclical was entitled *Mit brennender Sorge*, 'With serious [or burning] concern'.

In 1938, he asked the renowned American Jesuit writer on black-white relations, John LaFarge, to help him pen another encyclical, *Humani Generis Unitas*, a document which some historians have suggested quite seriously might have averted the Holocaust. Conor Cruise O'Brien, probably with some hyperbole, calls it 'one of the greatest and most tragically missed opportunities of history'. Unlike *Mit brennender Sorge*, it mentioned Jews and antisemitism:

People who fought so valiantly for their countries are treated as traitors; children of those who fell on the field of battle become outlaws, by the sole fact of their parentage . . . This flagrant denial of elementary justice to the Jews leads to the expulsion of thousands into the hazards of exile, without any resources. Wandering from country to country, they are a burden to themselves and to humanity.

But even in this there was no denunciation of Nazi policies, no condemnation of anti-Jewish programmes. The draft, regrettably, was still very much in traditional Catholic mould: it repeats the theological nonsense about the historic curse on Jews for their rejection of Christ. LaFarge was assisted by Gustav Gundlach, who earlier had written an encyclopaedia article defending a 'permissible anti-Semitism'. The hundred-page draft didn't go any further and the Church waited till 1965, to the most significant *Nostra Aetate* of the Second Vatican Council, to declare a total break with the centuries of contempt.

When Pius XI died in February 1939, Bernard Joseph, on behalf of the Executive of the Jewish Agency, wrote to the Patriarch in Jerusalem:

In common with the whole civilised community, the Jewish people mourns the loss of one of the greatest exponents of the cause of international peace and goodwill . . . More than once did we have occasion to be deeply

grateful for the attitude which he took up against the persecution of racial minorities and in particular for the deep concern which he expressed for the fate of the persecuted Jews of Central Europe. His noble efforts on their behalf will ensure for him for all time a warm place in the memories of Jewish people wherever they live.

These are not words that Jews will ever come to use of his successor, Eugenio Pacelli, Pope Pius XII. It is not only Jews but many Catholic thinkers who despaired then, and now, of this man's failure to do certain things that were within his powers to do.

Pacelli failed to promulgate an explicit and direct condemnation of the war of aggression. He failed to speak out against the acts of violence against Jews and others under Nazi occupation. He had full knowledge of the facts from early on, and his sin, if I may use the term, was not to use his influence. He continued to remain silent, despite ceaseless appeals from his own adherents, from Jews and from governments, to speak out. In April 1943, he wrote to Bishop Konrad Preysing in Berlin, saying he wouldn't speak out against the genocide that was the 'Final Solution' 'in order to avoid greater evils'. What could possibly have been a greater evil? He condoned the Vichy Government's 'Jewish Statutes'. The French bishops protested, but Léon Bérard, the Vichy Ambassador to the Holy See, reported to Marshal Pétain that the Vatican did not consider such laws to be in conflict with Catholic teaching.

As Bishop of Rome, Pius XII did act, after a fashion, after much exploring from his cousin, a *contessa*, who phoned him in the middle of the night to urge action as Jews were being deported from literally under the Vatican balcony. One thousand Rome Jews went to Auschwitz, and only fifteen returned. Another 7,000 were hidden by Italian citizens. The Pope's orders to give sanctuary to Roman Jews saved the lives of 4,000 – and, as Jews say, he who saves one life may well have saved the world. [It seems that I, too, have been the victim of much Pacelli myth. Susan Zuccotti, a renowned and respected scholar, has researched this matter in great detail. In her book, poignantly titled *Under His Very Windows*, published in 2000, she concludes that Pacelli never gave any written or oral order to save Jews (Zuccotti, 2000). She observes that the Vatican has never done anything to dispel this story. More important, she writes, were the efforts of ordinary Italians, including nuns and priests, to save Roman

Jews, unprompted by any directives from anyone. There is no way, she claims, that the saved can be quantified.]

In the eyes of many leaders of the Catholic Church, as Saul Friedländer would say, the Jew was less than whatever other consideration he was weighed against'. The Jew was assuredly less than Catholic property in many instances, less than Church self-interest, less than the very principles of Christianity that command help to brothers and sisters in need.

There is a point to all of this: everyone should welcome the Church's admissions, regrets, the Church's remembering and the Church's call for *teshuvah*, Hebrew for repentance, something the Cardinal rightly describes as beyond apology. But there is something else that is needed following the Cardinal's promise that this document is not the last Vatican word on the subject: that remembering must be full memory, not partial memory, not selective memory. There was, and is, good, bad and ugly. We all need to look at all three behaviours, face them and come to terms with what they are.

It doesn't help to suggest that the Church was a co-equal victim. It doesn't help when this and other churches seek to appropriate the Holocaust, to Christianise it in a variety of ways, such as, recently, the building of a convent at the gates of Auschwitz or the sanctification of Dr Edith Stein as a Catholic martyr who died in Auschwitz (because she was a Jew rather than because of her activities as a professing Catholic).

Hopefully, these are the first words of the repentant Vatican. Hopefully, all future dialogue should proceed from where we are tonight, and avoid going back to an elementary ABC.

I conclude with an appeal to the Church. We must remember that Hitler's war against the Jews resulted in thirty-five million dead. That war, and its dead, was and is a world problem, not a mystical, sacralised Jewish problem, not a sacralised Catholic or Protestant problem. Its roots lay in traditional Christian antisemitism and its radicalisation in Germany. Without antisemitism there is no Auschwitz. And since Jews alone cannot ever combat anti-Judaism, the world needs to enlist the world's greatest single institution, the Catholic Church of Rome, in Rome, to influence the hundreds of thousands of little Catholic churches across the globe.

4

AUSTRALIA: DEFINING AND INTERPRETING GENOCIDE

No one in his right senses believes that the Commonwealth of Australia will be called before the bar of public opinion, if there is such a thing, and asked to answer for any of the things which are enumerated in this convention.

Archie Cameron, Liberal Member for Barker, in the parliamentary debate on Australia's ratification of the *Convention on the Prevention and Punishment of the Crime of Genocide*, June 1949 (Hansard, 1949: 1871)

... the horrible crime of genocide is unthinkable in Australia ... That we detest all forms of genocide ... arises from the fact that we are a moral people.

Leslie Haylen, Labor Member for Parkes, in the same parliamentary session

In the current climate of heat in Aboriginal affairs, which I will describe later, very few people use the word genocide. Nearly all who hear it abjure it. Almost all (white) historians of the Aboriginal experience avoid it, as I also discuss later. They write about pacifying, killing, cleansing, excluding, exterminating, starving, poisoning, shooting, beheading, sterilising, exiling, removing, but avoid 'genociding'. Are they ignorant of genocide theory and practice? Or simply reluctant to taint 'the land of the fair go', the 'lucky country', with so heinous and disgracing a label? Australians appreciate only the filmic scenes, the by-now conventional scenes, of historical and present-day slaughter, where genocide means bulldozed corpses at