

Hilberg, Paul:

The destruction of the

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## Implications

As time passes, the destruction of the European Jews will recede into the background. Its most immediate consequences are almost over, and whatever developments may henceforth be traced to the catastrophe will be consequences of consequences, more and more remote. Already the Nazi outburst has become historical. But this is a strange page in history. Few events of modern times were so filled with unpredicted action and unsuspected death. A primordial impulse had suddenly surfaced among the Western nations; it had been unfettered through their machines. From this moment, fundamental assumptions about our civilization have no longer stood unchallenged, for while the occurrence is past, the phenomenon remains.

Before the emergence of the twentieth century and its technology, a destructive mind could not play in fantasy with the thoughts that the Nazis were to translate into action. The administrator of earlier centuries did not have the tools. He did not possess the network of communications; he did not dispose over rapid small-arms fire and quick-working poison gases. The bureaucrat of tomorrow would not have these problems; already he is better equipped than the German Nazis were. Killing is not as difficult as it used to be. The modern administrative apparatus has facilities for rapid, concerted movements and for efficient massive killings. These devices not only trap a larger number of victims; they also require a greater degree of specialization, and with that division of labor, the moral burden too is fragmented among the participants. The perpetrator can now kill his victims without touching them, without hearing them, without seeing them. He may feel sure of his success and safe from its repercussions. This ever-growing capacity for destruction cannot be arrested anywhere.

In the first chapter we saw how the Nazis had built upon the experiences of the past. Now there are means that will allow still others to seize upon the Nazi experience, so that it in turn may yet become a precedent for the future. This is an unsettling thought. It bothers possessors of the new potential. It disturbs some of the carriers of the new vulnerability. For now the long-established discriminations of Christianity and the long-practiced appeals of the Jews have acquired implications that did not exist before. Standing alone, the old ways may seem harmless enough. In the framework of the Nazi model, the mildest exclusions are threatening links in an incomplete chain of destruction, while the repeated appeals are commitments to a course of action that in the extreme situation can lead to an all-encompassing doom.

With the recognition of the latent danger in habitual actions and

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traditional thinking, there has been an almost involuntary shift from the old position. But this reorientation has had its limits. Within the United States and the USSR the limits have been drawn in characteristically contrasting patterns. The Americans have moved to abrogate the physical barriers, but there is little interference when hostile words are uttered. The Soviets have dealt with the verbal issue, but they have not removed their administrative bars.

In American society a steady demolition of the discriminatory structure has been under way for decades. Long before World War II the New World was faced with the irreconcilability of its claims of equality with the facts of discrimination.<sup>1</sup> Now a catalyst was introduced into the picture. In the words of President Truman, "Hitler's persecution of the Jews did much to awaken Americans to the dangerous extremes to which prejudice can be carried if allowed to control government actions."<sup>2</sup> With uncommon perception, the President saw that the retention in mid-twentieth century of discriminatory barriers signified the maintenance of a springboard, and the preservation of a target, for destruction. Such a position could no longer be retained.

Since the American entry into the war, the dismantling of the barriers has become an object of measures by all levels of government. Federal action has been designed to eliminate the involvement in discrimination by the government itself: thus the Congressional legislation to guarantee to all the people the right to vote, the executive order for the desegregation of the armed forces, the executive orders requiring companies under contract with federal agencies to refrain from discrimination in employment, the Supreme Court decisions aimed at desegregating the public schools, and the ruling by the same tribunal that no court of any state may enforce a clause of a contract that prohibits the purchaser of a house to resell the property to a member of a minority group.

On state and local levels, laws are aimed primarily at discrimination in the private sector. The most important are the fair employment practices acts (or prohibitions of discrimination in private employment); laws against exclusions in private schools; laws forbidding restrictions in the renting of apartments, and public accommodation laws which make criminal the refusal to serve customers in hotels or restaurants, etc., because of race or creed.<sup>3</sup>

1. See Gunnar Myrdal, *An American Dilemma* (New York and London, 1944), vol. 1, pp. xli-iv.

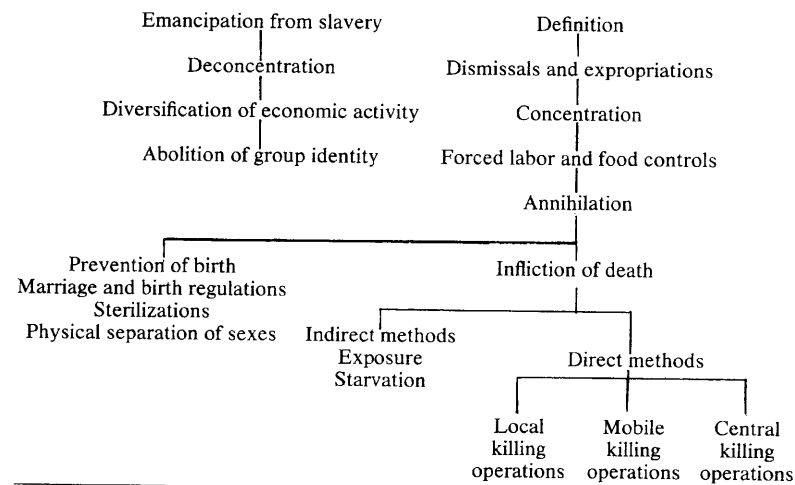
2. Harry S. Truman, *Memoirs* (Garden City, N.Y., 1956), vol. 2, p. 184.

3. See Jack Greenberg, *Race Relations and American Law* (New York, 1959), as well as the annual and special reports of the U.S. Commission on Civil Rights, from 1959.

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T A B L E 12-1

### THE ABSORPTION AND DESTRUCTION PROCESSES



Two reactions manifested themselves during the continuing retrenchment. There was little effort to recapture bastions that have been given up; at the same time, each new penetration encountered greater and greater resistance. As the rollback proceeded, minorities had to be integrated in countless ways. The retreat was an absorption process. Structurally, this phenomenon was an exact inversion of the destruction process that the Germans had brought to perfection (see Table 12-1). The two processes are reversible.

There is, however, one crucial difference between them. Absorption is far more easily converted into destruction than destruction into absorption. The destruction process can descend upon its victims with lightning speed; absorption progresses from generation to generation. The destruction process had a tendency to accelerate in its final steps; absorption slows down as it approaches its goal. In the last analysis, total integration requires complete acceptance. So long as acceptance is withheld from a group of people, those people will live more or less peacefully in a state of equilibrium between ultimate incorporation and final annihilation.

While the Americans have given ground in the administrative sphere, there has been no yielding on the psychological front. During the drafting of the Genocide Convention, the American delegate went so far as to object to the inclusion of a provision aimed at "direct

incitement" to destruction. He expressed fears that such a prohibition would infringe on the freedom of the press.<sup>4</sup> Moreover, there is a general reluctance in Congress and the state legislatures to enact any kind of group libel law. The American people have retained their freedom to rationalize. In fact, they have discovered a new set of rationalizations specially suited for an interruption of the integration campaign. Thus the minorities of the country do not "wish" to be integrated; they do not "wish" to mingle with the majority. Even if they should, an American can admit today that he is biased. He cannot "help" this feeling, because it has been "instilled" in him in his early youth. The task of liberalization has accordingly been handed to the next generation. One cannot "legislate against prejudice."

In contradistinction to the United States, the Soviets have not hesitated to restrict the freedom of verbal expression. In the Soviet Union it is a crime to insult the Jews. The same is now true in the satellites.<sup>5</sup> Moreover, during the deliberations in the United Nations Legal Committee on the Genocide Convention, the Soviet delegate invited all the prospective High Contracting Parties to enact "necessary legislative measures" which would outlaw "all forms of public propaganda (press, radio, cinema, etc.) aimed at inciting racial, national or religious enmities."<sup>6</sup> At the same time, however, there appears to be no end in the USSR to bureaucratic discrimination. Since World War II there have been quota restrictions in universities, expulsions of Jews from party committees down to *Rayon* level, rejections of Jewish applications for positions in the bureaucracy, and nonpromotions of Jews—along with other "unreliable" nationalities—above the rank of junior lieutenant in the Red Army.<sup>7</sup> In administrative matters the Soviets have acknowledged no special problem.

4. Summary of remarks by John Maktos in General Assembly/Legal Committee, *Official Records*, October–December 1948, pp. 213–14, 224–26. Maktos was supported by Great Britain. Compare with the decision by the U.S. Supreme Court in *Terminiello v. Chicago*, 337 US 1 (1949).

5. See Israel Cohen, *Contemporary Jewry* (London, 1950), pp. 291–93.

6. Amendment by USSR, October 9, 1948, UN Doc. A/C.6/215/Rev. 1. The amendment was rejected. In general discussion of the proposal the Russians had the support of France.

7. See U.S. Department of State/Office of Intelligence Research/External Research Staff, *The Soviet Union As Reported by Former Soviet Citizens*, Interim Reports 1–16, 1951–55, *passim*. See also Joseph Scholmer, *Vorkuta* (New York, 1955), pp. 104–20. For a discussion of the Jewish position in the USSR up to 1951, see Solomon M. Schwarz, *The Jews in the Soviet Union* (Syracuse, 1951). Romania and Hungary, through the introduction of forced labor, appear to have dealt more harshly with their Jewish population. See Peter Meyer et al., *The Jews in the Soviet Satellites* (Syracuse, 1953). Anti-Jewish machinations of the Stalinist faction in Poland are described by Lucjan Blit in "Poland

The uneasiness felt by potential perpetrators is not nearly as great as that borne by some of the potential victims. Today no group of people is more keenly aware of the increased range of destructive possibilities than the sensitized community of the Jews. Hence we might well ask how the Jewish community has approached its newest challenge. In history we are accustomed to think that new forms of attack will bring out new methods of defense. However, there is usually a lag between the two. The Jews are now in the midst of just such a lag. There has been no radical change in the Jewish position. The Jewish leadership has been retained. Its thinking has been perpetuated. In all the postwar Jewish activities, we can see only an intensification of Jewry's two traditional reactions: the appeal and the tendency to flight.

The Jewish appeal has become more total. It is no longer a request for a Jewish privilege but a demand for universal rights. It seeks admission not only for Jews but for all sufferers of discrimination. The Jewish community no longer wants a private assurance but legal rules and established practice on a national and international scale. The Jews seek to perfect their position in society by perfecting the society in which they live.<sup>8</sup>

In the United States one of the chief contributors to the new course was a lawyer, Alexander Pekelis. Partly as a consequence of his efforts, the American Jewish Congress established a "Commission on Law and Social Action," which since 1945 has fought, law in hand, battle after battle in the American courts.<sup>9</sup>

On an international basis, a campaign started almost single-handedly by Raphael Lemkin resulted in the writing of a convention directed at persons who commit acts with intent to destroy, in whole or in part, a national, ethnic, racial, or religious group. The convention obligates each member state that may be the scene of these acts to try such persons for their offense. Should there be no trial, or should a government itself be involved, any contracting party may submit the case to the International Court of Justice.<sup>10</sup> The text of the document

and the Jewish Remnant," *Commentary*, March 1957, pp. 215–21. For the events leading to the exodus of Jews from Poland in 1967–68, see Michael Checinski, *Poland—Communism, Nationalism, Anti-Semitism* (New York, 1982).

8. See David W. Petegorsky, *On Combating Racism* (New York, 1948).

9. The commission was established on November 29, 1945, after the submission of a memorandum by Will Maslow and Alexander Pekelis on August 1, 1945. Albert Churchill Ettinger, "Socio-Economic Ideological Change in the American Jewish Congress and the National Association for the Advancement of Colored People," 1950, unpublished.

10. See the text of the Genocide Convention, adopted by the General Assembly on

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reads almost as though there were a determination to root out the scourge.

However, the acceptance of the convention by a majority of all countries around the globe does not imply that each accepting state has admitted the possibility of destructive action by its government against some minority group. If there is any implication, it is rather the propensity of each state to accuse some other signatory of that possibility. Such was the attempt of the United States to insert a provision against the destruction of "economic groups" and the attempted inclusion by the USSR of a declaration in the preamble that "genocide is organically bound up with fascism-nazism and other similar race 'theories.'"<sup>11</sup> In the end, the United States did not ratify that treaty, and the Soviets accepted it only with the reservation that they would not be answerable for their actions to the International Court.<sup>12</sup> Thus the two most powerful states in the world would not even pay unqualified lip service to a convention whose manifest aim is the frustration of another catastrophe.

The Jewish attempt to constrain the potential perpetrator in a complex system of legal bounds is supplemented by parallel action in the propagandistic field. The propaganda deals with the cost that would be incurred in a destructive upheaval. That, to be sure, is an old message, but its emphasis has changed. In the past the Jews talked about their usefulness and indispensability. Now there are hints of the actual damage that destruction must invariably cause outside the initial target group. Even in its early stages the attack would engulf other races and other nationalities.<sup>13</sup> With the onset of drastic action, psychically crippling effects would leave their mark on the slaughterers.<sup>14</sup> If, finally,

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December 9, 1948, and opened for signature and ratification or accession, in U.N. Press Release PGA/100, pt. 7, pp. 12-16. The term "genocide" was coined by Lemkin. See his *Axis Rule in Occupied Europe* (Washington, 1944), pp. 79-95.

11. U.S. amendment of October 4, 1948, U.N. Doc. A/C.6/214. Soviet amendment of November 18, 1948, U.N. Doc. A/C.6/273. Neither amendment was adopted.

12. Fear was expressed before the U.S. Senate Foreign Relations Committee that, under Article 6 of the U.S. Constitution, the convention as "supreme law of the land" would be invoked by minority groups before the courts to strike down discriminatory laws of various state and local jurisdictions. See testimony by George A. Finch (American Bar Association) in Hearings on the Genocide Convention in Subcommittee of the Senate Committee on Foreign Relations, 81st Cong., 2d sess., January 23 to February 9, 1950, p. 217. See also replies and explanations by Adrian Fisher (Legal Adviser, Department of State), *ibid.*, pp. 263-64. Text of Soviet reservation in *American Journal of International Law*, vol. 45, suppl., pp. 11-14.

13. Note the implications in T. W. Adorno, Else Frenkel-Brunswick, Daniel Levinson, and R. Nevitt Sanford, *The Authoritarian Personality* (New York, 1950), p. 45.

14. Leon Poliakov, *Harvest of Hate* (New York, 1954), pp. 286-88.

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a society should run amuck in limitless destruction, no one would be safe. "It is one of the laws of psychology, which is in harmony also with more general physiological principles, that destructive urges of great magnitude and depth and destructive concepts arising therefrom cannot remain limited or focused but must inevitably spread and be directed against one's own group and ultimately against the self."<sup>15</sup>

Along with a strengthened appeal, the Jews have developed to a greater extent than before their mechanism of flight. The perfection of this system has involved the Jewish community in far-flung activities. An attempt has been made to establish an international right of escape. Thus the provisions of the Universal Declaration of Human Rights state:

Everyone has the right to leave any country, including his own. . . .  
Everyone has the right to seek and to enjoy in other countries asylum from persecution.<sup>16</sup>

To make sure that no movement would flounder in midstream, the Jews have been clearing the way. A veritable escape apparatus has been built. A place of refuge has been established in Israel.<sup>17</sup> Fund-raising organizations capable of financing major migrations are operating on a permanent basis. Danger areas have been charted on the map, and the relaxation of exit restrictions in such areas can be followed by instantaneous evacuations.<sup>18</sup>

Since the end of the Jewish catastrophe, basic decisions have been made about the future. In the Christian world the remaining alternatives are gradually moving toward polar ends. After two thousand years there is no defensible middle ground. The ancient compromise,

15. Leo Alexander "War Crimes—Their Social-Psychological Aspects," *American Journal of Psychiatry*, vol. 105, p. 172. Also, his "Destructive and Self-Destructive Trends in Criminalized Society," *Journal of Criminal Law and Criminology* 39 (1949): 559.

16. Universal Declaration of Human Rights, adopted by the General Assembly on December 10, 1948, U.N. Press Release PGA/100, pt. 4, pp. 11-16. The United Nations established under the Economic and Social Council a Commission on Human Rights. This commission has a Subcommittee on the Prevention of Discrimination and Protection of Minorities. In 1958 the United States delegate in the subcommittee, Judge Philip Halpern, was able to win unanimous support (including the vote of the delegate of the USSR) for his resolution that the subcommittee study for its next report the subject of emigration. Verbatim text of press conference by J. Halpern, February 7, 1958, issued by U.S. Mission to United Nations (mimeographed).

17. Under Israeli law all Jews are eligible to migrate into the country, and no extradition treaty may be made for the return of any Jewish escapee.

18. On the politics of Jewish emigration from the Soviet Union, see Henry Kissinger, *Years of Upheaval* (Boston, 1982), pp. 249-55, 430, 463, 469, 986-98, 1022, 1030.

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with all its contradictions, is weakening day by day. To the Jewish community this growing dichotomy conveys unique opportunities and unprecedented vulnerabilities. Jewry is faced with ultimate weapons. It has no deterrent. The Jews can live more freely now. They can also die more quickly. The summit is within sight. An abyss has opened below. In a larger sense, this is the prospect that in our dangerous century faces all mankind.

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**GERMAN  
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