

**Refugee Policies from 1933 until Today:
Challenges and Responsibilities**

IHRA series, vol. 4

International Holocaust Remembrance Alliance (Ed.)

**Refugee Policies from 1933 until Today:
Challenges and Responsibilities**

Edited by Steven T. Katz and Juliane Wetzel



 METROPOL

With warm thanks to Toby Axelrod for her thorough and thoughtful proofreading of this publication, to the Ambassador Liviu-Petru Zăpirțan and staff of the Romanian Embassy to the Holy See—particularly Adina Lowin—without whom the conference would not have been possible, and to Katya Andrusz, Communications Coordinator at the Director’s Office of the European Union Agency for Fundamental Rights.

ISBN: 978-3-86331-392-0

© 2018 Metropol Verlag + IHRA
Ansbacher Straße 70
10777 Berlin
www.metropol-verlag.de
Alle Rechte vorbehalten
Druck: buchdruckerei.de, Berlin

Content

Declaration of the Stockholm International Forum on the Holocaust	9
About the International Holocaust Remembrance Alliance (IHRA)	11
Preface	13
<i>Steven T. Katz, Advisor to the IHRA (2010–2017)</i>	
Foreword	
The International Holocaust Remembrance Alliance, the Holy See and the International Conference on Refugee Policies ...	23
<i>Thomas Michael Baier/Veerle Vanden Daelen</i>	
Opening Remarks	31
<i>Mihnea Constantinescu, IHRA Chair 2016</i>	
Opening Remarks	35
<i>Paul R. Gallagher</i>	
Keynote	
Refugee Policies: Challenges and Responsibilities	41
<i>Silvano M. Tomasi</i>	
FROM THE 1930s TO 1945	
<i>Wolf Kaiser</i>	
Introduction	49
<i>Susanne Heim</i>	
The Attitude of the US and Europe to the Jewish Refugees from Nazi Germany	55

Johan Ickx
The Holy See and Refugees (1933–1945) 63

Avinoam Patt
**No Place for the Displaced: The Jewish Refugee Crisis
Before, During, and After the Second World War 97**

DEVELOPMENTS SINCE 1945

Cecilie Felicia Stokholm Banke
Introduction 123

Dan Plesch
**Aftermath: Institutional Responses to Displaced Persons
and Refugees after 1945 125**

Juliane Wetzel
**On the move
Postwar German territory as a transit area for survivors,
displaced persons, refugees and expellees 141**

Carl Bon Tempo
The United States and Refugees after 1945 157

THE PRESENT SITUATION

Robert J. Williams
Contemporary Challenges 167

Stefan Lehne
The EU and the Refugee Crisis of 2015–2016 175

Kristina Touzenis
**International Law and Migration—the importance
of the multilateral system for all of us 191**

Giovanni Pietro Dal Toso
The Holy See 199

Mukesh Kapila
On the Road to Damascus 207

AFTERWORDS

Stephane Jaquemet
The Importance of Remembering 215

Michael O'Flaherty
**Why the European Union is a Community of Values
under Threat; and Why We Must Not Lose Hope** 223

IHRA Delegates and Moderators 231

Invited Speakers and Moderators 235

Declaration of the Stockholm International Forum on the Holocaust

The members of the International Holocaust Remembrance Alliance are committed to the Declaration of the Stockholm International Forum on the Holocaust, which reads as follows:

1. *The Holocaust (Shoah) fundamentally* challenged the foundations of civilization. The unprecedented character of the Holocaust will always hold universal meaning. After half a century, it remains an event close enough in time that survivors can still bear witness to the horrors that engulfed the Jewish people. The terrible suffering of the many millions of other victims of the Nazis has left an indelible scar across Europe as well.
2. *The magnitude of the Holocaust*, planned and carried out by the Nazis, must be forever seared in our collective memory. The selfless sacrifices of those who defied the Nazis, and sometimes gave their own lives to protect or rescue the Holocaust's victims, must also be inscribed in our hearts. The depths of that horror, and the heights of their heroism, can be touchstones in our understanding of the human capacity for evil and for good.
3. *With humanity still scarred* by genocide, ethnic cleansing, racism, antisemitism and xenophobia, the international community shares a solemn responsibility to fight those evils. Together we must uphold the terrible truth of the Holocaust against those who deny it. We must strengthen the moral commitment of our peoples, and the political commitment of our governments, to ensure that future generations can understand the causes of the Holocaust and reflect upon its consequences.
4. *We pledge to strengthen* our efforts to promote education, remembrance and research about the Holocaust, both in those of our countries that have already done much and those that choose to join this effort.
5. *We share a commitment* to encourage the study of the Holocaust in all its dimensions. We will promote education about the Holocaust in our

schools and universities, in our communities and encourage it in other institutions.

6. *We share a commitment* to commemorate the victims of the Holocaust and to honour those who stood against it. We will encourage appropriate forms of Holocaust remembrance, including an annual Day of Holocaust Remembrance, in our countries.
7. *We share a commitment* to throw light on the still obscured shadows of the Holocaust. We will take all necessary steps to facilitate the opening of archives in order to ensure that all documents bearing on the Holocaust are available to researchers.
8. *It is appropriate* that this, the first major international conference of the new millennium, declares its commitment to plant the seeds of a better future amidst the soil of a bitter past. We empathize with the victims' suffering and draw inspiration from their struggle. Our commitment must be to remember the victims who perished, respect the survivors still with us, and reaffirm humanity's common aspiration for mutual understanding and justice.

About the International Holocaust Remembrance Alliance (IHRA)

The International Holocaust Remembrance Alliance (IHRA) unites governments and experts to strengthen, advance and promote Holocaust education, remembrance and research worldwide and to uphold the commitments of the 2000 Stockholm Declaration.

The IHRA (formerly the Task Force for International Cooperation on Holocaust Education, Remembrance and Research, or ITF) was initiated in 1998 by former Swedish Prime Minister Göran Persson. Persson decided to establish an international organization that would expand Holocaust education worldwide, and asked President Bill Clinton and former British Prime Minister Tony Blair to join him in this effort. Persson also developed the idea of an international forum of governments interested in discussing Holocaust education, which took place in Stockholm between 27 and 28 January 2000. The Forum was attended by twenty-three Heads of State or Prime Ministers and fourteen Deputy Prime Ministers or Ministers from forty-six governments. The Declaration of the Stockholm International Forum on the Holocaust was the outcome of the Forum's deliberations and is the foundation of the IHRA.

IHRA is comprised of 31 Member Countries, nine Observer Countries, two Liaison Countries and seven Permanent International Partners, including the United Nations and UNESCO. Delegates are appointed as members of IHRA's four working groups: Academic, Communication, Education, and Museum and Memorials, and to advance the work of three thematic committees on the Genocide of the Roma, antisemitism and Holocaust denial, and comparative approaches to Genocide studies.

Across national delegations, experts share knowledge, best practices and points of concern, and make recommendations to political representatives from ministries of Education, Foreign Affairs and Culture, to directly shape policy-making. Through its Grant Programme the IHRA fosters international dialogue and the exchange of expertise. The IHRA has funded 410 projects across 48 countries.

The IHRA chairmanship rotates annually on a voluntary basis with bi-annual gatherings consisting of a four-day programme of meetings,

discussions and presentations culminating in a day-long Plenary. The Heads of Delegation of member countries comprise the decision-making body of IHRA, which operates on a consensus basis.

Preface

A major international conference such as the one whose content is reflected in this volume results from a great deal of work by many dedicated individuals. Therefore, first and foremost, I must thank those whose efforts were central to transforming this conference from idea to reality.

I must, of course, begin with His Holiness Pope Francis, whose support made this event possible.

Secondly, Vatican Secretary of State Cardinal Pietro Parolin and his departmental colleagues were crucial to this successful realization of the original vision. In particular, I want to publicly thank Archbishop Paul R. Gallagher, who became the central senior contact with the Holy See as the planning for this event progressed. And it is a pleasure to also publicly acknowledge the consistent support and help of Monsignor Antoine Camillari, Under-Secretary for the Office of Relations with States of the Holy See.

A deep debt of gratitude is owed to Father Norbert Hofmann. Father Hofmann, whose work usually takes place within the Commission of the Holy See for Religious Relations with the Jews, was assigned to be the main liaison between the International Holocaust Remembrance Alliance (IHRA) and the Vatican, and thus has been the primary day-to-day contact for everything to do with this event. He has fulfilled his role effectively and with great courtesy.

In addition, I want to thank Archbishop Silvano Maria Tomasi and His Eminence Archbishop Paul R. Gallagher for agreeing to be our opening speakers. Archbishop Tomasi has served as a member of the Dicastery for Promoting Integral Human Development since 2016, and was previously the Permanent Observer of the Holy See to the United Nations and other international organizations in Geneva. Archbishop Gallagher is the Secretary of the Holy See's Relations with States. The presence of two such eminent senior members of the Vatican community speaks volumes regarding the support that the conference organizers received from the Holy See.

On the International Holocaust Remembrance Alliance side of the ledger thanks must go, first of all, to Ambassador Mihnea Constantinescu, who served as IHRA Chair in 2016, representing the Romanian

Chairmanship. He was closely associated with every phase of the conception and planning of this program and took all his responsibilities with great seriousness and dedication. He met all of his weighty obligations with a light touch, great good humor, and exceptional diplomatic skill.

Then, too, a great debt is owed to Dr. Kathrin Meyer, Executive Secretary of the IHRA. Dr. Meyer played a central role in translating this project into reality. She oversaw all the complex details with her usual thoroughness and concern. And she made meeting the many and diverse needs of the Conference Committee a priority in the operation of the main IHRA office in Berlin.

In this connection several Berlin colleagues at the IHRA headquarters who worked tirelessly to help must be publicly acknowledged: Laura Robertson, Rosvita Krajnovic, Lennart Aldick and, most especially, Ezgi Akarsu, all made major contributions. Ms. Akarsu took on the main responsibility for coordinating all the endless correspondence and saw to it that all the practical necessities were dealt with satisfactorily. She was a marvel of efficiency, responsibility, and generosity.

It is also a great pleasure to thank my academic colleagues, drawn from IHRA's Working Groups, who eventually made up two "Conference Planning Committees." The first of these included Dr. Cecile Banke (Denmark), Dr. Robert Williams (USA), Dr. Mark Weitzman (USA), Dr. David Silberklang (Israel), and Dr. Wolf Kaiser (Germany). The second committee was comprised of Ambassador Michael Baier (Austria), Dr. Veerle Vanden Daelen (Belgium), and Dr. Robert Williams (USA). The quality of the final conference program is a testament to their good judgment, erudition, and tireless efforts.

And last but not least, I must offer a profound thank you to all of our speakers who graciously accepted our invitation to participate in this meeting.

I.

Having served as the program chairman of the conference I would like to convey, as clearly as I can, what the organizers of this conference hoped it would accomplish. It was created in response to a deep concern, shared by the Holy See and the IHRA, regarding one of the most significant political and humanitarian problems of our time: the refugee crisis in contemporary

Europe. Though the conference gave a good deal of attention to providing important information about what had been done in the past in response to prior crises of this sort, especially the massive human emergency created by the Holocaust and the Second World War, its primary concern was with the problems of today. Which is to say, its participants critically reviewed the past in order to learn about both the successes and failures that occurred, so that we can hopefully do better, both functionally and ethically.

Today's very difficult circumstances have generally been met with confusion and uncertainty by governmental and non-governmental actors who have been called upon, willingly or not, to play a meaningful role. But that said, the conversation that began in Rome and that is now embodied in the contents of the present volume is not concerned with recriminations or allocating blame. Instead, it is meant to start a substantive and utilitarian dialogue—among all the interested parties with a stake in resolving the present emergency—about what might be wisely and effectively done now. This necessarily involves the churches as well as the main organs of civil society, including the press and all the relevant NGOs that can make meaningful contributions in this context. And the conversation must include the countries of Africa and the Middle East from which the refugees come. The concern is to find common ground, difficult as this may be, so as to begin to ameliorate the present situation.

It is transparently evident that the subject of asylum seekers and refugees creates intense passions and has stirred a variety of actions—and rhetorical excesses—across the political spectrum. Against this torrent of emotion, of accusations and counter-accusations, of epithets and verbal abuse, it was the aim of the organizers of this conference to create a calm, open environment where these passions could be tamed and a space created in which a civil—and productive—dialogue about fair and responsible programs to address this highly problematic circumstance could take place.

The organizers of this conference aspired to move beyond talk and to generate concrete proposals that would assist both those in need of refuge and those who are asked to provide this refuge. This is the present imperative, and it is one that will neither decrease nor disappear over the coming decades. Birth rates, and the phenomena of population growth and population decline in different parts of the world, will continue to change the world we live in. I note that demographically Europe is declining quite dramatically. At the start of the twentieth century, the countries that today

comprise the European Union collectively represented 14 percent of the world's population; today they represent six percent, with further statistical erosion inevitable given present demographic realities. Alternatively, Africa and most countries of the Muslim world are growing quite rapidly. Continued globalization will insure that what happens in one part of the globe will affect other parts of the globe, and that no country will be able to isolate itself from these transformational events.

Moreover, even without any alteration in demographic circumstances, there are, according to the United Nations High Commissioner for Refugees, 21.5 million individuals who are today classed as refugees, i. e., people who, fearing for their safety, have uprooted themselves and left their homeland. At the same time, according to the same source, the conflicts that cause these departures take, on average, 37 years to come to a resolution, and the average refugee needs 17 years to locate a permanent new home.

So we urgently need rational, mediating, practical solutions that can garner sufficiently broad national and international support. And it may well be that different solutions are necessary for different countries and regions. In some places aid may mean in-migration; in others financial assistance; in still others, limited-time work permits; or, alternatively, solutions might entail providing massive development aid for those countries from which the refugees and economic migrants come. But we can find these substantive answers only if we have an informed exchange of ideas and concerns: an exchange that must center on policy as well as politics, and on regulation and prudent management strategies as much as on the mood of the electorate, though the sensibilities and will of the electorate will ultimately be crucial. Then, too, we need to conduct this conversation without rancor or overheated rhetoric.

II.

I now would like to take this opportunity to offer some brief introductory comments on the contributions to this volume so as to indicate the kinds of historical and contemporary issues that the conference participants were asked to address.

Our opening two papers were presented by Archbishops Paul R. Gallagher and Silvano M. Tomasi at the first session of the conference. Archbishop Gallagher, drawing on the great progress that has been made

in Jewish-Christian relations, indicated that the Vatican was deeply committed, based on past, painful, experiences like the Holocaust, to being part of any meaningful solution to the present refugee crisis. Archbishop Tomasi seconded this ambition and emphasized the urgency of the contemporary situation and the need for the international community—following the lead of the Catholic Church—to “tirelessly advocate for the respect and promotion of all human rights of migrants and refugees.” Here the deep issues at the heart of the current situation were directly connected.

Our opening panel, chaired by Father Norbert Hofmann, centered on the refugee crisis that began in the 1930s and continued through the years of the Second World War. The panel’s three participants addressed, respectively, the failure of most countries to accept Jewish refugees (Susanne Heim); the work of the Holy See on behalf of refugees (Johan Ickx); and the efforts of Jewish organizations to open doors for persecuted individuals fleeing from Nazi Germany in the 1930s and Nazi occupied Europe in the 1940s (Avinoam Patt). Heim does a very persuasive job of linking past and present. Ickx’s paper is particularly notable because it provides a great deal of information on Vatican activities during the war, a subject about which there is much debate; while Patt’s paper shows the many sustained attempts by the Jewish community to make a difference in aiding Jewish (and other) refugees, some having a modicum of success, others failing outright. Each of these three papers revealed, in its own way, the exceptional complexity of the situation at the time, and, essentially, the failure to resolve it satisfactorily despite heroic efforts in many quarters. The degree of indifference to the suffering of others and the power of prejudice were, ultimately, determinate in this dark time.

This is not a record to be proud of; it warns us that we must do better. We face similar problems today, and, unless we wish to be judged as unsuccessful as our predecessors, we need to learn at least two fundamental lessons. The first is that international cooperation—which failed in the 1930s and 1940s—is necessary in order to confront the stark issues of today. Secondly, excessive nationalism can betray the state’s dual moral obligations: to their own citizens and to others.

The second panel, chaired by Veerle Vanden Daelen, considered various important responses to the massive refugee problems resulting from the war. The first paper, by Dan Plesch, centered on the work of international organizations like the United Nations and its relief agency, the United Nations Relief and Rehabilitation Administration (UNRRA), first

created in 1943. The second paper, by Juliane Wetzel, explored the reaction of European countries to the postwar situation, and the third presentation, by Carl J. Bon Tempo, dealt with American policy following the defeat of Nazi Germany. Plesch notes the diversity of reactions to the work of UNRRA, the grave problems that this organization faced in trying to coordinate international relief projects, and the programmatic initiatives to create new standards of international law and human rights. Some of the latter efforts, despite many obstacles, have led to important progress in this area over the past half-century. However, the many missed opportunities should provide a lesson on the need for sustained and meaningful action in these fundamental areas of concern. Juliane Wetzel's essay on European responses concentrates on the treatment of "displaced persons" (DPs) and the special needs of Jewish DPs particularly in postwar Germany. The essay emphasizes that a great deal of resistance, predicated on misconceptions and anti-Jewish stereotypes, directly intervened in the conversation of how to solve the many problems. This lesson is highly relevant to the current situation, which is often defined by falsehoods about "foreigners" and "others," whether based on color or religion. Lastly, Carl J. Bon Tempo revisits American policy towards refugees after 1945. The good news is that gradually the United States opened its borders to refugees and created a number of programs that brought 650,000 refugees. This policy of openness continued into the 1960s with the Cuban refugee situation, and through strong political and financial support for UNRRA and the International Refugee Organization. This was made possible by fundamental changes in attitude within American society regarding the value of diversity and the nature of what it means to be an American citizen. What is paramount in the story retold in this essay is the suggestion that political realism can form a healthy symbiotic relationship with ethical ideals to produce, after much hard work and some resistance, beneficial outcomes both for those welcoming refugees into their national community, and for those newly arriving. This lesson is highly repercussive because it points to the realistic possibility of overcoming the usual, and destructive, either/or polarity often assumed in the diagnosis of the refugee issue.

Our third panel, chaired by Thomas Michael Baier, focused on "the present situation." Stefan Lehne takes a hard look at the circumstances dominant in today's Europe, specifically the policies adopted by the European Union. He is explicit about the very serious failures that have occurred as a result both of a lack of preparation to meet the crisis effectively, and a

lack of common purpose, with an upsurge in national self-interest intervening in unfortunate ways. More importantly, he suggests significant ways in which to improve the management of the refugee problem inside Europe, paying particular attention to the control of the routes by which refugees and migrants reach the European mainland. The paper concludes that a new, powerful European “embrace of ethnic and religious diversity,” interpreted as beneficial economically and politically to Europe’s present citizenry, is required. To achieve this, Europe’s leaders must better control the flow of migrants, insure that the chaos of 2015 and 2016 is not repeated, invest in needed infrastructure to achieve the successful integration of new populations, and agree on common rules regarding asylum seekers and refugees. All of these proposals represent sensible suggestions that if adopted would make a material difference on the ground.

The second paper in this session was given by Kristina Touzenis on the crucial topic of “International Law and Migration.” After briefly explaining the legal background relating to international laws governing migration and the rights of refugees, Touzenis turns to the major question of what is legal today and what is not, as Europe—and the world community more broadly—grapple with the consequential dilemma confronting them. Here Touzenis rightly focuses on the demands and obligations associated with “human rights,” with the key recognition that international law is not an abstraction; rather, it affects all of us, and not least because legal standards protect us all.

The third presentation, by Giovanni Pietro Dal Tosa, deals with the current refugee efforts being made by the Holy See. The paper provides a very knowledgeable “insider” view of the extensive Vatican efforts, based on humanitarian values, to assist with the present crisis. In particular, the Holy See has been active in supporting relief efforts in the Middle East, in countries like Syria and Iraq, both of which have been devastated by war. Spending a good deal of money in these locations, the Church’s undertakings center around education and health services, propelled by a deep commitment to affirming and maintaining the human dignity of every individual. By reminding us of the latter consideration, the paper provides a distinctive, and essential, perspective that is all too often neglected in the political and bureaucratic conversation about what needs to be done.

The last paper, by Mukesh Kapila, adds a truly crucial, striking dimension to this collection of papers, as it did to the conference in Rome. And this, because it addresses the present refugee circumstance from the perspective

of the refugees themselves. Though obviously central to the dialogue about what needs to be done—what should be done—this required input is often neglected when the important conversations take place. What Kapila succeeds in doing is to bring to the fore, through personal stories and individual experiences, the pain and suffering of those caught up in and transformed by the terrible, lethal, political events that have overtaken their lives.

With great sensitivity and attention to detail, three IHRA rapporteurs (Wolf Kaiser, Robert Williams, and Cecilie Stokholm Banke) summarized the key points made in the preceding discussions.

The closing remarks involved two extremely thoughtful presentations. The first, by Stephane Jaquemet, emphasizes the significance of “remembering.” By calling this theme to our attention we are reminded of what took place when xenophobia, racial hatred, and antisemitism went unchecked in society and governments succumbed to right-wing national political movements. The message here is very simple: Hate and prejudice undermine the democratic political order. And they are abetted by “indifference” and the adoption of the “bystander” stance. This was true in the 1930s and 1940s and is just as true today. Thus “remembering” is a prophylaxis against apathy and inertia. Owning the memory of past atrocities can spur ethical action today and tomorrow. This is the difference between memory and history. The former touches us, defines us, encourages us. Its essential lesson is that “the moral compass must guide us” and that we must, taking our lead from the past, be vigilant today. The main lesson to be learned from the past is that indifference is as powerful as deliberate evil in the formation of uncivil societies.

The last paper in this volume, by Michael O’Flaherty, concerns the link, the relevance, between the present mood in the European Union and the substantive matters addressed in Rome. O’Flaherty emphasizes ten issues: the need to learn from the past; the need to listen to others, including to refugees; the need to critically examine current policies and approaches; the need for our judgments and actions to be based on “facts”; the need for the conversation to be “framed” correctly, and this not least in terms of universal ethical values; the requirement that all discussion, proposals, and actions be properly “contextualized”; the need to publicly “shame” immoral and illegal behavior when we witness it; and, skipping to his tenth and final issue, the need “not to lose hope.” This quite long inventory touches upon many, if not most, of the main themes and subjects taken

up during the conference. In total, this to-do list provides a solid foundation for the construction of a viable process for dealing with the current refugee issue as we go forward.

In sum, these many contributions, taken together, provide a deep understanding of where we have been, where we are, and where we need to go. It is now our collective task to make the future better than the past.

Steven T. Katz

Advisor to the IHRA 2010–2017

Foreword

The International Holocaust Remembrance Alliance, the Holy See and the International Conference on Refugee Policies

On February 16 and 17, 2017, the International Holocaust Remembrance Alliance (IHRA) and the Holy See organized a conference in Rome on Refugee Policies from 1933 to the present day. The conference brought together public policymakers from Europe, North America and the Middle East and representatives of media, NGOs and civil society organizations. How did this conference come about? And why did the IHRA engage in such an endeavor?

What was the dilemma?

Our venture was inspired by the well-known events of the summer of 2015, when, as a result of the crises and civil wars in the proximity of Europe, the number of people eager or forced to migrate rose drastically. In consequence, the IHRA and its Member Countries found themselves confronted not only with the tragic events in the Mediterranean accompanied by a massive increase in illegal trafficking, but also with an increasing number of applications for asylum in some member states of the European Union. The situation became aggravated when national interests and political positioning toward refugees and migrants clashed with Europe-wide achievements, such as the Schengen and the Dublin regimes.

At the IHRA Debrecen Plenary in November 2015 it was unanimously agreed that the IHRA could and should react. This sentiment was nourished by the awareness that the strength of the Alliance lies in the expertise upon which it can draw. The given situation offered the unique opportunity to make the comprehensive knowledge acquired by the IHRA's experts of refugee and migration policies of the 1930s, with all their successes and failures, visible and accessible to organizations and governments dealing with this issue today. Discussions in Debrecen led to a twofold outcome: As a first step, experts were requested to collect relevant material that

could immediately be used for educational purposes and later be processed through IHRA channels as well as through the networks of its Member Countries. At the IHRA Bucharest Plenary in May 2016 it was decided to accumulate and filter this information into an IHRA blog named “Seeking Protection.” A second step aimed at gathering international experts to explore the topic of refugee policies and their impact from the 1930s to the present day by means of an international conference.

How does this fit into the IHRA’s general mission and the concrete work carried out by the IHRA?

The IHRA unites governments and experts to shape, advance and promote Holocaust education, remembrance and research worldwide and to uphold the commitments of the 2000 Stockholm Declaration. The Stockholm Declaration, the founding document of the International Holocaust Remembrance Alliance, states in article 3, “With humanity still scarred by genocide, ethnic cleansing, racism, antisemitism and xenophobia, the international community shares a solemn responsibility to fight those evils.”¹ This mission basically mandates the IHRA to stand up and react. It is for this same reason that the IHRA, in its general work, explicitly includes reflection on other genocides, crimes against humanity, and current societal circumstances in which human rights are challenged. This concern resulted in a 2010 paper by the Education Working Group of the IHRA, entitled “Why relate the Holocaust to other genocides and crimes against humanity?” The answer given was that “a clear and well-informed understanding of the Holocaust, the paradigmatic genocide, may help educators and students understand other genocides, mass atrocities, and human rights violations.” Since this paper, work on this comparative approach has evolved considerably within and outside of the IHRA. It is no longer a question of “should we” or “could we” respond to these issues; it is a reality and it is happening. The IHRA wishes to reflect on how to do this in the best way possible.

1 International Holocaust Remembrance Alliance. *Declaration of the Stockholm International Forum on the Holocaust* (or “Stockholm Declaration”), <https://www.holocaustremembrance.com/stockholm-declaration>, February 7, 2018.

One way in which the IHRA is taking an active stance in addressing the third article of the Stockholm Declaration is by way of the developments emanating from its Committee on “Holocaust, Genocide and Crimes Against Humanity”, formed at the IHRA Plenary in June 2014. Central to the work of this committee is the study of research regarding educational programs and commemorations related to the Holocaust, as well as other genocides and crimes against humanity, in order to analyze differences and similarities, patterns, mechanisms, and early warning signals. This IHRA Committee brings together representatives from the four IHRA Working Groups (the Academic, Memorials and Museums, Education and Communication Working Groups), as well as representatives on the political level from IHRA Member Countries, Observer Countries and organizations. It is a clear signal that the IHRA does not wish to discuss, analyze, remember, and educate about the Holocaust in isolation. Instead, its ambition is to connect its activities with the world, both that of yesterday and of today, in order to build a better tomorrow for every human being.

The IHRA, and specifically its Committee on the Holocaust, Genocide and Crimes Against Humanity, reaches out to organizations such as Global Action Against Mass Atrocity Crimes (GAAMAC) and important initiatives that work within the framework of Responsibility to Protect (R2P) and Genocide Prevention (GP). The 2014 International Conference on Genocide Prevention, which took place in Brussels on March 31 and April 1 of that year, was organized on the occasion of the twentieth anniversary of the genocide in Rwanda and the then-upcoming commemoration of the July 1995 Srebrenica genocide.² The Chair of the conference was Jan Deboutte, Belgian ambassador and the IHRA Chair during the Belgian presidency in 2012. In cooperation with key speakers from the fields of genocide prevention and responsibility to protect, the IHRA took a central role in the conference as the speakers also included the Honorary Chair to the IHRA, Prof. Yehuda Bauer, and Sir Andrew Burns, that year’s Chair of the IHRA. This was an excellent example of how the IHRA shares its expertise and knowledge through international conferences that go beyond the topic of the Holocaust. In a similar way, when considering what we, as experts and educators on Holocaust history, could do to assist in the current refugee situation, we realized that our strength lies in our expertise. Policymakers

2 International Conference on Genocide Prevention, <http://www.genocideprevention.be/>, accessed January 26, 2018.

and people working on the ground with refugees have little to no time to read essays and anthologies on the refugee policies of the 1930s. In light of this situation it was strongly felt that the IHRA experts could help others by making available and accessible our knowledge of the successes and failures relative to refugee policy from the past, especially to governments and NGOs dealing with the issue today. Though the experts of the IHRA do not pretend to have ready-made answers to the extraordinarily complex problems that presently confront us, the scholarly community linked to the IHRA does believe that its expertise allows it a seat at the table where these complex issues are being discussed, and that its presence will help advance the ongoing conversation and assist other groups, both governmental and non-governmental, in their important work.

Why co-organize the conference with the Holy See?

Since 2008 the IHRA has maintained a working relationship with the Secretariat of State as well as with the Secretariat for Promoting Christian Unity at the Holy See. In particular, the concern about the current refugee crisis is shared by Pope Francis who has made compassion for and generosity to refugees a hallmark of his pontificate. He has referred to Europe's migrant crisis as "the greatest humanitarian crisis after the Second World War." His speeches, as well as the way he greets the migrants and refugees—see for example his address and his meeting with those interned at the Moria refugee camp on the island of Lesbos in Greece on 16 April 2016—give evidence of his deep concern, his compassion and his readiness to advocate for the migrants and refugees. Ambassador Mihnea Constantinescu, IHRA Chair during the Romanian chairmanship in 2016–2017, fully supported the organization of this conference together with the Holy See. He declared: "We are honored to be holding this conference with the Holy See and our cooperation should send a strong signal to the international community that we have both a moral and a historical responsibility to address the present-day situation facing refugees. The IHRA knows all too well the consequences of the international community failing to act. The current refugee situation is the litmus test for international solidarity."³

3 International Holocaust Remembrance Alliance. *IHRA Conference on Refugee Policies*, February 10, 2017, <https://www.holocaustremembrance.com/conferen>

How was the conference and its program designed?

From the very start of the IHRA's conversations with the Holy See, it was made very explicit that the IHRA wished to address not only the past but also the challenges of today. A joint conference was planned with four main panels that would address in chronological order the refugee policies and challenges of: (a) the 1930s; (b) the Second World War and its immediate aftermath; and (c) the refugee crisis of today. The fourth and final panel was intended to address the issue of "where do we go from here." These panels would try to represent and explore past and present European and American responses, responses from NGOs and international organizations, the position of the Holy See, and also the perspective of the refugees themselves. Current trends within Holocaust studies that focus on the victims, giving agency to the persecuted, is an approach that also promises to be valuable in addressing the challenges of the present refugee crisis. These ongoing discussions were continued during the IHRA's Plenary in Geneva in June 2017, within its Committee on the Holocaust, Genocide and Crimes Against Humanity. The perspective of refugees and the impact of statelessness and powerlessness on displaced persons were therefore clearly highlighted.

The task of the first three conference panels was to analyze refugee policies, to discuss the main actors, their actions, and the degree to which they were or are successful, and finally, to identify what their shortcomings were or are. The first two panels, dealing with the period of the 1930s, and the Second World War and its immediate aftermath, were also explicitly asked to reflect on lessons that can be learned from this past in order to help deal with the current refugee crisis. How did all the different agencies reacting to the refugee crisis during those periods act and interact? What failures occurred that ought to have been avoided? To what extent have parties adhered to or implemented obligations enshrined in international legal instruments? What are the chances of seeking legally binding regulations with regard to migration and internal displacement? What are the prospects for following up on the 2016 New York Declaration for Refugees and Migrants⁴ expressing the political will of world leaders to save

ces/refugee-policies-1933-until-today-challenges-and-responsibilities-16-17-february-2017, accessed February 7, 2018.

4 General Assembly of the United Nations. *Resolutions*, A/RES/71/1, <http://www.un.org/en/ga/71/resolutions.shtml>, accessed January 26, 2018.

lives, protect rights, and share responsibility on a global scale? How should one think of this complex field of actors, with governments, intergovernmental organizations, religious organizations, and NGOs all attempting to respond? Which actions have proven to be successful and to what extent can similar measures be taken today? The concluding panel on future plans sought to propose new ways for governments, international organizations, and religious groups to respond to refugees.

It was the explicit goal of the conference organizers to offer multiple perspectives on the topic. Hence, the program brought together a balanced group of representatives from the IHRA and the Holy See, as well as academics from the US and Europe, representatives from the International Organization for Migration, the Refugee Crisis Group, the United Nations High Commission for Refugees (UNHCR) and the European Union Agency for Fundamental Rights, and diplomats.

What type of conclusions were we able to draw?

The goal of organizing the conference and bringing all the respective experts together was to reflect on the past in order to enhance the possibility of creating ethically responsible and rational, well-informed policymaking today. Preliminary outcomes and suggestions that emerged from the conference, and that were grounded in the history of the Holocaust, included: collecting evidence of war crimes from refugees, enhancing cooperation between NGOs and the state, and reaffirming respect for the value of international law, its implementation, and human rights.

As organizers of the conference, we found it gratifying to listen to the strong keynote address delivered by Archbishop Silvano Tomasi, Secretary Delegate of the Dicastery for Promoting Integral Human Development, who, drawing on his rich experience in humanitarian work, reminded us that we have currently reached the highest number of forcibly displaced persons since the Second World War. He deplored the fact that the suffering of the people he had met in refugee camps all over the world did not seem to have taught us many lessons. Moreover, it is timely to recall, as was expressed by Kristina Touzenis, Head of the International Migration Law Unit at the International Organisation for Migration, “that the Rule of Law applies to everyone, that there are legal standards of

accountability and conduct which states can be asked to uphold.”⁵ Finally, it was specifically encouraging to hear the director of the European Union Agency for Fundamental Rights, Michael O’Flaherty, commenting that he welcomed the conference “as an opportunity to learn from and build on the past, as well as to galvanise attention to the scale of the challenge and the need for principled and just responses.”⁶

Thomas Michael Baier/Veerle Vanden Daelen

5 See article by Kristina Touzenis in this volume, p. 201.

6 International Holocaust Remembrance Alliance. *FRA and UNHCR to close IHRA Conference*, February 7, 2017, <https://www.holocaustremembrance.com/media-room/stories/fra-and-unhcr-close-ihra-conference>, accessed July 20, 2017.

Opening Remarks

Your Excellencies, Ladies and Gentlemen,

As Chair of the IHRA, it is a great honour to open the conference “Refugee Policies from 1933 until Today: Challenges and Responsibilities.”

Noting that compassion and generosity to refugees is one of the hallmarks of the mission of His Holiness Pope Francis, it is a great privilege for the IHRA to hold this event in cooperation with the Holy See.

Please let me begin by expressing our particularly heartfelt thanks to H.E. Archbishop Paul Gallagher, Secretary for Relations with States, Monsignor Antoine Camilleri, Under-Secretary for Relations with States, Monsignor Ionut Paul Strejac from the Secretariat of State of the Holy See and Father Norbert Hofmann, secretary of the Vatican Commission for Religious Relations with the Jews, without whom this conference would have never come into being.

We are also delighted to welcome H.E. Archbishop Silvano Maria Tomasi, Secretary Delegate of the Dicastery for Promoting Integral Human Development as our keynote speaker.

Let me also thank the other representatives of the Holy See and IHRA delegates who acted as moderators and rapporteurs. The IHRA is represented here by committed individuals who are the heart and soul of our organization and I deeply appreciate their continuous support and advice.

Looking at the programme, I am sure you noted that our invited panelists come from a host of varied and well-respected organizations that have refugee policy at the centre of their work. I thank our external panelists for having joined us at this important event.

For you to understand the genesis of the IHRA, let me briefly take you back to a historic meeting which was held in January 2000 in Stockholm. Former Swedish Prime Minister Göran Persson had been concerned by a poll conducted in Sweden, which seemed to show that high school children had little knowledge of the Holocaust. Barely half a century after the horror of the Holocaust, Auschwitz, Treblinka, Sobibor were beginning to fade into history—to disappear from collective memory. Recognizing the crucial need for a coordinated, international effort on Holocaust-related issues, Persson brought together the representatives of 46 states with

scholars, educators and survivors to attend the Stockholm Forum that January in the year 2000.

That meeting was also attended by five representatives of the Holy See. In the written message the delegation of the Holy See submitted to the Forum, they outlined their hope that “justice and peace will be the result of all endeavors that the Forum might inspire.”

The initial outcome of the Forum was the Stockholm Declaration and the formation of the unique network which exists today as the IHRA. In the Stockholm Declaration, which outlines the commitments of our Member Countries, we echo the words of the Holy See “to reaffirm humanity’s common aspiration for mutual understanding and justice.”

As an organization which deals with the history of the Holocaust, the IHRA knows all too well the consequences of the international community failing to respond appropriately to humanitarian crisis. The circumstances surrounding the current refugee situation are notably different from the persecution of Jews and other victims before, during and after the Holocaust; nonetheless, there are parallels between the treatment of refugees then and now—particularly regarding the closing of borders, the rise of xenophobia, and the use of dehumanising language.

Expert delegates of the IHRA are profoundly concerned about the plight of the refugees fleeing war-torn countries and the current trends of rising antisemitism, anti-Muslim sentiment and right-wing nationalism.

The IHRA greatly respects the work of organizations and volunteers on the ground working to help ensure dignified treatment and sanctuary for people seeking refuge. However, as a network of policymakers, historians and educators, the IHRA wishes to contribute to supporting this important work in the best way it knows how—this is through sharing expertise. Policymakers and people working on the ground with refugees have little to no time to read anthologies on the refugee policies of the 1930s, but IHRA experts can make knowledge on successful and failed refugee policies from the past visible and accessible to organizations and governments dealing with this issue today.

This is what we tried to do in our recent publication on the neutral countries and the Shoah and this is what we try do here with this publication. Let us call this historically-informed policymaking.

We wish to establish ourselves not only as a body of historical experts, but as an institution which reflects on the past in order to contribute to positive and ethical solutions to the worrying challenges of the present.

This is the IHRA contribution to seeking justice and peace and we are honoured to have the Holy See cooperate with us here today in working towards this noble goal.

* * *

In the summer of 1938, delegates from thirty-two countries met at the French resort of Evian. Records note that country delegate after delegate took the floor to express great sympathy for the plight of refugees but as Time magazine reported, most of them “pleaded that they had already absorbed their capacity”, or even “turned in a flat ‘No’ to Jews.”

In the winter of that year, the first Kindertransport train left Berlin for Harwich in the United Kingdom. There are touching photographs of unaccompanied minors arriving on British soil—but there are no photographs of their parents, left to their fates in Nazi Europe.

Six months later the vast majority of the 937 passengers on board the SS St Louis—mostly Jews fleeing the Third Reich—were turned away from the American continent before being forced to return across the Atlantic. By the end of the war 254 of them would be dead. Murdered in Sobibor. In Auschwitz-Birkenau. In Buchenwald.

Needless to say the list above is not exhaustive—as Professor Yehuda Bauer always reminds us, no one comes out of the Holocaust clean. Let us remember the policies that brought relief. But let us not forget the failures of the international community.

I finish with these examples of failure from the not too distant past because they are so very relevant today. I urge you to keep them in your minds as we discuss. Let us call to mind those individuals who in this very moment find themselves standing before a sealed border with nowhere to go.

We must offer a way out.

We must make a place.

We must act together as a humble reflection of the Saint wisdom: “Let us not lose heart in doing good, for in due time we shall reap if we do not grow weary.”

I am confident that this conference will be an important contribution to the present international initiatives addressing the situation of refugees in the world.

Let us raise awareness and speak out about the problems they are facing, inspired in each of our endeavors by the visionary and generous encouragements expressed by His Holiness Pope Francis.

Mihnea Constantinescu
IHRA Chair 2016

Opening Remarks

Your Excellencies, Ladies and Gentlemen,

First let me express a warm welcome to everyone. I am delighted to welcome you today to this beautiful and historic Palazzo della Cancelleria, which is a little piece of Vatican territory in the heart of Rome, on the occasion of the opening of the conference organized by the International Holocaust Remembrance Alliance (IHRA) in collaboration with the Holy See's Commission for Religious Relations with the Jews.

In particular, I would like to greet H. E. Ambassador Mihnea Constantinescu, Chair of the IHRA, who dedicated time and energy to organizing this conference, together with H. E. Ambassador Liviu-Petru Zăpîrțan, the Ambassador of Romania to the Holy See, and the staff of the Embassy of Romania to the Holy See.

I also wish to greet Dr. Kathrin Meyer, Executive Secretary to the IHRA; Prof. Steven T. Katz, Advisor to the IHRA; and Fr. Norbert Hofman, SDB, Secretary of the Commission for Religious Relations with the Jews and the Holy See's contact person with the IHRA. And finally, I also greet my colleague Archbishop Silvano Tomasi, who will deliver the keynote speech this evening.

This conference represents a major collaboration between the Holy See and the IHRA on an issue that has been close to Pope Francis's heart since the very beginning of his pontificate. We hope that this conference will be an important contribution to addressing the various refugee crises that have been engulfing the world over the last few years, raise awareness about the realities of their suffering, and more importantly, bring about solutions. Before doing so, however, I would like to say a few words about the IHRA and the Holy See in the context of Catholic-Jewish relations.

1. The IHRA

For almost twenty years, since it was established in Stockholm on 7 May, 1998, through the initiative of the former Swedish Prime Minister Göran Persson, the International Holocaust Remembrance Alliance (IHRA) has

focused on Holocaust education, remembrance, and research. During its activities, it has addressed important topics such as antisemitism and Holocaust denial, the situation of the Roma and the Roma genocide, comparative genocide, Holocaust education, and promoting Holocaust Memorial Days. These topics are of interest to the Holy See, which follows with special attention the work of the IHRA. Indeed, the presence of Holy See representatives at IHRA Plenary Meetings in the past few years—in the United Kingdom, in Hungary, and in Romania, and the designation of a contact person in February 2015—is a concrete sign of the Holy See’s interest in and appreciation for the IHRA’s work, in the context of Catholic-Jewish relations.

2. Catholic-Jewish Relations

In 2015, we celebrated the 50th anniversary of the Second Vatican Council’s Declaration *Nostra Aetate*, the document that heralded a new springtime, a veritable thaw in Catholic-Jewish relations and dialogue. This document, promulgated on 28 October, 1965, states explicitly and unequivocally the Catholic Church’s attitude towards antisemitism: “*The Church* repudiates all persecutions against any man. Moreover, mindful of her common patrimony with the Jews, and motivated by the gospel’s spiritual love and by no political considerations, she deplores the hatred, persecutions, and displays of anti-Semitism directed against Jews at any time and from any source” (*Nostra Aetate*, n. 4).

Another important step in this dialogue was the establishment, in 1974, of the *Commission for Religious Relations with the Jews* in order to promote and foster dialogue with the Jewish people on a global level. Among the most important topics of the work of this *Commission* is the question of how to combat antisemitism and educate about the Holocaust. As an entity of the Holy See, the *Commission* is not tasked with organizing commemorations for the whole Catholic Church; rather it is charged with establishing the theoretical framework for dealing with Holocaust issues and producing general guidelines for the Catholic Church that may be of use, at the local and national levels, for the development of concrete measures for education and Holocaust remembrance initiatives.

I would like to mention briefly two important documents on antisemitism and the Holocaust. First, the *Commission’s* 1985 document entitled *Notes on the Correct Way to Present the Jews and Judaism in Preaching and*

Catechesis in the Roman Catholic Church. This document referred explicitly to the phenomenon of antisemitism—which sadly is always ready to reappear under different guises—and thus it called for the urgency and importance of “*precise, objective and rigorously accurate teaching on Judaism.*”

The *Commission’s* other significant document, coincidentally issued the same year that the IHRA was founded (1998), was *We Remember: A Reflection on the Shoah*. On the occasion of its publication, which he had desired expressly, Pope John Paul II—who in 1979 became the first Pope to visit Auschwitz—wrote, “[O]n numerous occasions during my Pontificate, I have recalled with a sense of deep sorrow the sufferings of the Jewish people during the Second World War. The crime which became known as the Shoah remains an indelible stain on [...] history.”¹

At Auschwitz, Pope John Paul II knelt and prayed in silence for the victims of the Holocaust. He also prayed at the Yad Vashem memorial, during his visit to the Holy Land in 2000. These powerful acts of prayer and commemoration were also made by Pope Benedict XVI (at Auschwitz in 2006 and at Yad Vashem in 2009) and Pope Francis (at Auschwitz in 2016 and at Yad Vashem in 2014), thus confirming the Church’s commitment, at its highest level, to remembering the Shoah.

Why this commitment to remembering the Shoah? The document *We Remember* offers two basic reasons. First, in the face of such evil and injustice, “no one can remain indifferent.” Our shared humanity demands of us not to be “indifferent.” More than that, however, the Church cannot remain indifferent “by reason of her very close bonds of spiritual kinship with the Jewish people.” Thus, in many countries (for example, Italy, Austria, Poland, the Netherlands, Switzerland), Bishops’ Conferences have introduced a “Day of Judaism” in order to commemorate the victims of the *Shoah* and to draw attention to the Jewish roots of the Christian faith and the progress made in Jewish-Catholic dialogue. In this regard, we can mention the annual commemorations of “*Kristallnacht*” on 9 November and the liberation of Auschwitz on 27 January.

But there is also a second reason, recalled often by John Paul II, Benedict XVI and Pope Francis: We remember the Shoah in order that it may never be repeated again. Speaking to the members of the delegation of the “Conference of European Rabbis” on 20 April 2015, Pope Francis

1 Letter of His Holiness Pope John Paul II on the occasion of the Publication of the Document “*We Remember: A Reflection on the Shoah*,” March 12, 1998.

described the great tragedy of the Shoah, which took place in the heart of Europe, as “a warning to present and future generations.” More recently, this past 27 January 2017, when he received a delegation of the European Jewish Congress, and on 9 February 2017, when he received a delegation of the Anti-Defamation League, he stressed once again the importance of remembering past tragedies so that they may not be repeated. Moreover we have to promote the “culture of encounter and reconciliation” that engenders life and gives rise to hope, in contrast to the “non-culture” of hate that sows death and reaps despair. “To this end, let us continue to help one another,” he said, “as Pope John Paul II desired, ‘to enable memory to play its necessary part in the process of shaping a future in which the unspeakable iniquity of the Shoah will never again be possible’²: a future of genuine respect for the life and dignity of every people and every human being.”³

In all of these remarks, there is a clear and unequivocal message: We must learn from the lessons of the past, so that “Never again!” may be our constant refrain and objective. We remember, so that we may build a better future together.

I have referred to just a few of the more recent encounters between Pope Francis and Jewish groups, but there are many other similar occasions—with previous Popes and also at the national and local levels of the Church—that indicate the fruitful ongoing dialogue between Catholics and Jews. While the IHRA, of course, is not a Jewish organization but an alliance of governments committed to Holocaust education, remembrance and research, the Holy See values its relationship with the IHRA in the context of Catholic-Jewish dialogue and cooperation, as it seeks to promote a culture of encounter and collaboration in facing the problems of today’s world.

3. Refugee Policies, Challenges and Responsibilities

Thus, this conference is an expression of our common desire to learn from the past so that we may respond better to the current refugee crisis and the phenomenon of migration, which have reached new levels in part because

- 2 Letter on the Occasion of the Publication of the Document “We Remember: A Reflection on the Shoah,” March 12, 1998.
- 3 Pope Francis, *Address to the Delegation of the Anti-Defamation League*, February 9, 2017.

of wars and conflicts that have deprived people of hope for a better future. In fact, the memory and experience of the past, and in particular the past tragedy of the Jewish people, urge us to work to ensure that such a tragedy is never repeated to any population. Thus, the phenomenon of refugees needs to be illuminated by the understanding that every human life is sacred and inviolable and must be defended.

Down through the years, the Holy See has focused on the humanitarian aspect of the refugee crisis, but it also has focused on welcoming refugees and on their integration in their host countries, by intervening with local churches and governments and always seeking a culture of dialogue and mutual understanding that respects human life as sacred and inviolable. The moral authority of the Pope and the Apostolic See has constantly been recognized and this has been demonstrated by the frequent appeals of International organizations requesting help and interventions in various situations.

The action of the Holy See, however, is not limited to the aforementioned aspects: In fact, the Holy See has always urged facing the root causes that give rise to refugees in the first place; and in this regard the Holy See has constantly made appeals for peace and reconciliation in an effort to prevent humanitarian crises. Moreover, in following the Social Doctrine of the Church, the Popes have unceasingly reaffirmed the importance of integral human development, the equitable distribution of goods and the fight against injustice.

It is my hope, therefore, that this conference, by reflecting on the themes proposed and in the light of the memories and the experiences of the past, may help bring forth new responses to current challenges.

Archbishop Paul R. Gallagher

Keynote

Refugee Policies: Challenges and Responsibilities

I.

Ours has been defined as the Age of Migrations. Population movements crisscross the globe in a variety of conditions and for many reasons. People move because of wars and persecution, ethnic conflicts, economic inequalities and famine, climate change and natural disasters. The World Bank estimates that 250 million people live and work or are resettled in a country other than the one where they were born. All these people seek survival and protection and many are victims forcibly uprooted from their homes and countries. In fact, the world has now reached the highest number of forcibly displaced persons since the end of the Second World War. According to the annual report, *Global Trends of the U.N. High Commissioner for Refugees*, in 2015 there were 65.3 million persons—including 23.3 million refugees—who were forced to flee from their homes, compared to 59.5 million the previous year.

II.

This conference, jointly organized by the International Holocaust Remembrance Alliance (IHRA) and the Holy See, is certainly timely and opportune. Indifference and forgetfulness can kill, as tragic events in our recent history have shown. I am grateful for the kind invitation to share some thoughts on the refugee situation today. I will briefly present a very succinct sketch of where we stand with legal protection, a reference to the current data on refugees, the commitment of the Church and of the international community to their cause. Reflecting on refugees, I could not avoid rethinking of the dozens of camps and refugee groups I have met over the years in Cambodia, Thailand, Hong Kong, Zimbabwe, Ethiopia, Zambia, Sudan, and the Philippines, and of the refugees taking their first steps toward integration in Canada and the United States. It is a long list of places, and of human suffering that seems to have taught us little.

III.

Forced migration and flows of asylum seekers are perhaps the most difficult challenges facing the international community. The Special Representative on Migration of the U. N. General Secretary adds with a certain sadness: “We have a duty to: (1) address the root causes of forced migration; (2) relieve the terrible suffering of the people forced to leave their homes; and (3) find solutions to their plight. On all three fronts, individual States and the UN have been failing.”

True, the world is a long way off in responding adequately to the plight of refugees. The legal protection of the rights of refugees and migrants in modern times, however, has been steadily refined and made more effective. An organic attempt to coordinate assistance and to facilitate a solution to the predicament of refugees was begun at the end of the Second World War, when the countries of Europe were faced with the responsibility of finding a solution for several million people displaced by the destruction and the restructuring of borders brought about by the war. The international community produced the Refugee Convention of 1951 and its 1967 Protocol, which are still the pillars of the current global architecture for the governance of forcibly displaced people and the legal basis for protection and assistance to those who are recognized as refugees within the meaning of the Convention. However, several states, including those like Jordan and Pakistan that are home to the largest number of the world’s refugees, have not ratified one or both of these documents. Moreover some countries that have acceded to the Convention maintain practical indifference to its principles and injunctions.

As the priority of human rights took hold in the activities of the UN through the progressive enactment of major conventions specifying the Universal Declaration of Human Rights, basic rights were recognized for forcibly displaced people. For example, the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment states in article three, paragraph one: “No State Party shall expel, return (“refouler”) or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.”

The 1989 Convention on the Rights of the Child states in article 22, paragraph one that “States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in

accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.”

International declarations and recommendations have multiplied as crises multiplied. And I have contributed my share in the various years spent as Vatican Representative to the U.N. and International Organizations in Geneva. In fact, notwithstanding the progress made, it seems to me that the legal protection of refugees is still in the phase *de jure condendo*. There are regional instruments that have been developed and that point the way forward. An example is the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) that entered into force in 2012. Another example is the 1984 Cartagena Declaration on Refugees, Colloquium on the International Protection of Refugees in Central America, Mexico and Panama. But events and social changes moved at a faster pace than juridical efforts. New categories of people are not included in any juridical provision notwithstanding their vulnerability and rightful claim of the solidarity of the international community because the desert or the ocean has eliminated their area of livelihood. There is an increasing consensus that it is urgent to define the responsibility of states toward people on the move who are in vulnerable situations and may not be able to return home, but who do not qualify for protection under the 1951 Convention. Discernment is required to address the large grey areas in mixed flows that include people escaping extreme poverty and those who flee literally at gunpoint. Indeed, states may occasionally adopt a more compassionate policy, as when they give protection to war refugees without requiring them to prove that they face a threat of persecution as individuals. Humanitarian visas may be given to victims of natural disasters or of generalized violence in failed states.

IV.

The flexibility of states is more an ad hoc response and lacks a systemic or binding policy. The juridical and the political approaches have not moved in parallel. While progress has been evident in the steady development of

human rights implementation and in the agreement on binding measures of protection, the gap with conditions on the ground has remained wide. Certainly, an eventual juridical agreement covering all vulnerable groups is desirable, but it remains insufficient and this awareness prompted Pope Francis to write to the Secretary General of the United Nations on 9 August 2014: “The tragic experiences of the Twentieth Century, as well as the most elementary notion of human dignity, require the international community, especially through the norms and mechanisms of international law, to do all that is possible to stop and prevent further systematic violence against ethnic and religious minorities.”¹

The political will to develop and to apply norms and mechanisms of international law is the key factor, of course. If we look at the current world scene, the resistance to open the door to asylum seekers and other desperate migrants is very evident in the emerging populist parties, with their focus on border control, detention, repatriation schemes, in building walls and fences, on policies of border externalization. This attitude of rejection notwithstanding, the effort continues toward finding a humane response to displacement. At the U. N. level, in September 2016, world leaders came together at the General Assembly and adopted the New York Declaration for Refugees and Migrants, which expresses the political will of world leaders to protect the rights of refugees and migrants, to save lives and share responsibility for large movements on a global scale. A recent ecumenical initiative provides an additional model to follow: the use of humanitarian corridors to resettle vulnerable refugees. Such an initiative is particularly timely if we consider that the average stay in refugee camps is 17 years and these refugees fade from the headlines.

A step forward has been taken in the states’ pledge to reach a common understanding at the global level about who needs international protection, and to embody this in guiding principles on migrants in vulnerable situations. These measures may in time evolve into soft law and maybe even into binding legal instruments. To sustain this effort, however, a realistic view of the human person is necessary as is a sensibility that comes from the heart, inspired by this view and by faith. Without an anthropology that recognizes the equal dignity of every person, and that appreciates his or her transcendent dimensions, it seems to me it is not

1 https://w2.vatican.va/content/francesco/en/letters/2014/documents/papa-francesco_20140809_lettera-ban-ki-moon-iraq.html, accessed November 1, 2017.

possible to promote a public culture of solidarity and respect for every person without distinction. These convictions become the platform on which acceptance of refugees and, more important, the prevention of situations that lead people to flee, are possible, including by addressing the root causes of forced migration. As Pope Francis stated in his 2015 Message for the 101st World Day of Migrants and Refugees: “Solidarity with migrants and refugees must be accompanied by the courage and creativity necessary to develop, on a world-wide level, a more just and equitable financial and economic order, as well as an increasing commitment to peace, the indispensable condition for all authentic progress.” In fact, let us not forget that along with the right to leave one’s homeland, each person has the right not to leave but rather to live there in peace and dignity.² Religiously inspired organizations, individuals, and businesses have rescued people at sea, helped with the reception and integration of refugees and migrants in local communities, at times by hosting them in their homes, offered legal aid and translation services, provided private sponsorship, and much more. The root of this generosity is found in the Bible. Speaking to the Diplomatic Corps accredited to the Holy See, Pope Francis reminded us of the biblical message: “The Bible as a whole recounts the history of a humanity on the move, for mobility is part of our human nature. Human history is made up of countless migrations, sometimes out of an awareness of the right to choose freely, and often dictated by external circumstances. From the banishment from Eden to Abraham’s journey to the promised land, from the Exodus story to the deportation to Babylon, sacred Scripture describes the struggles and sufferings, the desires and hopes, which are shared by the hundreds of thousands of persons on the move today, possessed of the same determination which Moses had to reach a land flowing with ‘milk and honey’ (cf. *Ex* 3:17), a land of freedom and peace.

Now as then, we hear Rachel weeping for her children who are no more (cf. *Jer* 31:15; *Mt* 2:18). Hers is the plea of thousands of people who weep as they flee horrific wars, persecutions, and human rights violations, or political or social instability, which often make it impossible for them to live in their native lands. It is the outcry of those forced to flee in order to escape unspeakable acts of cruelty towards vulnerable persons, such

2 Pope Francis, *Message for the World Day of Migrants and Refugees 2016*, January 17, 2016.

as children and the disabled, or martyrdom solely on account of their religion.”³

By placing at the center of all considerations the dignity of the human person created in the image of God, we establish the premise that the other is not a threat and that to welcome him can be an enrichment. Again, Pope Francis sums up the process well: “The acceptance of migrants can thus prove a good opportunity for new understanding and broader horizons, both on the part of those accepted, who have the responsibility to respect the values, traditions and laws of the community which takes them in, and on the part of the latter, who are called to acknowledge the beneficial contribution which each immigrant can make to the whole community.”⁴

Putting together the principles derived from natural law, from faith and religious wisdom, and from experience, Christian reflection arrives at formulating an interpretative framework on migration that begins with the affirmation of the rights of the most vulnerable persons and arrives at the duty to welcome newcomers. In the current preoccupation with heightened security and the raising of new walls and fences at borders, the Church moves countercurrent and proposes solidarity with the arriving asylum-seekers since they share equal dignity and have a rightful claim to protection. While the states should at least respect the juridical commitment they have undertaken, the Church reminds society that the juridical aspect is a minimum and does not exhaust the ethical responsibility, the fruit of the conversion of the heart. It proposes a culture of welcome and encounter prompted by the awareness that we constitute one human family and that love is the main road building a common future. At the same time, there are some basic values that newcomers must accept to achieve a peaceful coexistence. In this context, a first step is giving top priority to correct information: There is neither an invasion nor a radical sudden transformation of society, rather a transformation that newcomers and native population can jointly manage. For example, the European Union takes in ten percent of the world’s asylum seekers and Italy three

3 Pope Francis, *Address of his Holiness Pope Francis to the Members of the Diplomatic Corps Accredited to the Holy See for the Traditional Exchange of New Year Greetings*, January 11, 2016, http://w2.vatican.va/content/francesco/en/speeches/2016/january/documents/papa-francesco_20160111_corpo-diplomatico.html, accessed October 20, 2017.

4 Ibid.

percent of this total. The Social Doctrine of the Church provides a guide that inspires action for today's exodus. In fact, the Church responds to the challenge posed by the current migration crisis with a two-pronged approach: with her doctrine and with her action. In particular, the Church tirelessly advocates for the respect and promotion of all human rights of migrants and refugees, including the education that is so crucial to their future.

V.

Allow me to conclude with a talmudic parable. Two brothers making a living with their families off the same plot of land must separate because a sudden drought causes a shortage of food. The older brother decides he will emigrate to ensure his and his brother's survival. After many years, the younger brother decides to journey to meet and thank his older brother who had made this sacrifice. As he moves along, he spots some movement in the distance and thinks that wild beasts are coming towards him. He holds fast to his walking stick, ready to defend himself. As he advances, he realizes that people are approaching, and he fears that they are bandits ready to assault him. But relying on his strong stick, he continues ahead—and finally, face to face with the approaching person, he discovers that it is his brother who has come to meet him. All newcomers need to be discovered as our brothers. Then the international community will succeed in finding the needed juridical and political solutions to the plight of today's refugees.

Archbishop Silvano M. Tomasi, C. S.

FROM THE 1930s TO 1945

Wolf Kaiser

Introduction

This year, we mark the 80th anniversary of two events that triggered great waves of mainly Jewish refugees from Central Europe: the German invasion of Austria, or *Anschluss*, in March 1938 and the pogroms in Germany and Austria in November of that same year, the so-called *Kristallnacht*. International reactions were diverse: While the Evian Conference in July, attended by representatives of 32 states, was a failure, the organization of the *Kindertransport* to England and some other countries after the November pogroms provided refuge for thousands of children. Though they were separated from their parents and in many cases never saw them again, at least those children who were sent to Great Britain, Switzerland and Sweden found a safe haven. However, it would be premature to conclude that international agreements are less likely to succeed than are initiatives of individual states. Each case merits a careful description of the historical context, the interests and intentions of the decision-makers, and the causes of failure or success. Before drawing conclusions from historical experiences, current conditions and developments must also be analyzed not only with regard to similarities but also in the light of the numerous differences that are evident when we compare Europe and the world today with the 1930s, let alone the 1940s.

The three papers presented in this chapter give an impression of the complexity of the refugee crisis caused by Nazi politics. They consider very different aspects of the phenomenon. Susanne Heim focuses on the attitude of populations and politicians in the host countries and of those countries that refused to accept refugees or strictly limited admission. Avinoam Patt describes the efforts of nongovernmental organizations, in particular Jewish relief organizations, to support Jewish refugees before, during, and after the Second World War. This of course necessitates considerations of the politics of governments that relief organizations had to address in order to improve conditions for their work or to operate at all. Johan Ickx only briefly takes a look at Jews fleeing from one country to another; he mainly describes the efforts of the Holy See to provide refuge for Jews under threat of deportation. After mentioning nuncios and pontifical delegates and

some Catholic charitable organizations that initiated and conducted rescue operations in various countries under German occupation, he focuses on endeavors of the Catholic Church in Italy, mainly in Rome and its surroundings, after the German invasion. Most of the Christians of Jewish descent and Jews who were hidden in convents and other Catholic institutions were Italian citizens; only a minority were foreigners who had come to Italy for various reasons.

When reading what the authors tell us about refugees in the 1930s and 1940s, we can hardly avoid thinking of refugees today and political reaction to the so-called refugee crisis. Susanne Heim points out that the perception of the flight of a large number of people as a crisis depends on context, previous experiences, and point of view. Compared to the number of refugees who arrived in Europe in recent years, the number of people who fled after the Nazis had assumed power does not seem very impressive. Nevertheless, their migration was considered a severe crisis. Similarly, we perceive today's migration to Europe from a limited perspective. In the context of migration worldwide, the number of refugees coming to Europe is small. This, of course, cannot justify underestimation of the challenges confronting host countries, let alone disregard for the dangers, hardship, and suffering to which most refugees are exposed. But it puts our perception into perspective.

In the early years of Hitler's rule, many people in neighboring countries reacted with compassion to the situation of refugees. But the climate changed quickly, as Heim observed. We have seen a similar climate change in several European countries recently. In such a situation, it is crucial to ask whether politicians jump on bandwagons or show leadership by finding ways to respond to difficult challenges in a manner consistent with the values that they affirm and praise on other occasions. International cooperation can help to successfully manage a perceived crisis but if it fails, consequences can be disastrous. Heim notes that the Evian Conference not only failed to solve the problem of where to shelter refugees from Germany and Austria; it also triggered a chain reaction of increasingly restrictive measures against refugees, including those who had already been admitted to certain countries.

After the beginning of the Second World War, German Jews and political opponents whom the Nazi regime had forced to flee were treated as enemy aliens by their host countries. Rejecting refugees was justified as a security measure, with the argument that Nazi spies could enter the

country disguised as refugees. In the US, this argument was used long before the country joined the war effort. The assumption that there were spies among refugees created fears and potentially generalized suspicion. A similar mechanism can be observed today. The fear that terrorists would pretend to be refugees and thus enter European states, or that refugees would be radicalized and commit terrorist acts, contributed greatly to the political climate change in many countries. The argument is also used as a pretext for pursuing a very restrictive policy towards refugees. In particular, Muslim refugees are greeted with suspicion though many of them have decided to flee because they felt threatened by Isis or other terrorist organizations.

Finally, Heim refers to the repercussions that the measures against the admittance of refugees had on the democratic substance of European states that increasingly adopted the methods of totalitarian states; she points to the militarization of borders that forced refugees to take illegal and dangerous routes; the treatment of refugees as criminals; and the establishment of camps that became prisons. Her last sentence could also be read as an analysis of developments that can be observed today—or as a warning and even as an appeal to oppose these developments that (unlike past events) can still be thwarted.

While Heim focuses on the societal attitudes and politics in countries that accepted refugees or could have offered refuge, Patt mainly considers the impact of the work of Jewish relief organizations. He describes their admirable efforts but also the insurmountable limitations of their influence. The lack of an effective response from the international community could not be compensated for by NGOs. They did everything possible under the prevailing conditions to help Jews living under Nazi rule to escape and to alleviate the misery of the refugees, but attempts to influence political decisions failed. While they still had access to the Evian Conference in July 1938, they were not even invited to attend the Bermuda Conference in April 1943 when the scope of the Nazi policy of annihilation had become widely evident. Obviously, the potential influence of relief organizations does not grow with the severity of their clientele's distress, but depends on the prevailing conditions and the interests of their political counterparts. With the end of the war, Jewish organizations assumed new tasks. The defeat of Nazi Germany offered new opportunities to help survivors, but Jewish organizations faced enormous challenges. Survivors in DP camps in Germany needed material and political support, even though they themselves were remarkably

effective in organizing their life under difficult conditions and in defending their own interests. For many survivors these interests included the political aim of creating a national home in what was then British Mandate Palestine and the right to migrate and settle there. Patt shows that Jewish DPs managed to impress the Anglo-American Committee of Inquiry, which recommended the admission of 100,000 survivors to Palestine in its report of April 1946. Though this recommendation was not implemented, it was a step in the complicated process that finally resulted in the founding of the State of Israel and the immigration of two-thirds of the Jewish DPs to the new state. In the present discussion on refugees, self-help and organized articulation of their goals seem to be underestimated. This is probably due to the diversity of refugees today, but nevertheless should be given greater prominence in considerations on how to improve their conditions.

Among those organizations that initiated or supported help for Jewish refugees, the Catholic Church had a unique position. Not only was it present in every country where Jews suffered persecution and in countries that could provide refuge; the Church could also use the diplomatic services of the Holy See to intervene. In most cases, such interventions and rescue operations resulted from individual initiatives of diplomatic representatives of the Pope. Johan Ickx presents a long list of nuncios and pontifical delegates who took part in such initiatives. Then he describes in detail how Jews as well as Christians of Jewish descent found shelter in convents and other ecclesiastical buildings in Rome and its surroundings. He also mentions interventions of the Holy See with the German authorities for “non-Aryans” who were arrested and deported, in some cases also for unbaptized Jews, indicating the direct or indirect involvement of Pope Pius XII. Today, the Holy See can intervene on behalf of refugees with much less concern about counterproductive results than during the Second World War. Pope Francis has done this in unequivocal terms, e. g. in his powerful speech at the reception of the diplomats accredited to the Holy See on January 11, 2016.¹ At the same time, many organizations and persons belonging to the Catholic Church contribute considerably to aid and relief for refugees, encouraged by the Pope and many bishops.²

1 http://w2.vatican.va/content/francesco/en/speeches/2016/january/documents/pa-pa-francesco_20160111_corpo-diplomatico.html, accessed October 10, 2017.

2 Cf. e. g. the “Guidelines for the German Catholic Church’s commitment to refugees” that were adopted by the plenary assembly of the German Bishops’ Conference in

Not only do they enjoy incomparably better conditions for their professional and voluntary work, but also by far more opportunities to cooperate with non-Catholic organizations and relevant administrative bodies. Pope Francis' words, addressing the present situation, do certainly apply even more to the situation of helpers and rescuers of Jews under German occupation. He said that "the values and principles of humanity, respect for the dignity of every person, mutual subsidiarity and solidarity [. . .] may prove, in some moments of history, a burden difficult to bear." Simultaneously he emphasized that there should be no loss of these values and expressed his "conviction that Europe, aided by its great cultural and religious heritage, has the means to defend the centrality of the human person and to find the right balance between its twofold moral responsibility to protect the rights of its citizens and to ensure assistance and acceptance to migrants."³

Kloster Schöntal on February 18, 2016, <https://www.dbk.de/fileadmin/redaktion/microsites/fluechtlingshilfe/2016-Leitsaetze-ENG-Guidelines-for-the-German-Catholic-Church%E2%80%99s-commitment-to-refugees.pdf>, accessed October 10, 2017.

- 3 This sentence reaffirmed a statement that the Pope made in his address to the European Parliament on September 25, 2014, http://w2.vatican.va/content/francesco/en/speeches/2017/march/documents/papa-francesco_20170324_capi-unione-europea.html, accessed October 10, 2017.

Susanne Heim

The Attitude of the US and Europe to the Jewish Refugees from Nazi Germany

If we consider current refugee numbers it might seem rather strange that emigration from Germany after the Nazis' ascent to power was perceived as a refugee crisis. There were 500,000 Jews living in Germany in 1933 and most of them did not even consider leaving the country, confident that the Nazi government would not survive longer than its predecessors throughout the Weimar Republic. Of the estimated 60,000 people who left Germany in 1933—the majority of them Jews—many came back after a few weeks or months, either because they had underestimated the difficulties of life in exile or because they had received comforting news convincing them that the crisis was more or less over. Only 37,000 decided to leave the country permanently in 1933, while during the following years until the end of 1937 emigration figures reached around 21,000 to 25,000 per year.¹ With the incorporation of Austria and the Sudetenland in 1938 the number of Jews under German rule increased considerably, as did the pressure to emigrate.

Some three quarters of all Jews who fled Germany in 1933 went to other European countries, primarily to France, Czechoslovakia, the Netherlands, and Switzerland. Since German citizens did not need a visa to enter the Netherlands and Switzerland, these two countries could not control how many refugees entered their territory. About 20 percent of Jews living in Germany did not hold German citizenship but were of Eastern European origin. Among those who fled Germany in the early months of Nazi rule this percentage was much higher—around 50 percent. In order to enter France or Belgium, both Germans and Eastern Europeans needed a visa. As a rule, France accepted everyone as a refugee who fled Germany in 1933—but they were expected to leave the country once the crisis was over.

1 Strauss, Herbert A. "Jewish Emigration from Germany: Nazi Policies and Jewish Responses." *The Leo Baeck Institute Year Book*, vol. 25, no. 1, January 1980, pp. 313–361, here p. 326.

In Belgium, however, authorities were willing to accept only those who were considered “useful immigrants,” meaning people with the financial means to maintain themselves or with a specific qualification or entrepreneurial skill. Those who were not considered to be “useful” were ordered to leave the country, but they were not directly expelled. Nevertheless, Belgian authorities applied considerable pressure to make them leave for France or the Netherlands—a fact that increased diplomatic tensions between the neighboring countries.²

The British government found it much easier to maintain control over its territory and the entry of foreigners. Refugees generally were granted a transitional stay only. A very limited number were accepted, usually for no longer than two years. They had to prove that they had a guaranteed means of livelihood and had to report to the police on a regular basis.³ Apart from the difficult economic situation and the high unemployment rate, the main reason for these measures was the appeasement policy towards Germany.⁴

Czechoslovakia was a preferred country of refuge for German intellectuals due to the country’s German-influenced cultural environment, its proximity to Germany, and its comparatively liberal immigration legislation. But apart from writers and journalists, refugees were prohibited from employment and it was virtually impossible to obtain a work permit. Those with a minimum amount of capital had a chance to sustain themselves as small traders or artisans—at least temporarily—as residence permits could easily be denied by the Czech authorities.⁵

- 2 Caestecker, Frank & Bob Moore. “Refugees from Nazi Germany and the Development of Refugee Policies, 1933–1937.” In: Caestecker, Frank & Bob Moore (eds.). *Refugees from Nazi Germany and the Liberal European States*. New York/Oxford: Berghahn Books, 2010, pp. 207–243, here p. 222.
- 3 Strickhausen, Waltraud. “Großbritannien.” In: Claus Krohn, et al. (eds.). *Handbuch der deutschsprachigen Emigration 1933–1945*. Darmstadt: Wissenschaftliche Buchgesellschaft, 1998, pp. 251–266, here p. 252.
- 4 According to the U. S. ambassador in London, Joseph P. Kennedy, British Prime Minister Neville Chamberlain “took the view that the Jews had, though innocent, been the cause of the serious setback and possible destruction of his policy of appeasement;” quoted in Szajkowski, Zosa. *The Attitude of American Jews to World War I, the Russian Revolution of 1917 and Communism (1914–1945)*. New York: Ktav Publishing House, 1972, p. 107.
- 5 Report of a visit to Czechoslovakia, submitted by Walter M. Kotschnig, staff member of the High Commission for Refugees, Feb. 7/8, 1935. In: Karen J. Greenberg (ed.).

While refugees were initially received with compassion in the liberal European countries, the climate changed after it became obvious that the influx of refugees would not stop and they would not be able to return to Germany anytime soon. Due to the global depression and high unemployment, refugees were largely regarded as a problem for the local labor market in most of the potential receiving countries. Any liberalization of immigration policies was unpopular especially among middle class citizens, who feared the new arrivals as competitors. Consequently, the first steps taken against them involved access to the job market. Before long, restrictive measures were ushered in that amounted to a clampdown on the refugees' freedom of movement, political activities, and opportunities for long-term employment. Step by step, France, the Netherlands, Switzerland, and Belgium introduced measures to ensure their control over foreign labor, requesting work permits or forcing peddlers to apply for a license.⁶ The Belgian government was especially keen to abolish a nineteenth century law according to which immigrants who had resided in the country and had been employed for a while could not be expelled if they became unemployed and were even entitled to receive welfare payments.⁷

The internal responses of the European countries can be summarized as follows: As is the case today, most reacted according to what they considered to be their national interest: protecting the internal labor market and economy against newcomers. The measures introduced had one overarching rationale: to stop, or at least to curb, undesired immigration as quickly as possible. However, authorities usually refrained from sending refugees back to Germany once they had managed to escape.

While they might have been worried about the political situation in Germany, most European governments did not want to confront or provoke the powerful Germans. In the preliminary discussions, which finally led to the establishment of a High Commissioner of the League of Nations for

Columbia University Library, New York: The James G. McDonald Papers. New York: Garland Publishing, 1990, pp. 157–162, here p. 158; Heumos, Peter. “Tschechoslowakei.” In: Krohn, et al. (eds.). *Handbuch der deutschsprachigen Emigration 1933–1945*, pp. 411–426, here p. 414; see also: Frankl, Michal & Kateřina Čapková. *Unsichere Zuflucht. Die Tschechoslowakei und ihre Flüchtlinge aus NS-Deutschland und Österreich 1933–1938*. Wien: Böhlau Verlag, 2012.

6 Caestecker & Moore (eds.). *Refugees from Nazi Germany*, p. 75.

7 Ibid., p. 73.

refugees coming from Germany, it became very obvious throughout 1933 that no country pushed for the creation of the new institution, because such a step might have offended the German government.⁸ Eventually, the Dutch government reluctantly took the initiative of suggesting the establishment of a High Commissioner, all the while stressing repeatedly to the Germans that this should not be seen as a criticism of Germany but rather purely as a measure of self-defense. As the reports of the German embassies to the Foreign Office in Berlin reveal, the Germans were at this stage still comparatively sensitive to criticism from abroad. However, the individual and nationalistic reactions of the League's member states encouraged the Germans in their rather arrogant and self-righteous assumption that their policy of forced migration was legitimate, while other countries had to cope with the consequences, i. e. the refugees.

The fact that no one wanted to confront the Germans led to a compromise that debilitated the High Commissioner's Office from the outset. It was not accountable to the League but to a governing body of representatives from interested nations and thus had little influence.

The United States was not a member of the League but sent a representative to the governing body. The new High Commissioner, James McDonald, was a US citizen. Nevertheless, the US administration missed no opportunity to make clear that it did not back McDonald in his efforts to find settlement opportunities for the refugees, thus further weakening his position. All this was carefully observed and gleefully commented upon by the German Foreign Office. Immigration into the United States was limited by a quota system. According to this, no more than 25,000 Germans were allowed to enter the States each year. However, although many thousands wanted to leave Europe for America, apart from the year 1939 the quota was never filled. The reason for this was the so-called LPC clause, which barred anyone from immigration to the US who might be likely to become a public charge. (This proved to be much more effective in limiting immigration than the quota system.) The decision on how much money an immigrant had to own in order not to be considered a potential public charge was left completely up to the consuls,⁹ most of whom were

8 McDonald Stewart, Barbara. *United States Government Policy on Refugees from Nazism 1933–1940*. New York: Galland, 1982, p. 97.

9 *Ibid.*, p. 57.

very sensitive to the expectations of the State Department and to the anti-immigration climate in the US.

After 1933, the US labor ministry pushed for a liberalization of the immigration rules for foreigners with close relatives in the United States who were able and willing to provide them with financial support. However, opposition in the State Department as well as in large parts of American society turned out to be stronger. Many Americans, even those who wanted to support refugees, were worried that large numbers of incoming Jews might add fuel to general anti-immigration and antisemitic sentiments. Such concerns were widespread among American Jews as well and influenced their views on how many and what kind of refugees would be welcome: preferably those who spoke English and had a chance of finding employment in the near future and therefore were not dependent on relief, as well as those who were not visibly religiously observant.¹⁰ The American Federation of Labor, while taking a firm stand against the German Nazi government and backing the anti-Nazi boycott, also stood resolutely against loosening immigration laws.¹¹ President Franklin D. Roosevelt did not interfere in the debate, at least not publicly, as he did not want to alienate either side. He even avoided condemning the Nazi policy of persecution, claiming it to be an internal affair of the German state.¹²

In March 1938, after the annexation of Austria to the German Reich and the attendant pogroms, refugee numbers skyrocketed. On the European level, the situation was aggravated further by the fact that some countries, such as Poland, Romania, Hungary, and Yugoslavia, put rather strong pressure on their Jewish minorities to make them leave the country. As a consequence of the increasing refugee numbers, US President Roosevelt initiated an international conference that took place at Evian in France in July 1938—and turned out to be a complete failure. The delegates of the 32 participating states expressed their compassion with the refugees but argued that for economic reasons they could not accommodate more foreigners. On the one hand, this at least superficially disguised xenophobic and antisemitic motives. On the other hand, it must be taken into consideration that before they left the country refugees from Germany

10 Szajkowski. *The Attitude of American Jews*, pp. 131–133.

11 Breitman, Richard & Allan J. Lichtman. *FDR and the Jews*. Cambridge, Massachusetts: The Belknap Press of Harvard University Press, 2013, p. 71.

12 *Ibid.*, p. 80.

were deprived of their belongings through a sophisticated system of taxes, fees, and tributes. This impeded their establishment in exile and indeed made them “likely to become a public charge,” a condition no country was willing to accept. Thus, the Germans, by expropriating them, turned the Jews into the unwanted minority they had always declared them to be.

The countries participating in the conference were confronted with a fundamental dilemma. If they refused to accept indigent refugees they were leaving them vulnerable to German anti-Jewish persecution. If, on the other hand, they declared themselves willing to accept refugees even without concessions from the German side regarding the refugees’ assets, they were in effect aiding and abetting the expulsion of the Jews—possibly not only from Germany but from Poland, Romania, and other countries as well.

The Germans claimed the right not just to exclude “foreigners” from German territory, but also to declare sections of the German population to be “not of German blood” and thus not part of the ethnic community.¹³ As long as the countries of refuge did not want to enter into open confrontation with the Nazi state, they could only try to deal with the consequences of the German redefinition of their ethnic community.

The Evian conference triggered a chain reaction of closing borders, strengthening border police, and inventing a variety of restrictions for refugees living in the various participating countries.

For a brief moment after the November pogrom—the so-called *Kristallnacht*—this tendency seemed to reverse: In Great Britain, the public was alarmed by news about the pogrom, a reaction that made the famous *Kindertransport* initiative possible: 10,000 Jewish children from Germany, Austria, and, soon after, from Czechoslovakia were brought to Britain and placed in refugee camps or with foster families. Offices to organize these children’s transports soon sprang up in the Reich. Britain was not the only country to take in large numbers of Jewish children: The Netherlands, Switzerland, Belgium, and Sweden did so as well.¹⁴

13 See Gosewinkel, Dieter. *Einbürgern und Ausschließen. Die Nationalisierung der Staatsangehörigkeit vom Deutschen Bund bis zur Bundesrepublik Deutschland*. Göttingen: Vandenhoeck & Ruprecht, 2001, p. 371.

14 According to Strauss, *Jewish Emigration*, p. 328, at least 18,000 children emigrated unaccompanied by their parents and were placed in homes or foster families abroad. McDonald Stewart, quoting statistics by German Jewish organizations, states that before the war, 9,354 children immigrated to Britain, 1,500 to

However, this initiative would remain an exception. Over the course of 1938, and particularly after November, escape became more difficult and more chaotic, forcing refugees to take illegal and often dangerous routes out of the country or to pay huge sums of money to traffickers. Competition for the few remaining possibilities of official emigration intensified correspondingly, as did the Gestapo's efforts to force the remaining Jews out of the country. In the countries of refuge, consuls as well as border guards were instructed to do whatever possible to keep Jews out of the country. US consuls in Germany and Austria were ordered to assess the applicants' moral and financial standing and often discouraged potential applicants from applying in the first place.¹⁵ The US government, which even at the conference of Evian had declined to change its restrictive immigration regulations, was guided by the internal political climate.

In many European countries, refugee organizations, which had carried the main financial and administrative burden of feeding and housing refugees, reached their limits. Increasingly, refugees were confined in camps—partly due to the lack of housing, and partly to keep “unwanted” newcomers away from the public sphere and render them invisible. When the war broke out these camps turned into an instrument of detention and many refugees became so-called enemy aliens. Border control now was not only regarded as a matter of immigration policy but increasingly was justified as necessary for security reasons. Long before the United States entered the war, the administration argued that Nazi spies might be smuggled into the country in the guise of refugees. In June 1941, the State Department prepared “a regulation which would deny a visa to any immigrant who had ‘close relatives’ in occupied Europe.”¹⁶ Before the new regulation could be implemented, the American consulates in the German-occupied countries closed down in mid-July 1941. In October 1941, the Nazi government prohibited all Jewish emigration in preparation for the deportations and the so-called Final Solution.

the Netherlands, 1,000 to Belgium, 600 to France, 300 to Switzerland and 450 to Sweden. See McDonald Stewart. *United States Government Policy*, p. 519. On the children's transports in general, see Curio, Claudia. *Verfolgung, Flucht, Rettung. Die Kindertransporte 1938/39 nach Großbritannien*. Berlin: Metropol, 2006.

15 McDonald Stewart. *United States Government Policy*, p. 65.

16 Feingold, Henry L. *The Politics of Rescue*. New York: Holocaust Library, 1980, p. 160.

Responses of Europe and the US to the refugee movement of the 1930s were rather shortsighted and nationalistic, defending control over one's own territory and economy and avoiding confrontation with the Germans. This resulted not only in a lack of solidarity between the European countries and towards the refugees: It also meant that the initiative was left to the Germans, who forced the Jews to leave Germany and forced the neighboring states to deal with them. The failure to deal with the refugee crisis on a political level other than by "defending one's own nation" damaged the democratic substance of the European nation: By militarizing their borders, forcing refugees to take illegal and dangerous routes to save their lives, treating them as criminals and establishing camps that turned into prisons, the democratic countries increasingly adopted the methods of totalitarian states.

Johan Ickx

The Holy See and Refugees (1933–1945)

Introduction

One of the essential elements of the Catholic Church is charity. Throughout its bi-millennial history, the Church has always felt the duty to promote corporal works of mercy and to assist the sick, the poor, and the needy.¹ In modern and contemporary times, this tireless charitable work is also to be seen in the aid and assistance to those who are forced to flee their country because of internal wars, and find refuge elsewhere: refugees. This paper focuses on the work of the Holy See as the subject of international law representing the Catholic Church concerning refugees in the 1930s and 1940s. It is important, however, to emphasize that its humanitarian efforts required the Church to make agreements with civilian authorities, most often using diplomatic channels.

It is important to mention that the conditions of the Holy See in the 1930s were different from those during and after the First World War. In 1929, the Lateran Treaty had clarified and codified the international position of the Holy See. This new situation helped, on the one hand, to distinguish the Holy See, its territories, and its action on the international level from those of Italy. On the other hand, it enabled the Holy See to act independently. For example, the creation of Vatican Radio and postal and telegraphic services would prove to be most useful for implementing part of the Pontiff's charity during the war.² Another key difference was that the

- 1 An undated and anonymous manuscript on charitable work in early Christianity with the title "Fiamme di Carità nella Storia della Chiesa," Segreteria di Stato, Sezione per i Rapporti con gli Stati (henceforth: SdS, S.RR.SS), Archivio Storico, Fondo Organizzazioni Internazionali, Croce Rossa 3192, pos. 2, fasc. 1, ff. 15–99^v.
- 2 Viganò, Dario E. "Pius XII, i media e la comunicazione." In: Chenu, Philippe (ed.). *L'eredità del magistero di Pio XII*. Città del Vaticano: Lateran University Press, 2010, pp. 152–158. See also, *Actes et Documents du Saint-Siège relatifs à la période de la Seconde Guerre mondiale*, 11 vols., Città del Vaticano: Libreria Editrice Vaticana, 1965–1981 (henceforth: ADS), vol. VI, p. 5.

refugee issue of greatest concern to the Holy See during the First World War, namely the rights of prisoners of war and detained civilians, had been codified by the Conventions of the International Red Cross of Geneva in 1929,³ and those of Tokyo in 1934.⁴

Whereas the Catholic Church considers charity to be part of its essential nature, the Holy See is not in itself a charitable organization comparable to any other organization of its kind. Its own traditions and its position as a spiritual entity, however, means that it is above all military conflicts, and thus it has been granted particular obligations and unique possibilities.⁵ In its charitable endeavors, however, the Holy See is not alone; it works alongside many charitable organizations, whether Catholic or not.

Refugee Aid of the Holy See in the 1930s

Using material that refers to the pontificate of Pius XI in the Archives of the Secretariat of State, which preserve the acts and decisions of the Holy See in the international context, and using literature published during the Second World War, we will try to reconstruct part of the unceasing work of those committed to ensuring a better future for men, women, and children in need. Here is not the place to speak about the aid provided by the Apostolic See for the Armenian people persecuted in Turkey.⁶ For the Aid Mission (Missione di Soccorso) in Russia I will limit myself to only a few indications in the references.⁷

- 3 Some documents on this historic moment are also conserved in: SdS, S.RR.SS., Archivio Storico, Fondo Organizzazioni Internazionali, Croce Rossa 3192, pos. 1, ff. 2^v–9^v (XIa Conferenza Internazionale di Ginevra); Id., pos. 2, ff. 2–212 (Progetto di Convenzione Internazionale presentata dalla Ambasciata di Francia etc.).
- 4 SdS, S.RR.SS., Archivio Storico, Fondo Organizzazioni Internazionali, Croce Rossa 3192, pos. 1, ff. 14^v–38^v.
- 5 ADS, vol. VI, p. 10.
- 6 Ruysen, Georges-Henri. *La questione Armena*, vol. VII: 1908–1925 (20 febbraio 1923–24 gennaio 1930). Documenti dell'Archivio Segreto Vaticano (ASV) e dell'Archivio S.RR.SS. Roma: Valore Italiano, 2015, p. 599.
- 7 Without doubt, one of the most difficult missions was that of the Pontifical Commission *Pro Russia*, instituted in the year 1925 in order to help directly the Russian population, a true and proper material and spiritual assistance to the elderly women and children. Cfr. the chapter on “*La création de la Commission*

During the Spanish Civil War, the Holy See, in cooperation with many charitable associations, promoted support and provision of homes for children. These young refugees, who had escaped the horrors of war in their homeland, were entrusted to families and schools, both Catholic and non-Catholic. In France and the Netherlands, committees were instituted that provided material and spiritual care for children in displaced families. Even from Mexico, El Salvador, and Guatemala, associations such as Catholic Action and Catholic Youth contributed so generously that in some countries they were considered “Crusaders of charity,” coming to the aid

pro Russia: un instrument dans les mains de Pie XI. In Pettinaroli, Laura. *La politique russe du Saint-Siège (1905–1939)*. Rome: École française de Rome, 2015, pp. 368–380. The adverse conditions of the territory were difficult, and also the time in which the population in Russia lived in the wake of the outbreak of the Bolshevik Revolution and the subsequent period of the civil war that further impoverished the population already starving of hunger. A document dated July 18, 1922, describes the situation in “*Crimea where numerous victims succumb daily to hunger and the plague.*” See: SdS, S.RR.SS., Archivio Storico, Fondo della Sacra Congregazione degli Affari Ecclesiastici Straordinari (AA.EE.SS.), Pont. Comm. Pro Russia, 1922, sc. 80, fasc. 393, f. 5^r. The documents evoke the concern that in Crimea there were many Catholic Armenians and Latin Catholics, especially in the centers of Sinferopoli, Karassubazar, Feodosiya, Sevastopol and Yevpatoria, requiring relief, food, medicines and clothing more than money. This is only one example of dozens of missions that the Holy See directed and financed to relieve the suffering of a population that lived in a state of poverty without precedent. There were organized missions of liberation of Russian Catholics imprisoned by the Soviet government. We mention here the episode in which the Polish Government assisted Mgr. Antonio Okolo-Kulak, Domestic Prelate of the archdiocese of Moghilev, who intervened for the fate of the Russian Catholics, priests, sisters and laity. He dedicated himself to realizing the exchange of those imprisoned by the Convention between Poland and the Soviets and provided them with relief materials by sending goods and money. See: SdS, S.RR.SS., Archivio Storico, AA.EE.SS., Pont. Comm. Pro Russia, 1924, sc. 80, fasc. 397, f. 45^r. The work of charity of the Holy See continued incessantly as far as possible. In 1930, the same League of Nations, through its Secretary General, Mr. Eric Drummond, and urged by Princess Maria Cristina Giustiniani Bandini, dedicated itself to the Russian refugees by a special Commission. For what the League of Nations realized, i. e. the legal and political protection of Russian refugees, but also, in “confidential” ways, the distribution of funds for humanitarian purpose, see: SdS, S.RR.SS., Archivio Storico, AA.EE.SS., Russia, 1930, pos. 654, fasc. 36, ff. 38^r–40^r.

of orphans whose parents were victims of the Civil War.⁸ They expressed the desire to ensure that the poor young homeless could return to embrace their relatives who had survived the war.⁹ In a report of November 6, 1937 the Nuncio in Switzerland, Mgr. Filippo Bernardini, informed Cardinal Eugenio Pacelli about the League of Nations commissioners' report on the conditions of Republican Spain, which estimated that three million refugees were suffering from hunger.¹⁰

At the end of the Civil War, there were problems with the repatriation of Spanish refugees in France. On October 15, 1937, after a conversation between the French Minister for Foreign Affairs and the Apostolic Nuncio, Mgr. Valerio Valeri, the Holy See was told that it would be the French government's responsibility to repatriate the foreign fighters from Spain. That would largely improve the situation in Europe. However, General Franco remained hostile. The French Foreign Minister asked the Holy See to exert its influence on General Franco so that he would declare himself in favor of the repatriation of volunteers, in view of the major benefits that would bring to the maintenance of peace in Europe. The paradox was evident: While there was talk of peace in Spain to ensure a peaceful Europe, the Second World War would soon be unleashed.

This contribution will now deal largely with the issue of Jewish refugees and deportations. Given that, at the time of writing, it is unfortunately not yet possible to consult the archival documents of the Holy See, I will rely mostly on the results of research done by Dominiek Oversteijns over the past ten years, including the most recent data on the presence and movement of Jews in Rome. Oversteijns bases his research, as yet unpublished, entirely on testimonies about Roman Jews by Jews and their rescuers

8 SdS, S.RR.SS., Archivio Storico, AA.EE.SS., Spagna, 1937, pos. 902, fasc. 308, ff. 2^r-96^r. A cable dated May 31, 1937, sent by the Cardinal Secretary of State Eugenio Pacelli, to the Apostolic Nuncio in Austria H. E. Mgr. Gaetano Cicognani, who a year later was appointed Apostolic Nuncio in Spain, expressed the concern of the Holy Father Pius XI for Basque children. In that cable, they were called "souls to save," and he desired that the children be welcomed in Catholic institutions and assisted in the best possible way. See: SdS, S.RR.SS., Archivio Storico, AA.EE.SS., Spagna, 1937, pos. 902, fasc. 308, f. 50^r.

9 *Ibid.*, pos. 907, fasc. 312, f. 107^r.

10 *Ibid.*, pos. 940, fasc. 347, ff. 59^r-61^r.

and compares his results with archival documentation already available.¹¹ This explains the absence of the traditional published sources that are now mostly outdated.¹²

When speaking about the Holy See's efforts in favor of Jewish refugees we must make a clear distinction between the defense and prevention that the Holy See developed on the ideological level and the concrete actions on the material and spiritual level. Indeed, the Holy See sought, already in the 1930s, to limit—in a preventive way—the racist ideologies of National Socialism. Pius XI and his Secretary of State, Eugenio Pacelli, were much better informed about the paganist spirit that inspired Hitler's Third Reich than is usually thought. A new archival series, called “scatole bianche” (white boxes), which was recently opened for public consultation by the *Archivio Storico* of the Secretariat of State, reveals that Pius XI and Pacelli were informed almost daily about the political situation in Germany. Furthermore, another new collection in the same archive, “*International Organizations*,” confirms how little sympathy, or rather, the total aversion

- 11 Oversteyns, Dominiek. *De geschiedenis van de Hebreërs tijdens de nazibezetting en vervolging in Rome en de rol van de eerbiedwaardige Paus Pius XII in het redden van hen*, editie 3, volume I. Rome: [Privaat], 2017, 561 pages. a) *Geschiedenis van de Hebreërs gered in de Romeinse Kloosters*, vol. 3-I, pp. 6–506; b) *Geschiedenis van de Vreemde Hebreërs in Rome*, vol. 3-I, pp. 507–556. Oversteyns, *De geschiedenis*, editie 3, volume II. Rome: [Privaat], 2017, 664 pages. a) *Geschiedenis van de Romeinse Hebreërs gevlucht in de bergdorpen rond Rome*, vol. 3-II, pp. 7–56; b) *Geschiedenis van de gearresteerde en gedeporteerde Hebreërs van Rome*, vol. 3-II, pp. 61–280, 488–495; c) *Geschiedenis van de interventies van de Heilige Stoel en zijn medewerkers voor de gearresteerde en of gedeporteerde Romeinse Hebreërs*, vol. 3-II, pp. 281–487; d) *Geschiedenis van de Hebreërs verborgen in Vatikaanstaat*, vol. 3-II, pp. 496–660. Oversteyns, *De geschiedenis*, editie 3, volume III. Rome: [Privaat], 2017, 710 pages. a) *Geschiedenis van de Hebreërs gevlucht in de privaatwoning van hun Romeinse vrienden*, vol. 3-III, pp. 8–177; b) *Evaluatie, nieuwe bronnen, boekreviews, conclusies*, vol. 3-III, pp. 178–710.
- 12 Some of the Authors remain valuable because they based their studies on genuine documents. So for instance Andrea Riccardi (*L'inverno più lungo 1943–1944*. Roma: Editori Laterza, 2008) is very significant for the information about Jews hidden by Roman friends. Also, Grazia Loparco (*Gli ebrei negli istituti religiosi a Roma (1943–1944)*. *Dall'arrivo alla partenza*. Roma: Herder, 2004) remains a primary source on Jews hidden in convents in Rome, and Lilia Picciotto (*Il libro della Memoria. Gli ebrei deportati dall'Italia (1943–1945)*. Milano: Mursia, 2014⁶) remains a basic and useful work for the deported Roman Jews.

that Pope Pius XI and his administration had towards National Socialist ideology. Certainly, one often has to read between the lines, but it is noteworthy to recall the Pope's categorical refusal to attend the *Eleventh Congress of the International Penal and Penitentiary Commission*, held in Berlin from August 18–24, 1935.¹³ It is interesting to note that the Congress program included the question of whether the fight against criminality justified sterilization and restricting industrial and professional liberty as well as measures for admission of prisoners in civil society.¹⁴ This resistance, on the ideological level, would cost the Catholic Church many lives before and during the war.¹⁵

The Years 1938–1939

A radical shift in the attitude of the Holy See towards the National Socialist regime was certainly the Encyclical “*Mit brennender Sorge*” (With burning anxiety), of March 14, 1937, read from the pulpits in the whole of Germany and recently again the object of study among scholars.¹⁶ The Encyclical is the global political reaction to the continuous infringements by the NS-Regime of the Concordat and can be considered as the peak of the Catholic protest against Hitler.¹⁷

- 13 SdS, S.RR.SS., Archivio Storico, Fondo Organizzazioni Internazionali, Associazione (Commissione) Internazionale Penale e Penitenziaria 3206, pos. 1, f. 4^r.
- 14 Ibid., pos. 1, f. 6^r.
- 15 Also in Germany, where the Catholic Church was under attack and many Catholics persecuted, many Christians were engaged in helping and protecting Jews. An overview of single individuals is found in Moll, Helmut. *Martyrium und Wahrheit. Zeugen Christi im 20. Jahrhundert*. Weilheim: Gustav-Siewerth-Akademie, 2017⁶. In his book, in the chapter “Boykott beim Dienst am Nächsten,” the author refers on the existing literature about Christians in Germany who helped Jews during the Nazi-regime. See also the part in “Die Blutzeugen unter Hitlers Terror.” In: Moll, Helmut (ed.). *Zeugen für Christus, Das deutsche Martyrologium des 20. Jahrhunderts*. Paderborn: Schöningh, 2015⁶.
- 16 New light was shed on the Encyclical with the recent conference on the topic: Bouthillon, Fabrice & Marie Levant. *Pie XI, un pape contre le nazisme? L'encyclique Mit brennender Sorge (14 mars 1937). Actes du colloque international de Brest, 4–6 juin 2015*. Brest: éditions dialogue, 2016.
- 17 Rohrbacher, Peter. “Die Enzyklika ‘Mit brennender Sorge’: Zollschan, Pacelli und die Steyler Missionare.” *Römische Quartalschrift für christliche Altertumskunde und Kirchengeschichte*. (henceforth: RQ), vol. 109, 2014, pp. 198–225, here p. 199.

In my opinion, together with the rescript of the Congregation for Catholic Education against Nazi racism of April 13, 1938, this document was a turning and starting point towards action, even if those actions remained comparable to an invisible river finding its way beneath the earth.

With his encyclical letter of November 1938, sent to the Apostolic Nunciatures in Ireland, Argentina, Chile, Peru, Bolivia, Colombia, Cuba and Central America, and also to the Apostolic Delegations in the United States, Australia, Albania, Belgian Congo, Indochina, Syria, Egypt, and South Africa, Cardinal Pacelli sent a cable that read as follows:

“Many Italian and German Jewish converts are forced by the well-known law to abandon their country and ask whether they may exercise their professions specifically medicine and teaching. His Eminence Cardinal Mercati is willing to suggest illustrious professors of various branches of science for university teaching. We request that Your Excellency communicate all opportune information on the existence of universities, Catholic institutes, hospitals or other institutions willing to appoint such persons and on what conditions.”¹⁸

On January 24, 1939, Cardinal Pacelli received a report from the Apostolic Nuncio in Dublin, Mgr. Pascal Robinson, o. f. m.,¹⁹ concerning the immigration of Jews to Ireland.²⁰ It stated that “the Irish Government conceded 90 ‘Visas’ to German and Austrian refugees. Of those 90 Visas, 20 were given to Jews. [...] 27 to Protestants and 43 to Catholics.”²¹ The report refers to the Irish Coordinating Committee of Christian Refugees of Central Europe, which was created in 1938 to help Jewish converts coming

18 “Parecchi ebrei convertiti italiani e tedeschi sono costretti da note leggi ad abbandonare patria e per vivere chiedono di poter esercitare la loro professione e segnatamente insegnamento o medicina. Anche Eminentissimo Cardinale Mercati disposto suggerire illustri professori vari rami scienze per insegnamento universitario. Prego Vostra Eccellenza comunicarmi con tutte opportune informazioni se costì vi siano Università, Istituti Cattolici, Ospedali o altri enti disposti assumere dette persone e a quali condizioni.” SdS, S.RR.SS., Archivio Storico, AA.EE.SS., Stati Ecclesiastici, 1939, pos. 575, fasc. 606, f. 78^r. See also: Pollard, John. *The Papacy in the Age of Totalitarianism, 1914–1958*. Oxford: Oxford University Press, 2014.

19 Franciscan order.

20 SdS, S.RR.SS., Archivio Storico, AA.EE.SS., Stati Ecclesiastici, 1939, pos. 575, fasc. 606, f. 31^r.

21 Ibid.

to Ireland. The documentation showed clearly the interest of the Holy See in helping Jewish converts to Catholicism.

Astonishing for some scholars is the fact that the help was invoked for “converted” Jews and not for Jews *tout-court*. There are several reasons why the Church hierarchy of the Holy See made this clear distinction. The first is rather simple: The shepherd’s first concern is the flock and therefore it is understood, quite logically, that bishops and cardinals, in the first place, sought to defend “Christian” Jews. Moreover, the so-called Christian Jews could not count on help from Jewish relief organizations and were as such vulnerable. Certainly, some further explanation may also be necessary. The whole debate on racism, provoked by the German and Italian racist laws, but much more by the events of the “*Kristallnacht*”, caused an unprecedented reaction by the Catholic hierarchy in Europe.²² Moreover, the limits set by those racial laws did not leave any space to help anyone of Jewish birth. In my opinion, however, another explanation should also be taken into account: In the context of the Concordat with Germany, the Church, in its official actions and speech, could only reach out to those who were baptized, otherwise such words and actions could be considered as

22 Gabriele Rigano speaks of “con un tempismo sospetto.” Rigano, Gabriele, “Spiritualmente semiti”. Pio XI e l’antisemitismo in un discorso del settembre 1938.” RQ, vol. 109, no. 3–4, 2014, pp. 281–308, here p. 304: “L’omelia [of Cardinal Schuster, Archbishop of Milan, on the erroneous doctrine of racism of November 13, 1938], fu molto amplificata dall’Osservatore Romano, lasciò un segno profondo sull’opinione pubblica, attestato da varie testimonianze. Il 24 novembre fu la volta del cardinal van Roey di Malines con una lettera di sostegno del cardinal Verdier di Parigi e il 29 novembre del cardinal Cerejeira di Lisbona. Vari cardinali europei, con un tempismo sospetto, prendevano posizione contro il razzismo e la statolatria, trovando spazio sull’organo vaticano in concomitanza con il varo della legislazione razzista fascista e sotto le forti impressioni degli echi della notte di cristalli in Germania.” (The Homily [of Cardinal Schuster, Archbishop of Milan, on the erroneous doctrine of racism of November 13, 1938], given much prominence by L’Osservatore Romano, left a deep impression on public opinion, as testified by various sources. On November 24, it was the turn of Cardinal Van Roey of Malines, with a letter of support of Cardinal Verdier of Paris, and on November 29 of Cardinal Cerejeira of Lisbon. With a suspicious timing, various European cardinals took a position against racism and the idolatry of the state, and were published in the Vatican newspaper, at a moment that coincided with the enactment of the fascist racial laws and under the strong influence of the echoes of the “*Kristallnacht*” in Germany).

interference in state matters. In this respect, the “Christian” particularity was a necessary invention, if not a linguistic trope, to create the juridical space in which one could help as many people as possible.

The Holy See and Refugees during the Second World War

Those first years of the Second World War, however, were only the beginning of a long Calvary for those who were homeless or on the run. Their situation worsened with the increasing violence and the war’s expansion over more geographical zones. The traditional methods of intervention used in the first year of the war did not change and followed the traditional agenda:

1. First aid to the wounded and Prisoners of War (POW), research into the fate of the missing, and consolation of families living in anxiety and doubt.
2. Material aid to those who, although not caught up in the whirlwind of the war, suffered its devastating consequences. This part of the work had to be done with the maximum discretion and in silence, in order not to provoke imperatives of a military character, nor the nationalist pretentiousness that was easily provoked by any kind of resistance to its plans, even if those were inhuman.

But concern for the refugees, whether in reaction to the racial laws or in opposition to the National Socialist regime, was already a main issue on the agenda of the Holy See before the war. Pierre Blet has pointed out that: “The very mass of documents stands as an eloquent testimony of the intensity of the care that the Pope showed on behalf of the human problems that the war brought about throughout the world”²³

Although Pius XII in his radio message of August 24, 1939, still used general diplomatic terminology to warn the nations that “[...] the danger is imminent, but there is still time. Nothing is lost with peace, but all can

23 For a chronological list of the most important interventions of Pope Pius XII, see: Marchione, Margherita. *Pius XII. Architetto di pace* (= Uomini e storie, 1). Rome: Pantheon 2000, pp. 132–140.

be lost with war [...]”²⁴ it would soon be clear that, with more than half of Europe occupied in less than half a year, the situation for refugees was critical and it was becoming very difficult, if not sometimes impossible, to help them. Borders were closed and neutral countries were placing increasingly sophisticated bureaucratic obstacles in the way of refugees seeking entry or even safe passage. The delay caused by this closing bureaucratic curtain would mean a sure death sentence for thousands of Jews. Nor could the Holy See intervene for the Polish forced laborers deported to Germany or Poles under German occupation. The Nazis fooled the whole international community, organizing “Jewish settlements” such as Theresienstadt, which was in reality partly a ghetto and a concentration camp. The same applied to the two million Poles deported to Siberia by the Russians: it was considered an internal affair. Whereas Moscow and Berlin did not show the slightest respect for the international agreements on soldiers in captivity, others did observe the regulations (Slovakia, Romania, Italy, and Hungary).

In January 1940, the German Embassy to the Holy See reported to Berlin that the latest volume of the “Attività della Santa Sede” (the year-book of the Holy See issued by the Secretariat of State) mentioned for the first time its aid to Jews – “persons considered to be of non-Aryan race and therefore punished in the law of certain states”.²⁵

Thus, it is not surprising that Pius XII, in his Christmas radio message of 1940, devotes all his attention to the victims of the conflict: “But among the many misfortunes deriving from the dreadful conflict one in particular has burdened at once, and burdens still, Our heart: that of the Prisoners of War.”²⁶ Referring to the refugees, displaced and dispersed persons, the Pope said: “We are eager to make Our own the apprehension of the anxious families about the fate of their far away and unhappy relatives. We have started another work, of no small import, which we are actively developing

24 “*Imminente è il pericolo, ma è ancora tempo. Nulla è perduto con la pace. Tutto può esserlo con la Guerra.*”

25 “*Persone considerate essendo di razza non-ariana e per questo penalizzate dalle leggi di certi Stati.*” ADS, vol. VI, p. 11.

26 “*Ma fra le tante sciagure derivate dell’immane conflitto una specialmente ha gravato subito, e grave tuttora, il Nostro cuore: quella dei prigionieri di Guerra.*” AAS 33/2, vol. 8, 9. On the relief efforts of Pius XII and the Holy See in favor of the prisoners of war, see: Marchione, Margherita. *Crociata di carità. L’impegno di Pio XII per i prigionieri della seconda Guerra mondiale*. Milano: Sperling & Kupfer, 2006.

and realizing. We are asking and transmitting news where it is possible and permissible to do so.”²⁷

The Pope is alluding of course to the activities of the Vatican Information Office, founded in 1939. A two volume, 1,511-page publication entitled “*Inter arma Caritas*” contains all the letters addressed to the Pope and to the collaborators of the hierarchy within the Vatican.²⁸

However, let us get back for a moment to Christmas 1940. In the Consistory of December 24 the Pope, in his address to the College of Cardinals, also broadcasted by Vatican Radio, expresses himself in the following way: “Of no little comfort is it to Us to have been able to console, with the moral and the spiritual assistance of Our Representatives and with the contribution of Our subventions, huge numbers of refugees, expatriates, emigrants, also among those of Jewish lineage.”²⁹

Literature in general points to 1941 as the year that a new expression of inhumanity entered the international plan: the first step of the National Socialist plan to liquidate and exterminate all the Jews on the European continent. The Pope’s words at Christmas 1940 suggest that the Holy See was, in that exact moment, already aware of the particular situation of the Jewish people in the midst of the refugee problem in Europe.

Deportations, after having been initiated in Austria and Germany itself, were carried out in Slovakia, Croatia, France, Belgium, and Holland. It is in this perspective that the humanitarian help of the Holy See was developed at its full extension and power during these years of the Second

27 “*Avidi poi di far Nostra l’ansia delle trepidanti famiglie sulla sorte dei loro lontani e infelici congiunti, altra opera, di non piccola mole, abbiamo iniziata e andiamo attivamente svolgendo e per chiedere e trasmettere notizie, ove appena sia possibile e lecito il farlo.*” AAS 33/2, vol. 8, 10.

28 *Inter arma caritas. L’Ufficio Informazioni Vaticano per i prigionieri di guerra istituito da Pio XII (1939–1947)*, vol. I: Inventario/vol. II: Documenti (= Collectanea Archivi Vaticani, 52). Città del Vaticano: Archivio Segreto Vaticano, 2004. A digital version is also available.

29 “*Né minore conforto è per Noi l’essere stati in grado di consolare, con l’assistenza morale e spirituale di Nostri Rappresentanti o con l’obolo dei Nostri sussidi, ingente numero di profughi, di espatriati, di emigranti, anche fra quelli di stirpe semitica.*” Cfr. *Dicorsi e radiomessaggi di Sua Santità Pio XII. II Anno di Pontificato, 2 marzo 1940–1° marzo 1941*, Città del Vaticano: Tipografia Poliglotta Vaticana, 1955, 347. Cited also in Tornielli, Andrea. *Pio XII. Il Papa degli Ebrei*. Casale Monferrato: Piemme, 2001, pp. 167–168.

World War. On August 1, 1941, Pope Pius XII said on Vatican Radio that “a great scandal is presently taking place, and this scandal is the treatment suffered by the Jews; that is why I desire that a free voice, the voice of a priest, should be raised in protest. In Germany, the Jews are killed, brutalized, tortured because they are victims bereft of defense. How can a Christian accept such deeds [...]. These men are the sons of those who 2000 years ago gave Christianity to the world.”³⁰ By the time of the Wannsee Conference, January 20, 1942, which officially approved the extermination of all the Jews in Europe (“Endlösung”), this silent extermination that already had been under way for several years had become a political reality.

The correspondence, official and personal, between Pope Pius XII and his immediate collaborators revealing the immediate reaction of the Holy See to the mass murder is immense. A small part of it was already published in the 8th volume of *Actes et Documents du Saint-Siège relative à la Seconde Guerre mondiale: Le Saint-Siège et les Victimes de la Guerre, janvier 1941–décembre 1942*.³¹

Who Were the Agents of Assistance?

To answer this question, one could differentiate the problem of the refugees according to a geographical scale. The first level would be international, the second regional and the third Rome and the Vatican itself.

On the International Level

The main actors for humanitarian assistance were the Pope’s diplomatic representatives.³² As noted, the most active nuncios and pontifical delegates were Mgr. Angelo Roncalli, the Apostolic Delegate for Turkey and

30 Marchione, Margherita. *Crusade of Charity. Pius XII and POWs (1939–1945)*. New York/Mahwah, NJ: Paulist Press, 2006, pp. 24–25. And also cited in: Lacouture, Jean. *Jesuits. A Multibiography*. Paris: Seuil, 1991, p. 387.

31 *Le Saint-Siège et les Victimes de la Guerre, janvier 1941–décembre 1942*. Città del Vaticano: Libreria Editrice Vaticana, 1974.

32 For their career and general biographical data, see: De Marchi, Giuseppe. *Le nunziature apostoliche dal 1800 al 1956*. Città del Vaticano: Libreria editrice Vaticana, 2006², passim and Filipazzi, Antonio G. *Rappresentanze e Rappresentanti pontifici dalla seconda metà del XX secolo*. Città del Vaticano: Libreria editrice Vaticana, 2006, passim.

Greece; Mgr. Cesare Orsenigo, Apostolic Nuncio in Berlin; Mgr. Pietro Bernardini, Apostolic Nuncio in Berne; Mgr. Angelo Rotta, Apostolic Nuncio in Budapest;³³ Mgr. Xaverius Ritter and Mgr. Giuseppe Burzio, Apostolic Nuncios in Bratislava;³⁴ Mgr. Andrea Cassulo, Apostolic Nuncio in Bucharest; Mgr. Pietro Ciriaci, Apostolic Nuncio in Lisbon; Mgr. William Goffrey, Apostolic Delegate in London; from 1938, Mgr. Gaetano Cicogniani, Apostolic Nuncio in Madrid; Mgr. Francesco Borgongini Duca, Apostolic Nuncio in Rome; Mgr. Valerio Valeri, Apostolic Nuncio in France (succeeded in December 1944 by Mgr. Angelo Roncalli); Mgr. Amleto Giovanni Cicognani, Apostolic Delegate in Washington; and last but not least, the Apostolic Visitator to the Croatian bishops in Zagreb.³⁵ Three of them (Roncalli, Rotta, Cassulo) have been honored among the *Righteous of the Nations* at Yad Vashem. I believe the others merit equal attention in this respect.

As we pointed out earlier, other charitable organizations were also go-betweens in situations where the Holy See could not reach out to refugees seeking help. In order to coordinate the relief for Jews, the Secretary of State decided in the late 1930s to establish Catholic relief Committees in various countries. For example, in Fribourg there was the “Mission Catholique Suisse,” in collaboration with the Red Cross. In Germany itself, the “St. Raphaelsverein” was active.³⁶ This organization was directed by the Pallottine Fathers in Hamburg, and later in Rome, with a representative in Lisbon to supervise the Polish refugee emigration. For the Jewish refugees,

33 See Napolitano, Matteo Luigi. *I Giusti di Budapest*. Cinisello Balsamo: San Paolo Edizioni, 2013.

34 With the “Protectorate of Bohemia and Moravia” and the independence of Slovakia, Mgr. Ritter went to Bratislava, capital of the Republic of Slovakia. On their activity see: Brandmüller, Walter. *Holocaust in der Slowakei und katholische Kirche*. Neustadt an der Aisch: Schmidt Verlag, 2003.

35 For their actions on behalf of the Jews and other refugees in individual countries see: Morley, John F. *Vatican Diplomacy and the Jews during the Holocaust 1939–1943*, New York: Ktav Publishing House, 1980.

36 On January 9, 1939 a circular letter, with request for financial support for the Catholic relief committees and especially for the ‘Raphaelsverein’ was sent to the archbishops in England, United States, Scotland, Luxemburg, Canada, Costa Rica, Salvador, Bolivia, Chile, Columbia, Argentina, Ecuador, Peru, Venezuela and Australia. SdS, S.RR.SS., Archivio Storico, AA.EE.SS., Stati Ecclesiastici, 1939, pos. 575, fasc. 606bis, f. 27^{IV}.

the “Catholic Committee of Refugees” with its center in Utrecht was active. This organization had a correspondence with the Holy See. In England “Catholic Committees for Refugees of the ‘Reich’” were founded in 1938, and cooperated with the Committees in other countries.³⁷ In Ireland, the Society of St. Vincent de Paoli, with its president Sir Joseph Glinn, came to agreement with the Irish government to coordinate the help for Catholic Jews escaping from Austria, organizing their escape-line to Australia, Africa and South-America.³⁸ In France, during the first year of the war, the “Aumônerie des Prisonniers de Guerre” was very active in the field of refugee aid.³⁹

Let us take a closer look at the situation with Washington in the late 1930s. In December 1938, the Apostolic Delegation in Washington reported about “The Catholic Committee for Refugees from Germany” set up to help Jews who had converted and those who had not. This committee handled, on average, one hundred immigration cases a month; i. e. firstly, affidavits for refugees and, secondly, direct assistance to facilitate immigration. Fifty percent of the cases involved married couples: The report is clear on their motives. “A large number of these could have remained unharmed in Germany, if they had been willing to obtain a divorce from their non-Aryan partner.”⁴⁰ This committee worked together with the “St. Raphaelsverein,” the Swiss and Dutch committees. In New York, the committee worked in close cooperation with the Protestant and Jewish Refugee committees, the American Christian Committee and the National Coordinating Committee.⁴¹ The delegate Mgr. Cicognani, with the help of the National Catholic

37 SdS, S.RR.SS., Archivio Storico, AA.EE.SS., Stati Ecclesiastici, 1939, pos. 575, fasc. 606bis, f. 39^r (Letter of Cardinal Hinsley to Card. Pacelli, January 14, 1939); f. 41^r (Letter of Archbishop Andrew Thomas McDonald to Card. Pacelli, January 16, 1939).

38 SdS, S.RR.SS., Archivio Storico, AA.EE.SS., Stati Ecclesiastici, 1939, pos. 575, fasc. 606bis, f. 64^r–65^r.

39 On this organization of “religious” people of all different faiths see: Henneresse, Dominique & Marie Claude Henneresse. *Insignes et tenues des aumôniers militaires français depuis 1852*. Antony: ETAI, 2011, pp. 89–107.

40 Report of the Committee for Catholic Refugees from Germany, 123 Second Street, New York City, Covering the period from January 1, 1937 to September 30, 1938. New York City, 1938. SdS, S.RR.SS., Archivio Storico, AA.EE.SS., Stati Ecclesiastici, 1939, pos. 575*, fasc. 606*a, f. 9.

41 Ibid.

Welfare Conference (NCWC), initiated the diplomatic actions. The procedure was very complicated and there was a little nasty surprise at the end:

1. The names of the candidate refugees were referred to the Committee for Catholic Refugees;
2. The committee, in turn, had first to find persons willing to sponsor the respective refugees and able to provide guarantees of support;
3. The committee then had to make certain of the preparation of suitable affidavits and support and documents substantiating all financial claims such as salary, savings, stock and bond ownership, real estate, and other property and income. The consuls were very demanding as to these documents;
4. Then the refugee had to wait his turn on the list of visa applicants at the respective consulate.

The report of the NCWC of November 1938 to Amleto Cicognani also mentions that since the beginning of June 1938, the consuls were inundated with applications: Their number rose to 103,000, of which 45 percent would have been easily discarded as ineligible. The remainder—says the report—was sufficient to fill the German quota for the next twenty years!

At this time, in a letter dated December 30, 1938, the Cardinal Secretary of State Pacelli insisted again to Cicognani: “I will be most grateful to Your Excellency, if you would keep me informed of eventual possibilities for relocating over these professionals of Jewish origin, Italians or foreigners, who for some time are living in Italy and who are constrained by the well-known legal provisions to leave the Italian territory before March 12, without any hope of returning to their homeland because they lack citizenship and consequently a passport. In fact, the requests for help and protection for sad and urgent cases are numerous.”⁴²

42 “Sarò molto grato all’E. V. se vorrà tenermi sollecitamente al corrente di eventuali possibilità di collocare costì professionisti di *discendenza ebraica, italiani o stranieri*, che da tempo dimorano in Italia i quali in seguito ai noti provvedimenti devono lasciare il territorio italiano entro il prossimo 12 marzo, senza speranza alcuna di poter rientrare nel loro paese d’origine perché privi della cittadinanza e del conseguente passaporto. Le domande infatti di aiuto e di protezione per casi pietosi ed urgenti sono numerose.” SdS, S.RR.SS., Archivio Storico, AA.EE.SS.,

After the decision of the Nazi regime to commence “Final Solution” mass deportations of Jews became the new scenario on the European continent. These deportations followed the mass emigration of the years before. Now the policy of the Holy See to protect Jews was even more relevant. Appointing persons with no diplomatic training or experience at all but who were noted for their activities inclined to save Jews could shed light on a nomination policy of the Holy See in a region like Yugoslavia. Pacelli’s and Maglione’s choice of Abbot Marcone as the representative for the Holy See for Yugoslavia was, in that respect, interesting.⁴³ Marcone and churchman like Mgr. Burzio, Apostolic Nuncio in Slovakia, Mgr. Rotta, Apostolic Nuncio in Hungary, Mgr. Roncalli, Apostolic Delegate in Turkey and Greece and Mgr. Valerio Valeri, Apostolic Nuncio in France were inclined to save Jews and did so without fear in the face of Nazi and fascist terror. Sharing this conviction, they formed a discreet but most efficient network.

On the National and Regional Level

It is generally known that the Holy See continuously succeeded in obtaining “concessions” for Italians and foreigners touched by antisemitic or racial laws in fascist Italy. These concessions were articulated to different degrees: complete discrimination, permission for “confine libero” (internment camps) or emigration, and visits in the camps. From 1933 to 1940, more than 120,000 Jews fled from Europe to Palestine via the harbor of Trieste.⁴⁴

The immigration of Jews escaping persecution in Germany and occupied zones was blocked at the borders of Italy. In the spring of 1940 about 18,000 Jewish refugees were present on the peninsula, but by June 1940,

Stati Ecclesiastici, 1939, pos. 575*, fasc. 606*a, f. 22^{rv} (Draft of letter of Card. Pacelli to Mgr. Cicognani, Vatican December 30, 1938).

43 Ickx, Johan. “Benedictina’ e la diplomazia pontificia: alcuni esempi.” In: Piatti, Pierantonio & Renata Salvarini. *San Benedetto e l’Europa nel 50° anniversario della Pacis nuntius (1964–2014). Materiali per un percorso storiografico*. Città del Vaticano: Libreria Editrice Vaticana, 2015, pp. 162–166.

44 Dipper, Christoph. “Flüchtlinge, Juden, Auslandsdeutsche—die Spannweite des deutschen Exils im faschistischen Italien.” In: Matheus, Michael & Stefan Heid (eds). *Orte der Zuflucht und personeller Netzwerke. Der Campo Santo Teutonico und der Vatikan 1933–1955* (= RQ, Supplementband 63). Freiburg/Basel/Wien 2015, p. 29.

after an emigration wave, only 5,000 were still there.⁴⁵ On the other hand, the Italian government had a policy of non-deportation and did not hand over Jews who were already residing within its national borders. Jews who escaped from Croatia towards the coast occupied by Italy (Dalmatia and the Slovene province of Ljubljana) remained in limbo.

Until 1941, the Papal Nuncio was able to intervene, at least for converted Jews in the camps. In addition, the Jesuit Father Tacchi-Venturi tried to intervene, sometimes in vain, at the highest political level in favor of Jewish refugees.

Several studies have shed light on the escape-line network through the Vatican during the last years of the war. These studies show clearly that collaboration between ecclesiastics and the Italian resistance was developed and successful.

In Rome and the Vatican

The same studies reveal further details about a network that was active in Rome and the Vatican, supported and organized by various priests and clergy of different nationalities. The most well-known of them is the Irishman, Mgr. Hugh O'Flaherty,⁴⁶ who lived in the College of the Campo Santo Teutonico of the Germans and the Flemings (he worked with the help of John May, butler of Sir D'Arcy Osborne, British envoy to the Holy See). He was also helped by the Austrian Mgr. Alois Hudal,⁴⁷ Rector of the Teutonic Institute and the College of S. Maria dell'Anima; the Swiss Father Pancratius Pfeiffer,⁴⁸ a Salvatorian priest; and the Dutch priest Anselmus

45 1,680 Jews were part of the 5,000 Jewish refugees cited by: Dipper. *Flüchtlinge, Juden, Auslandsdeutsche*, p. 35; p. 41.

46 On his activities and his stay at the Teutonic College of Campo Santo: Ickx, Johan & Stefan Heid. "Der Campo Santo Teutonico, das deutsche Priesterkolleg und die Erzbruderschaft zur Schmerzhaften Mutter Gottes während des Zweiten Weltkrieges." In: Matheus & Heid (eds.). *Orte der Zuflucht*, pp. 137–196.

47 Ickx, Johan, "The Roman 'non possumus' and the Attitude of Bishop Alois Hudal towards the National Socialist Ideological Aberrations." In: Gevers, Lieve & Jan Bank (eds.). *Religion under Siege*, vol. I: *The Roman Catholic Church in Occupied Europe (1939–1950)*. Leuven/Paris/Dudley, MA: Peeters Publisher, 2007.

48 Samerski, Stefan. *Pancratius Pfeiffer, der verlängerte Arm von Pius XII. Der Salvatorianergeneral und die deutsche Besetzung Roms 1943/44*. Paderborn: Schöningh, 2013.

Musters O.S.E.A. [Ordo Fratrum Erimitarum Sancti Augustine],⁴⁹ who was arrested in 1944 on the steps of Santa Maria Maggiore. Although imprisoned and brutally tortured by the Gestapo in Via Tasso, he never betrayed the Roman Escape Line and its members. Hans Jansen remarks that O’Flaherty helped those Jews whose lives were in danger and that the contacts and conversations with those in need of help took place in his office, on the first floor of the Holy Office.⁵⁰ The Roman Escape Line presumably saved about 6,000 people of all different nationalities. All evidence points to the fact that the Holy Office played a key role in these saving efforts.

On September 25, 1943, an important agreement was reached between the Germans and the Holy See whereby the Vatican and its buildings outside Vatican property were granted neutral status, and therefore protection from German intrusion. Some activities, however, suggest that such an agreement was already tacitly in place as early as July onwards.⁵¹ A hanging blade sign, dated 25 September 1943 and issued by the “*Governatore dello Stato della Città del Vaticano*” [Governor of the Vatican City] in the name of Pope Pius XII and General Stahel, indicated that the property was protected as it was “untouchable extraterritorial property of the Vatican.”⁵²

49 Molfenter, Arne & Rüdiger Stempel. *De Monsignore en de Nazi. Hoe een Vaticaanse priester 6000 mensen redde van de Gestapo*, Tiel: Lannoo, 2015.

50 Jansen, Hans. *De zwijgende Paus? Protest van Pius XII en zijn medewerkers tegen de jodenvervolging in Europa*. Kampen: Kok, 2000, p. 264.

51 Loparco, Gracia. “Gli ebrei negli istituti a Roma (1943–1944) dall’arrivo alla partenza.” *Rivista di storia della Chiesa in Italia*, 58, no. 1, 2004, p. 184; Riccardi. *L’inverno più lungo*, p. 141. The Monastery of Maria Bambina, Via Sant’Uffizio 17, nowadays Via Paolo VI 21, 00193 Rome, was already provided with a hanging blade indicating its protected status. In the Monastery, at the end of September 1943, there were 29 Jews hidden, of whom three are known: Giacobbe Isaia Levi and his wife, and Giacomo Terracina. A German Jew, Fritz Volbach, recommended by the Secretariat of State, joined later this group (Oversteyns. *De geschiedenis*, vol. 3-II, p. 532). In the French seminary, Via di Santa Chiara 12, five Jews found shelter already before September 8, and another two arrived still before October 16. At the end of October, fifty Jews and fifty non-Jews were hidden here. But in December, after the warning of a possible round-up, the whole group of 100 refugees was displaced. In January 1944, the French Seminary however, was again giving shelter to a mixed group of refugees. On June 4, 1944, at the end of the war, there were 40 refugees of whom 25 were Jews (See Oversteyns. *De geschiedenis*, vol. 3-I, p. 412, who was able to extend and improve the results of Grazia Loparco.)

52 Oversteyns. *De geschiedenis*, vol. 3-I, p. 412.

Jewish Refugees from October 16, 1943, to June 4, 1944

On June 4, 1944, there would have been 9,975 Jews present in Rome (8,000 Roman Jews and 1,975 foreign Jews⁵³). Of those, 1,697 (about 700 were hunted as refugees and the others were taken out of their houses in Rome) were murdered during their arrest or after their deportation to concentration camps (1,622 Roman Jews and 75 foreign Jews). A total of 117 Jews (110 Roman and seven foreign) survived the deportations; of those, 102 can be considered as refugees. A total of 495 Jewish refugees (of whom 486 were Roman and nine foreign) found shelter outside Rome in the mountain villages. A total of 1,324 Jewish refugees (of whom 1,281 were Roman and 43 foreign)⁵⁴ survived in private houses of friends (Catholic and non-Catholic),⁵⁵ and 336 Roman Jews were saved in parishes, colleges or

- 53 A “Roman Jew” indicates each Jew whose name is to be found on the list of the 8,000 that the Nazis wanted to arrest during the roundup of October 16, 1943 at 5 o’clock in the morning. The “Foreign Jew” defines a Jew not registered by the Germans on this list.
- 54 Andrea Riccardi described the story of the survival of 365 of those 1,324. Riccardi. *L’inverno più lungo*, p. 158–294. Oversteyns, Dominiek. *Pius XII. Redder van de Joden in Rome: een reconstruatiemodel*. Rome: [private], 2009, pp. 139–141, 168.
- 55 Paolo Mieli, without knowing the exact numbers and statistics that are at our disposal today, and basing himself on superated studies, in 2003 stated the following [our translation]: “Moreover, the facts of that night of ’43 are there to remind us—aside from the horrors of the Nazis—of that which the Church did for the Hebrew people in those circumstances, something that should not be forgotten. Years ago Renzo De Felice spoke about a hundred convents, forty-five male institutes and ten parishes that received and saved Jews during the Nazi occupation of Rome. At the end of September, a seminar of studies was held by the Coordinamento storici religiosi, presided over by Giancarlo Rocca, entitled ‘Poverty and richness of a hidden history,’ during which the historian Sister Grazia Loparco documented, one by one, which were these safe-houses. Following the studies of De Felice and a book of Enzo Forcella, ‘La Resistenza in convento’ (published by Einaudi after the author’s death) that tells about the help given by the religious institutes to the antifascists, the historian was able to identify 4,329 Jews who found shelter in those ‘islands of salvation’ (the list of the institutes and of the Jews was published by *Avvenire* on last Tuesday, September 23). And, again according to Loparco, ‘it seems that the numbers are underestimated.’ At the margins of this conference, another Italian historian, Gian Maria Vian, recalled that after the night of the raid on the ghetto on October 16, 1943 during which 1,259 Jews were arrested, the following morning

hospitals administrated by diocesan priests, while 4,205 Jewish refugees (of whom 4,118 were Roman and 87 were foreign) took advantage of the situation to seek shelter in 235 convents. Furthermore, 160 Jewish refugees (of whom 136 were Roman and 24 foreign) survived in Vatican City and its 26 extra-territorial areas.⁵⁶ On the day of liberation, June 4, 1944, 40 Jews were

252 were released and 1,007 were sent to the extermination camps. ‘This fact—said Vian—is an exception in the history of the deportations and the saving in extremis of those 252 spouses and children of mixed marriages could have been the result obtained by the Holy See in exchange for not making a formal and official protest in relation to the event.’ It is an hypothesis that one reads already between the lines of Forcella’s book (who had observed that the Church was the only one to do something on that October 16, 1943) and that helps us to frame better the ‘silence’ of Pius XII in the face of the Nazi atrocities. But even if one doesn’t accept Vian’s hypothesis, according to the Catholic historian Pietro Coppola, as a result of the research of Sister Loparco there emerges ‘a Church, active through its own forms, by means of a molecular, diffused and civil Resistance.’ And, Coppola adds ‘it is difficult to imagine that the Holy See would have been unaware of this generous and continuous undertaking of hospitality, carried out in the capital city by female and male religious orders and congregations.’ An historian of Hebrew origin, Anna Foa, expressed herself in agreement with this reading of the facts: ‘There is no doubt that the interventions of the Church’s communities were executed, if not with the official endorsement of the Holy See, than certainly with its consent.’” Paolo Mieli. *Corriere della Sera*, October 15, 2003.

56 For the Palatine Guard, instead of the 410 Jews usually mentioned, the statistics of Dominiek Oversteyns counts only five Jews. Those five are included in the 160 present in Vatican City and its 26 extra-territorial areas. Martini, Antonio. *La Guardia Palatina d’Onore di Sua Santità. 1850–1970 fedeltà, onore, servizio*. Città del Vaticano: Libreria Editrice Vaticana, 2015, pp. 104 states: “The Second World War was a high point in the history of the Palatine Guard. In September 1943, when German troops occupied Rome in response to Italy’s conclusion of an armistice with the Allies, the Guard was given the responsibility of protecting Vatican City, various Vatican properties in Rome, and the Pope’s summer villa at Castel Gandolfo. The guardsmen (mainly Roman shopkeepers and office clerks) whose service had previously been limited to standing in ranks and presenting arms at ceremonial occasions now found themselves patrolling the walls, gardens and courtyards of Vatican City and standing guard at the entrances to papal buildings around the Eternal City. On more than one occasion, this service resulted in violent confrontations with Italian Fascist police units working with the German authorities to arrest political refugees who were hiding in buildings protected by the Vatican. At the outbreak of the Second World War in September 1939, the

still hidden in Vatican City. Under protection of the Italian welfare organization DELASEM (Delegazione per l'Assistenza degli Emigranti Ebrei), 1,680 foreign Jews, thus all of them refugees, were distributed among 420 private apartments and houses in Rome, all of them Swiss property with diplomatic protection. They received financial and material help from Pope Pius XII and the Vatican administration. 50 Roman Jews died of natural causes during the nine months of the German occupation, and in the same period 50 children were born to Jews of foreign origin. The final destiny of the 197 Roman Jews, out of a total number of 9,975 Jews who were sought by the Germans, remains unknown to this day. Thus, of the total number of 9,975 Jews who should have been present in Rome on liberation day, 6,381 (4,590 Roman and 1,791 foreign Jews)⁵⁷ were helped or protected by Pope

Palatine Guard mustered some 500 men, but the German occupation required the recruitment of additional personnel. By the liberation of Rome in June 1944, the corps had grown to 2,000 men, but at the end of the war the majority of these men left the Pope's service and the unit returned to its pre-war force level." The number of 2,000 men in 1944 is quite credible, although Card. Tarcisio Bertone in a lecture on June 5, 2007, quoted that the Palatine Guard in December 1943 already counted 4,425 members (cfr. "Cardinal Bertone on Pius XII." *Zenit*, June 5, 2007, <http://www.the-latinmass.com/id176.html>), in the official version on the Vatican website that number was corrected and changed to 575+1,425 (and not 4,025!), i. e. 2,000. The number of five Jews is estimated by Oversteyns on the basis of one testimony and a document of ADS, vol. IX, 631, n. 487, 2.b). See: Oversteyns. *De geschiedenis*, vol. 3-III, p. 649. One should take in account the testimony of Cardinal Pietro Palazzini, who states that the Palatine Guard was not a typical structure to recruit Jews but to hide Italian soldiers. See: Palazzini, Pietro. *Il clero e l'occupazione tedesca di Roma. Il ruolo del Seminario romano maggiore*, Roma: Apes, 1995, p. 27. The fact that only one Jewish witness (Bruno Ascoli) is known to have survived thanks to the Palatine Guard points also in that direction. Tornielli, Andrea. "E Pio XII arruolò l'ebreo per salvarlo dai nazisti." *Il Giornale*, November 15, 2007, translated: Another testimony about how Pius XII and the Vatican saved Jews, posted November 16, 2007, <http://wdtprs.com/blog/2007/11/another-testimony-about-how-pius-xii-and-the-vatican-saved-jews/>, accessed on August 23, 2017; Oversteyns. *De geschiedenis*, vol. 3-II, pp. 616–620.

57 The 6,381 Jews helped by Pope Pius XII and Vatican institutions and the Roman Vicariate consists of the following: 336 Roman Jews who were sheltered in parishes and Catholic hospitals of the Vicariate; 4,205 (of whom 4,118 were Roman and 87 foreign) who were sheltered in 235 convents under the protection of Pope Pius XII; 160 Jews (of whom 136 were Roman and 24 foreign) hidden in Vatican City State

Pius XII, the Vatican institutions and the Roman Vicariate. This means that 63.97 percent of the Jews who should have been present on June 4, 1944 were helped or saved by Pope Pius XII, in collaboration with the Vatican offices or the diocesan clergy of Rome.⁵⁸

The convents in Rome were constantly under threat of possible raids. It is known that 60 out of 235 convents were raided; this means that 26 percent of the convents were a target of Nazi aggression.⁵⁹ During the Nazi occupation of Rome, every week two convents, on average, were subjected to Nazi intrusion, in which 46 Jews were arrested. Seven of those were later released,⁶⁰ but 39 were deported and murdered.⁶¹ Thus the risk for a Jewish refugee of being killed was $39/(4.205+39) = 0.92$ percent. The seven who were released probably owe their lives to the liberation of June 4. This makes the risk-rate of being killed for those hidden in the Roman convents about one percent.

If we extend these calculations to Vatican City and its 26 extraterritorial areas, which experienced a total of 24 war aggressions (not only by the Germans, but also by the Allied forces), the risk rate of war aggression was $24/27 = 89$ percent. Furthermore, in those 27 Vatican territories, it is known that 29 Jewish refugees were killed as a result of war aggression (deportation and bombing), which translates to 15 percent; $29/(160+29)$. On February 3, 1944, during a raid in the extra-territorial area of Saint Paul's outside the walls, 19 Jews were arrested and deported; 17 of them were killed in concentration camps. In the extraterritorial area of Castel Gandolfo, by February 10, 1944, about twelve Catholic baptized Jews were hidden in the Propaganda Fide Palace. This palace was bombed on February 10, 1944 by the US Army⁶² and 500 hidden refugees were killed, included those 12 Jews. It explains why we have no testimony at all from June 4 onwards from Jewish refugees who survived in Castel Gandolfo. Furthermore, after the

and its 26 extraterritorial areas; and finally, 1,680 foreign Jews who received financial and material help from Pope Pius XII.

58 State of research on March 2, 2017 communicated to the Symposium in Rome and cited in Oversteyns. *De geschiedenis*, vol. 3-III, p. 641.

59 *Ibid.*, pp. 643–644.

60 Oversteyns. *De geschiedenis*, vol. 3-II, pp. 631–632.

61 *Ibid.*, pp. 630–631.

62 Ickx, Johan. "The bombing of Castel Gandolfo and the quest for reparation." *L'Osservatore Romano* (English edition), September 4, 2013, p. 12.

bombing, it is obvious why Jews looked for safer places. We can conclude that the risk of suffering an attack on Vatican City and its 26 extraterritorial areas was 89 percent/26 percent= 3.43—more than three times higher than the risk of suffering such an aggression in a convent within the anonymity of the city of Rome, with its two million inhabitants during the Second World War. On the other hand, it also means that the death rate for Jewish refugees in Vatican territories (15 percent/1 percent) was 15 times higher than that of Jewish refugees hidden in Roman convents.⁶³

This proves that the strategy of Roman Jewish refugees of hiding themselves in small groups and in very dispersed and anonymous places assured them of the highest rate of survival. It was the right strategy. The strategy of Pope Pius XII also was to avoid concentrating large numbers of Jewish refugees in the Vatican territories, but to spread them over a large number of convents. This strategy becomes clear when one considers the evidence of his actions after September 8, 1943, onwards, when he ordered the transfer of Jewish refugees who had been hidden in the Vatican to various convents in Rome and also placed new Jewish refugees in various convents. Both strategies are confirmed by the following numbers: On the one hand, 3,499 Jewish refugees, on the run by their own initiative, survived in 625 different locations, with on average about six Jews in each location. On the other hand, the 4,365 Jewish refugees who were hidden by Pope Pius XII in Vatican institutions and the Vicariate survived in 262 different locations, with an average of almost 17 Jews per location. This number of 17 is about three times higher than six in each location as a result of the strategy of the Jews individually, but it lies within the same order of magnitude. The numbers prove, in fact, that the strategy of spreading out the number of hidden Jews was the only right and effective one.

Jewish Refugees from September 8, 1943, to October 15, 1943

Through October 15, 1943, we find the following activity: 1,323 Jews (of whom 1,116 were Roman and 207 foreign) were on the run, searching for a safer place to hide. Of those we can, for the moment, trace back 18 Jews (two Roman and 16 foreign) to Vatican City and its 26 extraterritorial areas. In the mountain villages around Rome, 393 Roman Jewish refugees were in

63 Oversteyns. *De geschiedenis*, vol. 3-III, p. 548.

hiding. There were 368 Jews (197 Roman and 171 foreign) hidden in the private houses of their Catholic and non-Catholic friends. In 49 convents, we find 500 Jews hidden (480 Roman and 20 foreign). The moment Jews found shelter in such convents, the building came under protection of the Holy See. Various parishes and pontifical colleges hid 44 Roman Jews. On the morning roundup of October 16, 1943, there were 8,207 present in Rome (8,000 locally registered and 207 foreign Jews). This means that before the roundup 16.12 percent ($1,323/8,207 = 0.1612$) already had left their houses and were searching for better hiding places.

What was the impact of Pope Pius XII and the Catholic Church helping those 1,323 Jewish refugees? It is proven that 714 of them asked for help and were effectively helped by Pius XII and his collaborators of the Vatican and Vicariate.⁶⁴ Of the remaining 609 Jews, 393 went on their own initiative into the mountain villages around Rome and 216 others found shelter, on their own initiative, with friends. Some reasons why Roman Jewish refugees fled before October 16, 1943, can be understood by studying their testimonies. A significant group fled Rome after the bombings of July 19, and August 13, 1943.⁶⁵ Another group of Roman Jews consisted of young men who were considered by the Germans as potential deserters.⁶⁶ A third reason why they left Rome is that they were terrified of the German occupation after

64 Of those 714 Jewish refugees (526 Roman and 188 foreign), 18 (2 Roman and 16 foreign) were hidden in Vatican City and its 26 extraterritorial territories; 152 foreign Jews were helped by DELASEM and financially and materially supported by Pope Pius XII and his collaborators. Exactly 500 Jewish refugees (480 Roman and 20 foreign) were hidden in 49 Roman convents; another 44 Roman Jews found shelter in parishes and pontifical colleges.

65 For example, the seven-member Roman Jewish family of Giorgio Modigliani, on summer holiday in a rented house in the Morice quarter in Velletri, decided to protract the rental. Informed about the raid of October 6, 1943, they then left the summer house and went, on October 16, 1943, to another shelter in Acqua Palomba not far from Velletri. Cfr. Gutman, Israel & Bracha Rivlin (eds.). *I Giusti d'Italia. I non ebrei che salvarono gli ebrei 1943-1945*. ed. italiana di Liliana Picciotto. Milano: Mondadori, 2006, pp. 80-81.

66 For this reason, the four young Roman Jews, the brothers Romolo and Mario Spizzichino and their cousins Guglielmo Curiel and Sandro Tagliacozzo, fled to Olivano Romano about 54 km. outside Rome. *Ibid.*, pp. 167-168.

September 10, 1943.⁶⁷ Another reason to escape from Rome was the Nazi demand for a ransom of 50 kg of gold from Jews on September 27, 1943.⁶⁸ More reasons are cited in the work of Dominiek Oversteyns.⁶⁹

For the specific group of 1,116 Roman Jews on the run before October 16, 1943, we can conclude already that 526 of them asked directly for help from the Holy See and were effectively helped by Pope Pius XII, his collaborators in the Vatican or in the Vicariate. Of this 526, 2 were hidden in the Vatican and its 26 extraterritorial areas. 480 found shelter in Roman convents and 44 in parishes and colleges.

Interventions of the Holy See in Favor of Arrested or Deported Roman Jews and Refugees (September 10, 1943—June 4, 1944)

Even for the period of the war before October 16, 1943, it is possible to trace back interventions of the Holy See in favor of Jews who were detained or arrested by the Fascists and Nazis. For instance, in the case of Vittorio Nachahon,⁷⁰

67 The Roman Jewish family Efrati possessed a house in the center of Montebuono, near Rieti, where they spent the summer vacation. All together, the group consisted of nine members, of three family units. When the Nazis occupied Rome on September 8, 1943, the Efrati family moved out and rented a house in Spezzano where they survived until the liberation. Oversteyns. *De geschiedenis*, vol. 3-III, p. 260, n. 871 (testimony of Leda Efrati).

68 For this reason, the family of Isaia and Esther Sermonata decided to flee, together with four other families: the Astrologos, the Della Riccias, the Di Castros and the Fornaris. With their 45 family members in total, they all decided to flee to Acuto in the neighborhood of Casino, where they all survived to witness liberation. Cfr. Silvia Antonucci, Haia, et al. (eds.). *La memoria nel presente. Gli ex alunni ebrei della elementari "Garibaldi" ritornano a scuola. Una testimonianza per non dimenticare la violenza delle Leggi razziale fasciste del 1938*. Roma: Municipio Roma Nove, 2011, p. 44.

69 Oversteyns. *De geschiedenis*, vol. 3-III, pp. 259–262 (*Otto ragioni con esempi di testimonianze per cui 1.323 ebrei fuggirono dalle loro case a Roma già prima del 16 ottobre 1943*). An overview of the Roman families known to have escaped from Rome before October 16, 1943 or that survived outside Rome until June 4, 1944, in Oversteyns. *De geschiedenis*, vol. 3-II, pp. 7–56.

70 In the internment camp for Jews in Ferramonti for two years, he is transferred to another camp in Scerni (Milan). On December 1, 1942, he receives permission to return home in order to be baptized as a Catholic and to marry his Italian wife.

the Vatican intervened several times, namely on August 25, 1941, on August 22, 1942, and on October 14, 1942.⁷¹

Also of interest are the interventions for Jews arrested during the five weeks between September 10, 1943, and October 15 of the same year: So far we have identified ten interventions for six Jews.⁷² Another group for whom the Holy See intervened consists of the 1,030 Roman Jews⁷³ arrested on October 16, 1943, and deported at 2 p. m. on October 18, 1943, to the Auschwitz-Birkenau extermination camp, where they arrived at around midnight of October 22/23.⁷⁴ Although the activity of the Holy See was primarily for the baptized Jews among them, there were also interventions for non-baptized Jews. The Holy See attempted to intervene with the German authorities for their immediate release through October 22, 1943—when they were still alive.⁷⁵

Returning to the camp he becomes very ill and dies on November 22, 1943 as a baptized Jew. Archivium Generale Societas Divini Salvatoris. Rome. (henceforth: AGS), 0100.02 (Father Pancratius Pfeiffer).

71 AGS, 0100.02, coll. 13, 6.2.21-Lic (04); AGS, 0100.02, coll. 13, 6.2.21-Lic (11–12); AGS, 0100.02, coll. 13, 6.2.21-Lic (18). For the examples we rely on the indications referred to by Oversteyns. *De geschiedenis*, vol. 3-II, pp. 281–487.

72 A representative example is the family of Vittorio Cantoni Mamiani della Rovere. The father, Vittorio, son of Jewish parents, was a baptized Catholic. His mother, Irma Finzi, was also a baptized Jew. They were arrested on September 15, 1943 in Arona (Lago Maggiore) and transferred to the local barracks. Irma was murdered immediately on the day of their arrest and Vittorio one day later, on the 16th (Picciotto. *Il libro della Memoria*, p. 829 and pp. 833–834). Their death was unknown to the outside world, when on April 13, 1944 Father Pancratius Pfeiffer informally asks the German occupying officials for information about the location and health of Vittorio and his mother. His action was due to a plea of Vittorio's wife to the Secretary of State, charging Father Pfeiffer to deal with the matter. (cfr. AGS, 01002.02, coll. 13, 6.2.21-Lic [10]).

73 Oversteyns. *De geschiedenis*, vol. 3-II, p. 262.

74 Picciotto. *Il libro della Memoria*, p. 44.

75 On October 18, 1943, a list with 29 names of baptized Jews was handed over to Ernst von Weizsäcker, Ambassador of Germany to the Holy See, in which the Holy See urged their release. At that moment, these baptized Jews were still present in Rome. ADS, vol. IX, 513, n. 377. On October 22, 1943, when those Jews had almost reached Auschwitz, another intervention, with five other names on an alleged list, was handed over to the same ambassador. The official letter starts with almost the same word as the former one. Only this time the explicit plea for liberation is added.

At the moment the letter was handed over, those Jews were, although already far from Rome, still alive. Most striking is the second phrase of this letter: “The documents proving the baptism of the aforementioned persons are kept at the Secretariat of the Holy See” [*I documenti comprovanti il battesimo delle predette persone sono conservati presso la Segreteria di Stato di Sua Santità*—thus the administrative apparatus of Pope Pius XII. ADS, vol. IX, 517, n. 381. For an interesting view of the German Ambassador to the Holy See during the War, see: Doering-Manteuffel, Anselm. “Flucht oder Dienst? Ernst von Weizsäcker 1943–1945.” In: Matheus & Heid (eds.). *Orte der Zuflucht*, pp. 222–237; Hummel, Karl-Joseph. “Widerstand im Wartestand 1943–1946? Ernst von Weizsäcker als Botschafter beim Heiligen Stuhl.” In: Matheus & Heid (eds.). *Orte der Zuflucht*, pp. 238–268. Father Pfeiffer intervened for the release of the non-baptized Jewish couple Edoardo and Elvira Ricchetti, who were arrested in the morning. Elvira is testified to have been very ill. Father Pfeiffer was charged for this mission by Enrico Dante of the Sacred Congregation for Rites, which had been asked to intervene by Maria Ricchetti, a close family member. They were not freed; instead they were deported and murdered in Auschwitz on October 23, 1943. (AGS, 0100.02, coll. 13, 6.2.21 (25); AGS, 0100.02, coll. 26, 6.2.21 (R011); Picciotto. *Il libro della Memoria*, p. 552). Another intervention of Father Pfeiffer was the one he executed in favor of the non-baptized Jewish Terracina family, consisting of six members. They were arrested in their house in Via Taranto 59 in Rome. The purpose of this intervention was also to obtain their freedom. The mediator of this request is unknown. Also in this case, the efforts of Pfeiffer were in vain, because almost a week later, the entire Terracina family was deported to Auschwitz where all of them were murdered on October 23, 1943. (AGS, 0100.02, coll. 13, 6.2.21 (11); Picciotto. *Il libro della Memoria*, p. 238 and pp. 622–624).

Very interesting are the interventions of Father Pfeiffer in favor of Clara Sereno. She was a baptized-Jewish woman married to a Christian Italian. She was arrested on October 16 and then deported on October 18, 1943 by train to Auschwitz, where she died on October 23, 1943 (for Picciotto, the place and time of death are unknown, Picciotto. *Il libro della Memoria*, p. 580). After an intervention of Father Pfeiffer, the Ministry of Foreign Affairs of Italy confirmed on October 22, 1943 that they would intervene with the German Embassy in Rome for the liberation of Clara Sereno. The Vatican intervention was blocked by the representative of the Nazi regime in Rome. In his note, Father Pfeiffer added, “His Holiness took personal interest in the case” [*Sua Santità s’è interessato personalmente*]. AGS, 0100.02, coll. 27, 6.2.21 (S078-079). Not only Father Pfeiffer, but also the Secretariat of State (Segreteria di Stato di Sua Sanità, ADS, vol. IX, 517, n. 381) intervened on the same day in favor of Clara. This is thus a good example of a double intervention in favor of a Roman Jew. Father Pfeiffer did a second intervention in favor of Clara on November 22, 1943, thus, about one month after her death in Auschwitz, to the Minister of Foreign Affairs of Italy. The Minister promised to make a request through the Italian Embassy in Berlin in favor of Clara’s release.

We also find interventions of the Holy See requesting information about the Jews, regardless of whether they were baptized, even after October 22, 1943, when, unfortunately, most of those 1,030 Jews already had been murdered in Auschwitz.⁷⁶ Furthermore, the Holy See intervened again for the total group of 1,030 Roman Jews on November 6, 1943,⁷⁷ on November 15, 1943,⁷⁸ and on February 8, 1944.⁷⁹

Throughout this time, their terrible fate remained a mystery, since on January 22, 1945, Mgr. Montini was asking the Nuncio in Berlin, Mgr. Orsenigo, to verify if it was true that those deported following the roundup of October 16, 1943, were located in a camp near Breslavia.⁸⁰ As far as we know today, the Holy See made 88 interventions in the week from October 16–22, 1943. Beside this large group of Roman Jews, the Holy See made another intervention on behalf of the British and US governments to obtain the release of an even larger group of Jews, imprisoned in various concentration camps in northern Italy.⁸¹

The last group for whom the Holy See intervened consists of Jewish refugees arrested from October 23, 1943, to June 4, 1944. At this moment, we can be sure that the Holy See intervened at least 129 times in favor of at

76 Another request of the Holy See for release of a further five baptized Jews followed on October 23, 1943. On October 31, there followed a request for the release of a 72-year-old Jewish lawyer (ADS, vol. IX, 538, n. 404) and many other examples can be cited.

77 ADS, vol. IX, 549, n. 416 (Letter from Card. Maglione to ambassador von Weizsäcker).

78 ADS, vol. IX, 559, n. 426 (Note of a conversation of Mgr. Montini with the German Ambassador).

79 ADS, vol. X, 119, n. 43 (Draft of a letter of the Secretariat of State to the Catholic Mission in Switzerland).

80 ADS, vol. IX, 531, n. 438 (Letter from Montini to Nuncio Orsenigo in Berlin). Some days later, January 25, 1945, the truth about the final destination and fate of those 1,030 became clearer. In a telegram to Mgr. Orsenigo in Berlin, Mgr. Domenico Tardini urges the Nuncio, although information gathered speaks about extermination of the Jews at Auschwitz, to intervene as much as he can: "Con riferimento mio telegramma n. 896 faccio presente Vostra Eccellenza Rev.ma che, secondo voci qui giunte, si temerebbe, prima del ritiro delle truppe tedesche, massacro internati in campo di Oswięcim. Qualora sia ancora in tempo Vostra Eccellenza veda se può utilmente intervenire."

81 ADS, vol. X, 373, n. 290 (Letter, personally handed over by Mgr. Tardini to the Ambassador of Germany to the Holy See, August 7, 1944).

least 89 Jewish refugees.⁸² These interventions reveal some specific characteristics. In the first place, an intervention for a given Jewish refugee was done at both a formal level and at an informal level, thus becoming two interventions for one and the same person. This is the case for at least 18 Jewish refugees in this period.⁸³ Another aspect is that the Holy See's interventions became most persistent in order to rescue at least some of the arrested Jewish refugees.⁸⁴ A lot of interventions show traces of a direct or

82 Oversteyns. *De geschiedenis*, vol. 3-II, p. 466.

83 For this 18 we find an interesting correlation. Where in the "Documents relatifs à la Seconde Guerre mondiale" (for instance ADS, vol. IX, p. 517) the lists are not published, in the archive of Father Pfeiffer we find on the same date interventions for a number of Jewish refugees. For example, on November 25, 1943, the Secretariat of State made an intervention for arrested Jews (ADS, vol. IX, 540, n. 407, note 1) and in the Pfeiffer papers we find on the same date and on a single page the names of seven Jews (Rosanna Morretti, Jole Vigna Cavallera, Vindico Cavallera, Ernesto della Riccia, Stefano Siglienti, Nachman Freiberg, Sara Freiberg) for whom Pfeiffer intervened (AGS, 0100.02, coll. 13, 6.2.21, pp. 14–15). See also the case of Clara Sereno (n. 64) and of the family of Mario Segrè (n. 73).

84 The case of the five interventions for the release of the family of Mario Segrè, consisting of Mario (father and husband), Noemi Cingoli (his wife), and their two-year-old son Marco. They were arrested in Rome on April 5, 1944. The first intervention in their favor was made on April 7, 1944 by Cardinal Giovanni Mercati, *Cardinale Bibliotecario ed Archivista di Santa Romana Chiesa*. (cfr. AGS, 0100.02, coll. 13, 6.2.21 [28]). For the activities of Cardinal Mercati in helping Jews in Rome, see: Vian, Paolo. "Die Brüder Giovanni and Angelo Mercati und die deutschsprachige Wissenschaftswelt." In: Matheus & Heid (eds.). *Orte der Zuflucht*, pp. 387–417.

The second intervention was made by Cardinal Tisserant before April 15, 1944 (cfr. AGS, 0100.02, coll. 13, 6.2.21 [29]). The third intervention was made by Mgr. Montini, with a written request for the release of the Segrè family, addressed to the German Ambassador von Weizsäcker (ADS, vol. X, 216, n. 145, Notes de la Secrétairerie d'Etat). The fourth intervention, dated April 17, 1943, was made again by Mgr. Montini to Ambassador von Weizsäcker, this time during a conversation. The fifth and last intervention for the liberation of the Segrè family was made by Father Pfeiffer on April 18, 1944, to Hauptman Carl Schütz in Via Tasso (cfr. AGS, 0100.02, coll. 13, 6.2.21 [27]; AGS, 0100.02, coll. 38, 7.24 [5] ["Mediator" 1943–1944]). Father Pfeiffer was charged for this mission by The Substitute of the Secretariat of State, Mgr. Montini, a few days earlier, on April 15, 1944. (cfr. AGS, 0100.02, coll. 13, 6.2.21 [29]). The Segrè family members, after their arrest in Rome, were deported on May 15, 1944 and were murdered in Auschwitz on May 23, 1944 (Picciotto. *Il libro della Memoria*, p. 574). In conclusion, this case

indirect involvement of Pope Pius XII.⁸⁵ However, some cases show clearly how difficult it was to help arrested Jews from a long distance.⁸⁶

One particular type of intervention favored so-called mixed- race Jews. They were arrested even if they had been baptized. The Holy See made many interventions in favor of them.⁸⁷ Fortunately, some of the interventions of the Holy See and its collaborators were successful.⁸⁸ The examples we cite

proves, on the one hand, the utmost desire to help and to liberate arrested Jews, and on the other hand, it shows the total reluctance and refusal of the Nazi bureaucrats and officials to intervene and their sinister obscuration of the truth about the arrested, deported and murdered Jews. Finally, it shows clearly the complete ignorance of Roman civilians and Vatican officials about the real fate of those who were arrested.

85 See above note 64 (case of Clara Sereno).

86 The Chief Rabbi of Bologna, Leone Alberto Orvieto and his wife Margherita Cantoni were both Jewish refugees. Arrested on December 17, 1943, in Florence, the Chief Rabbi, on January 3, 1944, wrote a letter to Pope Pius XII invoking his help. A first letter, with a plea for the liberation, was written before April 5, 1944 and addressed to the Bishop of Carpi, 50 km north of Bologna. As the Vatican came to know that the two prisoners, in the meanwhile, were no longer held in captivity in Florence, but transferred to Milan, a new letter for liberation was written and sent to Cardinal Schuster, Archbishop of Milan. On April 5, 1944, don Giuseppe Bicchierai, a member of the diocesan curia, answered that the intervention lost its sense as the Rabbi and his wife had already been deported to Germany. It took some time before the Secretary of State was able to react on May 5, 1944, with a letter to the Nuncio in Berlin with a request to intervene for the liberation of the Chief Rabbi and his wife (cfr. ADS, vol. X, 65–67, n. 2). In reality, both had already been deported to Auschwitz, some months before on January 31, 1944, and had been murdered there on February 6, 1944. (Picciotto. *Il libro della Memoria*, p. 179 and p. 480). This case shows that the time-lapse for letters and communication was rather slow, and therefore rescue missions of the Vatican at a certain distance from Rome was very difficult.

87 Isabella Natalia Daninos was a baptized Jewish refugee, but was, nevertheless, arrested on October 25, 1943. At the request of the Sacred Congregation for Seminaries and Studies, Father Pfeiffer intervened in favor of her liberation on October 26, 1943. She was successfully liberated. (cfr. AGS, 0100.02, coll. 13, 6.2.21 [08-09]).

88 The Jewish brothers Sergio and Guglielmo Sonnino were arrested in Rome on November 20 and 21, 1943. On request of the Secretariat of State, Father Pfeiffer made an intervention for them and they were liberated. AGS, 0100.02, coll. 27, 6.2.21 (S095). Giuditta Piperno, married Zarfatti, was arrested on February 4, 1944 and arrested in the commissariat in Rome. Alerted by a family member

in the notes are typical of the 236 interventions by the Holy See that are currently known, involving Pope Pius XII, Mgr. Tardini, Mgr. Montini and Father Pfeiffer, made in favor of 180 Jewish refugees, of whom 42 (31 Roman and seven foreign Jews in Rome and four foreign Jews outside Rome) were released. In 173 of these interventions, an explicit or implicit request for their release was expressed. We should not forget the four interventions for the group of 1,030 Roman Jews who were arrested and deported October 18, 1943. We now know that 162 interventions were requested, transmitted or executed by the Secretariat of State, which worked in the name of Pope Pius XII.⁸⁹ We also can conclude that it was very difficult for the Holy See to get Jews released, as the Nazis and their ambassador obstructed or neglected almost every request. This proves what Mgr. Montini wrote on October 18, 1943: “Let them know that we do everything we can,” and on October 20, 1943: “The Holy See is doing everything in its capacity to help these poor unfortunates.”⁹⁰ He repeated again on December 17, 1943: “One shall always be able to say that the Holy See has done everything for these unfortunate Jews.”⁹¹

Organizations for Charity and Humanitarian Help at the End of the War

Beyond this very complex organization of aid on the bilateral and international levels, a particularly intense humanitarian activity was developed in favor of the City of Rome. Of this aid, the opening of the Archives of the Secretariat of State for the Pontificate of Pius XII will give some surprising evidence of the actions undertaken and the commitment developed in those years.

On April 18, 1944, Pius XII decided to create a new structure “Pontificia Commissione di Assistenza ai Profughi.” This bureau, located in some rooms made available by the General Curia of the Jesuits in the Borgo

of Giuditta, Father Pfeiffer intervened for her liberation with success. (cfr. AGS, 0100.02, coll. 27, 6.2.21 [T002-T003]). These examples show that a quick intervention increased the possibility for liberation.

89 Oversteyns. *De geschiedenis*, vol. 3-II, p. 468.

90 ADS, vol. IX, 606–607, n. 376.

91 *Ibid.*, n. 469.

Santo Spirito, consisted of Monsignor Ferdinando Baldelli, President, the Jesuit Otto Faller, for the contacts with the German authorities and Don Carlo Egger (Canons Regular of the Lateran) for executive tasks. This new commission took its origin following the conclusion of two earlier initiatives: the “vettovagliamento di Roma” (provision of food) and the “Ufficio Assistenza Convivenze Religiose” (Office for assistance to religious congregations).⁹² The first enabled the Holy See to provide the City of Rome with the necessary food and other basic products for its inhabitants. The other was set up to provide the convents involved in the hiding and housing of refugees with basic foodstuffs and medicines.

The situation in and around the city became most critical, in particular, after the bombings of July 19 and August 13, 1943. The bombardments that followed avoided hitting the center of the city but focused on the villages and the means of communication in the surrounding areas. Moreover, due to the war actions there were more than 70,000 refugees in these areas, most coming from the region of Cassino. The white-yellow cars that crossed the roads of Umbria, Marche and Tuscany were themselves in continuous danger: Many were captured or fell victim to war actions.⁹³ Their activity was two-fold: on the one hand, to provide food for the inhabitants of Rome, and on the other, to take care of the immense problem of refugees being directed to Rome.

What was the situation around Rome? There were refugee camps virtually everywhere. At Camp Breda, located at the 15km marker on the Via Casilina, refugees were housed in a structure that was in constant danger, lacking in hygienic measures and susceptible to contamination. The Pope’s charity, in the first place, was for orphans and displaced persons: they were taken to other sites, such as the Institute of S. Gregorio al Celio, which from November 1943 through 1944 was under constant dispute by the police. On one occasion, the institute was occupied and used as a prison for hostages; the nuns remained heroically in the building, facilitating the escape of their guests. At Camp Cesano there were 20,000 refugees. For the Easter

92 For instance, on Christmas 1943 each convent of Rome received from the Vatican 200 kg flour, 20 liters of oil and a barrel with herring. The whole cargo was a gift of Spain (cfr. Riccardi. *L’inverno più lungo*, p. 253).

93 Mgr. Baldelli himself was captured and kept prisoner for several days. Ricci, Felice. “Origini e sviluppi della Pontificia Opera d’Assistenza.” In: *Atti del I Congresso Nazionale della P.O.A.* (16–17 aprile 1956), pp. 11–26.

holiday, Pope Pius XII ordered that 25,000 “sfilatini” (sandwiches) and 20,000 eggs be sent. These were distributed during an air raid in which four people were killed and many were injured. In the Castelli Romani, 70,000 were receiving Papal Assistance. In Lanuvio, people ate grass to survive. In Velletri, 2,000 refugees hid out in caves, cut off from any provision of salt, flour and other nutrition. Genzano’s population was reduced to 1,000, incapacitated and poor. To all these cities, the Papal Assistance conveyed flour, money and medications. The places used as stores were kept secret and, although always promised, no list whatsoever of their location was ever handed over to the occupying forces. They remained protected by absolute silence.

Conclusion

Before and during the Second World War, concern for refugees remained at the top of the political agenda of the Holy See. This paper shows clearly that the intentions and efforts of the Holy See to help refugees were continuously obstructed by the bureaucratic impediments and diplomatic indifference of many national governments. Regarding the humanitarian assistance given to Jewish refugees in and around Rome, even without opening the archives of the Holy See for the pontificate of Pius XII, there is ample evidence from other available sources to reconstruct and to quantify, at least in a preliminary manner, the level of the aid and interventions made on behalf of Jewish refugees by Pope Pius XII, the Secretariat of State and the Diocese of Rome. The statistical results presented in this paper are merely the tip of the iceberg, thus when the archives of Pope Pius XII become available, it is reasonable to assume that they will not only confirm the information already known, but perhaps will also shed light on many more who might have been saved by Pope Pius XII.

Avinoam Patt

No Place for the Displaced: The Jewish Refugee Crisis Before, During, and After the Second World War

According to statistics compiled by the United Nations High Commissioner on Refugees, the UNHCR, in 2015 there were approximately 65 million forcibly displaced people in the world, including 21 million refugees—the highest levels of displacement ever recorded.¹ Contemporary observers are quick to make comparisons between the present refugee crisis and the Jewish refugee crisis precipitated by the Nazi rise to power in Germany in the 1930s and the outbreak of the Second World War, noting the restrictive US immigration policies of the 1930s and 1940s and their echoes in current debates about immigration and the plight of refugees. While historians must always be cautious about drawing direct comparisons between distinct time periods, this article will examine the refugee crisis of the 1930s and 40s with an eye to providing context in line with the stated goals of the February 2017 IHRA conference in Rome to assist in developing “historically-informed policymaking.” Each period provides its own unique set of historical circumstances and complexities, but several constants remain: We can examine the challenges that confront non-governmental organizations in responding to crises of such magnitude; and from the perspective of the refugee, we can assess the impact of the experience of statelessness on subsequent political actions and behavior. How does the experience of living in exile affect the displaced? And how do international bodies, particularly non-governmental organizations, address the concerns of the refugee in resolving such crises? More broadly, what is the responsibility of the international community to solve refugee crises? Where are displaced people supposed to go? Are nation-states equipped to solve the problem of statelessness? In a world organized according to an international filing system of citizenship, what happens to those without the protections of a state or citizenship?

1 See <http://www.unhcr.org/en-us/figures-at-a-glance.html>, accessed May 25, 2017.

The Jewish Refugee Crisis of the 1930s and 1940s

The Nazi rise to power in 1933, followed by the antisemitic discriminatory legislation that sought to remove German Jews from economic, social, and cultural life, created a refugee crisis that the international community was ill-equipped to handle. Between 1933–39, while over half of Germany's nearly 600,000 Jews were able to emigrate to other countries, attempts to develop an effective international response through the Evian Conference, the creation of the Intergovernmental Committee on Refugees, the organization of the *Kindertransport*, and more, failed to reach a comprehensive solution, creating a sense among the Nazi leadership that the international community cared little for the fate of Jews under Nazi domination. The annexation of Austria, Czechoslovakia, and then the outbreak of the Second World War created a refugee crisis of even greater scale, which individual Jews and Jewish communities in Europe, Jewish social welfare organizations, and the Allies scrambled to address. Once again, belated attempts to respond, such as the Bermuda Conference of April 1943 and the creation of the War Refugee Board, failed to address a crisis of unprecedented magnitude. And again, in the aftermath of the Second World War, allied armies and the UNRRA were ill equipped to address the postwar Jewish refugee crisis.

From the perspective of individual Jews and Jewish organizations, the perceived abandonment of the Jews by the international community before, during, and after the Second World War had significant political and diplomatic ramifications that would alter the course of postwar history, particularly with key diplomatic decisions leading to the creation of the state of Israel. Both during and after the war, survivors and refugees carried the lessons of their displacement, developing a vocal and independent political structure to advocate for themselves.

As the period from 1933–48 is worthy of several volumes and not just a short overview chapter, I would like to consider four distinct episodes from the period with a focus on the responses of Jewish organizations, Jewish communities and Jewish refugees to the refugee crisis in the fall of 1938, before and after “*Kristallnacht*”; in the fall and winter of 1939–40, after the outbreak of the Second World War, the failures of the Bermuda conference in April 1943; and finally, the lessons learned and implemented by the surviving remnant in the Jewish DP camps in postwar Germany.

Evian, Zbaszyn, and the Jewish Refugees Before the Second World War

Following the Evian conference, convened in early July 1938 by Franklin D. Roosevelt in response to mounting political pressure on the refugee situation, and the creation of the Intergovernmental Committee on Refugees (ICR), the German government was able to state how “astounding” it was that foreign countries criticized Germany for its treatment of the Jews, yet none of them opened their doors.² Following the nine-day meeting at Evian, when none of the 32 participant countries (with the exception of the Dominican Republic) expressed any willingness to accept Jewish refugees, the only tangible outcome was the creation of the Intergovernmental Committee on Refugees (ICR), charged with approaching “the governments of the countries of refuge with a view to developing opportunities for permanent settlement” and seeking to persuade Germany to cooperate in establishing “conditions of orderly emigration.”

Nonetheless, the deliberations at Evian and the subsequent creation of the ICR also revealed the fundamental inability of nation-states to address the needs of individual refugees. While the Evian resolutions acknowledged that “the fate of the unfortunate people affected has become a problem for intergovernmental deliberation,” the resolutions also indicated “the involuntary emigration of large numbers of peoples of different creeds, economic conditions, professions and trades” at a time of “serious unemployment” would lead to severe strain administratively and on the public order of the absorbing countries. Furthermore, the Evian resolutions called for “the collaboration of the country of origin” (i. e., Germany) in enabling emigrants to take property and possessions with them and to emigrate in an orderly manner and asserted that the “governments of the countries of refuge and settlement should not assume any obligations for the financing of involuntary emigration.”³ While the governments assembled at Evian may have hoped for an orderly and civilized process of

2 “Emigration and the Evian Conference.” In: USHMM. *Holocaust Encyclopedia*, <https://www.ushmm.org/wlc/en/article.php?ModuleId=10005520>, accessed May 26, 2017.

3 United States Department of State. *Foreign Relations of the United States Diplomatic Papers, 1938*, vol. 1. Washington, D.C.: U.S. Government Printing Office, 1938, pp. 755. See: <http://images.library.wisc.edu/FRUS/EFacs/1938v01/reference/>

emigration and resettlement, it would soon become clear that the refugee crisis would only become increasingly messy, complex, and disorganized.

With governments and international bodies unable to respond, it often fell to NGOs and individual actors on the ground to fill the vacuum. In late October 1938, the Nazi regime expelled about 16,000 Polish Jews from Germany, dumping them across the border into the Polish town of Zbaszyn. The Polish authorities refused to admit these expellees and the town became an ad hoc refugee camp. Among those Polish Jews stranded in between the two countries were the parents and siblings of a young man named Herszl Grynszpan, who was so distraught over what he heard that he assassinated a German diplomat in Paris in protest—providing a pretext for what would become known as “*Kristallnacht*” or the night of the broken glass on November 9–10, 1938. While “*Kristallnacht*” would immediately seize the attention of the world, the fate of the thousands of Jewish refugees stranded in Zbaszyn fell to Polish Jewish welfare organizations—in this case, the Warsaw office of the American Joint Distribution Committee (JDC), TOZ (the Society for the Protection of the Health of the Jewish Population in Poland) and CENTOS (a Polish Jewish organization that cared for orphans and children), which quickly sprang into action. Within weeks, Polish Jews raised 3.5 million zlotys (the equivalent of \$700,000 in 1938) for the aid of their Jewish brethren.⁴ Among those who coordinated the relief efforts in Zbaszyn were Emanuel Ringelblum (later to become known as the historian of the Warsaw Ghetto) and Yitzhak Gitterman, also from the American Jewish Joint Distribution Committee (Joint; JDC), who died in Warsaw in 1943. Ringelblum detailed the relief efforts in a letter to the Polish-Jewish historian Raphael Mahler in December 1938 after working in Zbaszyn for five weeks: “I think there has never been so ferocious, so pitiless a deportation of any Jewish community as this German deportation.”

In the course of those five weeks we (originally Giterman [sic], Ginzberg and I, and after ten days I and Ginzberg, that is), set up a whole township with departments for supplies, hospitalization, carpentry

frus.frus1938v01.i0010.pdf; Telegram of “The Chairman of the American Delegation (Taylor) to the Secretary of State”, Evian, July 14, 1938, 5 p.m.

4 Garbarini, Alexandra & Emil Kerenji & Jan Lambertz & Avinoam Patt (eds.). *Jewish Responses to Persecution*, vol. 2, 1938–1940. Lanham, Maryland: AltaMira Press, 2011, p. 5.

workshops, tailors, shoemakers, books, a legal section, a migration department and an independent post office (with 53 employees), a welfare office, a court of arbitration, an organizing committee, open and secret control services, a cleaning service, and a complex sanitation service, etc. In addition to 10–15 people from Poland, almost 500 refugees from Germany are employed in the sections I listed above. The most important thing is that this is not a situation where some give and some receive. The refugees look on us as brothers who have hurried to help them at a time of distress and tragedy. Almost all the responsible jobs are carried out by refugees. The warmest and most friendly relations exist between us and the refugees.⁵

Detailing cultural and educational efforts in the refugee camp, Ringelblum concluded nonetheless with this observation: “Zbaszyn has become a symbol for the defenselessness of the Jews of Poland. Jews were humiliated to the level of lepers, to citizens of the third class, and as a result we are all visited by terrible tragedy. Zbaszyn was a heavy moral blow against the Jewish population of Poland. And it is for this reason that all the threads lead from the Jewish masses to Zbaszyn and to the Jews who suffer there.”⁶

Since its founding in 1914 to respond to the crisis confronting Jews in the Ottoman Empire and then in Europe during the First World War, the JDC had been the foremost American Jewish relief organization raising and distributing funds to Jewish communities in need around the world. The key to JDC success, beyond successful fundraising in America, was a dedicated cadre of relief workers on the ground embedded in local communities who understood the needs of aid recipients, along with their policy of empowering individual aid recipients in the work of the organization.⁷ Thus, while nation-states could bicker over who was responsible for the displaced, it would be up to individual aid workers like Ringelblum and

- 5 Matthäus, Jürgen & Emil Kirenji (eds.). *Jewish Responses to Persecution, 1933–1946: A Source Reader*. Lanham, Maryland: Rowman & Littlefield, 2017, p. 28.
- 6 Mahler, Raphael. “Mikhtavei E. Ringelblum mi-Zbaszyn ve’al Zbaszyn” (“Letters of E. Ringelblum from and about Zbaszyn”). *Yalkut Moreshet*, no. 2, 1964, p. 24. See in Garbarini, et al. (eds.). *Jewish Responses to Persecution*, p. 6.
- 7 For the authoritative work on the JDC, see Bauer, Yehuda. *American Jewry and the Holocaust: The American Jewish Joint Distribution Committee, 1939–1945*. Detroit: Wayne State University Press, 1981.



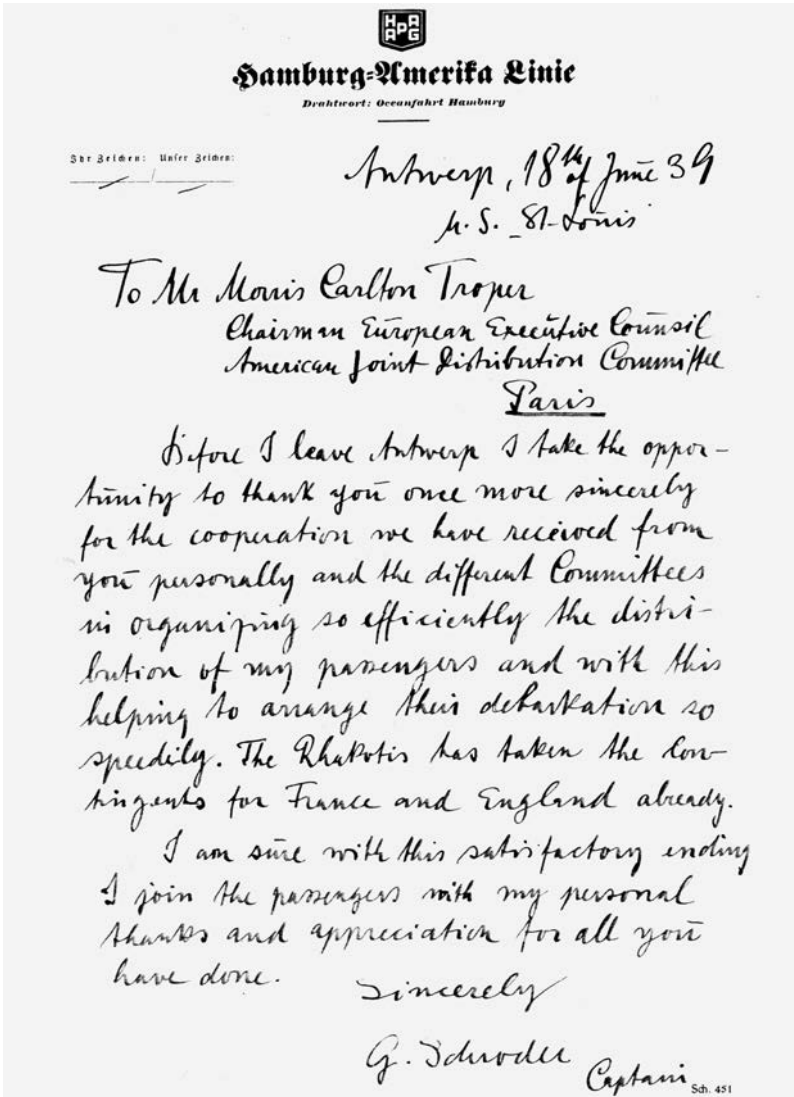
“The Jewish Refugees from Germany in Zbasyn” in *Olami*, Tarbut school publication (21 November 1938)

USHMM Archives, courtesy of Sarah Szejnsznajd

Gitterman, acting on behalf of philanthropic organizations like the JDC, as well as the individual refugees themselves, to intervene and respond in times of crisis.

Even after “*Kristallnacht*”, which would be widely reported in the international press, while the *Kindertransport* would lead to the immigration of 10,000 children to England, and some individual efforts proved successful, Americans remained reluctant to welcome Jewish refugees and the restrictive immigration quotas remained in place. The most famous example of American indifference to the plight of the Jewish refugees, the ill-fated voyage of the German transatlantic liner *St. Louis* has been well documented.⁸ The boat, carrying 937 passengers (almost all Jews fleeing the Third Reich), sailed from Hamburg, docking in Havana on 27 May, 1939. When the Cuban government refused to allow 908 passengers to

8 Miller, Scott & Sarah Ogilvie. *Refuge Denied: The St. Louis Passengers and the Holocaust*. Washington/Madison: United States Holocaust Memorial Museum, University of Wisconsin Press, 2006.



Thank you note to Morris Troper from the Captain of the St. Louis for his help in finding countries that would accept the passengers of the St. Louis.

USHMM, courtesy of Betty Troper Yaeger (Photo # 01176)

disembark and the US State Department insisted the passengers on board must “await their turns on the waiting list,” the *St. Louis*, sailed back to Europe on 6 June, 1939. Jewish organizations (particularly the JDC) negotiated with four European governments to secure entry visas for the passengers to avoid a return to Germany. Morris C. Troper (1892–1962), the American Jewish lawyer and communal leader who from 1938 to 1942 served as chief of European operations for the JDC, was instrumental in convincing the governments of the Netherlands, Belgium, France, and Great Britain to offer safe haven to the stranded Jewish refugees: Great Britain took 288 passengers; the Netherlands admitted 181 passengers, Belgium took in 214 passengers; and 224 passengers found at least temporary refuge in France. Of the 288 passengers admitted by Great Britain, all survived the Second World War save one, who was killed during an air raid in 1940. Of the 620 passengers who returned to the continent, 87 (14%) managed to emigrate before the German invasion of Western Europe in May 1940. When Germany conquered Western Europe, 532 *St. Louis* passengers were trapped. Just over half—278—survived the Holocaust. The rest were murdered: 84 who had been in Belgium; 84 who had found refuge in Holland, and 86 who had been admitted to France.⁹

It should be noted that there was little support among the American public for admitting more refugees at the time, given racial prejudices among Americans, as well as antisemitic attitudes held by US State Department officials; this certainly contributed to the failure to admit more refugees. Thus it would fall to aid organizations such as the Joint Distribution Committee and the World Jewish Congress (WJC) to provide relief to Jews when the next massive refugee crisis would unfold.¹⁰ In 1939, out of the organization’s total expenditure of \$8.5 million, \$3.25 million supported Jewish refugees in the countries of refuge, \$2.18 million went to Jews in central Europe, and \$1.25 million to Jews in Eastern Europe.¹¹

9 Ibid. See also USHMM photo archives summary, letter to Morris Troper.

10 For an early postwar account of the activities of the World Jewish Congress, see Institute of Jewish Affairs, *Unity in Dispersion: A History of the World Jewish Congress*, 2nd rev. ed. New York: Institute of Jewish Affairs of the World Jewish Congress, 1948. See also the memoir of its wartime Geneva office director, Riegner, Gerhart M. *Never Despair: Sixty Years in the Service of the Jewish People and the Cause of Human Rights*. Chicago: Ivan R. Dee, 2006.

11 See in Garbarini, et al. (eds.). *Jewish Responses to Persecution*, p. 25.

During the summer of 1939, as the likelihood of war only seemed to increase, the JDC began to realign budget priorities and prepare in case war broke out. The JDC and HICEM (a merger of HIAS, Jewish Colonization Association and the United Committee for Jewish Emigration) organized an emigration conference in Paris in August 1939, where the two organizations' leading representatives (including Morris Troper, the JDC's European director; Joseph C. Hyman, vice chairman of the JDC based in New York; and Saly Mayer from Switzerland) decided to transfer large amounts of money to Poland for the second half of 1939, in the hope that any hostilities would be over by the end of that year.¹² Looking back half a year later, Troper described the unease and apprehension that hovered over the meeting:

The imminence of war had been in the air for several weeks. An atmosphere of gravity and depression prevailed. Everyone sensed that at any moment the conference on emigration might have to be converted into a war emergency meeting. On the very morning of August 22, when the first session took place, the world was startled to learn of the signing of the Russo-German pact. The drama of the occasion was heightened when one of the French delegates was summoned from the opening session, and reappeared a few hours later in the uniform of a French officer to bid his colleagues adieu [...]. The meeting proceeded to the end of the scheduled program, but even before the final adjournment, delegates were being flooded with anxious telegrams and telephone calls urging them to return home. Departures were hastened, and many left without knowing whether or not they would arrive at their destinations. Some of the delegates found their homeward paths already blocked and remained in France.¹³

12 Ibid., p. 189 and Bauer, *American Jewry*, p. 34. For an overview of wartime relief efforts of HIAS, the New York-based Jewish humanitarian organization, see Bazarov, Valery. "HIAS and HICEM in the System of Jewish Relief Organisations in Europe, 1933–41." *East European Jewish Affairs* 39, no. 1, April 2009, pp. 69–78.

13 Troper, Morris. "On the European Relief Front," *Contemporary Jewish Record* 3, no. 3, May-June 1940, p. 227; Garbarini, et al. (eds.). *Jewish Responses to Persecution*, p. 190.

The beginning of the war created a whole new set of political and financial challenges that dwarfed the refugee crisis of the 1930s. While Jewish organizations struggled to coordinate their response to the overwhelming demands for help, the JDC's traditional reliance on local offices and relief workers in fact proved crucial in organizing relief on the ground, without waiting for directions from New York. And unlike many prominent Jewish leaders from Warsaw who fled ahead of the German onslaught, Emanuel Ringelblum and his circle decided to stay in Poland.¹⁴ During the war, the JDC proved to be the single most important relief organization, even if its efforts proved insufficient. Just to summarize some of the JDC efforts during the war:

- By the end of 1939, JDC-supported organizations had helped some 110,000 Jews emigrate from Germany—30,000 in 1939 alone. In 1940, JDC was helping refugees in transit in more than 40 countries. From the outbreak of the Second World War through 1944, JDC enabled over 81,000 Jews to emigrate.
- From its wartime headquarters in Lisbon, JDC chartered ships and continued to help thousands of refugees escape from Europe through various routes. In France, JDC financed legal and illegal organizations. It funneled in funds to support some 7,000 Jewish children in hiding and to smuggle over 1,000 more to Switzerland and Spain, and it smuggled aid to Jewish prisoners in labor camps.
- In Shanghai, a JDC relief program supported some 15,000 Jewish refugees from Central and Eastern Europe. Packages were shipped from Tehran to Polish and Ukrainian Jews who had fled to Central Asia; supplies were parachuted into Yugoslavia; and funds were delivered to the Polish Jewish underground, some of them to help finance preparations for the 1943 Warsaw Ghetto revolt.¹⁵

14 Kassow, Samuel. *Who Will Write Our History? Emanuel Ringelblum, the Warsaw Ghetto, and the Oyneg Shabes Archive*. Bloomington: Indiana University Press, 2007, p. 91; on the flight of Warsaw Jewish elite, p. 114.

15 <https://archives.jdc.org/history-of-jdc-1930s/>, accessed May 26, 2017.

The Outbreak of War and the Refugee Crisis

Approximately 3.3 million Jews lived in Poland in 1939. With the German invasion of Poland in September 1939 and the occupation and partition of the country by German and Soviet forces, an even greater humanitarian crisis rapidly unfolded. Polish Jews, who had observed the increasing persecution of Jews in Germany since 1933 with fear, trepidation, and concern and who had organized the relief and assistance for the Polish Jews expelled to Zbaszyn in the winter of 1939, now fell under the Nazi orbit. While thousands of Polish Jewish refugees fled to Warsaw, seeking to escape bombings and widespread persecution by the advancing armies, others remained in their homes, hoping for the best. Lithuania, which had been occupied by the Soviet Union, became the main immediate destination for Jewish refugees from Poland. Vilna, which had been part of Poland in the interwar period but now became the capital of Lithuania, became an appealing destination, not only as possibly the only remaining way out of Poland but also as the long-standing center of vibrant Jewish culture with a well-established Jewish community and infrastructure.¹⁶ According to one refugee: “At first instinctively and spontaneously and then in an organized way, masses of Jews streamed to Vilna [...]. Trains leaving for Vilna were overcrowded.”¹⁷ While approximately 350,000 Jews streamed into the eastern, Soviet-occupied section of Poland, the number of Polish Jewish refugees in Vilna eventually reached about 14,000, according to JDC data.¹⁸

Writing a year after the fact, the Polish Jewish Bundist Herman Kruk documented the early days of refugee life in Vilna: “The hundreds and thousands who arrived in Vilna were huddled together, terrified, hungry, and exhausted. [...] A week ago a landlord, the director of a bank, an industrialist; today hungry, naked, and hunched up. Ten days ago a merchant, a factory supervisor, a cobbler, a baker; today naked and barefoot, crushed.” Kruk also described what he saw as the camaraderie that developed among refugees of different backgrounds and classes:

16 See in Garbarini, et al. (eds.). *Jewish Responses to Persecution*, p. 154.

17 Quoted in Arad, Yitzhak. *Ghetto in Flames The Struggle and Destruction of the Jews in Vilna in the Holocaust*. Jerusalem: Ahva Cooperative Printing Press, 1980, p. 15.

18 Bauer. *American Jewry and the Holocaust*, p. 111.

Tortured and worn out, they look fearfully at tomorrow. Fear brings people together, strangers become intimate, people cling to one another. The Jewish engineer befriends a Polish factory worker; a Jewish tailor is with a group of Polish students. Everything was so simple then, so human, so equal. All were brothers and all were close, facing the thousand lurking dangers. If someone is bleeding you tear off your shirt and bandage his wounds. If someone falls down, you carry him along, so as not to abandon him in the wasteland.¹⁹

The thousands of Jewish refugees from Poland who arrived in Lithuania depended on Jewish humanitarian aid for survival in their new place of residence.²⁰ Nonetheless, as Moshe Kleinbaum detailed in a letter to Nachum Goldman of the World Jewish Congress, although the “lot is better than that of the other three million unfortunate Polish Jews, there is scarcely any possibility for emigration.” Noting the many challenges that confronted travel out of Lithuania and the limited routes of transit to free countries, Kleinbaum concluded, “Consequently, we must reckon with the fact that the majority of the Jewish refugees must remain in Lithuania for a long time.”²¹

While refugees in Lithuania depended on aid to survive, it quickly became clear that the various relief organizations were ill equipped to work together. Differences in political outlook between Jewish socialists, Zionists, and religious leaders led to conflicts and duplication of efforts among the organizations active in Vilna, and groups like JDC, HICEM, the Lithuanian Jewish Committee of the Red Cross, and WJC struggled to unite relief efforts. As Leib Garfunkel, active in organizing relief for Polish Jews in Lithuania in 1939–40 and subsequently a member of the

19 Quoted in Kruk, Herman. *The Last Days of the Jerusalem of Lithuania: Chronicles from the Vilna Ghetto and the Camps 1939–1944*. New Haven/London: University Press/YIVO, 2002 in English translation, p. 28. See in Garbarini, et al. (eds.). *Jewish Responses to Persecution*, p. 168.

20 Bauer, *American Jewry and the Holocaust*, p. 116, p. 127.

21 Letter from Moshe Kleinbaum to Nachum Goldmann, March 12, 1940, reprinted in: Friedlander, Henry & Sybil Milton (eds.). *Archives of the Holocaust: an international collection of selected documents*. New York: Garland Publ., 1990, vol. 8, p. 119. See in Garbarini, et al. (eds.). *Jewish Responses to Persecution*, pp. 169–171.

Kovno Jewish council until 1944, described the chaotic situation in Lithuania in late 1939:

Kaunas

November 22, 1939

The following organizations are concerned with relief for the Jewish refugees from Poland:

Joint Distribution Committee

HICEM office in Kaunas

Lithuanian Jewish Committee of the Red Cross

There is no possibility of uniting these organizations. The representative of the Joint Distribution Committee works in accordance with instructions issued by the European office. HICEM is guided by instructions from Paris and its own committee in Kaunas, including, among others, Rubinstein, Kelson and myself. As for the Lithuanian Jewish Committee, it is subject to the Lithuanian Red Cross. From telephone conversations with Dr. Nurock and Dr. Kleinbaum, we learn that the present situation in Vilna is chaotic. Every organization is engaged in registering refugees, but not one does so satisfactorily.²²

Despite the numerous challenges and obstacles facing Jewish refugees, some did manage to escape, thanks to the assistance of principled diplomats who defied travel bans and obstacles to help refugees. Chiune Sugihara (1900–1986) was a Japanese diplomat, a vice consul of the Empire of Japan in Kovno, Lithuania, when the war broke out. Risking his professional career, he granted Japanese transit visas to Jewish refugees stranded in Lithuania against the rules set by the Japanese government, thereby saving thousands. Other diplomats—like Jan Zwartendijk in Kovno—took similar risks in this period.²³ Individual refugees managed to leave Lithuania and travel east,

22 See Dr. Garfunkelis. *Report of the Lithuanian Committee on Behalf of Polish Jewish Refugees*, November 22, 1939, American Jewish Archives, WJC records, series A, box A2, file 2, *Day Book of the WJC II*, 37–38. Printed in: Garbarini, et al. (eds.). *Jewish Responses to Persecution*, pp. 172–173.

23 Levine, Hillel. *In Search of Sugihara: The Elusive Japanese Diplomat Who Risked his Life to Rescue 10,000 Jews from the Holocaust*. New York: Free Press, 1996 and

in some cases on paths that took them from Lithuania across the USSR to Japan, Shanghai, India, Iran, or elsewhere. Likewise, when the Germans occupied Western Europe, invading France on May 10, 1940, tens of thousands of Jewish refugees poured into neutral Portugal when the Nazis invaded France and the Low Countries during the Second World War. Many of the Jews living in France fled south. Most sought to enter Spain, proceed to Portugal, and then escape by ship. In order to cross the French border into Spain, the refugees needed Portuguese entry or transit visas but the Portuguese government instructed its consular representatives in France not to issue such visas, especially not to Jews, leaving thousands of refugees stranded in Bordeaux. Rabbi Haim Kruger from Belgium, one of thousands of refugees trying to escape, approached Aristides de Sousa Mendes, the Portuguese consul general in Bordeaux, and begged him to issue visas to the more than ten thousand Jews who had fled to the area. Initially reluctant to defy government orders, after further consideration Sousa Mendes decided to issue visas to all those who needed them, even though he would be risking his career and his life. He scrambled to issue thousands of transit visas to Jews before the Germans reached Bordeaux and even convinced the Portuguese consul in Bayonne (closer to the Spanish border) to issue special visas to Jews. Following his return to Lisbon in July 1940, Sousa Mendes was dismissed from the diplomatic service and denied all benefits (he would eventually die in poverty in 1954, survived by his wife and twelve children).²⁴

While principled diplomats like Sugihara and Sousa Mendes were able to defy government orders and thereby save thousands of refugees by issuing transit visas, these were the exceptions; millions more Jews caught in the Nazi net would be unable to escape. Herman Kruk, for example, would be confined in the Vilna ghetto, where he played a crucial role in both cultural and social welfare organizations. He was eventually transferred to the Klooga concentration camp in Estonia, where he was executed with other prisoners on September 18, 1944.²⁵

Goldstein, Jonathan. "Motivation in Holocaust Rescue: The Case of Jan Zwartendijk in Lithuania, 1940." In: Diefendorf, Jeffrey M. (ed.). *Lessons and Legacies: New Currents in Holocaust Research*. Evanston: Northwestern University Press, 2004, vol. 6, pp. 69–87.

24 See <https://jfr.org/rescuer-stories/sousa-mendes-aristides-de/>, accessed May 26, 2017.

25 See Kruk. *The Last Days of the Jerusalem of Lithuania*.

As relief organizations scrambled to provide assistance for those under the occupation or stranded on routes of escape, it also quickly became clear how ill equipped Jewish non-governmental organizations in America and Palestine were to confront an unprecedented crisis of such scale. While Europe had been the center of world Jewry for centuries, who would take the lead to aid European Jewry in its time of need: American Jews or the Yishuv in Palestine? There was no unified American Jewish community to speak of in the 1930s, as numerous organizations represented differing segments of the community, making unified action impossible.²⁶ At the same time, the leaders of the Yishuv grappled with distance from events in Europe, their own preoccupation with confronting both British and Arab opposition to the Zionist project, and internal divisions over the best course of action. Jewish refugees in Europe grappled with powerlessness in the face of the overwhelming force of Nazi oppression and the seeming indifference of world powers; Jewish organizations in America and Palestine likewise seemed powerless to grapple with a humanitarian crisis rendered all the more complex by the politics of war.

The Bermuda Conference of 1943

Efforts at rescue, relief, and resettlement on the part of non-governmental organizations like the JDC, the WJC, and the Jewish Agency could not address the magnitude of the crisis as the war expanded and the scope of the Nazi policy of annihilation—the “Final Solution”—became clear, especially at the end of 1942 and into 1943. Even when the scope of the “Final Solution” became evident, Jewish organizations struggled to convince the Allies to change policy and take the mission of rescue work seriously. Before the outbreak of fighting in the Warsaw Ghetto on April 19, 1943, the other major news item that captured the attention of the world Jewish press was the ill-fated Bermuda Conference, convened in response to urgent demands to rescue what was left of European Jewry. On January 20, 1943, the British Foreign Office, in response to public pressure from Parliament,

26 Feingold, Henry. “Who Shall Bear Guilt for the Holocaust? The Human Dilemma.” In: Sarna, Jonathan D. (ed.). *The American Jewish Experience*. New York: Holmes and Meier, 1997, p. 285.

humanitarian organizations, and the Church—especially as the Riegner telegram²⁷ had been publicized and the scope of the “Final Solution” became more widely known—proposed British and American consultation to come up with a possible solution to the crisis. The result was the Anglo-American Conference on Refugees, held in Bermuda April 19–30, 1943. Consultations at the conference, which would ultimately prove completely ineffective, attracted a good deal of attention in the Jewish press in late April 1943.²⁸

Even at the Bermuda Conference, Jewish organizations were not invited to attend, reinforcing a sense of powerlessness and impotence on the part of world Jewry to make a dent in the apathy of the world; much of the time at Bermuda was spent debating whether it was even appropriate to refer to the Jews as the Nazis’ primary victims. Jews in the “free world” could lobby their political leaders but the ability to rescue and engage in acts of retribution and offensive military action was non-existent. Both Dr. Harold W. Dodds, head of the American delegation, and Richard K. Law, head of the British delegation indicated “that the solution of the refugee problem lies in an Allied victory.” Aid to refugees would be considered secondary to military efforts and “no plan [would] be considered by the delegates which can be construed in any way as tending to retard the war effort.” When the report of the Bermuda Conference was published seven months later on December 10, 1943, the only positive suggestion was to restart the Evian Committee—too late to engage in any effective rescue efforts. Unable to participate at the conference itself, the majority of American Jewish organizations, represented together by the Joint Emergency Committee for European Jewish Affairs, publicized the text of their appeals to the Bermuda Conference through the press: They demanded that at the very least the United Nations begin immediate action to: 1. Negotiate with the Axis Powers to permit the exit of Jews, 2. Create temporary and permanent sanctuaries for them by the United Nations; and 3. Respond to planned starvation of the Jewish populace of Europe by feeding those not permitted to leave.

We would be less than frank if we did not convey to you the anguish of the Jewish community of this country over the failure of the United

27 Message of Gerhart Riegner, then Secretary of World Jewish Congress (Geneva), to its New York and London offices about the alarming situation for Jews.

28 See <https://www.jewishvirtuallibrary.org/jsourc/Holocaust/bermuda.html>, accessed October 10, 2017.

Nations to act until now to rescue the Jews of Europe. For many months it has been authenticated that the Nazis have marked the Jewish population of Europe for total extermination and that it is estimated that almost three million Jews have been done to death, while a similar fate awaits those who remain. World civilization has been stirred to its depths by these horrors. Every section of public opinion throughout the world, and more particularly in England and in the United States, has spoken out in demand that the United Nations act before it is too late to save those who can still be saved. Six months have elapsed, however, and no action has as yet been taken. In the meantime it is reported that thousands of Jews continue to be murdered daily.²⁹

As the Jewish press reported on the deliberations at the Bermuda conference, it is safe to say that the rather limited scope of the discussions and the self-imposed boundaries on the delegates only contributed to a sense that world Jewry was largely powerless and that democracy had failed in its obligation to protect the Jewish minority. As the Jewish Frontier noted in an editorial in May 1943 titled “The Gentleman at Bermuda”:

Hitler has won another victory at Bermuda—a moral political victory in which Nazidom rejoices. Every reactionary who wants the purposes of the United Nations defeated has triumphed in the failure at Bermuda. The so-called Refugee Conference has made a mockery, not only of the agony of millions of helpless human beings, but of the great cause of liberation to which the democratic world is committed, and which alone makes the horror of our time understandable and endurable.³⁰

Thus even though protests and mobilized action of Jewish groups eventually led to the creation of the War Refugee Board (WRB) through Executive Order 9417 on January 22, 1944, after the Second World War the WRB’s

29 <http://www.jta.org/1943/04/30/archive/bermuda-conference-closes-decisions-remain-confidential-general-statement-issued>, accessed October 10, 2017. Representing the Zionist position, Chaim Weizmann also called on the British to abandon the White Paper of 1939 and make Palestine the principal place of refuge for European Jews.

30 “The Gentleman at Bermuda,” May 1943. In: *Jewish Frontier Anthology 1934–1944*. New York: Jewish Frontier Association 1945², pp. 375–378, here p. 378.

first director, John Pehle, described the board as “little and late.”³¹ The board’s work has, however, been credited with saving as many as 200,000 lives during the Holocaust.³²

Even so, the perceived failure of the international community to address the Jewish refugee crisis before and during the war set the backdrop for the solutions that would emerge after the war for the Jewish displaced persons. Before the war, these were the refugees caught in the international community’s inability to respond to members states who did not play by the rules of orderly emigration; after the war, the few who remained and who had survived were displaced, without a home, and still with no country willing to offer refuge.

Part 4: The Aftermath of the Holocaust, and Zionism as a Solution to Jewish Displacement

In the first days and weeks following the Allied liberation of Germany, the country was inundated with the freed captives of the Nazi regime who sought to make sense of the new situation, one for which they had long hoped. With the conclusion of the war on May 8, up to ten million forced laborers, POWs, and other displaced persons flooded the roads of Germany, desiring to return home. According to statistics prepared by UNRRA (the United Nations Relief and Rehabilitation Administration) in the summer of 1945, there were still 1,488,007 DPs in Germany, Austria, and Italy, of whom 53,322 were Jews, or 3.6 percent. There were also 900,000 Poles, 140,000 Balts, 121,000 Hungarians, and a variety of other European nationalities as well.³³ Singled out for extermination by the Nazis, Jews were least likely to have survived the war and thus constituted a small minority of the total number of refugees in Germany upon liberation. In this initial period, however, with the categorization of displaced persons

31 United States Holocaust Memorial Museum, <https://www.ushmm.org/wlc/en/article.php?ModuleId=10007409>, accessed October 10, 2017.

32 For more on relations between the JDC and the WRB, see: <http://archives.jdc.org/topic-guides/jdc-and-the-u-s-war-refugee-board-1944-45/>, accessed October 10, 2017.

33 See statistics in Proudfoot, Malcolm. *European Refugees, 1939–1952. A study in forced population movement*. Evanston: Northwestern University Press, 1956.

by national origin from enemy and Allied countries, surviving Jews were frequently placed with former collaborators from their countries of origin in Displaced Persons camps.

The creation of a unified policy towards the Jewish DPs developed fitfully, with the Jewish refugees tossed between postwar diplomatic considerations that had to weigh the competing interests of the postwar reconstruction of Germany, the developing Cold War with the USSR, Anglo-American relations, and British policies in Palestine, in addition to the best interests of the displaced persons. The Jewish DPs in the American zone were cared for by a number of bodies on several levels. The preparations for dealing with the DP problem had already begun during the war; on November 29, 1943, representatives from 44 countries met at the White House to establish UNRRA to work as an administrative and subordinate branch of the military to administer camps and provide supplemental supplies, such as food, clothing, medical supplies, and other forms of assistance to those awaiting repatriation (while shelter and medicine were Army responsibility). Herbert Lehman (former governor of New York) was appointed its director general. According to a SHAEF (Supreme Headquarters, Allied Expeditionary Force)-UNRRA agreement on November 25, 1944, UNRRA agreed to work under direct command of SHAEF, while SHAEF acknowledged UNRRA's postwar responsibilities.

The SHAEF guidelines on DPs and refugees from December 28, 1944 as outlined in administrative memorandum #39 identified a "displaced person" as any civilian who because of the war was living outside the borders of his or her country and who wanted to but could not return home or find a new home without assistance.³⁴ Displaced persons were divided into categories by place of origin into those from enemy and Allied countries. In addition to the newly defined DPs, "stateless persons"—defined as "persons who have been denationalized, whose country of nationality cannot, after investigation, be determined, who cannot establish their right to the nationality claimed, or who lack the protection of any government"—were entitled to receive the same treatment as DPs from Allied nations; enemy and ex-enemy nationals persecuted because of race or religion also were entitled to the same treatment. SHAEF ceased functioning

34 See discussion in Kochavi, Arieh. *Post-Holocaust Politics: Britain, the United States, and Jewish Refugees, 1945–1948*. Chapel Hill: The University of North Carolina Press, 2001, p. 14.

in mid-July 1945, when responsibility for the care of DPs was transferred to the victorious nations in the occupation zones of the three major powers agreed upon in the conference at Yalta. Germany was divided into American, British, and Soviet zones of occupation, with a small area in the southwest of Germany designated as the French zone. The majority of the Jewish population, perhaps some 35,000 out of 50,000 liberated, was in the American zone of occupation, many of them around Munich.³⁵

While most displaced persons after the war made the decision to return home with ease, the Jewish DPs did not face such a clear decision. Members of pre-war and wartime Zionist groups began to advocate for immigration to Palestine, while members of the Jewish socialist Bund party argued for a return to Poland, where Jewish workers could assist in the struggle to rebuild the country. Unsure of what awaited them at home, often fairly certain that their families had been destroyed during the war, those who decided to stay in a DP camp also had to face the fact that this meant continuing to live with collaborators who also refused to return home. It also became clear following liberation that the US Army was ill equipped to address the humanitarian crisis it confronted amongst the survivors of the concentration camps. Surviving Jews and Jewish GIs began to send reports to the United States describing the atrocious conditions facing the surviving remnant. In response to the growing crisis among the Jewish Displaced Persons in Germany and Austria, on 22 June 1945, President Truman dispatched Earl G. Harrison with a special mission to Europe to “inquire into the condition and needs of those among the displaced persons in the liberated countries of Western Europe and in the SHAEF area of Germany—with particular reference to the Jewish refugees—who may be stateless or non-repatriable.” Once Harrison arrived in the camps in Germany, the Jewish DPs, along with Jewish chaplains like Abraham Klausner and soldiers from the Jewish Brigade, worked to make sure that he was aware of the miserable conditions facing the Jews.³⁶ Harrison, accompanied by Dr. Joseph J. Schwartz, director of the American Jewish Joint Distribution Committee, and Jewish chaplains and leaders of the

35 See article by Juliane Wetzel in this volume, pp. 145.

36 For a more detailed discussion of Klausner’s role in the DP camps, see Patt, Avinoam. “The People Must Be Forced to Go to Palestine: Rabbi Abraham Klausner and the Surviving Remnant in Postwar Germany.” *Holocaust and Genocide Studies*, vol. 28, no. 2, Fall 2014, pp. 240–276.

Jewish DP population, visited approximately thirty DP camps in Germany and Austria, witnessing firsthand the deplorable conditions Jewish DPs continued to face some three months following their liberation. His report of August 1945 to President Truman criticized the treatment of Jewish survivors by the Allies in sharp terms and called for major changes to Jewish DP policy; the report also became the most significant single document of the DP era. Among the major changes recommended by the Harrison Report were the creation of separate camps for Jewish DPs; the appointment of an advisor for Jewish Affairs; and the granting of 100,000 immigration certificates to allow Jewish DPs to enter Palestine.³⁷ Harrison considered the resolution of the Jewish DP crisis not only a reflection of US policy towards refugees, but also an expression of the US attitude toward the postwar reconstruction of Germany. In Harrison's words, "One is led to wonder whether the German people, seeing this, are not supposing that we are following or at least condoning Nazi policy."³⁸

Given the inability of the international system of citizenship to address the problem of Jewish statelessness during and after the war, it should not surprise us that Earl Harrison's famous report came to the conclusion that the best way to solve the statelessness of the Jewish DP population was through immigration to Palestine, linking the postwar Jewish refugee crisis with the eventual establishment of the State of Israel. "In conclusion," he wrote in the report, "I wish to repeat that the main solution, in many ways the only real solution, of the problem lies in the quick evacuation of all non-repatriable Jews in Germany and Austria, who wish it, to Palestine."³⁹ After twelve years of displacement, struggle, and flight, it is unsurprising, too, that the majority of Jewish DPs would also embrace Zionism—a Zionism

37 Kochavi. *Post-Holocaust Politics*, p. 89; Dinnerstein, Leonard. *America and the Survivors of the Holocaust*. New York: Columbia University Press, 1982, chapter two. Harrison's suggestions, excluding the transfer of refugees to Palestine, were implemented almost immediately by General Eisenhower, who was assisted in his work by the newly appointed advisor on Jewish Affairs, Rabbi Judah Nadich, (appointed on August 24, 1945, Kochavi. *Post-Holocaust Politics*, p. 93). Nadich was replaced as special advisor after three months by Judge Simon Rifkind.

38 "Harrison report to Truman," August 24, 1945. In: Dinnerstein. *America and the Survivors*, p. 291.

39 Ibid. See treatments in Kochavi. *Post-Holocaust Politics*, p. 89; Dinnerstein. *America and the Survivors*, chapter two. For full text of Harrison Report see <https://www.ushmm.org/exhibition/displaced-persons/resource1.htm>, accessed May 26, 2017.

that addressed their abandonment, their need for independence, and a solution to their displacement—as a collective solution to the Jewish refugee crisis. Critically, Harrison came to this conclusion because he believed this is what the surviving population truly desired—years of displacement and a perceived sense of abandonment by the international community taught the surviving Jewish population that only a national home could guarantee the shelter of the Jewish people.

Following Harrison's report, American authorities, under the leadership of General Dwight D. Eisenhower, worked to ameliorate conditions for Jewish DPs, moving Jews to separate camps and agreeing to the appointment of an Adviser for Jewish Affairs. With the arrival of over 100,000 Jews fleeing continued persecution and antisemitism in Eastern Europe with the Jewish organization *Bricha* (lit. "Escape"), the Jewish DP population reached 250,000 in Germany, Italy, and Austria by the beginning of 1947 (approx. 185,000 were in Germany, 45,000 in Austria, and 20,000 in Italy).⁴⁰ The surviving population was characterized by a highly youthful demographic: Reports and surveys consistently estimated the proportion of Jewish DPs between the ages of 15 and 30 years at more than half and often above 80 percent of the total Jewish population.⁴¹ In the absence of families, many survivors quickly created new families, as evidenced by the many weddings and the remarkable birthrate among the surviving population in the first year after liberation.

40 The Jewish population in the American Zone of Germany rose from 39,902 in January to 145,735 on December 31, 1946. JDC calculations, YIVO Institute for Jewish Research, New York (YIVO), MK 488, Leo W. Schwartz Papers, Roll 9, Folder 57, #713.

41 From an early point following liberation it was evident that as much as half of the surviving population was under the age of twenty-five, and some 80 percent were under age 40. For example, a survey of Jewish DPs in Bavaria taken in February 1946 found that 83.1 percent of their number was between the ages of 15–40, with over 40 percent between 15–24 and 61.3 percent between 19–34. (*Jewish Population in Bavaria*, February 1946, YIVO, MK 488, Leo Schwartz Papers, Roll 9, Folder 57, #581). A study by the American Jewish Joint Distribution Committee of Jews in the U. S. Occupation Zone in Germany over one year after liberation found 83.1 percent between the ages of 6–44. (JDC. *Jewish Population, U.S. Zone Germany*, November 30, 1946, YIVO, MK 488, Leo Schwartz Papers, Roll 9, Folder 57, #682). See discussion in Patt, Avinoam. *Finding Home and Homeland: Jewish Youth and Zionism in the Aftermath of the Holocaust*. Detroit: Wayne State University Press, 2009, chapter 1.

While still living in a transitional situation, hoping for the possibility of emigration, DPs succeeded in creating a vibrant and dynamic community in hundreds of DP camps and communities across Germany, Italy, and Austria. With the assistance of representatives from UNRRA, the American Jewish Joint Distribution Committee (JDC), the Jewish Agency, and other organizations, schools were established throughout the DP camps. The largest camps, including Landsberg, Feldafing, and Föhrenwald in the American zone of Germany, and Bergen-Belsen in the British zone, boasted a vibrant social and cultural life, with a flourishing DP press, theater life, active Zionist youth movements, athletic clubs, historical commissions, and *yeshivot* testifying to the rebirth of Orthodox Judaism. The DPs took an active role in representing their own political interests: political parties (mostly Zionist in nature, with the exception of the Orthodox Agudat Israel) administered camp committees and met at annual congresses of the She'erit Hapletah (the surviving remnant). The Zionist youth movements, with the assistance of emissaries from Palestine, created a network of at least forty agricultural training farms throughout Germany on the estates of former Nazis and German farmers, demonstrating their ardent desire for immigration to Palestine and performing an act of symbolic revenge against the Germans.

The Harrison report served to link the resolution of the Jewish DP situation with the situation in Palestine, thereby elevating the diplomatic implications of the Jewish DP political stance. The apparent importance of Zionism for the increasing numbers of arriving DPs confirmed the necessity of the Zionist solution for representatives of the Anglo-American Committee of Inquiry (AACI). After beginning their work in Washington and London in January 1946, members of the commission visited the DP camps and Poland to assess the Jewish situation beginning in February.⁴²

Notwithstanding some concerns over Zionist propaganda and manipulation, on April 20, 1946 the AACI recommended "(A) that 100,000 certificates be authorized immediately for the admission into Palestine of Jews who have been the victims of Nazi and Fascist persecution; (B) that these certificates be awarded as far as possible in 1946 and that actual

42 "Visit of the sub-committee to the American zone of Austria," Vienna, Feb. 25, 1946, National Archives, Washington DC, RG 43, AACI, box 12, pp. 4.

immigration be pushed forward as rapidly as conditions will permit.”⁴³ This was the conclusion that the committee came to not only because of a lack of other options but also because the committee genuinely believed that this was the truest expression of the Jewish DPs’ desires. “Furthermore, that is where almost all of them want to go. There they are sure that they will receive a welcome denied them elsewhere. There they hope to enjoy peace and rebuild their lives.” The committee based these findings in part on surveys conducted among the DPs. However, the committee also firmly believed that based on what it had observed among the Jewish DPs, they were a group ardently preparing themselves for a Zionist future. While many among the DPs were seen as reluctant to work, “On the other hand, whenever facilities are provided for practical training for life in Palestine they eagerly take advantage of them.”⁴⁴

As their stay dragged on in Europe, DPs staged mass protests condemning the British blockade of Palestine, and participated in the illegal immigration (*aliyah bet*) movement to Palestine, most noticeably in the Exodus Affair of 1947. Eventually, the United Nations Special Committee on Palestine (UNSCOP) recommended that the problem of the 250,000 Jewish Displaced Persons be dealt with through the partition of Palestine. Following the passage of the UN partition plan (November 29, 1947) and the creation of the State of Israel in May 1948, approximately two-thirds of the DP population immigrated to the new state, with a sizable percentage of the younger segment participating in the fighting in the 1948 war.⁴⁵ Most of the remainder immigrated to the United States, which had only become a realistic immigration option following passage of the Displaced Persons Act in 1948 and the amended DP Act of 1950, which authorized 200,000 DPs (Jewish and non-Jewish) to enter the United States. By 1952, over 80,000 Jewish DPs had immigrated to the United States under the terms of the DP Act and with the aid of Jewish agencies. Almost all of the DP camps were closed by 1952.

43 Anglo-American Committee of Inquiry. *Report to the United States Government and His Majesty's Government in the United Kingdom*. Lausanne, Switzerland, April 20, 1946, https://www.trumanlibrary.org/dbq/res/israel/TrumanIsrael_resources.pdf, accessed November 1, 2017; see also YIVO Library.

44 Ibid.

45 For a more detailed discussion of the role of survivors in the creation of the State of Israel, see Patt. *Finding Home and Homeland*, chapter 5.

The situation of the Jewish refugees before and during the war, and then the Jewish Displaced Persons in postwar Europe, constituted a unique challenge to understandings of citizenship and statehood in the mid-twentieth century. The centrality of citizenship to the organization of modern states was a fundamental component necessitating the repatriation of refugees in postwar Europe. This certainly had an impact on the formation of a new national identity among the Jewish Displaced Persons and its ready acceptance by the Allied occupying powers. The story of the Jewish Displaced Persons represented a prime example of the unacceptability of statelessness within the international filing system of citizenship and pointed to various possibilities for dealing with this situation.

DEVELOPMENTS SINCE 1945

Cecilie Felicia Stokholm Banke

Introduction

This chapter examines how governments, intergovernmental organizations, religious organizations, and NGOs responded to the refugee crisis following the Second World War; examining their successes and shortcomings, it raises questions about what lessons can be learned from this experience.

Dan Plesch, in his insightful presentation on the history and organization of two international organizations—UNRRA and the UNWCC, which were born during the Second World War and have made their mark on the postwar world—provides much food for thought. Two examples of effective approaches, one from each organization, yield useful guidance for the present. Refugee camps under UNRRA were infused with the principle of self-government, offering a potent antidote to the powerlessness that had marked the lives of their inhabitants and providing, according to Plesch, a key to UNRRA's success. Similarly, the UNWCC's example of an "international legal response to human rights abuses" based on the agency of victims and witnesses confirms the proper and powerful role of the individual as opposed to unenforced platitudes of statesmen.

Juliane Wetzel provides a thorough examination of what she terms the "liberation phase," which should, she argues, be considered as a separate historical period and not simply the end of the period of Nazi rule. During this time, the territory of Germany was home to millions of Displaced Persons, whose numbers were increased over time by the arrival of expellees and refugees. Does this period of history, with its monumental challenges, offer any insights into the current refugee situation? Can we draw any lessons from this history given that it played out in the wake of total defeat and in the context of the emerging Cold War?

Carl J. Bon Tempo describes the significant change in the refugee policy of the United States. Essentially closing its doors to European refugees before the war, the US admitted only an estimated 250,000 from 1933 to 1945—a small fraction of those who wished to go there. America's postwar refugee record tells a completely different story, with the doors being opened wide. Bon Tempo traces the development of American refugee policy through

the Cold War and into the present, and addresses how this history might inform the contemporary refugee situation. Although there are deep structural and philosophical forces that suggest a stability in America's response to refugees, he argues that the Trump administration has taken the US into "uncharted waters."

Several parallels have already been drawn both in national and international media between the current situation and the situations before, during, and immediately after the Holocaust, a comparison that to some extent makes good sense. As the two American historians Richard E. Neustadt and Ernest R. May argue in what is now a classic read for many historians, *Thinking in Time: The Uses of History for Decision-Makers*, in order to make better decisions, politician and policymakers must include historical experience in their decision-making process. The three presentations provide ideas and questions that could help us understand the challenges we face today. The past does not provide us with a detailed map, but may supply helpful road signs along the way.

Dan Plesch

Aftermath: Institutional Responses to Displaced Persons and Refugees after 1945

As the Axis countries were defeated, the United Nations sent help to the liberated areas of Europe and Asia. This saved millions of lives, resuscitated national economies and provided the foundation for today's UN organizations. Forty-four nations created the United Nations Relief and Rehabilitation Administration (UNRRA) in 1943. By 1946 it had become the largest single exporter in the world, shipping supplies to devastated areas in Asia and Europe. An international staff administered UNRRA's expenditure of \$4 billion from a budget built of national contributions. Two prominent New York liberal politicians directed it in succession: Herbert Lehman of the banking family, and New York Mayor Fiorello H. La Guardia.

Plans for the liberation included famine relief, disease control as well as the post-conflict reconstruction and development of agriculture and industry. From July 1945 to March 1946 UNRRA provided an average of 1,150 calories per person in Greece, half the theoretically available total calories.

The new organization had to put up with waiting until the needs of the military had been met and with waiting for a resolution of conflicting pressures of global politics in the mid-1940s. UNRRA itself was seen by its creators as an example and first stage in a spectrum of global civilian operations. It originated in separate discussions in London and Washington and although UNRRA was never intended to be permanent, many regarded its dissolution in 1948 as premature. In the view of one of its advocates, President Harry S. Truman killed UNRRA to make room for the Marshall Plan of 1948. UNRRA opponents in the US considered it not a moment too soon to shut what they regarded as a profligate example of the "globaloney" New Deal policies of the Roosevelt era. Today, the Marshall Plan has totally eclipsed UNRRA in the history of the immediate postwar period.

UNRRA's resources included member state donations of commodities such as food and textiles as well as cash. Its bureaucratic costs were low. Administrative expenses were 1.18 percent and operating expenses 3.41

percent. In comparison, the US Agency for International Development and associated economic development programs had, in 2010, a budget of around \$17.5 billion with administrative expenses in 2009 of \$348 million, around two percent, or nearly double the administrative costs of UNRRA.

The lessons to be learned from UNRRA extend beyond administrative prudence to include the democratic self-management of refugee camps. That refugees should elect their own representatives and operate their own camps is an idea that is alien to the US and the UN alike in the twenty-first century, despite the rhetoric of the export of democracy and nation building, whereas in the 1940s it was part of the operating manual for both the US military government and UNRRA.

The UNRRA remains among the most important co-operative international postwar aid and reconstruction efforts that has ever existed. In the 1940s, government planning for the postwar world built on what was done by the US government and private organizations at the end of the First World War. Famine and disease had spread across the war-affected areas at the end of the 1914–18 war. Armies consumed huge quantities of food, kept men from farming and laid waste to the productive land in the war zones. Then the influenza pandemic of 1918 killed 40 million people, many of whom were too weakened by malnutrition to resist the disease.

America had been at the forefront of food aid during and after the 1914–18 war. Under Herbert Hoover, the US Food Administration helped people in German-occupied Belgium until the US entered the war in 1917. Later he led famine relief to Russia in the years after the 1917 revolution. When Germany again conquered Belgium and then most of Europe in 1940, aid from the still neutral US did not reach those under Nazi rule. Prime Minister Winston Churchill refused to allow neutral ships through the British fleet blockade around the shores of Europe. He argued that nothing should be done to ease the burden of Nazi occupation, hoping to foment revolt against the Nazis. On August 20, 1940, during the Battle of Britain, Churchill declared in Parliament his policy on relief to those under occupation:¹ “Let Hitler bear his responsibilities to the full, and let the people of Europe who groan beneath his yoke aid in every way the coming of the day when that yoke will be broken. Meanwhile we can and

1 House of Commons. *Official Report*, 1940. HC Deb 20 August 1940 vol. 364 cc1132-274, <http://hansard.millbanksystems.com/commons/1940/aug/20/war-situation>, accessed November 1, 2017.

will arrange in advance for the speedy entry of food into any part of the enslaved area when this part has been wholly cleared of the German forces.”

Planning to prepare to feed people in the liberated areas of Europe began in London. Sir Frederick Leith-Ross, the government’s Chief Economic Advisor, chaired a group of exiled governments in a committee that monitored the suffering on the continent and mapped out the minimum needs of relief once liberation came. This Inter-Allied Committee on Postwar Requirements was created on September 24, 1941 at the same meeting that endorsed the Atlantic Charter.

Churchill’s statement on refusing to let supplies into occupied Europe when Britain itself faced the threat of occupation was an act of bravado. And the creation of this Committee on Postwar Requirements was an act of optimism bordering on fantasy, for Hitler was at the peak of his power and liberation seemed a distant dream.

The Soviet Union was the first to suggest a fully international relief organization. Dean Acheson acknowledged that: “In January 1942 the Russians tossed into the London arena the first suggestion of an internationally controlled, manned and operated relief organization.” The State Department presented the UK with an outline proposal for such an organization in May 1942. Eden’s positive response was based on the wider concern to build a postwar international structure:² “It must be obvious that for the success of any postwar relief scheme the contribution of the United States will be all-important. For that reason alone we should be well advised to fall in with the American proposals. But I fancy that there is much more than postwar relief in question. The United States Administration appear to be acting on the thesis that the more international machinery that can be got into operation with their participation before the end of the war, the greater the likelihood of American public opinion being ready to continue international cooperation after the war. It would perhaps be putting it too high at this stage to say that the Administration definitely intend to try and establish under the aegis of the ‘United Nations’ the embryo of the international organization of the future. American postwar cooperation in the international sphere being so vitally important, I submit that we must play up to any scheme of theirs tending to turn the United Nations into an operative piece of machinery.”

As “machine operator” Roosevelt chose Herbert Lehman, one of America’s leading bankers and a former Democratic governor of New York

2 U. K. National Archives, Eden Anthony, Cab/66/24/42 W.P. (42) 212, May 20, 1942.

State, meeting with him on November 11, 1942 just after the mid-term elections and the landings in North Africa. Nevertheless, Roosevelt found the time to focus on postwar requirements. Roosevelt created a new State Department organization that Lehman was to head, the Office of Foreign Relief and Rehabilitation Operations, which became the Foreign Economic Assistance Office in March 1943.

The Roosevelt administration's strategy was that these US organizations should form part of an international organization and not operate either by unilateral US actions in areas liberated by US forces or by a series of bi-lateral arrangements with individual allies. US power was such that it would have been easy for the US to make bilateral arrangements with individual states as it usually does today. Instead, the policy was to create a fully international agency that provided a collective forum for developing policy and sharing the burden or provision, while US power ensured that its desires usually prevailed.

Lehman initially sent help to refugees who had fled to North Africa from Europe. He chose men who had run welfare organizations in depression-hit American cities to lead this overseas work. The first, William Hodson from New York, died in a plane crash. The second, Fred Hoehler from Chicago, began to manage the collection and distribution of food-stuffs, medicines, and clothing.

Lehman had a fight on his hands to get the supplies through to Africa. Naturally enough, the military wanted all shipping to support the fighting. And many ships were still being sunk. The aid that did arrive went to camps run by the British in Palestine, Egypt, and Kenya. Distribution was hindered by the hostility between the national and political factions among the refugees. Greeks and Yugoslavs, communists, and royalists had to be separated to avoid fighting.

The US finally convened a conference to create UNRRA for the autumn of 1943. The official New Zealand account records a skeptical response from smaller states, though they were reconciled to what had happened.

"On 10 June [1943] the United States sent to all United Nations governments a draft agreement for UNRRA, with the significant note that it had been approved by the big four and was to be published the following day. It was greeted with something like a chorus of protest by small European powers, who resented its 'great power' quality and criticized in particular the provision that its central committee should represent the big four only. They evidently feared that this manner of doing things might become

the habit of the postwar world. Some small changes were made to meet—though they by no means remove—small-power criticism and the United States Government sent out a final draft on 24 September 1943. Even those who still felt uneasiness agreed with reasonable cheerfulness to accept it, specifying, in one case, that this was no precedent.³

The Conference was held in Atlantic City, New Jersey. This seaside resort's suffering was limited by a lack of tourists in the war, and its mayor lobbied successfully for the UN conference to help fill the hotels. Dean Acheson chaired the conference, although, contrary to expectations at the time, it was Lehman and not Acheson who was chosen as UNRRA director. Acheson had the complex task of managing a conference of officials from 44 states, many with national and personal egos in inverse proportion to their size and resources. Arne ascribes much of the success of the conference to his kindness, humor, and "patience of Job."

Time magazine gave insight into two of the most controversial issues:⁴ "Into Atlantic City's Claridge Hotel stalked trouble for the United Nations' brand-new Relief & Rehabilitation Administration. For days India's official delegate, mild Sir Girja Bajpai, had never dared bring up the bitter question of India's right to petition UNRRA for desperately needed food in time of famine. Sir Girja knew that in Bengal this week there was no celebration of the bumper Aman crop (the December rice crop). There was no celebration, only desolation, and silent villages ravaged mercilessly by hunger and disease. For there was no one left to harvest the Aman crop—the stricken peasants sat on doorsteps mourning their dead families, too tired, too sick to take courage from the ripening paddy fields. But J. J. Singh, president of the India League of America, moved into Atlantic City, called his own press conference, and forced the question into the open. Let UNRRA rush food to India at once. Chairman Dean Acheson and British Colonel John J. Llewellyn demurred. UNRRA relief, said they, was only for areas liberated from the enemy. Bluntly retorted interloper Singh: 'If relief is for war victims, how can the United Nations refuse aid to famine-stricken India, where war has stopped all rice imports from Burma? The big nations, embarrassed but adamant, refused to reconsider. But the big nation delegates could not succeed in shushing down small or poor nations on all

3 Dan Plesch. *America, Hitler and the UN: How the Allies Won World War II and Forged Peace*. London: I. B. Tauris, 2011, p. 122.

4 "Drama in Atlantic City." *Time*, December 6, 1943.

questions (each participating Government has an equal vote). When the US and Britain proposed that UNRRA relief be given free to postwar Germany if she was unable to pay, the small nations rose in storm. With a violent and tumultuous ‘no’ they voted down the proposal. Said they: Germany must pay for all the relief it gets.’”

Of UNRRA, Acheson later remarked that it was “the John the Baptist of the Marshall Plan.” This version of events suited his political agenda rather than the reality of the shift from international to bilateral engagement with the world. Part of the value of the international conference was, as Roosevelt, Hull, and Welles all intended, to build habits of cooperation. Acheson was joined by future diplomatic stars, including Jean Monnet of France, Lester Pearson of Canada, and Olivier Franks from Britain.

The first item of business on the table of the flag-bedecked ballroom of Claridge’s Atlantic City was, “Who will pay for the relief?” The basis agreed for the funding was that each member of the United Nations would contribute one percent of one year’s national income, a one-off payment. The Brazilians proposed instead that the percentage should be based on the pre-war trade a state had had with the countries to which assistance would be sent and the New Zealand government wanted a sliding scale with countries with higher per capita income paying more proportionately.

This one percent idea was first proposed by Harry White, an American Treasury official also involved in the financial discussions that reached fruition at Bretton Woods. The White Plan had the advantage that everyone was contributing what they could so that it was not simply a matter of US taxpayers subsidizing the world. The system had an obvious equality, a clear limit, and the avoidance of arguments over who was supplying how many tons of what foodstuffs, while still accommodating the reality of US wealth. At this time the USA produced over half of the world’s economic output. The adoption of this contribution system by the UNRRA Council imposed a non-binding obligation on governments and public opinion to equal what others were doing.

The US contribution was over \$2.6 billion of the \$3.6 billion global cost of the program—however, one billion dollars was supplied by other countries, mainly by Britain and Canada (the UK contributing \$600 million and Canada \$137 million) and in small quantities by forty other members of the United Nations. Contributions included \$24 thousand from Panama. The Dominican Republic increased its export tax and transferring the revenue to UNRRA. Brazil made the fifth largest contribution, with 40 million

dollars, nearly double the requested one percent of national income. At the time, Eire was neutral and so outside the United Nations, but nevertheless sent 285 tons of bacon and 8,000 beef cattle. Nongovernmental organizations (NGOs) also made contributions to UNRRA amounting to several million dollars worth of commodities. In the United States contributing NGOs included national patriotic organizations devoted to helping Czechoslovakia, China, Greece, Hungary, and Poland. In addition, 5,000 tons of clothing were collected by Americans in 1944 alone. Americans contributed a further 70,000 tons to United Nations Clothing Collections by 1947. One well meaning, but senseless, initiative was to collect canned food in the US and ship it to the needy. *La Guardia* pointed out that these cans mostly contained water—especially the vegetables, but not before 700,000 cans had been shipped out. *La Guardia* appealed instead for cash and nearly three million dollars was donated. These early United Nations appeals paved the way for annual UNICEF appeals made on United Nations Day. Altogether, non-governmental contributions came to over \$200 million.

In mid-1945 UNRRA had some 7,500 employees in purchasing offices across Latin America, the Middle East, and the Indian sub-continent and aid operations from China to Denmark. The resources came from voluntary national contributions of one percent of national income from the 44 United Nations member states. Some of these purchases helped maintain demand for goods that had been destined for Lend-Lease and eased the loss of income to those producing them as the war ended. At that point, the liberated European states contributed what they could, with Czechoslovakian contributions of sugar and Polish coal going to Austria and Yugoslavia. Helping people to help themselves was the motto and the practice.

Once the delegates in Atlantic City had agreed on the financial issues, they had to decide what types of work could be funded, how to distribute resources, how the organization would work and who would benefit. In addition to direct relief such as food and medicine the word “rehabilitation” was used. This was meant as an interim step before full-scale reconstruction. UNRRA’s guiding principle of “helping people to help themselves” meant that flour came with seeds to plant the next year’s harvest, medicine with medicine factories. Reconstruction was limited to, for example, fixing an electricity generation plant rather than building a new one. The most famous reconstruction project was in China, where UNRRA helped rebuild the broken dykes along hundreds of miles of rivers.

Some Allied governments were concerned that UNRRA would constitute a different sort of invasion by the US and UK. Hence there was a requirement pressed by the Norwegians and French as well as the Soviet Union that the host government must authorize UNRRA operations.

Agreement at a conference was one thing; agreement by the US Congress to foot the bill, quite another. Lehman tried to convince Congress that the UNRRA project was “the first great test of the capacity of present world partnership of the United Nations and associated governments to achieve a peacetime goal.” A strong lobby and public information effort by the administration and UNRRA itself was needed to secure Congressional approval of an initial \$350 million. The complex US budgetary processes meant that a first vote was not followed through by full implementation so that UNRRA purchases of supplies came to a halt late in 1945, with a further \$550 million finally approved in mid-December 1945.

In London, Churchill and his cabinet were less than enthusiastic, although they ensured that the British financial contribution was made punctually. British officials grumbled that they were being asked to help people who had done little to fight the Nazis, and hoped that the British contribution would help rebuild trade with Europe. Churchill wrote to Foreign Secretary Anthony Eden in August 1944 concerning a directive he was issuing to government officials to detach good administrators to help UNRRA, “I have reluctantly initialed your draft directive. I am very apprehensive of Britain being overburdened after the war, but still I recognize the force of your argument that since we have got into this we had better have as large a share of the personnel controlling it as possible.”

Progress on implementation was slow even when the funds were approved. The military had priority on shipping until after the war ended, and sought to retain it even then. The military authorities were permitted to bar UNRRA from liberated territories for up to six months after they were free of enemy forces. And the military also had authority over UNRRA activities. By August 1945 UNRRA was still only working in five countries, but one of them was Germany.

But by 1946 UNRRA operations had gathered momentum worldwide. From Lehman’s headquarters in the “flat iron” building at Dupont Circle in Washington DC, he organized divisions to help with Displaced Persons (survivors of camps and slave labor), health, welfare, food, clothing and textiles, as well as agricultural and industrial rehabilitation and medical and sanitary supplies.

The Displaced Persons (DPs) in Germany were the most obviously needy people in the aftermath of the Nazi defeat. The UN relief planners estimated that 21 million people in Europe had been driven from their homes by 1943. In 2008, by way of comparison, there were around 45 million DPs in 2008, of whom the UN High Commission for Refugees was assisting some 25 million worldwide, with an annual budget at a record high of two billion dollars in 2009.⁵ That snapshot of the world a decade after the end of the Cold War presaged a spike in refugee numbers worldwide a decade later.

Of the 21 million uprooted Europeans, about eight million had been taken as slaves, prisoners or forced labor to Germany and Austria and a further eight million were homeless in their own countries.

UNRRA was a global—US led—multilateral agency supported by 44 member states amongst whom the donor states committed one percent of Gross Domestic Product (GDP). Its refugee and DP operations operated within an UNRRA system that included food aid, public health, and agricultural and industrial reconstruction.

Most survivors found their own way home. However, by the end of 1945, 750,000 DPs were being fed and housed mostly in the Western occupied sectors of Germany.⁶ As people returned home others took their place. Eighteen months later the number had fallen to 640,000, of whom 147,000 were Jews mostly hoping to go to Palestine. The new UN International Refugee Organization took over the task from UNRRA in mid-1947. By then a total of one million people had been helped home, half of them Poles.

A key part of the success of the process that enabled people freed from Nazi control to regain control over their lives was a system of self-government. Part of UNRRA's work was assistance to the millions of Displaced

5 UNHCR. *2008 Global Trends, Refugees, Asylum-seekers, Returnees, Internally Displaced and Stateless Persons*, June 16, 2009, p. 2, <http://www.unhcr.org/statistics/country/4a375c426/2008-global-trends-refugees-asylum-seekers-returnees-internally-displaced.html?query=2008>, accessed October 10, 2017; UNHCR. *Figures at a Glance*, 2009, <http://www.unhcr.org/pages/49c3646c11.html>, accessed October 10, 2017.

6 Woodbridge, George. *The History of the United Nations Relief and Rehabilitation Administration*. New York: Columbia University Press, 1950, 3 vols. This official history provides the data in the paragraph.

Persons roaming Europe at the end of the war. UNRRA's official history claims that UNRRA had been successful in ensuring that its camps were self-governing with elected councils, courts, and fire services, which would not "have been possible if UNRRA had pursued a policy of efficient command."⁷ "Although many leaders had been appointed at the beginning of the operation by UNRRA or military officials, by the summer of 1946 almost all had been elected by the camp residents."⁸

According to Woodbridge, the official historian of UNRRA, in his chapter on self-government, it was, "no exaggeration to say that it was the goal toward which all activities were pointed."⁹ And the concept originated with the US Army, not with UNRRA. Eisenhower's "Guide to the Care of Displaced Persons in Germany" stated that "displaced persons should be encouraged to organize themselves as much as is administratively possible."¹⁰ According to Woodbridge, "each camp [...] usually [had] a camp committee elected by the entire population, either at large, by nationality (if in a mixed camp), by area or block within the camp, or by some other means. This committee usually selected the camp a chairman or camp leader, although in some cases he was directly elected. This committee supervised all activities and represented the population in all dealings with outside authorities."¹¹ It was responsible for housing, catering, police, and fire and courts depending on the size and longevity of the camp. This was the model, but practice was slow and imperfect.

Later, in 1946 and afterwards, the political character of the camps became part of both the emerging Cold War and the attempt of Jews to immigrate to Israel. That analysis emphasized the limits on UNRRA that are familiar today including subservience to national and military authority. Some of the context of the 1940s was very different today. There is no parallel to the extermination and imported slave system operated by the Nazis, a context in which forced migration was sometimes seen as an international "good" under the banner of population transfer, where then as now some refugee populations included militia hostile to the new

7 Ibid., vol. 2, pp. 522.

8 Ibid., vol. 2, p. 516.

9 Ibid., vol. 2, pp. 522.

10 Supreme Headquarters, Allied Expeditionary Force. *Guide to the Care of Displaced Persons in Germany*, May 1945 revision, Part 1, Section 1, cited in *ibid.*

11 *Ibid.*

regime in their homeland. Then as now attitudes among ostensible donors and hosts varied.

Despite its integrated organization, UNRRA and especially its DP and refugee operations have attracted little recent study, although there was a great deal in the social science literature of the late 1940s and early 1950s. The International Tracing Service (ITS) in Bad Arolsen records have only recently become available to scholars; the USHMM has only recently digitized sections of the UNRRA archives; and the records of the United Nations War Crimes Commission (UNWCC) have only just been fully opened. The latter reveal that from 1944 onwards refugees and former Nazi prisoners provided evidence to support thousands of international criminal indictments of their persecutors.

Preliminary conclusions for current practice include providing a formal process for refugees to lodge criminal complaints against their persecutors; the value of an integrated food, health, welfare, and reconstruction organization to contain and reduce the wider social disruption from which refugees emerge; and the evaluation of democratic self management as a principle of organization.

UNRRA operations overlapped to some degree with those of the UNWCC. When it came to tracing individuals UNRRA focused on the International Tracing Service (ITS), while the UNWCC drew on the energy of refugees to propel what remains the world's greatest international criminal justice initiative.

The postwar system of human rights and security is under threat, and despite its flaws, nothing better is on offer. It is very timely to discover that the postwar system of values rests on a far larger, richer, and more relevant paradigm than we normally understand.

This was an initiative of refugees; of refugee governments from continental Europe working in Britain and in China; of resistance movements made of people displaced—indeed on the run—in their own nations; and of individuals giving evidence to their exiled governments, which set up systems to gather evidence as they made their way to freedom in Sweden, England or the Middle East. After the war, survivors emerging from the camps also provided evidence.

My recent analysis of the long-suppressed files of the 1943–1948 UN War Crimes Commission provides the evidence of the global effort to enforce Human Rights standards. This international body indicted 36,000 Nazis and their allies as war criminals at the end of the Second World War,

resulting in over two thousand internationally supported trials before courts across Europe and Asia.¹²

Ambassador Samantha Power finally released the records of this organization in 2014. They provide an overwhelming amount of evidence both for use as precedent in today's efforts to prosecute international crimes and to combat Holocaust denial. In the 1940s a few UNWCC cases were published and used as precedent in the Yugoslavia trials of the 1990s, validating the wider archive as legal sources.

Even while the Nazis still ruled, the resistance in occupied Europe initiated war crimes indictments. These included 1944 charges against Hitler himself for the extermination of the Jews at Treblinka and Auschwitz. There were prosecutions of crimes including rape, attempted rape and forced prostitution, water boarding, and other torture along with mass murder and systematic terrorism.

Nevertheless, our historical memory is based on the narrow paradigm of a few dozen top officials tried before the international tribunals in Nuremberg and Tokyo. We all learned that despite heroic efforts of individuals the Holocaust was never officially condemned while it was underway, let alone prosecuted. This is false.

These thousands of indictments were considered by a commission of seventeen allied nations—including the United States, China, and pre-independence India, but not the USSR. Each state brought its national cases to the commission for approval; it acted as a pretrial examining magistrate. Although it drew up its charges in secret because of the pressures of war and could not therefore include neutral states let alone the enemy, the commission sought to apply the highest international standards of law and had diplomatic status as an international organization. Its chairmen were leading British judges of the day, Sir Cecil James Barrington Hurst and Lord Robert Alderson Wright, and the commissioners included René Samuel Cassin. The United Nations War Crimes Commission was set up in 1943.

Today, disillusionment with the baroque and biased practices of the International Criminal Court (ICC) has led to renewed interest in the role of national courts in applying international criminal legal standards. The commission offers a model of a cooperative approach to justice and

12 Plesch, Dan. *Human Rights After Hitler. The Lost History of Prosecuting Axis War Crimes*. Washington DC: Georgetown University Press, 2017.

sovereignty where the international body advises and supports national efforts delivered with fairness, speed, and economy. Low-level soldiers did then and should now face trial along with their leaders.

Barrister Amal Clooney leads the call for justice for the crimes of Daesh and for the collection of evidence. This case is made more powerful by calling on the example of the UNWCC. For example, many members of the EU joined with China, India, and the US and UK to create a system for gathering war crimes evidence through debriefing refugees and released prisoners in the mid-1940s. As they could do that back in the 1940s with all the other pressures upon them, there are even fewer excuses now for inaction. UNWCC precedents on crimes of sexual violence as war crimes outside the context of Crimes Against Humanity are other examples of what can be applied today.

The work of the UNWCC also counters the intellectual trend to write of the end of human rights and at the same time to place the origins of those rights in the postwar period, sometimes as late as the 1960s or 1970s. The various arguments state that the postwar agreements were worth little more than the paper they were written on, that the writers of the texts were in any case Western intellectuals, or that human rights have a singularly Western and modern source. Samuel Moyn, Professor of Law and History, maintains that the texts of Raphael Lemkin on genocide and Hersch Lauterpacht on crimes against humanity were stillborn creations that had to be regenerated in the 1970s. The historian Lynn Hunt argues that human rights only started with the American-French political enlightenment.

Yet the Golden Rule—"do unto others as you would wish them to do unto you"—encapsulates the core of human rights values and their importance in a just society. Pop into undergraduate classrooms, or indeed grade school classes on religion and civics, nowadays and you will find a chart of this precept common to philosophies and religions around the planet.

Many writers have detailed these globally socially embedded universal values of human rights. The political scientist Eric Helleiner and his colleagues provide a through overview of "The Neglected Southern Sources of Global Norms." The connection of non-Western thinking and participants in the postwar agreements described above also has been illuminated in an elegant article by Bertrand Ramcharan, a former director of the UN Human Rights Division, in which he details the people from outside the West who shaped key components in the modern human rights agreements.

The UNWCC agreed on a definition of Crimes Against Humanity proposed by the US Ambassador Congressman Herbert Pell as early as March 1944, though he failed to gain support from his own State Department, more than a year before its supposed inception in a Cambridge garden in a conversation between Lauterpacht and US Justice Jackson. In general terms though, Anglo-American leaders had begun to speak of crimes against humanity in response to the Armenian massacres and then in response to the crimes of Nazi Germany. They adopted the term humanity as a diplomatic replacement for Christianity in deference to Jewish sensitivities in the 1940s; in this, they echoed the actions of British and French diplomats who, in their 1915 response to the unfolding Armenian genocide, persuaded their Russian allies to replace the condemnation of crimes “against Christianity and civilization” with the universal term “against humanity and civilization,” in order to be more sensitive to potential Muslim allies in the conflict. Thus, on two occasions when Anglo-American officials had to form policy in response to atrocities, they found it necessary to move beyond Christianity to an all-encompassing description of humanity. There was a clear operational need to provide a universal discourse that required a shift in language from specific protection of “Christians” to a broader notion of “humanity.”

The foundational and operational role of China and India in the UNWCC’s debates and decisions, and the engagement of Ethiopia and the Philippines, provide further reinforcement of non-Western activism in agreeing upon and enforcing international human rights standards.

This denial that scholars and politicians from the Global South helped create and value human rights is also extremely dangerous. It permits a flow of self-serving political thought amongst Western elites. Just as seriously, it provides legitimacy for repressive governments outside the West to denounce human rights as imperial impositions. I characterize the argument this way: “We are civilized, they are barbaric, so when faced with barbarism we too must from time to time lower our civilized standards—but we get to decide when that is.”

This is the road to the water-torture at CIA-run black sites, and was part of the rationale for letting key Holocaust perpetrators go free in the 1950s on grounds of political expediency as well as for the suppression of the UNWCC records to supposedly enable the rebuilding of Germany and Japan.

In the 1940s, the US, largely in the form of the State Department, did its best to stop any war crimes effort. It was only the isolated efforts

of President Franklin D. Roosevelt and his Ambassador to the UNWCC, Congressman Herbert Pell, that created the conditions in which President Truman summoned Justice Robert Jackson to convene what became the Nuremberg trials. Nuremberg is usually presented as a lone star of international justice; it is better to see it as the jewel in the crown of the global movement. With the war over and rebuilding Germany and Japan taking priority, the State Department along with Allen Dulles acted to shut the commission down and have its archives sealed. Senator Joseph McCarthy led a campaign to vilify the prosecutors and release imprisoned Nazis. By the late 1950s all imprisoned Nazis had been “liberated.”

A fundamental and positive shift in understanding the role and potential of human rights after Hitler comes from understanding the work of the UNWCC. Let us compare the UNWCC to the Nuremberg Tribunal, the Universal Declaration of Human Rights, and the Genocide Convention:

- The Genocide Convention was put into cold storage by the major powers almost as soon as it was created in 1948. It has only been in recent decades that it has provided the basis for prosecutions.
- The Nuremberg International Military Tribunal tried twenty-four people and set the example for the subsequent trials at Nuremberg and for those conducted for crimes in Rwanda, Sierra Leone, and the former Yugoslavia, and the eventual creation of the ICC.
- The Universal Declaration of Human Rights provides a standard, a norm that human rights advocates can use.
- The UNWCC facilitated the conviction of thousands of war criminals, developed a system of global criminal justice, and helped provide the intellectual, institutional, and political momentum that contributed to the creation of all three of the above, with exemplary economy of time and money.

For US officials opposed to interventions to protect universal human rights, the crippling and then closure of the UNWCC, and its erasure from political memory, were a triumph, while non-binding declarations and unratified treaties were a far lesser problem.

Consider the counterfactual: a well-resourced UNWCC continuing into the 1950s with the Genocide Convention reinforcing the pursuit of all those indictments processed by the commission. Would such processes have undermined democracy in West Germany and driven German elites

into Stalin's arms? That is hard to imagine, and it is far easier to see this encouraging human rights globally. Roosevelt's anti-colonial policy abroad and the related issue of African-American civil rights could have grown from this too. During the war, African-Americans had campaigned on the "Double V," signifying the victory of "Democracy at Home and Abroad." Membership in the National Association for the Advancement of Colored People (NAACP) had grown fifty-fold to 500,000, and black voter registration in the South from two percent to 18 percent. The continuation of prosecutions outside America for human rights abuses would have likely fed back positively into US politics in the manner feared by the Republican Henry L. Stimson, who argued against the category of Crimes Against Humanity on the grounds that this could be used by foreigners to prosecute the US for lynchings.

We should now recall the value of the UNWCC, having fished it out of the Orwellian "memory hole" into which its contemporary detractors cast it, and reflect upon the missed opportunity of the last seventy years, to bring its values and prototypes to life in order to inspire a new generation.

The international legal response to human rights abuses was and can still be the achievement of victims and their witnesses, and was not and should not be the preserve of great powers, great leaders, and great thinkers. It was and can still be the creation of ordinary people in abhorrently extraordinary conditions.

Auschwitz was not, and should not be regarded as, beyond human response, as negating the human condition. It was, with the other death camps, responded to as best they could by victims, and government officials high and low in peril of their lives and in the relative safety of missile-bombarded London.

"We" did know, "we" did condemn, "we" did indict and "we" did prosecute. The argument that "we" did not know and so could not condemn or act until it was too late is shown conclusively to be a lie that suits those who did not care and wished an opportunity to join forces with the perpetrators against what they saw as the greater enemy—communism. The critiques of the 1940s human rights agreements as stillborn, or solely Western-driven, are founded on a narrow view of that inheritance.

The most important lessons from the experiences of UNRRA and the UNWCC are that refugees were important and at times powerful actors—not mere subjects of administration—and that empowerment was an objective of multilateral agencies.

Juliane Wetzel

On the move

Postwar German territory as a transit area for survivors, displaced persons, refugees and expellees

Given the crimes of National Socialism, historians' attention was focused for many years on a reappraisal of the years 1933 to 1945. Little emphasis was given to researching the period of liberation following the Nazi genocide of the European Jews. Only in the last 25 years have scholars investigated the liberation phase as an historical event in its own right—seen not just as the end of the Nazi era but as a separate chapter that played a central role in the history of the Federal Republic of Germany and in the historical consciousness of the Allied powers, as well as for the founding of the State of Israel. The focus of today's historical research is not just the liberation itself but also the influence that visualized contemporary presentations have on the “collective memory” and the history of the survivors who lived as displaced persons in the Allied occupation zones of Germany, Austria, and Italy.¹

Beginning in the early 1960s, the documents, photographs and films about the liberation of concentration camps became increasingly associated with the Nazis' murder of millions of European Jews. In 1945, very few people made this connection. At the time, the Allies as well as the international press viewed the circle of victims of National Socialism primarily as

1 Academic benchmarks that treat liberation as well as the inheritance for the survivors and their collective memory are: Abzug, Robert H. *Inside the Vicious Heart: Americans and the Liberation of Nazi Concentration Camps*. New York: Oxford University Press, 1985; *Dachauer Hefte—Die Befreiung* [Liberation], vol. 1, 1985; Barnouw, Dagmar. *Germany 1945: Views of War and Violence*. Bloomington/Indiana: Indiana University Press, 2008; Dinnerstein, Leonard. *America and the Survivors of the Holocaust*. New York: Columbia University Press, 1982; Königseder, Angelika & Juliane Wetzel. *Waiting for Hope. Jewish Displaced Persons in Post-World War II Germany*. Evanston/Illinois: Northwestern University Press, 2001; Zelizer, Barbie. *Remembering to Forget: Holocaust Memory through the Camera's Eye*. Chicago: University of Chicago Press, 1998.

political opponents of the system or as members of particular nationalities. This not only hindered the perception of the unprecedented nature of the genocide of the Jews but also had a negative influence on the living conditions of Jewish survivors in the hastily installed Displaced Persons Camps in the immediate postwar period.

Most of the former concentration camp inmates who were interviewed by the international press and thus became “voices” of the liberated camp inmates had been political prisoners whose physical and mental condition was better than that of most Jewish survivors. Few of the latter had a chance to speak, and the political prisoners either had little to say about Jews or, as did many Poles, showed open contempt for them. Since the voices of the Jewish survivors—people who could have reported credibly not only about their odyssey through different concentration and extermination camps but also about the sites where the genocide took place—were rarely heard, this source of knowledge about the extent of the genocide remained hidden for years. At the time, the Allies missed the opportunity to present the international public with authentic witnesses of the National Socialist mass murder of the Jews.

In the first weeks after liberation, the Allies did not recognize the Jews as a separate group. Nor did they consider them a nationality. This had far-reaching consequences because it meant that camps that housed only Jewish Displaced Persons (DPs) were the exception and that Jews who had suffered persecution were often forced to live in camps alongside their former tormentors, including concentration camp guards. It is difficult to gauge the psychological effects of this new form of humiliation. Forcing the Jews to share quarters with non-Jews caused major psychological problems for the Jewish survivors, especially since many non-Jewish DPs made no secret of their antisemitism and worked to make life in the camps as difficult as possible for the Jews, who were in a weakened state and desperately trying to find out whether any of their relatives were still alive. Another bitter experience for the survivors was the fact that they would not receive help from Jewish relief organizations from abroad until late summer 1945. The first “free” Jews whom the survivors encountered were military chaplains and soldiers serving in the Allied armies. Because Jewish relief organizations arrived late on the scene and had to clear a number of bureaucratic hurdles before they could begin their work, Jewish soldiers played an especially important role. They were often familiar with the mentality of their co-religionists, understood their language, and were therefore of

inestimable value in helping survivors rebuild their lives. The “surviving remnant,” the *She’erit Hapletah* as they called themselves, became representatives of Jewry in the world, and through their personal efforts managed to create a sense of hope among the DPs in a Jewish future. They supported the initiatives undertaken by survivors to take over responsibility for their future lives.²

In 1945, the Allied armies liberated 6.5 to seven million Displaced Persons (some sources speak of ten to twelve million) in the area that would later become Germany’s three Western occupation zones. The 50,000 to 75,000 Jewish survivors who had been freed either from concentration camps, evacuation transports or the death marches heading towards Tyrol made up a comparatively small group of DPs. To a lesser extent, troops in Austria and Italy were confronted with a similar situation of DPs from the different categories.

The DPs included all those who had fled or been expelled or deported from their homes as a result of the war. In practice, DP status was given to former slave laborers and concentration-camp inmates, as well as prisoners of war and Eastern Europeans who had either voluntarily supported the German economy after the war began or fled from the Soviet Army after 1944. German refugees and expellees did not fall into this category.

In the American zone of Germany and Austria, DP status was given to people who were located on American-occupied territory before August 1, 1945. However, an exception was made for those who were persecuted on racial, religious or political grounds, who were still recognized as “displaced” even if they had reached Germany only after their liberation. The British military authorities generally refused such a status to all those who crossed into their zone after June 30, 1946. In the French occupation zone, there was a comparatively small number of DPs, among them a few thousand Jews. The Soviet occupation power generally denied DP status entirely.

The number of DPs liberated by the Allied armies suggests the dimensions of the problems faced by the liberating troops. Yet, in spite of all the difficulties involved in transporting and providing for this mass of humanity in war-ravaged Europe, the military managed to repatriate

2 Mankowitz, Zeev W. *Life between memory and Hope: The Survivors of the Holocaust in Occupied Germany*. Cambridge: Cambridge University Press, 2002.

over four million DPs³ by the end of July 1945 and nearly six million by September 1945.⁴ There were around one million DPs who, for one reason or another, could not be repatriated. These people may be roughly divided into three categories: (1) non-Jews from Poland and the USSR whom the Nazis had forcibly brought to Germany to be used as slave laborers but who did not wish to be repatriated because of their political differences with the new regimes in their home countries; (2) Poles, Ukrainians, Russians, and people from the Baltic States who had willingly come to work for the Germans during the war and were for the most part sympathetic to the Nazi regime, often volunteering to join the SS. These individuals feared being prosecuted for treason or war crimes in their countries of origin and felt more secure living in the chaotic conditions of postwar Germany than in their homelands; (3) Jewish DPs,⁵ who were totally debilitated, having survived the horrors of the concentration camps or, more rarely, lived out the war in hiding.

However terrible the fate of non-Jewish Displaced Persons may have been, it does not compare to the tragedy of the Jews. Millions of non-Jewish slave laborers and POWs at least had the option of returning to their homes and families after the war, whereas Jewish DPs were completely cut off from their roots and had nowhere to go.

Fear of the “other”

The Western Allies not only had to organize room and board for Jewish survivors, former forced laborers, and other groups persecuted by the Nazis but also for German citizens arriving from the former German territories in Poland and Czechoslovakia. At the end of the Second World War, the large numbers of refugees, displaced persons, expellees, and prisoners of war caused a huge demographic shift. The flight of the German population from the former German territories in the East initiated the largest

3 J. J. Schwartz, DP Report, August 19, 1945, p. 1, Institute for Contemporary History, Munich, Fi 01.76. For the history of the Jewish DPs in Germany see König-seder & Wetzel. *Waiting for Hope*.

4 Dinnerstein. *America and the Survivors of the Holocaust*, p. 9.

5 Pinson, Koppel S. “Jewish Life in Liberated Germany: A Study of the Jewish DPs.” *Jewish Social Studies* 9, no. 2, April 1947, pp. 101–102.

mass migration at the end of the war. Before the beginning of 1945, four to five million German civilians fled to the West from the Warthegau, East Prussia, Danzig, Pomerania, Silesia and East Brandenburg. In the space of only a few months after the end of the war, a total of 11.7 million of the 16.5 million Germans who still remained in the “Oder-Neisse” territories, Czechoslovakia, the Baltic States, Danzig, Poland, Hungary, Yugoslavia and Romania arrived in the West through flight or expulsion.⁶

In the fall of 2015, after the large stream of refugees had reached Germany, the journalist Carsten Hoefer in the newspaper *Die Welt* remembered the period immediately after the Second World War and pointed out: “The rhetoric that greeted German expellees after 1945 is quite similar to the slogans of the Pegida⁷ movement.”⁸ The co-founder of the “Bavaria Party,” according to Hoefer, in 1945 Josef Fischbacher demanded “The refugees must be expelled.” Michael Horlacher, the then president of the Bavarian Parliament and a co-founder of the conservative Bavarian party CSU, came up with the slogan “Bavaria for Bavarians.” A member of the “Bavaria Party” complained about the “foreigners” and incited the population. The fact that the process of learning from the period 1933 to 1945 or a critical examination of the Nazi-past had not even begun is clear from his diatribe. “Pogroms” would be needed “in order to restore justice,” he stated. Up to 1950, Bavaria took in 1.8 million refugees and expellees—

- 6 Mannes, Stefan. “Demographische Verschiebungen und Vertriebene in Deutschland 1945. Flüchtlinge—Vertriebene—Displaced Persons” [Demographic Shifts and Displaced Persons in Germany 1945. Refugees—Expellees—Displaced Persons]. *Zukunft braucht Erinnerung*, 26. 10. 2004, <http://www.zukunft-braucht-erinnerung.de/demographischen-verschiebungen-in-deutschland-1945/>, accessed March 15, 2017.
- 7 Pegida—acronym for “Patriotische Europäer gegen die Islamisierung des Abendlandes” [Patriotic Europeans against the Islamization of the Occident/West]. This is a German nationalist, far right, anti-Islam/anti-Muslim political movement, founded in Dresden 2014. When since summer 2015 thousands of refugees from Syria and elsewhere came to Germany the Pegida movement, which in the meantime had lost attractiveness, became in vogue again for those people who are against the newcomers.
- 8 “Die Flüchtlinge müssen hinausgeworfen werden” [Refugees must be thrown out]. *Die Welt*, October 12, 2015, <https://www.welt.de/geschichte/zweiter-weltkrieg/article147487793/Die-Fluechtlinge-muessen-hinausgeworfen-werden.html>, accessed March 15, 2017.

many more than would arrive there in 2014/2015.⁹ Nevertheless the debates and argumentation in public and in some parts of society concerning the refugees coming from Syria, Iraq, and Afghanistan, supported by a certain media coverage today, are not to be equated with but may be compared with the late 1940s in Germany.

A 2005 exhibition about “Flight, expulsion, integration” in the “House of the History of the Federal Republic of Germany” in Bonn showed the different aspects of the flight from former German territories and the problems such expellees had to face when they came to the Federal Republic in the 1940s and 1950s. From a radio broadcast the visitors of the exhibition could hear a voice saying: “lousy refugee scum—if we could only hold them off our necks.”¹⁰ In its review of this exhibition, the weekly liberal newspaper “Die Zeit” referred to the expellees as agents of modernization of the Federal Republic. After all, large numbers of people with different faiths from the local population had settled in confessional homogenous regions of Germany.¹¹

Repatriation

A Soviet-American repatriation agreement from February 11, 1945, had stipulated that all DPs located in the future occupied territories should be sent back to their homelands; a similar agreement was reached with France. Initially, the Western Allies tolerated the forced repatriation of Soviet DPs, with all the consequences for the affected parties, but they soon recognized the controversial nature of the agreements and backed away from them. The Soviets, for their part, insisted on the agreement’s enforcement. Finally, a UN resolution of February 1946 established that the agreements should only be voluntary. By the end of June 1945, the non-Jewish DPs from the Western states had already been repatriated. However, difficulties arose

9 Ibid.

10 Press clippings of the exhibition (Märkische Allgemeine Zeitung, December 13, 2005): http://www.zeitgeschichte-online.de/sites/default/files/documents/presse_ausstellung_bonn_0.pdf, accessed May 22, 2017.

11 Lau, Jörg. “Ein deutscher Abschied.” *Die Zeit*, December 8, 2005, http://www.zeit.de/2005/50/Heimat_II/komplettansicht, accessed May 22, 2017.

with the repatriation of former slave laborers and concentration-camp prisoners from the Eastern-bloc countries.

The first directive addressing the treatment of displaced persons, the so-called “Outline Plan,” was issued by the Supreme Headquarters of the Allied Expeditionary Forces (known as SHAEF) shortly before the landing of Allied troops in Normandy in early June 1944.¹² Because Allied intelligence services had predicted that there would be millions of DPs, it was necessary at first to ensure that the expected refugee flows would not interfere with military operations. The DPs should be concentrated temporarily in “assembly centers” and quickly returned to their home countries. SHAEF’s Administrative Memorandum No. 39 of November 18, 1944, and its revised version of April 16, 1945, which defined the liberating, assisting and repatriating of DPs as an important Allied goal, determined the direction the issue was to take. France, Norway, the Netherlands, Belgium, Luxemburg, Yugoslavia, Poland, and Denmark agreed to cooperate with SHAEF in repatriating the DPs, while Greece and Czechoslovakia also signaled their willingness to do so.¹³ Yet in view of the enormous dimension of the DP problem, SHAEF faced a huge logistical challenge, especially since the exact number of DPs could neither be foreseen nor statistically established afterwards. In the postwar chaos, the fluctuation of refugees of many different origins hampered any precise numerical count. In addition, many previous concentration camp prisoners and slave laborers—particularly Western Europeans—had set off on their own for their home countries after their liberation, without being registered at a collection center or transit camp. Therefore, only estimates of the total number of DPs are possible. These estimates amount to approximately 10.8 million people.¹⁴

After the autumn of 1945, the number of liberated people who refused to be repatriated to their home country grew. Many Ukrainian DPs as well as Baltic DPs (Lithuanians, Latvians and Estonians) rejected repatriation. Since the British and Americans did not officially recognize the annexation of the three Baltic States by the Soviet Union, a forced repatriation was

12 See more in depth: Jacobmeyer, Wolfgang. *Vom Zwangsarbeiter zum heimatlosen Ausländer. Die Displaced Persons in Westdeutschland 1945–1951* [From Forced Laborer to a Homeless Foreigner. The Displaced Persons in West Germany 1945–1951]. Göttingen: Vandenhoeck & Ruprecht, 1985, p. 23.

13 Ibid., p. 32.

14 Ibid., p. 41.

precluded. Only the French regime classified the Baltic DPs as Soviet citizens. The decision of the British and Americans was even more controversial because of the suspicion that there were numerous collaborators among the Baltic DPs, including war criminals and members of non-German Waffen-SS groups.

At the end of 1946, despite all the repatriation efforts of the military administrations and aid organizations, 914,997 DPs were still living in Germany's three Western occupation zones. Of these, Western European DPs made up a comparatively small percentage; of the 507,012 DPs from Eastern Europe, 293,086 were from Poland and 186,692 from the Baltic countries. There was also a large group of 167,722 Jewish DPs who had arrived after the mass exodus from Poland.¹⁵

One survivor described the experience: "The Jews suddenly faced themselves. Where now? Where to? For them things were not so simple. To go back to Poland? To Hungary? To streets empty of Jews, towns empty of Jews, a world without Jews. To wander in those lands, lonely, homeless, always with the tragedy before one's eyes [...] and to meet, again, a former Gentile neighbor who would open his eyes wide and smile, remarking with double meaning, 'What! Yankel! You're still alive!'"¹⁶

The changing history of the camps

People who lived in huts—the "Homo Barackensis"—became the symbol of the immediate postwar period. First of all accommodations had to be found for those DPs who could not be repatriated and remained in Germany, Austria, and Italy. A DP status conferred care, extra provisions, clothing and accommodations in specially created camps—the DP camps or "assembly centers." They varied in size from sites with fifty people to camps housing over 7,000 persons and were set up in tent or Nissen hut cities, hotels, apartment buildings, garages, stables, monasteries, hospitals, sanatoriums, schools, housing estates for industrial workers and former barracks as well as prisoner-of-war and slave-labor camps, but also occasionally on the sites of former concentration camps. For example, after

15 Numbers from statistical data, see *ibid.*, p. 122.

16 Schwarz, Leo W. (ed.). "Homecoming in Israel." *The Root and the Bough: The Epic of an Enduring People*. New York: Rinehart & Company, 1949, p. 310.

the liberation of Buchenwald and until its takeover by the Soviet Army in July 1945, it served as a DP camp. Here emerged the first Zionist training farm in postwar Germany: “Kibbutz Buchenwald.” From April 1946 to the end of 1947, the former Flossenbürg concentration camp, located in the Upper Palatinate district near Weiden, which after the liberation had been converted into a camp for prisoners of war, was used to house Polish DPs. On the site of the former Bergen-Belsen concentration camp, the DP camp Belsen-Hohne arose, in which 27,000 DPs were temporarily housed.¹⁷

At Salzgitter, 25,000 former inmates of concentration camps, forced laborers and prisoners of war who had worked for the “Reichswerke ‘Hermann-Göring’” (a state-owned company of steel plant) were liberated. They immediately got DP status and stayed in the former camp barracks, which had become so called assembly centers organized by the United Nations Relief and Rehabilitation Administration (UNRRA). After most of the DPs had left for their homelands the barracks were rededicated and were now used as camps for refugees from East Prussia and from the territories east of the Oder-Neiße border.

Another example for the reallocation of the camps, which at the same time symbolizes the change of inhabitants of different origins and destinies—prisoners of war, forced laborers, DPs, expellees—is Ziegenhain/Trutzhain. In 1939 the Nazis opened the prisoner of war camp “Stalag IX A” at Ziegenhain, around 45 km south of Kassel. It was the biggest one on the territory of Hesse with temporarily over 10,000 inmates. Though many nationalities were represented there, from Poland to the Netherlands, Belgium, Great Britain, Yugoslavia (Croats / Serbs), the Soviet Union, and Italy, the majority of inmates were French, including François Mitterand, later French president.¹⁸ After liberation by the US-Army the barracks were repurposed for one year to a civil-internment-camp (CIC 95) for high-ranking Nazis and members of the SS as well as soldiers of the Wehrmacht

17 Wetzell, Juliane. “Die Barackenstadt. Arbeit und Leben im Lageralltag” [A City of Barracks. Work and Daily Living in a Camp]. In: Benz, Wolfgang (ed.). *Salzgitter. Geschichte und Gegenwart einer deutschen Stadt 1942–1992* [Salzgitter. History and contemporary life in a German city 1942–1992]. Munich: C. H. Beck, 1992, pp. 282–311.

18 Landeszentrale für politische Bildung Hessen [Office for Political Education Hesse], <http://www.hlz.hessen.de/themen/ref-iii-erinnern/gedenk-uebersicht/gedenk-trutzhain0.html>, accessed May 17, 2017.

and the Waffen-SS. From August 1946 until November 1947 Ziegenhain was repurposed again, becoming a DP camp (95-443) for Jewish survivors who had escaped antisemitism in postwar Poland. After 1948 German expellees from the East were housed in the barracks. They decided in 1951 to found a new village on the territory—barracks included—named “Trutzhain.” Thanks to a good settlement policy, the “refugee settlement” quickly developed into a thriving crafts, commercial and industrial location. Some of the former barrack buildings still exist today. The structure of the former camp is still well recognizable and was declared a protected monument in 1985.¹⁹

In the Western occupation zones, responsibility for the DPs first was assumed by the armies of the respective zones. Beginning in the fall of 1945 or the spring of 1946, under the auspices of the military administrations, responsibility shifted to the aid organizations of the United Nations, the UNRRA or, starting in July 1947, the International Refugee Organization (IRO). At the end of 1945, the UNRRA was responsible for 227 DP camps in the territory of the future Federal Republic and 25 in Austria; by June 1947, the number of DP camps under their purview had risen to 762: eight in Italy, 21 in Austria, 416 in the American zone of Germany and 272 in the British zone. On July 1, 1947, there were still 611,469 DPs in Germany: 336,700 in the American zone, 230,660 in the British and 44,109 in the French zone. Of these, 168,440 were Jewish survivors. The rest were mostly Christians from Poland and the Baltic states (196,780 and 157,859 respectively).²⁰

At first, the DPs were organized in the camps according to their national origin. This meant, for example, that Jewish survivors had to accept being quartered with their Polish, Latvian and Ukrainian countrymen, who had not infrequently aided and abetted the National Socialists

19 MemorialsiteZiegenhain/Trutzhain, <http://www.gedenkstaette-trutzhain.de/geschichte/>, accessed May 17, 2017; Brandes, Karin & Hans Gerstmann. *Gedenkstätte und Museum Trutzhain. Vom Stalag IX A Ziegenhain zur Gemeinde Trutzhain* [Memorial Site and Museum Trutzhain From Stalag IX A Ziegenhain to the Local Community Trutzhain]. Begleitheft zur Ausstellung 18. Mai bis 4. Juni 2000 [Booklet for the exhibition May 18 to June 4, 2000]. Schwalmstadt: Self-publishing, 2003.

20 Wetzels, Juliane. “‘Displaced Persons’ Ein vergessenes Kapitel der deutschen Nachkriegsgeschichte.” *Aus Politik und Zeitgeschichte. Beilage zur Wochenzeitung Das Parlament*, B 7-8/1995, February 10, 1995, pp. 34–39, here p. 36.

in their persecution. Thus, the Jewish survivors' original feeling of joy and relief over their liberation quickly gave way to one of resignation. Tensions also arose because neither the army personnel nor the hastily erected DP camps offered the special assistance that the Jewish survivors could have expected. Only gradually did their living conditions improve, especially in the American zone, when, beginning in the fall of 1945, a separate Jewish DP status was introduced and camps were set up exclusively for Jewish DPs. In the British zone, Jewish survivors continued to be denied such a specific status.

Consequences of the Pogroms in Central and Eastern Europe

In September 1945 in the West-Slovak city of Topoľčany saw one of the first pogroms in postwar Europe. This was only the starting point: The climax of rioting was reached in the summer of 1946. In Bratislava, the Jewish population, which had survived the Nazi persecution, was harassed for several days. In Romania too, Jewish survivors were exposed to a series of pogroms. From 1945 to 1948, Hungary recorded at least 250 antisemitic incidents. Here, too, the antisemitic attacks reached their climax in the summer of 1946. In Austria, the attitude was spread that the "emigrants" had made a beautiful life abroad, in contrast to the "home-dwellers" who had to experience war and hunger. There was no call for return either in Austria or in Germany. This lack of an inviting gesture also continued in other countries.

In the summer of 1946, when a massive stream of refugees fleeing pogroms in Poland and other central and eastern European countries headed for the Western Zones of occupation in Germany and Austria and the number of Jewish DPs tripled, aid organizations and the military governments were faced with another seemingly intractable problem. Given the restrictive policy of the British in their zone, most of the refugees headed for the US-Zone. New DP camps were set up, and existing camps were expanded.

The spring of 1947 saw a flood of refugees from Romania: the "Romanian Exodus." In all, some 30,000 Romanian Jewish arrived in Austria, fleeing antisemitism, the catastrophic economic conditions and starvation in that bitter cold winter of 1946/47. Initially, the illegal aid organization Bricha held back, not granting the assistance that they had provided to Jews

fleeing pogroms in Poland in the summer of 1946. Though, Romanian Jews were left on their own at first, later they, too, got support for their illegal escape to the West. After General Lucius D. Clay, Military Governor of the US occupation zone of Germany had determined that refugees who entered the occupation zone after April 21, 1947, would no longer be admitted to the UN-supervised DP camps, the stream of refugees from Romania was diverted to Austria.²¹

By mid-August 1946, the US Army Advisor for Jewish Affairs, Philip S. Bernstein, headed for Italy in order to ask its government to admit 25,000 Polish refugees from German and Austrian DP camps. The Italians turned down the proposal on the grounds that the country had already done its part to solve the DP problem, having already taken in 25,000 refugees. Bernstein tried to make a deal with them, reducing the number of proposed refugees to 10,000. Failing again, he turned to the Vatican, in the hopes that it would influence the Italian government. Bernstein met with Pope Pius XII on September 11, 1946, in Castel Gandolfo. The Pope agreed to speak with the Prime Minister. Another topic Bernstein raised was the pogrom of Kielce, which the Pope described as “horrible”; but he refused to deliver a firm condemnation. In the end, the discussion had no effect; the Italian government did not change its position.²²

No Welcome Culture

Ultimately, the Italian leaders behaved no differently from those in many other European countries. Survivors were not welcome, even those who had been citizens of the respective countries before the Second World War. When survivors returned from exile or concentration camps or death camps, the local population felt threatened. Many had enriched themselves on the property of the Jews, taken over their apartments or houses, and had long since forgotten about or suppressed the guarantees they had given to former neighbors to take care of property. When the original owners unexpectedly returned, they wanted their property back and could not

21 Genizi, Haim. “Philip S. Bernstein: Adviser on Jewish Affairs, May 1946-August 1947.” *Simon Wiesenthal Annual* 3, Chapter 6, part 2, <http://motlc.wiesenthal.com/site/pp.asp?c=gvKVLcMVIuG&b=700853>, accessed May 11, 2017.

22 Ibid.

believe that they were greeted with hate and anger. Reports from the Netherlands, Belgium, France, Italy, Poland, Hungary, and Slovakia collected in the book “The Jews are coming back” (edited by David Bankier) all show a more or less similar pattern of rejection of returnees.²³

In Germany, where people tried to repress or even forget the crimes against European Jews committed by Germans and their collaborators, the returning of displaced Jews showed them quite plainly their liability. Therefore, there was almost no contact between survivors and the German population. This was not only the case in the country responsible for the Holocaust; there was also little enthusiasm for the returning Jewish citizens, and a systematic refusal to recognize the Jewish fate in other Western European countries like the Netherlands, France, or Belgium.²⁴

In Germany and Austria, in addition to the fear of having to return looted property, there was a suppression of guilt over the Holocaust. One way of dealing with this guilt was to project it onto a “foreign group.” The suggestion that “the Jews” were responsible for the black market turned the perpetrator-victim role upside down; it is a guilt-suppressing strategy that functions to this day.

The German population brought considerable prejudices to their encounters with DPs. Exaggerated rumors about alleged looting by DPs were a carryover from Nazi propaganda against “subhumans”: The National Socialists stigmatized Poles and Soviet citizens in addition to the Jews. Xenophobia and the rejection of any responsibility to help the victims of the Nazi regime were combined with old prejudices: The result was a belief that criminality was especially high among Jewish DPs, despite the fact that investigations by the military authorities found no basis for this belief.

Displaced Persons as “Homeless Foreigners”

On February 9, 1950, the Allied High Commission officially informed the Federal Government of Germany that on June 30, 1950, it was to assume the administrative and financial responsibility for the DPs still living in

23 Bankier, David (ed.). *The Jews are coming back. The Return of the Jews to Their Countries of Origin after WW II*. Jerusalem: Yad Vashem, 2005.

24 Ibid.

Germany.²⁵ The Federal Government declared its readiness as of June 30, 1950, and confirmed that it would clarify the legal status of the DPs—here described for the first time as “homeless foreigners.”

That population still amounted to more than 100,000 people. On April 25, 1951, the Bundestag finally passed the “Law pertaining to the Legal Status of Homeless Foreigners,” placing the DPs largely on equal footing with German citizens as regards the acquisition of property, the rejection and recognition of examinations, free access to the practice of liberal professions, social and unemployment insurance, public welfare and taxation. “Homeless foreigners” could only be expelled for reasons of public security and order, but not to a country where they would be subjected to political persecution. The German authorities should have taken into account the special fate of former victims of persecution in applications for naturalization. However, the former victims of persecution were not equated with German refugees and displaced persons, who benefited from emergency aid and burden sharing. Unlike German citizens, “homeless foreigners” needed a visa for foreign travel because they did not have German passports. The legal status of the “homeless foreigner” was passed on to any children born in Germany, but this status expired upon the acceptance of German citizenship or a change of nationality. Naturalization was possible on request. But to this day, some Jews living in Germany who were born in DP camps do not wish to accept German nationality due to the experiences of their parents. They remain stateless, and require a visa each time they cross a border.

Some of those who were affected lived for decades in the camps—even- tually under German administration—until they moved out, mostly into subsidized housing. The DP camp in Hanover-Buchholz was not closed until 1967. In the 1950s, its large barracks housed some 1,200 DPs, most of them Polish but also Czechoslovakian, Latvian, Ukrainian and some Russian; in 1956, these DPs were joined by refugees from Hungary. In the 1960s the population dropped to 500–800. Contact with the outside German world was limited to economic matters; children had greater interaction with their German peers, since they attended school together. The religious and cultural heart of the camp was the very popular Catholic church. The Ukrainians later established their own church. In 1965, subsidized housing was built in the area and the former DPs gradually moved in.

25 See Jacobmeyer. *Vom Zwangsarbeiter*, pp. 220–229.

It wasn't until 1967—22 years after the end of the war—that the DP camp's last residents moved out.²⁶

The last operating Jewish DP camp—Föhrenwald near the city of Wolfratshausen, south of Munich—closed in February 1957.²⁷ Its remaining 789 Jewish DPs were then housed in apartments in various German cities. For the majority of the Jewish DPs only this marked the end of their fate during the Holocaust.

26 “Displaced Persons—Ein Problem der Nachkriegszeit” [Displaced Persons—a Problem of the Postwar Period], <http://www.geschichtsatlas.de/~ga2/>, accessed May 21, 2017.

27 See more on Föhrenwald Königseder & Wetzel. *Waiting for Hope*, pp. 95–166.

Carl Bon Tempo

The United States and Refugees after 1945

Refugees are a constant presence in global affairs in the early twenty-first century, just as they were through most of the twentieth century. As this volume, and the conference that begat it, demonstrates, scholars from multiple disciplines have brought a variety of perspectives to the study of refugees. Historians have been a vital part of this effort.¹ In general, historians tell stories about the past. They have to explain why they tell particular stories in particular fashions. And very ambitious historians try to explain why their stories about the past should matter to the contemporary world. Broadly speaking, these goals lie at the heart of this essay, which addresses the United States' engagement with refugees in the post-1945 era, when the basics of American refugee policy and laws came into focus and matured.

So, what is the big story about the United States and refugees in the decades after 1945? It is the growth of an American commitment to help refugees, and to bring them to the United States in ever-larger numbers. The numbers tell the story. In the 1930s, the United States too often shut its doors to both immigrants and refugees. With the 1920s national origins quota laws fully in effect, the US admitted about 350,000 Europeans during the 1930s. Refugee admissions in that decade are harder to track because "refugee" was not yet a category in immigration law, and those fleeing persecution arrived via regular immigration procedures. The historian David Wyman estimated that between 1933 and 1945 at most 250,000 European refugees escaping the Nazis made it to the US, a small percentage of those hoping to leave. Equally important, efforts to win special legislation or policies to admit refugees failed through most of the decade, as did proposals to modify immigration law to make it more welcoming to refugees.²

1 Gatrell, Peter. *The Making of the Modern Refugee*. Oxford: Oxford University Press, 2013; Bon Tempo, Carl. *Americans at the Gate: The United States and Refugees during the Cold War*. Princeton, NJ: Princeton University Press, 2008.

2 On the 1920s national origins laws Ngai, Mae M. *Impossible Subjects: Illegal Aliens and the Making of Modern America*. Princeton, NJ: Princeton University

By the early post-1945 period, however, the United States began to open its doors to refugees. Between 1948 and 1957, the Displaced Persons Program, the Refugee Relief Program, and the Hungarian Refugee Program brought about 650,000 refugees to the United States. (Other programs and policies in those same years brought much smaller numbers.)³ These ad hoc programs—developed in response to refugee flows caused by the Second World War and the Cold War—mainly admitted European victims of communism. But they also represented a firmer commitment to the admission of refugees than seen earlier in the twentieth century. This Cold War, anti-communist emphasis continued in the 1960s as the Cuban refugee flow began, and the United States admitted nearly all of the mostly white escapees from Castro’s communist experiment on the island.

In the late 1970s, that commitment changed again—becoming more substantial and less overtly ideological. With passage of the Refugee Act of 1980, the United States began permanent annual admissions of about 50,000 refugees each year. Moreover that law, as well as the Indochinese Refugee Program, dropped—at least in name—the Eurocentric and anti-communist focus from refugee programs.⁴ This annual commitment to

Press, 2004. On 1930s European immigrant admissions, see: U.S. Department of Commerce, Bureau of the Census. *Statistical Abstract of the United States 1950*. Washington, D. C.: U. S. Government Printing Office 1950, <https://www2.census.gov/library/publications/1950/compendia/statab/71ed/1950-03.pdf>, accessed May 13, 2017. On the 1930s and refugees, see Wyman, David. *Paper Walls: America and the Refugee Crisis, 1938–1941*. Amherst, MA: University of Massachusetts Press, 1968, pp. 217–219; Lichtman, Alan & Richard Breitman. *FDR and the Jews*. Cambridge, MA: Belknap Press, 2013; Porter, Stephen. *Ben Benevolent Empire? U. S. Power, Humanitarianism, and the World’s Dispossessed*. Philadelphia PA: University of Pennsylvania Press, 2016. Porter (p. 59) largely affirms Wyman’s numerical tally of the number of refugees admitted to the U. S. from Nazism.

- 3 The best histories of the Displaced Persons Program are in Dinnerstein, Leonard. *America and the Survivors of the Holocaust*. New York City: Columbia University Press, 1982 and Cohen, G. Daniel. *In War’s Wake: Europe’s Displaced Persons in the Post-War Era*. New York, NY: Oxford University Press, 2011. On the Refugee Relief Program and the Hungarian Refugee Program, see Bon Tempo. *Americans at the Gate*, chapters 2 and 3.
- 4 On the United States and refugees in the 1970s and 1980s, see Bon Tempo. *Americans at the Gate*. On refugees in the post-1990 period, see García, María Cristina. *The Refugee Challenge in Post-Cold War America*. New York, NY: Oxford University Press, 2017.

refugee admissions is still in place today and the arguments surrounding it—until about 2015, with the rise of Donald Trump and a strongly nativist faction in the Republican Party—were not about annual admissions, but rather about which refugees should receive those coveted visas allowing them to enter the United States.

It should be noted that during these decades the United States made substantial financial commitments to international governance organizations and non-governmental organizations (NGOs) charged with caring for refugees and the displaced. These financial outlays thus grew in tandem with refugee admissions. For example, during the Second World War and in its aftermath, the United States funded about three quarters of the budget of the United Nations Relief and Rehabilitation Administration (UNRRA), the most important refugee NGO of the mid-1940s. The US then funded about half of the budget of UNRRA's successor, the International Refugee Organization.⁵ Through the rest of the century, the US continued contributing monies to refugee relief efforts, a financial commitment that remains in place today. In attempting to ameliorate the refugee crisis produced by the Syrian civil war, for example, the United States has spent about \$5.5 billion from 2011 through 2016.⁶

This story of an expanding commitment to refugees is not meant to be triumphal. Indeed, even as admissions expanded, it is fair to ask whether the United States did enough to help refugees in this period. The country, as the globe's pre-eminent superpower, had resources and riches beyond compare. It also loudly trumpeted its political ideals and cast itself as a world leader. For these reasons, one could argue (and quite fairly) that the United States should have been far more generous with admissions. The other problem with triumphalism is that it makes this history appear pre-ordained and a likely outcome of the United States' role as a global

5 These figures come from Bon Tempo, Carl. "The United States and the Forty Years Crisis." In: Frank, Matthew & Jessica Rheinisch (eds.). *Refugees in Twentieth Century Europe: The Forty Years' Crisis*. New York: Bloomsbury Press, forthcoming 2018.

6 For this figure, see "U. S. Surpasses Refugee Goal Set by Obama." *The Washington Post*, September 27, 2016, https://www.washingtonpost.com/world/national-security/us-surpasses-syrian-refugee-goal-set-by-obama-expects-more-next-year/2016/09/27/59cedeb8-84e7-11e6-ac72-a29979381495_story.html?utm_term=.776af07b4265, accessed August 22, 2017.

superpower in the Cold War. But it was far from pre-ordained and, given the political, policy, and social constraints inherent in American society, somewhat remarkable that the United States embraced refugee admissions at all.

Why, then, did this commitment to refugees emerge, and why did it emerge in the ways it did? Three factors working in concert with each other birthed and grew a series of refugee programs in the post-1945 era. US foreign policy objectives relating to the Cold War were the most important factor in creating and crafting refugee admissions programs. American leaders viewed the entry of refugees as a diplomatic maneuver that would reassure allies, as a public relations victory that would advertise American ideals and compassion to the globe, and often as a necessary action to produce regional economic, political, and social stability (or, in some cases, foment instability.) Nothing better illustrates these dynamics than the decision, beginning in 1959 and continuing until 1973, to admit about 700,000 refugees from Cuba and place them on the path to citizenship. Leaders from both parties supported this program, viewing it as a way to destabilize Cuba, demonstrate American support for anti-Castro Cubans, and illustrate both the evils of Marxist-Leninist ideology and the essential empathy and attractiveness of American political ideals. All of this, of course, makes sense only when considered in the larger picture of the global Cold War.⁷ Most important, the Cuban case was not an anomaly. Refugee admissions in the 1950s—of Germans, Italians, Hungarians—and in the 1970s—of Chileans, Soviet Jews, and the Indochinese—reflected foreign policy considerations related to the Cold War. In the former case, the American goal was to support containment policy, while in the latter case, the aim was to show American fidelity to human rights.

Secondly, America's greater openness to refugees occurred against the backdrop of massive changes in American political culture, mainly a rethinking of the nation's identity. The change began in the era of the Second World War, when scientific racism and the eugenic thinking so prevalent in pre-war America (and so vital to the politics of newcomers) came to be linked with Nazism. At the same time, Americans came out of the war, as the historian Liz Borgwardt notes, with a stronger commitment

7 On the Cuban refugee admissions, see Bon Tempo, *Americans at the Gate*, chapter 5. The 700,000 figure comes from Daniels, Roger. *Coming to America: A History of Immigration and Ethnicity in American Life*. New York: Perennial, 2002².

to pluralism and a more cosmopolitan outlook.⁸ The limits of this cosmopolitan pluralism were quite clear in the mid-1940s, but those barriers continued to drop as the postwar era stretched on. Quite simply, a capacious definition of citizenship based in politics and the language of rights—fueled largely by the rights revolutions of the 1950s and 1960s, but also by the Cold War—slowly replaced a narrower ethno-national and racialized citizenship in postwar America.⁹

This broadening of how Americans thought about who could and should be a citizen set the stage for a more open door for refugees. It was clear in the ways that Americans thought and spoke about refugees. In the 1930s, fears ran high that refugee admissions would flood the country with Jews and/or those with inferior ethno-national backgrounds. By the 1950s, many Americans saw refugees as embracing political ideas so integral to American citizenship. One advocate happily highlighted “the sort of people we would be taking in”: individuals and families who had escaped from communism over the Iron Curtain and thus understood—and practiced—the nation’s most important political ideals.¹⁰ By the 1970s, refugees deserved help because they were rights-holding individuals who deserved protection from persecution.¹¹

Finally, in the realm of American politics, it is important to recall that refugee admissions garnered bi-partisan support. Throughout the twentieth century, refugee and immigration policy was built upon coalition politics that brought together elements in both parties, even when they had different agendas at stake. This bipartisanship was true of those advocating a more open door for refugees. In refugee affairs, a great example emerged in the late 1970s when President Gerald Ford, a Republican, supported Indochinese refugee entry out of a sense of responsibility to anti-communist Vietnamese who had allied with the Americans, while Democratic senator Ted Kennedy highlighted Vietnamese refugee admissions as a human rights issue.¹² The

8 Borgwardt, Elizabeth. *A New Deal for the World*. Cambridge, MA: Harvard University Press, 2005.

9 On this story of American identity, see Gerstle, Gary. *American Crucible: Race and Nation in the Twentieth Century*. Princeton, NJ: Princeton University Press, 2001.

10 Bon Tempo. *Americans at the Gate*, p. 43.

11 *Ibid.*, chapter 6.

12 On the bipartisan nature of immigration and refugee politics, see Tichenor, Daniel. *Dividing Lines: The Politics of Immigration Control in America*. Princeton,

larger point is that after the Second World War, refugee programs almost always benefitted from support from both parties. Thus, the situation in the last few years—with the vast majority of Republicans marching in lockstep against refugee admissions and practicing anti-immigrant politics—is actually an historical anomaly.

If these elements made admissions possible, three other factors made the entry of refugees more challenging. First, a significant anti-newcomer bloc existed in American politics throughout the twentieth century. Public polling reveals that since 1965 at least one-third of the public has wanted immigration to the United States decreased, and the size of that anti-immigration bloc was often larger. Moreover, a slightly higher percentage of Americans believed that immigration should be held at current levels, a challenge to refugee advocates who wanted to increase refugee admissions.¹³ This anti-newcomer bloc surely existed in refugee affairs. Just one example: In 1951, a poll revealed that nearly 70 percent of Americans did not want to send refugees from the Soviet Union and eastern Europe back across the Iron Curtain to their communist homelands, but 40 percent of Americans did not want to see those refugees come to the US (roughly the same percentage—43 percent—who supported admission).¹⁴ Moreover, if the political strength of refugee advocates was bipartisanship, the same observation could be made of the anti-refugee bloc: A partnership of Democrats (certain minorities, working class voters, and southern conservatives from the 1940s through the early 1960s) and Republicans (ethno-nationalists concerned about the arrival of so-called un-American newcomers, and national security conservatives worried about the backgrounds of refugees) worked to shut out refugees.

Secondly, the passage of a law or creation of a policy to admit refugees was only part of the battle: The program still had to be administered to actually bring refugees to the US. Here, opponents could put up significant roadblocks to prevent refugee entry. In the early Cold War, refugees had to run through a series of security and background checks as well as deliver proof of a job and housing before admission could be granted. This

NJ: Princeton University Press, 2002. On the Indochinese refugee crisis, see Bon Tempo. *Americans at the Gate*, chapter 6.

13 See Gallup's research on historical attitudes towards immigration, <http://www.gallup.com/poll/1660/immigration.aspx>, accessed January 11, 2017.

14 Bon Tempo. *Americans at the Gate*, pp. 40–41.

“mystic maze of enforcement,” as one critic memorably described it in the 1950s, only cracked under sustained pressure from supporters of these admissions at the highest levels of government. Since 2001, these barriers have made a comeback of sorts, with the United States reinstating difficult admissions standards that have slowed the entry of Iraqi, Afghani, and Syrian refugees.¹⁵

Thirdly, economic conditions proved an enigmatic factor in refugee admissions and the political debates surrounding them. In short, support and opposition to refugee entry did not track neatly with the health of the American economy. To be sure, in the 1930s, as the Depression threw tens of millions of Americans out of work and into poverty, the poor economy fostered anti-refugee (and anti-immigrant) sentiments. The same could be said of the less severe but still deeply difficult economic conditions in the United States after 2008 that empowered anti-newcomer forces. On the flipside of the coin, the relatively good economic conditions of the late 1940s and 1950s helped ease refugee admissions. The story becomes more complicated, though, when one considers the 1970s and early 1980s. In those years, the postwar growth of the American economy ended in a stew of inflation, unemployment, and lagging productivity. Yet, the United States brought hundreds of thousands of Indochinese refugees, as well as tens of thousands of Cuban and Haitian refugees, to its shores. While economic troubles during those years produced some vocal opposition to these newcomers, ultimately the United States still permitted them to enter. Economic conditions, then, were not determinative of refugee admissions, but they did shape them at important moments.

These challenges could be, and often were, surmounted. But other shortcomings, based largely in the political and foreign policy roots of the original commitment to help refugees, profoundly shaped the entire American effort to help refugees. Born out of the political and policymaking process, refugee programs were then subject to—and colored by—those same political and policy pressures. For instance, interest groups in American politics often played an outsized role in determining the shape of a policy. A strong interest group like the Cuban American community kept the doors open for their compatriots, while refugees who lacked a strong organizational presence in the United States, such as Haitians, faced a tougher road. A similar

15 Ibid., chapter 2 (for the “mystic maze of enforcement”) and epilogue (for the post-9/11 refugee regime.)

dynamic arose regarding the influence of foreign policy. If the United States' foreign policy orientation greatly determined its refugee policies, this meant that some refugee crises received attention while others were left wanting. It is no coincidence that refugee flows in Africa since the 1960s have resulted in paltry admissions when one considers the low priority of African affairs in broader US foreign policy. Indeed, even those countries that received admissions—Somalia and Ethiopia, for example—prove the point as they managed in the 1980s and early 1990s to climb on to that policy agenda. The larger point is that if American refugee policies are determined by domestic political and foreign policy concerns, those concerns cast an outsized shadow over the larger commitment to refugees, sometimes placing unwarranted emphasis on certain refugee flows and neglecting others. If refugee admissions were humanitarian, this humanitarianism was deeply tempered by the realities of domestic politics and foreign policy.

Does this history shed any light on the contemporary refugee situation? In the long run, the dynamics discussed in this essay hold regardless of who is in power in the United States because they are based on larger historical and structural forces. That said, the United States has entered uncharted waters with its latest presidential administration. President Trump and his supporters have played on white racial resentments more than any politician and political movement since the late 1960s. Equally important, they have empowered opponents of *legal* immigration in ways not seen since the 1920s.¹⁶ Scholars and journalists are still far from understanding the beliefs of Trump supporters, but some early research indicates a large degree of cultural anxiety among white Trump voters relating to immigration, race, and the country's ideals. Put another way, this research suggests that Trump voters support retreating from the more capacious definitions of "American" that emerged in the post-1945 period.¹⁷

16 On the empowering of immigration restrictionists in the Trump administration, see this *Washington Post* story on December 19, 2016, available at https://www.washingtonpost.com/politics/after-years-on-the-outside-foes-of-legal-immigration-find-a-louder-voice-with-trumps-election/2016/12/19/952421b6-bbcf-11e6-91ee-1adddf36cbe_story.html?utm_term=.8eb68282678d, accessed August 22, 2017.

17 See the work of the Democracy Fund, especially its recent report "Stranger in My Own Country: Populism and Nativism in America," available at <http://democracyfundvoice.org/wp-content/uploads/2017/01/DFV-Stranger-Presentation-Web.pdf>, accessed August 22, 2017.

If you add in President Trump's unclear ideological predilections, his difficult political calculus (in his own party and in the general electorate), and his deficit of policy knowledge, the ground in immigration and refugee politics and policymaking may shift more dramatically in the next four years than at any time in the last fifty years. Indeed, his Executive Orders on refugee and immigration policy—both the late January order blocked by the Courts and the order of early March partially permitted by the Supreme Court in June 2017—indicate his interest in recasting the United States' policies towards newcomers, and especially refugees.

With this admittedly large caveat, a few historical lessons for contemporary refugee issues appear relevant. First, the American commitment to refugees has been—and will remain—a product of multiple factors working in concert. Thus, for refugee advocates it seems important to articulate a multi-pronged but easy to understand rationale for refugee admissions that involves foreign policy calculations, domestic political considerations, and links to so-called American ideals and principles. Justifications for refugee admissions in the United States have always been both highly idealistic and very realistic—and likely will continue in those veins. Secondly, refugee admissions have been—and will remain—the product of the hard work of politics and policymaking that must be tended to carefully. Here, it seems important to recruit members of both parties, and especially those in both parties who are skeptical of but not opposed to refugee admissions. Finally, the history of refugee policies makes clear that there will be set-backs for refugee advocates, either in winning passage of laws, approval of policies, or the implementation of both. The longer historical arc bends slowly in the direction of refugee admissions, but it arrives via many twists and turns, achievements and failures. The next few years may be ones of defense and some failures, but the ground should be laid for what comes later.

THE PRESENT SITUATION

Robert J. Williams

Contemporary Challenges

The 1951 United Nations Convention and Protocol Relating to the Status of Refugees emerged under the shadow of the Holocaust and the massive population displacements brought about by the Second World War. It is the foundation document for the UN High Commissioner on Refugees and the standard by which national governments and the international community distinguish between refugees and other migrants. Following a revision in 1967 to remove the geographic and time-limited restrictions of the original 1951 version, the Refugee Convention has continued to mandate protections for individuals who leave their country of origin “owing to well-grounded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion.”¹

At times, the imperative that led to the Refugee Convention seems to have become lost, subsumed under a swell of global and local problems that include, but are certainly not limited to, climate change, socio-economic strife, broad-scale violence, war, and human rights atrocities. The traumas experienced by refugees only come to the fore for many when media focus on moments of particular sorrow, such as the death of three-year-old Alan Kurdi in September 2015, or when the swell of refugees presses up against nations and policies unable or unwilling to care for them, such as has happened all too frequently since refugees fleeing conflicts in Syria or the threat of ISIL began appearing along European borders.

It is difficult to deny that many governmental responses to refugees fall short of the Refugee Convention and Article 14 of the Universal Declaration of Human Rights, i. e., the affirmation that “everyone has the right to seek and to enjoy in other countries asylum from persecution.”² Responses

- 1 United Nations, General Assembly. “Convention and Protocol Relating to the Status of Refugees,” New York, January 31, 1967. *United Nations Treaty Series*, vol. 606, no. 8791, p. 267 and United Nations, General Assembly. *Draft Convention Relating to the Status of Refugees*, December 14, 1950, A/RES/429(V).
- 2 United Nations, General Assembly. *Universal Declaration of Human Rights*, Paris, December 10, 1948, 217 A, as at [http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/217\(III\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/217(III)), accessed October 23, 2017.

generally fall into a few categories: those state and international bodies that welcome refugees in keeping with commitments, those states that begrudgingly welcome refugees while simultaneously seeking to dissuade them from entering, and those states that eschew any responsibility for refugees within their borders. There is also the fact that the majority of received refugees remain in countries that are closer to regions of out-migration in the global south.³ Regardless, a politics of fear has reemerged in the Atlantic World, broadly defined, whereby populist and nationalist rhetoric has led to electoral gains for parties that seek to weaken international commitments, retreat inward by focusing on domestic concerns, and seek solutions to secure what is a coherent national identity, variously defined. These reactions hint at something familiar in the recent words of Suketu Mehta: perhaps our societies are “being destroyed, not by migrants but by the fear of migrants.”⁴

This challenge is all the more acute when one realizes that the number of migrants across the world has tripled since 1967. Today, there are approximately 244 million migrants, of whom 65.3 million classify as forcibly displaced.⁵ Seen another way, the world’s refugees and forcibly displaced are roughly equal in number to the population of Great Britain. The causes for the considerable growth of contemporary refugee populations include political strife, societal collapse, mass violence, genocide, and ecological devastation. Yet there are also many migrants who do not qualify as refugees under the terms of the Refugee Convention. Many endure similarly high levels of risk to their wellbeing and their lives, but without the same

- 3 See UNHCR. *Mid-Year Trends 2016*, February 17, 2017, as at <http://www.unhcr.org/statistics/unhcrstats/58aa8f247/mid-year-trends-june-2016.html>, accessed October 23, 2017.
- 4 Mehta, Suketu. “This Land is their Land.” *Foreign Policy*, September 12, 2017, <http://www.foreignpolicy.com/201709/12/this-land-is-their-land-america-europe-fear-of-migrants-trump>, accessed October 5, 2017. Please note that Mehta’s original quote is somewhat limited for it references only the destruction of the West by this fear.
- 5 Connor, Phillip. “International Migration: Key Findings from the U.S., Europe, and the World.” *Pew Research Center*, December 15, 2016, as at <http://pewrsr.ch/2gPAs8t>, accessed October 20, 2017 and UNHCR, *Global Trends: Forced Displacement in 2015*. Geneva: United Nations High Commissioner for Refugees, 2016, p. 6.

protections or recognition under international law.⁶ To these categories one should add the increasing number of persons forced to migrate due to the results of climate change.⁷ Should we then conflate overlapping refugee and migration crises? Where do we focus our efforts? After all, millions are in states of transition across the Middle East, North Africa and Europe. There are also millions moving across the Americas, or fleeing atrocities and collapsed states in West and East Africa, and in Asia, where there are similarly large transitions occurring, most notably among the hundreds of thousands of Rohingya who have fled their homes in Myanmar's Rakhine state.

The papers presented in this section raise issues that are critical to understanding and addressing today's overlapping crises of refugee flight and mass migration. Each does so in a manner that touches upon distinct aspects of the crisis as it affects Europe, and each points to particular challenges and methods of response.

Stefan Lehne focuses on the European Union. He notes that current structures have not sufficiently addressed the challenges of massive waves of migrants seeking to enter Europe in a very short period. As he argues, there are six primary causes for the crisis in Europe. They are not just the well-known and commented upon political cultural differences between EU member states; rather, they include dynamics unique to the EU and a number of structural shortcomings. The ability of EU member states to exercise flexible policies became increasingly restricted, since many of them have fallen back on all manner of measures to restrict the inflow of migrants while rising populist-nationalist movements place additional pressure on domestic policies. As Lehne suggests, inward-looking perspectives have largely exacerbated the challenges facing Europe as it comes to terms with its growing responsibilities as a site for immigration. Perhaps the solution rests on nation-building, on forging alliances with non-European states, and on devising policies that focus on the wider phenomenon

6 See Oberman, Kieran. "Refugees & Economic Migrants: A Morally Spurious Distinction." *The Critique*, January 6, 2016, as at <http://www.thecritique.com/articles/refugees-economic-migrants-a-morally-spurious-distinction-2/>, accessed August 15, 2017.

7 Warren, Philip Dane. "Forced Migration after Paris COP21: Evaluating the 'Climate Change Displacement Coordination Facility'." *Columbia Law Review* 116, no. 8, December 2016, pp. 2103–2144.

of immigration and refugee care in Europe, and not just on the extraordinary cases of the past several years.

Kristina Touzenis reminds us that the international response is dictated by agreements forged within a global political culture created by the multilateral fora that have developed since 1945. She notes that today's refugees and migrants are (or at least should be) protected by a number of rights, that states have legal obligations towards these persons, and paradoxically state decisions to revert to national law during times of refugee and migration crises contribute to the decline of these cooperative agreements. More important, perhaps, such actions diminish civil society's recognition of the moral imperative to act and, in her words, to remember that we are all equally deserving of protection from oppression and risk to life. This leads to a sobering argument that it is our collective duty to speak against immoral practices by the state or multistate actors. If we do not, we become complicit in the erosion of the human rights systems that emerged out of the shadows of the Holocaust. The challenge, of course, is to convey this to the electorate, and her proposition that one should personalize the experiences of refugees and migrants seems to be a sound approach toward reaching this goal.

Monsignor Dal Toso outlines four points: the humanitarian imperative to act out of compassion for the needs of the migrants; assuring the delicate balance between integration of migrant communities and building respect for their traditions; addressing the causes that compel people to leave for new environs; and harnessing the will of powerful nations to aid those less fortunate. He implores the reader to remember that migration is a human act, part of the social-cultural reality of human existence. Any society that does not recognize this acts in a manner contrary to the international good, as well as in an ahistorical and amoral way.

Finally, Mukesh Kapila provides us with a glimpse into the intricate and sometimes multigenerational experiences of some refugees. His words give a sense of the overlapping refugee and migrant experiences, which can inform the development of cross-cultural exchange between migrant and refugee groups while also setting into place hierarchies of non-nationals in foreign lands. Kapila notes that when refugee groups are placed into situations of shared asylum, even if the groups are culturally dissimilar, they share experiences that form new bonds. At the same time, however, these experiences point to the Janus-faced nature of refugee protection—the disincentives that some try to build into care and maintenance programs,

as well as the development of bureaucracies that do not recognize certain refugees, owing to limited standards built on models that are several decades old.

These papers cause us to reflect on shortcomings of and solutions to our collective and national responses to migration and refugee crises. If we are more aware of some of these causes, it nevertheless follows that we have done little to compel our co-nationals and the international community to do more than just witness passively as our societies backslide into the trap of believing that our national cultures and ethno-particularisms are immutable. More work is necessary to make intelligible to the broader public the fallacies of a strident national identity. It is important to remember that our political, cultural, and social realities are creations; or, to echo Benedict Anderson, that we live in “imagined communities” that are the result of shared similarities, such as language or culture, and a belief in some degree of kinship.⁸ Here, in the Atlantic World, we live in relatively new states, borne of a mixture of the Reformation, the Enlightenment, the American and French Revolutions, 1848, 1917, World War II, the Cold War. This diversity is mirrored (and sometimes more profound) elsewhere. And whether they were the Latins, Falisci, and innumerable others who became Romans, or the indigenous peoples, Europeans, Africans, and Asians who became Americans, it is important to remember that we are all the products of and have benefitted from ethno-cultural heterogeneity.

Some of this is known, of course, and it is clear that there is at least notional agreement that we have learned something from previous migration and refugee crises. Why, then, do our national governments and our international institutions often handle refugee response so irregularly? Part of the problem rests with a less than nuanced understanding of borders. Now, there are always good reasons to control one’s borders. Doing so limits pressure on the state and provides some measure of security. Yet if people are fleeing desperate conditions, those who are able to help must do so. At times, influential segments of our societies find reasons to eschew this responsibility. To take one historical example, there were some in the early twentieth-century United States who believed that certain national, ethnic, and religious groups, including Roman Catholics and Jews, could not assimilate properly into American life. This became one of

8 Anderson, Benedict. *Imagined Communities: Reflections on the Origin and Spread of Nationalism*. London: Verso, 1983, 1991, 2006.

the arguments behind the 1924 Immigration Act, which remained largely in effect until 1965. It limited the numbers of immigrants from countries in Eastern and Southern Europe, restricted the immigration of Africans, and effectively barred immigration from Asian countries. The numbers of those who sought to flee oppressive regimes in these regions between the 1930s and mid-1960s will remain largely unknown, but we can assume safely that many people might have been saved were policies more open.

So what do we do? We could start by looking inward. The philosopher Michael Blake, for example, recently posed a series of questions that urge us to recognize the imperative to accept refugees and to demand moral leadership in the face of such crises.⁹ More than that, however, we must educate ourselves. We must glean lessons from major traumas of the recent century, notably the Holocaust and immediate post-Holocaust era. This is not to suggest that we restrict education to youth. After all, education on the Holocaust has become almost standard across the West. Where it is lacking is among professionals. Civil servants, diplomats, and human rights leaders, in particular, must be more aware of lessons that one can glean from the Holocaust that may be relevant to their own work, if only to allow for opportunities to reflect on how better to respond to migration and refugee emergencies.

Finally, we must recognize that governments alone cannot respond adequately, and so it is our responsibility to build and encourage more grassroots approaches by civil society. To take one example from the period immediately before the start of the Second World War, a couple from Philadelphia, Gilbert and Eleanor Kraus, undertook an individual mission in 1939 with the support of the local Jewish community, to rescue Jewish children in Austria from a life that was becoming more onerous under Nazi rule. They faced enormous challenges, not the least of which were restrictions on the number of visas available for persons to enter the US. Yet, with ingenuity (through the identification of previously claimed but unused visas) and the ability to form coalitions with diplomats in the US government, they rescued 50 children from Vienna in the spring of that year. Brought to the States, these children went on to have successful lives. Some of their parents were able to reunite with the children in America. Many

9 Blake, Michael. "Philosophy & the Refugee Crisis: What are the Hard Questions?" *The Critique*, January 6, 2016, as at <http://www.thecritique.com/articles/philosophy-the-refugee-crisis-what-are-the-hard-questions/>, accessed August 25, 2017.

others could not. But these children survived because a few people recognized a tragedy in the making, and then decided to act.¹⁰

Today, there are a number of established NGOs, including the Hebrew Immigrant Aid Society (HIAS) and the International Rescue Committee, engaged proactively in such work. Immeasurably more organizations and religious continue to seek meaningful ways to address these crises. So, too, are there some remarkable individuals—including Regina and Christopher Catrambone—whose Migrant Offshore Aid Station Foundation works to save migrants and refugees from drowning. Then, and now, people were aware. They acted. This leads us to ask: If they could, why can't we?

10 Pressman, Steven. *50 Children: One Ordinary American Couple's Extraordinary Rescue Mission into the Heart of Nazi Germany*. New York: HarperCollins, 2014.

Stefan Lehne

The EU and the Refugee Crisis of 2015–2016

Introduction

During 2015 and 2016, the European Union (EU) experienced the greatest flows of refugees seen in Europe since the Second World War, roughly double the number of refugees from the Balkan Wars in the 1990s.¹ In 2015, 1.3 million people seeking protection entered the EU. In the following year, 1.2 million applied for asylum. Most of the refugees had escaped from the Syrian civil war, but there were also many arrivals from Afghanistan, Iraq, Pakistan, and in 2016 increasingly also from Africa.

This sudden upsurge and the chaotic manner in which hundreds of thousands of refugees made their way through European countries dealt a profound shock to the EU and its member states. Initially sharply divided on the right approach, the EU eventually reached agreement on the urgent need to stem the inflows. The closure of the Balkan route and the EU-Turkey agreement of March 2016 sharply reduced arrivals from Turkey, but no similar success could be achieved on the route from Libya to Italy. As EU member states increasingly resorted to reimposing border controls to manage the flows, the Schengen space of passport-free travel ceased to function properly.

During 2016, the EU developed its instruments for strengthening control over the external border and cooperating with third countries and upgraded its institutions by setting up a European Border and Coast Guard Agency. But little progress was achieved on the question of burden sharing among the member states, or on more harmonized asylum and migration policies. This article analyzes the weaknesses in the EU's crisis management efforts, explores the external and internal dimensions of the challenge, and sets out some ideas for the further development of the union's asylum and migration policies.²

1 "Asylum Statistics." *Eurostat*, http://ec.europa.eu/eurostat/statistics-explained/index.php/Asylum_statistics, accessed August 25, 2017.

2 This text is partly based on articles written by the author that were previously published by Carnegie Europe, <http://carnegieeurope.eu>.

Six Reasons for Initial Failure

The crisis of 2015–2016 hit a badly prepared EU. Six factors in particular prevented the EU from managing the crisis effectively:

1. The EU Asylum System and the Schengen Travel Zone Turned Out to be Fair-Weather Constructions

By guaranteeing the freedom of movement of EU citizens and by establishing an area of passport-free travel, the EU had created a common state-like space, while leaving most decision-making powers regarding migration and refugee flows to individual member states. The economic logic driving these projects—completing and strengthening the internal market—obscured their far-reaching political implications. By dismantling their internal borders, member states abandoned control over who enters and leaves their territory, a control that always has been a core element of state sovereignty.³ This revolutionary step should have been accompanied by effective common arrangements to secure the external borders, integrate migration and asylum policies, and set up robust institutions with executive mandates. The EU members acknowledged these needs in several programmatic documents, but when it came to negotiating concrete implementing measures, many of them refused to transfer further responsibilities to Brussels. Thus, the legislation remained patchy and the institutional infrastructure too weak to cope with massive inflows of migrants and asylum seekers.

2. Deficits of the EU's Foreign and Security Policy

From the beginning, the EU failed to develop a credible approach to the Syria crisis. Extrapolating from the toppling of other authoritarian leaders during the Arab Spring, EU leaders called at an early point for the departure of Syrian President Bashar al-Assad, but did little to achieve this apart from adopting economic sanctions. When, thanks to its regional allies and the support of Russia, the Syrian regime proved more resilient than expected, and when the US failed to exercise decisive leadership, the EU turned more and more into a passive bystander. Certainly, the EU contributed

3 Lehne, Stefan. "Will Europe Follow Trump on Migration?" *Carnegie Europe*, March 7, 2017, <http://carnegieeurope.eu/2017/03/07/will-europe-follow-trump-on-migration-pub-68197>, accessed August 25, 2017.

significant humanitarian assistance, both to displaced people inside Syria and to the refugees who had fled to Jordan, Turkey, and Lebanon. But this engagement fell far short of what was required. One of the triggers of the mass departure of refugees to Europe in 2015 was the insufficient funding of the UN-led humanitarian operations in these countries, which in some instances resulted in cuts in the daily food rations for refugees. With better intelligence and planning, these shortfalls could have been avoided. A fraction of the resources later used in dealing with the influx into Europe would have greatly improved the conditions of the refugees in the region, thus making their departure unnecessary.

3. Weakness in Executive Action

The EU has always been primarily a normative power. Its strength lies in patiently negotiating rules and in building consensus among partners with divergent interests through long technocratic deliberations. Managing sudden mass migration flows, however, requires urgent executive action. The EU's collective institutions in this area, FRONTEX, dealing with border control, and the European Asylum Support Organization (EASO) lacked the capacity and the mandate to take the lead. In what has become the pattern over past years, the European Council took over as chief crisis manager. While the heads of state and government assembled in this forum certainly have the necessary authority, their lack of expertise sometimes hindered decision-making. A more systematic involvement of ministers of the interior might have had better results.

In operational terms, the European Commission struggled to coordinate the deployment of financial and human resources to the countries where most of the refugees first arrived. Those member states with the necessary institutional capacity used it mainly for their own immediate interests and were often not quick and generous enough to make the necessary assets available to others. Therefore, it took far too long to build the capacity needed to receive and register asylum seekers in Greece and Italy.

4. The Dublin Rule Proved Unfair and Pitted the Member States Against Each Other

The EU's Dublin regulation places the responsibility for registering asylum seekers and processing their application on the country of first arrival. This rule has always been problematic as it puts a disproportionate burden on Greece and Italy—the EU's “soft underbelly”—where most asylum seekers

enter the EU. It reflected the interests of the Northern countries, which had little trust in the capacities of their Southern partners for managing their borders and wanted these countries also to deal with the consequences of illegal inflows of migrants. When appeals from the Southern member states to modify the rule fell on deaf ears, they became increasingly lax in implementing it, allowing new arrivals to move on to the EU country of their choice.

This “wave on” policy was tolerated as long as it involved a trickle of refugees. But when it turned into a flood, the situation became unsustainable. The states of first arrival (Greece and Italy) refused to accept the burden that the Dublin regulation inflicted on them and allowed the arrivals to go north. The transit countries (including Slovenia, Croatia, and Hungary) passed the refugees along as quickly as possible or deflected the flows to other states. The states of final destination (particularly Germany, Sweden, and partially Austria, which was also a transit country) pleaded for European action to halt the inflow and demanded burden-sharing arrangements.

5. Contrasting Attitudes

The clash of interests between the member states was aggravated by contrasting societal attitudes toward the refugees. Germany led the camp of the *Willkommenskultur* (“welcoming culture”), which initially also included Sweden, Finland, the Netherlands, and Austria. These governments took the view that the acute humanitarian needs of the refugees trumped all other concerns. German Chancellor Angela Merkel’s leadership in this regard was motivated by Germany’s history, but her slogan *Wir schaffen das* (“We can manage”) also expressed the self-confidence of an economically booming country. Initially the welcoming attitude of these governments was also underpinned by a massive mobilization of civil society to provide support for the new arrivals. Other Western European countries such as France and the UK reacted far more cautiously, and the new Central European member states displayed a very restrictive attitude from the start.

This difference in approach has historical roots. Western European societies that have long had large foreign-born populations on their territory find it easier to adjust to the influx of migrants than do societies that have lived in relative isolation for many decades. This division became particularly acute on the issue of burden sharing. Prompted by Germany, the commission proposed a scheme to distribute a large number of asylum

seekers from Italy and Greece to other EU member states.⁴ The initiative was voted through against massive resistance from some of the Central European states. Implementing the scheme proved extremely difficult and slow.

6. Member States Revert to National Action

During 2015, the inflow of migrants and asylum seekers constantly increased, primarily on the Central Mediterranean route from Libya to Italy; from late spring onward more and more also from Turkey to the Greek islands; and from there through the Balkans to Northern Europe. When despite intensive crisis management meetings, and a spate of new commission initiatives, effective EU solutions proved elusive, the most affected member states increasingly reverted to national action. They reimposed border controls, built fences, and defined ceilings for the intake of refugees.

The political dynamic of crisis management here was distinctly different from management of the Euro crisis. During the latter, the member states had been badly divided over the austerity policies dictated by Germany and its allies, but the common enemy of the financial markets and a strong technocratic institution, the European Central Bank, enabled them to overcome their differences. Thus, the crisis resulted in a significant strengthening of the institutional architecture of the euro zone. In the case of the refugee crisis, by contrast, the EU institutions were weak and member states fell back to defending their interests by national means. Also, the political forces most opposed to the inflow of refugees were often also instinctively skeptical towards a stronger EU. They first blocked common action at the EU level and then blamed the union for not controlling the EU's external border more effectively. This crisis therefore did not result in greater unity, but in a weaker and more divided EU.

The Closing of the Balkan Route

During the initial months of the crisis the EU was sharply divided, with some countries advocating open and welcoming policies towards asylum

4 European Commission. *Questions and Answers: Commission Calls for Renewed Efforts in Implementing Solidarity Measures Under the European Agenda on Migration*. Press Release, March 2, 2017, http://europa.eu/rapid/press-release_MEMO-17-349_en.htm, accessed August 25, 2017.

seekers and others demanding restrictive policies. However, in the final months of 2015 even the most refugee-friendly states changed their approach. Sweden, which had received by far the largest number of refugees on a per capita basis, introduced tough restrictions in November. As the public mood darkened and security concerns increased, even the German government came to the conclusion that reducing the numbers of arrivals would now have top priority.

This new restrictive approach led to two initiatives to cut the inflows on the Balkan route. Some Central European countries and Balkan states moved towards closing the Greek-Macedonian border in February 2016. A parallel initiative led by Germany and the European Commission resulted in an agreement with Turkey in March 2016. Accordingly, Turkey agreed to take back all asylum seekers arriving in the Greek islands. In exchange, the EU committed to resettle an equivalent number of Syrian refugees directly from Turkey. In addition, the EU promised substantive financial assistance, a visa free regime for Turkish citizens, and the acceleration of Turkey's stalled accession talks.⁵

Both measures reduced the entry of migrants and asylum seekers on that route in 2016 by 80 percent compared to the previous year. However, since then, a number of elements of the agreement with Turkey have not or have only been partially implemented. The return of refugees to Turkey and the resettlement program to the EU are held up by slow procedures and lack of trust on both sides, and the entire arrangement with Turkey remains fragile due to the difficult political relations between the two partners following the failed coup attempt of July 2016 and the increasingly authoritarian turn of Turkish politics. Also, a large number of refugees remain stranded in miserable conditions on the Greek islands.

Struggling with the Libya-Italy Route

While the EU finally managed to check the inflow from Turkey to Greece, no similar progress could be achieved on the Central Mediterranean route. In the political chaos in Libya with its competing governments and with

5 European Council. *EU-Turkey Statement*. Press Release, March 18, 2017, <http://www.consilium.europa.eu/en/press/press-releases/2016/03/18-eu-turkey-statement/>, accessed August 25, 2017.

most real power being held in the hands of the militias, the EU lacks a reliable partner for any arrangement to manage the situation. Consequently, people smuggling continues unabated and the number of people having crossed from Libya to Italy reached 181,000 in 2016, which is 20 percent more than in 2015. The first months of 2017 saw a rise of 40 percent in the number of boat people.

Almost all migrants now crossing from Libya come from African countries. With the exception of Eritreans and Somalis, the vast majority are considered by EU member states to be economic migrants and have little chance of being granted asylum.

Although the Syrian refugee crisis dominated the headlines in 2015–2016, it was always clear that irregular migration from Africa would constitute the much greater challenge in the longer term. According to UN estimates, the African population is expected to more than double by 2050.⁶ Many African countries remain poor, and some are suffering from internal strife and bad governance. Also, there is a long tradition of large population movements in many parts of the continent. Even the rising incomes now achieved in many African states often result at first in increased migration flows. Sizable diasporas that already exist in Europe, together with the closer connectivity achieved through modern media, make crossing the Mediterranean seem more feasible and attractive. As journalist James Traub put it: “[T]he barometric pressure of a poor and growing continent next to a rich and shrinking one cannot be sustained forever.”⁷

The route from Libya to Italy is the frontline of irregular African immigration to Europe. Reducing this inflow is now at the top of the EU’s agenda. In the absence of a “silver bullet” analogous to the EU-Turkey deal, EU leaders support a variety of measures, including the training and equipping of the Libyan coast guard, strengthening the border control in the South of the country, improving the reception capacities in Libya,

6 United Nations, Department of Economic and Social Affairs, Population Division. *World Population Prospects: The 2015 Revision, Key Findings and Advance Tables*. Working Paper no. ESA/P/WP.241. New York: United Nations, 2015, https://esa.un.org/unpd/wpp/publications/files/key_findings_wpp_2015.pdf, accessed August 25, 2017.

7 Traub, James. “Europe Wishes to Inform You That the Refugee Crisis Is Over.” *Foreign Policy*, October 18, 2016, <http://foreignpolicy.com/2016/10/18/europe-wishes-to-inform-you-that-the-refugee-crisis-is-over/>, accessed August 25, 2017.

and supporting schemes for the voluntary return of migrants to their home countries. Measures and programs undertaken by the EU as such complement bilateral arrangements between individual member states and various players in Libya. Particularly Italy is trying to exert its influence on the various players in the country.

The EU's most significant involvement in this situation is the European Union Naval Force Mediterranean (EUNAVFOR Med), also known as Operation Sophia. Its mandate includes combating the smuggling of people and arms, and training the Libyan coastguard. But fulfilling these tasks is difficult without dependable partners on the shore, so European ships that patrol close to the Libyan coastline function also as a search-and-rescue mission, picking up people from dinghies and other unsafe boats and transferring them to Italy. This effort is complemented by a number of ships operated by NGOs.

Paradoxically, an operation designed to fight the smugglers thus effectively facilitates their business. The rescue efforts make crossing the Mediterranean somewhat less risky and much cheaper. Smugglers no longer need to use seaworthy vessels, but just take migrants in rubber dinghies a few kilometers out at sea, leaving it to EU and NGO ships to take care of the rest of the journey.

But even the humanitarian dimension of the international efforts is not a full success. Despite the best efforts of the EU and NGOs, the number of drownings rose to nearly 4,600 in 2016,⁸ an unprecedented level.⁹ Sadly, the European public and the governments seem to have grown accustomed to the massive loss of human lives in the Mediterranean. Whereas in 2014 and 2015 mass drownings in the Mediterranean led to public uproar and a strengthening of rescue efforts, today the even higher death rate is barely mentioned in Western media.

By contrast there is huge public concern about the continuing inflow through the Central Mediterranean route. In fact, this flow represents only a minor part of the overall irregular immigration. Many more people every year enter legally and then overstay their visas. But this ongoing migration

8 European Commission. *Questions and Answers*.

9 Office of the United Nations High Commissioner for Human Rights—Bureau for Europe. *Desperate Journeys. Refugees and migrants entering and crossing Europe via the Mediterranean and Western Balkans routes*, February 2017.

remains largely invisible, whereas the boat people are highly visible and trigger a far stronger emotional response.

The current approach of the EU, and in particular its naval operation, is therefore coming under increasing criticism. But it is difficult to come up with a credible alternative. One idea that receives increasing attention concerns the external processing of asylum requests. This means that asylum seekers would have to wait in camps outside the EU—for instance in Egypt, Tunisia or even in Libya itself—while their applications are processed. Only those whose claims were accepted would be admitted to the EU. But this concept roughly modeled on the Australian approach to illegal immigration poses enormous legal, political, and practical difficulties.

In the short term, this leaves only two plausible courses of action: first, to continue to support efforts to restore stability and governance in Libya, and to cooperate with official and informal actors in Libya to fight the smuggling and improve the treatment of migrants in the country; and second, to work with other countries in the region to reduce the number of migrants reaching Libya.

Better External Migration Management

Significant migration into Europe and in particular from Africa will continue for many years. But if it is to be mutually beneficial and avoid political disruptions, migration needs to be managed responsibly through close cooperation across the Mediterranean.

Such cooperation on migration has long been on the agenda between Europe and Africa, on both a regional and a bilateral level. The last comprehensive migration initiative—launched against the background of the current crisis—culminated in the Valletta Summit of EU and African leaders on November 11–12, 2015. After difficult negotiations, delegations arrived at a declaration and action plan that present a balance of the two sides' divergent interests.¹⁰ The documents deal with development, legal migration, and mobility but also with reductions in irregular migration

10 European Council. *Valletta summit on migration, 11–12 November 2015—action plan and political declaration*. Press release, November 12, 2015, <http://www.consilium.europa.eu/en/press/press-releases/2015/11/12-valletta-final-docs/>, accessed August 25, 2017.

and trafficking, as well as returns and readmissions of irregular migrants. An increase of EU assistance in the shape of a new Euro 1.8 billion (\$2.0 billion) trust fund was a further part of the bargain.¹¹

In early 2016, the Valletta framework for cooperation on migration was still new and untested, but a number of EU governments, led by the then Italian Prime Minister Renzi, already were pushing for a more ambitious approach that would focus more on the bilateral relationships between the EU and individual African countries. In June 2016, the European Commission responded by submitting a communication on establishing a new Partnership Framework.¹² This document exudes a different spirit from those adopted in Valletta. The EU's interests are laid out in clear terms: to reduce the number of deaths in the Mediterranean, to increase the rate of returns to countries of origin and transit, and to enable migrants and refugees to stay close to home and avoid dangerous journeys. The Union and member states would pool instruments, tools, and leverage to reach comprehensive migration partnerships (known as compacts) with third countries. All the EU's policies, including trade, assistance, education, and research, would be deployed to mobilize maximum leverage, which would include positive as well as negative incentives. The Commission mentions the desirability of creating legal pathways for migration only in very general terms. Once again, financial assistance is envisaged as the main positive incentive.

Apart from Jordan and Lebanon, with which similar compacts were already in the making, the Commission identified five African countries—Ethiopia, Mali, Niger, Nigeria, and Senegal—with which the EU should agree on migration partnerships as a matter of priority. This selection aimed at a mix of countries of origin and of transit, but probably also at a combination of low-hanging fruit with which rapid progress could be expected, and hard cases with which it could not. Some important actors

11 European Commission. *European Commission—Fact Sheet. A European Union Emergency Trust Fund for Africa*, November 12, 2015, http://europa.eu/rapid/press-release_MEMO-15-6056_en.htm, accessed August 25, 2017.

12 European Commission. “Communication on establishing a new Partnership Framework with third countries under the European Agenda on Migration.” COM(2016) 385, June 7, 2016, https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160607/communication_external_aspects_eam_towards_new_migration_ompact_en.pdf, accessed August 25, 2017.

on migration, such as Eritrea and Sudan, were omitted, as the relevant governments do not at present appear suited for any kind of partnership.

The communication was not well received by NGOs, which criticized the document's heavy emphasis on deterrence, returns, and conditionality; its insufficient concern for protection and human rights; and its subordination of development policy to migration management.¹³ Yet the European Council highlighted precisely these points when it endorsed the partnership concept in June 2016.¹⁴ Cooperation on readmissions and returns would be the key test of the partnership, and all the EU's policies, instruments, and tools would be deployed to create and apply the necessary leverage.

The EU's migration partnership concept certainly has merits. It recognizes that the migration challenge can be managed only through cooperation with African countries, and it sensitizes African partners to the urgency of the issue in Europe. It also promises to step up coordination between member states and the EU institutions. Finally, the concept of partnerships with individual African countries is convincing, as it allows a flexible approach tailored to specific local situations.

However, conceived in a situation of political emergency in the EU, the approach focuses almost exclusively on keeping people out and sending them back. The financial incentives suggested are hardly generous or credible enough to have the desired impact. Moreover, the concept fails to take sufficiently into account the concerns and interests of governments on the other side of the Mediterranean and the needs of the people who are the subject of this policy.

The EU institution's progress reports in 2016 and early 2017 revealed the difficulties of implementing the new approach.¹⁵ Certainly, there was limited progress in a number of countries—most clearly in Niger—where

13 Oxfam International, et al. *Joint NGO statement ahead of the European Council of June 28–29 2016—NGOs strongly condemn new EU policies to contain migration*, June 24, 2016, <https://www.oxfam.org/en/research/ngos-strongly-condemn-new-eu-policies-contain-migration>, accessed August 25, 2017.

14 European Council. *European Council conclusions*. Press Release, June 28, 2016, <http://www.consilium.europa.eu/en/press/press-releases/2016/06/28-euco-conclusions/>, accessed August 25, 2017.

15 European Commission. "Third Progress Report on the Partnership Framework with third countries under the European Agenda on Migration." COM(2017) 205, March 2, 2017, https://eeas.europa.eu/sites/eeas/files/com_2017_205_f1_report_from_commission_en_v8_p1_880005_0.pdf, accessed August 25, 2017.

the departures towards Europe could be significantly reduced. Projects supporting migration management financed from the new Trust Fund for Africa have been initiated in a number of countries. But on the key objectives, stemming the flows of illegal migrants and to improving the rate of returns to the countries of origin, little success could be reported.

Over the past months, it has become obvious that the approach doesn't adequately take into account the fundamental differences between European and African attitudes to migration. The economic case is simple: As remittances amount to three or four times the overall amount of development assistance, most African countries consider emigration a vital source of income. Given the high levels of unemployment in Africa, migration also offers a safety valve, as many young people who could otherwise pose a threat to domestic stability leave the country.

The Commission envisages mobilizing eight billion euros (\$8.7 billion) in support of the partnerships by 2020.¹⁶ However, this will be accomplished primarily by redirecting existing development funds. So rather than making additional commitments, the EU would just make parts of existing funding conditional on cooperation on migration.

Potentially more significant is the proposed establishment of an External Investment Plan designed to address the root causes of migration. Modeled on the European Commission's Investment Plan for Europe (known as the Juncker plan after the Commission's president, Jean-Claude Juncker), the proposal aims at using about four billion euros (\$4.4 billion) from the EU budget and a similar amount from member states as guarantees to mobilize private investment of more than 44 billion euros (\$48 billion). However, this scheme is still at the stage of preparation and given the uncertain investment climate in Africa it remains unclear whether the private sector will sufficiently engage in the implementation.

The Internal Impact of the Crisis

The refugee crisis had a significant impact on the political climate in Europe. In many countries, populist forces gained ground and drove mainstream politicians and governments towards harsher policies concerning

16 European Commission. *Communication on establishing a new Partnership Framework*.

migrants and refugees. The links between Islamist terrorism and the flow of refugees further burdened the atmosphere. Asylum conditions and procedures became more restrictive in many countries. The reassertion of national sovereignty during the crisis also prevented significant progress towards more integrated and harmonized migration and asylum policies. Proposals by the Commission to lift border controls and return to a fully functioning Schengen system by the end of 2016 were not enacted.

While the EU has been successful in 2016 in reducing the inflow of people, it remains far from achieving sustainable policies. While progress has been made on the control of the external border and on cooperating with third countries, not much forward movement was possible on the key problems on the internal front. The patently unfair Dublin rule remains in place, burden-sharing projects remain blocked by the Central European countries, and very little has been achieved on the needed harmonization of asylum and migration rules.

The political fall-out from the crisis in terms of growing xenophobia and increasing nationalism has made it more difficult to move towards these goals. The member states mainly agree that the inflows need to be massively reduced and that illegal migrants should be sent back, but they are more reluctant than ever to give up sovereignty and transfer further powers to Brussels.

An exclusive focus on deterring further asylum seekers will also make the successful integration of those already in Europe more difficult. The wish to prevent and sanction abuses of the asylum protection has triggered a race to the bottom in terms of protection standards and reception conditions. Many member states have cut financial assistance, curtailed freedom of movement, and made the access to social services and the labor market more difficult.

Making the lives of asylum seekers unattractive might deter some people from coming to Europe, but the same policies greatly impede the chances for a successful integration of the people who are already there. There is little point in preaching the necessity of adjusting to the values and to the way of life of the host countries, when the same governments are making it ever more difficult for migrants to lead normal lives.

The terrible risk of the spreading anti-migration feeling is that it can easily turn into a self-fulfilling prophecy. Those who claim that Africans and Muslims have no place in Europe, and who blame migrants for crime and terrorism, create a social and political climate that hampers the

integration of migrants already in Europe. Negative attitudes towards non-native residents will contribute to their alienation, separate them from their host society, and radicalize a number of them. And as problems with immigrant communities increase, hostility towards them will also be ramped up in a vicious circle. This rise of xenophobia will not only affect relations with minorities and migrants. It will invade the entire political space and poison all aspects of public life. It will divide communities, spread intolerance, foment tensions, and often trigger violence. Mobilizing against these tendencies while there is still time is therefore not a mere humanitarian concern but an act of self-defense by a decent and open society. Populist demagogues claim to defend the achievements of Judeo-Christian civilization, yet the opposite is true. The real defense of this civilization consists precisely in resisting nationalism and xenophobia.¹⁷

Conclusions

European political leaders need to embrace Europe's ethnic and religious diversity. Hate speech and aggression towards migrants and refugees must be firmly rejected. However, tolerance is not enough. If newcomers feel welcome, they will find their place in society much more easily. Political elites need to make the case that a rapidly aging and demographically declining continent requires the inflow of young people and has much to benefit from their energy and ideas. Leaders will only gain public support for these views, however, if they manage migration responsibly, and if shocks such as the 2015–2016 refugee crisis are not repeated. This presupposes not only more control over the EU's external border, effective arrangement with countries of transit and origin, and responsible returns policies, but also better legal pathways for migration and programs for the orderly resettlement of refugees.

European governments need to acknowledge that, unlike the United States or Canada, European societies are not naturally configured to facilitate immigration. To make it a success requires much more active governmental involvement, in particular massive investment in education and training. It will also mean reviewing long-established practices designed to

17 Lehne. *Will Europe Follow Trump on Migration?*

protect the interests of existing stakeholders. Structural reforms are indispensable for successfully integrating large numbers of immigrants.

Political elites have to resist current tendencies toward renationalization. Attempting to handle refugee flows and migration through national means alone would result in fragmented and incoherent policies that pit EU member states against each other. Instead, EU member states should move toward stronger common rules on asylum and immigration, better collective action to engage with neighboring regions, greater solidarity on burden-sharing, and more robust and effective institutions.¹⁸

The key priority of responsible politicians would be to develop a comprehensive strategy for coping with refugee flows and for sustainable migration management. This would encompass better control over external borders, fair burden-sharing between member states, progressive harmonization of policies and laws and stronger institutions. On the external side the EU would have to develop equitable arrangements with third countries that include significantly upgraded financial assistance but also legal pathways for migration such as temporary work, educational visas, scholarships, and visa facilitation. It should also place a stronger emphasis on the protection of vulnerable people by offering humanitarian visas and programs for the resettlement of refugees. And all this would have to be combined with energetic efforts in the UN and other multilateral forums to develop effective global regimes to deal with these issues.

Migration is likely to top the EU's agenda for many years. Given the turmoil in its neighborhood, further refugee crises are highly likely. No other challenges pose similar risks to the survival of liberal European democracies and of European integration. However, if handled correctly, immigration also offers great potential for the success of an open and dynamic Europe in a globalized world. The stakes couldn't be higher.¹⁹

18 Ibid.

19 Ibid.

Kristina Touzenis

International Law and Migration—the importance of the multilateral system for all of us

This presentation is by a lawyer who “happens” to work in an international organization—not by an international relations expert or an historian focusing on the role of international organizations. As such it is given by a “lay” person considering the “international organizations’ role” as well as the role of the multilateral system today. My expertise is the legal framework and the rights and obligations this framework creates for individuals and states. As such I work on one of several “objectives,” “outputs” or “results” that international organizations create. My thoughts on the role of international organizations today are thus based upon my experience in the implementation of international norms, or the lack of—or at times even resistance to—these standards and particularly in the context of migration.

So, with that as a background I’d like to focus perhaps not so much on what international organizations can do today in the face of migration “flows” and “crisis,” but rather on what we have, what we are facing and what we risk if we forget how we got here. And perhaps to an extent on our failure to communicate these points to a wider audience.

Historically, legislation related to migration has fallen entirely under state sovereignty, and to a great extent “migration” is still very much an issue that states regulate as they see fit. It is very much up to states to determine rules on entry and stay of non-nationals on their territory—apart from certain people who have specific protection needs. Historically, international norms and standards did not generally “infringe” upon absolute state sovereignty with very few exceptions. However, International Law has developed significantly over the past 100 years or so. It is now accepted that the international community sets international standards that states must follow in their dealings with individuals, including migrants, in their jurisdiction or on their territory. This is very clear in relation to Human Rights Law, International Humanitarian Law, as well as International Labor Law. Transnational Criminal Law also sets up standards for cooperation as well as legislative criteria influencing national systems. This all has a direct

impact on migration, migrants, and the parameters for how states exercise their sovereignty in relation to migration matters as they have to conform to international standards. Furthermore, as migration movements have changed in scale and pattern, the need for further cooperation among states to manage global and regional migration became apparent. Based on cooperation, international law sets up a basis for better global, regional, and bilateral migration governance. This development has evolved rapidly over the last couple of decades and continues to develop along with the ongoing need for cooperation and the demand for legal guidance on the matter.

Rather than a branch consisting of a set of migration-specific legal instruments, International Migration Law (IML) is an umbrella term used to describe the body of laws, principles, and norms that together regulate the international rights and obligations of states related to migrants.

One of the main branches of law we need to focus on when discussing migration is human rights law—since migrants are human beings, just like any other human being.

Human rights are the fundamental rights that every person enjoys regardless of nationality, place of residence, sex, national or ethnic origin, color, religion, language, or any other status. Human rights empower and protect individuals against actions that interfere with fundamental freedoms and human dignity by delimiting state power as well as obliging states to take positive measures to guarantee that these rights can be enjoyed by everyone on their territory.¹ International human rights law legally guarantees human rights whose core principles are:

- *Universality & Inalienability*: All persons enjoy human rights and they should never be taken away from a person except in specific situations and according to due process. This is reflected by the fact that all states have ratified at least one, and the majority of states have ratified four or more, of the core human rights treaties.
- *Interdependency & Indivisibility*: Human rights are dependent on others' fulfillment in order to be exercised. For example, certain social rights such as health and education may be necessary in order to take

1 Office of the United Nations High Commissioner for Human Rights & Inter-Parliamentary Union. *Human Rights: A Handbook for Parliamentarians*. France, 2005, p. 1.

advantage of certain civil and political rights and a violation of one right might result in violations of several related rights.

- *Equality & Non-discrimination*: States must ensure that human rights are applied and respected without any discrimination based on any grounds, including but not restricted to sex, race, color, language, religion, political or other opinion, national, ethnic or social origin, membership in a national minority, property, birth, age, disability, sexual orientation and social or other status.

Although there are several actors in the world today who have both a positive and negative impact on the enjoyment of human rights of individuals (e. g. organized criminal groups, businesses and corporations, armed groups, and international and non-governmental organizations) the obligations rest with states who are the primary duty-bearers. The obligations of states consist of three categories: the duties to respect, to protect and to fulfill.

And I would like to pause for a moment with the fact that rights are due to migrants. Migrants' rights and states' obligations towards anyone and everyone on their territory or under their jurisdiction can be found in a number of international instruments: including but obviously not limited to International Labour Organization (ILO) Conventions and transnational criminal law treaties, rules in International Humanitarian Law (IHL) and the Law of the Sea. These have many important aspects in common—but one perhaps particularly merits underlining: They are all negotiated outcomes with binding effect upon signatory and ratifying states. Their implementation may be progressive in some cases and we may need to focus our attention on how best to implement them in meaningful ways—but let us never doubt that the individuals concerned are guaranteed the rights found in these negotiated outcomes; that would be legally faulty.

Another point that may merit underlining is that—as negotiated outcomes—international treaties, like national legislation, are not utopian, nor do they depart from reality in the requirements of the duty bearers. Law, also international law, is pretty firmly rooted in reality and feasibility.

So, if we start with the sound legal basis that we are bound by the treaties we have signed or ratified, we can move on to look at the various issues we witness today where implementation seems to pose real challenges.

Migration being one of them—as evidenced by the very event we are all attending today.

There is one more basis for effective, long-term and sustainable migration governance that takes into consideration the needs and rights of migrants as well as the needs and competencies of states—and I, by the way, think we may want to move away from thinking those two are opposed! That basis is that no person is more “deserving” of protection or of being safe, warm and fed than others. We in this room do not have our rights respected because we deserve it—but because we are rights holders as human beings. No one deserves that more or less than others. And any discussion of “deserving” of protection implies an opposite “undeserving,” which goes fundamentally against the values and principles not only of human rights but—I would think—also of “humanity” itself.

The fact that it is legitimate to want to manage our borders and our migration “influx” does not mean that closing our borders is a legitimate way of doing so. Management of entries and stay is legitimate when put into a broader perspective of true migration governance set within the framework of the Rule of Law—derived both from the International Legal framework and from regional and national structures. This means having sensible, long-term policies that actually correspond to the labor market needs of countries of destination as well as live up to our obligations to protect individuals in danger and in need—even if only for a time necessary to get that individual back on his or her feet. And—talking about the broader pictures—it also means regulating said labor markets so that no workers—nationals, migrants, regular or irregular—are exploited or abused.

Prohibitive measures, closed borders and fences will only feed the smuggling market, effectively causing a loss of control over who enters and who stays and endangering lives in the process—and consequently undermining the Rule of Law generally. That does not have the ring of a “win-win-win” situation, does it? If we instead take as a central concern the rights of migrants, the benefits of well-governed processes and the pragmatism we find in the existing legal frameworks and create innovative regulated mobility options that truly correspond to both the drivers and the pull factors, then this will incentivize migrants to avoid having recourse to irregular channels that by their very nature undermine legality and the rule of law. And the rule of law based on international standards and anchored in national legislation should be a safeguard for all of us—no

matter where we are from or where we are. We need to move away from this current trend sooner rather than later or we may see ourselves at a point from which it will be difficult to return.

If we are serious about securing our own human rights, won over centuries of debates and of developments of hard law and enshrined in today's international treaties as well as in many regional and national instruments, we cannot sit back and witness, or even actively take part in, the erosion of the respect and protection of rights of those who are effectively under our jurisdiction. To do so would be to put in jeopardy the very foundations—legal as well as philosophical—on which our societies—national, regional as well as international—are based. And if we start showing persistent disrespect for the legal rights of some, it is but a small step before we erode the rights from which we benefit. I mentioned earlier that we must move away from any discussion about people “deserving” of protection and those who by exclusion then seem to be “undeserving” and realize that while not all migrants are vulnerable, we can all be in situations of vulnerability if and when our rights are threatened or not guaranteed. And whereas not all migrants may be vulnerable, it is most certainly true that even if people on the move are not “forced” in the classical sense of the term such as when we speak about refugees and internally displaced people (IDPs)—then it is most certainly as true that most people on the move today do not “decide” to move just because it sounds like a jolly good idea to do so. They are not all forced by conflict or persecution—but if you have no livelihood or no prospects then your decision process may not be entirely based on a “voluntary” choice to move along and try something better. Unfortunately, we also witness how many migrants become vulnerable, in large part due to policies that take away their resilience and make them vulnerable, and we see evidence of and evident lack of guarantees of their rights every day.

What we have is an area of multilateral fora, the UN being the Big One and the Primary One. I happen to believe in these fora—while recognizing and seeing on a daily basis that they are by no means perfect! Those fora did not come about one day because someone had a hilarious idea—they were created as a reaction to experiences of strife and war and general human misery. In the hope that creating such mechanisms those in power would be held in some sort of check—that they would turn to negotiations before aggression, that they would follow certain rules when it came to the treatment of subjects, that they would follow certain standards when it came to governing. Rights—and here I am thinking all possible sort of rights we as

individuals have (and benefit from) that are derived from numerous international instruments, national laws and constitutions and longstanding legal traditions, have been codified in their present form because of our form of government/state system—rights, laws and the rule of law are not abstract notions. Not principles to aspire to. For centuries—if not longer—it has been a recognized fact that individuals need a degree of protection from those in power, and that those in power need to be held accountable and to uphold certain agreed-upon standards.

The rights we all benefit from have been fought for and won with sacrifice over centuries. If one studies legal history there are traces of treaties or legal thinking on individual rights and accountability of those with much more power than the average person dating back thousands of years. Today we have a set of treaties and we have a set of international fora that were created to form a guarantee of those rights. Have they always been successful? No. Are they flawed? Yes. Would we be much worse off without them? I would say so. And we need to communicate better to the people we, in the multilateral system, aim at protecting and serving, why it is the system that protects them. Each and every one of them. I have had my rights respected all my life. I have never gone hungry, I have never feared arbitrary deprivation of life or liberty, I have always had access to health care and education. Why? One simple chance [...] a freak accident if you want [...] where and when I was born. Human Rights, be they enshrined in an international instrument, or in the national laws that protect us all every day, are there to make that freak accident a little less significant. To even out the chances for everyone just a bit. And if we do not protect that system, if we do not protect the rights of all people, if we do not stand up for the judiciary, if we do not realize that rights are not automatically granted just because we've benefitted from them, or that no one deserves rights more than others—then we put ourselves in jeopardy. Now migrants—a group that legally has rights—seem to be legitimate target; if that continues then who will be next?

As we speak, there are a number of photos circulating in the media. Of people huddling in the cold. At a fence. They seem familiar, those faces. And they are. We have seen them before. More than once. One of those times was about 70 years ago. These days the fences are there to keep them out. But the fence is there. And so are the huddled, freezing people. So, what is different today? Or rather what could be different? What is different is that those people have rights, based on the aforementioned negotiated

outcomes. And that states have obligations—legal obligations—towards them. In Europe particularly, it can be seen at the European Court of Human Rights that these are not only empty words. And still we see a great problem when it comes to implementation. Particularly in countries that for decades, if not centuries, have portrayed themselves as rights champions in one language or another.

We may be standing at a crossroad here. And we may have to be very, very attentive to how states treat the non-nationals who are seeking protection, decent work, decent lives. Why? Because if we stop respecting the legal standards protecting the rights of one group, then it is only too easy to imagine that this will only be the first group to see its rights eroded. If we start ignoring the fact that protection of rights creates a society in which we are all safe and in which we can all live peacefully then we are on a road that endangers all of us. And that is something we need to be able to communicate better: that international law and standards are not abstract notions but relevant for all of us. That once we start thinking “us” versus “them” then very easily we can become one of “them.”

The international organizations in existence today must be more than the sum of their membership. They must be there to recall that the Rule of Law applies to everyone, that there are standards—legal standards—of accountability and conduct that states can be asked to uphold. When working on migrant’s rights it happens that states very often show reluctance in upholding the rights they have signed up to respect; the experience in that field should first of all show us that the multilateral system has a very important role to play. Secondly, we need to work so that this changes—before it becomes a general trend of undermining rights across the board.

It is probably true that we have failed to explain why rights found in numerous international instruments, created in negotiations far removed from the general public, are relevant to that general public. Lawyers like me most often speak in paragraphs and articles and talk about “non-refoulement obligations” and obligations to respect and fulfill—and that is necessary. But it may also be necessary now to look at history and show why the rights codified in international, regional, and national law today must be maintained, upheld, and respected. It may be time to get passionate about why the law is relevant to all—and to explain it much better. Those faces at those fences are a sign that we failed in explaining this so far.

Let me end on a positive note: The state is not only the Central Government—it is also local authorities, civil society organizations, the judiciary,

the people—and around the world these entities are doing an enormous amount of work to ensure the rights of all individuals on their territories. And the rights we see enshrined in international instruments are very often found in greater detail in national legislation—which is being upheld by both law enforcement and judiciary. These are strong foundations for a future with respect for the rights of every individual.

Giovanni Pietro Dal Toso

The Holy See

Thank you for the invitation to take part in this distinguished assembly. I was asked for a speech on the Holy See's current activities, in particular regarding the situation of refugees in the Middle East. After a brief exposition of the situation, I will present four key areas for an interpretation of the phenomenon and then describe some concrete prospects from the point of view of the Holy See.

The Situation

Migration is as ancient as humanity, and it has not always amounted to forced migration. At present, the most consistent flows are those towards North America, and those moving towards Europe from Africa and the Middle East. In this case, we are talking for the most part about forced migration. In fact, in the Middle East we can observe the following trends:

- Syria, Iraq, and Afghanistan are countries with high rates of emigration. The first two also have a high number of internally displaced persons. The figures are impressive: among those arriving in Greece in 2016, 46.5 percent were Syrian; 24.2 percent were Afghans; 15.2 percent were Iraqis (totaling 85.9 percent)¹; in the United States, 30 percent of refugees who arrived in 2016 were from those three countries.²
- In the Middle East, there are countries with a high level of reception: In Lebanon, there are officially 1.1 million refugees (in fact, they are many more); in Jordan, there are 664,000 refugees; in Turkey, 2.5 million

1 International Organization for Migration (IOM). *Mixed Migration Flows in the Mediterranean and Beyond, 2016 Overview*.

2 Pew Research Center, Key facts about U. S. refugees, January 30, 2017, <http://www.pewresearch.org/fact-tank/2017/01/30/key-facts-about-refugees-to-the-u-s/>, accessed January 28, 2018.

refugees; in Iran, approximately one million. To these, we must add all those refugees who for decades have been residing in these nations.

- Finally, we must not forget that there is the vast phenomenon of silent migration towards the Middle East and in particular to the Arabian Peninsula, of those in search of a job and well-being, especially from India, Bangladesh, the Philippines, Pakistan, and Sri Lanka, as results from data referring to one of the Gulf States (Kuwait).³

Analysis of the Situation

In my opinion, in order to better understand the problem we should break it down into at least four components.

1. There is a humanitarian aspect, to which even the Holy Father has very often referred, which results in the reception and welcome of those in need of immediate help. We as Christians have a moral duty to assist those in need, and I feel I can say that the Catholic Church is at the forefront—even in countries where Christians are a minority—in helping the needy. For the Catholic Church, it is perfectly clear that this must be done in accordance with the respective governments of the host countries. There are also international humanitarian laws binding governments to do their part in this process of reception. Based on the principle of subsidiarity, the Church is willing to do its part in this process, asks to do so, and even asks to take into consideration in particular those needs, such as spiritual needs, that would otherwise be easily overlooked.
2. Once a refugee or migrant is welcomed as such in a hosting country, we must consider the cultural aspect of the matter, which in turn presents two dimensions. The first is the integration of migrants through proper education and training, and, at a later moment, the search for a job and economic livelihood. We cannot therefore reduce refugees or migrants to beggars, but rather we must give them the opportunity to
- 3 Totaling 1,415,519 persons—cf. “The Demographic and Economic Framework of Migration in Kuwait.” *Gulf Labour Markets and Migration* (GLMM), no. 1, 2013, http://cadmus.eui.eu/bitstream/handle/1814/32155/GLMM%20ExpNote_01-2013.pdf, accessed October 10, 2017.

develop their talents, to integrate, and put themselves at the disposal of the society in which they live. This phase integrates the initial one of reception and opens up the future for the person welcomed, thus avoiding the creation of ghettos. The second dimension of the cultural aspect is just as important and concerns the arriving populations: They must share the values and basic norms of the welcoming community. There is a path of reciprocal acceptance that calls for the responsibility of those who are being accepted. In his address to the Diplomatic Corps on January 11, 2016, the Holy Father stated: “The acceptance of migrants can thus prove a good opportunity for new understanding and broader horizons, both on the part of those accepted, who have the responsibility to respect the values, traditions and laws of the community which takes them in, and on the part of the latter, who are called to acknowledge the beneficial contribution which each immigrant can make to the whole community.”⁴

This aspect should not be overlooked, because extremism and populism often feed on fear of the “other” and thus on the fear of being overrun by people with whom we are not acquainted. It is in this light that we can comprehend the reaction of some European nations that have resisted the presence of migrants, claiming they do not want to create cultural imbalances in their own countries. The relationship between rights and duties must not be ignored. In fact, no society can survive if it is focused only on personal rights and fails to take into account the duty of contributing to and respecting the common good. This duty falls on each individual.

3. There is also a political aspect of the matter, and I am referring in particular to Syria, Iraq, and Afghanistan, which are to a great extent countries of forced migration due to their political instability. We cannot focus our attention on the consequences of the problem without considering its source. If the international community had promptly taken fairer action in Syria or Iraq, millions of people would not have been forced to unwillingly leave their homes and their country. Even

4 Address of his Holiness Pope Francis to the Members of the Diplomatic Corps Accredited to the Holy See for the Traditional Exchange of New Year Greetings, Sala Regia, January 11, 2016, http://w2.vatican.va/content/francesco/en/speeches/2016/january/documents/papa-francesco_20160111_corpo-diplomatico.html, accessed October 11, 2017.

now, the anxiety over finding a solution to the refugee problem in Europe and other countries must not mislead us to forget the cause of this exodus, which is war. After so many years, why have we been unable to find a peaceful solution for Syria, or political stability for Iraq, while they continue fighting unnecessary and bloody wars at the expense of the defenseless population? Why did it take the Paris bombings of November 2015 to bring home the fact that the Islamic State is a real threat, which requires more determined opposition?

4. Finally, there is an even more global aspect of the matter: the equal distribution of goods on this earth. In the fall of 2015, I was very much impressed when the force of the masses swept over national borders on the Balkan route. In a certain sense, vital energy had imposed itself over an alleged order, however necessary, that consisted of borders and police. In other words: If the Western world fails to implement serious policies of sharing, the poorer peoples will come to take what they need, and what we have experienced so far will have been just the beginning of a much more complex and painful process. For this reason, Popes have always stressed the importance of the integral development of the entire person and of every person, because without real and equal distribution of property, inequality will only trigger violence and revenge. This is not only a moral appeal; it reflects the realization that we will be increasingly forced to transform our states into systems of control, repression, and defense if we do not rethink our model of development using a truly universal point of view. This year we are celebrating the 50th anniversary of the Encyclical *Populorum Progressio*. Even back then, Paul VI said: “This duty concerns first and foremost the wealthier nations. Their obligations stem from the human and supernatural brotherhood of man, and present a threefold obligation: 1) mutual solidarity—the aid that the richer nations must give to developing nations; 2) social justice—the rectification of trade relations between strong and weak nations; 3) universal charity—the effort to build a more humane world community, where all can give and receive, and where the progress of some is not bought at the expense of others. The matter is urgent, for on it depends the future of world civilization.”⁵

5 *Populorum Progressio*. Encyclical of Pope Paul VI on the Development of Peoples, March 26, 1967, http://w2.vatican.va/content/paul-vi/en/encyclicals/documents/hf_p-vi_enc_26031967_populorum.html, accessed October 11, 2017, no. 44.

Prospects

1. In the first place, there are political responsibilities that should compel the international community to find a solution to the many existing conflicts. If a large part of the refugees comes from politically unstable countries, then clearly there can be no solution to the problem without seeking peace and order in the various countries. The Holy See has often been actively involved in this aspect.
2. I would also like to mention the great contribution of the Catholic Church through its various charitable organizations, and also through the Dioceses and religious communities, in assisting displaced persons and refugees. Over the past two years, our Dicastery carried out a survey to assess working areas, subjects reached, money spent by the different actors of the Catholic Church involved in the crisis in Syria and Iraq. A number of facts of great interest emerged. What distinguishes the involvement of the Catholic Church is the breadth of its actions both in terms of geographical distribution and in terms of personnel engaged in responding to emergency situations.⁶ From a geographical point of view, the actions of the Church network cover a wide geographical area: almost all crisis areas and regions where migrants are fleeing to neighboring countries. There are also multiple actors, each with their own uniqueness, engaged on-site, directly or through local institutions. Currently the Church network includes more than 4,000 staff members and more than 8,000 volunteers involved in on-site aid activities (to which we must add priests and other clergy). The large number of volunteers reveals the importance of the daily commitment of local volunteers in the charitable field.

6 Pontificio Consiglio “Cor Unum”. *Dati sull’aiuto umanitario delle entità ecclesiali nel contesto della crisi Siriana e Irachena 2014–2015*, 17 settembre 2015, http://www.vatican.va/roman_curia/pontifical_councils/corunum/corunum_it/iniziativa/rc_pc_corunum_doc_20150917_focal_point_dati_siria_it.html, accessed October 11, 2017; “Cor Unum: Fifth meeting on the humanitarian crisis in Syria and Iraq.” *Bulletin of the Holy See Press Office*, September 27, 2016, <https://press.vatican.va/content/salastampa/en/bollettino/pubblico/2016/09/27/160927b.html>, accessed October 11, 2017.

Based on our survey over the past few years (2014–16), the Church network—made up of charitable agencies, some Catholic Dioceses in Syria and Iraq and religious institutions operating locally—has mobilized more than \$530 million in three years as a response to the humanitarian crisis in Iraq and Syria.

We must mention in greater detail the priority areas on which the Church network focused its attention in 2016. From the total sum of the funds mobilized—some \$200 million—about \$42 million (over 22 percent of the total) were used for food aid, particularly in Syria; about \$34 million were used for projects in education, especially in Lebanon and Jordan; \$31 million were divided between Syria, Iraq, Jordan, and Lebanon for projects in the health sector; and over \$15 million were allocated to non-food items. Among these areas of intervention, education and health are considered a priority.

3. An element that is dear to the Holy See is the concept of the “right to return,” which should be formally and legally declared. I would like to mention the statement of the Secretary of State, Cardinal Pietro Parolin, on the situation of Christians in the Middle East during the Ordinary Public Consistory on the Middle East of October 2014: “In clearly condemning such violations not only of international humanitarian law but of the most elementary human rights, we reaffirm the right of refugees to return and to live in dignity and security in their own country and environment. It is a right that must be supported and guaranteed by the international community as much as by the states of which the displaced persons or refugees are citizens. At stake are fundamental principles such as the value of life, human dignity, religious freedom, and the peaceful and harmonious coexistence between persons and between peoples.”⁷

This enables me to also say a few words on the presence of Christians in the Middle East, which has been fundamental to the growth and cultural development of these countries. The frequent and vigorous appeals of the Holy See in favor of the permanence of Christians in that region are not dictated only by the rightful concern that holy sites

7 Concistoro ordinario pubblico sul Medio Oriente. *Intervento del Card. Pietro Parolin, Segretario di Stato*, October 20, 2014, http://www.vatican.va/roman_curia/secretariat_state/parolin/2014/documents/rc_seg-st_20141020_parolin-concistoro-medio-oriente_it.html, accessed October 11, 2017.

risk being turned into cemeteries, being deprived of the daily presence of the faithful who live there, but also by the fact that the social fabric of those countries has greatly benefited from the presence of Christians: Just think of all the schools and system of education.

4. Finally, I would like to reaffirm that we need to take a clearer look at the link between war and political instability and forced migration, and between migration and under-development. Only a clear-minded gaze can help us positively govern the problem of migration, which cannot be solved by rounding up refugees in camps that may turn into permanent residences,⁸ but rather by allowing people to live in peace and freedom, clearly in compliance with the established law and order. And I would like to close this speech with this concept, because men and women move in the name of personal freedom. During one of my visits in Lebanon, I asked a group of Syrian and Iraqi women if they would have liked to return to their home countries. The majority said that no, they would not, because in Lebanon they had experienced freedom. This is what we mean when we advocate putting the person at the center of our action. This is the only way a society can hope to change without resorting to violence: by educating people to responsibly exercise their freedom and enabling them to do so. The Church's role in the field of education is recognized by all, and her commitment to this field remains unaltered.

The search for peace, humanitarian assistance, the right to return, education for freedom in responsibility, are the prospects that I believe can contribute to shaping a lasting solution for the issue of refugees, especially in the Middle East.

8 Pontifical Council for the Pastoral Care of Migrants and Itinerant People & the Pontifical Council "Cor Unum". Welcoming Christ in Refugees and Forcibly Displaced Persons: Pastoral Guidelines. Vatican City: Vatican Press, 2013, no. 44.

Mukesh Kapila

On the Road to Damascus

In preparing for my presentation on refugee perspectives, I wondered what Fatima would say if she could speak for herself. Fatima is a refugee and I met her in a freezing, ramshackle shelter in the Bekaa Valley, midway between Beirut and Damascus. Fatima squatted on the threadbare carpet. Outside, the wind howled and flakes of snow pierced the torn canvas tent. Fatima looked much older than her fifty years and her toothless face beamed with love as she lifted a baby out of harm's way from the smoking stove. Surrounded by her seven grandchildren aged between nine months and thirteen years, she told me her story.

"We had a nice life near Damascus but when the plane destroyed our house and killed my husband, I ran," she said. She slipped across the border into Lebanon. "Allah be praised, a kind man let me stay on his field and helped me build this home." The kind Samaritan was Elias, a small-scale Lebanese businessman who owned the field that now housed 200 refugees. Earlier on, Elias had shown me around the camp. "These are our own brothers and sisters and the field was lying empty, anyway," he said modestly. This was not a UN-recognized refugee camp and so not eligible for official help. But Elias had mobilized his local church to provide the necessities for living and local NGOs had also pitched in.

Fatima served me tea and continued her story. "I had two sons. The elder and his wife died in an air attack in Aleppo; luckily the children had been at school. The younger was press-ganged into a militia and killed somewhere. I don't know what happened to my second daughter-in-law." Fatima described how she had gone back and forth across the border and crisscrossed several militia frontlines until she had rescued her scattered grandchildren, now clustered here like chicks around a mother hen.

I marveled at her remarkable courage in facing the dangers she had encountered and her tenacious optimism despite the odds stacked against her. "You must be so very angry at the people who did this to your family. You must be wanting revenge," I commented somewhat lamely. Fatima paused for a long moment. "Enough blood has been spilt. I want my grandchildren to have a better life. They must be educated and get good jobs." She

looked proudly at the eldest. “He is good at math and wants to be an engineer. We will need many to rebuild our country.”

Humbled into silence, I prepared to leave. But I had a final job to do. It was almost Christmas Day and Elias had a huge bag of chocolates donated by the surrounding community. “Will you do us the honor to give them out?” he asked me. Under a tin shed which was the school created by the refugees who were also the teachers, several dozen kids shivered: Syria’s future engineers, teachers, nurses, and doctors. Perhaps also peace builders if Fatima was to have her wish. The last chocolate was for me to take for myself. “Thanks for coming and have a happy new year,” said Elias. A fundraising leaflet on my car seat proclaimed, “It’s never cold with warm hearts.”

* * *

That evening, I was invited to meet with friends in fashionable downtown Beirut. In the taxi, marooned in one of the city’s famous traffic jams, were groups of Syrian refugees—mothers and children selling small items as they darted in and out of the slow-moving vehicles. Also, young Darfuri men appeared to have cornered the market in washing the car screens of reluctant drivers. I did not see them as unfortunate victims but as enterprising and hopeful survivors. Fatima had changed my outlook. My benevolent thoughts evaporated as the taxi driver shooed away the refugees congregating around the car. “There are too many of them and they are so dirty,” he muttered. There followed a familiar litany of complaints about jobs, cost of living, over-crowding in schools and hospitals, crime, and so on. All blamed on the foreigners. I asked him about his own family. Without irony, he said, “My mother is from Iraq. She ran away from Saddam many years ago. She married my Lebanese father and became Lebanese herself.” Lucky that it was that way around, as the converse would not have worked: A Lebanese woman marrying a refugee cannot confer her nationality on him.

As I tried to get my head around such obvious inequities, my driver vented his opinions. I learned that not all refugees are equal. After seventy years, the Palestinian refugees were just about accepted. The large recent Syrian influx was beginning to strain the bonds of kinship. And the Sudanese were definitely unwelcome. A touch of racism perhaps, I wondered, as he added, “They are not like us.”

As I waited for my friends in a restaurant, I pondered over my taxi conversation. A staggering quarter of Lebanon’s population of six million

were refugees. The tensions articulated by my driver were not surprising. But they seemed to be much less here than in a hysterical Europe where refugees were a tiny fraction of the total population despite the recent Syrian influx. It also struck me that the Lebanese themselves were great emigrants: Three times as many Lebanese lived outside than in their country of origin. They were also savvy: The Lebanese friends whom I was awaiting all had second nationalities: Brazilian, US, Australian, French. Good insurance in times of trouble; and so, for them, identity was not a matter of sentiment but of practicality. Meanwhile, the Lebanese diaspora had spawned many artists, writers, businesses, Nobel Prize winners, and had even provided major political leaders in their new countries. The benefits of migration cut both ways.

* * *

The following morning, I went to a Palestinian Red Crescent hospital in central Lebanon. In the rehabilitation section, a Syrian mother recounted how her family had fled Homs. Her four-year old son had autism and the constant bombardments had so disturbed him that it had become impossible to manage his disruptive behavior. I could see that for myself, as the little boy cowered between his mother's legs but lashed out at anyone who came near. Then, his therapist Bushra walked in and cajoled the boy to sit still and take a green toy from her outstretched hand. An hour later he could do it without scratching and snatching, and was duly rewarded with an apple. This was the culmination of two months of therapy where Bushra had spent many hours with the severely disturbed child. A true labor of love.

Bushra spoke about herself. She was a highly trained speech and occupational therapist but, as a Palestinian refugee, she was not allowed formal employment. She was in her late 20s, born in Lebanon's oldest refugee camp for Palestinians, established in 1948. "I had the chance to go to Canada as they need speech therapists but I want to help my own people," she said simply. Now her skills were also much needed by Syrian refugees.

Bushra had never been to Palestine. Born in exile, she clung to her identities as both a Palestinian and a refugee. But on Bushra's co-identity as a refugee, I was perplexed. Her grandparents may have been refugees, but why did that make her a refugee? Surely, *refugeedom* is not an inherited condition!

I wondered if identity is just what you are labeled with by others to deliberately distance you. I had seen first-hand the sinister consequences when that is taken to the extreme. I witnessed the Rwanda genocide in 1994 when the Tutsis were murdered en masse by the Hutus and, in 2003-04, I had found myself, as head of the United Nations in Sudan, battling against the supremacist Arab regime in Khartoum doing the same against Darfur's black African people.

Bushra continued to brief me on what it was like to be a refugee—unable to live in dignity, make a proper living from her precious skills and talents, or to travel freely. She was quite matter-of-fact about it and I marveled at her tolerant attitude and the compassionate professionalism with which she went about her duties—treating Palestinian, Syrian, and Iraqi refugees without distinction. Neither did she turn away their equally poor Lebanese hosts. Bushra even bought apples with her own meager income to give out to the little ones! Her shift at an end, she asked me, “Do you want to see how refugees live?” As we awaited my car, Bushra introduced me to some people in the hospital foyer. They were Palestinian and Syrian elders exchanging views. I understood that the Palestinians were doing what we call “knowledge transfer” in the development field. The Palestinian refugees had become expert at being a nation without a country; and now they were teaching the Syrians to do the same as no one knew how long their exodus would last. I was fascinated by the solidarity being displayed.

* * *

We drove to a dilapidated old building, an official refugee center under UNHCR protection. Some 800 recent arrivals were housed in the cramped classrooms of what had once been a college. Three families—some fifteen people—shared each room. Rivulets of filthy water meandered through the corridors. Smoky fires glowed under the sheltered stairwells as people cooked their rations.

We met up again with the Syrian mother and her autistic son, and were greeted by the rest of her family. All huddled under a quilt as heaters were not allowed in these living rooms due to the risk of fire. A tattered bed sheet and a few pieces of cardboard were nailed to the broken windows in feeble defense against the icy wind that blew in. “Why hasn't the glass been replaced in the windows? It's easy and cheap to do, and would make a big difference here,” I cried out. I was informed that the officials in charge had

decreed otherwise. Apparently, they had said, “This is a temporary camp and we don’t want the refugees getting too comfortable here. They may never leave then!”

I was appalled. In a lifetime spent at the humanitarian frontlines of the world’s worst crises, I have never come across anyone who had willingly fled their own homes. And those that were pushed out either went back as soon as they could or toiled hard to make a better life for themselves. Yes, they could be stuck like the Palestinians in this region, or the Darfuris in neighboring Chad—sometimes for many, many years—due to circumstances outside their control. But nobody tarried longer than necessary in second-class limbo as a dependent refugee in a foreign land.

I felt angry at the mindless bureaucrats who forced an uncomprehending autistic child to shiver in the bitter depths of winter when they could easily bring a modicum of the comfort that their humanitarian mission demanded.

* * *

Today, the international humanitarian business—yes, that is what it has become—is valued at billions of US dollars providing employment to tens of thousands of *workers* in hundreds of organizations. Some say that it has become too large, and others that it is not big enough because humanitarian needs have expanded even further. Both views are right but, in any case, our methodologies do not know how to value compassion, and so the official statistics do not recognize the work of the likes of Elias and Bushra. That meant that no one had thought it worthwhile to plant any flag on Elias’s muddy field, and the 200 refugees like Grandma Fatima had no formal status. Thus, they were not entitled to official assistance and protection as mandated by the 1951 Refugee Convention. They relied on their own wits and the random kindness of strangers. When I had seen them, they had looked as happy and hopeful as anyone could be under the circumstances. I had felt good to be among them. In contrast, the 800 people in the old college building were officially recognized as refugees—they had a blue flag flying on top—and were being cared for, after a fashion. But they were also subject to the random meanness of the official humanitarian system, and looked miserable and hopeless. I had felt bad to be with them. I wondered what I would want if I were ever forced to choose where to go in my own darkest hour of need.

I had also seen how Fatima refused to become a victim of misfortune or to be bitter about the injustices inflicted upon her. She was busy planning for the future and I learned from her the true meaning of resilience—a much-used buzzword in the humanitarian business. She also brought hope, conveyed a vision of the future she wanted, and expressed determination to shape it. All these are the essential attributes of a natural leadership. In another place with other opportunities, Fatima could easily head one of our numerous international humanitarian organizations. If that happens, I wonder what she would say to my prejudiced taxi driver—himself the son of a refugee migrant but now wanting to build a wall against today’s unfortunate refugees. I also wonder what she would say to the leaders of our great humanitarian and political institutions—drunk on their own platitudes.

Elias had reminded me that the humanitarian instinct is innate in all of us. He had also told me more about his church, which had rallied around the mostly Muslim Syrian refugees. It was in the Armenian Orthodox faith—catering for the spiritual needs of the descendants of the Armenian refugees that had fled the Ottoman Empire’s genocidal *pogrom* a century earlier. I could feel the connecting thread from Armenia to current day Syria. A crime against humanity in one place is a crime against humanity everywhere. I am not narrating an ancient parable. Mine was an actual, recent journey on the road to Damascus. Unexpectedly, it had turned out to be a crash course in the paradoxes of modern humanitarianism including how we deal with our refugees and displaced persons. On one hand, I had been greatly consoled by seeing how the milk of human kindness was still flowing, and how the poorest people were also the most generous. But, on the other hand, I was also deeply disturbed by seeing how the humanitarian instinct was being frittered away or, worse still, stifled by those who had turned humanitarian work into just a job.

On balance, I learned from Elias and his community that kindness still trumped cruelty. But this cannot be taken for granted, as I also learned from the Beirut taxi driver. Refugee perspectives are as varied as the contexts that generate forced migration. At the same time, as Fatima’s real-life story illustrates, all refugee experiences are marked by incredible endurance and resilience in the face of the persecution that compels people to flee. “Becoming a refugee” extracts considerable physical, psychological, and social costs that have permanent impact on survivors—and their descendants. In seeking a place of safety, a refugee juggles many considerations and makes many calculations that are not always self-evident to

others who are not faced with the same dilemmas. Information and misinformation are often crucial in terms of choices made.

In theory, there is a rules-based asylum system in place, but in practice its workings are arbitrary and unaccountable. The asylum seeker has to endure many insults and indignities. The magnitude of assistance they receive also varies and, with restrictions on employment and movement, their ability to earn a livelihood is severely constrained. This only serves to foster yet further dependency. In contrast, the net longer-term benefit to societies from hosting refugees is hugely positive. Yet many myths prevail around so-called “refugee burdens.” However, public attitudes towards refugees are often at variance with official government attitudes, setting up policy and practice contradictions. Attitudes are colored by muddling-up the categories of migrants, including bona fide refugees with those migrating for economic reasons.

We have all heard and marveled over the many extraordinary stories of refugee endurance and resilience—suffering incredible abuse and persecution in their homelands, and displaying astounding courage in climbing mountains, crossing deserts, and swimming across seas—to find a safe refuge. Refugees are special people. Refugees are a small proportion of the tens of millions of people who are “on the move” across the world. Many more are internally displaced within oppressive countries. Is it still fair to distinguish refugees from the internally displaced? The post Second World War international system for their protection and care has been overwhelmed by subsequent trends. It is no longer trusted, not least due to its arbitrary nature.

What would be the essential features of a new and fairer humanitarian system to help all forcibly displaced people—whether or not they cross borders?

AFTERWORDS

Stephane Jaquetmet

The Importance of Remembering

Both as a UNHCR official and personally, I felt at the same time humbled and very proud to address the conference on “Refugee Policies from 1933 until Today: Challenges and Responsibilities,” organized by the International Holocaust Remembrance Alliance (IHRA) in cooperation with the Holy See, in Rome on February 16–17, 2016. Humbled because no contemporary refugee crisis, whatever tragedy and suffering it has brought to millions of people, can be compared with the plight of those who tried—the vast majority of them unsuccessfully—to flee the Holocaust. Humbled also because as the former UN Secretary General Kofi Annan said, “[T]he United Nations emerged from the ashes of the Holocaust.”¹ And this gives us, as UN officials, a huge responsibility. Very proud, because the survivors of the Shoah themselves are guiding us and telling us that if there is any lesson to be drawn from their horrible and senseless suffering, it is also to speak up in favor of today’s victims of human rights, any victim, whatever the violation. Though the degree of suffering, of human rights violations does matter, it is not the focus. Any level of suffering or human rights violation is unacceptable. By accepting or even tolerating it, we will help open Pandora’s box of human evil. The Shoah was unfortunately the culmination of hundreds of years of accepted discrimination, antisemitism and violence. As the Canadian Supreme Court reminded us in upholding the constitutionality of anti-hate legislation, “the Holocaust did not begin in the gas chambers—it began with words.”²

The theme of the conference is particularly relevant because we find ourselves at a perilous crossroad where antisemitism, anti-Islamism, racism,

- 1 “‘Jews everywhere must feel that the United Nations is their home, too,’ Secretary General tells seminar on antisemitism.” *UN. Press Release*, June 21, 2004, www.un.org/press/en/2004/hr4773.doc.htm, accessed August 24, 2017.
- 2 Quoted by Irwin Cotler, “Remembering the Holocaust: What Have We Learned? What Must We Do?” *UN Watch*, January 29, 2007, http://www.europarl.europa.eu/meetdocs/2004_2009/documents/dv/dil070125_unholocaust_/dil070125_unholocaust_en.pdf, accessed August 24, 2017.

hatred, bigotry, disregard for the most basic human decency are on the rise, with existing but insufficient reaction from governments and civil societies. At a perilous crossroad where extreme right-wing parties and movements, sometimes with the tacit or explicit acquiescence of more mainstream political parties, are, unfortunately with some success, rewriting history and challenging our human rights culture. At a perilous crossroad where entire regions, in particular in Africa and the Middle East, are plagued by conflict, war crimes, and “cleansing” of civilian population. New conflicts have emerged while none of the “old” ones are close to a pacific resolution. Finally, a perilous crossroad where we have the largest number of refugees and internally displaced persons since the Second World War, some of them finding open borders and policies, others closed doors and closed hearts. Refugees fleeing persecution and migrants leaving behind abject poverty and societies denying them a future are increasingly portrayed in extremely negative terms. The worst is that they are often depersonalized and dehumanized. As Moshe Kantor, president of the European Jewish Congress, reminds us: “As long as we do not know names, identities, loves, fears, careers, relationships and experiences—as long as we cannot put a name or a picture to them—we cannot save them. They are faceless, which is exactly what the killers intended. It is because of this that we have devoted this International Holocaust Remembrance Day, here in the European Parliament, in 2017 to Restoring Identities of those who were murdered.”³

To understand today’s and tomorrow’s challenges and responsibilities, both in countries of origin affected by conflict and human rights violations and in countries of asylum, where increasingly restrictive policies are adopted, it is essential not only to have a historical perspective but also to remember, because it is only through remembering that we can build the antidote against hatred, rejection, and discrimination. And this is the first essential message given to us by Holocaust survivor Primo Levi: “We cannot understand, but we can and must understand from where it springs, and we must be on our guard because what happened can happen again. [...] For this reason, it is everyone’s duty to reflect on what happened.”⁴

3 Quoted by IHRA, *International Holocaust Remembrance Day*, Media Room, January 26, 2017, <https://holocaustremembrance.com/media-room/stories/international-holocaust-remembrance-day-2017>, accessed August 24, 2017.

4 Primo Levi, “If this is a man.” Cited by Bright, Martin. “We cannot make sense of this evil and anger.” *Jewish Chronicle*, March 30, 2017, <https://www.thejc.com/>

In simple but very powerful words, teenager Charlotte Cohen, who was asked to join the British Holocaust Commission established by Prime Minister David Cameron, highlights the fact that the Holocaust is a “contemporary issue,” why it is so important to remember the Holocaust and how we can make sure future generations never forget:

“The Holocaust [is] a contemporary issue because it demonstrates the atmosphere in which genocide can take place [...]. There remains in our society a degree of anti-Semitism, but furthermore levels of xenophobia, Islamophobia, a fear of the travelling community, of black and Asian communities [...]. It is therefore important to remember the Holocaust because it is an example of how these trends could evolve into something far more threatening.”⁵

The second message is that the Holocaust was not an accident of history, a “sudden” cataclysm. As the UN Secretary General, António Guterres, reminded us on January 27, 2017, during the observance of the International Day of Commemoration in Memory of the Victims of Holocaust, “it would be a dangerous error to think of the Holocaust as simply the result of the insanity of a group of criminal Nazis. On the contrary, the Holocaust was the culmination of millennia of hatred and discrimination targeting the Jews—what we now call anti-Semitism.”⁶

The third message, very much linked to the second one, is that between 1933 and 1945, there were hard-core criminals operating, but above all the complicity of those who remained silent. Indifference, because it paves the way for the most brutal instincts to flourish, is a killer. During that period, indifference took many forms, including socially accepted antisemitism, which made the Holocaust possible. Elie Wiesel reminds us of how deadly silence can be: “I swore never to be silent whenever and wherever human beings endure suffering and humiliation. We must take sides. Neutrality

comment/comment/martin-bright-on-westminster-terror-1.435391, accessed August 24, 2017.

- 5 “The importance of remembering the Holocaust.” *Jewish Chronicle*, October 23, 2014, <https://www.thejc.com/the-importance-of-remembering-the-holocaust-1.59585>, accessed August 24, 2017.
- 6 Guterres, António. *Remarks at Observance of the International Day of Commemoration in Memory of the Victims of the Holocaust*, January 27, 2017, <https://www.un.org/sg/en/content/sg/speeches/2017-01-27/secretary-generals-memory-victims-holocaust-remarks>, accessed August 24, 2017.

helps the oppressor, never the victim. Silence encourages the tormentor, never the tormented.”⁷

The study of European and German history, in particular the nineteenth century and the first half of the twentieth century, the study of the twelve years the Nazi regime was in power, put us on two long roads where complacency, silence, and at best timid and unassertive objections to blatant antisemitism and persecution have led to a constant escalation, which culminated with the Holocaust. The second half of the twentieth century and the twenty-first century are full of examples where genocides (Rwanda and Srebrenica are very relevant examples—but not the only ones—of the excruciating complicity of a passive international community) and systematic human rights violations have been “building up” over the years, the tormentors taking advantage of weak reactions against abuses to become, as time passes, more abusive and less and less “constrained.”

The fourth message is a particularly chilling fact. Jews were not only the victims of an extermination campaign, but the vast majority of them found closed borders when they tried to flee. And those closing the borders knew or should have known that closed borders meant extermination. So the Holocaust was also characterized by the international unwillingness and complete failure to protect.

This complete failure to protect was evident during the 1938 Evian Conference on Jewish refugees: “During the Conference it became painfully obvious that no country was willing to volunteer anything. The British delegate claimed that Britain was already fully populated and suffering from unemployment, so it could take in no refugees [...]. The French delegate declared that France had reached the extreme point of saturation as regards admission of refugees. Myron C. Taylor, the American delegate, allowed that the United States would make the previously unfilled quota for Germans and Austrians available to the new refugees. Only the Dominican Republic, a tiny country in the West Indies, volunteered to take in refugees—in exchange for huge amounts of money.”⁸

7 The Nobel Acceptance Speech delivered by Elie Wiesel in Oslo on December 10, 1986, <http://www.eliewiesel.org/nobelprizespeech.aspx>, accessed August 24, 2017.

8 Shoah Resource Center, Yad Vashem, at http://www.yadvashem.org/odot_pdf/Microsoft%20Word%20-%206305.pdf, accessed August 24, 2017; see Wyman, David

This unwillingness to offer sanctuary to persecuted Jewish refugees would be reflected in the years to come in countless administrative or legislative measures, or rejection at borders. Among those, we can mention some of the most infamous, such as the defeat of the Wagner-Rogers refugee aid bill in February 1939, which would have allowed the admission into the USA of 20,000 refugee children under the age of 14 from Germany; the 935 passengers of the Saint-Louis who were denied entry into Cuban and American ports in spring 1939 and forced to return to European countries, most of them falling under Nazi occupation in the months to follow and 245 dying in the Holocaust; and the attitude of neutral countries during the Second World War, which was defined by Ruth Fivaz-Silbermann, talking more specifically about Switzerland, as being between active refusal and passive help.⁹

The sad irony of the 1938 Evian Conference is that one of its rare achievements was the establishment of the Intergovernmental Committee on Refugees (ICR), a predecessor of the United Nations High Commissioner for Refugees (UNHCR). But the ICR was unable to resettle Jewish refugees and whatever goodwill it may have had, it was never given the means to “succeed.”

Beyond its invaluable standard-setting dimension, the 1951 Convention Relating to the Status of Refugees, this now quasi universal treaty, is primarily the result of the failure to protect the refugees, mostly Jewish, from the Nazi persecutions. “The entire Refugee Convention came out of the Holocaust,” as Mark Hetfield—chief executive the of Jewish refugee program Hebrew Immigrant Aid Society (HIAS)—rightly said.¹⁰ And as

S. Paper Walls. America and the Refugee Crisis 1938–1941. New York: Random House, 1985.

- 9 Fivaz-Silbermann, Ruth. “Ignorance, Realpolitik and Human Rights: Switzerland between Active Refusal and Passive Help.” In: IHRA & Corry Gutstadt & Thomas Lutz & Bernd Rother & Yessica San Román (eds.). *Bystanders, Rescuers or Perpetrators: the Neutral Countries and the Shoah.* Berlin: Metropol, 2016, pp. 87–99 electronically available at <https://www.holocaustremembrance.com/resources/publications>, accessed August 25, 2017.
- 10 Walker, Peter. “Holocaust survivors say Donald Trump’s refugee ban ‘tragically’ similar to 1930s.” *The Independent*, January 27, 2017, <http://www.independent.co.uk/news/world/americas/holocaust-survivors-donald-trump-immigration-ban-not-put-america-first-syria-refugees-fear-a7549286.html>, accessed August 25, 2017.

already mentioned, this gives us—refugee practitioners and refugee protection officers—a huge responsibility.

The last message I would like to share with you is that most survivors of the Shoah and their descendants have spoken up against all forms of discrimination and hatred, and in support of all victims of hatred. Precisely because they had survived the most horrible form of suffering and systematic annihilation, they stood up and keep standing up as soon as discrimination and hatred are detected, because they know that discrimination and hatred are the beginning of a dangerous and slippery road where each additional curve brings additional suffering. An example, among thousands of others, of solidarity from Holocaust survivors and their descendants with refugees comes from Milan's Holocaust Memorial. In 2015, the Memorial started offering temporary shelter to migrants and refugees stranded at Milan's central station. "Indifference" is the word engraved on the wall at the entrance of the Memorial and as Roger Cohen put it in his October 8, 2015, article in the *New York Times*:¹¹ "So it was perhaps inevitable that when Roberto Jarach, the vice president of the Memorial, was asked if he could help with Milan's refugee crisis, he saw that word flash through his mind. As hundreds of desperate refugees converged daily on Milan's central station—opened during the rule of the Fascist dictator Benito Mussolini—the Memorial could not show "indifference." Cohen continues: "There is no direct analogy between the situation of millions of refugees today and the Jews who were deported from Milan's Platform 21 (as the Memorial is also known). The refugees are fleeing war—not, in general, targeted annihilation [...]. Still, there are echoes, not least in that word, indifference [...]. Nobody saw the Jews. Nobody wanted to see them. Indifference kills. As Syria demonstrates."

But maybe the most simple and profoundly humane comment by one of the Holocaust survivors was made by Gene Klein, who said in a January 26, 2016 appeal for Syrian refugees: "Almost seventy years later, as a US citizen and a veteran, I watch the struggle of today's refugees on my television screen, and listen to the politicians falling over themselves to outdo their rivals' xenophobia. I cannot help but be reminded of how Jewish refugees were turned away from these shores in the late 1930s and sent home

11 Cohen, Roger. "Indifference Kills." *The New York Times*, October 5, 2015, https://www.nytimes.com/2015/10/09/opinion/a-refugee-lesson-for-europe.html?mwrsm=Facebook&_r=0, accessed August 25, 2017.

to be murdered in extermination camps. And yet I also remember how, a decade later, this country welcomed survivors like me with open arms. When I see German people lining the streets to greet Syrian refugees with shopping carts full of food, it is clear to me that the world can change for the better.”¹²

I would like to conclude by making reference to the opening of the new museum at the World Holocaust Remembrance Center Yad Vashem in March 2005, during which the director of Yad Vashem, Avner Shalev, said he was hoping the museum would inspire visitors to make moral choices.¹³ After twenty-five years with the UNHCR and more than thirty years working with refugees, I am more and more convinced that beyond indispensable international protection standards, refugee protection lies in moral choices that need to be made, and in the moral compass that must guide us. The current refugee crises—I am using the plural because we have more than ten proper crises in parallel at the moment—need more than a humanitarian response, funding, and resettlement quotas. The latter are necessary but not sufficient. Above all, we need to be vigilant, we need to proactively fight against any form of discrimination and any expression of hatred, because they may appear less serious today but they will be the seed for tomorrow’s atrocities. We all as individuals, associations, and governments must show daily solidarity, basic, simple human solidarity with refugees. And we have to counteract, with all our strength and intelligence, the narrative of those revisiting history, challenging the human rights system and culture built during the last seventy years and portraying refugees as profiteers or a threat to national identity. This narrative is highly toxic and we have to collectively ensure that as persons, society and community of states we refuse to be intoxicated.

I am glad that this conference has put us on this path of solidarity and of fighting indifference, which may well be the most essential contribution to refugee protection.

12 Klein, Gene. “Holocaust survivor appeals for Syrian refugees.” *San Diego Jewish World*, January 26, 2016, <http://www.sdjewishworld.com/2016/01/26/66900/>, accessed August 25, 2017.

13 Erlanger, Steven. “New Museum, Putting a Human Face on the Holocaust, Opens in Israel.” *The New York Times*, March 16, 2015, <http://www.nytimes.com/2005/03/16/world/middleeast/new-museum-putting-a-human-face-on-the-holocaust-opens-in.html>, accessed August 25, 2017.

Michael O’Flaherty

Why the European Union is a Community of Values under Threat; and Why We Must Not Lose Hope

This conference is very timely, and not only because of the existence, the eminence, and the scale of the migration crisis we are facing. It is important because of the critical need to learn from the past in order to shape our present. The Holocaust is one of the most horrific occurrences to have taken place in human history, thus it is urgent that we learn from it—and learn the lesson well.

Justice and equity are the essence of what we are seeking to honor. The European Union Agency for Fundamental Rights works across many issues relevant in this regard, but it must be said that responding to the migration crisis is one of our greatest preoccupations. We had staff present in the reception centers—the so-called hotspots—in Greece and Italy for most of 2016. Every month, we publish an analysis of the human rights situation of those arriving in the EU across fourteen EU member states. We have also delivered numerous opinions to the EU legislators, ensuring that planned revisions of asylum-related law are human rights compliant.

For as long as we have been engaged with issues of migration and asylum, we also have been working on the issue of Holocaust remembrance and how this can be applied toward building respectful societies in Europe. The Holocaust has taught us that without respect for basic human rights, the unspeakable can become a reality.

In this context, we deeply appreciate the close partnership of the Fundamental Rights Agency (FRA) with the IHRA, an organization with which we have much in common. We would also very much like to intensify our connection with our co-hosts today, the Holy See, as we want to do with all faith communities. Dialogue between faiths is more vital than ever if we are to find sustainable solutions in the migration context. At the same time, we need to repopulate the very large area of common ground that we share in the pursuit of the protection and promotion of human rights.

I was asked to summarize the conclusions I took with me from this important and inspiring conference.

The first conclusion is that those who contribute to policymaking and shaping must themselves learn from the past. I myself have learned two new things at this conference: I learned, or rather was reminded of, the extent to which we need to better develop our understanding of how to run a refugee facility, not least through the participation of residents in the decisions about how that facility is managed and operated. I also learned about the care that must be taken in selecting the location of migrant and refugee facilities, for residents can easily be re-traumatized if placed carelessly in the wrong community settings. For example, the Fundamental Rights Agency knows of LGBT (Lesbian, Gay, Bisexual, Transgender) people who were forced to flee their home countries because of homophobic practices there, only to be placed in camps with exactly the same population composition as the countries or regions from which they fled.

The second lesson: We must become better listeners. This emerged strongly in Mukesh Kapila's memorable contribution, and we would do well to consider this point in greater depth. Here in Europe we must become more humble. We need to recognize the extent to which other parts of the world have been contending and coping with such a migrant influx for many years, and indeed are looking over to us in astonishment at our sometimes-chaotic response. When I first visited the Greek islands some fourteen months ago, I was struck—as a former UN official who has worked in the Global South—by the extent to which processes that have been working at best haltingly in Europe would be operating smoothly if the facilities were somewhere in Sub-Saharan Africa. We in Europe must acknowledge that others may be doing a better job, and that we can improve our own procedures through active listening. At the same time we must listen to the migrants themselves. Our weakness in this regard has a very clear impact on our knowledge of refugees' experiences and thus our skills to deal with them appropriately.

The third lesson is that we need to examine the reality of the current situation in surgical detail, in order to better respond to it. From the perspective of the Fundamental Rights Agency, this scrutiny predominantly regards the specific vulnerabilities of those arriving at our shores.

Consider, for example, the reality for children: We have procedures in place for new arrivals and with little forethought we expect the solutions for adults to be adequate to the needs of children. However, this is simply not the case. A defining concern of recent years has been a persistent inability to deliver suitable, targeted child protection.

Another such issue is the treatment of torture victims arriving on our shores. From our work we see that, for example, only one EU member state systematically records the arrival of torture victims in its first reception facilities. That country is Greece, which is so often maligned for its inadequate response to the migration situation. But Greece is generating good practice in this and a number of other areas.

My fourth conclusion simply involves the word “facts.” We can do much more to generate and subsequently use data and factual evidence in order to formulate our responses to the situation. This is a large part of what the Fundamental Rights Agency and many of our partner organizations have committed to do: produce the evidence base that enables policymakers to deal with the realities we face more effectively. Take, for example, the extent to which we have allowed a narrative to develop that defines new arrivals as predominantly economic migrants. Yet the fact is that in 2015, three fifths of the migrants who arrived in Europe in the context of the recent influx came from one of the ten countries worldwide that are most affected by conflict. This clearly confounds the notion that these people are simply in search of the good life.

There is another myth that urgently needs to be dispelled: the theory that refugees and other migrants, particularly from the Middle East, have “imported” sexual violence to Europe. You may recall the malevolent rumor that appeared in the media in January 2016 following the sexual attacks in Cologne, when young migrant men attacked women as they celebrated New Year. Nobody denies the occurrence itself or its seriousness, but the narrative that somehow migrants were bringing sexual violence to Europe was a fatuous myth. Blaming migrants for violence against women does not only tar a large group of mostly law-abiding people with the same brush, but also ignores the fact that we have a serious and long-standing indigenous problem with sexual violence in Europe that we need to combat within our societies.

My fifth conclusion relates to the term “frame.” It is crucial that we adequately frame our understanding, our presentation of and our engagement with the migration situation. In this regard, I very much welcome the extent to which the conference discussed the importance of international law to correctly frame the situation. We did not build up the international legal and human rights system after the Second World War in order to ignore it in a crisis of the magnitude we are seeing today. On the contrary, in the EU we have a powerful and underused legal instrument

in the Charter of Fundamental Rights of the European Union.¹ This is the only international treaty in the human rights field that explicitly guarantees asylum and contains a guarantee of *non-refoulement*, as well as a number of other directly related guarantees that create binding legal obligations. Nevertheless, there are few references to this fact in public let alone in expert discourse on the migration situation. This needs to change.

In the context of the migration situation, it is also imperative that we ensure the crisis is framed in terms of values. This has nothing to do with the notion of European values, which can easily be misused to divide and subordinate, creating a hierarchy of values based on geography. The values that must create the bedrock on which responses to the migration crisis are formulated are shared, universal values that we, as Europeans, hold dear. We can thus speak of values that you and I share with our Libyan or Syrian brothers and sisters without imposing our beliefs on them. Against this background, there is one value into which we must inject far greater substance in the EU. This value is solidarity.

My sixth conclusion is “context.” We cannot hope to solve the challenges thrown up by the migration situation without looking at the broader European context in which it is taking place. One important element of this context is the economy and the levels of inequality we are witnessing in many parts of European society. It is in great part due to the real and felt sense of inequality that there has been such hostility to refugees, and such a rush of support for populist groups.

The EU’s emerging Pillar of Social Rights, which will focus on equal opportunities and access to labor market, fair working conditions, and social protection and inclusion give us an opportunity to do something meaningful about inequality right now in European policy making. Importantly, the principles enshrined in the European Pillar of Social Rights cover citizens of both EU and third countries who are legally residing in the EU, ensuring there is no hierarchy of rights holders in this area. Just recently, Eurodiaconia, a European network of 45 churches and Christian NGOs, made an important statement on the social pillar, saying that it was a positive opportunity to identify core social principles to be put in place across the EU.

1 The Charter of Fundamental Rights of the European Union brings together the fundamental rights protected in the EU, http://www.europarl.europa.eu/charter/pdf/text_en.pdf, accessed August 28, 2017.

The rule of law also must be mentioned in connection with the notion of context. Europe is currently facing a serious test to its stability, and we are no longer so confident of the solidity of the rule of law framework on which our societies are built. We have seen too many challenges to the independence of the judiciary, to the free media and to respect for the rightful role of parliaments. These threats must be taken very seriously, not only because of their implications for a proper response to the migration situation, but because of their potential impact on our democracies.

The seventh of my conclusions involves the word “shame.” This term is of course many-faceted. Shame can be reflected back on all of us: shame on us, as societies, for our lack of generosity. However, it also can be used in the sense that those who commit illegalities should be shamed. This can be framed as a legal issue, but also as one of values; let us therefore shame criminals where we see them. By the same token, there must be far more investigation into and prosecution of hate speech and hate crime in the EU, not only but certainly also in the context of the migration crisis. Across the fourteen countries covered by the Fundamental Rights Agency in its monthly migration overviews, the incidents of swastika graffiti, migrants being spat on in public, and even the destruction of places of worship are profoundly shocking and should galvanize us all into action.

My eighth conclusion is the word “sell.” It is not sufficient for us to have the right solution, to have an intelligent response, or even to develop appropriate policies. We also must be able to engage the people who can make a difference, and persuade them. One means of doing so is by making the economic case for the reception of migrants. Receiving, welcoming, and assisting these newcomers, makes for more innovative and more prosperous societies. Einstein was a refugee—and he is just one in a long list.

The other aspect of persuasion is the communication of our core message: that human rights are not a matter of being “nice” to others, but rather they lie at the heart of international law and are a core element of our democracies. In 2017, the phrase “we do not know how to communicate anymore” has been reiterated with alarming frequency. Instead of repeating this mantra we must concentrate on developing new means and modes of communication. This also will be a key issue for the Fundamental Rights Agency over the coming year.

The ninth conclusion is that we must mobilize. We are not sufficiently activated. Faith communities must become more active, more visible, and more vocal, not just in speaking the truth to decision- and policymakers,

but in talking openly to communities to ensure that Europeans understand and appreciate what is at stake.

The tenth conclusion is that we must persist. There are two dimensions to the need for persistence in this current crisis. Firstly, we must be clear that our hard work is unlikely to be rewarded immediately. It is going to take time to bring about the changes we need, and we must be patient and tenacious. Secondly, we must recognize that migrant reception requires long-term approaches, from respectful reception at our frontiers to the integration of newcomers in society.

The integration of migrants and their descendants needs more attention. Recent work by the Fundamental Rights Agency found that fewer than half of the EU's member states have action plans or strategies that explicitly address youth with a migrant background, despite the importance of avoiding marginalization, alienation, and potentially also radicalization. At the same time, few countries provide language courses to residents with limited language proficiency if they already are citizens of the country. This excludes many second or third generation migrants who may need such assistance in order to successfully enter the labor market.²

My final conclusion is that we need hope. It is imperative that we do not lose hope. I personally am optimistic. My hope is based on the good practices that I see across Europe. For example, guardianship of children was not working in many places in 2015. In 2017, we have seen immense improvement in some countries, such as Germany. There are countless instances of innovative solutions aimed at alleviating suffering and curbing human rights abuses.

In addition, the fundamental goodwill that I see everywhere makes me hopeful. I have yet to meet a single individual—whether responsible for registering new arrivals in reception facilities or for shaping EU policy—who wants to harm those in his or her care. Not once have I seen a will to hurt. I've found confusion, a lack of expertise, and occasionally a sense of being overwhelmed by the enormity of it all. But I always found goodwill. It is enough simply to recall the generosity of the people of Lesbos when the island was inundated with more new arrivals than the already struggling community could handle.

2 European Union Agency for Fundamental Rights. *Together in the EU—Promoting the participation of migrants and their descendants*, 2017, <http://fra.europa.eu/en/publication/2017/migrant-participation>, accessed January 26, 2018.

The ultimate basis for hope is the existence of the human rights system, the great achievement born of the atrocities of the Second World War. I believe that we will never find ourselves back in the 1930s or 1940s; I believe that the human rights system we have built is resilient, that it will survive and give us the answers we need. I am glad to say that in making this claim I am in the excellent company of Pope Saint John Paul II. In his speech to the UN General Assembly in October 1979, he made no less than 21 references to human rights, one of which was to describe them as “in keeping with the substance of the dignity of the human being, understood in his entirety, not as reduced to one dimension only.”³ Eventually, I am certain that this will show us the way out of our current predicament, thus ensuring that we learn from the past in order to shape our own present, and the future of our children.

3 Pope John Paul II. *Address of His Holiness John Paul II to the 34th General Assembly of the United Nations*, October 2, 1979, <https://holyseemission.org/contents/statements/address-of-his-holiness-john-paul-ii-1979.php>, accessed August 28, 2017.

IHRA Delegates and Moderators

Ambassador THOMAS MICHAEL BAIER received his Doctor of Laws from Vienna University in 1975 and then joined the Austrian Foreign Service where he served in Vienna, Rome, Baghdad, Sofia and at Austria's Permanent Mission to the UN in Geneva. He was Austrian Ambassador in Addis Ababa (1996–2001), Algiers (2001–2006) and Skopje (2011–2015). In 2010 Dr. Baier led the Austrian Delegation to the Revision Conference for the International Criminal Court in Kampala. From 2009–2011 he was Head of Austrian Delegation to the International Holocaust Remembrance Alliance where he chaired the Legal Drafting Group. In 2015 Ambassador Baier was appointed Austrian Special Envoy for the IHRA, where, in 2016, he chaired the Evaluation Reference Group.

Ambassador MIHNEA CONSTANTINESCU was the Chair of the International Holocaust Remembrance Alliance in 2016. Mihnea Constantinescu is Ambassador at large, Special representative for Economic Diplomacy and Energy Security in the Ministry of Foreign Affairs (MFA). Previously, he served for six Governments as Director of the Prime Minister's Office, State Counselor and Diplomatic Counselor to the Prime Minister, spokesman of the Government. As a diplomat in the MFA he was State Secretary Coordinator, General Director for political affairs, Special representative, Head of Policy Planning, and director of the minister's office. Before joining the diplomatic service he was a faculty member at the Polytechnic University in Bucharest in Nuclear Power Engineering field.

WOLF KAISER, Dr., has been a member of the German delegation to the International Holocaust Remembrance Alliance since 2001. He was former Director of Education at the House of the Wannsee Conference, worked as a high school teacher and for 24 years as a historian and educator at the Memorial and Educational Site House of the Wannsee Conference in Berlin.

STEVEN T. KATZ, Prof., was the Advisor to the International Holocaust Remembrance Alliance from 2010–2017 and holds the Slater Chair in Jewish and Holocaust Studies at Boston University. He received his Ph.D. from the University of Cambridge in 1972 and he is the former Director

of the Elie Wiesel Center for Jewish Studies. Prof. Katz is a member and former co-chair of the Academic Committee of the United States Holocaust Memorial Museum, and Chair of the Holocaust Commission of the Memorial Foundation for Jewish Culture. Steven Katz has also published numerous works on the Holocaust and Jewish philosophy and over 120 articles in the fields of Jewish Studies, Holocaust studies, philosophy of religion, and comparative mysticism and has lectured at universities around the world including India, China, and recently Iran.

CECILIE FELICIA STOKHOLM BANKE, Dr., is Head of the Danish Delegation to the International Holocaust Remembrance Alliance. Dr. Stokholm Banke is a Senior Researcher for Foreign Policy at the Danish Institute of International Studies, where she specializes in topics including European history and society, including nationalism and multiculturalism, political and social change, the politics of memory in Europe since 1945 and refugee policy in Europe before and during the Second World War.

VEERLE VANDEN DAELEN, Dr., has been a member of the Belgian Delegation to the International Holocaust Remembrance Alliance since 2012. She is Deputy General Director, Curator and Head Collections & Research at Kazerne Dossin and holds a PhD in History from the University of Antwerp. Her dissertation examined the return and reconstruction of Jewish life in Antwerp after the Second World War (1944–1960). She has held fellowships at the Frankel Institute for Advanced Judaic Studies (University of Michigan) and the Herbert D. Katz Center for Advanced Judaic Studies (University of Pennsylvania). In addition to numerous articles, she has authored two books, *Vrouwbeelden in het Vlaams Blok* (Ghent, 2002) and *Laten we hun lied verder zingen. De heropbouw van de joodse gemeenschap in Antwerpen na de Tweede Wereldoorlog (1944–1960)* (Amsterdam, 2008).

JULIANE WETZEL, Dr., has been a member of the German Delegation to the International Holocaust Remembrance Alliance since 2002 and sits on the IHRA's Academic Working Group – a group which she chaired from 2003–2005. Currently she is chairing IHRA's Committee on Killing Sites. Dr. Wetzel is a member of the Independent Expert Board on Antisemitism of the German Bundestag. Since 1991 she has worked at the Centre for Research on Antisemitism, Technical University, Berlin, as a senior staff member she researches and publishes on topics including displaced persons

in Germany, the emigration of the Jews during the Nazi era and contemporary antisemitism. Dr. Wetzel received her Ph. D. from the Ludwig Maximilian University in Munich.

ROBERT J. WILLIAMS, Dr., is a member of the United States Delegation to the International Holocaust Remembrance Alliance, where he chairs the committee on Archival Access, is US delegate to the Academic Working Group, and will soon chair the Committee on Holocaust Denial and Antisemitism. Working as Deputy Director, International Affairs, United States Holocaust Memorial Museum, he previously served as director of special research programs in the Museum's academic center. His doctoral research focused on German political culture, US and Soviet Foreign Relations, and contemporary antisemitism, and he is completing a book on the role played by the media in development of political culture in East and West Germany.

Invited Speakers and Moderators

Prof. CARL BON TEMPO, State University of NY at Albany, teaches courses in 20th century American political history, public policy history, immigration history, and the history of American foreign policy. Bon Tempo's current research focuses on human rights politics and policies in the U.S. from the 1970s to the present. He is the author of *Americans at the Gate: The United States and Refugees during the Cold War* (Princeton University Press, 2008), which explores how and why the U.S. admitted over four million refugees between 1945 and 2000.

Archbishop PAUL RICHARD GALLAGHER was appointed as Secretary for Relations with States within the Holy See's Secretariat of State on November 8, 2014. He was ordained a priest for the Archdiocese of Liverpool on July 31, 1977. Having gained a doctorate in Canon Law, he entered the diplomatic service of the Holy See on May 1, 1984, serving in the Apostolic Nunciatures in Tanzania (1984–1988), Uruguay (1988–1991), the Philippines (1991–1995) and subsequently as an official of the Section for Relations with States of the Secretariat of State (1995–2000). On July 15, 2000, he was appointed Special Envoy and Permanent Observer of the Holy See to the Council of Europe at Strasburg. On January 22, 2004, he was appointed titular Archbishop of Hodelm and Apostolic Nuncio to Burundi, succeeding Archbishop Michael Aidan Courtney, who had been assassinated in an ambush on December 29, 2003. On March 13, 2004, he was ordained a bishop. After five years of service as Apostolic Nuncio in Burundi, he was appointed Apostolic Nuncio to Guatemala on February 19, 2009. On December 11, 2012, he was appointed Apostolic Nuncio to Australia.

SUSANNE HEIM, Dr., Institute of Contemporary History Munich–Berlin, is a German political scientist and historian of National Socialism, the Holocaust and international refugee policy. Since 2005 she has been project coordinator of the editorial project “Judenverfolgung 1933–1945.” Her publications include *Architects of Annihilation*, with Goetz Aly (2003) and *Fluchtpunkt Karibik. Juedische Emigranten in der Dominikanischen Republik*, with Hans-Ulrich Dillmann (2009).

JOHAN ICKX, Dr., Holy See, studied religious sciences, theology and philosophy at the Catholic University of Leuven and got his doctorate in church history at the Pontificia Università Gregoriana. He worked as academic assistant of the Archivum Historiae Pontificiae, official of the Congregation for the Doctrine of the Faith and official and archivist of the Tribunal of the Apostolic Penitentiary. Currently he is head of the Historical Archive, Section for Relations with States of the Secretariat of State. He has published on several subjects related to the history of the Church in the Middle Ages and in the 19th–20th centuries.

STEPHANE JAQUEMET was appointed Regional Representative for Southern Europe of the United Nations High Commissioner for Refugees (UNHCR) as of April 2016. Mr. Jaquetmet has been working with UNHCR for 24 years, starting in 1992 in Croatia as Head of Operations. He continued his career in Togo serving as Head of Emergency Operations and then as Senior Protection Officer. From 1997 to 2002, he held a number of senior positions in the Division of International Protection at UNHCR Headquarters in Geneva. He successfully served as UNHCR Representative in Lebanon, Nepal, Burkina Faso and Colombia. Mr. Jaquetmet is a Swiss national and studied law at Lausanne University and was called to the Swiss Bar in 1981. He then successfully completed his master's degree in criminology at the University of Paris.

MUKESH KAPILA, Dr., CBE, Refugee Crisis Group, University of Manchester, is Professor of Global Health and Humanitarian Affairs. He is also Chair of Nonviolent Peaceforce, Chair of Manchester Global Foundation, Adjunct Professor at the International Centre for Humanitarian Affairs Nairobi, Associate Fellow of the Geneva Centre for Security Policy, Special Representative of the Aegis Trust for the prevention of crimes against humanity, and Special Adviser to Syria Relief. He was Special Adviser to the first-ever World Humanitarian Summit in Istanbul in May 2016. His memoir *Against a Tide of Evil*, published in 2013, was nominated for the Best Nonfiction Book of that year. He is the curator of a popular blog series *Flesh and Blood*.

STEFAN LEHNE is a visiting scholar at Carnegie Europe in Brussels, where he researches the post-Lisbon Treaty development of the European Union's foreign policy with a specific focus on relations between the EU and member states. From 2009–2011, Lehne served as director general for political affairs at the Austrian Ministry for European and International Affairs. Lehne's work on issues of European foreign and security policy has

been widely published in a number of academic journals, including *Integration*, the *Austrian Journal of Political Science*, and *Europa Archiv*. In addition, he has authored a number of monographs on the Conference on Security and Cooperation in Europe.

MICHAEL O'FLAHERTY, Prof., has been Director of the EU Agency for Fundamental Rights since 2015. Previously, he was Professor of Human Rights Law and Director of the Irish Centre for Human Rights at the National University of Ireland, Galway. He has served as Chief Commissioner of the Northern Ireland Human Rights Commission. In addition, he has held a number of senior UN posts in the field, supported UN headquarters in various human rights programmes, been a Vice-Chairperson of the UN Human Rights Committee and has sat on the advisory boards of numerous human rights groups and journals internationally. His recent publications include volumes on the law and practice of human rights field operations, the professionalization of human rights field work and human rights diplomacy.

AVINOAM PATT, Prof., is the Philip D. Feltman Professor of Modern Jewish History at the Maurice Greenberg Center for Judaic Studies at the University of Hartford, where he is also director of the Museum of Jewish Civilization. His first book, *Finding Home and Homeland: Jewish Youth and Zionism in the Aftermath of the Holocaust* (published by Wayne State University Press, May 2009), examines the appeal of Zionism for young survivors in Europe in the aftermath of the Holocaust and their role in the creation of the state of Israel. He is also the co-editor (with Michael Berkowitz) of a collected volume on Jewish Displaced Persons, titled *We are Here: New Approaches to the Study of Jewish Displaced Persons in Postwar Germany* (Wayne State University Press, February 2010).

Msgr. GIOVANNI PIETRO DAL TOSO, Holy See, studied classical studies and later attended the major seminary of Bressanone/Brixen, completing his studies in philosophy and theology at the Higher Institute of Philosophy and Theology of Brixen, earning the title *Magister Theologiae* at the faculty of theology at the University of Innsbruck, Austria, and, in December 1997, obtaining his Doctorate in Philosophy at the Pontifical Gregorian University. Msgr. Giovanni Pietro Dal Toso was the Secretary of the Pontifical Council "Cor unum" following his appointment by Pope Benedict XVI on

22 June 2010 until December 31, 2016. He is now Delegated Secretary in the newly created Dicastery for the Promotion of Integral Human Development.

DAN PLESCH, Dr., is the Director of the Centre for International Studies and Diplomacy at SOAS University of London. His publications include *Human Rights After Hitler*, *America, Hitler and the UN* and with Prof. Thomas G. Weiss, *Wartime History and the Future UN*. Previously, he was the founding Director in Washington DC of the British American Security Information Council and Senior Fellow at the Royal United Services Institute.

Mgr. SILVANO MARIA TOMASI is a Roman Catholic archbishop and currently serves as the secretary of the Dicastery for Promoting Integral Human Development. Tomasi previously served as permanent observer to the Office of the United Nations and Specialized Agencies in Geneva for over ten years. Before this, he had been named the archbishop and nuncio to Ethiopia and Eritrea after serving as nuncio to Djibouti. Until his appointment to these posts, Tomasi served as secretary of the Pontifical Council for Pastoral Care of Migrants and Itinerant Peoples. Additionally, he co-founded the Center for Migration Studies. Tomasi obtained his Ph.D. in sociology from Fordham University.

KRISTINA TOUZENIS, Head of the International Migration Law Unit at the International Organization for Migration, is responsible for the activities related to international and regional law issues. She has an LLB and LLM from the University of Copenhagen. She worked in Italy for nine years before joining IOM Geneva, including five years for IOM Rome, and has taught both post and undergraduates at the Universities of Trieste and Pisa. Her research focuses on the human rights of women and children and she has published on both international human rights and international humanitarian law issues. She is currently researching issues related to criminal law and human rights.

