

Early Postwar Holocaust Knowledge
and Jewish Missing Persons

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Declaration of Authorship

I, Jan Lambertz, hereby declare that this thesis and the work presented in it are entirely my own. Where I have consulted the work of others, this is always clearly stated.

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Abstract

Many historians have explored the question of what was known about mass atrocities against the Jews during World War II. The precise 'Holocaust knowledge' that emerged in the immediate postwar years has garnered far less attention. This study explores what details about mass Jewish death had reached Jewish communities, families and legal policy-makers both in Europe and abroad in the first years after the war ended. The postwar failure to trace nearly all missing Jews who had been trapped in Europe confirmed the extent of Nazi violence. This thesis argues that Jewish missing person searches after the war offer a unique pathway for understanding what Jews across the globe comprehended about the deportation process, about ghettos, Nazi camps and killing operations in eastern Europe. The correspondence arriving in postwar Jewish community offices and organisations reveals highly fragmentary knowledge of wartime events, both on the part of far-flung former refugees and the officials who attempted to assist them. Many of these searches ended in grief and even more dead-ended in 'no information located'. As a result, Jewish tracing enquiries continued to be made for years after the war and were only halted with reluctance. Some family survivors eventually did seek declarations of death for relatives who had not returned. Yet legal experts' discussions of the requirements for certifying Jewish 'legal death' further demonstrate the very limited ways in which the details of the Holocaust were understood in the latter half of the 1940s. In its efforts to bring some closure and clarity to family survivors, World Jewish Congress officials attempted to establish a universal legal standard at the early United Nations for certifying the death of Jews who had gone missing through Nazi persecution, but failed.

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Abbreviations

AFSC	American Friends Service Committee (Quakers)
AJC	American Jewish Congress
AJDC, AJJDC, JDC	American Jewish Joint Distribution Committee or 'Joint'
BAOR	British Army of the Rhine
CLI	Central Location Index
CTB	Central Tracing Bureau
Dresden JC	Jüdische Gemeinde zu Dresden (Jewish community, Dresden)
DRK	German Red Cross
ECOSOC	Economic and Social Council of the United Nations
ETO	European Tracing Office
Freiburg JC	Israelitische Gemeinde Freiburg or Israelitische Landesgemeinde Südbaden (Jewish community, Freiburg im Breisgau)
FRG	Federal Republic of Germany
HIAS	Hebrew Immigrant Aid Society
IBD	UN International Bureau for Declarations of Death, Geneva
ICRC	International Committee of the Red Cross, Geneva
IJA	Institute of Jewish Affairs, World Jewish Congress
IKL	Concentration Camps Inspectorate (Inspektion der Konzentrationslager)
IPN	Institute of National Remembrance (Poland)
IRO	International Refugee Organization
ITS	International Tracing Service, Bad Arolsen, Germany

JRU	Jewish Relief Unit
Köln JC	Synagogen-Gemeinde Köln (Jewish community, Cologne)
Leipzig JC	Israelitische Religionsgemeinde zu Leipzig
NARA	National Archives and Records Administration of the United States
NAUK	National Archives of the United Kingdom
NDB	National Desertion Bureau
OdF	Opfer des Faschismus
OMGUS	Office of Military Government, United States
PCIRO	Preparatory Commission for the International Refugee Organization
POW	prisoner of war
RCUK	Red Cross Museum and Archives, London
RELICO	Relief Committee for the War-Stricken Jewish Population
RG	Record Group
RM	Reichsmark, German currency
RSHA	Reich Security Main Office (Reichssicherheitshauptamt)
RV	Reich Association of Jews in Germany (Reichsvereinigung der Juden in Deutschland)
SHAEF	Supreme Headquarters Allied Expeditionary Force
SIG	Schweizerischer Israelitischer Gemeindebund (Swiss Federation of Jewish Communities)
SS-WVHA	SS Business and Administration Main Office (SS-Wirtschafts- und Verwaltungshauptamt)
UGIF	General Union of Jews of France (Union Générale des Israélites de France)
UKSB	U.K. Search Bureau for German, Austrian and Stateless Persons from Central Europe (Bloomsbury House, London)

UN	United Nations
UNRRA	United Nations Relief and Rehabilitation Administration
USHMM	United States Holocaust Memorial Museum Archives
USHMMPA	United States Holocaust Museum Photo Archives
WJC	World Jewish Congress
ŻIH	Jewish Historical Institute, Warsaw

Introduction

The chaos that ensued as World War II drew to a close meant that many deaths in Nazi detention sites and camps were never recorded in Europe's civil registry offices. Paradoxically, many deaths ceased to be a bureaucratic certainty even as the death rate in ghettos and camps, particularly of Jewish prisoners, grew exponentially. The major death camps did not register incoming prisoners or their slaughter. Against this backdrop, many Jewish refugees and survivors were reluctant to see mass Nazi killing centres as part of their own families' history, particularly without firm evidence, without the conventions of death certificates, death registers and marked gravesites. They used the absence of conclusive news and official death records as a prompt to continue the search for missing loved ones, often months and even years after the war ended. My dissertation, 'Early Postwar Holocaust Knowledge and Jewish Missing Persons', evaluates these searches from the late 1930s into the late 1940s. That search process offers a little-explored pathway to rethink how mass Jewish death under the Nazis was understood when the war ended. Even as a number of Jewish advocacy organisations and research institutes were calculating how many millions had been killed, Jewish survivors and Jews across the globe tentatively and for a time put faith in a different narrative, a different ending.

Two historical problems lie at the heart of this thesis. The first has been with us for several decades: the question of what was known about what we now call the Holocaust as it unfolded. A second concern explored here is the relationship between the history of death and the history of persons who disappeared during the Holocaust. How long after the war were those individuals considered missing, and when were they understood to be dead? Who had the capacity to declare that someone was

dead, not merely missing? My work examines several historical settings in which we see how that determination (or attempted determination) occurred, how both individuals and institutions made the uneasy transition from grappling with uncertainty to closing 'cases'. This introduction begins by reviewing recent historical literature on 'Holocaust knowledge' produced in the immediate wake of the war. I then turn to the question of where a history of Jewish missing persons in the Holocaust era should begin and end. Although this dissertation is largely an account of developments and perceptions in the latter half of the 1940s, it is useful to lay out in brief the search efforts made during the war, when information about the whereabouts of individuals remained unavailable for quite different reasons. Two further sections of this introduction address the methodological logic and also difficulties of aggregating disparate groups with radically different trajectories and experiences. The first scrutinizes a range of existing histories of missing persons, while the latter evaluates recent studies of death and their cultural and political character in twentieth-century Germany in particular.

This work will not dwell on recent historical quarrels about the uniqueness of the Holocaust. However, it proceeds from the methodological premise that we lose something if we fail to consider what was distinct about Jewish perceptions of the war in its aftermath and how they changed. First, we lose sight of the fact that relatives of Holocaust victims did not automatically assume that their loved ones in Europe were dead. This is a central finding of my study. Many in fact spent years searching for their missing kin. This suggests that postwar 'Holocaust knowledge' was not only fragmentary, but formed only slowly in the years after the war, despite the thousands of survivor testimonies about mass slaughter that were gathered and published.

Second, we lose sight of that fact that the tracing services emerging during the war and expanding in its aftermath were for the most part poorly equipped to trace the fate of Jews under Nazi rule. Tracing service personnel—be they attached to municipalities, nondenominational welfare associations, or Jewish organisations—for the most part themselves lacked a clear, comprehensive picture of the scale and locations of the anti-Jewish violence that had occurred. That deficit in knowledge about Jewish persecution severely limited what tracing staff could convey to enquirers about the fate of their kin and friends. This introduction ends by sketching out the components of each chapter and the archival sources that have proven most fruitful in pursuing early postwar Holocaust knowledge.

Holocaust Knowledge and the Aftermath

A number of recent works on postwar Europe have probed the long-term effects of World War II on the 'new Europe', asking not only when the war ended but also when 'the postwar' did.¹ Tony Judt's 2005 book on postwar Europe looms large in the background, an attempt to grasp 'the unfinished business of a conflict that ended in 1945 but whose epilogue had lasted for another half century'. Although Judt notes mass death on many fronts and concludes 'Europe's post-war history is a story shadowed by silences; by absence', he makes little direct reference to the mass disappearance of the continent's Jewish population and its implications, be they cultural, political, or institutional.² Some recent discussions of the 'aftermath' pay homage to Judt's achievement, yet allow for more pointed consideration of the fate of

¹ Norman M. Naimark, 'The Persistence of "the Postwar": Germany and Poland', in *Histories of the Aftermath: The Legacies of the Second World War in Europe*, eds. Frank Biess and Robert G. Moeller (New York: Berghahn Books, 2010), 13-29.

² Tony Judt, *Postwar: A History of Europe since 1945* (New York: Penguin, 2005), 2, 8, 18, 22.

Jews in Europe, seeking 'to reconnect the legacies of the Holocaust with the war's broader aftereffects'.³ Samuel Moyn's contribution to the 2010 volume *Histories of the Aftermath* mulls over the longevity of the Nazi camp as a cultural artefact and reference point. Moyn argues that the concentration camp rather than 'death camps' long served as a synecdoche for Nazi criminality after the war, detracting from the disproportionate victimization of Jews under the Nazis. More problematically, however, he then asserts that the extermination camp later displaced the concentration camp in postwar perceptions.⁴

In a backdoor way Moyn's essay (more than others in the Biess and Moeller collection) prompts the question of exactly what was known immediately after the war about what had happened to Europe's Jews. What did Jews themselves see and understand? A spate of publications on the beginnings of Holocaust documentation projects and memorialisation has offered compelling yet divergent answers to this question. They provide textured insights into survivor communities but far less about the cultural impact of such documentation. David Bankier and Dan Michman's now decade-old essay collection on Holocaust historiography was one of the first attempts to assemble an account of numerous Jewish projects that sprang up as the war was ending.⁵ Its contributors track DP camp documentation projects in Germany, Jewish

³ David Bankier and Dan Michman, *Holocaust Historiography in Context: Emergence, Challenges, Polemics and Achievement* (Jerusalem/New York: Yad Vashem and Berghahn Books, 2008). See also Frank Biess, 'Introduction', in *Histories of the Aftermath*, eds. Biess and Moeller, 2.

⁴ See Samuel Moyn, 'In the Aftermath of Camps', in *Histories of the Aftermath*, eds. Biess and Moeller, 57-59.

⁵ A similar volume has recently appeared in German, featuring not only a first section on postwar Jewish documentation projects but also essays on early exhibitions on Nazi crimes in Poland and Czechoslovakia: Regina Fritz et al., eds., *Als der Holocaust noch keinen Namen hatte. Zur frühen Aufarbeitung des NS-Massenmordes an den Juden* (Vienna: New Academic Press, 2016). For an account of another commemorative-historical genre, see Gabriel N. Finder, 'Yizkor! Commemoration of the Dead by Jewish Displaced Persons in Postwar

historical work in postwar Poland and the French CDJC documentation centre, all foundational for many of the major postwar institutions devoted to chronicling and analysing Jewish persecution and experiences during the war.⁶ The book also contains an essay by historian Laura Jockusch on the writing of Jewish history as the war ended, which she followed up with a far-reaching comparative monograph that expands on her contributions to *Holocaust Historiography*.

Jockusch's ambitious 2012 book traces and compares early postwar Jewish efforts across Europe to document persecution during the events we now call the Holocaust or Shoah.⁷ Her book reveals a diverse bundle of projects in which Jewish activists, scholars and amateur historians urged fellow survivors to write down their memories of the recent catastrophe, and to salvage and collect evidence of Nazi crimes. Across Poland, for instance, these chroniclers also conducted long interviews with survivors, including children, about what had happened during the war. Jockusch convincingly argues that this work had precedents in Jewish documentation projects created after the pogroms of the early twentieth century, '*khurbn-forshung*' (a Yiddish term denoting 'destruction research'). It drew on the research traditions cultivated by YIVO during the interwar years and clandestine groups of historians collecting testimony in wartime ghettos as well. This earlier work and survivors of some of those projects inspired the creation of ambitious new documentation projects as the war

Germany', in *Between Mass Death and Individual Loss: The Place of the Dead in Twentieth-Century Germany*, eds. Alon Confino, Paul Betts and Dirk Schumann (New York: Berghahn Books, 2008), 232-57.

⁶ Philip Friedman published a very early survey of such projects in 1949, reprinted in his collection *Roads to Extinction: Essays on the Holocaust*, ed. Ada June Friedman (New York and Philadelphia: Jewish Publication Society of America and the Conference on Jewish Social Studies, Inc., 1980); the same volume included the surveys 'European Jewish Research on the Holocaust', 500-24; 'American Jewish Research and Literature on the Holocaust', 525-38; and 'Preliminary and Methodological Aspects of Research on the Judenrat', 539-53.

⁷ Laura Jockusch, *Collect and Record! Jewish Holocaust Documentation in Early Postwar Europe* (Oxford: Oxford University Press, 2012).

was ending. Her book uncovers the short but fruitful formative period of documentation movements springing up in five countries: France, Poland, Germany, Austria and Italy. At the same time, it exposes deep fissures running between the experiences of East European Jewish survivors and their counterparts further west, fissures that made collaborative work between diverse postwar historical commissions hard going.

All the documentation groups across Europe struggled with competing agendas and priorities. Tensions erupted between trained historians and the committed amateur *zamlers* in their ranks. Most groups were short-lived and ephemeral, yet the volume of material that these thousand or so women and men succeeded in gathering is staggering: in just three years the Central Historical Commission in Munich and its dozens of branches, for instance, brought in over 6,000 questionnaires filled out by survivors and some 2,550 interviews (including almost 300 with youth and children). We learn, for instance, that the Jewish documentation centre in Paris (CDJC) published twenty books between 1945 and 1954, and that the Jewish historical committee in Poland (forerunner of the ŻIH) produced thirty-nine publications between 1945 and 1947 (only a handful in Yiddish). The book thus demonstrates resolutely that European Jews were not 'silent' after the war about what they had witnessed and experienced. Yet where and how successfully did the work of these early committees and groups find an audience? Some of these historical committees provided documents and expert testimony to prosecution teams at major war crimes trials of the late 1940s. Still, Jockusch—like others—does not offer up very precise information on the impact of these efforts, on how widely these many publications circulated and who was reading them.

David Cesarani in several works echoed Jockusch's nuanced confrontation with the immediate postwar years. His 2012 essay collection co-edited with Eric Sundquist included a contribution by Jockusch on one of the French institutions involved in postwar Jewish documentation work. And his introduction to the volume underlines that such efforts 'were almost ubiquitous, spanning areas under Soviet influence, countries of the Atlantic alliance, and former neutrals'.⁸ The epilogue to his 2016 posthumously published work, *Final Solution: The Fate of the Jews 1933-49*, likewise draws attention to the contributions of historians such as Philip Friedman and early Jewish historical commissions to the investigation of German wartime crimes.⁹ Ferenc Laczó has more recently reminded us of the over 5,000 interview protocols collected in 1945-1946 by the National Relief Committee for Deportees (Deportáltakat Gondozó Országos Bizottság, DEGOB) in Hungary.¹⁰ These initiatives in turn helped lay the foundation for some of the major and enduring institutions for Jewish history in Europe and beyond. Much work still lay ahead in uncovering how and where people had been murdered.

These institutional approaches or resources are valuable additions to our knowledge of the postwar years and postwar reckoning with the brutal consequences of anti-Jewish persecution in the war. None deals particularly well with the question of postwar audiences, the cultural impacts of the many testimonies that were collected; that work remains to be done. We are left with the still unanswered question of what individual survivors and refugees actually knew, learned from published testimonies,

⁸ David Cesarani, 'Challenging the "Myth of Silence": Postwar Responses to the Destruction of European Jewry', in *After the Holocaust: Challenging the Myth of Silence*, eds. David Cesarani and Eric J. Sundquist (Abingdon: Routledge, 2011), 17.

⁹ David Cesarani, *Final Solution: The Fate of the Jews 1933-49* (London: Macmillan 2016), 770-71.

¹⁰ Ferenc Laczó, *Hungarian Jews in the Age of Genocide: An Intellectual History, 1929-1948* (Leiden: Brill, 2016), 99-133.

or learned of their individual relatives' fates as the war came to a close. What do we know about that story of discovery and how can we get there as historians? Somewhat exceptionally, Robert Rozett and Iael Nidam-Orvieto take a less institutional approach in their recent compilation of 'first letters' written by Jewish survivors (although the letters are in fact drawn from one of the early institutions devoted to Holocaust documentation, Yad Vashem [YVA]).¹¹ Their 2016 book offers one set of fragmented answers to the puzzle, underlining that private letters offer an immediacy and variety less present in many other forms of documentation. Stretching chronologically from September 1943 to 26 June 1946, the book offers often lengthy and poignant accounts from across Europe about Jewish death and survival during the war. The editors argue that these earliest attempts by survivors to contact people important to them after being liberated are uniquely valuable; they appear to be unmarked by the 'deep contemplation and the acquisition of information and insights that characterize later testimonies and memoirs'. Their 'unpolished telling of personal stories', the editors conclude, nonetheless made it difficult for many of their authors to communicate their anguish and experiences, not least because they feared causing pain to the recipients of their missives.¹²

Many of these letters are acutely poignant, the more so since we read them with hindsight. 'Even if I wanted to make a list of all the names of our mutual friends who have been savagely murdered, no paper could absorb the ink needed for it', Hirsch Brik wrote from Kaunas/Kovno on 1 September 1944, to Jehudith and Max

¹¹ Robert Rozett and Iael Nidam-Orvieto, eds., *After So Much Pain and Anguish: First Letters after Liberation* (Jerusalem: Yad Vashem, 2016).

¹² *Ibid.*, 8-9.

(Mordehai or Motl) Leshem in Tel Aviv.¹³ 'To my great sorrow, I am the only one of my family who returned. I yearn to find a member of the family in order to belong to someone', the Czechoslovakian-born teenager Helga Rossner wrote her uncle Itzig in 1945 from Budapest.¹⁴ Mendel Segal, who had been a resident of Marijampolė, Lithuania, before the war, wrote the Leshems from St. Ottilien in Germany in mid-August 1945. Giving voice to his misery, he wrote 'I have absolutely no news from the outside world. There's no one here to be glad about the fact that I have survived and am alive'.¹⁵ Joseph Szczupak (hometown Radzyń Podlaski), wrote to a friend after the war from a DP camp in northwestern Germany, 'Here in Bergen-Belsen I'm the only guy [male] from our town. I have no one to remember our past with'.¹⁶ Unfortunately, the rationale for publishing this collection is never spelled out clearly. Still, the massing of examples allows us to impose a set of questions the editors may not have intended or did not explicitly pose.

The book shares many similarities with the spirit of Yad Vashem's earlier "final letters" volume edited by Reuven Dafni and Yehudit Kleiman, a kind of mirror to this project, or Zvi Bachrach's "last letters," or the recent five-volume USHMM series exploring Jewish perspectives on the events unfolding in Europe between 1933 and

¹³ Ibid., 38. On the Leshems, see also 201. The couple received many such letters from survivors in Lithuania.

¹⁴ The letter is undated, but the editors suggest it was sent around June. Rossner's assessment was in the end somewhat misplaced, since a couple of further relatives were found. The notes say that her family consisted of seventy members and that she survived Birkenau's C-Camp (for Hungarian women), various other camps and work as a forced labourer. See *ibid.*, 138-39.

¹⁵ Rozett and Nidam-Orvieto, eds., *After So Much Pain*, 199.

¹⁶ Ibid., 166, 168. He in fact still had living relatives, albeit from other towns. His letter was written on a scrap of paper in Hebrew. See *ibid.*, 172. Szczupak later wrote a memoir published in English under Joseph Schupack, *The Dead Years* (New York: Holocaust Library, 1986).

1946.¹⁷ Rozett and Nidam-Orvieto compensate for gaps and unfamiliar settings by providing extensive contextual notes and information on the locations and above all the authors and other persons mentioned. Pages of testimony deposited at Yad Vashem, documents in the International Tracing Service (ITS) collection and interviews with survivors and donors further illuminate the stories told here. At times the commentaries mass together in a dense, overwhelming thicket of names and biographies, although that could be regarded as a testament to the research prowess of the editorial team and the complexity of the world that was destroyed rather than a flaw.¹⁸ Rozett and Nidam-Orvieto also readily admit that some information conveyed in the letters is 'factually incorrect, although many survivors believed what they wrote to be correct', but have generally opted for a rather light editorial hand.¹⁹ Several recurring motifs, though intriguing, remain unexplored and invite further comment.

A few of the letters featured in the Rozett and Nidam-Orvieto compilation offer flashes of uncertainty, mentioning that searches for loved ones were still ongoing. In this vein Bernard Zucker from Rzeszów, Poland, liberated from a subcamp of Mauthausen and living in Linz in early June 1945, wrote a sister in Palestine, 'I have no information about my loved ones. I turned to the Red Cross to inquire about them. I would like very much to be at home, perhaps I could see some of ours, or learn something about them'.²⁰ Much more typical in this collection, however, was the

¹⁷ Reuven Dafni and Yehudit Kleiman, eds., *Final Letters: From Victims of the Holocaust* (New York: Paragon House, 1991); Zvi Bachrach, *Last Letters from the Shoah* (Jerusalem: Devora, 2004); Jürgen Matthäus, series editor, *Jewish Responses to Persecution, 1933-1946* (Lanham: AltaMira Press, 2010-2015). Contemporary letters about wartime Jewish experiences also form the basis of Arkadi Zeltser, ed., *To Pour Out my Bitter Soul: Letters of Jews from the USSR, 1941-1945* (Jerusalem: Yad Vashem, 2016).

¹⁸ See e.g. Rozett and Nidam-Orvieto, eds., *After So Much Pain*, 177, 186-90, 246.

¹⁹ *Ibid.*, 10 and see 12-13. For a few instances in which they contradict the letter writers, see 20, 234.

²⁰ *Ibid.*, 144.

claim or conviction that the letter writer was the only one left alive in his or her family. These pronouncements are striking in their firmness and finality, made by many survivors even before the war in Europe had ended. The Leshems in Tel Aviv also heard from Beniek (Benjamin) Jaswen in Kaunas/Kovno in early February 1945, learning that he had

by chance and without any help, [...] rescued himself after having been three years in the Kovno concentration camp. I have lost everyone and everything. On September 12, 1941 in Kybart, Hitler's assassins shot my dear children, Rivale and Minale, as well as Perl and Gutmann. They perished along with the entire town. The same has happened to all our good friends and not one has survived.²¹

In a lengthy account written by Avraham (Bram) Sarlouis, son of Amsterdam's chief rabbi, to Jaap (Yaakov Yannai), his bunkmate at Bergen-Belsen concentration camp, he described being home after a long, roundabout journey, beginning with the 'Lost Transport' from Belsen at the end of the war. At home he found, 'Here, for the first time you realize what is missing. Nobody of my family has come back. My father's family is totally wiped out. Of my mother's relatives no one came back except for Uncle Benin Paris and Loes van Amerongens'.²² Considering that many survivors faced a long road back from camps in eastern Europe or the Reich, sometimes lasting months, it seems odd that information could be assembled and accepted so quickly. Correspondence reproduced here, for instance, reveals that for Recha Oettinger (b. 1872; née Rau), a Theresienstadt survivor, the trip home to Amsterdam after liberation lasted 6 1/2 weeks, taking her through Pilsen, Lyon, Paris, Brussels and Eindhoven.²³ How were such survivors getting their information? Or was the seeming certainty they voiced in at least some cases a pessimistic reflex reaction to the

²¹ Ibid., 76; one of his daughters had in fact survived.

²² Ibid., 221 and see details on them, 223.

²³ Ibid., 174.

limitless destruction they had witnessed?

Another variant of this 'confident knowledge' about the fate of loved ones was the deployment of numbers (and sometimes also a recital of very specific dates). In some cases this occurred even before the war in Europe had finally ended. David Ingber in Lublin wrote to his uncle (evidently in the United States) from Lublin on 12 February 1944, reporting that he had fled to Russia. He detailed who in the family had been killed by the Germans in 1941: 'I am now on a 6-mths-leave, and have visited our Hometown [Borysław]. 120 persons are left out of the former Jewish population of 15 thousand'. In Russia he had joined the Red Army and then the Polish Army.²⁴ Aba Tarłowski, writing from Grodno in mid-August 1944 a month after his liberation, declared to two friends in Tashkent, 'Of all the 50,000 Jews of the city of Grodno and its surroundings there only remain about 100, including my daughter Rakhil (my wife, Roza, and my son, Izya, perished) and me. [...] On January 18-22, 1943, the German fascists "took away" from Grodno 10,000 Jews [...] On February 13, 1943, the fascists "took away" another 5,000 Jews [...]'.²⁵

These sad but also puzzling feats of account-keeping also appear in slightly later texts, although the editors never comment very directly on the avenues through which numbers were generated.²⁶ Grisha Birman (Birmanui) in Kovno/Kaunas began his September 1944 letter to the Leshems dramatically: 'I am sending you this letter from the afterlife', and described what happened to him and his father before being liberated by the Red Army. He wrote, 'Except for my papa, not one soul from my entire family survived'. He added that very few of their acquaintances had survived,

²⁴ Ibid., 21, 22.

²⁵ Ibid., 24.

²⁶ On uses of enumeration, see the intriguing collection edited by Michal Kravel-Tovi and Deborah Dash-Moore, *Taking Stock: Cultures of Enumeration in Contemporary Jewish Life* (Bloomington: Indiana University Press, 2016).

and elaborated (referencing an unnamed counting):

Of the 250,000 Jews in pre-war Kovno, Vilna and Shavli, about 40,000 survived the first winter, and their number decreased considerably during the ensuing 3 years. According to the most recent count [sic], about 15,000 Jews remained in the 3 cities and the surrounding camps. [...] After the deportation [to Germany], the Germans burned the Kovno ghetto to the ground and 2,000 people who were hiding there at the time all perished.²⁷

Zeev Kulbis, writing to his sister and other kin in Palestine in mid-October 1944 shortly after the liberation of Vilna, declared,

Yes, only Sonya and I have survived, none of our other relatives remain. [...] It would be enough to tell you that of the 75,000 people who comprised the Jewish population of Vilna there are only about 1,500 alive today, and even so, half of them are not [originally] from Vilna. Most of them were shot at Ponary, 10 kilometers from Vilna, which is now an enormous graveyard covered with sand, where here and there a skull sticks out, a hand, a leg, a scrap of clothing, [...] an old fragment of a plate.²⁸

Leib Shaus, who left Lithuania with his wife five days before the war and spent the years in the USSR, also framed the consequences of the war in big numbers in his letter to the Leshems from Vilnius (12 November 1944):

You probably know that [during] the German occupation, the entire Jewish population of Lithuania was annihilated. When the Red Army marched in, out of a quarter of a million Lithuanian Jews, it encountered about 1,000 Jews in Vilna, 600 in Kovno, 180 in Shavli and several hundred in the province. [...] We left Lithuania a flourishing and lively place and have found it disarrayed, sowed with graves of our dearest and closest.²⁹

In late February 1945 Hugo Falkenstein wrote from an infirmary where he was working at the former camp Auschwitz-Birkenau to his close friend Izidor Goldstein (in Kassa or Kosice), and even invoked a figure of '6 million', albeit not in its widespread later use. 'There is no battlefield in history, there has not been an epidemic of such

²⁷ Rozett and Nidam-Orvieto, eds., *After So Much Pain*, 45-46.

²⁸ Ibid., 58-60. He mentioned a few relatives who remained alive. The editors (p. 62) did not comment directly on whether the numbers were right, but contradict him rather subtly, mentioning that Vilna on eve of war had nearly 60,000 Jewish residents.

²⁹ Ibid., 65-66. Jehudith Leshem was a relative. He returned to Lithuania in the summer of 1944.

proportions and never were so many millions of humans exterminated in a mass murder on such a relatively small area per square kilometer, as were here', he declared. 'According to rather cautious estimates, the tyrant Hitler abducted approximately 25 million people into banishment and extermination and an estimated 6 million were exterminated here alone'.³⁰

In other letters in this collection, ration quantities, head-counts of different prisoner groups, and death rates also become ubiquitous and very precisely enumerated, but again the editors have not stopped to comment.³¹ Dates in these 'first letters' sometimes seem to operate or perform textual functions similar to numbers. They anchored the events in something real, a common and believable reference point, all whilst making the present-day reader wonder how prisoners retained such a precise sense of time and the calendar. At one extreme was surely Adolf Lüster in Vienna, who wrote his sister Dora at the end of 1945. He had survived Birkenau and Buchenwald:

I am well and back in Vienna since my return on 15.8.1945. [...] Frau Atlas gave me your letter from 28.9.1942, which never reached Mother. [...] Filipp [their brother] married in Salzburg on 17.11.1945. [...] I wrote you that our father was in Buchenwald together with me and that he perished there on 12.3.1942 in a research institute for gas probes. The last letter from Mother that I received dated 24.8.1942 arrived from Vienna. She was deported to Minsk on 31.8.1942, from where nobody returned. I was transferred from Buchenwald to the Auschwitz concentration camp on 17.10.1942, and then I returned to Buchenwald on 26.1.1945 due to the approach of the Red Army. I was liberated there on 11.4.1945 by the American Army.³²

Such precise numbers of the dead and dates seem even more of a puzzle than the oft-

³⁰ Ibid., 83-84. Falkenstein was a survivor of the Hungarian forced labour service in 1942, then a ghetto in his hometown of Kassa before being deported to Auschwitz in June 1944. On the later evolution of the iconic number, see Oren Baruch Stier, 'Six Million: The Numerical Icon of the Holocaust', in *Taking Stock*, eds. Kravel-Tovi and Dash-Moore, 29-46.

³¹ At what was perhaps the extreme end of the spectrum, see the letter from Richard Fleischer in Göppingen to his cousin Eva, which was replete with numerical measurements. Rozett and Nidam-Orvieto, eds., *After So Much Pain*, 232-33.

³² Ibid., 236.

repeated conviction that the writer was the only one who had not been killed in his or her family or community. How did he or she know that?

I have focused at length on this collection in part because it hints at some of the prototypical framing and motifs in survivors' writing from this period. Beyond this, the editors' restrained commentary seems indicative of many recent works in Holocaust studies, which have simply failed to ask how knowledge of what we now call the Shoah or Holocaust was actually transmitted. How did these survivors learn what they knew and reported to others? A few were clearly traumatised eyewitnesses. Hava Tunik probably saw her father murdered in the summer of 1942 'when a bunch of drunken Lithuanian thugs' broke into her family's house and shot him.³³ Bertha 'Berti' Katz may have escaped from a killing pit near Krasilov, a town in the Kamenets-Podolsk district of Ukraine and also seen the bodies of family members in it; she lamented to friends, 'one can lose his mind writing such letters. [...] I am writing this letter not with ink but with tears'.³⁴ Some used the services of helpful fellow Jews in the Allied occupation forces to route their accounts through the military mail service. Others appear to have circulated mail through UNRRA channels. 'Everything is so sad — everyone inquires about who has perished', reported Recha Oettinger to her children after being repatriated to Amsterdam in the summer of 1945 (from Theresienstadt).³⁵ The editors pinpoint individual trajectories and claims through the files of ITS and pages of YVA testimonies, but 'first letters' were only one point in a long change of communications, conversations and grimly-drawn conclusions. The facts proffered here were always a mixture of claims that were

³³ Ibid., 31.

³⁴ Ibid., 54.

³⁵ Ibid., 176.

difficult to verify, particularly when Nazi authorities or their collaborators had destroyed so many records (or failed to produce records of deaths and killings in the first place).

Taken together, these diverse letters and postcards offer an ephemeral record of the emotional history of survivors as the war ended and in the years beyond. They also at least tangentially address the question of how survivors and their relatives contacted one another after liberation and after the end of the war. Cumulatively, collectively, they leave the impression that news and credible information travelled quickly through the survivor grapevine, even where no eyewitnesses remained. But did the 'confident knowledge' that so many of the correspondents conveyed actually endure? Or was it dislodged and rearranged as survivors, particularly in eastern Europe, made their way further westwards, reconnected with refugee kin living abroad, heard of reunions or rumors of sightings of siblings, children, friends? Few historians dealing with postwar sources have questioned the premises embedded in such statements; they tacitly accept declarations such as 'all my relatives are gone' rather than inspecting the chains of information that crossed Europe during the war and just after it ended. What alternatives are available at a remove of seventy years? As I will argue in this work, search queries for missing persons can serve as a powerful tool for reconstructing this story.

Time Frame of this Project and Wartime Tracing Efforts

Wartime tracing efforts initially had some limited success, but by and by ran up against insurmountable obstacles. Chapter 1 will discuss death notifications for Jewish prisoners sent out by concentration camps during the war, which provide an

important context for understanding the significance and history of tracing work in the immediate postwar years. Attempts to find Jews dislocated through Nazi-era measures clearly began even before German troops invaded Poland, as thousands of Jews in the Reich undertook legal and illegal emigration, faced discriminatory housing restrictions and incarceration, or suffered organised expulsion across borders.³⁶ Many of these search efforts ran through informal channels. Vast numbers of people also sought information through the Red Cross or a wide range of Jewish aid and refugee organisations. Others resorted to search ads in newspapers. In a recent study of Jews in wartime Warsaw, Barbara Engelking found that despite German attempts to isolate residents, some telephones were allowed to continue operating in the ghetto to the end of its existence.³⁷ Far more typically, contacts with loved ones were sustained through letters and short wire messages. Long after the war began, mail was still crossing some borders. Letters and telegrams became the chief means by which dispersed family members could obtain news of each other, marshal resources and organise reunions.

Anti-Jewish measures produced a class of missing persons and broken connections that had repercussions for families scattered far beyond continental Europe. The global nature of the problem meant that enquiries followed circuitous and improbable routes that sometimes crisscrossed the globe. Thus, for instance, Dr. M. Kahany in the Jewish Agency for Palestine's office in Geneva informed his colleague

³⁶ On the expulsion of some 16,000 Polish Jews from Germany at the border town of Zbąszyń, see Jürgen Matthäus and Mark Roseman, *Jewish Responses to Persecution*, Vol. 1: 1933-1938 (Lanham: AltaMira, 2010), 342-49; Trude Maurer, 'The Background for *Kristallnacht*: The Expulsion of Polish Jews', in *November 1938: From 'Reichskristallnacht' to Genocide*, ed. Walter H. Pehle (New York: Berg, 1991), 44-72; and Saul Friedländer, *Years of Persecution: Nazi Germany and the Jews, 1933-1939* (New York: HarperCollins, 1997), 263-68.

³⁷ Barbara Engelking and Jacek Leociak, *The Warsaw Ghetto: A Guide to the Perished City* (New Haven: Yale University Press, 2009), 372-74.

Chaim (Haim) Barlas in late July 1940, 'As things are now, the mail communication between Palestine and the International Red Cross Committee is practically only possible by retransmission (through Turkey, Jugoslavia, etc.) otherwise the letters from Switzerland to Palestine (and probably also vice versa) are directed to Portugal and from there via Capetown - this is a way taking at least six weeks in one direction'.³⁸ Four years later, I. [Jizchak or Yitzhak] Gruenbaum of the Jewish Agency's office in Jerusalem received an 'airgraph' from the general secretary of the Association of Refugees in Sydney that signaled not only superhuman feats of persistence and resourcefulness but also drawn-out frustration. The man in Australia wrote him, 'Working on the problem of how to contact relatives or friends from whom we have been separated through emigration we have established connections with London, New York and South Africa. So far we have not found an organisation for this purpose in Palestine'.³⁹ The World Jewish Congress staff in Geneva reported a variation on these difficulties to their colleagues Aryeh Tartakower and Chaim Finkelstein in New York in mid-October 1944 (after finally receiving mail dating back to January and July of 1944):

Generally speaking, most of the cases with regard to the enquiries which you have submitted to me are hopeless cases. It seems to me that you do not realize the impossibility to make any inquiries in nearly all European countries occupied by the Germans, this referring notably to the people in Poland, Germany, Baltic States and Northern Italy, and more or less to other areas. No answers on letters and postcards have been obtainable from persons whose address has been known.⁴⁰

The war had made once straightforward interactions nearly impossible. Even

³⁸ Emphasis in the original. Kahany to Barlas, 29 July 1940, U.S. Holocaust Memorial Museum (hereafter USHMM), RG-68.126M (Rescue Committee of the Jewish Agency for Palestine), reel 36 (original in Central Zionist Archive, RG S26).

³⁹ Dr. M. Joseph to I. Gruenbaum (airgraph copy), 26 Sept. 1944, USHMM, RG-68.126M, reel 36.

⁴⁰ World Jewish Congress-Geneva office to Tartakower and Finkelstein, 16 Oct. 1944, USHMM, RG-68.045, reel 71.

the most determined aid agencies perched in the centre of Europe—be they the Swiss office of the World Jewish Congress or RELICO (the Swiss-based Relief Committee for the War-Stricken Jewish Population)—made clear that nothing was working terribly well.⁴¹ The destructive force of bombing and battlefields on trade routes, housing and infrastructure delayed letters, postcards and parcels for months at a time, dispatches that were sometimes returned but rarely forwarded to long-gone addressees. On top of these obstacles, the constraints of wartime censorship reduced what could be communicated clearly between correspondents, as did the 25-word Red Cross letter, ubiquitous both during and immediately after May 1945.⁴²

How well did wartime postal systems serve as ad hoc 'location' or tracing services for Jewish populations on the move, be they refugees, deportees, or prisoners channeled through a sometimes long series of detention and forced labour sites? Who had access to mail and to what extent could wartime Jewish organisations rely on mail services to find missing community members? Although some histories of the mails in Nazi-controlled continental Europe have been written, we lack a complete picture of Jewish access to postal services in a range of settings, including ghettos and

⁴¹ See e.g. the Abraham Silberschein correspondence files, USHMM, RG-68.045M (World Jewish Congress Geneva office), reels 8-13.

⁴² Justin Gordon, *Holocaust Postal History: Harrowing Journeys through the Letters and Cards of the Victims* (Chicago: Six Point Watermark, 2016), esp. 7-8, 63, provides an interesting account of censorship regulations (in spring 1940 in the Litzmannstadt ghetto) and censor's markings generally; grounds for returning mail included illegible words, chess problems, crosswords and writing in secret or artificial languages, in shorthand, with invisible ink, or in Hebrew or Yiddish. For a study of the postal control system and other surveillance in France's Gard département during the war, see Robert W. Parson, *Every Word You Write... Vichy will be Watching You* (Tucson: Wheatmark, 2013). Debórah Dwork and Robert Jan van Pelt, *Flight from the Reich: Refugee Jews, 1933-1946* (New York: W.W. Norton, 2009), 260, point to the vital importance of the short form for Red Cross letters.

prisons.⁴³ Who had postal 'access' to detention sites such as concentration camps or the myriad of forced labour camps in the Reich and beyond? What special restrictions applied to Jewish prisoners or their families outside camps and ghettos? How did the logistics of sending and receiving mail change over the course of the war and vary from place to place? A small but growing historical literature on postal history provides an avenue to explore the use of mail to search for and obtain information on missing or distant relatives and friends.⁴⁴ But their discussions of individual camps and ghettos often fall short on many details and fail to give a clear account of whether Jewish and non-Jewish prisoners had the same access to a postal system in the few camps where it existed.⁴⁵ A comprehensive study of the wartime post in Europe lies outside the bounds of this project, but to state the obvious, tracing work during the war intersected with the obstacles facing wartime mail and a glance at some cases are salutary. One of these is Andrea Löw's analysis of 'Jewish mail' in the Litzmannstadt ghetto, which suggests that Rumkowski and the Jewish council there kept postal services under a tight rein, with strict rules and censorship in 1940-1941.⁴⁶ But the volume of messages conveyed seems indisputably large: after one year of a ghetto mail service in the city (March 1941), Löw concluded there had been over 64,000 transfers for money from abroad, over 135,000 domestic and over 14,000 overseas

⁴³ See Wolfgang Lotz and Gerd R. Ueberschär, *Die Deutsche Reichspost 1944-1945. Eine politische Verwaltungsgeschichte* (Berlin: Nicolai, 1999), a two-volume general history on the German mail system, with some discussion of anti-Jewish policies.

⁴⁴ Some older works include Sam Simon, *Handbook of the Mail in Concentration Camps 1933-1945* (New York: Port Printed Products Corp., 1973); Julie Lajournade's *Le courrier les camps des concentrations. Système et rôle politique 1933-1945* (Paris: Editions l'Image document, 1995, orig. 1989); and Manfred Schulze and Stefan Petriuk, *Unsere Arbeit - unsere Hoffnung. Das Getto in Lodz 1940-1945* (Schwalmtal: Phil-Creativ, 1995).

⁴⁵ See Edward T. Superson, *Poland, Occupied in World War II, and Holocaust, 1939-1945: Philatelic History*, ed. 2 (n.p.: self-published, 1987), e.g. 395-97 on Auschwitz-Birkenau, and 402-406 on Majdanek.

⁴⁶ Andrea Löw, *Juden im Getto Litzmannstadt. Lebensbedingungen, Selbstwahrnehmung, Verhalten* (Göttingen: Wallstein, 2006), 146-52.

packages received, thousands of telegrams and cables and over a million letters and postcards received by residents.⁴⁷

Another desperate, far less formal variant on such communications was arguably some of the graffiti inscribed by prisoners in Nazi institutions on their cell walls, venting anger and despair, but also left with the hope that some other later 'resident' would be freed and pass some shards of information on.⁴⁸ Messages found in a half-destroyed prison complex in Gomel' at the end of the war, for instance, enjoined witnesses, 'Stalingrad County, Rudnyanski region, Rudnya village, Maiska Street 112 - let Maria Gluchkova know - Vladimir was shot'. Another inscription noting that Ivan An. Chernov had been shot instructed 'The first person to see these notes, please notify Gomel, Roscha Smolnaya Street, building 1, Nadya Vasilevich'. And one man pleaded, 'Perished here in the prison on September 25, Nikolay Petrovich Ermakov from Moscow, let my mother Anna Ilyinichna, born in 1898, know of my death through newspaper'.⁴⁹

Such 'arrangements' were doomed to failure. By contrast, the International Red Cross Committee and the network of national Red Cross societies proved to be key institutions in maintaining the bulk of contacts between many civilians being held

⁴⁷ Ibid., 151, citing a range of secondary literature. Surviving records from the Elders of the Jews in the Łódź Ghetto, USHMM, RG-15.083, reels 514-551, likewise suggests a massive volume of parcels, monies and letters flowing into the ghetto for at least 1940 and 1941, much of it recorded or handed over against signed or initialed receipts.

⁴⁸ A wide range of these prisoner messages, written in pencil or with pieces of coal or chalk, or scratched into the walls with nails and screws, are transcribed in Werner Jung, *Wände, die sprechen. Die Wandinschriften im Kölner Gestapogefängnis im EL-DE-Haus* (Cologne: Emons, 2014), e.g. cell 8, numbers 416, 418-419 (French prisoners' messages to their parents), and Manfred Huiskes, ed., *Die Wandinschriften des Kölner Gestapo-Gefängnisses im EL-DE-Haus, 1943-1945* (Cologne: Böhlau, 1983), e.g. 96 (Ellen Köllmann's name with address and arrest details); 211 ('Hier hat/Nikolai Smitanin gesessen,/er wartet auf den Tod'), and 181, 204 (names and their arrest dates, with short comments and sometimes a birth year and hometown).

⁴⁹ A. Livin in the *Truth* newspaper (Gomel', Belarus, 5 April 2013), on a prison complex in the city: <http://gp.by/category/news/society/news23870.html> (accessed 31 May 2017). I owe this reference to Alexander Kruglov.

prisoner by the Nazis and their families outside of occupied Europe. Red Cross message forms, evidently vetted for censorship problems by the staff, were forwarded to national Red Cross societies for distribution along with packages. The organisation also apparently succeeded in persuading the warring governments to permit some exchange of news between families.⁵⁰ But aggregate statistics published by the International Committee of the Red Cross (ICRC) make it quite difficult to determine which Jewish prisoners were being served and how consistently in the nearly 24 million civilian messages forwarded through Red Cross efforts during the war.⁵¹

The related history of parcel relief to prisoners in Nazi detention sites has largely been told as the story of the ICRC's stymied wartime aid project. Parcel relief mobilization is critical for our story only because it represents one of the few projects through which organisations—and indeed, individuals—still hoped to make contact with deported Jews in the latter half of the war. The Geneva organisation, already running a massive parcels programme for POWs, attempted to gain exemptions from the Anglo-American shipping blockade of continental Europe in order to aid civilian prisoners who were not covered by diplomatic 'protecting power' agreements.⁵² Less known and less discussed are the thousands of private arrangements, both domestic and international, that conveyed messages, money, food and clothing to civilian prisoners detained by the Nazis. Some of that mail was clearly smuggled across

⁵⁰ ICRC, *Report of the International Committee of the Red Cross on its Activities during the Second World War (September 1, 1939-June 30, 1947)*, vol. II: *The Central Agency for Prisoners of War* (Geneva, May 1948), 68-71.

⁵¹ ICRC, *Report of the International Committee*, 72-74; and the first volume of the same publication, *General Activities* (Geneva: May 1948), 582-83.

⁵² For a discussion of Switzerland as a wartime 'protecting power', see Leo Schelbert, "'Linking the Hideously-Sundered Nations': Neutral Switzerland as 'Protecting Power,'" in *Switzerland Under Siege, 1939-1945: A Neutral Nation's Struggle for Survival*, ed. idem (Rockport, Maine: Picton, 2000), 153-82. Switzerland was particularly favoured in this role and supervised the exchange of tens of thousands of civilians between belligerent powers; exchanges between Germany and Palestine included several hundred Jews (see 157, 159).

borders and barriers at great risk.⁵³

As the war progressed and certain areas in eastern Europe became ever more out of reach, a range of organisations nurtured the hope that relief parcels conveyed through neutral countries could provide not only needed food and clothing, but also answer who was still alive behind ghetto, prison and camp walls. (Postal remittances of money to detainees and ghetto residents in Nazi-occupied lands had a similar dual function.) Relief parcels were hardly tied to the tracking of Jewish prisoners alone. Families and philanthropies had used the Red Cross extensively during the First World War to send tens of thousands of parcels to POWs with printed acknowledgement postcards attached.⁵⁴ World War II parcel programmes for civilians in ghettos and camp prisoners appear to have adopted a receipt system made popular in the previous war, when the ICRC had become 'a central global hub for sending food parcels to POWs [and] tracing soldiers who were missing in action...'⁵⁵ Anecdotal evidence from such collections as *Final Letters* (1991) suggests that packages sent to Jewish prisoners were indeed critically important in keeping up spirits and provided nourishment or items for barter during the Second World War.⁵⁶ Many were privately

⁵³ For a compelling uncensored exchange between three Jewish youth in the Generalgouvernement and the Reich during the war, see Jürgen Matthäus, with Emil Kerenji, Jan Lambertz and Leah Wolfson, 'Letters as a Lifeline', in *Jewish Responses to Persecution*, vol. III: 1941-1942 (Lanham: AltMira in association with the USHMM, 2013), 70-82. In a 19 January 1941 letter, Ruth Goldbarth in Warsaw complained to her friend in Minden about the disappearance of mailboxes in the ghetto and the fact that the Polish post office had moved out 'and taken everything along, even the furnishings inside the post office building and all the mailboxes'. (A ghetto post office was evidently set up later.) On the use of go-betweens for letters, see Dwork and van Pelt, *Flight from the Reich*, 246ff., 340-46.

⁵⁴ Despite that earlier experience, the ICRC and British Red Cross encountered many obstacles with their POW parcel service in the first few years of the new war. See James Crossland, *Britain and the International Committee of the Red Cross, 1939-1945* (Houndsmill: Palgrave Macmillan, 2014), 68-74.

⁵⁵ Gerald Steinacher, *Humanitarians at War: The Red Cross in the Shadow of the Holocaust* (Oxford: Oxford University Press, 2017), 17.

⁵⁶ References to parcels (and the receipt of postcards) permeate the correspondence compiled in Dafni and Kleiman, eds., *Final Letters*: 15, 16, 21, 22, 29, 35, 52, 53, 56, 60, 73, 74,

organised or at least largely paid for by individuals in neutral or Allied countries rather than the organisations that filled orders (typically tins of sardines from neutral Portugal). Yet a range of factors complicated more systematic large-scale philanthropic efforts to include Jewish detainees and prisoners; such parcels became a site of struggle between Jewish aid workers, Nazi officials and Allied war policy-makers who held fast to an economic blockade strategy until late in the war.⁵⁷ Exactly how effective were such shipments as a tracing service?

Nazi officials perversely allowed parcel shipments to a limited number of camps at intervals, but kept the names of potential recipients under tight wraps and long limited parcels to those 'not subject to a strict punishment regime'.⁵⁸ Measures such as the '*Nacht und Nebel*' decree effectively halted information on many prisoners' movements. The ICRC, forced to adhere to Nazi requirements that the packages be directed to specific recipients by name and location, steadily compiled names lists and hoped for a break.⁵⁹ To make matters worse, the Germans refused the

109 and 31 (money sent). A prisoner at the Bernim Strasse women's penitentiary in Berlin asked her mother not to send further food parcels because she was not receiving them and 'I do not want strange, indifferent persons to profit from products which you save for me from your rations' (114). See also Engelking and Leociak, *Warsaw Ghetto*, 375-77.

⁵⁷ On World War II restrictions, the authoritative work remains W.N. Medlicott, *The Economic Blockade*, 2 vols. (London: HMSO, 1952-1959). For a more recent discussion of the difficulties created by the blockade for Allied and neutral relief initiatives, see Crossland, *Britain and the International Committee*, esp. 104-08. Isabel V. Hull, *A Scrap of Paper: Breaking and Making International Law during the Great War* (Ithaca: Cornell University Press, 2014), discusses Britain's earlier blockade of Germany, describing it as 'its most controversial method of warfare during the First World War' (141).

⁵⁸ Jean-Claude Favez, *The Red Cross and the Holocaust* (Cambridge: Cambridge University Press, 1999), 26. The Jewish Council in Theresienstadt was also not entitled to convey any information about Jews in the camp to the outside world. See WJC-Geneva office to Jakob Schattner, 4 Feb. 1944, USHMM, RG-68.045M, reel 70.

⁵⁹ These constraints notwithstanding, the Red Cross in Geneva ultimately delivered over one million relief packages through its concentration camps parcel scheme. Crossland, *Britain and the International Committee*, p. 127. See also Favez, *The Red Cross*, 70, 75, 92. Favez concludes that the exact number cannot be determined, since some of the names occurred twice or more and a large number of parcels from summer 1944 onward were never acknowledged. Ronald W. Zweig, 'Feeding the Camps: Allied Blockade Policy and the Relief of

ICRC access to the main concentration camps to check on parcel distribution, although the Geneva organisation's representative Roland Marti evidently did visit a number of camp commandants directly in a quest to obtain information about the nationality, number and names of detainees. Much depended on the goodwill of these camp officials in having parcels accepted and, where possible, even getting acknowledgement receipts returned.⁶⁰

The overall assessment of parcel relief (and hence, its collateral ability to trace prisoners) remains mixed. Jean-Claude Favez concludes, 'All in all the sending of parcels to concentration camps, like its search activity in general, had contradictory effects on ICRC's policy and attitudes towards victims of racial persecution and [...] affected relatively few people considering the huge numbers of those imprisoned and persecuted...'⁶¹ François Bugnion echoed him, concluding, 'the vast majority of prisoners could not be assisted in this way, for the ICRC was not allowed to send parcels to those categories of concentration camp inmates who were subject to the most stringent regimes, and whose names were a closely guarded secret. Moreover, relief parcels offered no protection against torture and killing'.⁶² Relief parcel receipts and receipts for money orders (and their failure to be returned in many instances) in themselves constitute a perplexing interpretive challenge. On the one hand, such receipts for parcels indeed did roughly function as a confirmation of who was still alive. In a few instances, they did even more than this at a rather late stage in the war: some receipts for ICRC shipments appear to have come back with the names of both

Concentration Camps in Germany, 1944-1945', *The Historical Journal* 41, no. 3 (Sept. 1998): 830, suggests that initially very few of the 1943 wave of parcels went to Jewish prisoners.

⁶⁰ Favez, *The Red Cross*, 74-75, 96, 99.

⁶¹ *Ibid.*, 77 and see 279.

⁶² François Bugnion, *The International Committee of the Red Cross and the Protection of War Victims* (Oxford: Macmillan Education, 2003), 208-09.

recipients and other prisoners in the same camps on them.⁶³ Hence, as Gerald Steinacher grudgingly admits, 'the ICRC was able by March of 1945 to combine this information with that from other sources to compile a list of nearly 56,000 people and their locations. The organisation thus did slowly emerge as an important conduit for bringing some limited aid to Jews in Nazi-occupied Europe'.⁶⁴

On the other hand, taken at face value the ghetto or camp receipt seems in many instances virtually indecipherable. The massive collection of receipts surviving from the Litzmannstadt ghetto indicates that they were ubiquitous in some of the larger ghettos but difficult to 'read' with any certainty, not least because of illegible scrawled signatures and now, the fading of forms.⁶⁵ Parcel and remittance receipts may arguably add to our understanding of how porous ghetto and camp walls were at different points in the war. They raise questions about whether the influx of food, clothing and money from the outside impacted ghetto economies or altered living conditions and survival rates inside these communities. But receipts and receipt lists on their own do not tell that story very well: today they have become largely indecipherable artefacts, often requiring lost knowledge about discontinued forms and procedures of bygone postal bureaucracies that even the most exacting philatelic histories cannot illuminate.⁶⁶ The veracity of such 'tracking devices' was even questioned at the time, one of several stumbling blocks in ICRC negotiations with Allied governments about the concentration camp package scheme. As Gerald

⁶³ See e.g. Favez, *The Red Cross*, 94-97.

⁶⁴ Steinacher, *Humanitarians*, 52.

⁶⁵ Some quite clearly legible return receipt forms have survived from one of the best-organised mass package schemes, RELICO. Anne Lepper, personal communication, 20 Sept. 2017.

⁶⁶ By contrast, the ghetto postcard, even in its stilted, carefully censored, laconic form, can offer a more revealing snapshot of the traffic in goods, gifts and information in the first half of the war.

Steinacher has argued, during the latter part of the war many officials viewed parcel receipts as another form of deception sown around ghetto or camp conditions, around sites of mass murder. The difficulty of verifying that prisoners' and ghetto residents' signatures on receipts were authentic never went away, so many Allied officials remained reluctant to make exceptions to the shipping blockade mounted against Germany.

The interpretation of return receipts for parcels also presented challenges during the war that would remain impossible to resolve. For instance, when the Portuguese purveyor of food parcels for a Nazi camp got receipts back in July 1943 that had not been stamped, the World Jewish Congress officials who had commissioned the shipment commented, 'The Portuguese post office assumes that the receipts were separated from the parcels during the customs inspection and were thus returned. It is therefore not impossible that the parcels still reached the recipients'.⁶⁷ And if the purported signatures of food parcel recipients remained in dispute, the absence of receipts—their failure to be returned—could be telling and alarming in its own way. In a comment on disposing of the extensive archives of one of the defunct New York missing persons location offices of the 1940s, Chaim Finkelstein, who had created and run the service, pointed out that his office had originally started the parcel service for the World Jewish Congress. Its files still contained records on thousands of food parcel orders for deportees, refugees, inmates of ghettos, and Soviet labour camps and, he added (with the benefit of hindsight), 'numerous communications from various post offices that the addressees are "unknown", or have

⁶⁷ WJC-Geneva office to Erik Lindman in Stockholm, 23 Nov. 1943, RG-68.045, reel 70, my translation from German.

"moved" [...] actually served as a tacit confirmation of their extinction'.⁶⁸ The World Jewish Congress and Abraham Silberschein's RELICO offices in Geneva in fact faced the same dilemma repeatedly during the war, unsure of whether and where to proceed with parcel orders from abroad.⁶⁹ If Nazi officials imposed sporadic bans and impossible conditions, Jewish aid organisations themselves halted shipments at various junctures.⁷⁰

The hard-won organisation of wartime relief parcel for Jews trapped in Nazi-occupied Europe had many virtues. However, it was never able to serve even remotely as an adequate tool for locating deported, unreachable, or missing family and community members. This was true particularly for the latter part of the war, when occupied Europe had been turned into a landscape of camps and access to the mails grew out of reach for most of the remaining Jewish population. Even the World Jewish Congress office in Geneva, aware of many alarming developments across the borders, could only inform Mme Sophia de Smitt of La Tour-de-Peilz (Switzerland) and others like her, 'up to now it was possible in only very few cases to find out the current addresses of deported individuals'.⁷¹ If the heinous general conditions in a number of Nazi camps were coming to light in Geneva, London and Washington, obtaining information on *individual* prisoners would remain an intractable problem for even the most determined observers throughout the war. Postwar conditions proved only marginally better for the work of tracing missing Jews.

⁶⁸ Chaim Finkelstein to Nehemiah Robinson, 26 Feb. 1958, USHMM, RG-67.011M, box D46, file 11.

⁶⁹ Silberschein wartime RELICO correspondence files, USHMM, RG-68.045M, esp. reels 8-13.

⁷⁰ WJC-Geneva to R. Haberkorn (St. Cergus), 1 Nov. 1943, USHMM, RG-68.045, reel 70. WJC-Geneva to Jüdische Flüchtlingshilfe Davos, 28 Aug. 1944, and WJC-Geneva office to Leopold Ehrenreich, 27 Oct. 1944, both USHMM, RG-68.045, reel 71. See also WJC-Geneva office to H. Storch (Stockholm), 16 Oct. 1944, USHMM, RG-68.045, reel 71, on how to convince the War Refugee Board that the investment in packages to camps was worthwhile.

⁷¹ WJC-Geneva to Sophia de Smitt, 19 Nov. 1943, USHMM, RG-68.045, reel 70.

Historical and Institutional Approaches to Missing Persons

Although a flood of legal commentaries on 'absence and the presumption of death' appeared in print after World War II, historical writing about missing persons and the European war is less abundant. What are the focal points of the few existing studies, and how useful are they for addressing the general and particular features of Jewish disappearance during the Holocaust? To what extent do they operate with the assumption that the missing were in fact dead and 'unrecoverable'? A number of earlier works have discussed the missing persons phenomenon mainly through the lens of longstanding institutions, amongst which the Red Cross is the most prominent. Apart from some in-house publications on the organisation's long-term development, Kurt W. Böhme has provided the most expansive and detailed account of postwar searches for diverse groups of Germans. The author worked for the West German Hilfsdienst für Kriegsgefangene und Vermißte (the service for conducting searches for soldiers) in Stuttgart from 1947 to 1953, before running a similar service for the German Red Cross in Munich and co-authoring a number of studies on the history of German POWs.⁷² In over 300 pages, he undertakes a painstaking accounting of searches involving children separated from their families, Wehrmacht soldiers missing in action, POWs, German civilians deported to the Soviet Union and German civilians held in East European countries.⁷³

The Jewish missing are absent as a problem in this work and others, only part of which can be explained away by hypothesizing that the United Nations' relief

⁷² Kurt W. Böhme, *Gesucht wird... Die dramatische Geschichte des Suchdienstes*, rev. ed. (Munich: Süddeutscher Verlag, 1970), 313. See Wolfgang Remmers on the Deutsche Dienststelle für die Benachrichtigung der nächsten Angehörigen von Gefallenen der Ehemaligen Deutschen Wehrmacht (WAST), *Deutsche Dienststelle (WAST) 1939-1999* (Berlin: Deutsche Dienststelle, 1999).

⁷³ For a statistical overview of success rates as of 1965, see Böhme, *Gesucht wird...*, 291.

agency UNRRA or Jewish agencies largely assumed responsibility for postwar searches for Jews. A slightly later work, Anton Schlögel's on the German Red Cross between 1945 and 1950, again offers up many statistics (the German Red Cross received almost 14 million search requests from 1945 to 1949 and around 63,000 of the 110,000 children on their books were reunited with their parents). This account usefully outlines the search agencies set up for missing Germans in all the occupation zones immediately after the German capitulation, a service that the occupation administrations refused to provide.⁷⁴ Walter Gruber's highly defensive 1985 overview on the German Red Cross takes pains to insist that the organisation was never truly nazified, instead doing good work with its Swedish partner organisation for starving wartime Greece and for concentration camp prisoners.⁷⁵ Again we learn little about what percentage of its early postwar searches involved missing Jews.

A small number of works have begun to appear on the history of the International Tracing Service archive in Bad Arolsen, which opened to public research only recently and at its inception did not take requests from the general German population. It was glued together from a range of search services, in its first years both using and serving as an alternative to Red Cross resources. These new histories include, for instance, Suzanne Brown-Fleming's hybrid book on the International Tracing Service that will be discussed below, part monograph, part document collection, part how-to guide, and Dan Stone's scrutiny of the ITS and what it reveals

⁷⁴ Anton Schlögel, *Neuaufbau des Deutschen Roten Kreuzes nach dem II. Weltkrieg. Geschichte des DRK 1945-1950* (Bonn: Schriften des DRKs, 1982), 69-72.

⁷⁵ Walter Gruber, *Das Rote Kreuz in Deutschland. Zum 125. Jahrestag von Solferino* (Wiesbaden: Wirtschaftsverlag GmbH, 1985), 95, 104. The organisation was dissolved and replaced in the Soviet Occupation Zone (98).

about historical research in an age of digitization.⁷⁶ These works, which focus on 'institutional' search services that catered to multiple constituencies, also raise the question of how well ITS and its precursors served searches for Jews in their early years. Did their administrators understand missing Jews as a distinct challenge, requiring a different toolkit and different 'chains of information'? A third place to evaluate institutional approaches to Jewish missing persons is by looking at the major Jewish organisations that installed their own search services during the war and experienced a heavy volume of requests for information, as I will show in Chapter 3 of this thesis. Curiously, that work has not been accorded serious attention in either Menachem Z. Rosensaft's collection of essays on the World Jewish Congress or Zohar Segev's monograph on the organisation.⁷⁷

Another set of historical approaches to missing persons places particular groups at their centre. Two of these groups have received especially prominent billing in the literature on missing persons in the wake of the Second World War: unclaimed, abandoned, or kidnapped children on the one hand and German soldiers on the other. The first studies of 'stolen children' emerged in the decades after the war, compiled by social welfare officials active in the search for children or their missing parents. Prominent amongst these professionals was Roman Hrabar, a lawyer by training who lived in Warsaw during the occupation and taught classes in secret. Surviving arrest, he moved to Katowice after liberation and helped to conduct missing person searches.

⁷⁶ Suzanne Brown-Fleming, *Nazi Persecution and Postwar Repercussions: The International Tracing Service Archive and Holocaust Research* (Lanham: Rowman & Littlefield in association with the USHMM, 2016); Dan Stone, 'The Memory of the Archive: The International Tracing Service and the Construction of the Past as History', in *Dapim: Studies on the Holocaust* 31 (2017): 69-88.

⁷⁷ Menachem Z. Rosensaft, ed., *World Jewish Congress, 1936-2016* (New York: World Jewish Congress, 2017); Zohar Segev, *The World Jewish Congress during the Holocaust: Between Activism and Restraint* (Berlin: Walter de Gruyter Oldenbourg, 2014).

He began working for the Polish government in March 1947 and was made Plenipotentiary for the Restitution of Polish Children, affiliated with the Polish Red Cross. Wielding quasi-diplomatic status, he and his colleagues travelled to Germany and Austria after the war, although his efforts to locate kidnapped children did not yield much success.⁷⁸ Several latter-day accounts of the war's missing young (or children whose parents were missing) have appeared in recent, more general studies of children and the war.

Recent studies focusing broadly on 'unaccompanied' and uprooted children of the war, including their embattled place in the postwar political landscape, go beyond Hrabar's important work and devote some space to Jewish children as well. One problem that has hindered this project writ large was expressed by Nicholas Stargardt in his 2005 book on children under Nazi rule, in which he concludes that despite dozens of child search officers afoot in occupied Germany, 'No one knew how many abandoned and orphaned children there were at the end of the war. UNESCO put the figure at 13 million'.⁷⁹ He opts for the solution of alternately separating and bundling together the experiences of Jewish and non-Jewish children, and a number of subsequent authors have likewise adopted this strategy. They include Tara Zahra's account of "lost children" after the Second World War ended.⁸⁰ Verena Buser, the contributors to Simone Gigliotti and Monica Tempian's collection on child victims of the Nazi regime, Lynne Taylor, Christian Hölscher and others have in diverse ways also

⁷⁸ See e.g. Roman Hrabar, Zofia Tokarz and Jacek E. Wilczur, *Fate of Polish Children during the Last War* (Warsaw: Interpress, 1981, orig. 1979).

⁷⁹ Nicholas Stargardt, *Witnesses of War: Children's Lives under the Nazis* (London: Jonathan Cape, 2005), 356-57 and see 358-62.

⁸⁰ Zahra in *The Lost Children: Reconstructing Europe's Families after World War II* (Cambridge, Mass.: Harvard University Press, 2011), 11, bluntly points out that Jewish children 'initially represented one of the smallest groups of displaced youth after the war, since those too young to work had been systematically exterminated'. The 'lost' here are not construed as dead, but rather as 'found' children, even if their biological parents had not been found.

demonstrated the logic of discussing these children's stories together (or at least side by side): their identities were often an unsettled question and their individual family histories would remain forever missing.⁸¹ Some historians have nonetheless found this approach or balancing act too broad and 'inclusive', too weighted towards non-Jewish children. Daniella Doron's account of Jewish youth in postwar France, for instance, opts for a separate story.⁸²

Neil Gregor's article "'Is he still alive, or long since dead?'" makes a strong case that the 'missing' were a central concern for Germans in the immediate postwar period; historians, Gregor argues, have not adequately addressed their meaning and importance for 'the memorial culture of the early years of the Federal Republic'.⁸³ His study of the city of Nuremberg focuses above all on the long-lived civilian searches after the war for German soldiers who had disappeared and were rumoured to be held in Soviet camps. 'Most desperate of all [the searches], of course, was the search for news of those held in captivity abroad, above all in the Soviet Union'.⁸⁴ One may take issue with the hierarchy of desperation suggested here, but Gregor makes clear that soldiers made up a disproportionate number of the missing in Nuremberg. He does in fact acknowledge the large numbers of the city's civilians who had

⁸¹ See e.g. Verena Buser, "'No Stone is Left Unturned". Die Entwicklung neuartiger Instrumentarien zur Kindersuche und -fürsorge nach dem Ende des Zweiten Weltkriegs', in *Zeitschrift für Geschichtswissenschaft* 12 (2016): 1059-076; Simone Gigliotti and Monica Tempian, eds., *The Young Victims of the Nazi Regime: Migration, the Holocaust, and Postwar Displacement* (London: Bloomsbury Academic, 2016); Lynne Taylor, *In the Children's Best Interests: Unaccompanied Children in American-Occupied Germany, 1945-1952* (Toronto: University of Toronto Press, 2017); and Christian Höschler, 'International Families? Community Living in the IRO Children's Village Bad Aibling, 1948-1951', in *Freilegungen: Rebuilding Lives—Child Survivors and DP Children in the Aftermath of the Holocaust and Forced Labor*, eds. Henning Borggräfe, Akim Jah, Nina Ritz and Steffen Jost (Göttingen: Wallstein, 2017), 105-24.

⁸² Daniella Doron, *Jewish Youth and Identity in Postwar France: Rebuilding Family and Nation* (Bloomington: Indiana University Press, 2015).

⁸³ Neil Gregor, "'Is he still alive, or long since dead?": Loss, Absence and Remembrance in Nuremberg, 1945-1956', *German History* 21 (2003): 184-85.

⁸⁴ *Ibid.*, 186.

disappeared (without, however, offering separate figures on the Jewish residents among them). Missing soldiers, his piece demonstrates, remained part of civic ceremonial culture well into the 1950s, with special prayers held during church services devoted to these men and memorial silences, concerts, processions and vigils still drawing substantial public support—with the government providing no real discouragement—even after most of the remaining POWs in the USSR had evidently been released.⁸⁵

Gregor's study provides a fulcrum for rethinking the early postwar years, including the 1950s. He challenges the hold of Cold War rhetoric even as he acknowledges the widespread conviction that the Soviets were secretly detaining thousands of missing POWs. Using research grounded in the city's Christian establishment, he emphasizes that the grief of relatives who continued waiting for the missing partly drew on languages and practices that predated the Cold War divide. He makes a concerted plea that more recognition be accorded the psychological impact of the war and its shadow on postwar West German culture, rather than placing a too heavy emphasis on Cold War hostilities and fear.⁸⁶ Gregor recognises that the cultural space accorded German war losses underpinned a partly self-serving, relativising discourse about 'German victimisation'.⁸⁷ This also had implications for the sidelining of attention to the Jewish tragedy; he writes, 'if we are to understand properly the manner in which the Holocaust in particular and the crime of Nazism in general were marginalized in the 1950s, we need to give due weight to the role of the ordinary Germans' own mass trauma during and after the war'.⁸⁸ In many ways, the argument

⁸⁵ Ibid., 190-94.

⁸⁶ Ibid., 200-201.

⁸⁷ Ibid., 196, 201-02.

⁸⁸ Ibid., 201.

makes perfect sense for explaining why West Germans privileged 'ordinary German victims' of the war and its aftermath over non-German (or indeed Jewish) victims of Nazism, 'and were part of a nascent post-war memorial culture in which the racial crimes of the Third Reich were being gradually repressed'.⁸⁹ Yet Gregor's argument does not go far enough; it has its own blind spot about the city of Nuremberg's own missing Jews. Much like other recent historical literature on 'missing persons history', it privileges non-Jewish missing persons over the Jewish population that disappeared, never mentioning it explicitly.

Frank Biess has in several works with a somewhat different emphasis also considered the cultural fall out of missing German soldiers and POWs, particularly those who disappeared or were captured on the Eastern front. Missing German soldiers already presented a considerable problem for Nazi propaganda; the regime found it difficult to incorporate them into its political mythology about sacrifice and heroism. Missing soldiers' relatives created uncomfortable pressure on both political and military authorities when information was not forthcoming. Lack of information about missing soldiers, particularly as casualty rates skyrocketed in the latter years of the war, undercut morale on the domestic front; women in particular showed gradual 'disengagement' from a commitment to the regime.⁹⁰ Biess argues that this predominantly female experience of loss easily transformed into a narrative of German victimization after the war.

⁸⁹ Ibid., 184.

⁹⁰ Frank Biess, 'The Search for Missing Soldiers: MIAs, POWs, and Ordinary Germans, 1943-45', in *Conflict, Catastrophe and Continuity: Essays on Modern German History*, eds. Frank Biess, Mark Roseman and Hanna Schissler (New York: Berghahn Books, 2007), 120-21, 126, 128. His work is one of the latest variants on previous studies about Germans in Soviet captivity, including Arthur L. Smith's *Die 'vermisste Million'. Zum Schicksal deutscher Kriegsgefangener nach dem Zweiten Weltkrieg* (Munich: Oldenbourg Verlag, 1992). See also Robert G. Moeller, *War Stories: The Search for a Usable Past in the Federal Republic of Germany* (Berkeley: University of California Press, 2001).

Like Neil Gregor, Biess believes that the anxiety around missing or captured soldiers had unexpected staying power, extending 'far into the 1950s'.⁹¹ In a slightly earlier work addressing German POW repatriations from the Soviet Union, Biess more broadly compares East and West German attitudes to long-delayed homecomings and finding some shared forms of what he calls 'denial'. West German families, he concludes, clung to the 'increasingly unlikely scenarios of hundreds of thousands of POWs interned in "silent camps" [in the Soviet Union]'. Many ordinary East Germans (contradicting official SED ideology) also bought into the myth of secret camps and shared the hope that family members might still return.⁹² Jews are missing from Biess's story, as is a discussion of how secret Soviet camps impacted the visibility of the Jewish tragedy. Yet it reminds us what a powerful, politically charged place certain categories of missing persons could occupy both during the war and in its aftermath.⁹³ For one of the few histories that gives a more central place to Jewish lives, we need to travel back in time and across the Atlantic.

Anna Igra uses the story of missing husbands to analyse the intersection of early twentieth-century Americanisation with legal and welfare policy.⁹⁴ Her account looks at the work of the National Desertion Bureau (NDB), a Jewish charitable initiative based in New York that tracked deserting spouses, above all working-class men who were failing to support their families. Through the net cast by assiduous case workers, the bureau 'drew on the investigating staff of hundreds of agencies around

⁹¹ Biess, 'The Search', 115, 128-29.

⁹² Frank Biess, *Homecomings: Returning POWs and the Legacies of Defeat in Postwar Germany* (Princeton: Princeton University Press, 2006), 186.

⁹³ For a discussion of Isaac Schneersohn and the symbolic 'Tomb of the Unknown Jewish Martyr' project in Paris, see Jockusch, *Collect and Record*, 74-81. See also Moeller, *War Stories*, 88-122, on the return of the last German POWs from the Soviet Union in 1955.

⁹⁴ Anna R. Igra, *Wives Without Husbands: Marriage, Desertion, & Welfare in New York, 1900-1935* (Chapel Hill: UNC Press, 2007). Desertion only became a policy concern amongst charities from the late 1890s onwards in the United States.

the country (and around the world, if necessary) [...] and ultimately enjoyed considerable success in at least locating husbands as a first step.⁹⁵ The Yiddish press supplemented these efforts, soliciting help from its thousands of readers by publishing 'mugshots' and descriptions of deserters in a shaming 'Gallery of Missing Men'. Igra concludes that the bureau and its support from the press comprised more than a location service. Such publicity efforts 'sent a message to Jewish immigrant men that they should support their wives and children' and adhere to an 'American' model of family life predicated on male breadwinning.⁹⁶ The context in which the NDB emerged and its implications for government family policy were obviously quite different from those revealed in the wartime and post-World War II location efforts around Europe's missing Jews. We lack any evidence that some form of continuity existed between these two types of Jewish search efforts. And yet Igra's study reminds us that Jewish social services and community work on both sides of the Atlantic long operated on a separate track from non-Jewish agencies, be they privately or publicly funded. Although her study comes from a different time and place than wartime Europe, it again serves as a pointed reminder that the search efforts or search agencies of the 1940s need to be scrutinised explicitly for how well they served both non-Jewish and Jewish clients. And how did they frame the outcome of their searches?

All the aforementioned works in distinct ways raise the problem of aggregating the story of missing Jews in the Holocaust era with that of missing persons history writ large. In some cases they lose ground as a cultural minority, in others the looming Cold War showdown threatens to overwhelm their stories. Does an 'integrated approach' to the history of the missing in postwar Europe remain desirable or

⁹⁵ Ibid., 87-88.

⁹⁶ Ibid, 25.

remotely workable? What do we lose or gain by collapsing the two (or indeed many) stories, both in the postwar and beyond? Two recent works reveal these problems in a range of ways, Suzanne Brown-Fleming's aforementioned introductory volume to the International Tracing Service and Jenny Edkins' 2011 comparative and historical account of the missing persons problem.⁹⁷

The difficulty of integrating the story of missing Jews in the Holocaust era into 'general' missing persons history is not immediately obvious. One needs to raise questions about differences rather than assume they did not exist. Extolling the virtues of the recently opened International Tracing Service collection for Holocaust research, Brown-Fleming's volume nonetheless raises many questions about how well that archive can address specifically Jewish experiences. Already in his foreword to this book Paul A. Shapiro, a major figure behind the opening of the archive for public use, admits that a 'majority of the documents in the ITS archive deal with the fates of *non-Jewish victims* of Nazi-era persecution', whilst asserting that 'the ITS archive, through its size alone, would add significantly to the enormous archival puzzle regarding the Holocaust [...]'.⁹⁸ From the outset, then, Jews share space with many other groups here and the 'puzzle regarding the Holocaust' becomes increasingly amorphous. What questions are being asked and answered here?

In her opening chapter, Brown-Fleming provides an overview of the institutional history of this tracing service and the latter-day arrangement of its files into a collection for research. This is done in expansive detail. Unfortunately, the plethora of Jewish agencies and communities that had predated the service, very

⁹⁷ Brown-Fleming, *Nazi Persecution*; Jenny Edkins *Missing: Persons and Politics* (Ithaca: Cornell University Press, 2011).

⁹⁸ Paul A. Shapiro, 'Foreword', in Brown-Fleming, *Nazi Persecution*, xii, my emphasis.

actively conducting efforts to search for European Jews from the earliest days of the war through the late 1940s, go unmentioned here. What was their relation to the multiple national Red Cross societies, to UNRRA's Central Tracing Bureau and, eventually, the ITS in Arolsen (later Bad Arolsen) itself? While the introduction alludes to the long political skirmishes that kept the archive closed to historians for so long, we also learn nothing about a far greater obstacle to postwar tracing efforts, the deliberate and systematic wartime destruction of documents by Nazi units to hide their crimes against Jews and other prisoners.

The book perhaps ironically succeeds in demonstrating the difficulties of tracking Jewish difference or distinctiveness in many of the archive's holdings. A few Jewish families appear in the book's portrait of small-town life during the war in the Rhine Valley (Chapter 2), but the author only puts the question of Jewish fates squarely in the frame in the book's middle chapter titled 'Jewish Voices' (Chapter 3). Featured here, for instance, is a documentation project conducted by some unnamed organisation in 1950 involving 'questionnaires filled out by *Jewish and non-Jewish victims*' (apparently Auschwitz survivors). The text leaves unclear where Jewish and non-Jewish experiences (and memories, for that matter) converged or diverged even here.⁹⁹ Brown-Fleming's chapter also reveals that the archive staff was often unable to locate documentation for former prisoners (for instance, one Felix Ries).¹⁰⁰ For Jewish survivors, this failing or documentation deficit could spell a kind of secondary disaster, for ITS records ultimately played a critical role in buttressing postwar restitution claims or settlements. The story of a Polish Jew named Abram (Abraham) Langer

⁹⁹ Brown-Fleming, *Nazi Persecution*, 107-08, my emphasis. The surviving documents themselves may not provide clear clues.

¹⁰⁰ Ibid., 120n107, 121 and esp. 121n108.

presented here is exemplary. A lawyer in the 1950s in Langer's new postwar home in Israel repeatedly sent ITS the long list of wartime sites where Langer had been held, trying to obtain a certificate of incarceration for his client. Langer's application to the Bavarian state restitution office was ultimately doomed when the ITS staff seemed unable to come up with his name on a prisoner list for the seven or more camps where he had been held (a number of them now in Poland).¹⁰¹ The book suggests that Jewish survivors and their advocates—already facing considerable political and ideological obstacles in making postwar claims—were also at the mercy of a rather arbitrary bureaucratic institution that often served its Jewish clientele very poorly. Brown-Fleming's volume is largely designed to serve as a guidebook for prospective ITS users, and the Jewish examples proffered here leave much room for further comment. Yet a challenge at least suggested by Brown-Fleming's study is in the end whether being Jewish mattered. We know that it clearly mattered in how and why individuals and families went missing. But did it impact how they were subsequently traced (or not), and by whom?

Jenny Edkins' *Missing: Persons and Politics* offers a rather different analysis of 'disappeared persons' in multiple global and modern historical settings. *Missing* is a subtle meditation on the conceptual space that missing persons inhabit in modern states (or the 'police order'), the ways in which they become objects of administration and tell us something about political subjectivity.¹⁰² The study draws from an array of rather divergent historical and contemporary examples, from the World Trade Center attacks of 9/11 and the London bombings of 2005 to missing persons in post-World

¹⁰¹ Ibid., 124. And see 148-49 (document 3.11), Chrzanów, Annaberg, Laurahütte, Sakrau, Brande, Gross-Masslowitz and Görlitz.

¹⁰² See Edkins, *Missing*, 11-13.

War II Europe, to the disappeared in Argentina. This wide range of cases, she argues, can illuminate how claims for and about persons are made in the western political and social order. Edkins argues that the state or police order cannot see what she calls the 'person-as-such' (metaphorically epitomised by the missing person).¹⁰³ In these multiple contexts, she argues, 'relatives speaking in the name of that which is not there (the displaced, the missing, or the disappeared) are producing a political subjectivity (the missing person, the subject of a lack). Action or speech on behalf of the displaced or the disappeared creates the demand for a place for the person-as-such in politics'. Paradoxically, Edkins concludes that these missing persons 'are neither present nor fully absent but inhabit a world between the living and the dead', and offer an exemplary site on which to encounter and evaluate demands for a different form of politics or 'disturbance'.¹⁰⁴ Searches for the missing or disappeared have become a contest between relatives seeking what Edkins calls the 'person-as-such' (or specific, sought-for individuals) and bureaucratic mechanisms that instrumentalise missing individuals, which she implicitly suggests is a loss in itself.¹⁰⁵

If the diverse examples proffered here serve her general argument well, the book nonetheless sows some confusion about where and by whom searches for missing Jews were conducted. An early chapter on Displaced Persons in postwar Europe offers an overview and statistics on everyone from POWs to expellees before turning to Bergen-Belsen and the camp complex at Auschwitz (and, finally, UNRRA's efforts to provide relief in the DP camps). Edkins acknowledges the tensions between

¹⁰³ Edkins' conceptual framework draws inspiration from work by Jacques Rancière and Jacques Lacan; see *ibid.*, 11-12.

¹⁰⁴ *Ibid.*, 197.

¹⁰⁵ See *ibid.*, 13: 'People go missing one by one, as someone, not as "anyone"... The ways [of] defining missing persons and establishing a bureaucratic mechanism for dealing with them... risk missing both the point and the person'.

Jewish survivors and other DP groups—it is an oft-told story—but then quickly segues into a more general discussion of destroyed records.¹⁰⁶ The centre of gravity in this chapter is the British zone of occupied Germany, particularly the community around Belsen. We lose sight of which of these DPs were Jewish, and the chapter soon proceeds into a long segment on former collaborators and perpetrators who chose 'to disappear'. The chapter on tracing services that follows lays out the inception of the International Tracing Service and its roots in a unit of the Supreme Headquarters Allied Expeditionary Forces (SHAEF), the Central Tracing Bureau and the work of such organisations as the British Red Cross Foreign Relations Department and the 'Central Register at Geneva'. (She also describes the parallel work of agencies that sprang up to search for German nationals.)¹⁰⁷ All of these services dealt with Jewish requests and the Jewish missing, well or badly. But, in line with other studies, the author makes no concession here that there may have been anything distinctive about searches for the 'Jewish missing', and she hastily dispatches with the existence of numerous diverse Jewish search agencies in one sentence.¹⁰⁸ The scale of their operations is not mentioned. Again, this study reveals both insights spurred by comparative work and the omission of needed questions about the distinctiveness of Jewish loss.

Across this backdrop of a plethora of search efforts, a protracted debate emerged amongst Jewish advocacy groups and institutions even before the war ended about the number of Jews murdered in occupied Europe. The number six million appears to have rather quickly become the basis 'for immediate post-Holocaust social accounting' (some arguing that the figure originated in an Eichmann query made in

¹⁰⁶ Ibid., 46.

¹⁰⁷ Military missing are accorded their own chapter later in her book.

¹⁰⁸ Edkins, *Missing*, 66.

1944).¹⁰⁹ The figure gained further credence during the International Military Tribunal in Nuremberg just after the war, and later scholars such as Philip Friedman, who had been active in the Polish commission assessing German crimes in Poland, and Raul Hilberg worked to refine it and identify a plausible margin of error.¹¹⁰ At one level the problem of figuring out precisely how many of Europe's Jews were *missing* at the end of the war was—we now know—essentially the same as determining how many of them had been *murdered*. Those problems required the same research and faced the same confounding odds. Jewish advocacy groups in the latter half of the 1940s had an interest in resolving the problem of how many Holocaust or Shoah victims there were, clearing up what proved to be an impossible goal. Furthermore, a clear number might have made it easier for them to bolster demands and set goals on behalf of survivors.

Obtaining a consensus on the precise number of Jewish victims remains an elusive but long sought-after goal. Beyond this, there is a practical consideration: who in this time of mass dislocation in fact had the power to convert Jewish missing persons into the dead?¹¹¹ Under more normal circumstances, family members or Jewish communities would have set enquiries in motion and, like Biess's families of disappeared POWs and soldiers missing in action, nurtured hopes of being reunited

¹⁰⁹ Stier, 'Six Million', 33-36, 45. On later uses of the iconic six million, see the introduction by Michal Kravel-Tovi and the essay by Carol A. Kidron on a Yad Vashem project in the same volume.

¹¹⁰ On the difficulty of calculating the numbers of Jews killed under the Nazis, see Raul Hilberg, 'Die Lückenhaftigkeit der Holocaust-Historiographie' (2005), in *Anatomie des Holocaust. Essays und Erinnerungen*, idem, eds. Walter H. Pehle and René Schlott (Frankfurt am Main: S. Fischer, 2016), 115-20. On Friedman's work, see Chapter 4n2. In an intriguing comment on the Jewish cultural practice of creating inventories, Jeffrey Schandler in a 2010 lecture points to a rabbinic or traditional Jewish prohibition on counting Jews, rooted in a discussion of a census of Israelites conducted by King David against divine will (2 Samuel 24:1-17 and 1 Chronicles 21). See 'Keepers of Accounts: The Practice of Inventory in Modern Jewish Life', which appeared on-line at <https://quod.lib.umich.edu/b/belin/13469761.0017.001/—keepers-of-accounts-the-practice-of-inventory-in-modern?rgn=main;view=fulltext> (accessed 5 Sept. 2017), 10.

¹¹¹ See Michal Kravel-Tovi, 'Introduction: Counting in Jewish', in *Taking Stock*, eds. idem and Dash-Moore, 17.

with loved ones for years to come.¹¹² And to some extent that enquiring and waiting process still happened, as I will show in this work, often conducted at unimaginably great distances and in the face of hardening Cold War obstacles. But, unique to Europe's Jewish communities, most of those concerned, those who should have been searching for family members, were themselves missing (and murdered).

Who among Europe's Jews was missing in May 1945 and who was in fact dead? Addressing that question requires us to tell the story of conflicting or at least disparate hopes, needs and agendas that circulated among Jewish communities, survivors, organisations and advocates for a few short years in the Jewish postwar. As I will show in this thesis, the 'political' declaration of death for millions of Europe's Jews preceded the legal declaration of their deaths by several years.

World War II, Death and the Missing: The Problems of Aggregation

As I have argued above, aggregation creates a conceptual problem in much of the historical literature on missing persons, rendering the particularity of the Jewish experience—or the diverse range of Jewish experiences—indiscernible. (Even speaking of Jewish experience in wartime Europe as a unified whole remains a methodological problem in itself.) Aggregation is likewise a stumbling stone in recent histories of death in World War II and 'German death'. What can we take from recent histories of mass death in twentieth-century culture for the history of mass Jewish 'disappearance' in the war? In their introduction to a 2008 book on mass death in recent German history, Paul Betts, Alon Confino and Dirk Schumann pose the problem: 'if the twentieth century is earmarked by the experience of mass death and

¹¹² As Jenny Edkins writes, 'Someone is only ever missing in relation - to those who know them and are concerned for their well-being and want to know their whereabouts'. Edkins, *Missing*, 13.

destruction, then how have the dead impinged upon the lives of the living?'¹¹³ In this section I explore whether the same could be argued about the missing, and in what ways 'the missing' are or have been culturally and historically distinct from the dead. A number of exemplary studies have recently homed in on the 'afterlives' of death and the 'trauma culture of the walking dead' rising from the German defeat in World War I, permeating and haunting interwar politics and nationalism.¹¹⁴ Whilst giving the powerful imprint of World War I its due, *Between Mass Death and Individual Loss* pushes the historical agenda forward into the Nazi era.¹¹⁵ Do missing people (or missing bodies, for that matter) have a different cultural status than dead bodies, and if so, why? Did that change at some point?¹¹⁶ Have 'identified' bodies had a different status than the 'unidentified' dead?¹¹⁷

The editors' primary interest is in the 'new presence' that the dead (or mass death) exerted on Germans in the twentieth century, the fall out of two world wars and the connection of the dead to ideologies of the nation and nationalism. Despite

¹¹³ Paul Betts, Alon Confino and Dirk Schumann, 'Introduction: Death and Twentieth-Century Germany', in *Between Mass Death*, eds. idem, 2.

¹¹⁴ See e.g. Michael Geyer, 'Insurrectionary Warfare: The German Debate about a *Levée en Masse* in October 1918', *Journal of Modern History* 73 (Sept. 2001): 459-527. The emphasis is quite different from Bruno Cabanes' recent account of the birth of transnational humanitarianism between the wars, *The Great War and the Origins of Humanitarianism, 1918-1924* (New York: Cambridge University Press, 2014).

¹¹⁵ By contrast, Thomas W. Laqueur's sprawling, rather loose-jointed compendium, *The Work of the Dead: A Cultural History of Mortal Remains* (Princeton: Princeton University Press, 2015), seems to lodge its very tentative centre of gravity in an earlier time.

¹¹⁶ Finn Stepputat's edited collection, *Governing the Dead: Sovereignty and the Politics of Dead Bodies* (Manchester: Manchester University Press, 2014), includes an essay on those Argentines who 'disappeared' during the dirty war, with unintended effects for the regime. See Antonius C.G.M. Robben, 'Governing the Disappeared-Living and the Disappeared-Dead: The Violent Pursuit of Cultural Sovereignty during Authoritarian Rule in Argentina' (143-162).

¹¹⁷ The dead bodies of luminaries and their changing symbolic status feature in anthropologist Katherine Verdery's *The Political Lives of Dead Bodies: Reburial and Postsocialist Change* (New York: Columbia University Press, 1999). The recent special issue of the *Journal of Genocide Research* (no. 2, 2018) poses some similar conceptual questions through its examination of the bodies of dead large-scale killers (particularly dictators and architects of genocide), their 'patrimonialization' and cults around these perpetrators.

the focus on Germany, the studies presented in this volume speak to more global historical concerns.¹¹⁸ 'What obligations did the living owe the dead? How did the dead threaten the living? How did the living exploit the dead for their own... needs?' Betts and his colleagues ask.¹¹⁹ World War I constituted a decisive break for German society, sparking a daily confrontation with mortality, one with long-lasting effects on interwar and Nazi-era politics. And World War II, they argue, 'radicalized the German relationship between the living and the dead', forcing a new, widespread and collective familiarity with death.¹²⁰ Some of the contributors to the volume take a different approach, arguing provocatively that the transformations were less than radical: 'Neither the two world wars and the Holocaust nor the changes in political regimes seem to have fundamentally changed burial practices and the language and rites of mourning'.¹²¹ Nonetheless, Betts, Confino and Schumann conclude that in West Germany in particular, the new scale of war death in Germany resulted in a heightened sense or a new language of German victimhood. The story of German expellees and POWs still in Soviet hands became critical elements in sustaining this narrative of the suffering nation, Germany.¹²²

Contributor Peter Fritzsche contrasts two quadrants of a cemetery in Berlin-Wilmersdorf reflecting the casualties of the two world wars, one containing the 'known, named and recognized', the other conjuring up the 'vast losses of total war' and violent, untimely deaths. At the least, however, burial in a cemetery may be a step towards 'normalization', in which German victims could finally be recognised and

¹¹⁸ Betts, Confino and Schumann, 'Introduction', in *Between Mass Death*, eds. idem, 3-5, 7-8.

¹¹⁹ Ibid., 13.

¹²⁰ Ibid., 9-10.

¹²¹ Ibid., 18.

¹²² Ibid., 11, 14. Neil Gregor takes this argument about the search for 'missing' Wehrmacht soldiers in the 1950s further in his 2003 article, "'Is he still alive?'".

German suffering 'find a place'.¹²³ While this is not a discussion about the missing, the implication is that the missing literally had no space in the social fabric they had left behind. Richard Bessel scrutinises the last year and particularly last months of the war in Germany, concluding that 1945 might well be called 'the hour of the corpse'. Not only military action on the ground and evacuation marches, but also 'bombing, murder, terror, suicide, intense battles, mass flight and deportation created a landscape of death in Germany in 1945'.¹²⁴ Germans, he writes, 'suddenly were confronted publicly by death and by corpses as never before in their modern history. For a short period, death—violent death—was at the centre of public as well as private life in Germany. Never before or since had Germans come face to face with death in so extensive and shocking a manner'.¹²⁵ In contrast to the first world war, the unburied dead were physically visible to the civilian population as never before. Bessel's arguments about the radical transformation of death in German wartime society are compelling, as is his argument about the missing persons here, 'the hundreds of thousands whose deaths had gone unconfirmed or unrecorded at the front, in the bombing, in the course of flight from the East, in the battles waged on German soil during the last months of the conflict'.¹²⁶ Although he rightly insists 'The absence of the dead did not signify an absence of death', he does not explore when the war's missing, military and civilian, were actually pronounced or assumed dead in

¹²³ Peter Fritzsche, 'A Cemetery in Berlin', in *Between Mass Death*, eds. Confino et al., 301. Fritzsche mentions gravestones for the unknown or dead women and men about little was known, 299, while Neil Gregor makes mention of gravestones erected in memory of soldiers still missing in action. Neither makes wholly clear how widespread these practices were. See Gregor, "'Is he still alive?'" , 184-85.

¹²⁴ Ibid., 55.

¹²⁵ Richard Bessel, 'The Shadow of Death in Germany at the End of the Second World War', in *Between Mass Death*, eds. Confino et al., 51.

¹²⁶ Ibid., 61-62.

the postwar years.¹²⁷ Furthermore, he sweepingly and problematically constructs all 'Germans' as non-Jews here, a deficit that also dogs Monica Black's longer study just a few years later.¹²⁸

The contribution by Gabriel N. Finder, by contrast, speaks of a commemorative 'recovery' of at least some of the Jewish dead through postwar 'yizkor' books.¹²⁹ Elsewhere Finder also speaks of physical 'recovery' (and reburial) of the Jewish dead by a few determined survivors who temporarily returned to their old homes in Poland to find the bodies of their families, friends and neighbours and rebury them with dignity and some semblance of Jewish ritual. (Like Zuzanna Dziuban's essay, discussed below, he concludes that by 1947 the new Polish state was largely uninterested in the uncovering and reburial of dead Jews, as they were 'irrelevant to state-building in [the] future'.¹³⁰)

Jean-Marc Dreyfus, Élisabeth Anstett and several collaborators have recently extended the historical study of mass violence and death in a series of interdisciplinary books centred on 'human remains'. These collections again prompt several questions in the face of sometimes quite far-flung events and settings: can we put the missing on equal footing with the dead? Do the missing have a place amongst the dead in these studies? How is their status and cultural power similar or dissimilar? How might the story of death be written in the literal absence of 'human remains'? The Dreyfus-Anstett series is particularly preoccupied with 'dead bodies resulting from war,

¹²⁷ Ibid., 62; he intriguingly claims that gravestones in cemeteries were erected for the missing as well as the dead, but the point is not documented here.

¹²⁸ Monica Black, *Death in Berlin: From Weimar to Divided Germany* (New York: Cambridge University Press, 2010), e.g. 168, 272-73.

¹²⁹ Finder, 'Yizkor!', 242-47, 253.

¹³⁰ Gabriel N. Finder, 'Final Chapter: Portraying the Exhumation and Reburial of Polish Jewish Holocaust Victims in the Pages of Yizkor Books', in *Human Remains and Identification. Mass Violence, Genocide and the 'Forensic Turn'*, eds. Élisabeth Anstett and Jean-Marc Dreyfus (Manchester: Manchester University Press, 2015), 50.

genocide and state sponsored brutality'.¹³¹ Several of the essays in these volumes thematise the dead of the Holocaust.

The earliest volume, edited by geographer and sociologist Finn Stepputat, offers perhaps the most fruitful answers to the puzzle of how the historian of the missing might draw insights from histories of the dead. In his introduction to the 2014 book, he reminds us that 'governing' dead bodies often remains quite tenuous; if modern societies quickly remove and contain dead bodies through a layer of professionals, these dead nonetheless constantly '[break] through the surfaces of containment'.¹³² Dead bodies are enmeshed in hierarchies, some more important than others. The 'management' of dead bodies (such as systematically registering them) and separation of the dead from the living reveal highly variable practices. Dead bodies, Stepputat argues, have been accorded an important role either in sacralising authority or reinforcing it, even in secular states; if people were deprived of 'proper disposal' of the dead ('the most basic sign of being human'), it would be regarded as an injury.¹³³ The dead, then, perform important symbolic work and in many societies attain something resembling agency, become 'extremely powerful and talkative beings', haunting the living and making demands.¹³⁴ But can the same be argued about the missing (or even the dead who leave no 'remains')? Stepputat ultimately does not address this directly. The reference he makes to the Holocaust dead is in fact rather odd, not about the 'power' of the Jewish victims, but the practical concerns of the Nazis killing them: 'Dead bodies do not go away that easily, a fact that represents

¹³¹ Anstett and Dreyfus, eds., *Human Remains and Identification*, series statement.

¹³² Stepputat, 'Introduction', in *Governing the Dead*, ed. idem, 3-4.

¹³³ Stepputat, 'Governing the Dead? Theoretical Approaches', in *Governing the Dead*, ed. idem, 23-25.

¹³⁴ Ibid., 25. See the arguments made by political anthropologist John Borneman, 'Abandonment and Victory in Relations with Dead Bodies', in *Governing the Dead*, ed. Stepputat, 227-49.

real and practical problems for those responsible for mass violence. As the Nazis realised, even cremation is a meticulous time- and energy-consuming method of disposal that in no way could keep up with the daily toll of dead bodies in the extermination camps...'¹³⁵

Zuzanna Dziuban in one of the 'sister volumes' in this series contemplates the story of a human molar from the Bełżec extermination camp site to consider the material, political and affective 'afterlives' of 'human remains'. The editors, Anstett and Dreyfus, here intriguingly suggest (without spelling out examples) that some corpses and 'human remains' can also 'function as substitutes for other bodies to whom it has not been possible to give the same degree of care, *either because they have not been searched for or discovered*, or indeed because they have been destroyed'.¹³⁶ They remind us that many existing legal systems did not have pre-existing frameworks for dealing with the special circumstances and sheer scale of twentieth-century genocides (as in Jewish religious law).¹³⁷ Dziuban lays out the further complexities of the dead and their disintegrating bodies, suggests that Holocaust sites lacked even the integrity of a common Polish graveyard after the war.¹³⁸ Remains from the Bełżec site have a problematic status in any number of ways, and her contribution underlines several points made by Stepputat earlier: rather than being 'contained' in the site, the graves here long proved incredibly 'porous' despite Nazi efforts to dispose of traces of their crimes. Parts of some victims were

¹³⁵ Stepputat, 'Governing the Dead', 27.

¹³⁶ Élisabeth Anstett and Jean-Marc Dreyfus, 'Introduction. Corpses in Society: About Human Remains, Necro-politics, Necro-economy and the Legacy of Mass Violence', in *Human Remains in Society. Curation and Exhibition in the Aftermath of Genocide and Mass-Violence*, eds. idem (Manchester: Manchester University Press, 2017), 2, my emphasis.

¹³⁷ Ibid., 3-4.

¹³⁸ Zuzanna Dziuban, '(Re)politicising the Dead in Post-Holocaust Poland: The Afterlives of Human Remains at the Bełżec Extermination Camp', in *Human Remains in Society*, eds. Anstett and Dreyfus, 40-41.

subsequently scattered across the landscape through practically uninterrupted looting by villagers since the summer of 1944.¹³⁹ The Polish Central Commission for the Investigation of German Crimes in Poland had already investigated and produced an on-site report in October 1945. That notwithstanding, in the political hierarchy of the new Polish state and of dead bodies, Dziuban argues this site was long marginalised (and left unprotected) in the postwar due to its lack of 'Polish' victims.¹⁴⁰

In a 2015 volume in their series focused on exhumations and identification of the location and identities of the dead, Anstett and Dreyfus scrutinise new forensic technologies deployed in various twentieth-century sites to help identify recovered bodies (often technologies that were the fruits of investments by the military).¹⁴¹ The editors argue against assuming a 'triumphalist' narrative around recovering and identifying bodies, and also remind readers (rather strangely) that there has been 'almost no research on the treatment of corpses, human remains, or ashes of the millions of Jews murdered in the Holocaust, much less the other victims of Nazism, such as the Sinti and the Roma'.¹⁴² The Holocaust dead emerge in a few further contributions to this collection, including archaeologist Caroline Sturdy Colls' review of investigations that have been carried out at Treblinka.¹⁴³ Touching briefly on the fraught politics of Holocaust killing (and burial) sites, she suggests that present-day researchers can shed new and valuable light on previously unmarked sites, human remains and 'burial environments' through archaeological investigations. These, she

¹³⁹ Ibid., 42-45. See Jan Tomasz Gross, with Irena Grudzińska Gross, *Golden Harvest: Events at the Periphery of the Holocaust* (New York: Oxford University Press, 2012).

¹⁴⁰ Dziuban, '(Re)politicising the dead', 49.

¹⁴¹ For instance, Élisabeth Anstett and Jean-Marc Dreyfus, 'Introduction: Why Exhume? Why Identify?' in *Human Remains and Identification*, eds. idem, 4-5.

¹⁴² Ibid., 7.

¹⁴³ Caroline Sturdy Colls, "'Earth conceal not my blood": Forensic and Archaeological Approaches to Locating the Remains of Holocaust Victims', in *Human Remains in Society*, eds. Anstett and Dreyfus, 163-96.

argues, will make it possible to 'identify the body disposal patterns and the ways in which the living and the dead were moved through the extermination camp area'; to locate previously unmarked graves and provide marked burials for victims; and restore humanity to the anonymous dead, demonstrating 'the ways in which the Nazis successfully deprived people of their identity'.¹⁴⁴ Archaeological research—conducted with ethical sensitivity towards sites that were also de facto burial grounds—can uncover hitherto unseen traces and patterns not only of oppression and deception but also prisoner defiance and resistance. These possibilities notwithstanding, Sturdy Colls ultimately makes no promise that individual identifications will ever be possible at such sites.¹⁴⁵ One implication, then, is that even 'human remains' can never compensate for our lack of written documentation on the deaths of Jews at such killing centres.

Several further works on death and burial practices intersect with the concerns of my thesis, most notably Monica Black's study of death in Berlin during the twentieth century, in her words, a form of historical ethnography. Black's excursion into the social and political history of 'German' death focuses on just one city, Berlin, yet can be read as a more general argument about the parameters of German culture and the German 'racial community', and how these faced profound challenges towards the end of World War II. Her book uses the shifting rituals, practices and perceptions surrounding care and disposal of the dead, particularly across the period of the two world wars and the Holocaust, to illuminate how the city's inhabitants 'articulated an evolving sense of who they were as a community'.¹⁴⁶ Like other authors

¹⁴⁴ Ibid., 180-81.

¹⁴⁵ Ibid., 174. See also her more in-depth study, Caroline Sturdy Colls, *Holocaust Archaeologies: Approaches and Future Directions* (Cham: Springer, 2015).

¹⁴⁶ Black, *Death in Berlin*, 5.

mentioned above, she argues that World War I death had long continued to 'haunt the living' after that war ended. The new Nazi political order worked to extend and also reinvent rituals around death and honor, particularly around fallen German soldiers.¹⁴⁷

Death in Berlin argues that the reach of the Allied air war to Berlin marked a major turning point, challenging the social order and so-called 'racial community' that had existed for much of the war in the capital city; the distinction between combatants and noncombatants was now suddenly blurred. The intensification of aerial bombing raids brought residents into close contact with death as never before, for air war casualties grew considerably from August 1943 onward, with a further escalation of destruction in early 1945. 'Corpses suddenly became a material factor of everyday life...' and the accumulation of unburied dead became a threat to social order.¹⁴⁸ (Black writes, however, that most of the recovery and burial of the dead was in fact done by POWs and forced labourers.) Burying the civilian dead became more and more difficult as the war continued; burial space for the dead ran short, which Black argues created widespread anxiety. With municipal facilities unable to keep up, *Death in Berlin* tells us, 'corpses accumulated in every conceivable place: streets, parks, railway stations, air raid shelters, canals, and cellars'.¹⁴⁹

One of the most compelling arguments of this study is Black's insistence that the so-called 'racial community' was reinforced (and perceived to be threatened) even in death or burial practices. Her study provides a clear explication of the ways in which groups such as Jews, foreign forced labourers and Soviet POWs found themselves

¹⁴⁷ Ibid., 9-10.

¹⁴⁸ Ibid., 111, and see 113-18.

¹⁴⁹ Ibid., 147.

excluded or degraded even in their final resting place. Despite the massive disruption in Berlin in the latter half of the war, Black concludes that these 'racial distinctions erected around death beginning in 1933 were maintained, almost to the last minute of the war.'¹⁵⁰ When it came to death, two of the most telling markers of 'racial' belonging or status proved to be coffins on the one hand and graves on the other. Coffins had become 'more than wooden boxes in Berlin in 1945. They epitomized the very order of society, its foundations, and its self-conception'.¹⁵¹ Yet as the war dragged on, coffins fell in short supply, as did even 'loaner coffins' and 'paper coffins'. By the end of March 1945 Black found that all bodies were being buried without even these stand-ins. These deficiencies added to the challenges produced by the lack of vehicles to take bodies to cemeteries and lack of even 'regular' burial plots in those cemeteries. Despite spiraling mortality rates and the constraints of wartime conditions, being placed in a mass grave constituted an 'ignominy'; a mass grave 'was a patently unacceptable breach of custom... used only for racial subordinates and outsiders...'¹⁵² Black comments pithily,

Certainly it is intriguing to think that the leadership of a state engaged in mass murder would be so decorous about burying its dead, but that is the point. By definition, members of German society—the racial community—could not be handled in the same way as those unfortunate enough to count as Germany's enemies. Distinctions between Germans and Jews and slave labourers had to be maintained even, or perhaps especially, in death.¹⁵³

Part of the cultural 'ignominy' and 'final humiliation' of mass burial was its association with the obliteration of identities, a kind of desecration of the dead. Black finds widespread evidence of desperate efforts by Berliners not to consign their loved ones to depersonalised resting grounds and the ensuing oblivion, the erasure of

¹⁵⁰ Ibid., 10.

¹⁵¹ Ibid., 132, and see 122 (on Soviet POWs).

¹⁵² Ibid., 122, and see 128-30.

¹⁵³ Ibid., 121, and see 132, 148-49.

identity that implied. In this vein, the mayor's office was flooded with letters requesting very specific details of relatives' deaths. Towards the end of the war, mass graves also seemed onerous because of their association with treatment of the dead in Nazi concentration camps, in the so-called *Todesmühlen*.¹⁵⁴ This, Black writes, became an oft-repeated motif that in part enabled and fed into (non-Jewish) Berliners' postwar discourse of their own (German) status as 'victims'. She writes, 'Ironically, the mistreatment of the dead during the chaos of 1945 now became a signal theme in postwar discourses of German victimization, and some Berliners compared it with the mishandling of the bodies of the Nazis' victims in the concentration camps'.¹⁵⁵

The problem of the war dead—and those still missing—continued to shape politics in the 1950s. Black concludes, West and East Berliners alike continued to mourn those lost in the war and rectify the shame of 'irregular' graves, but also continued searching for those who had not returned and had not been found. Black underlines the powerful fears of the German population that bodies of combatants might not be recovered and the powerful, long-lived rumours that circulated about the return of long-missing relatives.¹⁵⁶ Like Biess, Black affirms that the East German regime wanted to discourage the rumors that the dead were merely missing and might return.¹⁵⁷ Ultimately, however, the GDR state—hoping to curb anti-Soviet animus—opted to attempt to identify as many unidentified former German soldiers as possible to dispel a widespread belief that the missing men were being held in Soviet camps.¹⁵⁸ (The author is less clear about for how long the missing soldiers and civilians would remain a powerful force in the German political landscape, east or west.)

¹⁵⁴ Ibid., 152-55, 172-73, 178.

¹⁵⁵ Ibid., 11.

¹⁵⁶ Ibid., 11-12, 168, 274-75.

¹⁵⁷ Ibid., 276.

¹⁵⁸ Ibid., 193-94.

The Jewish dead are mentioned at many junctures in this monograph. Ultimately, however, Jews (be they Berliners or not) largely serve as foils for the non-Jews in this study. Jews and Jewish death quickly become mere props in a story about 'Germans' here, meaning non-Jewish Germans or non-Jewish Berliners. Jewish perspectives or subjectivity are displaced or sidelined from this story.¹⁵⁹ Use of (Black's) passive voice reinforces this problem: 'When communal identity became racial identity and the Jews were transformed from neighbors and co-workers into racial aliens, non-Jewish Berliners no longer wished to be buried alongside them'.¹⁶⁰ These flaws aside, Black's work paradoxically invites us to think about 'missing' in a broader sense, and think about how much of a political and cultural presence the Jewish missing (if not the dead) could claim in a range of postwar societies and settings.

Methodology and Outline of Chapters

Jewish missing persons constituted a troubling, tragic holdover from the war and murderous Nazi practices. Yet writing a history of these absent dead, the disappeared, presents special methodological problems. Conventional sources—the policy discussions of legal experts and Jewish community functionaries, Holocaust survivor memoir material, perpetrators' directives and field reports, postwar criminal investigations and cemetery and exhumation records—offer many insights into the circumstances of these deaths, and I have drawn on all of them. But they remind us, too, of the limits imposed on record-keeping in an era of war and occupation regimes during which much was improvised and much was destroyed. Modern state practices

¹⁵⁹ In one example she argues that the frameworks of Christian rites were ultimately the powerful and enduring or stable ones in this setting. *Ibid.*, 173.

¹⁶⁰ *Ibid.*, 274.

of tracking individuals were continued and even intensified under Nazi rule, particularly the tracking of Jews. Yet these practices were also deliberately suspended in countless wartime and detention settings. Postwar Allied surveys of war graves and exhumations of suspected mass burial sites by extraordinary commission investigators have paradoxically turned up bodies and the remains of some prisoners or detainees but only rarely any clear identities of those dead. Such investigations remind us of the haphazard nature of wartime burial practices as well as the impossibility of reconstructing precisely who was buried where. Wartime deportation records of many Jews provide fairly precise lists of who was sent eastwards; however, even when their destinations were listed clearly and accurately—often not the case—those lists say little explicitly about what the deportees encountered when they disembarked.

My dissertation pursues a twofold means of addressing these problems. First, I underline the importance of scrutinising death certification practices, particularly those applied to Jewish prisoners of the Nazis: to what extent were they maintained and how did they change over time? As historians we need to view death certificates and declarations of death as more than objective and unassailable records of civil death, problematic only insofar as some deaths were 'missed'. The issue of death certificates provides bookends for my study here. While some scholars have pointed out the ways in which these documents were falsified in the Nazi camp system, they have not traced their journeys from camps onwards, as they made their way to Jewish communities and families of prisoners. My first chapter follows that road, arguing that in the context of the Nazi detention system, death certification became an instrument of intimidation of Jews even before the war began. My final two chapters take up this question again by examining the postwar legal debates around declarations of death

for Jewish missing persons. I argue that the control and issuance of death certification was also an expression of power, not a mere technical problem. The unavailability of death certificates represented just one of many elements that would impede ready access to postwar restitution of property and social benefits for many Jewish survivors or family survivors of Holocaust victims. Historians of restitution have traced many of the bureaucratic impediments to postwar settlements without explicit consideration of this element; missing or 'inferior' documentation of all kinds posed insurmountable hurdles for claimants. But the postwar legal debates around declarations of death for missing Jews show much more: even as a new international community came together under the roof of the United Nations and reached agreement about transnational human rights and what constituted genocide, legal death remained a national or even subnational matter. And in this context, legal death often remained reserved for citizens of recognised governments, not the stateless.

. A second approach I adopt here is giving a central place to the study of tracing enquiries for missing Jews. Few such letters survive in appreciable numbers.¹⁶¹ However, the administrative records of many tracing services make clear that they were sent by the hundreds of thousands, if not millions, both during the war and in its immediate aftermath. Those that survive today have not sparked notice among historians: they are for the most part banal, perfunctory and formulaic. If the number of such enquiries were not so great, they would be easy to dismiss (with our hindsight about the Holocaust) as expressions of wishful thinking or 'denial' by victims' family members, or even as displays of 'survivor guilt'. Some psychological explanations

¹⁶¹ A large quantity of ITS tracing enquiries from 1945 and 1946 has only recently become available (in ITS files 6.3.1.1); however, many of these requests have been summarized and preserved on agency forms solely in the language of aid organisation personnel.

certainly have merit here, but I will argue we can benefit by going to the other end of the explanatory spectrum. Taking such enquiries at face value gives us a unique and hitherto unexplored avenue for gauging early postwar Holocaust knowledge.

A further methodological position adopted in this dissertation is the importance of distinguishing the trajectories of enquiries for Jewish missing persons from other such enquiries arising out of the war. Historians have benefited greatly from the opening of the records of the International Tracing Service ten years ago and work on the history of that institution is now beginning in earnest. Its holdings encompass vast compilations of material from Nazi detention sites, large and small, long-lived and ephemeral. Yet those very records reveal that the first generation of Allied tracers connected with ITS and its predecessor organisations were confounded by the challenge of locating missing Jews. They often handed off such enquiries to Jewish location services, which had a different set of networks, records and publicity tools at their disposal. My dissertation thus argues for the importance of evaluating what tracing service staff and administrators actually knew about what had happened to the Jews of Europe.

My chapters are arranged in roughly chronological order and each presents a case study for the Jewish missing persons problem. Chapter 1, 'The Urn and the Swastika: Recording Death in the Nazi Camp System', one bookend to this study, lays out the prehistory to Nazi-era Jewish 'death certification' by focusing on the processing of prisoner death in the main Nazi concentration camps. Much falsification in these camps' registration of death and its causes occurred, yet a simulacrum of long-standing registration procedures was retained until the middle of World War II. Thereafter standard death notifications made to Jewish families but also Nazi state

officials of all kinds dropped off drastically. They had already become nonexistent for many killing sites before this. No written records were produced or retained at most places of mass Jewish death: the extermination camps, ghettos, pits and forests. This chapter draws on archival holdings of the Leo Baeck Institute in New York, the photo archives of the U.S. Holocaust Memorial Museum (USHMM) in Washington, DC, and copies of archives held by the German Federal Bundesarchiv branch at Ludwigsburg, the Warsaw doctors/ghetto, the Łódź ghetto, the International Tracing Service (ITS), the Gestapo in Łódź, and the Freiburg i/B and Leipzig Jewish communities (USHMM digital and microfilm collections).

We turn to the impossibility of reconstructing or confirming even the sites of many Holocaust-era Jewish deaths in Chapter 2, 'A Small Office in Germany: Jewish Communities Confront the Missing', which paints a picture of several small, resurrected Jewish communities operating in Allied-occupied Germany after the war. We track their conversation with their old constituents and members, many of whom fled abroad and lived out the war in relative safety, as they attempted to obtain news of their families and old friends. My choice is not arbitrary: written 'missing person' enquiries addressed to Jewish tracing services were so copious—overwhelming even for the larger, well-funded offices with hundreds of volunteers—that few have been saved. The immediate postwar correspondence surviving from a handful of German Jewish communities represents an exception. It is a struggle to read these rather formulaic enquiries without imposing what we later understood about Jewish fates. Yet taken at face value, they do provide some clarity about how hundreds if not thousands of men and women comprehended and discussed the fate of the missing. Chapter 2 draws on family papers held by the USHMM and the Rare Books and

Manuscript Library at Columbia University, and copies of the archives of the ITS and the Jewish communities of Leipzig, Dresden and Freiburg in Breisgau.

Chapter 3, 'Tracing Services and the Problem of Missing Jews', moves into a different register, scrutinising the work of some of the major wartime and postwar missing persons location services. Most of them worked across national borders and, in the case of Germany and Austria, across occupation zones. Jewish and non-Jewish tracing services served different constituencies and in consequence pursued somewhat different research strategies. Yet they worked hand in hand with one another as well, sharing materials, cross-checking names for one another and discussing ways to avoid endless duplication of efforts. Comparatively well-funded (though most relied on dozens and even hundreds of volunteers), how effective were they in solving cases? What methods did they deploy and what sources did they pursue? Like the officials in the modest quarters of decimated Jewish communities, tracing service directors and personnel had only select or limited knowledge of the diversity and character of Nazi killing sites and faced difficult decisions about when to conclude searches. This third chapter draws extensively on the archives of the American Jewish Joint Distribution Committee (on-line), the Board of Deputies of British Jews (London Metropolitan Archive), and copies of the archives of the World Jewish Congress, the Schweizerischer Israelitischer Gemeindebund, the UN Relief and Rehabilitation Administration (UNRRA), and the ITS held by the USHMM.

My fourth chapter, 'From Social Death to Legal Death', appraises the problem of death certification for Europe's missing Jews in the wake of World War II. A whole range of economic and social rights for survivors or Holocaust victims' heirs hinged on legally establishing that they had been killed. This piece of administrative and legal

history offers a unique vehicle for gauging when most Jewish search queries ended. Furthermore, it offers another pathway to track the terminology and frames used to talk about mass Jewish death under Nazi rule. Missing persons legislation was altered across Europe and beyond in the wake of World War II, but I largely limit my focus to the case of postwar western Germany, where Jewish community officials and military occupation legal experts grappled with providing certification for Jewish death. Some correspondence from family members of Holocaust victims has survived from this German setting, allowing us to see how missing persons regulations or their new variants worked in practice—or failed. The chapter then returns to more general attempts made by Jewish policy-makers to evaluate the models of missing persons law emerging across Europe and their compatibility. The chapter draws on legal commentaries, internal British Foreign Office discussions preserved at the National Archives of the United Kingdom, the daily office enquiries received by re-emerging Jewish communities in East and West Germany (preserved as copies at the USHMM), and debates within international Jewish advocacy groups such as the Joint Distribution Committee and the World Jewish Congress.

The fifth and final chapter, 'Death at the United Nations', returns to the themes of the fourth chapter, but moves to a different scale. It tracks the efforts of the International Refugee Organization (IRO) and particularly the World Jewish Congress (WJC) to secure an internationally applicable agreement on declarations of death. The resulting 1950 Convention on the Declaration of Death of Missing Persons has received little attention when compared to the slightly earlier Convention on the Prevention and Punishment of the Crime of Genocide (adopted by the General Assembly in 9 December 1948) and the Universal Declaration of Human Rights

(adopted on 10 December 1948). The problem of declaring missing persons legally dead was hardly new: it had arisen with every war, every mass displacement of populations, every natural catastrophe and ship going down at sea, and was the subject of legislation in all modern states. The UN initiative in theory resolved a number of international legal problems that dogged the search for Jewish missing persons: it provided a mechanism to steer past the limitations of more parochial or nationally specific legislation and give respite to claimants who were often displaced and stateless themselves. This chapter taps above all the archives of the United Nations in New York and papers of the World Jewish Congress (USHMM copies).

Although the WJC proposal arose from the unique challenges posed by mass murder of Europe's Jews and the mass missing person crisis that followed, it garnered support from a wide range of signatories across a new postwar international community, thus underscoring the troubling message that war, genocide and mass displacements had not ended with the capitulation of Germany in 1945. For once the Jewish particular, the mass erasure of Jewish life during World War II, came to represent a near-universal problem in a way that could be endorsed by Jewish representatives. Other countries at war or grappling with the aftermath of genocide at mid-century could see themselves in the predicament laid out by the World Jewish Congress.

These five very different case studies are not exhaustive and they do not address the related question of how Jewish mourning practices and memorialisation changed in Europe and elsewhere after 1945. The work presented here *de facto* focuses on only a small fragment of time in postwar Jewish history, 1945 to 1947, or more generously, 1945 to 1951. Yet these chapters in diverse and complementary

ways provide a template for thinking about the missing, or more specifically, the persons and communities that were missing them. Histories of Jewish life in Europe and beyond in the immediate postwar have given short shrift to an activity of the immediate postwar years that claimed so much energy and entailed such a profound emotional investment, even where it was very often veiled in the terse, formulaic phrasing of search enquiries.

Although I begin this study in the 1930s with a snapshot of the Nazi concentration camp regime, its centre of gravity lies in the immediate postwar. To say that profound uncertainty and unease reigned in many Jewish households and communities in the first two or three years after the war around missing family members is not enough to reconfigure in radical fashion the major themes of European Jewish history in the late 1940s. But the history of the search for Jewish missing persons makes starkly clear that not very much was understood about the diverse locations of Nazi mass killing. Not much was understood about the lethal nature of Jewish ghettos, transports to eastern Europe, Jewish forced labour camps and many other sites, with graves unmarked and everywhere deaths unregistered. The determined, even singular pursuit of records of the main concentration camps by many tracing agencies' staff and officials—the idea that they were the main and central killing site for Europe's Jews—was not wholly fruitless. But it meant that the vast majority of the missing was never and could never be traced. They had died elsewhere. A death count of Europe's Jews could be constructed soon after the war, but the dead remained 'unaccounted for' in other ways.¹⁶² Most identifiable personal

¹⁶² On the figures circulated by the AJJDC Research Department, e.g. of the decimation of the Jewish populations, country by country, see 'Jewish Population', typescript carbon copy, USHMM, RG-67.011, D58-08. The figures suggest that only 2.6 per cent of the Polish Jewish

effects were long gone and many gravesites were unknown. Yet Jewish tracing services everywhere pursued potential eyewitnesses, placing continuous notifications in postwar Yiddish and emigrant newspapers and broadcasting name lists of the war's survivors and missing persons in a dozen lands.

Conclusion: Missing or Dead

This introduction has surveyed a range of literature about how Jews in Europe and beyond spoke about their experiences and perceptions of the war soon after it ended. Some of that literature suffers from a surfeit of hindsight, by which no 'missing persons' remained, only the dead. As a result, we are still some distance from understanding early 'Holocaust knowledge', some distance from understanding the diverse paths by which survivors and other Jews learned (or failed to learn) about the fate of family members, friends and Jewish communities. This work will argue that the Jewish documentation projects that revealed mass killing and the attempts by Jewish advocacy groups to calculate how many millions had been murdered did not preempt a different narrative. As my work will show, many Jews throughout the world embraced a different ending, at least for a time, and exhausted every avenue to locate their loved ones rather than presume their death. Missing person search queries, be they letters to agencies, messages chalked on walls, or one of tens of thousands of newspaper ads, uniquely show that this was a widely shared, common reaction at the end of the war, not a misguided fantasy shared by the few.

As I have suggested above, recent historical accounts of Jews in the early postwar and Jewish organisations in this period have largely ignored this interregnum

population remained at the end of the war, adjusted to 6.9 per cent if the repatriates were taken into account.

of the postwar. They have also taken the 'first letters' written in the aftermath of the war too uncritically, without stopping to interrogate how information crossed a continent in profound disarray and was accepted as credible. They have not interrogated what the widespread failure or dead-end of *wartime* search efforts for missing individuals meant for postwar expectations—or even what the lack of a functioning postal service in Germany for over six months after the war ended meant for the prolonging of hope, the deferral of mourning. I will argue here that for many, particularly those waiting outside of continental Europe for news, death was put on hold.

The historical literature on missing persons of the war has largely excluded Jews. Missing Jews are 'missing', except to explain the discourses adopted about German suffering in the last year of the war and late 1940s. Where Jews have been included, their experiences have largely been aggregated into a more general landscape of war victims, missing war victims, tracing services catering to all manner of civilians, or uprooted children; this literature has offered little space in which to debate the particularity of Jewish trajectories during the war and to the tracing strategies adopted by Jewish organisations and communities.

Several ethnographic and historical works on the history of mass violence, genocide and twentieth-century death have revisited long-standing debates about the 'impact of the dead' on the living. This literature invites us to consider a somewhat different set of methodological problems, about whether the 'mass missing' could have the same impact as the 'mass dead' on culture and politics. The work of Neil Gregor and Frank Biess on missing soldiers suggests it could, particularly in the context of the Cold War. Monica Black's study of death in Berlin likewise suggests how

powerfully distressing the disruption of customary burial and mourning could be. In Poland, Zuzanna Dziuban argues, the state had no particular interest in sites of mass death that lacked Polish victims. None of these works suggests that 'disappeared' Jews were able to claim the same level of public attention and resources in their former communities in the first years after the war ended. It is perhaps not surprising, then, that a number of legal experts at the World Jewish Congress chose to mount a campaign to settle the status of the war's Jewish missing persons by universalising their plight.

With one exception laid out in Chapter 1 (The Urn and the Swastika), I have argued here that systematic tracing of missing Jews was well-nigh impossible during the war, particularly after they were deported. But how long after the war did alternative narratives or claims about Jewish fate, about survival, endure? The widespread destruction of any documentation of many Nazi killing sites, a fact not immediately apparent to postwar investigators, complicates that answer. A general cultural consensus that millions of missing Jews had in fact been murdered clearly took hold much sooner than the parallel story of German soldiers who had not returned from the war; as several historians have shown, long-lived rumours about POWs being held in secret camps in the Soviet Union were embraced until well in the 1950s. One of the tasks of this dissertation will be to gauge the 'endpoint' of tracing efforts for missing Jews. Could an internationally codified legal mechanism for the 'declaration of death', one formulated and promoted by the World Jewish Congress, fix that endpoint?

Chapter 1. The Urn and the Swastika: Recording Death in the Nazi Camp System

In 1940 Philipp Flesch, an Austrian Jewish refugee to the United States, wrote about the Nazi takeover in Vienna in an essay contest organised by Harvard University. He recalled that 'hundreds upon hundreds of Jews were arrested. Nobody knew why, and nobody could believe it, even when it was already clear that these people had been randomly sent to Dachau. Only when the first urns with ashes arrived, mostly of physically fit young people who had only recently been seen walking around healthy and happy, the terrible truth became obvious'. The return of these remains was anything but respectful. "'Your Jew is dead. Pick up the urn,'" was often the literal wording of the notification', Flesch remembered.¹

The Nazi regime used violence and the threat of violence to police and intimidate its subjects in a host of ways. At the same time, its administrators and agents worked at many junctures to conceal that violence and the magnitude of their murderous operations. The burning of camp records or now notorious undertakings such as Operation 1005, carried out to exhume and burn the bodies of victims of Nazi violence in eastern Europe, exemplify the efforts made to hide the regime's criminal excesses.² Yet concealment co-existed with many instances of systematic, careful record-keeping of death for almost the entire duration of the war. Paradoxically, many detention and concentration camps established under Nazi rule not only maintained

¹ Philipp Flesch memoir, 'Mein Leben in Deutschland vor und nach dem 30. Januar 193[3]', Leo Baeck Institute-NY, MM 22/ME 132, 17; translation printed in Jürgen Matthäus and Mark Roseman, *Jewish Responses to Persecution*, Vol. 1: 1933-1938 (Lanham, MD: AltaMira Press in association with the USHMM, 2010), 280.

² On this special operation, see Shmuel Spector, 'Aktion 1005—Effacing the Murder of Millions', *Holocaust and Genocide Studies* 5 (1990): 157-73; the operation ran from 1942 to 1944. See also Andrej Angrick, 'Operation 1005: The Nazi Regime's Attempt to Erase Traces of Mass Murder', in *Killing Sites—Research and Remembrance*, ed. International Holocaust Remembrance Alliance (Berlin: Metropol and IHRA, 2015), 47-59.

their own death lists or death books of prisoners, but also reported prisoner deaths to their local state registry office (the *Standesamt*). In a kind of 'institutional dissonance', their administrators adhered to this legal formality whilst allowing and encouraging an otherwise pervasive lawlessness to reign in the treatment of prisoners. The camp system de facto stripped individuals of their names, reducing them to prisoner numbers and members of aggregate prisoner categories, often until death. Where correspondence with the outside world was allowed, it was sharply censored. Extreme conditions behind barbed wire remained next to invisible in many localities. Yet alongside arranging for state certification of prisoner deaths, administrators at the major concentration camps fairly routinely returned urns containing ashes to the families of the dead, as our Viennese essayist reminds us.

Why did concentration camp administrations feel compelled to notify next of kin and return ashes of dead camp prisoners to families that requested them, including those of Jewish prisoners? Not only cremation urns sent from concentration camps, but the death notifications that preceded them present a historical puzzle. What do these communications and these deliveries, the co-existence of the *Standesamt* with the concentration camp, tell us about the Nazi system? And beyond delivering the jarring, agonising news of loss, what did these missives signal to the men and women who received them?

Although Jews were not the main group of prisoners in Nazi concentration camps, this chapter focuses above all on Jewish recipients of these markers of death, including Jewish community officials. These officials often became the intermediaries for the death notices and urns passed between camp administrators, the Gestapo and families outside the camps. In contrast to later chapters, it covers a time period and

setting in which at Jewish prisoner death was a side effect of incarceration rather than the primary objective of deportation. My choice may at first glance appear misplaced: even allowing for changes over time, more Jews were confined in ghettos or diverse transit and forced labour camps during the war, and the great majority of Jews were murdered elsewhere during the events we now call the Holocaust.³ As Nikolaus Wachsmann writes in his recent study of the concentration camp system, 'The KL [concentration camps] of the late 1930s were no full-scale slaughterhouses. Living conditions were not lethal for most prisoners, and systematic mass extermination was not yet on the SS agenda'.⁴ They became increasingly lethal from the summer of 1938 to the spring of 1939, and later particularly so in the Auschwitz concentration camp, which by 1942-1943 'had become the center of the KL system, just as Dachau had dominated the first period of Nazi rule and Sachsenhausen the early war years'.⁵ This trend also held true for Jewish prisoners in Auschwitz who were actually registered and given prisoner numbers rather than sent on to be killed immediately.⁶

The concentration camp clearly became 'a central pillar of the Third Reich, supporting the Nazi war against political, racial and social outsiders', and it was one of the few places from which Jewish families in the Reich received certain knowledge of the fate of loved ones who would never return.⁷ In the German Reich, the flow of urns to Jewish communities began before the war but largely ended after the major

³ Jane Caplan and Nikolaus Wachsmann, 'Introduction', in *Concentration Camps in Nazi Germany: The New Histories*, eds. idem (Abingdon: Routledge, 2010), 10, 12. For an overview of prisoner deaths in the concentration camps, see Karin Orth, 'The Genesis and Structure of the National Socialist Concentration Camps', in *The USHMM Encyclopedia of Camps and Ghettos, 1933-1945*, Vol. 1, ed. Geoffrey P. Megargee (Bloomington: Indiana University Press in association with the USHMM, 2009), 183-96.

⁴ Nikolaus Wachsmann, *KL: A History of the Nazi Concentration Camps* (New York: Farrar, Straus and Giroux, 2015), 168-69.

⁵ Ibid., 340.

⁶ Ibid.

⁷ The quote is from Caplan and Wachsmann, 'Introduction', 2.

deportations by mid-war, when there were no family members left to notify (apart from some spouses in mixed marriages). This chapter thus follows the flow of prisoner death notifications from the late 1930s, as mass incarceration of Jewish men became a reality after the November pogrom, into the middle of the war, when the vast majority of Jews in Europe had been rounded up. The first section examines Jewish responses outside the camps to the receipt of death notices and cremation urns from the semi-hidden world of the camps. The second section moves into the major concentration camps themselves, scrutinising how prisoner deaths were processed in a highly systematic way, with each death cloaked in an elaborate web of falsifications that paradoxically both hid and revealed the expendability of Jewish prisoners' lives. The final section returns to questions about Jewish perspectives in this process. It follows Jews on the inside of the camp system, focusing on prisoners who were drawn into the death registration process.

Marking Death in Nazi-era Jewish Communities

Even in the prewar period, Jewish rituals around death faced enormous challenges under Nazi rule. This section will explore the responses of Jewish communities and families still at liberty when they received word of the death of Jewish family members in camps and, in some cases, also their purported ashes. Religious leaders and the Reich's Jewish cemeteries suddenly confronted the problem of what to do with much delayed burials and cremation. Families suddenly faced the shock of loss, conveyed to them with cold calculation by Nazi officialdom. I sketch out how the Nazi camp system, a partially closed world, was seen from the outside and what prisoner

urns conveyed to their recipients. Records from the wartime Leipzig and Dresden Jewish communities can illuminate this story well.

The mode of 'returning' the dead that our essayist from Vienna mentions stood at odds with a whole series of Jewish burial practices. The records of Jewish communities demonstrate that even within the German Reich, the remains of dead prisoners often arrived two months after the date of death, far past the time frame prescribed for a traditional burial.⁸ Persecution during the Holocaust made looking after the body of the deceased before burial by a community *chevra kadishah* (burial society) or sitting *shiva* and saying *kaddish* after burial increasingly impossible, adding 'yet another layer of dehumanisation to the process'.⁹ Jews in diverse locations and across the religious spectrum thus found themselves confronting the loss of loved ones without the terra firma of longstanding rituals. Even in ghettos in occupied Poland, sons and daughters struggled to obtain information about parents' distant graves and find ways to mark them respectfully.¹⁰ But what did one do with an urn of ashes from a concentration camp? The urns issued by these camps typically appear to have been clay canisters covered with metal lids that contained the name, birth and death date of the deceased, and sometimes the name of the crematorium and

⁸ There seems, by contrast, to have been pressure to at least pass on death notifications with extreme speed. See Confidential circular, gez. Müller, Geheime Staatspolizei (II D Allg Nr. 37 291) - Berlin Amt, to all Staatspolizei(leit)stellen, Führer der SS-Totenkopfverbände und KZ-Lager, 14 Nov. 1938, ITS, 1.1.0.2/0002/0062-0063.

⁹ See Jürgen Matthäus, with Emil Kerenji, Jan Lambertz and Leah Wolfson, *Jewish Responses to Persecution*, Vol. 3: 1941-1942 (Lanham, MD: AltaMira Press in association with the USHMM, 2013), 369.

¹⁰ For the poignant example of Anny Feldmann, a Viennese woman 'evacuated' to the Lublin district in the Generalgouvernement (writing to the Łódź Jewish Council in the autumn of 1941), see Matthäus et al., *Jewish Responses*, Vol. 3, 370.

cremation date.¹¹ Evidence documented by Allied liberators suggests that the major concentration camps continued to stockpile such containers until the end of the war.¹²

Concentration camps such as the one at Auschwitz (in the Incorporated Territories) largely ceased to write out individual death certificates for Jews in 1943, and the year also marked the near end of burials in Jewish cemeteries in most of the German Reich. Emigration and the mass deportations of Jews to eastern Europe meant that few family members remained to request any proffered urns and ever fewer men remained who could officiate at funerals in local cemeteries.¹³ Cremation in itself was offensive to most religious Jews. Observant Jewish families thus sought rabbinical advice on how to care for such ashes and properly mark these family members' deaths, particularly since Jewish law proscribed burial of cremated ashes in Jewish cemeteries. In 1939 Menahem Mendel Kirschbaum, rabbi of the Orthodox community in Frankfurt am Main and head of the city's rabbinical court in the mid-1930s, felt compelled to issue a 'responsum' on the status of prisoners' ashes returned to bereaved families after the November pogrom of 1938. (Such responsa offer guidelines or written rulings in the absence of explicit provision in Jewish codes of

¹¹ For examples from Buchenwald and Dachau, see U.S. Holocaust Memorial Museum (hereafter USHMM), Acc. 1989.113.4 (Buchenwald urn lid and photo of lid); Acc. 1995.106.1 a-b (Dachau cremation urn); Acc. 1993.157.3 (Buchenwald urn lid); Acc. 2005.448.1 (Dachau urn lid).

¹² See photographs, mostly from liberated concentration camps, showing piles of crematoria urns 'for the ashes of cremated prisoners' (mainly copies of U.S. Signal Corps photos, National Archives and Records Administration of the United States, hereafter NARA): USHMM Photo Archive (USHMMPA): no. 48479, Dachau; nos. 45040, 98958 and 02016, Natzweiler-Struthof; no. 76573 and esp. 77435, Bergen-Belsen; no. 68338, Majdanek. (The Theresienstadt camp, which served diverse purposes, appears to have used small boxes; see no. 70710). According to former Auschwitz prisoner Irene (Irka) Schwarz (née Anis), some effort was made at the camp as it was being evacuated to remove all the remaining urns from the crematoria. Lore Shelley, ed., *Secretaries of Death: Accounts by Former Prisoners who Worked in the Gestapo of Auschwitz* (New York: Shengold, 1986), 19-20.

¹³ Jenny Spritzer, *Ich war Nr. 10291. Tatsachenbericht einer Schreiberin der politischen Abteilung aus dem Konzentrationslager Auschwitz* (Zurich: Jack Schumacher, 1946), 52; Herbert Diercks, *Friedhof Ohlsdorf. Auf den Spuren von Nazi Herrschaft und Widerstand* (Hamburg: Ergebnisse-Verlag, 1992), 103.

law.)¹⁴ Kirschbaum in this case gave advice about the funeral service, meal of condolence, commencement of the mourning period and how to wrap and bury ashes or even boxes of ashes.¹⁵

Beyond these doctrinal considerations, the perfunctory and insulting mode and cost of delivery in some places must have added to families' pain and shock. Noting the high death rate of Jewish men in 1938 in camps such as Sachsenhausen, Buchenwald and Dachau after the November pogrom, historian Kim Wünschmann writes, 'Dozens of urns with the ashes of the deceased were sent cash-on-delivery to the cemetery administration of the Jewish communities for burial'.¹⁶ And writing of his experiences as a prisoner-scribe at the Auschwitz concentration camp complex, Polish surgeon Tadeusz Paczuła also observed, 'At first the camp authorities sent, for a set price, the urn with the ashes to the dead prisoner's family, for interment at the local cemetery, if the proper statement from the cemetery management confirming the reservation of a place for the urn [was] supplied'.¹⁷ Other Nazi institutions engaged in

¹⁴ See Robert Kirschner, ed., *Rabbinic Responsa of the Holocaust Era* (New York: Schocken, 1985), 55ff. For the prehistory to rabbinical debates about cremation in Germany and Kirschbaum's earlier 'rather ambivalent responsum on burial of cremation-ashes' in 1927, see Adam S. Ferziger, 'Ashes to Outcasts: Cremation, Jewish Law, and Identity in Early 20th-century Germany', *AJS Review* 36 (2012): 71-102, esp. 101. On German Jews and cremation, see also Falk Wiesemann, 'Jewish Burials in Germany — Between Tradition, the Enlightenment and the Authorities', *Leo Baeck Institute Year Book* 37 (London: Secker & Warburg, 1992), 29-30.

¹⁵ It remains unclear how widely such responsa circulated under Nazi rule. See Alexandra Garbarini, with Emil Kerenji, Jan Lambertz and Avinoam Patt, *Jewish Responses to Persecution: Vol. 2, 1938-1940* (Lanham, MD: AltaMira Press in association with the USHMM, 2011), 81-84, esp. 84n15 on publication details. Although one of his prewar responsa was published in Poland just before the war, Kirschbaum at the time (1939) also gave oral instructions to the burial society members of his Frankfurt am Main community.

¹⁶ Kim Wünschmann, *Before Auschwitz: Jewish Prisoners in the Prewar Concentration Camps* (Cambridge, Mass.: Harvard University Press, 2015), 193.

¹⁷ Tadeusz Paczuła, 'Office Procedures in KL Auschwitz', in *Death Books from Auschwitz. Remnants*, Vol. 1. *Reports*, ed. State Museum of Auschwitz-Birkenau (Munich: K.G. Saur, 1995), 56. Paczuła was arrested for resistance activities. For other memories of the Auschwitz transfer of urns to prisoners' families for a fee, see e.g. Shelley, ed., *Secretaries*, 71, 216, 239. A recent history of the Berlin-Weißensee cemetery notes that in 1941 a field was created to

the clandestine murder of their residents such as mental patients made 'a veritable business from this', sending Jewish communities and organisations bills for housing, care and cremation of patients.¹⁸ While it is unclear whether these organisations knew that their constituents had been murdered, 'Jewish functionaries were astonished and enraged about the overly high bills they had received'.¹⁹ These billing procedures seem almost on par with later charging Jews for the train fares for their own deportation.²⁰ The arrival of cremation urns from concentration camps underscored that life had changed forever in German and Austrian Jewish communities under Nazi rule.

Public Knowledge about Concentration Camps

Some aspects of the concentration camp system were known throughout the Nazi era, and Jews living in the Reich had undoubtedly long heard of camps before the events of November 1938, when thousands of Jewish men were detained in such sites as Buchenwald, Dachau and Sachsenhausen. Camps such as Dachau were well-publicised in the press for a time after 1933, and some cases of arbitrary violence in the camp

hold the 279 urns from Jews murdered in concentration camps and also claims that these urns 'were usually sent to relatives by cash-on-delivery' (*Nachnahme per Post*). See Dietmar Strauch, with Regina Borgmann, *Adagio - Feld O. Biographische Recherchen auf dem Jüdischen Friedhof in Berlin-Weißensee* (Berlin: edition progris, 2008), 113-14. For the case of a woman whose husband died in custody and who weeks later received a card from the police indicating that she could pick up her husband's urn against payment of a 3 Reichmark fee, see Martin Riesenburger, *Das Licht verlöschte nicht. Ein Zeugnis aus der Nacht des Faschismus*, eds. Andreas Nachama and Hermann Simon (Teetz: Hentrich & Hentrich, 2003), 78. At Buchenwald 'compensation fees' ran into difficulties when many relatives directed their requests directly to the camp commandant. See Jens Schley, *Nachbar Buchenwald. Die Stadt Weimar und ihr Konzentrationslager 1937-1945* (Cologne: Böhlau Verlag, 1999), 43-44. The Himmler decree (*Erlass*) regarding cremation in the Sachsenhausen crematorium (28 Feb. 1940) stipulated clearly, for instance, that shipment costs should fall on family members; see ITS, 1.1.0.6/0015/0019.

¹⁸ Beate Meyer, *A Fatal Balancing Act: The Dilemma of the Reich Association of Jews in Germany, 1939-1945* (New York: Berghahn, 2013), 80.

¹⁹ Ibid.

²⁰ Sybille Steinbacher, *Auschwitz: A History* (New York: HarperCollins, 2005), 76.

were taken up by public prosecutors in the first months of their existence.²¹ But Heinrich Himmler very quickly and with Hitler's support squelched efforts by Bavarian state authorities to investigate unexplained deaths in the camp outside of Munich: 'In effect, Dachau had become *terra incognita* for the judiciary. [...] Himmler had needed only a year [from 1933 to 1934] in which to construct a closed system consisting of the political police, the SS deployed as auxiliaries, and Dachau concentration camp, which he was able to seal off from any interference by the Bavarian state authorities'.²² Together with Theodor Eicke, who was soon appointed head of the central Concentration Camps Inspectorate (Inspektion der Konzentrationslager, IKL), Himmler fairly successfully fended off attempts to impose state bureaucratic obstacles and legal restrictions on how Dachau and the other concentration camps were run.²³ Thus already by the mid-1930s, violent terror including murder of prisoners by guards in these camps went unpunished and was instead rewarded.²⁴

This consolidation of power and use of draconian violence notwithstanding, recent historical scrutiny of camps such as Buchenwald and Dachau and even camp complexes such as Auschwitz suggests that their walls and fences were to some

²¹ KZ-Gedenkstätte Dachau, permanent exhibition (2014), accounts from *Münchner Illustrierte Presse* (16 July 1933); *Bayerischer Heimgarten* (22 June 1933); *Illustrated London News* (10 Feb. 1934). See also Klaus Drobisch and Günther Wieland, *System der NS-Konzentrationslager 1933-1939* (Berlin: Akademie Verlag, 1993). Although the names of many internment and concentration camps were known by and by as far away as the U.K., their character and conditions were probably not: see e.g. missing persons enquiries book 3, London Metropolitan Archives, ACC/2793/04/04/02. Enquirers beginning in October 1944 mentioned Riga (destination of Martha and Herman Levy), Litzmannstadt (3 people), Rivesaltes (2 people), Gurs (3 people) and a handful of people named Theresienstadt.

²² Peter Longerich, *Heinrich Himmler* (Oxford: Oxford University Press, 2012), 155. See also Johannes Tuchel, *Konzentrationslager. Organisationsgeschichte und Funktion der 'Inspektion der Konzentrationslager' 1934-1938* (Boppard am Rhein: Harald Boldt Verlag, 1991), 149, 354, and Wünschmann, *Before Auschwitz*, 66-67.

²³ Longerich, *Heinrich Himmler*, 154, 183-87. Christopher Dillon, *Dachau and the SS: A Schooling in Violence* (Oxford: Oxford University Press, 2015), 225, however, argues for 'the ongoing presence of external constraints'.

²⁴ 'Mord zog keine Strafe, sondern Sonderurlaub nach sich'. Tuchel, *Konzentrationslager*, 364, discussing *Schutzhäftlinge* in early camps such as Lager Esterwegen.

degree became increasingly porous over the course of the war; the communities around concentration camps supplied goods, food rations, services, housing and even workers to keep them functioning. The camps in turn provided labour to surrounding communities and enterprises.²⁵ Increased public visibility of the camps did not translate into improved chances of survival for prisoners, however.²⁶ In her account of the Natzweiler subcamp Bisingen, Christine Glauning concludes prisoners were herded through the surrounding village, had to clear up after Allied bombings and were lent as labour to local firms. The SS men attached to the camp patronised local establishments and pursued local women, whilst the commandant played cards with the mayor.²⁷ In some places locals who had contacts with camp prisoners passed on their messages to the outside world, and surrounding communities at times facilitated the escape of runaway prisoners.²⁸ Sybille Steinbacher criticizes Wolfgang Sofsky's position in her assessment of Auschwitz in the early 1940s, writing, 'Concentration camps were no impenetrable "closed universe", for the administrative, infrastructural, economic and social contacts with their immediate surroundings ensured their existence'.²⁹

²⁵ Schley, *Nachbar Buchenwald*, 43-44; Steinbacher, *Auschwitz: A History*, 36, 75-76. And see Sybille Steinbacher, *Dachau. Die Stadt und das Konzentrationslager in der NS-Zeit. Die Untersuchung einer Nachbarschaft* (Frankfurt am Main: Peter Lang, 1993), 128-29; Wachsmann, *KL*, 485ff.; Karola Fings, 'The Public Face of the Camps', in *Concentration Camps in Nazi Germany*, eds. Caplan and Wachsmann, 115-16, 120; Fings provides a useful overview for thinking about how public visibility of camp conditions changed over time, 'the phases and circumstances in which this knowledge [of concentration camps] emerged' (109).

²⁶ Fings, 'The Public Face', 117; Dillon, *Dachau*, esp. 227ff. on the prewar period.

²⁷ Christine Glauning, 'Bisingen und das Unternehmen "Wüste"', in *Der Ort des Terrors. Geschichte des nationalsozialistischen Konzentrationslagers*, Vol. 6, eds. Wolfgang Benz and Barbara Distel (Munich: C.H. Beck, 2007), 61.

²⁸ Steinbacher, *Auschwitz: A History*, 36-39.

²⁹ Sybille Steinbacher, 'Musterstadt' *Auschwitz. Germanisierungspolitik und Judenmord in Ostoberschlesien* (Munich: K.G. Saur, 2000), 181. The economic interdependency of camps and surrounding communities of course varied to some degree: see idem, 181n135.

After independent camp crematoria were built, however, the stench alone would forcefully signal that these were no ordinary prisons or labour camps.³⁰ For instance, a crematorium was built in late 1942 at or near the Niederhagen concentration camp on the outskirts of Wewelsburg in Westphalia to handle the huge number of prisoner deaths (over half the prisoner population) through exhausting labour, lack of food, sadism and shootings. Local residents struggled with the smell on windy days.³¹ At the same time, much remained hidden. As we shall see below, camp *Standesämter* devised ways to conceal the scale of deaths from civilian authorities and families alike. Prisoners could for the most part only send home strictly censored letters; inmates at Auschwitz were always forced to add, 'I am healthy, I am fine'.³² Isabell Sprenger and Walter Kumpmann, writing of the Gross-Rosen concentration camp, also note that prisoners and local labourers worked side by side in enterprises such as a rock quarry (*Steinbruch*). 'The existence of the camp could not be kept secret, only its true goals and actual character remained unknown to many'.³³

Prisoners who did return from periods of incarceration became living proof of the camp's harsh regimen, for they 'bore the visible marks of physical abuse; often they were psychologically broken'.³⁴ Overall it remains unclear how explicit the knowledge about conditions in the concentration camps ever became. Much

³⁰ Andreas Ruppert and Wulff E. Brebeck, 'Wewelsburg', in *Verdrängte Geschichte. Verfolgung und Vernichtung in Ostwestfalen 1933-1945*, eds. Joachim Meynert and Arno Klönne (Bielefeld: AJZ, 1986), 339; Steinbacher, *Auschwitz: A History*, 77. On the area surrounding the medical killing facilities, see Ernst Klee, 'Euthanasie' im NS-Staat. *Die 'Vernichtung lebensunwerten Lebens'* (Frankfurt am Main: Fischer Taschenbuch Verlag, 1995, orig. 1985), 150; see also Wachsmann, *KL*, 264, 375 and 481.

³¹ Andreas Ruppert and Wulff E. Brebeck, *Wewelsburg* (Bielefeld: AJZ, 1986), 339.

³² Steinbacher, *Auschwitz: A History*, 34.

³³ Isabell Sprenger and Walter Krupmann, 'Groß-Rosen-Stammlager', in *Der Ort des Terrors. Geschichte der nationalsozialistischen Konzentrationslager*, Vol. 5, eds. Wolfgang Benz and Barbara Distel (Munich: C.H. Beck, 2007), 217.

³⁴ Fings, 'The Public Face', 110.

depended on one's location and social network.³⁵ Camp-issued death notifications brought some knowledge—the worst kind of 'closure'—to the families of camp victims, largely cut off from contact and news for months at a time. But, as Flesch's essay about Vienna reminds us, the procedures associated with these deaths were only normal on the surface. The 'half-Jewish' children of Lilli Jahn (née Schlüchterer), a German-Jewish doctor, received the news that their mother had died in Auschwitz concentration camp in mid-June 1944 with disbelief.³⁶ As a result, her daughter wrote the head office of the camp a number of times asking for a detailed account of what had happened to her mother, but did not receive an answer 'for months'. The civil registry office at Auschwitz (Standesamt II) eventually sent them an official death certificate, issued on 28 September 1944.³⁷ But the sense of disbelief and even expectations about proper procedure may have gone even further in this case. A memoirist who knew Jahn asserts that her children also expected and requested a cremation urn with their mother's remains.³⁸ Some prisoners' kinfolk similarly responded to the death notices as though the camps operated as 'normal' institutions—much like prisons or hospitals—and thus expected the return of prisoners' clothing and other possessions as well. This also seems to have been the case for the families of some Sinti or Roma men who were arrested in various waves

³⁵ Klemperer implied that the line gradually shifted about what was known, and that by mid-war the split had crystallised around who was living under Nazi rule and who was not. (He expressed exasperation about Swedish correspondents who asked about how he was living. 'Long, friendly, and clueless chatty letter from Stockholm. Again and again the question about my "daily routine". As if I were allowed to report on the daily routine of someone who wears the star'. Victor Klemperer, *I Will Bear Witness: A Diary of the Nazi Years, 1942-1945* (New York: Random House, 1999), 197, entry for 5 Feb. 1943.

³⁶ One of Jahn's biographers writes that a Gestapo official phoned their house. Martin Doerry, *'Mein verwundetes Herz'. Das Leben der Lilli Jahn 1900-1944* (Stuttgart: DVA, 2002), 332.

³⁷ Ibid., 333. Doerry reproduces a death certificate (*Sterbeurkunde*) from the camp, which notes at the bottom in handwriting that there was a fee of .60 Reichmarks. Ibid., 208.

³⁸ Lotte Paepcke, *Ich wurde vergessen. Bericht einer Jüdin, die das Dritte Reich überlebte* (Freiburg: Herder, 1979, orig. 1952), 66.

of persecution in the 1930s and early 1940s. When 'Otto S.' of Magdeburg died or was killed in Buchenwald, the camp administration sent the Magdeburg police his few personal effects for his mother, as well as an urn of his purported ashes.³⁹

With hindsight such expectations appear slightly naïve, yet also in concert with camp administrations' efforts to project the conceit that prisoner deaths had occurred under normal circumstances and what biographer Martin Doerry called 'a façade' was effective.⁴⁰ Beyond this, it is clear that not all prisoners' families received identical communications or bought into the 'facade'.⁴¹ The advent of mass deportations during

³⁹ Lutz Mieke, 'Ausgegrenzt - ermordet - vergessen. Zu den Menschenrechtsverletzungen an den Magdeburger Zigeunern während der Zeit des Nationalsozialismus', in *Unerwünscht, verfolgt, ermordet. Ausgrenzung und Terror während der nationalsozialistischen Diktatur in Magdeburg 1933-1945*, ed. Matthias Puhle (Magdeburg: Magdeburger Museen, 2008), 247-48 and see 254, photo caption 7, and Gabriele Wittstock, 'Von Berlin über Magdeburg nach Auschwitz. Unku - Das Schicksal eines jungen Sintezza', in the same volume, 266. Roman Taul, a political office clerk in Auschwitz, recounted after the war that (in what amounted to a small act of resistance) he would exchange old clothing for new items and double the amount in shipments of personal effects to families of prisoners who had been shot or died in the camp. See Shelley, ed., *Secretaries*, 334. Valentin and Bertha Wagner, forced to live in a barracks camp with other Sinti/Roma in Hamm, Germany, shortly after the war began, received a death certificate or death notification for their son Gustav from the Oranienburg-Sachsenhausen camp and also received an urn, which was buried in Hamm in December 1942. See Mechtild Brand, '...nach Auschwitz überführt...' Verfolgung und Vernichtung von Sintifamilien aus Hamm (Westfalen) während des Dritten Reiches', *50-lecie zagłady Romów w KL Auschwitz-Birkenau*, ed. Wacław Długoborski (Oświęcim: Vereinigung der Rom in Polen, 1994), 51-52.

⁴⁰ Doerry, 'Mein verwundetes Herz', 334, writes, 'The bureaucratic sense of order [*Ordnungssinn*] was evidently only a façade'; little about the documents returned to Jahn's family and city officials back in Germany was consistent.

⁴¹ We do know that it was highly selective: the Concentration Camps Inspectorate in an order of April 1941 prohibited sending urns with ashes of Polish prisoners to residents of the territories annexed to the Reich or in the Generalgouvernement. 'The relevant Gestapo post informed the family that the corpse had been cremated and that the urn with ashes was being stored in the local Garden of Urns (*Urnenhain*)'. Paczuła, 'Office Procedures', 56. At Buchenwald, Jan Sobottka recalled, 'The death certificates were only issued for Reich Germans and people from the Protectorate [*Protektoratsangehörige*]'. See 'Account of Jan Sobottka, Prag, Kapo der Politischen Abteilung', in *Der Buchenwald-Report. Bericht über das Konzentrationslager Buchenwald bei Weimar*, ed. David A. Hackett (Munich: C.H. Beck, 1996), 151. See also KL Auschwitz Politische Abteilung to Geheime Staatspolizeileitstelle Posen, memo on urns of deceased Polish *Schutzhaftlinge*, 17 April 1941, USHMM, ITS database (hereafter ITS), 1.1.2.0/0008/0016. Aleksander Lasik, 'Organizational Structure of Auschwitz Concentration Camp', in *Auschwitz, 1940-1945. Central Issues in the History of the Camp*, Vol. 1, eds. idem et al. (Oświęcim: Auschwitz Birkenau State Museum, 2000), 181, also notes that a separate death book was kept for Soviet POWs in Auschwitz and that death notices were sent

the war made camp death notifications even more ominous. The name Auschwitz in particular came to be associated with lethal conditions, as Victor Klemperer's diary entries from 1941 through 1943 suggest. The unease existed despite the fact that the arrival or deaths of Jewish prisoners in the extermination camp in the Auschwitz camp complex were never actually registered.⁴² In late 1942 Klemperer recorded that Fräulein Imbach, 'the loneliest figure in the house', had received news of her sister's death 'From Auschwitz, cause of death "stroke". She is the ninth Dresden woman, to be taken from Ravensbrück to Auschwitz'.⁴³

Death Certificates, the Gestapo and Underlying Motives

Some exchanges between Jews and Nazi officials survive for a few German cities, and they are useful for revealing the dynamic routinised in prisoner death notifications. In Leipzig such communications from concentration camps went to Fritz Grunsfeld's Israelitische Religionsgemeinschaft office after being routed through Herr Inspektor

to the armed forces intelligence bureau, as well as copies to the SS-WVHA office group D director and camp crematorium personnel. On reporting the death of Soviet civil workers in camps and of Jews, see also Tomasz Kranz, *Zur Erfassung der Häftlingssterblichkeit im Konzentrationslager Lublin* (Lublin: Państwowe Muzeum na Majdanku, 2007), 22, 35-36. On certificates involving French prisoners who died, see secret circular on the remittance of death certificates to the BdS Paris (Befehlshaber der Sicherheitspolizei und des SD), SS-WVHA (Oranienburg) to Lagerkommandanten der Konzentrationslager, 1 Oct. 1943, ITS, 1.1.0.6/0015/0293.

⁴² In her book on the Reich Association of Jews in Germany (the RV), Beate Meyer argues that functionaries had certain knowledge of prisoner deaths in concentration camps but far less certain knowledge about what lay in store for mass transports of German Jews further east, 'aside from the fact that a return was not planned'. Meyer, *Fatal Balancing Act*, 114-15, and see also 402-03: 'They were aware of individual events, rumors, perhaps also knew about some mass shootings. But the "rupture with civilization" was for them unimaginable as a comprehensive event'.

⁴³ Klemperer, *I Will Bear Witness* (1942-1945), entry for 30 Oct. 1942, 160-61, and 5 June 1943, 236: 'For two weeks now there has been no new arrest, no new case of death—and Leipziger is said to have been taken "only" to the Auschwitz labor camp and not to Auschwitz concentration camp—and already the great fear has been forgotten'. See also entries in idem, *I Will Bear Witness* (1933-1941), 23 Dec. 1941, 453 (death in an unnamed concentration camp).

Zenner of the city's Gestapo headquarters. Zenner expected this Jewish community office to contact next of kin if still present in the city, and report back.⁴⁴ Walter Maneschef, for instance, died on 11 February 1942, in Ravensbrück and was cremated three days later. Leipzig officials learned of the death on 16 February and his widow requested the urn 'as soon as possible', but his ashes were only sent 'home' in late May, before finally being buried on 14 June.⁴⁵ Similarly, the Jewish cemetery received an urn from the Buchenwald concentration camp—purportedly containing the ashes of Leipzig resident Arnold Ostrow, age 39—a full two months after the Gestapo had phoned the Jewish community on 7 April 1942, to notify the staff and family of his death. In late April 1942, Zenner phoned the community office to convey the news that Isaak Lerer, a 22-year-old city resident and citizen of Poland, had died two days earlier in Dachau. A community official very promptly confirmed a willingness to bury Lerer's remains and that a space was available in a Leipzig Jewish cemetery. The Dachau camp commandant's office subsequently sent written confirmation of the cremation and an urn, which community members then buried. The correspondence is unsurprising, for a lengthy list of rules was at least initially tied to concentration camp cremation procedures and disposal of the ashes.⁴⁶

⁴⁴ See Zenner to Leipzig JC, USHMM, RG-14.035M (Leipzig JC), reel 14, and see also 'Schriftgut 1940-1945/Sterbeurkunden 1941-1942' file, RG-14.035M, reel 13. The crematorium of the KL Auschwitz was still arranging to send urns to Jewish cemeteries in Germany as late as November 1942; see the case of Marcus Meyer Felber (RG-14.035M, reel 14). On the community official Dr. Fritz Grunsfeld (1908-1991), originally from Hallensee, lawyer and survivor of Theresienstadt, see Adolf Diamant, *Chronik der Juden in Leipzig* (Chemnitz/Leipzig: Heimatland Sachsen, 1993), 187; Steffen Held, *Zwischen Tradition und Vermächtnis. Die Israelitische Religionsgemeinde zu Leipzig nach 1945* (Hamburg: Dolling and Galitz, 1995), 68; Meyer, *Fatal Balancing Act*, 382-83. He left the GDR in the wake of the Slansky trial and settled in Düsseldorf.

⁴⁵ Leipzig JC cemetery form for Walter Maneschef, 14 June 1942, USHMM, RG-14.035M, reel 13.

⁴⁶ See the (Himmler) decree regarding cremations at the Sachsenhausen concentration camp, 28 Feb. 1940, ITS, 1.1.0.6/0015/0003-0020.

Such exchanges took place again and again well into the war years, until deportations led to the closing of the city's community office itself.⁴⁷ The exact conversations between Gestapo officials and Jewish community staff in Leipzig about these transfers remain somewhat opaque (as does the question of whether financial interests ever played a part). However, the process had become common enough to warrant printed forms that community staff filled out for each new death. Jewish communities confirmed to crematorium administrators that a burial site was available in the local cemetery and that the burial would be conducted in proper fashion. The crematoria in turn sent urns supposedly containing the prisoner's ashes. In all such cases, the urns were often not available for months after an initial notification of death, as Leipzig documentation shows.⁴⁸ The delay was a sore point: Bernhard Wissmann of the Jewish community in the city wrote Sachsenhausen's crematorium officials (in the case of Isaak Einhorn, who had died in the camp in March 1942), 'We are constantly being overrun and pressured by relatives of the deceased regarding burial of the urn and therefore request that it be sent posthaste'.⁴⁹

In cases where no relatives were present or a dead prisoner's ties to an extant Jewish community seemed tenuous, the urns were generally not requested.⁵⁰ When

⁴⁷ The major 1942 'evacuations' of Jews from the city occurred in late January (over 560 people sent to Riga); on 10 May (300 people with final destination Treblinka and Maidanek); on 13 July (250 sent to Auschwitz); and on 19 Sept. (500 sent to Theresienstadt). USHMM, RG-14.035M, reel 14.

⁴⁸ 'Schriftgut 1940-1945' / Sterbeurkunden 1941-1942, USHMM RG 14.035M, reel 13.

⁴⁹ 'Wir werden nämlich von den Angehörigen des Verstorbenen dauernd wegen Beisetzung der Urne überlaufen und gedrängt und bitten daher um Beschleunigung der Absendung'. Bernhard Wissmann (Leipzig JC) to Sachsenhausen officials, 5 May 1942, USHMM, RG-14.035M, reel 12; the urn containing his purported ashes finally arrived and was buried on 29 May 1942. The lengthy 28 Feb. 1940 Himmler decree around Sachsenhausen cremations also emphasised prompt, speedy notifications. See ITS, 1.1.0.6/0015/0012.

⁵⁰ When the Breslau Jewish community sought to bury the urn of its former staff member Conrad Cohn, the Reich Association of Jews in Germany informed them that it was not

Inspektor Zenner asked the Leipzig community to tell Frau Kläre Nathan that her daughter Beate Nathan, aged 21 or 22, had died in the Ravensbrück concentration camp in April 1942, they responded that they could not do so and presumably did not pursue shipment of the urn; Frau Nathan, the mother, had been 'resettled' ('*zur Abwanderung gekommen*') earlier that year (21 January).⁵¹ In at least one 1942 case the head office at the Dachau concentration camp objected to lack of further arrangements, communicating, 'The cremated remains of a person who died in the Dachau KL cannot be buried here or in the cemetery of the city of Dachau, but rather must unquestionably according to the order of the Reichsführer-SS und Chef der Deutschen Polizei be sent to the residence of the relatives, so that they can be buried in the cemetery at that location'.⁵² The death in a detention facility (*Ersatz-Gefängnis*) in Leipzig of cantor and teacher Mejeris Milneri, only in his mid-60s, was also reported to the community, as were—similar to Klemperer's Dresden—some deaths in the Auschwitz concentration camp.⁵³ When the Gestapo informed the Jewish community that Rosalie Johanna Rohrbeck (née Michaelis) had died on 11 March 1942 in the Ravensbrück concentration camp, the community staff noted 'Because no relatives are here anymore, the Gestapo [Geheime Staatspolizei] does *not* want [the urn] transferred here'; they subsequently encouraged a relative in Berlin to request that the urn be sent there instead.⁵⁴ In the case of Edgar Ernst Sternlieb, born 1920, no urn was requested after his death notification was received from the Neuengamme

permissible (perhaps because they were not his relatives). See Meyer, *Fatal Balancing Act*, 168.

⁵¹ Leipzig JC to Zenner, RG 14.035M, reel 13.

⁵² Dachau camp administration to Leipzig JC, 11 April 1942, RG-14.035M, reel 13.

⁵³ Victor Klemperer in Dresden had clearly heard of the camp. See Milneri and Loebel cases, and that of [Anne?] Nebenzahl, b. 1885, who died in the KL Auschwitz on 7 Oct. 1942, USHMM, RG-14.035M, reel 13.

⁵⁴ File note, Leipzig JC, RG-14.035M, reel 13; see also Leipzig JC to Arnold Heller of Berlin-Halensee, 15 April 1942, in *ibid*.

concentration camp because the community lacked any record that he was one of their members ('*Der Verstorbene ist in unserer Kartei nicht geführt worden*'). Only rarely was a cause of death spelled out in these exchanges. However, copies of death certificates were available upon request at least until 1943 and these sometimes included details.

These interactions occurred across the Reich. In Berlin, one of the appointed tasks of functionaries from the Reichsvereinigung der Juden in Deutschland (RV) was also to pass on death notices from the concentration camps.⁵⁵ And in his diary of the war years Victor Klemperer in Dresden refers in passing to the 'polite return of these urns'.⁵⁶ The motives of the Gestapo and the concentration camp officials seem far from polite or benign in these exchanges, and the Dresden philologist in fact knew full well that Nazi functionaries' treatment of the Jewish dead was anything but dignified. Some element of financial interest may have been present. When Mira Feitscher (née Rjsenikow), aged 41 or 42, died on 7 February 1942 in the Ravensbrück concentration camp, a community official noted, 'In response to the question of whether relatives remained [in the city] and whether financial assets had been recorded, I replied that after examining the welfare files held here that this was not the case'.⁵⁷ But by 1942 the cumulative effect of successive anti-Jewish measures and regulations suggest that

⁵⁵ Meyer, *Fatal Balancing Act*, 114-15.

⁵⁶ Victor Klemperer, *The Language of the Third Reich. LTI - Lingua Tertii Imperii. A Philologist's Notebook*, 3rd ed. (London: Continuum, 2000, orig. 1957), 187. In German, '*das höfliche Heimsenden der Urnen*': Klemperer, *LTI: Notizbuch eines Philologen*, ed. Elke Fröhlich (Stuttgart: Philipp Reclam jun., 2010), 210.

⁵⁷ File note, Leipzig JC, USHMM, RG-14.035M, reel 13, and see related correspondence here in the case of Hulda Schaul, who died in Leipzig on 7 Sept. 1942, in which the Oberfinanzamt asked for a list of assets; correspondence after the death of Frau Franziska Salm (widow), who had died in Ravensbrück, allegedly of 'stomach ulcers' in mid-1942 (one of her brothers was asked about the location of her will at the same time that he was informed of her death).

there was precious little left for state financial authorities or Gestapo officials to confiscate.⁵⁸

Much clouds a clear interpretation of these administrative exchanges. Relatives received prisoner death notices that bore the stamp of authority, but were given no forewarning and no real options for how to respond. The Gestapo's insistence that relatives be present for urns to be sent home hints less at humane measures than the opposite. Intimidation was an indisputable factor here, for the return and burying of urns represented not so much a concession to religious precepts, whereby rituals were observed and respected, but rather their implosion. Perhaps even more than death certificates, camp urns signaled a cynical re-enactment or mimicry of 'normal' and respectful processing of death. Typical is the assertion that in Berlin '...by keeping the [Jewish] hospital and [Weißensee] cemetery in operation, a semblance of normality was kept up in order to put the Jews themselves as well as the non-Jewish Berliners at ease'.⁵⁹ Commenting on the Gestapo's installation of Rabbi Martin Riesenburger at the large Weißensee cemetery in northeast Berlin for duties—mainly for holding funerals—during the war, Roger Moorhouse writes, 'it is also possible that they sought, by leaving him in place, to maintain a facade of normality'.⁶⁰ Similarly, sociologist and historian Aleksander Lasik concludes of Auschwitz

⁵⁸ As late as November 1944, however, German officials were reminded 'The property of deceased Jews belongs to the Reich' and that Reich financial offices needed information on deaths. See 'Mitteilungen über Sterbefälle von Juden', cited in Joseph Walk, ed., *Das Sonderrecht für die Juden im NS-Staat* (Heidelberg: C.F. Müller, 1996), 405. On the disposal of deceased Jewish, Polish and Soviet concentration camp prisoners' possessions (other than clothing items), see also report, Prof. Dr. Walter Bartel, n.d., ITS, 1.1.30.0/0008/0162.

⁵⁹ Taken from www.go2war2.nl/print.asp?artikelid=4613 (accessed 23 August 2016).

⁶⁰ Roger Moorhouse, *Berlin at War: Life and Death in Hitler's Capital, 1939-45* (London: The Bodley Head, 2010), 264. Moorhouse adds, 'Whatever his precise capacity, Riesenburger attempted to create some semblance of normal Judaic life in the very heart of the Third Reich.[...] [H]e continued to lead weekly prayer services and ceremonies, albeit necessarily brief and surreptitious'. See Karin Hartewig, 'Riesenburger, Martin', in *Neue Deutsche Biographie* 21 (2003): 607-08.

concentration camp procedures that 'The functioning of the camp civil registry office also had a psychological significance. It was intended to create, at least among the German population, the impression that everything that happened in the camps was in accord with the prevailing legal norms'. This same 'appearance of legality', he argues, 'made it possible for the families of deceased prisoners to purchase the urns containing the ashes of their relatives (though corpses were cremated several at a time). In this way, the camp authorities made a show of respecting the majesty of death while at the same time generating income'.⁶¹ This assumption about the appearance of 'normality' demands closer scrutiny. The very opposite seems closer to the truth when we scrutinise Jewish responses.

The death notices sent to local Gestapo offices made possible a kind of head count of Jews remaining in the Reich. This 'bookkeeping' may have supplemented residential registration requirements in Germany and the paperwork demanded from Jewish organisations such as the central RV.⁶² We see these demands reflected in the files of local community offices such as those in Leipzig. Functionaries in the city were kept under continuous pressure to supply weekly tallies of births among and deaths of community member to the central statistical department of the Berlin-based RV. By

⁶¹ Lasik, 'Organizational Structure', 182. See also Paczuła, 'Office Procedures', 60, on 'maintaining all appearances of normality'; in German: 'Schreibstuben im KL Auschwitz', in *Sterbebücher von Auschwitz. Fragmente*, ed. Staatliches Museum Auschwitz-Birkenau (Munich: K.G. Saur, 1995), 65 ('den Anschein von Normalität und Rechtmäßigkeit erweckende Dokumentation'). Thomas Grotum, *Das digitale Archiv. Aufbau und Auswertung einer Datenbank zur Geschichte des Konzentrationslagers Auschwitz* (Frankfurt am Main: Campus, 2004), 234, writes, 'Die Einrichtung eines eigenen Standesamtes vermittelte nach aussen den Eindruck von Legalität, und zwar sowohl gegenüber staatlichen und kirchlichen Institutionen als auch gegenüber den Angehörigen der Opfer' (The establishment of [a camp's] own registry office gave the impression of legality to the outside world, both towards state and church institutions as well as families of the victims').

⁶² On the RV, see Meyer, *Fatal Balancing Act*, 128, and see the discussion of the *Reichsmeldeordnungen* (Reich residential registration regulations) in John Torpey, *The Invention of the Passport: Surveillance, Citizenship and the State* (New York: Cambridge University Press, 2000), 134-35.

November 1940, the Reichsvereinigung's Dr. Erich Simon was even asking for express delivery of the figures so that he could have them in hand each Friday.⁶³

On 21 May 1942, Himmler ordered a change in how next-of-kin were informed of concentration camp prisoner deaths, declaring that the previous mode (via telegrams) 'has in some cases led to alarm and should be avoided to retain the [non-Jewish] relatives as part of the Volksgemeinschaft [racial community]' and uphold the reputation of the SiPo [*Sicherheitspolizei*]. Relatives should be told verbally, the instruction ran, and 'the official or person given this task must locate the relative personally and transmit the death notification in a sympathetic manner [*menschlich mitfühlender Weise*]'.⁶⁴ But for Jews remaining in the Reich, for instance, any fresh contacts with the Gestapo would surely have produced discomfort instead. The use of local Gestapo offices as intermediaries to send out Jewish prisoners' death notices or confer about the fate of community members' ashes served as an unmistakable form of intimidation exerted on Jews not yet summoned for 'resettlement'. These communications also seemed to be more than a tactic to have the communities cover burial costs. In Breslau, 'The head of the Gestapo's Judenreferat read out death notices from the camps (probably for Jewish 'prisoners in protective custody') to [community liaison Martin] Pollack, who then informed the relatives if they were still living in Breslau'.⁶⁵ We lack Gestapo records that might show clear underlying motives, but again, imposing this precondition for shipping camp urns seems less about reassuring or respecting the feelings of kin than about keeping a close watch on the Jews remaining in the Reich, ascertaining their whereabouts. And the reach or interest

⁶³ Notices from 1940-1941, USHMM, RG-14.035M, reel 12.

⁶⁴ Circular, (gez.) Himmler to alle Dienststellen der Sicherheitspolizei und des SD, 'Benachrichtigung der Angehörigen von im Konzentrationslager verstorbenen Häftlingen der Sicherheitspolizei...', 21 May 1942, ITS, 1.1.0.6./0015/0077-0080.

⁶⁵ Meyer, *Fatal Balancing Act*, 244.

of the Gestapo went even further afield: when a former Leipzig resident in her late 50s, Frau [Marjem] Rothstein (née Guthertz), died in the Auschwitz concentration camp in October 1942, Inspektor Zenner, the Leipzig Gestapo man, telephoned the Jewish community officials. He instructed them not only to inform Herr Dr. Guthertz in Berlin (her brother), but provide Zenner with Guthertz's address as well as information on his family relationship to the deceased.⁶⁶

If these interactions can be seen as creating a facade of normality, the camouflage—to invoke writer Ernst Klee's assessment—worked badly.⁶⁷ Victor Klemperer continuously expressed profound skepticism about the causes of death conveyed with these concentration camp death announcements for men he had known: 'Ernst Kreidl was 'shot "while attempting to escape" [...]. Eva saw the printed form, completed in typescript. [...] It is impossible to lie more shamelessly. The man certainly did not have the faintest thought of attempting an absolutely impossible escape. Sixty-three years old, weakened, prison clothing, without money...'⁶⁸ Rabbi Martin Riesenburger in Berlin likewise wondered about the blatant cynicism and mockery embedded in the causes of death provided by SS doctors at Sachsenhausen.⁶⁹ Finally, memoir material suggests that Jewish cemeteries in general and funerals in particular were sites where the Reich's remaining Jewish mourners not only confronted signs that their own days were numbered, but risked arrest by the Gestapo on site or just outside the gates.⁷⁰

⁶⁶ File note on death of Marjem Rothstein, USHMM, RG-14.035M, reel 13.

⁶⁷ Klee, *'Euthanasie'*, 155 ('*Dennoch gerät die Tarnung schlecht*').

⁶⁸ Klemperer, *I Will Bear Witness* (1942-1945), 59, entry for 24 May 1942, and see also 92, entry for 4 July 1942; 185, entry for 3 Jan. 1943; 209, entry for 14 March 1943; and 215, entry for 25 April 1943.

⁶⁹ Riesenburger, *Das Licht*, 80.

⁷⁰ Discussing the danger faced by Kreidl's widow, see Klemperer, *I Will Bear Witness* (1942-1945), 147, entry for 18 September 1942.

Recalling the funeral of a foreman, Grünbaum, who was picked up and sent to Auschwitz, Victor Klemperer in wartime Dresden suggested 'for a long time it was to some extent our Sunday duty — and even almost our Sunday pleasure — to take part in these burials. Often two or three urns had arrived; whilst commemorating the deceased, there was the opportunity to meet companions in misfortune from the other Jews' Houses and other factory groups'.⁷¹ Yet these occasions, forged under new circumstances in the few Jewish cemeteries still operating, came at a terrible cost. After attending a series of funerals in Dresden on a summer's day in 1942, the incisive Klemperer remarked, 'I remembered the giant cobbler [Feldmann] and saw the very, very small urn. Then the thought of extinction came even closer and *made me shudder even more than standing opposite a coffin*'.⁷² With a sense of foreboding he registers, 'Particularly dreadful is how the top hats slide down into the men's emaciated faces, how the top hats underline the threadbare shabbiness of the suits'.⁷³ The alarming physical decline of the mourners at these occasions, the small urns, the small urn holes in the cemetery grounds all conspired to exacerbate a sense of danger and fear, his shrinking prospects, his own imminent death. Barely recognising people he had not seen for a couple of months, he could not 'get rid of the foolish extra shudder before the miniature grave, before the utter destruction of outward form'.⁷⁴ The urn becomes a warning sign that 'Cras mihi — no one comes back'.⁷⁵ By 1943 the flow of

⁷¹ Klemperer, *Language of the Third Reich*, 187. Elsewhere he writes that Sunday afternoons were the only time that were usually 'Gestapo-free'. See Klemperer, *I Will Bear Witness* (1942-1945): 93, entry for 5 July 1942.

⁷² Klemperer, *I Will Bear Witness* (1942-1945), 93, entry for 5 July 1942, my emphasis.

⁷³ *Ibid.*, 5 July 1942, 93.

⁷⁴ *Ibid.*, 10 Aug. 1942, 118-19.

⁷⁵ *Ibid.*, 4 July 1942, 92.

such urns could induce crippling fear in Klemperer: 'One no longer reckons with prison or a beating, but straightaway with death for everything and anything'.⁷⁶

In the German Reich, the flow of urns to Jewish communities began before the war but largely ended after the major deportations. In the Jewish cemetery in the Ohlsdorf district of Hamburg, which served various Jewish communities, few burials took place after October 1941 and none was recorded after the end of May 1943. Approximately 70 urns from concentration camps and other detention sites were interred there, with arrangements made by family members and friends of the victims.⁷⁷ Concentration camp death notifications tell us much about the range and complexity of assaults on Jewish life outside the camps from the prewar period to the middle of the war. What do we learn about the treatment of Jewish death from inside the camps?

Processing of Death in Nazi Concentration Camps

A variety of camp officials—including the staff of the political offices (*Politische Abteilungen*), camp civil registries (*Standesämter*) and camp doctors (*Lagerärzte*)—routinely issued death notifications and certificates for many types of prisoners, a process that lasted for almost the entire duration of the war. Concentration camp administrators observed this traditional bureaucratic requirement around death, whilst simultaneously and systematically concealing the conditions of those very deaths. This section looks at the diverse levels on which such falsifications were produced in the camps, and the tools and labour that made them possible. Focusing on the production of falsified prisoner records exposes the violence and cynicism

⁷⁶ Ibid., 11 May 1943, 228.

⁷⁷ Diercks, *Friedhof Ohlsdorf*, 103.

operating in camp regimes in a unique light. In addition, it teaches us something about how the hierarchies of camp prisoners evolved and were reinforced. We begin with the political offices at the concentration camps, which stood at the centre of processing prisoner deaths and were critical in producing a misleading official narrative of their causes.

The political office or division represented the Reich Security Main Office (Reichssicherheitshauptamt, RSHA) in the camps and could decide the fate of inmates independently. Prisoners at Auschwitz commonly called the office the 'camp Gestapo' and Aleksander Lasik concludes it 'was a sort of "state within a state", which was formally under higher control but in fact acted independently. The attitudes of the [office's] personnel determined, in large measure, the chances that prisoners had for surviving the concentration camp'.⁷⁸ These included the registry (*Registratur*), civil registry (*Standesamt*) and interrogation section. This administrative section also purportedly had branches in all of Auschwitz's satellite camps. It maintained prisoner files, corresponded with the agencies that had sent men and women to the camp, covered intake of most transports, maintained internal security and, not least, maintained the camps' own civil registries once they were up and running, as well as their crematoria.⁷⁹ The role of the political office in mass death and executions, particularly at Auschwitz, increased markedly during the war.⁸⁰ Some of the office's functions were initially carried out at local institutions such as post offices, civil registry offices and district or city crematoria. This was the case in Auschwitz, where

⁷⁸ Lasik, 'Organizational Structure', 191. For a chart of the office at Auschwitz, see Grotum, *Das digitale Archiv*, 227, and for an overview of political office functions, Karin Orth, *Das System der nationalsozialistischen Konzentrationslager. Eine politische Organisationsgeschichte* (Hamburg: Hamburger Edition, 1999), 44-45.

⁷⁹ Shelley, ed., *Secretaries*, 3-5, provides a useful overview.

⁸⁰ Wachsmann, *KL*, 388.

prisoners' deaths were at first recorded in the town's German *Standesamt* and their bodies burned in the Gliwice crematorium. As the numbers of prisoner deaths rose sharply during the first half of the war the administration set up an SS-run *Standesamt* attached only to the camp (in this case becoming Standesamt II for Auschwitz).⁸¹ We see this pattern elsewhere. In Buchenwald a civil registry went into operation in April 1939, in Neuengamme in February 1941, in Dachau at the end of May 1941, in Flossenbürg and Groß-Rosen in October 1942 and in Niederhagen-Wewelsburg, the latter half of 1942 or the beginning of 1943.⁸²

German civil registrars were compelled to record all births, marriages, deaths and religious affiliations when the state of Prussia unified civil registry regulations, effective at the beginning of 1876 for the Reich as a whole. Pre-World War II German civil registrars had long been the domain of lower and mid-level government

⁸¹ On conflicts about remits, see Grotum, *Das digitale Archiv*, 223. Steinbacher indicates that this camp's civil registry, while set up in August 1941, did not become fully autonomous until January 1943. Steinbacher, *'Musterstadt' Auschwitz*, 184; Norbert Frei et al., eds., *Standort- und Kommandanturbefehle des Konzentrationslagers Auschwitz 1940-1945* (Munich: K.G. Saur, 2000), 212. The chain of events leading to creation of a separate Standesamt II remains in dispute. See Steinbacher, *'Musterstadt'*, 184n154.

⁸² Steinbacher, *'Musterstadt' Auschwitz*, 184n154; and see idem, *Dachau*, 127. (Here she asserts that the Buchenwald Standesamt was opened somewhat later, in August or September 1939.) Jörg Skriebeleit, 'Flossenbürg - Stammlager', in *Der Ort des Terrors. Geschichte der nationalsozialistischen Konzentrationslager*, Vol. 4, eds. Wolfgang Benz and Barbara Distel (Munich: C.H. Beck, 2006), 40. See also Barbara Distel, 'Lebensbedingungen im Stammlager (Arbeit und Vernichtung)', in *Ort des Terrors*, Vol. 5, eds. Benz and Distel, 105 (she says the first crematorium in the *Stammlager* began operating in August 1940, and the camp's own civil registry office beginning in 1941); Kirsten John-Stucke, 'Niederhagen/Wewelsburg-Stammlager', in *Ort des Terrors*, Vol. 7, eds. Wolfgang Benz and Barbara Distel (Munich: C.H. Beck, 2008), 24; Schley, *Nachbar Buchenwald*, 48. Isabell Sprenger and Walter Krupmann. 'Groß-Rosen-Stammlager', in *Ort des Terrors*, Vol. 5, eds. Benz and Distel, 202, 217, write that Groß-Rosen had its own crematorium by the end of 1942. Stanislav Zámečník, 'Dachau—Stammlager', *Ort des Terrors*, Vol. 2, eds. Wolfgang Benz and Barbara Distel (Munich: C.H. Beck, 2005), 266, writes that Dachau built its first crematorium in the summer of 1940 and set up its *Standesamt* in May 1941. Unlike many other KLs, Lublin-Majdanek did not have its own civil registry; see Kranz, *Zur Erfassung*, 30-32.

officials.⁸³ Many of the main concentration camps did more than set up their own civil registry offices and did so for more than the sake of convenience. We see in these camp offices the marriage of bureaucratic practices to the most cynical and flagrant kind of deception. The major camps also ceased to use municipal crematoria, instead building their own, for 'disposal of the bodies was a messy problem, especially in winter, when the ground was frozen'.⁸⁴ These measures were designed to disguise the scale of death at the camps from the public. In Buchenwald, the dead were driven with trucks into the city of Weimar below from 1937 until mid-1940 to use the Weimar cemetery crematorium, and the many transports of this kind 'did not go unnoticed by the population'; rumors even circulated that a truck had lost a body on the way during one of these trips.⁸⁵ At the Natzweiler Stammlager a camp civil registry and provisional crematorium were only set up comparatively late, in February 1943, as an alternative to municipal facilities.⁸⁶

The composition of registry staff in the concentration camps shifted somewhat over time. Initially only SS men worked in these offices. At Buchenwald, for example, they administered the admissions office until June 1942, when the incoming numbers

⁸³ Eric Ehrenreich, *The Nazi Ancestral Proof: Genealogy, Racial Science, and the Final Solution* (Bloomington: Indiana University Press, 2007), 36. For the status of civil registrars in Nazi Germany, see Siegfried Maruhn, *Staatsdiener im Unrechtsstaat. Die deutschen Standesbeamten und ihr Verband unter dem Nationalsozialismus* (Frankfurt am Main: Verlag für Standesamtswesen, 2002), and Jane Caplan, 'Registering the Volksgemeinschaft: Civil Status in Nazi Germany 1933-1939', in *Visions of Community in Nazi Germany. Social Engineering and Private Lives*, eds. Martina Steber and Bernhard Gotto (Oxford: Oxford University Press, 2014), 122. In most places the positions were not very desirable, involving little remuneration and increasing amounts of paperwork. Ehrenreich, *Nazi Ancestral Proof*, 92, has shown that the Nazi years brought a racialisation of civil registries, e.g. with the new Civil Registry Law (*Personenstandsgesetz*) of November 1937, which came into effect in 1938.

⁸⁴ See Richard Breitman, *The Architect of Genocide: Himmler and the Final Solution* (Hanover, NH: Brandeis University Press, 1991), 87-88, discussing the 'discreet Himmler', who sought to hide or camouflage evidence of mass murder.

⁸⁵ Schley, *Nachbar Buchenwald*, 43-44.

⁸⁶ Robert Steegmann, 'Natzweiler-Stammlager', in *Ort des Terrors*, Vol. 6, eds. Benz and Distel, 30-31.

of prisoners grew too large and prisoners were added to the political office staff.⁸⁷ At Auschwitz, too, inmates gradually replaced SS personnel, at first almost exclusively Polish male political prisoners, most of them bilingual men from Silesia.⁸⁸ By 1942, as transports began arriving from further afield, Jewish women with additional language and office skills were installed in the offices as well.⁸⁹ Registrations, prisoner data and tallies were collected here, but brutal interrogations of inmates were also conducted on the premises, during which members of the prisoner staff often had to serve as translators. Prisoner staff of the political offices were thus forced into the work of both verifying prisoner identities and covering up the circumstances of their deaths.

Rampant Falsification

Despite an obsessive level of signature-gathering and fact-checking work designed to ferret out lies from prisoners about their identities and histories, falsification produced by the Auschwitz and other camp political offices themselves was rampant. I will return to this paradox in my conclusion. The falsehoods generated by staff took many forms, and how transparent they were and to whom remains a question for further historical investigation. Systematic falsification also appears to have taken place throughout the history of the concentration camps. It applied to both to prisoners' living conditions in the camp and the circumstances around their deaths.

First, permitted letters home or to loved ones were laden with ambiguity and even danger for their recipients in particular. A Bratislava (Pressburg) woman, Irene

⁸⁷ 'Account of Jan Sobottka', 150.

⁸⁸ Steinbacher, *Auschwitz: A History*, 29-30. The camp had been opened to detain such prisoners; conditions proved severe and resulted in many prisoner deaths and executions. It only later expanded during the war to become the notorious killing centre for Jews. The percentage of Jewish prisoners remained small until mid-1942.

⁸⁹ Shelley, ed., *Secretaries*, 167, 169, 276.

Frenkel (née Gruenwald) testified that when some Jewish groups arrived from Theresienstadt, they 'were ordered to write several postdated postcards to their friends and relatives [back] in Theresienstadt, praising the marvelous conditions under which they lived in Birkenau'.⁹⁰ She and others in the political office were occasionally allowed to write postcards 'because the SS was interested to have the outside world believe that everything was all right with us. [...] I addressed my cards to relatives who had been deported before me...' To her horror she learned that after these were delivered to the Jewish Centre in Bratislava and were forwarded to her siblings, who were in hiding. Else Kellner (née Gruen), also from Bratislava, felt similar reluctance to reach out to relatives still at home, 'fearing that this was a trick to discover the addresses of family members still at large in order to deport them as well'.⁹¹ It is another set of deceptive practices by camp administrations that interests me here, however.

Second and beyond these letters home, the ways that deaths were registered and certified by concentration camp offices were notoriously filled with misleading information and fabrications. During the early years at the Dachau camp, pervasive lying had already been initiated to explain prisoner deaths, with murders recorded as suicides and executions as men 'shot while attempting to flee'.⁹² Their bodies were quickly cremated to prevent closer investigation.⁹³ These blatant untruths continued in some places until the final evacuation of the camps. Katowice-born Auschwitz prisoner Wilibald Pajak remembered that 'It happened often that there were so many death notices on a given day that the overflow was shifted to the next two or three

⁹⁰ They were all gassed in March 1944. *Ibid.*, 219.

⁹¹ *Ibid.*, 217, and see 84.

⁹² Drobisch and Wieland, *System*, 128-31.

⁹³ *Ibid.*, 128.

days'. Time of death was recorded in artificial, five-minute intervals. Like many other survivors of these grim bureaucracies, he testified that the cause of death given was patently false.⁹⁴ Lore Shelley, a prisoner employed in the Auschwitz secretariat (*Schreibstube*) and editor of a postwar collection of Auschwitz political office inmate staff memoirs, remembered having to type 'reddish-blue strangulation marks and fracture of the upper cervical vertebrae' as the cause for most of the men executed by court-martial in the men's camp.⁹⁵ And Irene (Irka) Schwarz (née Anis), remembered that typists 'could choose any time and any of the thirty-four prescribed diseases for the victim's death', but preferred the short '*Herzschwäche*', because 'heart failure facilitated fulfillment of quotas'.⁹⁶ Jenny Spritzer, who performed office work for the crematorium administration at Auschwitz in the political office, also recalled that the cause invoked so frequently, 'shot while fleeing' [*auf der Flucht erschossen*], provided guards the added incentive of a 14-day holiday.⁹⁷

The practice extended beyond prisoners in camps as well: Nikolaus Wachsmann in his recent history of the concentration camp system cites postwar testimony from a prisoner clerk in the Buchenwald infirmary ordered to prepare death certificates for ailing men killed in a T-4 facility. 'When he asked about their cause of death the Camp SS doctor handed him a medical dictionary and said "just pick out

⁹⁴ Shelley, ed., *Secretaries*, 314. At Majdanek, time of death was also spread over a 24-hour period when many deaths occurred on one day; see Kranz, *Zur Erfassung*, 31. On the early years of the Dachau camp, see Drobisch and Wieland, *System*, 129-31.

⁹⁵ Shelley, ed., *Secretaries*, 96. See further accounts by women in the Standesamt registering or filling in fabricated causes of death in idem, 88 (suggesting there were only five 'allowed' causes), 207, 250.

⁹⁶ Ibid., 13.

⁹⁷ Spritzer, *Ich war Nr. 10291*, 44. Some Nazi camps that used local civil registry offices, e.g. Spaichingen, a subcamp of Natzweiler, also resorted to completely false causes of death and some local doctors involved with the death certification process did not necessarily even see the deceased. See Joachen Kastilan, 'Spaichingen', in *Ort des Terrors*, Vol. 6, eds. Benz and Distel, 172, and testimony of Roman Taul, 'Strafsache Dr. Schuman', Landgericht Frankfurt, 12 Nov. 1968, ITS 5.1/0050/0104-0105.

what you need" [...]'.⁹⁸ The journalist Ernst Klee has offered a similar compilation of falsifications at so-called euthanasia facilities for institutionalised mental patients.⁹⁹ Here again the location, date and causes of death were deliberately hidden from relatives and the bodies of the victims cremated. Doctors at the killing facilities signed with false names and instead of employing a consecutive number system that would reveal the scale of killing, these facilities, like the concentration camps, reportedly took to introducing new death registers when a certain number had been reached. The urns were also mailed from a variety of locations rather than one post office near the facility and, with high numbers of patients dying, the facilities created special, semi-independent civil registries to record deaths.¹⁰⁰ Despite this, Klee concludes that administrators skirted uncomfortable questions by having the paperwork on killings sent around so that the deaths were 'redistributed' across a range of locations.

Concentration camps eventually began to alter the system of numbering death certificates consecutively as well (through the insertion of a parallel system of Roman numerals), a tactic to hide the high prisoner death rate in places such as Auschwitz. Enquiries from record offices in Oldenburg and Thuringia wondering about the high figures may have prompted division heads such as Grabner and *Standesamt* director Quakernack to install the new recording or numbering system.¹⁰¹ (The new numbering

⁹⁸ Wachsmann, *KL*, 252-53. See testimony of Rudolf Gottschalk, 14 Nov. 1960, BAL, B 162/7996 (copy at USHMM, RG-14.101M.2718.00001289).

⁹⁹ Klee, *'Euthanasie'*, on mental patients and 'medical killing' facilities.

¹⁰⁰ Concentration camps also disguised their nature by using generic mailing addresses for death notices. Victor Klemperer, *I Will Bear Witness: A Diary of the Nazi Years, 1933-1941* (New York: Random House, 1998), 385-86, entry for 21 May 1941, for instance, indicates he was aware that Sonnenstein had 'long ceased to be the regional mental asylum. The SS is in charge. They have built a special crematorium. Those who are not wanted are taken up in a kind of police van. [...] Afterward the relatives receive the urn'.

¹⁰¹ Shelley, ed., *Secretaries*, 168, 216, and Raya Kagan, 'Das Standesamt Auschwitz', in *Auschwitz. Zeugnisse und Berichte*, 2nd ed., eds. H.G. Adler, Hermann Langbein and Ella Lingens-Reiner (Cologne: Europäische Verlagsanstalt, 1979), 154-55.

system was most likely installed throughout the concentration camp system.)¹⁰²

Another operation used to veil the actual conditions of death in the concentration camps was the issuing of condolence letters (or telegram notifications) sent out to next of kin, particularly (perhaps exclusively) of non-Jewish German prisoners. Berta Weiss from Vienna, who worked in the secretariat (*Schreibstube*) at Auschwitz, remembered that death announcements were sent to the authorities that had originally sent men and women to the camp (the RSHA, Gestapo, or Kripo), and that the camp commandant personally signed letters of condolence sent to relatives of dead 'Aryan' prisoners. Feliks Mylyk, in the camp's political office since 1940, remembered instead sending telegrams to families, as well as the local Gestapo office, and district Sipo and SD.¹⁰³ Lore Shelley, who served as an office worker in the secretariat of the camp beginning in June 1943 was 'promoted' to typing condolence letters for the families of deceased non-Jewish Germans, 'chiefly criminals and prostitutes... No form letters were allowed and erasing of a single character was prohibited. The letters followed a standardised pattern and were personally signed by the camp commandant', declaring that all medical care had been exhausted in the effort to keep the prisoner alive.¹⁰⁴ Jenny Spritzer, for a time in the political office under the remit of Walter Quakernack, recalled in a memoir that many letters came back from parents thanking Commandant Hoess for his condolences. In some cases,

¹⁰² Secret circular, RF-SS und Chef der Deutschen Polizei im Reichsministerium des Innern (gez. Himmler) to the SS-WVHA - Amtsgruppe D - Konzentrationslager, 26 May 1943, on consecutive [*laufende*] numbers of the registers of the concentration camp crematoria on the lids of urns and on death certificates of concentration camp civil registry offices; see ITS, 1.1.0.6./0015/0202-0205 and 1.1.0.6./0028/0098-0099. Kranz, *Zur Erfassung*, 23, confirms that Himmler ordered the KL inspectorate to change the death certificate numbering system.

¹⁰³ Shelley, ed., *Secretaries*, 77, 298 and see 82, account of Else Kellner née Gruen. See also Paczuła, 'Office Procedures', 34, 56, 107, who recalled that information sent to Polish prisoners' families was restricted.

¹⁰⁴ Shelley, ed., *Secretaries*, 96 (account of Lore Shelley, née Weinberg).

however, the notifications met with outright skepticism, for instance, an older mother from Hamburg who wrote, 'You need not send me the urn of my child. How do I know that it in fact contains the ashes of my child?'¹⁰⁵

Yet another form of cloaking violence used against prisoners and of dishonesty towards next of kin—as well as brazen disregard for German cremation laws—was the fact that the urns of prisoner remains sent to home cemeteries were filled with random ashes and even dirt from cremation facilities.¹⁰⁶ Lilli Kopecky (née Svoboda) from Brno/Brunn relayed that in 1943 she was given an additional 'very secret' job: 'Once a week, Unterscharführer Albrecht took me to the old crematorium in Auschwitz, where I swept up any dirt I could find and poured it into the urns. In my presence he put a top on each one and I stamped three lines, with the name, date of birth and date of death of the deceased. The recipients of these urns to this day have no idea what they really contain'.¹⁰⁷ Wilibald Pajak was likewise told by a fellow prisoner that he would randomly take 'one of the many tin cans filled with ashes from the shelf' of the crematorium's store room to fill requests, engrave the cover with the name and number of a deceased inmate, and send it on.¹⁰⁸ Renee Glueck (née Vesely)

¹⁰⁵ Spritzer, *Ich war Nr. 10291*, 52-53; the author also expresses outrage at the futility of the whole process, writing (54), 'What a mockery! [...] Did they really think they would one day be held accountable for all these murdered people?' See Paczuła on these condolence letters: 'Office Procedures', 60 (English version): 'though not many received the last of these'.

¹⁰⁶ The 1934 German cremation law 'stipulated that the body should be incinerated through the application of hot air, and that only one corpse at a time could be cremated in a muffle'. By late 1942 one of the chief suppliers of cremation ovens, Topf & Söhne, had applied for a patent for innovations that made multi-corpse incineration possible, but 'made identification of ashes impossible, and [...] brought the corpse in direct contact with the flame'. See Robert Jan van Pelt, 'Sinnreich erdacht: Machines of Mass Incineration in Fact, Fiction, and Forensics', in *Destruction and Human Remains: Disposal and Concealment in Genocide and Mass Violence*, eds. Élisabeth Anstett and Jean-Marc Dreyfus (Manchester: Manchester University Press, 2014), 122. See also Elissa Mailänder-Koslov, 'A Specialist: The Daily Work of Erich Muhsfeldt, Chief of the Crematorium at Majdanek Concentration and Extermination Camp, 1942-44', in the same volume, 52ff.

¹⁰⁷ Shelley, ed., *Secretaries*, 239.

¹⁰⁸ *Ibid.*, 315.

confirmed this randomness: 'Aryan' corpses were not cremated separately, but an urn was filled with the ubiquitous ash in the crematoria and sent to the next of kin, provided that payment had been received previously'.¹⁰⁹

Cover-ups, Secrecy and an Obsession with Order

Despite the egregious forms of falsification cultivated in the political offices, many of their SS personnel were in fact sticklers for certain kinds of procedures. Mirroring the strict standards of modern state civil registry work, they were also obsessed with having death certificates and other material filled out or typed meticulously and flawlessly, with no erasures, before being bound carefully into books.¹¹⁰ In the political office of Buchenwald, for instance, staff relentlessly solicited documentation from civil registries and church offices to check against the admissions information provided for or by prisoners.¹¹¹ Prisoners who gave incorrect information about themselves were likewise subject to severe punishments.¹¹² (Thomas Grotum has referred to these

¹⁰⁹ Ibid., 71. This notwithstanding, Monica Black asserts that Nazi-era burials in Berlin were laden with racial distinctions, with individual burial being seen as racial privilege and mass graves associated with cultural 'ignominy'. The hypothesis needs to be further tested by scrutinising burial practices outside the capital city. See her 'Reburying and Rebuilding: Reflecting on Proper Burial in Berlin after 'Zero Hour'', in *Between Mass Death and Individual Loss: The Place of the Dead in Twentieth-Century Germany*, eds. Alon Confino, Paul Betts and Dirk Schumann (New York: Berghahn Books, 2008), 70, 73, 80, 86. See also the discussion in Élisabeth Anstett and Jean-Marc Dreyfus, 'Introduction: The Tales Destruction Tells', in *Destruction and Human Remains*, eds. idem, 3-4. U.S. Army personnel forced local residents near KZ Niederhagen to hold a 'funeral of atonement' for the dead prisoners and made former NSDAP members exhume their bodies and bring them to the village cemetery. Karl Hueser and Wulff E. Brebeck, *Wewelsburg 1933-1945*, 4th ed. (Münster: Landschaftsverband Westfalen-Lippe, 2002).

¹¹⁰ Spritzer, *Ich war Nr. 10291*, 52.

¹¹¹ 'Account of Jan Sobottka', 150.

¹¹² Gedenkstätte Buchenwald and Harry Stein, eds., *Konzentrationslager Buchenwald 1937-1945. Begleitband zur ständigen historischen Ausstellung* (Göttingen: Wallstein, 1999), 47-48.

practices, this 'unbelievable bureaucratic rigmarole [*Aufwand*]', as a 'faux exactitude' [*Scheingenauigkeit*].¹¹³

A massive number of forms such as death certificates were also circulated for signing to a whole range of SS men and physicians around the Auschwitz camp, for example.¹¹⁴ Some forms such as death notifications were also sent to officials on the outside to keep up appearances and were signed by the SS-Oberscharführer as Standesbeamter i.V. (*in Vertretung*, that is, deputy or acting clerk of the civil registry).¹¹⁵ Aloiz Kleta recalled that in spring of 1942 the office staff at Auschwitz was ordered to embark on a massive updating of prisoner files because, he concluded, 'the Germans were very bureaucratic and pedantic and intent on having the correct spelling of the entire inmate population so that the future death certificates of persons still alive would be without errors'.¹¹⁶ Paczuła gave an account of the lengths to which procedural pedantry accompanied prisoner deaths at Auschwitz: the postmortem documentation made by the sick bay was supposed to include a death report (*Todesmeldung*), eight copies (sent to the political office, 'report officer, labor command, headquarters, deposit warehouse, prison clothing warehouses, censor, sick bay office old files'); a headquarters report (three or four copies); a medical report (three or four copies); medical affidavit (three or four copies); a death certificate for the camp registry office (one copy), and in cases of sudden deaths from other than 'natural causes', a postmortem medical examination protocol (six copies) and a forensic autopsy protocol (six copies), 'fictitious of course'. In summary, 'Every

¹¹³ Grotum, *Das digitale Archiv*, 233.

¹¹⁴ See the testimony of Lore Shelley from the secretariat, in Shelley, ed., *Secretaries*, 97, and of Lilli Kopecky (née Svoboda), in the same volume, 238.

¹¹⁵ Shelley, ed., *Secretaries*, 216. The camp's civil registry was designated Standesamt II to distinguish it from the town's registry office.

¹¹⁶ *Ibid.*, 284-85.

document was signed by a camp physician. [...] I remember days on which we managed to issue documentation for even 1,100 cases. If for one prisoner who died a 'natural' death it was necessary to submit 21 signatures, and for an unnatural death 33 signatures, the total number of signatures made by a camp physician rose into the heavy thousands [sic].¹¹⁷ Echoing Tadeusz Paczuła's description of the camp's office procedures, Wilibald Pajak recounted,

The dossiers of the deceased were removed from the section of the living marked with the pertinent red number, and the death notice was added to them. Then the file was sent to the Schreibstube of the Politische Abteilung, which informed the office of the Gestapo, Kripo, S.D. or RSHA which had sent the inmate to Auschwitz of the demise of the prisoner. Eventually, the dossier landed at the *Standesamt* for the preparation of the death certificate, the document of cremation, the notification of the next of kin, and, if the necessary fees had been paid, the forwarding of the ashes. Finally, the file was returned to the Registratur and stored in the section of the dead.¹¹⁸

As the number of prisoner deaths began mounting at Auschwitz, the office could no longer keep up and was simply reduced to 'legalized forgery' of death documents.¹¹⁹ Even putting extensive prisoner labour to the task, there was no commitment here to installing a system fully equipped to record death accurately. A list of the dead and murdered prisoners was sent every month to the central Concentration Camps Inspectorate (IKL) office in Oranienburg from the Lublin-Majdanek Stammlager.¹²⁰ Yet all the camp civil registry reports detailing causes of prisoner mortality conveyed to higher SS authorities ultimately meant little, and the RSHA and SS-WVHA most likely had few illusions about their veracity.¹²¹

¹¹⁷ Paczuła, 'Office Procedures', 48-49, also summarised in Grotum, *Das digitale Archiv*, 232.

¹¹⁸ Shelley, ed., *Secretaries*, 314.

¹¹⁹ Lasik, 'Organizational Structure', 181-82.

¹²⁰ Tomasz Kranz, 'Lublin-Majdanek-Stammlager', in *Ort des Terrors*, Vol. 7, eds. Benz and Distel, 44.

¹²¹ Lasik, 'Organizational Structure', 182.

From Falsification to Exclusion

Despite this imperative to create records that appeared accurate on the surface, some dead prisoners were made to 'disappear' deliberately through other kinds of exclusions. 'Racial' hierarchies operated in how prisoners were or were not registered in Auschwitz camp files. Less individual data was recorded for Jews and Sinti/Roma, Wilibald Pajak recalled, as did Jeannette (Janka) Nagel (née Berger). Jewish prisoners destined to be sent directly to the gas chambers in camp complexes such as Auschwitz were never entered into camp prisoner files, but some time in late 1942 or 1943 death certificates (*Todesurkunden*) were no longer routinely issued for other Jewish prisoners either.¹²² Former prisoner Aloiz Kleta indicates that the registry only contained those who received prisoner numbers, and thus the huge numbers of Jews gassed directly upon arrival did not appear in camp prisoner files. And Irene Frenkel (née Gruenwald), a survivor of Auschwitz, recalled that only those prisoners who had been sent by the Gestapo or criminal police (Kripo) received death certificates. 'The majority of Jews who fell into these categories were [in] Mischehen, whose "Aryan" partners were informed of their spouses' decease and allowed to purchase an urn full of ashes for a certain sum of money'.¹²³ Paczuła remembered that as early as April 1941 camp personnel were prohibited from sending urns of Polish prisoners' ashes to

¹²² Spritzer, *Ich war Nr. 10291*, 53 and see 75. Jenny Spritzer recalled that the number of new arrivals seemed overwhelming, particularly in the winter of 1942 and 1943, when 'all of Europe appeared to have been dragged off to Auschwitz'. It is unclear how this impacted decisions about prisoner registrations. The order to stop registering Jews in 1943 who came in with RSHA mass transports was reportedly profoundly unsettling (*versetzte uns in helle Aufregung*) for prisoners working in the Auschwitz political department and civil registry. Kagan, 'Das Standesamt Auschwitz', 154. Kranz, *Zur Erfassung*, 58, writes that in Majdanek, Jews were no longer registered in the death books as of 1 December 1942. See the WVHA 'Meldeverfahren bei Todesfällen in Konzentrationslagern', which stipulated simpler procedures for reporting Jewish deaths; reproduced in Kranz, *Zur Erfassung*, 122-23.

¹²³ Shelley, ed., *Secretaries*, 216 (Irene Frenkel, wid. Loewinger, née Gruenwald), and see 29, 189, 284 and 312.

their families residing in the Generalgouvernement or annexed territories.¹²⁴ A secret WVHA circular directed camp commandants to stop sending urns of deceased Czechs and Jews to home cemeteries in the Protectorate in September 1942 out of concern for sparking anti-German demonstrations, pilgrimages to graves and the like.¹²⁵ Finally, prisoners of war, particularly from the Soviet Union, were far less likely to be registered and kept on file than Reich German prisoners and other non-Jewish inmates.¹²⁶

Resistance and Processing Death

As we have seen, concentration camp officials adopted and then distorted a long-established bureaucratic form of recording deaths in the Reich, actively destroying the veracity associated with these procedures. By contrast, prisoners throughout the camp system, including Jewish men and women and including some former community functionaries, sought ways to subvert or augment official death

¹²⁴ By an order coming out of the IKL, 9 April 1941. See Paczuła, 'Office Procedures', 56, and also 107: Poles of the 'Germanisable' group were treated incrementally better. Kranz, *Zur Erfassung*, 35-36, writes that Polish families received death notifications from the Lublin civil registry office (for Majdanek) only after long delays; families protested to no avail, but the situation improved after Polish prisoners began working in the camp offices. Kranz, *Zur Erfassung*, 37, found that for Majdanek, too, ashes were sent nearly exclusively to families of deceased German prisoners, a practice that lasted until almost the closing of the camp.

¹²⁵ Secret circular from Chef des Zentralamtes WVHA to Lagerkommandanten der KL, 12 Sept. 1942, ITS, 1.1.0.6./0015/0097.

¹²⁶ See e.g. Barbara Distel, 'Diffamierung als Methode. Erfahrungen an der Gedenkstätte des ehemaligen Konzentrationslagers Dachau', in *Rechtsextremismus in Deutschland*, ed. Wolfgang Benz (Frankfurt am Main: Fischer TB Verlag, 1994), 211. Marcus Weidner, *Nur Gräber als Spuren. Das Leben und Sterben von Kriegsgefangenen und 'Fremdarbeitern' in Münster während der Kriegszeit 1939-1945* (Münster: Westfälisches Dampfboot, 1984), 73-74, esp. 73n122. Weidner emphasises that in general, documentation for the death of Soviet POWs was a very low priority. The basis for appropriate statements (*Aufstellungen*), civil certification of the dead, remained subject to a decree of the Staatssekretär Wilhelm Stuckart (Reich Ministry of the Interior), issued on 7 May 1943. See also discussion of urns of dead Soviet POWs, SS-WVHA Amtsgruppe D to Lagerkommandanten der KL, 'Aufbewahrung von Urnen...', 20 Oct. 1942, ITS, 2.2.5.1/0003/0064; Frei et al., eds., *Standort- und Kommandanturbefehle*, 212-13n145; USHMM, RG-15.002M (Gestapo in Łódź [Litzmannstadt, not the ghetto] records), file 151/307.

notification practices.¹²⁷ They did so even while in many cases serving SS camp administrators as prisoner office labour. Did their involvement in the process make a difference, alter the system in any way? If adhering to traditional mourning or burial practices had become impossible, some searched for alternative ways to mourn and commemorate the dead. For instance, family and friends created a hand-crafted commemorative 'death certificate' for former teacher and violinist Lilly Weilheimer (née Wetzler) of Ludwigshafen, Germany, in the Gurs internment camp in southern France, where she died in July 1941. The page, in Hebrew and German and decorated with several Stars of David, cited biblical passages and noted details of her burial in the Gurs cemetery.¹²⁸ Prisoners elsewhere kept records of what they witnessed, not only by writing diaries, but also by constructing clandestine lists of deaths. Nathan Rosenberger, a Jewish community functionary in Freiburg before his deportation, continued to keep a close watch over members of his Jewish community after he and those who remained in the city were deported to Theresienstadt in August 1942.¹²⁹ He survived and told a district court in 1946 about the death of a woman he had known in the camp, 'I was determined to look out for all that concerned my Baden Jews, so I made it my responsibility to maintain a record of the fate of my constituents. You are unlikely to come by this information from other sources, for before our liberation, as

¹²⁷ Beate Meyer's cogent analysis of the operations of the Reich Association of Jews in Germany raises far-reaching, parallel questions about compliance and resistance in a harshly ordered camp system. See esp. her *Fatal Balancing Act*, 53, 129 (on Bertha Mendelsohn's subversion of procedures) and 131.

¹²⁸ USHMPA, no. 54585.

¹²⁹ Rosenberger (1874-1953), his wife Martha (née Stern; 1891-1973) and daughter all survived the camp. See Ruben Frankenstein, *Denkmal und Name - Der Gute Ort Freiburg. Dokumentation des jüdischen Friedhofs* (Freiburg: Stadtarchiv Freiburg i.B., 2009), 158. On deportations from the city, see *25 Jahre Neue Synagoge, ein Vierteljahrhundert Aufbruch* (Freiburg: Jüdische Gemeinde Freiburg, 2012), 80. Beate Meyer, *Fatal Balancing Act*, 243, 402, confirms that many Jewish functionaries adhered to the strategy of carrying on Prussian-style bureaucratic behavior even after being deported to Theresienstadt, but adds that even 'an orderly functioning administration does not exclude mass murder per se'.

the Gestapo saw that things were coming to an end, all registers, card files and registrations were ordered burned by 1 January 1945'. He added, 'The urns containing the ashes of the dead (ca. 40,000) were on orders of the Gestapo poured into the Eger [River] towards the end of 1944'.¹³⁰

The officials who ran concentration camp registry offices, according to former prisoner Raya Kagan, were mostly fanatics and poorly educated minor officials, with many Volksdeutsche amongst them.¹³¹ The prisoner staff quickly learned of the subterfuge and falsifications embedded in their paperwork. Like the staff of organisations such as the Reich Association of Jews in Germany (RV) in Berlin, they entrenched themselves in office procedure. Jewish functionaries in Berlin had hoped that by deploying 'Prussian bureaucratic behavior' in dealing with Nazi authorities they could slow down anti-Jewish measures; for Jewish office workers in camps, the stakes were clearly much higher and more unambiguous.¹³² Some had to face paperwork revealing the death of loved ones and knew full well they could not betray emotion. The pressure on them to maintain secrecy about their work and the certainty of their own impending deaths was 'like dancing on the edge of a knife'.¹³³ We look here at prisoner labour in this process of recording death.

¹³⁰ Nathan Rosenberger to Baden's Amtsgericht B2 in Freiburg i.Br. (on the deaths of Anna Reiss and Hedwig Weil), 25 Nov. ?1946, USHMM, 14.061M, reel 3. Rosenberger was deported to the camp on 23 August 1942, and became the primary Jewish affairs official for southern Baden immediately after the war. He appears to have meant '*über das Schicksal meiner Schützlinge Buch zu führen*' literally (roughly: 'to keep track of the fate of those I watch over'), for he supplied the exact death date of the woman.

¹³¹ Kagan, 'Das Standesamt Auschwitz', 148.

¹³² Meyer, *Fatal Balancing Act*, 53, 196-97, 242, 402 and see 131 on the conscientious upkeep of a Berlin Jewish Community registry up to 1943.

¹³³ Kagan, 'Das Standesamt Auschwitz', 152. Jenny Spritzer writes of political office prisoner-staff having to feign ignorance of the acronym SB ('*Sonderbehandlung*', special treatment) when the newly arrived boss Perry Broad asked what it meant. See Spritzer, *Ich war Nr. 10291*, 50.

Bearers of secrets

The prisoners in the political and registry offices were grateful for better short-term conditions, cleaner housing and clothing, somewhat more food and protection from dangerous physical labour and the elements. Yet survivors of the Auschwitz registry office, for instance, routinely recalled how they, the 'bearers of secrets', were forbidden from talking about what they heard, saw and did in the office, at the risk of death. Furthermore, all of them lived under the oppressive certainty that they would eventually be killed at the camp because they 'knew too much'.¹³⁴ The sadistic administrator Wilhelm 'the Tiger' Boger gave his secretary extra food each week, but reminded her 'several times a week that the members of the Politische Abteilung would never leave Auschwitz alive [...]'.¹³⁵ A Polish political prisoner in the division, Feliks Mylyk, suffered extreme mental anguish from the knowledge that he and others 'were all marked... because they knew about the criminal acts'.¹³⁶ Added to this knowledge was the division workers' awareness of the fate of so many fellow prisoners, prompting Renee Glueck (née Vesely) to later assert, 'In comparison to other kommandos, ours was one of the most horrible, since we were accurately informed about camp conditions'.¹³⁷ All sentences for the execution of prisoners went through the political office, the records of the many dead. It was this office more than any other that made life and death decisions.¹³⁸ And, not least, Irene Frenkel (née

¹³⁴ See e.g. accounts of Irene (Irka) Schwarz (née Anis), typist and translator, or Helene (Helka) Grossman (née Brody), in Shelley, ed., *Secretaries*, 18, 189, and see also accounts on 88, 135, 259, 317; Paczuła, 'Office Procedures', 26.

¹³⁵ Shelley, ed., *Secretaries*, 165.

¹³⁶ *Ibid.*, 301.

¹³⁷ My emphasis, Shelley, ed., *Secretaries*, 70-71.

¹³⁸ Testimony of Wilibald Pajak and Roman Taul in Shelley, ed., *Secretaries*, 311, 326. See also Angelika Königseder, 'Das Ausbau des Stammlager und die Strukturen des Komplexes Auschwitz', in *Ort des Terrors*, Vol. 5, eds. Benz and Distel, 98. Interrogations involving torture were also routinely carried out in a section of the political offices.

Gruenwald) would lament, 'The work was terrible. We received the death notices of family members and friends'.¹³⁹ Despite these dangers, all punctuated with personal tragedies, office work was in the short term safer and cleaner than other work assignments for those who possessed the requisite skills, such as multiple languages (particularly German) and neat penmanship, along with typing and shorthand. Prisoners in the offices at Auschwitz thus also had opportunities to bring family members and friends into the office pool.¹⁴⁰ They shared precious food and protected each other in diverse ways as well, be it to hide a colleague's illness or to shield some in their ranks from news of the death of a family member.¹⁴¹

In Auschwitz, many prisoners who staffed offices clearly used their positions in an attempt to 'set the record straight' on Nazi crimes. They made copies of prisoner death records at great risk or sometimes annotated them in subtle ways to rectify falsehoods. Others made desperate efforts to preserve registers from destruction as the Front drew close, hoping that the extent of the crimes at their camps would be exposed after the war. Polish prisoners Jan Domagała and Walter Cieślik, who did office work at Dachau (in the *Lagerschreibstube* or camp secretariat), managed to save the main set of records on prisoners (*Häftlingskartei*).¹⁴² Another prisoner, Josef Altmann, was already severely punished in 1933 and undoubtedly hanged at Dachau, after he was accused of keeping a record of new arrivals who had been beaten.¹⁴³ When graphic designer Helen 'Zippi' Tichauer (née Spitzer) was deported to

¹³⁹ Shelley, ed., *Secretaries*, 216.

¹⁴⁰ Ibid., 18, and see 30, 83.

¹⁴¹ Ibid., 175, 237-38. Some men in the Politische Abteilung at Auschwitz, mainly Polish political prisoners, similarly formed a tight-knit groups for mutual support: Ibid., 326 (account of Roman Taul).

¹⁴² KZ-Gedenkstätte Dachau, permanent exhibit (2014).

¹⁴³ Ibid. See also the exhibit's segments on prisoners, including Jews, who attempted to smuggle out messages or preserved notes on events in the camp (e.g. 'Tin Can Atrocity Reports').

Auschwitz-Birkenau, she was given a workroom (a *Zeichenstube*) in May 1943. There, amongst other tasks, the young Jewish woman from Bratislava produced monthly reports on prisoner movements in the camp. She reported after the war, 'Before I delivered these summaries, I made a rough copy for myself. Nobody knew that I had my own rough copy of what I was about to deliver to the authorities. [...] Because of my own secret copy, I could and did share information with others who made good use of this evidence'.¹⁴⁴ Interventions, small in the face of so much killing, nonetheless could reaffirm the integrity of a different set of values, save lives or at least delay death. Other political prisoners working in the Auschwitz *Standesamt* such as Roman Taul or Wilibald Pajak attempted to pass on information to prisoners in other sectors about dangers and new measures coming from the political office.¹⁴⁵

Bratislava native Renee Glueck (née Vesely) and her sister Edith both worked in the political office at Auschwitz checking lists from Stammlager, Buna, Birkenau and other subcamps, recalling after the war, 'When we saw an old prison number, indicating that the person had spent two or more years in Auschwitz, we were willing to run the risk of removing that particular prisoner's name from the list thus saving him or her from being gassed'.¹⁴⁶ Male inmates working in the division also burned or 'misplaced' correspondence from Polish city halls and parishes that contradicted information in the prisoner registry. In some case they even managed to alter some prisoner transfer lists, erasing and substituting names, or to hide some execution

¹⁴⁴ Nechama Tec, 'Recapturing the Past: Individuality and Cooperation in Auschwitz', in *Approaching an Auschwitz Survivor: Holocaust Testimony and Its Transformation*, ed. Jürgen Matthäus (New York: Oxford University Press, 2009), 44, and see also 43, 45. Tec concludes that Zippi acted as 'a catalyst, an enabler for the underground' even if she was probably not directly involved in underground mobilisation at the camp.

¹⁴⁵ Shelley, ed., *Secretaries*, 315, 316, 329. Taul also testified before a 1968 commission investigating German crimes in Poland. 'Strafsache Dr. Schuman', Landgericht Frankfurt, 12 Nov. 1968, ITS 5.1/0050/0102-0106.

¹⁴⁶ Shelley, ed., *Secretaries*, 71, 72.

orders.¹⁴⁷ Aloiz Kleta purloined carbon copies of confidential lists drawn up by Walter Quakernack, director of the Auschwitz camp registry office (Standesamt II). Later, as an assistant to the scribe (*Schreiber*) for the ambulatory unit of Block 28, Kleta used a filing trick to enable men to take a rest from work or transfer jobs without knowledge of the station's SS physician.¹⁴⁸

In almost every office, inmates dared to undermine procedures. Elsewhere in the Auschwitz camp complex, prisoners devised a range of ways to preserve and rectify information about the toll of the camp's regime. Women prisoners working in the political office at Auschwitz concentration camp, most of them Jewish, felt extreme pressure to tread carefully and keep their work secret. Access to some files remained tightly controlled.¹⁴⁹ Like other prisoners, they also used coded language when they were allowed to send letters home, attempting to warn relatives of the death that awaited them if they boarded transports. Despite considerable risk, Irene Weiss, the inmate working in the Auschwitz registry office, sometimes managed to send letters out of the camp illicitly, and Roman Taul, a political office clerk, used an engineer with some freedom of movement to contact an AK (Armia Krajowa, or Home Army) partisan group near his camp.¹⁵⁰ Antonina Piątkowska and Monika Galica were able for a time to record the prisoner numbers, names and death dates of female prisoners who died in a women's section of the camp. Members of the resistance

¹⁴⁷ Ibid., 284-85, 316, 330-31 (accounts of Aloiz Kleta, Wilibald Pajak and Roman Taul), and see Grotum, *Das digitale Archiv*, 229n423.

¹⁴⁸ Shelley, ed., *Secretaries*, 284, 287.

¹⁴⁹ Lasik, 'Organizational Structures', 179. Wachsmann, *KL*, 252-53, indirectly suggests that deceptions inside the camps were maintained (unsuccessfully) to limit prisoners' awareness of mass murder of inmates in such operations as 'Action 14f13'.

¹⁵⁰ Shelley, ed., *Secretaries*, 62, 327.

movement inside Auschwitz made a copy of a morgue book, bracketing names of those who were murdered through phenol injections into the heart.¹⁵¹

Tadeusz Paczuła tried unsuccessfully to preserve the 'death books' he was assigned to maintain for two years as a prisoner-scribe at Auschwitz. Ordered to enter natural causes of death for prisoners in the records, he marked some of them subtly to indicate which prisoners had in fact been shot, or killed by gas or injections of phenol. 'These markings brought me a fat load of trouble', he recalled, 'and I barely managed to convince the chief SS garrison physician, SS-Sturmbannführer Wirths, that the markings referred to copies of the relevant documents that accounted for the death of the prisoner or gave information on his death'.¹⁵² Thomas Grotum argues that prisoner scribes had a strong interest in maintaining very detailed bookkeeping, so that there would be a record of the criminality in the camp.¹⁵³ Some prisoners employed in camp offices, Paczuła confirms, 'simply stole [documents] and hid them in the camp or sent them out of the camp, risking their lives to save them from being destroyed, [giving] us further opportunities to know the true nature of the Auschwitz-Birkenau concentration camp and death camp'.¹⁵⁴ When the signs that the camp would shortly be closed down began growing, three Polish prisoners buried prisoner 'intake' registers (*Aufnahmebücher*) of the so-called gypsy family camp near barracks 31. They were dug up in poor condition five years later but allowed for some reconstruction of the prisoners who arrived with the mass March 1943 deportations

¹⁵¹ Photographs of documents in State Museum of Auschwitz-Birkenau, ed., *Death Books from Auschwitz. Remnants*. Vol. 1. *Reports*, 101*, 104* and 120*. See Grotum, *Das digitale Archiv*, 234n440 on the story of an Auschwitz 'Bunkerbuch', and Paczuła, 'Office Procedures', 38-39n54.

¹⁵² Paczuła, 'Office Procedures', 59, and see Shelley, ed., *Secretaries*, 286.

¹⁵³ Grotum, *Das digitale Archiv*, 234.

¹⁵⁴ Paczuła, 'Office Procedures', 60.

of Sinti and Roma from the Reich.¹⁵⁵ But in the larger picture, such interventions—fragments bobbing up in the accounts of survivors—seem largely lost in the floodwaters of falsification. Most of the records were burned and lost forever.¹⁵⁶ The prisoners registered as dead were indisputably dead.

Conclusions: Institutional Dissonance

The number of Jewish funerals dropped off radically in German cities after the large deportations. And at concentration camps, the exhausting, often relentless pace of record-keeping in registry offices for prisoner deaths, so precisely described by survivors such as Tadeusz Paczuła, deteriorated rapidly as the war progressed. Several camp offices such as the one at Buchenwald suffered hits from Allied bombing. The staff of many other sites burned or shredded prisoner records as a German defeat seemed imminent, in a kind of parallel effort to 'Aktion 1005'.¹⁵⁷ The actual numbers of the dead, even at the most 'bureaucratized' concentration camps, remain impossible to reconstruct, although historians have turned to other means to estimate the number of victims of the Holocaust. A Soviet Extraordinary State Commission had already begun investigations into the number of dead camp prisoners months before the war ended, but its members did not attempt to exhume all the prisoner-victims it

¹⁵⁵ Udo Wohlfeld, *Das 'Zigeunerlager' im KZ Auschwitz-Birkenau. Mord an den Sinti und Roma 1943-1944* (Weimar: Geschichtswerkstatt Weimar/Apolda, 2012), 97. The SS closed down this section in August 1944, sending some of the inmates to the Buchenwald camp and murdering many more.

¹⁵⁶ See e.g. Spritzer, *Ich war Nr. 10291*, 47ff.

¹⁵⁷ An August 1944 bombing destroyed many files in the political office, though a partial reconstruction appears to have occurred using 85 prisoners working day and night. See 'Account of Jan Sobottka', 152; Gedenkstätte Buchenwald and Harry Stein, *Konzentrationslager Buchenwald*, 48; and see Paczuła, 'Office Procedures', 30, 38, 42.

located in mass graves, instead using informed estimates of their number.¹⁵⁸ But the uncertainty of the fate of many camp prisoners, forced labourers and individual Jews across Europe grew radically and insolubly as the end of the war approached. This confrontation with mass '*Verschollenheit*'—disappearance, going missing without a trace—will be the focus of the next chapters.

The present chapter has scrutinised the contours of Nazi detention and administrative practices on the one hand and Jewish perceptions of them on the other. Violence had become 'normal' in the Nazi penal system and often led to the death of prisoners, as did other abusive, irregular conditions inside concentration camps. The new regime and its formations aimed for secrecy, *Verschleierung*, at many levels, yet the walls of the concentration camps proved porous, with information sometimes leaking out, but sometimes also deliberately and systematically communicated to families of prisoners back home.¹⁵⁹ The personnel of the major concentration camps created a simulacrum, a mimicry of the traditional forms and procedures of state legitimacy. They implemented some semblance of the bureaucratic procedures of the Prussian state by setting up civil registry offices within the camps, assiduously registering and tabulating climbing death rates. This enactment of normal bureaucratic procedures was used to cloak and obscure abnormally brutal detention practices and conditions. The shipping home of dead

¹⁵⁸ See Andrej Kotljarchuk and Martin Dean. 'Koldyczewo (Labor Concentration Camp; ZAL/CC)', in *USHMM Encyclopedia of Camps and Ghetto*, Vol. 5 (Bloomington: Indiana University Press in association with the USHMM, forthcoming). Archaeologist Caroline Sturdy Colls concludes that both Soviet and Polish postwar commissions that evaluated prisoner deaths at Treblinka performed only cursory surveys of mass graves; personal communication (23 Nov. 2016).

¹⁵⁹ Karola Fings has argued that with both secrecy and intimidating visibility, the regime sought both to eliminate opposition and prevent future resistance. Fings, 'The Public Face', 110ff. On some of the evolving attempts to shield the camps from public view or hide their ongoing operations even from prisoners, see Wachsmann, *KL*, 99-100, 153, 250 (T-4), 261, 274, 481-82 and 488.

prisoners' cremation urns was part of this system. 'Normal' procedures veiled the causes and circumstances of almost all prisoner deaths, although not convincingly for many who were apprised of them. Jews who were witnesses and participants in this camp system of recording and processing death were driven into irreconcilable contradictions. Victor Klemperer remarked of a wartime funeral in Dresden, 'By this time there hadn't been [a rabbi, *einen Geistlichen*] for a long time, but the Jew with his star who had been appointed custodian of the cemetery read an obituary, strung together the conventional clichés taken from the sermons, and of course *behaved as if the man had died an entirely natural death* [...]'¹⁶⁰

Why did officials manufacture this elaborate obfuscation? Why prop up and push this sham accountability forward for years on end? The rationale for these procedures can be surmised, if not exhaustively proven: they indeed entailed an element of the pursuit of legitimacy. Yet they also had the effect of fundamentally scaring or intimidating the civilian population, including Jews, well into the war, cynically offering both the comfort of bureaucratic integrity but also its mockery. Camp crematoria have been much discussed as components of the Holocaust.¹⁶¹ This notwithstanding, little attention has been given to the concentration camp cremation urn, its simultaneous obliteration of evidence for and representation of the gross mistreatment of prisoners. Whether it contained ashes or dirt, the urn provided certainty of death. By mid-war the ominous semaphores of the urn and the death certificate came to signal there was no return, that being taken away meant being

¹⁶⁰ Klemperer, *Language of the Third Reich*, 187.

¹⁶¹ See e.g. Barbara Distel's discussion on some postwar Dachau cremation facility controversies in her 'Diffamierung als Methode', 204ff.

killed.¹⁶² Some theorists might identify these elements of official procedure and degradations of bureaucratic integrity as a move towards what Franz Neumann called a 'non-state' or (so Adam Tooze) a radicalised Nazi state 'falling into tatters'.¹⁶³ Along these lines, we might think back to the argument that the Nazi era gave rise to 'a fragmented and disorganised parody of the German state', progressively and parasitically consuming the administrative structures on which it rested.¹⁶⁴ Ordered, rational government collapsed 'into self-destructive, self-generating disintegratory impulses'.¹⁶⁵ In the least, we find a pervasive institutional dissonance here, with procedures heeded but abused, and—on the other shore—both Jewish bewilderment and resistance to the many systematised lies proffered about the murder of camp prisoners.

As we have seen, the contents of death notifications routinely strayed from what we would consider facts. Officials in the Nazi concentration camp system appropriated and reshaped state procedures for recording death even before the war began. They actively destroyed the veracity associated with them, instead using them to hide lawlessness and terror and to shield camp personnel from scrutiny and accountability for wrongful death. The veracity associated with long-standing

¹⁶² See e.g. the case of Hirschel in Klemperer's 30 October 1942 diary entry; Klemperer, *I Will Bear Witness (1942-1945)*, 161.

¹⁶³ Franz Neumann memorably described the political structure of the Third Reich in the 1940s as 'a non-state, a chaos, a rule of lawlessness and anarchy' in *Behemoth: The Structure and Practice of National Socialism 1933-1944* (New York: Harper Torchbooks, 1966), xii, and see 397, 467-70. See also the discussion in J. Adam Tooze, *Statistics and the German State, 1900-1945: The Making of Modern Economic Knowledge* (Cambridge: Cambridge University Press, 2001), Chap. 6.

¹⁶⁴ See review of historiographical trends in Jane Caplan's *Government without Administration: State and Civil Service in Weimar and Nazi Germany* (Oxford: Clarendon, 1988), vii, 322-23, and esp. 326 ('a weakening of the concept of bureaucratic administration as a system ostensibly characterized by efficiency').

¹⁶⁵ Ian Kershaw, *The Nazi Dictatorship: Problems and Perspectives of Interpretation*, 3rd ed. (London: Edward Arnold, 1993), 66, commenting on Hans Mommsen's arguments about 'the Hitler factor', and see his historiographical review, 69.

bureaucratic civil registration procedures, so critical for inheritance, insurance policies and social benefits—not to speak of peace of mind—was actively distorted and destroyed, at least within the world of the Nazi camp and prisoners. (Most of this falsification was *not* the product of a wartime emergency.) This transformation of civil registry procedures around death stood in acute tension with some prisoners' counterefforts to reassert the truth about prisoner deaths: not only their quantity, but also their actual time, location and causes. Unofficial record-keeping or the secret marking of records by prisoners—clandestine, illegal, informal—sought to bring the record of death closer to the truth and rectify the falsifications and fabrications. It was a losing battle.

It is tempting to characterize these transformations as a showdown between old-style upright bureaucratic reliability or veracity, upheld through clandestine efforts in part by a few handfuls of camp prisoners, and—on the other side—SS personnel, not only producing but cavalierly processing prisoner death, brazenly misrepresenting the circumstances of these deaths and enacting Himmler's rules in the most minimalistic way. But we see more than a simple dichotomy between an older system of truth and newer system of falsification here. On the one hand, the concentration camp registry offices appear to have diverged sharply from some of the 'normal' practices of the *Standesämter* through their extensive and ballooning falsifications around death.¹⁶⁶ The camp political offices were not just home to 'normal' civil registries, for they were charged with carrying out executions and brutal interrogations alongside their other duties. But on the other hand, as Jane Caplan

¹⁶⁶ That notwithstanding, Siegfried Maruhn found in his 2002 study that during the first years of the Nazi regime 'regular' local civil registry offices had no alternative but to accept the information provided by the political division of each concentration camp. Maruhn, *Staatsdiener*, 229-30.

shows, the apparatus of state civil registration had itself changed under the new regime, becoming 'one of the foundations for the practical implementation of racial as well as social sorting in Nazi Germany'. New racial-social legislation not only redefined who could be employed as state civil servants, but transformed the work of registrars, altering the terms of marriage, altering personal names to make them identifiably 'Jewish' and threatening the status and rights of people in mixed marriages.¹⁶⁷ Under National Socialism the 'civil registry offices were intimately and inescapably involved in the implementation of racial and eugenic policies from the early days of the Nazi regime'.¹⁶⁸ We see here, too, the degradation of bureaucracy and its principles and procedural norms under the Nazi regime; in concentration camp administrations those norms were mimicked by stand-in civil registrars almost to the end, not categorically eliminated or replaced by some version of 'chaotic dynamism'.¹⁶⁹ The next chapters will evaluate the obstacles facing *postwar* officials in Germany in certifying even a fraction of wartime prisoner deaths, especially those of Jewish prisoners. However, my goal is not to re-evaluate at length the resilience of a long-enduring German state apparatus but, rather, to understand how and when Holocaust-era Jewish death became a certainty.

Why even focus on the main concentration camps to understand the processing of Jewish death? Other detention facilities did not uniformly model all of

¹⁶⁷ Caplan, *Government without Administration*, 204ff., and idem, 'Registering the *Volksgemeinschaft*', 116, 123-27; she sees the concealing of concentration camp deaths through new registry offices as part and parcel of these transformations.

¹⁶⁸ Caplan, 'Registering the *Volksgemeinschaft*', 118.

¹⁶⁹ See Caplan, *Government without Administration*, 322, on the assault on the German state administration; and Kershaw, *Nazi Dictatorship*, 72-74. For a compact account of Martin Broszat's and Hans Mommsen's launch of this interpretative scaffolding, see Neil Gregor, ed., *Nazism* (Oxford: Oxford University Press, 2000), 126-27. See Hans Mommsen's excerpted 'The Civil Service in the Third Reich' in Gregor's volume, which argues (161) that despite being downgraded under the regime, 'The civil service was thus in equal measure antagonist of the National Socialist leadership and executor of its wishes'.

their procedures on these larger camps. Even before the chaos of the final months of the war erupted, the protocols for registering prisoner deaths in many other types of camps were poorly defined and appear to have been implemented very unevenly. The death registration practices and patterns at all kinds of detention facilities have not been systematically researched. Available evidence remains scattered and often anecdotal in nature, but suggests that camp administrators across the board larded death notifications with lies and discriminated when it came to choosing which prisoners' deaths would be recorded. In her study of labour education camps in northwestern Germany, Andrea Tech found contradictory evidence about whether death certificates were created for '*Ostarbeiter*' and concludes in the case of subcamp of the labour education camp [AEL] Lahde in Steinbergen, for instance, that probably 'not all deaths were registered'.¹⁷⁰ Administrators of satellite camps may in some instances have kept their own counsel and treated the dead quite disdainfully, as at the Argus-Werke, one of the *Aussenlager* of Sachsenhausen.¹⁷¹ In some regions under Nazi occupation, the decision to report the death of Jewish forced labourers appeared wholly arbitrary.¹⁷² The 'processing' and registration of death in East European ghettos set up to house Jewish populations temporarily likewise deserves further scrutiny. A few of the largest ghettos of the Nazi era indisputably had active civil registry divisions or offices, as in the case of Warsaw, or Litzmannstadt (Łódź).¹⁷³

¹⁷⁰ Andrea Tech, *Arbeitserziehungslager in Nordwestdeutschland 1940-1945* (Göttingen: Vandenhoeck & Ruprecht, 2003), 242-43.

¹⁷¹ Horst Helas and Henning Mueller, 'Berlin-Reinickendorf', in *Der Ort des Terrors. Geschichte der nationalsozialistischen Konzentrationslager*, Vol. 3, eds. Wolfgang Benz and Barbara Distel (Munich: C.H. Beck, 2006), 119.

¹⁷² RG-14.101M BAL, B-162/15.359 (copy at USHMM, RG-14.101M.2874.00001754-1756).

¹⁷³ USHMM RG 15.119M: in the Warsaw ghetto Jewish doctors filled out over 10,000 death certificates for the Statistical Department of the Council of Warsaw. See also the death register records from the *Älteste der Juden* in Litzmannstadt (USHMM RG 15.083M), esp. reels 182-191.

Some of the questions raised by this contradictory system of processing death are unanswerable. How successful were the deceptions? Why go through the motions of lawful civil proceedings, of routine order, when so much 'camp procedure' was governed by violence and arbitrary cruelty? The focus on concentration camps and how they processed death through much of the war and even before it began is important for at least one reason. Prisoner death notifications from concentration camps and sometimes even ashes became one of the very few instances where the Jews of wartime Europe obtained certain knowledge of the fate of loved ones, the fate of imprisoned family members. The circumstances were unclear, but their deaths were not. By contrast, the next chapter moves into a different register, exploring the problem of uncertainty. It focuses on the more uncertain fates of millions of Jewish prisoners caught up in the Nazi detention system, particularly those sent to unfamiliar and obscure sites in eastern Europe, and how their families interpreted their disappearance.

Chapter 2. A Small Office in Germany: Jewish Communities Confront the Missing

On 22 February 1946, an obituary notice for Joseph Schäler and his wife Elisabeth appeared in *Aufbau*, the New York-based German Jewish weekly.¹ The Schälers' relatives announced that they had just received sad confirmation that the couple, formerly of Munich, had 'died the martyr's death in the gas chambers of Auschwitz in the night from March 16th to the 17th, 1943'. The announcement was not particularly prominent; it appeared on a page amongst several dozen other death notices and, following German custom, was framed in black. And yet Elisabeth Schäler's brother Frederick Brunner, then a resident of New Rochelle, New York, received a slew of heartfelt condolence letters in response. The Brunners' friends and many *Aufbau* subscribers like them had clearly scrutinised the long lists of the dead and missing printed in the newspaper's back pages very closely. Some of their letters expressed great fondness for the departed, whilst others simply gave voice to the shared experience of waiting for a sign of life from missing relatives.

'To get such cruel news after having hoped so many years for their survival is very sad indeed', wrote one friend from Washington Heights, and continued, 'Nobody can feel better with you than I do, since I am still writing my brother from whom I have not heard a word since more than three years'. A friend in Manhattan also expressed his deep sympathy, adding 'News of this kind [has] lately reached many of our relatives and friends. Each time it killed another last hope, each time it brought back to our mind and heart the suffering and horrors our dear ones had to go through'. And a man residing in Queens told Brunner, 'There is no one among us

¹ *Aufbau* (22 Feb. 1946), 30.

European Jews who has not suffered a similar loss, and we all have experienced it that words cannot help very much in such a moment. But at least you should know that your friends share your grief'.²

Amongst the letters that Frederick Brunner received and also saved was a somewhat different communication, a letter penned by Dr. Irene Miller of Flushing, New York. Though a stranger to the family and wielding the polite, dispassionate phrasing of formal German, Miller laid bare her very personal dilemma:

Because my poor only brother, who was deported from Marseille to Birkenau-Auschwitz in 1943, probably had to suffer the same fate as your esteemed family members, I would like to know how you learned of the manner of death and date of death of your relatives, and if it is possible for me to also attain certainty [about his fate]. I therefore ask you earnestly to convey to me the information requested, should that be possible for you, and inform me which office in Europe or England I should contact. Perhaps you also have information about whether official lists are already available.³

It is unclear whether Brunner or his wife answered her plea. It is also not known whether Irene Miller ever managed to 'attain certainty', *Gewissheit*. But her plea to the Brunners and the death notice that had prompted it point to a central Jewish experience of the immediate postwar years.

News of the death of loved ones was long in coming, even after the war finally ended. The Brunners' notice in *Aufbau* shared a page with many similar late-coming death announcements, notices placed by the families of Helma and Rudolf Rogosinski, Moses and Frieda Gottschalk, Bertha and Walter Luft, Frieda Wilder, and Stefanie

² Herman Müller, Louis Froehlich and Fred Weissman to Frederick Brunner, 1946, U.S. Holocaust Memorial Museum (hereafter USHMM), RG-14.057M, reel 2. Copy of the Schäler family papers held by the archive of the Jewish Museum of Franken in Fürth, Germany. It is impossible to reconstruct how Brunner received the information. See also USHMM, ITS database (hereafter ITS), 6.3.3.2/0555191 (T/D file on Elisabeth Schäler [née Brunner]), 1956-1963; even the international legal figure Benjamin Ferencz approached ITS on behalf of Frederick Brunner for official German archival confirmation of their deaths.

³ Irene Miller to Frederick Brunner, 24 Feb. 1946, USHMM, RG-14.057M, reel 2.

Loewenthal; these little black-framed boxes also announced that the families had only just received confirmation of relatives' deaths in Theresienstadt or Auschwitz. That news came nearly a year after the last camps were liberated and German forces resolutely defeated.⁴ Many other individuals and families, however, were forced to put such enactments of formal mourning on hold for years, in some cases indefinitely. Irene Miller's plea thus also raises a series of central questions about the living and the missing. First, where did family members left in limbo—like Irene Miller—turn for information? Second and more generally, what did their searches signal about the knowledge available about the dimensions and reach of what we now call 'the Holocaust'?⁵ According to a fairly recent survey, the majority of the Jewish population in Europe and the United States already knew about the German murder of Europe's Jews back in 1945. A closer look at these findings suggests, however, that the knowledge of contemporaries remained patchy and fragmented.⁶ The crimes that had been carried out in Nazi concentration camps were revealed in stark, brutal detail by press reports in the spring of 1945. Yet what was known about the mass killings at so many other sites, particularly in occupied Poland and beyond? And how did European Jews see these events in connection with their own families or their own home communities? Exactly what did Jewish survivors and Jewish refugees in the immediate

⁴ As in previous postwar issues of the newspaper, the pages that followed contained long columns devoted to missing person searches, both private ads and lists gathered and regularly published by aid agencies.

⁵ On the extensive and diverse Jewish efforts to collect testimonies from survivors about what had happened, see Laura Jockusch, *Collect and Record! Jewish Holocaust Documentation in Early Postwar Europe* (New York: Oxford University Press, 2012); David Cesarani and Eric J. Sundquist, eds., *After the Holocaust: Challenging the Myth of Silence* (Abingdon: Routledge, 2011); and David Bankier and Dan Michman, eds., *Holocaust Historiography in Context: Emergence, Challenges, Polemics and Achievement* (Jerusalem: Yad Vashem in association with Berghahn Books, 2008).

⁶ See Eric A. Johnson and Karl-Heinz Reuband, *What We Knew: Terror, Mass Murder, and Everyday Life in Nazi Germany. An Oral History* (Cambridge, Mass.: Basic Books, 2005), 309.

postwar period know and imagine? And finally, how long did their searches for missing loved ones continue after the war?

Search for the Missing

Letters to the offices of the small Jewish postwar communities that were re-established after the war provide some answers. In German cities such as Leipzig, Dresden and Freiburg im Breisgau—where some records of routine daily work survive—a large portion of the incoming correspondence after 1945 was initially written by Jews who were seeking information about the whereabouts or fate of missing relatives or friends.⁷ This correspondence makes clear what towering obstacles arose for the employees and functionaries of Jewish communities throughout Germany as they faced the grinding challenges of working in ruins. The Leipzig community, for instance, was decimated, with only 300 members at the end of 1945 and only some 250 members in 1946, down from an estimated 18,000 in 1933.⁸ Similar devastating numbers exist for many other German cities.⁹ Nathan Rosenberger, the primary Jewish affairs official for southern Baden after the war,

⁷ I have used copies of Jewish community papers held by the USHMM: RG-14.035M (Israelitische Religionsgemeinde zu Leipzig, hereafter Leipzig JC), RG-14.036M (Jüdische Gemeinde zu Dresden, hereafter Dresden JC) and RG-14.061M (Israelitische Gemeinde Freiburg im Breisgau, hereafter Freiburg JC).

⁸ See Lothar Mertens, 'Schwieriger Neubeginn. Die jüdischen Gemeinden in der SBZ/DDR bis 1952/54', in *Leben im Land der Täter. Juden im Nachkriegsdeutschland (1945-1952)*, ed. Julius H. Schoeps (Berlin: Jüdische Verlagsanstalt, 2001), 172-73; Adolf Diamant, ed., *Deportationsbuch der in den Jahren 1942 bis 1945 von Leipzig aus gewaltsam verschickten Juden* (Frankfurt am Main: Jüdische Gemeinde Frankfurt am Main, 1991), 3; Fritz Grunsfeld, 'Leipziger Juden während des Krieges', *Aufbau* (26 July 1946), 22. See also Hendrik Niether, *Leipziger Juden und die DDR. Eine Existenz Erfahrung im Kalten Krieg* (Göttingen: Vandenhoeck & Ruprecht, 2014), 37, 47-48.

⁹ For nearby Dresden, see Gorch Pieken and Matthias Rogg, eds., *Schuhe von Toten. Dresden und die Shoa* (Dresden: Sandstein, 2014). A letter from a Dresden JC official to Ch. Bochner (London) on 11 July 1946, indicated that the community 'has now has shrunk to 120 souls [Seelen] [...] Only very few of the old Dresden community members returned, apart from the undersigned'. USHMM, RG-14.036M, reel 3. The community had 6,000 members before the war.

reported on Freiburg to a friend, saying 'We do not actually have a community. There is only a group numbering about 50 people who have been thrown together from every corner of Germany [...] and are for the most part living in mixed marriages and who, not surprisingly [...] cannot muster the desired interest in Jewish communal life. [...] We cannot get a minyan together'.¹⁰

The correspondence of these communities for the years 1945 and 1946 in particular shows how information about the war and survivors was slowly brought together in a vast and growing network; community employees obtained copies of local deportation lists from the Nazi period and questioned their local members who had survived to learn something of the fate of others. Some community officials supplemented such documents and accounts with the makeshift records assembled by former members abroad. Thus Rudolf Apt, for instance, wrote the Dresden community in September 1946 from north London and offered:

If you would like news about individuals who used to be community members, I might be able to help you, for I have created a card file using the many pieces of news that have come my way. Thus it might interest you to know that Lothar, the surviving son of R.-A. Ludwig Katz who died in Riga, along with his cousin Wolfgang Herbert Jaffé have in the meantime arrived in America (both after concentration camps in Germany)[.] His brother Gert Katz was killed in a motorcycle accident in the vicinity of Würzburg after his liberation.¹¹

Tracing services for missing persons sprang up immediately after the war ended, with offices in virtually every town and city hall across Europe.¹² Their efforts often

¹⁰ Rosenberger to Ober-Rabbiner Dr. J. Ziemels (Jerusalem), 27 Sept. 1948, USHMM, RG-14.061M, reel 3. Rosenberger (b. 1874) and his wife remained in Germany, but their daughter emigrated to the United States soon after the war ended.

¹¹ Rudolf Apt to Dresden JC, 5 Sept. 1946, USHMM, RG-14.036M, reel 3. See also Wilhelm Bachmann (Grimma) to Leipzig JC, 9 Feb. 1946, RG-14.035M, reel 41. I have only been able to translate the orthographic quirks and idiomata of these correspondents to a limited degree.

¹² For some of these listings in Germany, see correspondence between the International Information Office Dachau and various town offices for special care of former political prisoners, ITS, 1.1.6.0/0042/0001-0008. For additional local efforts to meet the Allies' demand

overlapped and were sometimes stalled by the new military and political lines drawn by one-time Allies, Allies who were fast becoming Cold War opponents. The Red Cross was indisputably the most long-lived and well-organised of these initiatives.¹³ As Chapter 3 will show, a number of additional national and international aid organisations also continuously circulated survivor lists and organised radio broadcast segments devoted to missing person queries in the first peacetime years. Alongside these, many smaller-scale initiatives also sprang up devoted specifically to locating Jewish survivors, and these provide critical insights into expectations about Jewish survival and death and about the course of the Nazis' slaughter of Europe's Jews.¹⁴

One of the best-known of these early Jewish search operations was famously initiated by Reform rabbi Abraham Klausner, a captain and chaplain in the U.S. Army, who organised an ad hoc search service for the survivors he found at the liberated Dachau concentration camp. Klausner collected, posted and published dozens of lists of what came to be known as the *sharit ha-Platah*, the 'saved remnant' (German: *der 'gerettete Rest'*).¹⁵ He travelled throughout Bavaria, gathering and circulating further names, hoping to reunite friends and families. Working with him or parallel to him were not only the fledgling Jewish communities that re-established themselves in Europe after the war ended, but a broad network of groups for former camp

for information and statistics for Allied nationals who died in Germany hands during the war, see the extensive surveys in ITS, section 5.3.1.

¹³ See Gradimir Djorvić, *Central Tracing Agency of the International Committee of the Red Cross* (Geneva: Henry Dunant Institute, 1986); Kurt W. Böhme, inter alia *Gesucht wird... Die dramatische Geschichte des Suchdienstes*, rev. ed. (Munich: Süddeutscher Verlag, 1970).

¹⁴ Abraham Klausner remembered with bitterness the difficulties he encountered not only from his own military taskmasters but also other aid organisations. He had particularly harsh words for staff of the World Jewish Congress, because they clung to the misconception that the postal system was functioning again; see Abraham Klausner, *A Letter to my Children: From the Edge of the Holocaust* (San Francisco: Holocaust Center of Northern California, 2002), 55.

¹⁵ See Harold Marcuse, 'Aus Dachau befreit. Jüdische Überlebende des Lagers in der Scheerit Haplejtá', in *Transit US-Zone. Überlebende des Holocaust im Bayern der Nachkriegszeit*, ed. Sybille Steinbacher (Göttingen: Wallstein, 2013), 91-92.

prisoners. These efforts expanded everywhere, particularly after the postal system began to operate again in a divided Germany at the beginning of 1946.¹⁶

Many Jewish survivors and refugees had begun searches by returning to their old homes, pursuing—in Klausner's words—a 'widespread dream among the liberated in which they returned to village and home to find their loved ones waiting for them'.¹⁷ Survivors also watched footage filmed at the liberation of the concentration camps, hoping to recognise familiar faces.¹⁸ Lists of survivors and search queries became staples of the postwar Jewish press; over one hundred Yiddish-language and other Jewish newspapers are estimated to have appeared at some point in the U.S. occupation zone of Germany alone after the war.¹⁹ And search lists began to circulate in the press outside Europe as well. Long-established newspapers such as *Aufbau* ran missing persons columns regularly between late 1944 and late 1946, but such ads can also be found in the more ephemeral press of the Shanghai Jewish community.²⁰

Similar locator methods using the Jewish press had in fact served Jewish communities back to at least the early twentieth century. Anna Igra has shown this in her study of Jewish marital desertion in New York City's immigrant population in the early twentieth century, a period when few people could afford private detectives. She found that newspapers such as the Yiddish-language *Jewish Daily Forward* (with a circulation of 250,000) regularly published a 'Gallery of Missing Men', soliciting

¹⁶ Jacques Fray (China) to Leipzig JC, 16 July 1946, USHMM, RG-14.035M, reel 40.

¹⁷ Klausner, *Letter to my Children*, 45.

¹⁸ See Helen Epstein, *Where She Came from: A Daughter's Search for her Mother's History* (Boston, Mass.: Little, Brown & Co., 1997), 270-71.

¹⁹ See Michael Brenner, *After the Holocaust: Rebuilding Jewish Lives in Postwar Germany* (Princeton: Princeton University Press, 1997), 19-22; Tamar Lewinsky, *Displaced Poets. Jiddische Schriftsteller im Nachkriegsdeutschland, 1945-1951* (Göttingen: Vandenhoeck & Ruprecht, 2008), 33-46, 262-73.

²⁰ For examples, see estate of Hanni Vogelweid papers, USHMM, Acc. 2007.147.1.

community help in finding men who had deserted their wives.²¹ In the very different context of the immediate post-World War II period, *Aufbau* provided a similar 'community service' and advised readers to avoid using private services to look for 'verschollene Persönlichkeiten' (persons who had disappeared). The newspaper also kept its readership informed about new postwar provisions for amending the law in western Germany governing missing persons.²² We lack systematic information about the degree to which Jewish survivors also turned to the services of either private detectives or non-Jewish institutions.²³

Confronted with huge distances, a greatly dispersed and reduced network of friends, and without opportunities to question eyewitnesses, many of those engaged in searches for relatives—individuals much like Irene Miller in Flushing—expressed uncertainty about where to turn. Thus, for instance, the International Information Office for the former Concentration Camp Dachau, which had access to a virtually complete set of the camp's records, received many queries about persons who had never even been prisoners there.²⁴ Out of desperation some survivors created their

²¹ See Anna R. Igra, *Wives without Husbands: Marriage, Desertion, and Welfare in New York, 1900-1935* (Chapel Hill: University of North Carolina Press, 2007), esp. 23-26.

²² 'Zur Suche nach Vermissten', *Aufbau* (2 Aug. 1946), and (7 June 1946), 6. The reasons behind the newspaper's caution are unclear. On the revision of the law in the FRG, see Helmut Strebels, *Verschollenheit als Rechtsproblem. Eine rechtsanalytische und -vergleichende Studie* (Frankfurt am Main: A. Metzner, 1954); Egon Arnold, ed., *Verschollenheitsrecht. Kommentar zum Verschollenheitsgesetz in der Fassung vom 15.1.1951* (Bonn: Athenium-Verlag, 1951); Nehemiah Robinson, *United Nations Convention of the Declaration of Death of Missing Persons: A Commentary* (New York: Institute of Jewish Affairs, 1951).

²³ The staff of the Jewish community in Leipzig appears to have been in constant contact with the city hall division for 'victims of fascism' (OdF, or Opfer des Faschismus), which provided material support for diverse survivor groups. However, some Jews soon clashed with the administrators of this division; see e.g. Wilhelm Falk (Leipzig) to Leipzig JC, 9 March 1947, USHMM, RG-14.035M, reel 43. On the Victims of Fascism organisation (OdF) in Leipzig, see Steffen Held, *Zwischen Tradition und Vermächtnis. Die israelitische Religionsgemeinde zu Leipzig nach 1945* (Hamburg: Döllig und Galitz, 1995), 21ff.

²⁴ ITS, 1.1.6.0/0024/0014-0015. On the tracing service in Dachau after liberation, see Annette Eberle, 'Nur fort aus Europa! Jüdische Überlebende des KZ Dachau über ihre Befreiung ohne Heimkehr', in *Transit US-Zone*, ed. Steinbacher, 146-49.

own distinct publicity vehicles to search for missing relations. Ignacy Lieber, temporary resident of a Jewish DP camp in Landsberg am Lech, distributed a poster announcing '1000 Reichmark Reward/for *reliable* information' about his sister Felicia Lieber, age 22 or 23, last known to have been sent from Birkenau to the 'Stutthof camp'.²⁵ Anna Benditt (née Goldberger) from the Tirschenreuth district in Bavaria likewise circulated a striking search flyer for her 'lost' husband Julius from Breslau, believed to have survived at least three camps. 'Who saw him afterwards?' the flyer demanded. 'Who can give information on his present whereabouts?'²⁶ While it remains unclear what kind of reactions such flyers spurred, a file of the International Tracing Service of the Red Cross demonstrates clearly how tenaciously Frau Benditt searched for her husband.²⁷ By the end of 1945 she had written to the headquarters of UNRRA in Höchst. Moreover, she had contacted the search division of the American Jewish Distribution Committee in Berlin-Zehlendorf, which contacted the office for 'Victims of Fascism-Nuremberg Laws' at the *Magistrat* or central city hall in (East) Berlin. By 1947 her efforts had also reached an office tied to the British Army of the Rhine (BAOR), as well as the zonal children's search division at the PCIRO regional team 1002 in Ludwigsburg (U.S. Army Tracing Service), the British section of the World Jewish Congress in London, the Foreign Relations Department of the British Red Cross in London and the audience of a Polish-language radio broadcast.

Articulating Loss

The story of aid agencies and organisations offers a partial but trenchant impression of how Jewish survivors understood what had happened during the war. Search

²⁵ Poster, n.d., USHMM, RG-14.035M, reel 41.

²⁶ Flyer, n.d., *ibid.*, reel 42.

²⁷ *Ibid.* See also T/D file, Julius Benditt, ITS, 6.3.3.2/35101.

queries to Jewish communities generally revealed little about the correspondents' own journeys and travails, but are fascinating for the assumptions they voice about Jewish lives in wartime Germany, about 'being evacuated' and being sent 'to the East'. Many of these letter writers were refugees who had been living abroad since the 1930s. By the time they wrote the offices of the fledgling postwar Jewish communities, most had already been searching for their loved ones for many months, even years, through other avenues without much success. Typical for such letters arriving at the Israelitische Religionsgemeinde zu Leipzig was the one posted by Regina Lessner from Worcester, England, at the end of November 1945:

'Dear Sirs,
I would be very indebted to you if you could *help me trace the current whereabouts of my mother*. The last message I had from her was dated 28 November 1941, and the last address was: Old Age Home, Auenstrasse 14. Since that date I have not heard from her again.
Her particulars are:
Henie (widow) Lessner, née Schnitzer
born on 10 May 1878 in Wizenka, Bukowina. [...]
The Kessel family in Leipzig [...] may also be able to provide information about the whereabouts [*Verbleib*] of my mother'.²⁸

The wording used by Regina suggests that she thought that her mother was still alive. She also believed that the (also Jewish) Kessel family was still alive and well in Leipzig.

The following month Selma Firsichbaum wrote the community office from Newark, New Jersey:

I respectfully request your assistance in conveying a message to my parents, whom I last heard from in 1942. Please inform them that we are well and that we are urgently waiting to hear from them. [...] Their names are:
Pfirsichbaum, Hermann, born: 3/23/1866 Meseritz

²⁸ Regina Lessner to Leipzig JC, 27 Nov. 1945, my emphasis, USHMM, RG-14.035M, reel 41. The Kessel family had formerly lived in the Friedrich-List-Strasse 14. Moses and Malka Martha and their children Gerhard and Siegfried were deported from Leipzig and murdered, but apparently not their daughter Ruth or Siegfried's twin brother Ossi; see www.bundesarchiv.de/gedenkbuch (accessed 11 July 2016).

Pfirsichbaum, Jette, born: 7/27/1869 Fürth im Bayern.²⁹

And at the beginning of 1946 Elkan Leisner in Offenbach am Main wrote Dr. Fritz Grunsfeld, member of the board of the Leipzig Jewish community out of desperation, 'I am turning to you with the request to help me in the search for my mother [Ida Jetty Leisner]. I have no idea where she may be located and am thus looking everywhere'.³⁰

In the spring of 1946 a woman named Clara Horowitz also wrote in from central London, adopting a very modest and polite stance:

I would be eternally grateful to you if perhaps I might succeed in learning something about the whereabouts of my parents [Herr Josef and Frau Sara Lenczner] through your valuable assistance. [...] Unfortunately, despite desperate efforts, I have not succeeded in receiving a sign of life [from them], and because I assume that my parents, whose current abode is unknown, will possibly turn to you, I hope that I will still gain some information through your efforts.³¹

Some correspondents opted for a different approach, vacillating between bluntness and euphemism. Otto Thies of Hamburg, a certified public accountant and tax advisor by profession, wrote the community offices in April 1946:

I am looking for the addresses of the following on behalf of Herr Max Salomon in Australia:

- 1.) Frau Doris Lobsenzer, who according to police headquarters in Leipzig [...] was deregistered [as a resident to go] to Theresienstadt. Did Frau Lobsenzer return?
- 2.) Konrad Levinsohn [...] Can you determine whether he was evacuated? If so, to where? According to another source, he is supposed to have returned to Leipzig.
- 3.) Fräulein Frieda Levin, former residence: Hirzelstr. 1 [...]. There has also been no news of her whatsoever. It is presumed in her case that she was evacuated.³²

²⁹ Selma Firsichbaum to Leipzig JC, 2 Dec. 1945, USHMM, RG-14.035M, reel 40. The family surname appears to have been 'Americanized' slightly.

³⁰ Elkan Leisner (Offenbach am Main) to Leipzig JC, 27 Feb. 1946, USHMM, RG-14.035M, reel 41. On the community official Dr. Fritz Grunsfeld, see Chapter 1n44 above.

³¹ Clara Horowitz to Leipzig JC, n.d., USHMM, RG-14.035M, reel 41. She was finally reunited with her brother in Vienna after having had no news of him for seven years.

³² Otto Thies to Leipzig JC, 5 April 1946, USHMM, RG-14.035M, reel 41. Doris (Dorothea) Lobsenzer (b. 1865) died on 10 Feb. 1943 in Theresienstadt: see Ellen Bertram, *Menschen ohne Grabstein. Die aus Leipzig deportierten und ermordeten Juden*, 2nd ed. (Leipzig: Passage-

Many queries still expressed considerable optimism a full year after the end of the war. Two relatives, for instance, requested information about Richard Kahn, a man who had 'formerly worked in the district office' and had lived in the Jewish community building. Dedo Kahn in Montreal asked community officials (May 1946) 'to help me locate my brother. [...] Would you please tell my brother to get in touch with me immediately'. He enclosed a letter to Richard that concluded, 'Maybe you heard my search announcement on the radio and have already written to me? Where is dear Selma, dear father and the other relatives? Please answer at once'. Else Oppenheimer wrote at almost exactly the same time from New York: 'Dear Richard! I'm going to try with a postcard for a change & ask how you are. We're all healthy & have work. Leonard has grown a lot & is very wild. [...] How did you spend the years? Write to us soon'.³³

Only a few months later Harry Wolk, who had immigrated to New York City and entered the insurance business, wrote in,

Would it somehow be possible and conceivable for you to find out something about a sister of mine, Frau Ida Mendel née Wolk last residence Funkenburgstr. 12 or 15. The last time we heard from her she wrote that she was working in the clothing section of the Jewish Community, that was of course shortly before the war. I had another sister, residing in Dresden Duererstr. 90, Frau Frida Seyffert née Wolk, perhaps she [Ida] fled there, since Seyffert the husband is an Aryan, and where she perhaps thought she could hide? I hope to God to hear something positive from you.³⁴

Verlag, 2011), 241. Conrad Lewinsohn (Konrad Levinsohn) survived the war: ITS, 6.3.3.2/117472 (T/D file, Conrad Lewinsohn). At least two women named Frida Levin had lived in Leipzig, one of whom (b. 1889) was deported to the Riga Ghetto; see www.bundesarchiv.de/gedenkbuch (accessed 11 July 2016).

³³ Dedo Kahn and Else Oppenheimer to Leipzig JC, 2 May and 19 May 1946, USHMM, RG-14.035M, reel 41. On the ongoing use of radio broadcasts for missing relative searches in Israel in the 1950s, see David Grossman, *Writing in the Dark: Essays on Literature and Politics* (New York: Farrar, Straus and Giroux, 2008), 71.

³⁴ Harry Wolk to Leipzig JC, 26 June 1946, USHMM, RG-14.035M, reel 41. The information gathered in the 1938-1939 German 'Minority Census' of the Reichssippenamt ('Jewish

Harry Wolk and his wife also sent a greeting to his sister Ida and asked her, 'Try immediately through some means to give us a sign of life'.³⁵

In another case from mid-July 1946, Caroline Richter, owner of a paper and printing store in London, expressed a similar wish:

Dear Sirs,
I would be very grateful to you if you could let me know the fate of the following persons. They are:
Hermann & Bertha Ludwig, residents of [...] Leipzig³⁶
Horst Simon [...]
Frau Gerson [...]³⁷
Hope that they are all still alive and are also still living in Leipzig, and I am sending sincere thanks for your worthy efforts. . .³⁸

Very few family members were in fact reunited through such queries. Most of these letter writers instead received ghastly news from the community, framed in gentle, sympathetic terms. I have quoted these letters at length because while many people wrote such search queries, few of their letters have survived in twenty-first century archives. It would be easy to dismiss their authors as naive or unrealistic, as being 'in denial' or steeped in wishful thinking, yet this interpretation seems shortsighted. First, we can easily lose sight of the fact that survival could have been a

census'), USHMM, RG-14.013M, indicates that these Dresden residents were Frida Seyffert (b. 1888) and her husband Ernst Seyffert (b. 1891).

³⁵ On Ida Mendel (b. 1886; née Wolk), a widowed seamstress, see Bertram, *Menschen ohne Grabstein*, 254; ITS, 6.3.3.2/192294.

³⁶ Caroline Richter to Leipzig JC, letter of 18 July 1946, USHMM, RG-14.035M, reel 41. Bertha Ludwig (b. 1887; née Desser), a widow, most likely died in the Riga Ghetto. See Bertram, *Menschen ohne Grabstein*, 246, and see www.bundesarchiv.de/gedenkbuch (accessed 11 July 2016).

³⁷ Probably Erna Gerson (b. 14 Dec. 1898, née Wolff); see Bertram, *Menschen ohne Grabstein*, 154.

³⁸ Caroline Richter to Leipzig JC, 18 July 1946, USHMM, RG-14.035M, reel 41. Peter Bergmann, a physicist who spent time in the research circle around Einstein in Princeton, and his wife Margot sent a similar query to the recently newly revived Jewish community in Dresden. Writing from New York City, they indicated they had heard nothing from their relatives in Dresden since 1942, after the United States entered the war. Bergmann wrote, 'It goes without saying that we would be very interested in establishing direct contact with our relatives'. Peter Bergmann to Dresden JC, 15 May 1946, USHMM, RG-14.036M, reel 3.

reasonable expectation at the time: almost no lists of the dead were circulated. Instead, a multitude of *survivor* lists that Jewish community officials and aid organisations all over Europe had compiled made the rounds, appearing in Jewish newspapers and at refugee welfare centres.³⁹ They stoked hope as far away as Manchester, Palestine, Chicago and Melbourne. In Germany itself, tales of the few successful family reunifications that did occur, told and retold through the grapevine [*Mundfunk*], stoked that hope further. Some correspondents probably saw survival of their relatives as plausible, for their *own* survival was proof of that possibility.

A Rapidly Widening Gulf

If we dismiss these postwar enquiries as 'denial', we also lose the opportunity of understanding exactly what Jews across the globe actually knew or did not know about *the scale* of what had happened, *how* it had happened and *where* it had happened. These and similar letters in fact seem to reveal a widespread lack of knowledge or comprehension of the killing process that targeted so many of Europe's Jews. They reinforced the fact that 'a rapidly widening gulf had opened up between those subjected to extreme victimization on the one hand and those outside the reach of the Nazi empire on the other'.⁴⁰ Without question, publicity about the largest concentration camps had permeated the international press for a short while after the war ended. But those who had found an escape from Europe and enjoyed the privilege of physical distance from the war knew far less about what 'being evacuated'

³⁹ Most memorial books were only published later. Newspapers such as *Aufbau* only seldomly printed lists of the dead and much more typically offered lists of names of the missing; see, however, the *Aufbau* issue from 3 May 1946, which had a multi-page list of names of Jews with the headline 'In Shanghai verstorben' (Died in Shanghai).

⁴⁰ Jürgen Matthäus, with Emil Kerenji, Jan Lambertz and Leah Wolfson, *Jewish Responses to Persecution*, Vol. 3: 1941-1942 (Lanham, Maryland: AltaMira, 2013), xx.

meant or could mean in the Nazi system. For the most part they knew far less about the deadly character of the ghettos or such far-flung destinations as Riga or Łódź (and even Theresienstadt).⁴¹ Jewish community officials such as Fritz Grunsfeld or Nathan Rosenberger, camp survivors themselves, often assumed too much knowledge on the part of correspondents when they told them the trail had gone cold in Riga. Thus, for example, they encountered Fräulein E. Mehrfeld, writing from London in the autumn of 1946 to ask about the fate of her mother, Rose Ruchel Mehrfeld, and her sister Martha:

I have now heard they were deported to Riga in January 1942. I know nothing about where she is currently staying. I wish to learn whether they are still alive and if their current location is known. In the event that they are no longer alive, I wish to learn what is known about their stay in Riga and when and how they lost their lives.⁴² I would be very grateful to you could uncover these details, if that is possible. Is it possible to get in touch with Riga from Leipzig?⁴³

As suggested above, Jewish community officials in Germany tried to close the gap in their own knowledge by quizzing the few residents who had survived transports from the city about their experiences. But this could be a difficult, painful business. Rather exceptionally Grunsfeld in Leipzig responded as follows to a former Plauen community member who was looking for his deported wife:

I am providing you with the address of the only survivor of the transport of 10 May 1942, below and that is specifically: Emil Wittmann

⁴¹ A detailed description of the deportation to Riga can be found in a report from the Leipzig Gestapo, 4 Feb. 1942, in the Norbert G. Barr Collection, Rare Book and Manuscript Library, Columbia University, box 2, file: Liberated areas - Leipzig. See also Katrin Reichelt and Martin Dean, 'Riga', in *U.S. Holocaust Memorial Museum Encyclopedia of Camps and Ghettos, 1933-1945*, Vol. 2, ed. Martin Dean (Bloomington: Indiana University Press in association with the USHMM, 2009), 1019-023. The paucity of information is a different problem than 'silence' about the Holocaust; on the latter debate, see Cesarani and Sundquist, eds., *After the Holocaust*.

⁴² Emphasis in the original. E. Mehrfeld to Leipzig JC, 18 Oct. 1946, USHMM, RG-14.035M, reel 41.

⁴³ On Martha Mehrfeld, a seamstress, and Ruchel Mehrfeld (née Herbach), 'milliner, housekeeper', see Bertram, *Menschen ohne Grabstein*, 252.

[...]. However, I believe that even Herr Wittmann will only be able to give a general account of the terrible fate by which those on the transport were annihilated, but will not be able to provide specific details of the personal fate of your spouse.⁴⁴

The same community employees often admitted that they were unable to provide any information about some of the people who were missing. This was particularly the case for former residents who had been forced over the Polish border in the mass deportations of 1938.⁴⁵

Striking too was that a number of people writing in imagined that their old communities were still partly intact and functioning, had simply reassembled after the war in Europe ended. They assumed or cautiously hoped that old familiar structures had come together again, and that long-established families would still recognise and remember them. Thus, the Kessel family in Leipzig would surely know something about her parents, Regina Lessner asserted. Julius Ehrenwerth writing the community from London in May 1946 insisted that a certain Jetty Manspach 'who was with my sister in Auschwitz could provide important information about my sister, who unfortunately still has not been traced'.⁴⁶ Celia Pomeranz in Chicago asked about several relatives whom she had heard were deported to Riga: 'In March 1946 I heard that they had been taken to Lodz/I ask you very sincerely to also investigate [...]. *Perhaps you can ask those Jews who are presently in Leipzig, for [our] name is of course not completely unknown.* My sister Anni of course sang in the chorus of the

⁴⁴ Information sent by Fritz Grunsfeld to Walter Goldberg (New York), 3 Sept. 1946, USHMM, RG-14.035M, reel 40.

⁴⁵ Dr. Grunsfeld to Hannchen King, 23 Jan. 1948, USHMM, RG-14.035M, reel 43: 'so that, on the other hand, there is no possibility for us to conduct research on those persons dragged off [*verschleppt*] to Poland or Lithuania. I recommend that the enquirer contact the Joint or HIAS and through them convey search notices to all Jewish offices [*Stellen*] or try an ad in the *Aufbau* or other Jewish newspapers'. See Trude Maurer, 'The Background for *Kristallnacht*: The Expulsion of Polish Jews', in *November 1938: From 'Reichskristallnacht' to Genocide*, ed. Walter H. Pehle (New York: Berg, 1991), 44-72.

⁴⁶ Julius Ehrenwerth to Leipzig JC, 29 May 1946, USHMM, RG-14.035M, reel 41.

synagogue'.⁴⁷ Such assumptions persisted amongst the far-flung former residents of Leipzig even as they registered that many of the city's street names had been changed, some unrecognisably: Eisenbahnstrasse, where one correspondent had lived, had suddenly become Ernst-Thälmann-Strasse (named after the communist martyr); Löhrstrasse—known for most of the Nazi years as 'Walter-Blümel-Strasse' after a local Nazi martyr—suddenly become Löhrstrasse again. Even with such reminders of a world in continuous flux, the radical destruction of Jewish communities or families to some degree remained an abstraction, something not easily personalised. The more fragmentary the knowledge about the events of the war, the less many Jews were able to connect them to the personal fates of their own family members.

Bridging Two Worlds

How much of the old order remained and at what level? We find here, unsurprisingly, that vestiges of a nazified German lingered: someone's brother-in-law is described as 'an Aryan'; someone's uncle was married to 'an Aryan woman'.⁴⁸ Yet some terms are far more ambiguous, carrying complex resonances, such as the word 'evacuation'. Like 'camp' (*Lager*) or 'transport', *Evakuierung* had once had far more benign connotations in the period before 1933.⁴⁹ With the arrogance of hindsight, we can say that all these

⁴⁷ Celia Pomeranz to Leipzig JC, 2 April 1946, USHMM, RG-14.035M, reel 41, my emphasis. Similarly, when Peter Bergmann wrote the Dresden Jewish seeking information about the fate of his mother-in-law and other relatives, he added, 'The whole family was certainly known in the community [...]'. Bergmann to Dresden JC, 15 May 1946, USHMM, RG-14.036M, reel 3.

⁴⁸ The correspondence of Erich Kalkstein of Berlin-Wilmersdorf provides an example. He was in Theresienstadt with his aunt and sister and made a request for either the address of his uncle Josef Kalkstein or that his letter be forwarded to him. See Erich Kalkstein to Leipzig JC, Oct. 1946, USHMM, RG-14.035M, reel 41.

⁴⁹ For discussions of the changing uses of language under National Socialism and beyond, see Cornelia Schmitz-Berning, *Vokabular des Nationalsozialismus*, 2nd ed. (Berlin: Walter de

terms evolved into something very lethal over the course of the war. It remains wholly unclear whether the Jewish men and women writing in from Australia, or New York, or Montreal in fact understood them that way or were aware of their radical transformation during the later years of National Socialist rule.

Those writing to the Leipzig and other fledgling postwar communities in Germany also wielded the sword and shield of bourgeois politeness and formality with striking frequency. Alfred Kempner, who wrote from Copenhagen in August 1946, began his communication as follows: 'Permit me to very respectfully approach you with a request, for I am seeking enlightenment over the whereabouts of my parents, Arthur Kempner [and] Minna Kempner, née Krohn [...]'.⁵⁰ Walter Goldberg in New York, a former member of the board of the Jewish community of Plauen, made enquiries about his wife to Leipzig community official Fritz Grunsfeld in July 1946 about his wife, who had been deported to Bełżec in May 1942. Adopting a tone that was both formal and painfully modest, he wondered

whether one has the right, now over one year after the end of the war, to still believe that the people deported there could still be alive or if, all things considered, one must assume that the transport sent to Belsize [sic] was completely wiped out [...] Do not take it amiss that I am turning to you and imposing on your surely very limited time; but I hardly need to tell you how great my desire is to clear up the aforementioned matter.⁵¹

These exiled former residents remained indisputably in full command of their mother

Gruyter, 2007); Thomas Pegelow Kaplan, *The Language of Nazi Genocide: Linguistic Violence and the Struggle of Germans of Jewish Ancestry* (New York: Cambridge University Press, 2009); Dirk Deissler, *Die entnazifizierte Sprache. Sprachpolitik und Sprachregelung in der Besatzungszeit*, 2nd ed. (Frankfurt am Main: Lang, 2006); and esp. the works of Victor Klemperer.

⁵⁰ Alfred Kempner to Leipzig JC, 29 Aug. 1946, and also Zvi Kessel (formerly Hermann Kessel, writing from Rishon Le Zion, Palestine) to Leipzig JC, 21 May 1946, both in USHMM, RG-14.035M, reel 41. Kessel chose similar wording: 'I hereby respectfully request your assistance in locating my parents and siblings'. (*Ich bitte Sie hiermit höflichst, mir bei der Auffindung meiner Eltern und Geschwister behilflich zu sein.*)

⁵¹ Walter Goldberg to Leipzig JC, 26 July 1946, USHMM, RG-14.035M, reel 40.

tongue. But such passages leave open how such formulations and choice of tone should be read, swaying between poignant, apologetic appeals and stiff, controlled politeness. We sense here an uneasy balance between two emotional registers, between fear and the control afforded by formality.

Community employees also moved somewhat uneasily between a professional and a personal tone. For the most part they answered letters sympathetically but impersonally, offering a few oft-repeated phrases. Yet occasionally a striking exception surfaced. In a discordant note, Nathan Rosenberger had harsh words for Bertold Regensteiner in Chicago about 'the emigrants, who were shielded from the horrors that we had to endure'.⁵² In another instance, the Leipzig staff member 'Ge.' (presumably Bruno Gewürtz) answered Steven Strauber's query from Newark, New Jersey in October 1946 with the words: 'The undersigned was with your wife and your daughter in Riga' and provided a report. A description of their shared time in the Riga ghetto and in various concentration camps followed, as well as the circumstances around the death of Strauber's wife and the disappearance of his daughter shortly before liberation. In November the same employee answered Leo Kaffe's query from New York: 'The undersigned was with your spouse in Riga. You have already been informed of this'. A shorter report over conditions there and some words of consolation followed.

Fritz Grunsfeld in Leipzig also took the time to write to Emma Salomon in Tampa, Florida. He assured her that the grave of her mother was located in a particularly beautiful spot in the Jewish cemetery and that he had spent much time

⁵² Regensteiner had written to ask about the state of his father's and grandparents' graves; he made the mistake of first requesting help from an old friend who had been 'a faithful [Nazi] Party member' rather than a member of the Jewish community, which was struggling desperately to restore Jewish cemeteries. See Nathan Rosenberger to Bertold Regensteiner, 15 Dec. 1947, RG-14.061, reel 3.

with her late brother in Theresienstadt, where he had tried to watch over him to the extent that was possible. J. Fink wrote from Copenhagen after reading Dr. Grunsfeld's article about Leipzig Jews in an issue of *Aufbau*, and requested help in searching for his relatives; his attempts to find them through the Danish Red Cross had failed. In this case as well Grunsfeld invoked his personal experience and insisted somewhat tensely, 'Your relatives were definitely not in Theresienstadt. I myself was in the Theresienstadt concentration camp and would have located your relatives there, for I was very well-acquainted with them. The fate of the transport thus remains shrouded in darkness'.⁵³ In southern Baden, Nathan Rosenberger, responded to a query from Herbert Bräulein, resident of a nearby town, in early March 1946 as follows:

Unfortunately, I cannot give you any good news about your family. After your uncle Jonas Olesheimer was carted off to Gurs, he suffered death in the gas chambers at Auschwitz. Regarding your mother-- she experienced the same fate in terrible fashion. I can still remember that I spoke to her at the train station when the transport was leaving. It is very, very sad and I have deep sympathy for your situation, that you are now so alone and have lost what was dearest to you.

I would in your place, if it is possible, leave a country that has dealt out so much suffering. [...] I was also in a concentration camp for three years and was forced to experience it all.⁵⁴

He informed another enquirer, Herbert Reiss, personally about the fate of his mother Anna Reiss, deported 23 August 1942, and took the trouble to report in detail on her fate to the district court:

Because I took responsibility for all interests of my Baden Jews, esp. the elderly and sick, the fate of Frau Reiss, whom I knew well, was very important to me; she became very sick from the notorious camp illness 'hunger typhus'. I visited her several times a day. On 8 September 1942 I was called and found that Frau Anna Reiss had succumbed to her serious illness. I was personally at her

⁵³ Fritz Grunsfeld to Emma Salomon, 24 July 1946, Grunsfeld to J. Fink, 7 Sept. 1946, Grunsfeld to Leo Kaffé, 19 Nov. 1946, and Grunsfeld to Steven B. Strauber, 21 Oct. 1946, all USHMM, RG-14.035M, reel 41. On Bruno Gewürtz, see Held, *Zwischen Tradition und Vermächtnis*, 13, 17-18.

⁵⁴ Rosenberger to Herbert Bräulein, March 1946, USHMM, RG-14.061, reel 1.

burial.⁵⁵

The Freiburg official lost track of many others and many other forms of continuity had fallen away. Asked to comment on the state of affairs in 1948, Rosenberger lamented to a rabbi friend in Jerusalem, 'We only have a military chaplain, who was drafted at age 18 and lacks rabbinical knowledge... It is also no delight for us German Jews to attend a service with Sephardic Minhag'.⁵⁶

'This Uncertainty'

Taken together, these rare surviving letters offer a chance to consider how Jews in this period spanning just a few years dealt with certainty and uncertainty. What kinds of evidence about the fate of their family members did survivors or former refugees view as convincing or reliable? (This question will be revisited in Chapter 3 as well, as we turn to the work of larger postwar tracing agencies.) And how high were the psychic costs of relatives, partners and friends 'disappearing without a trace'? Some correspondents expressed expectations that were impossible to fulfill. After employees of the Leipzig community had answered a query from Gerda Goldstücker in Rio de Janeiro about the fate of her sister Lucy, they received a second desperate letter:

I implore you to put yourself in my position and answer the questions below as quickly as you can:

Did other people return from the transport on which my sister was deported?

Could you ask one of them whether they know something about the whereabouts of my sister?

Can you provide an address where I can write to make further

⁵⁵ Rosenberger to Baden Amtsgericht B2 office (Freiburg), 25 Nov. ?1946, USHMM, RG-14.061, reel 3; he also corresponded with Anna's daughter Edith Reiss.

⁵⁶ Rosenberger to Ober-Rabbiner Dr. J. Ziemels, 27 Sept. 1948, USHMM RG-14.061, reel 3.

enquiries?⁵⁷

The Firsichbaum family in Newark likewise urgently requested details. Friends who lived near Leipzig had done some research for them but had evidently received contradictory information from community officials. As a result Nathan Firsichbaum, Selma's brother, wrote directly to Dr. Grunsfeld on 3 December 1946, requesting the impossible: 'I would be profoundly grateful to you if you could provide details of when and where my d[ear] parents met with death, and how they died'.⁵⁸ In Freiburg, Rosenberger received a letter in September 1946 from Oskar Hauser, a Jewish community official in Mannheim and one of the few survivors from that once large community: 'Did you have the opportunity to see my mother and mother-in-law often [in Theresienstadt]? Do you perhaps by chance remember the death date of my mother? Was my mother-in-law deported from there in May or October 1944?'⁵⁹

Despite adopting a generally very formal tone in such queries, some correspondents also made clear how much rode on learning the fate of their relatives. Herr S. Kleimann wrote Leipzig community officials from Perth, Australia, indicating that he had not heard from the Dresden community:

I have been searching for years for my mother [Ida Kleimann], who disappeared in 1942 and who was up to that year living in Dresden-N. 23, Judensiedlung Hellerberg [...]. Despite all efforts, I have been unable to learn anything either from private or some other organisation. [...] *We are suffering terribly from the uncertainty about the fate of our loved ones* and beg you again to help us find some clue about their whereabouts.⁶⁰

An Offenbach woman who requested news about her parents, her aunt and her

⁵⁷ Gerda Goldstücker to Leipzig JC, 30 July 1946, USHMM, RG-14.035M, reel 40. The community office answered Frau Goldstücker in August 1946 that they unfortunately had to inform her 'that not a single person on the transport of 17.2.1943 returned'. Further correspondence followed.

⁵⁸ Nathan Firsichbaum to Fritz Grunsfeld, 3 Dec. 1946, USHMM, RG-14.035M, reel 40.

⁵⁹ Oskar Hauser to Nathan Rosenberger, 8 Sept. 1946, USHMM, RG-14.061, reel 2.

⁶⁰ S. Kleimann to Leipzig JC, 4 Aug. 1946, USHMM, RG-14.035M, reel 41, my emphasis.

cousin, similarly pleaded with community officials: 'I have already spent 3 years without any news from them. [...] You can surely imagine how terribly important it is to receive even a single sign of life from my parents'.⁶¹ And as Henny Marx, an émigré to London, framed it in her letter to Leipzig, 'You of course know that this uncertainty is always far worse than a sad certainty'.⁶² The community officials understood the situation of these supplicants only too well. After Selma Firsichbaum in Newark had written several times during 1946 in hopes of finding even one person alive on her list of 18 deported and now missing relatives, Dr. Grunsfeld finally chose to speak of his own difficult position:

I completely understand your terrible situation, and we are again and again reminded of the awfulness through the painful queries that reach us from abroad. I believe, however, that it is better that I answer with some certainty rather than leaving you with doubts and stirring hopes that in fact will not be fulfilled. I therefore believe that I may tell you conclusively that you will not see any of all your relatives again about whom you have asked. They were victims of the insane Hitler-fascism that affected all of us Jews in the same way.⁶³

Yet one must wonder if the inverse was not the case, that a sad certainty [*traurige Gewissheit*] was the very thing that had become the most unbearable, something sought with more dread than anticipation by many refugees and survivors.

Most of the enquirers received an answer from the Israelitische Religionsgemeinde of Leipzig or similar offices in Germany indicating that in all probability a mother, aunt, or sister had been killed. Still, it remains wholly unclear

⁶¹ Edith Krebs (Offenbach) to Leipzig JC, 26 Feb. 1946, USHMM, RG-14.035M, reel 41.

⁶² Henny Marx to her acquaintance Herr Primo, presumably a community official, 23 April 1946, USHMM, RG-14.035M, reel 41. Ida Biegeleisen, née Moscizki, wrote from London NW6, enquiring about her parents, Leib and Regina Moscizky: 'I would be very pleased to receive good news from you, since we have been waiting for years—like many thousands of people—for a sign of life from our parents'. Biegeleisen to Dresden JC, 8 May 1946, USHMM, RG-14.036M, reel 3.

⁶³ Dr. Grunsfeld to Selma Firsichbaum, 30 Dec. 1946, USHMM, RG-14.035M, reel 40, and see Grunsfeld to Schaubert, 23 Sept. 1946, USHMM, RG-14.035M, reel 41.

whether these correspondents viewed the replies from the Jewish community in Leipzig or elsewhere as a definitive, final answer. Put another way: when did 'the missing' become 'the dead'? What counted as reliable to these correspondents? Did it suffice to hear: 'Up to today [your parents] have unfortunately not returned, so that it must be assumed that they are no longer amongst the living'? Or: 'Unfortunately one must assume that your relatives have passed away'? These were unfamiliar circumstances. Month by month the employees of the community conveyed news that became ever more decisive, inexorable, sobering: 'As none of the persons named has given a sign of life until now one can assume with almost complete certainty that they have been killed'.⁶⁴ But the absence of eyewitnesses, of graves and of formal death notices may all have worked to further suspend closure, further feed the hope that relatives had simply been relocated rather than murdered.

There is no simple answer to the question of how long enquiries such as those presented here were made. Delayed death notices continued to thread through *Aufbau's* obituary pages long after the announcement about the Schälers, a few still cropping up in the summer of 1947, as for instance a notice that a certain Albert and Julie Steuer (née Wyngaard) had died in Poland in 1942, five years earlier.⁶⁵ In many German Jewish community offices, search requests were gradually supplanted by requests for incarceration certificates and the formal death certificates needed to regulate inheritance and pension matters in the late 1940s. Still, some search letters

⁶⁴ Leipzig JC to Chana Rosenman, née Ohrenstein, 8 Nov. 1949, USHMM, RG-14.035M, reel 42.

⁶⁵ *Aufbau* (18 July 1947), 34. Several columns of the ubiquitous '*Gesucht wird*' search queries and a seventh list of 'Death Dates of Jews in Dachau' followed. Complicating our ability to date the end of the enquiry process is that most of the paper's delayed death notices concerned Jews who had died in Theresienstadt; this suggests an exception, and perhaps prisoner death records for that camp were initially more intact or readily available than those of other camps and killing sites.

continued to arrive into at least the 1950s.⁶⁶ Gabriel Sonnenreich in Germany, for example, wrote in the summer of 1948 and again the following winter: 'I still don't know where my brother, S. Sonnenreich, and his family are. Have you been able to find out something?'⁶⁷ Henry Taub, who lived in Berlin N4 (Ost-Berlin), wrote on 24 January 1949 and asked whether the office 'could determine the whereabouts of my relatives'. This was evidently not the first time he had written about his uncle and cousin: 'Please do not refer me to the Tracing Service [*Suchdienst*]. I have also already written to them. [...] Perhaps there is still someone in your community who knew my uncle?'⁶⁸

Epilogue

Today we often know more details about the fate of Europe's Holocaust victims than search committees seventy years ago, when the war had just ended. With digital tools we can quickly learn that Henie Lessner, Regina Lessner's mother, never returned from Riga.⁶⁹ Or that Frau Doris Lobsenzer died in Theresienstadt on 10 February 1943. We can determine that Richard Kahn never answered the postcard sent by his brother after the war because he was murdered in Auschwitz in June 1943.⁷⁰ We know more

⁶⁶ A communication to the office of the Verfolgten des Naziregimes (VVN, the postwar organisation for persecutees) at the Leipzig city council (*Rat*) indicates that the camp survivor who was being sought was reunited with his sister after she had placed an ad in the Berlin Jewish newspaper *Der Weg*, 24 Aug. 1951, USHMM, RG-14.035, reel 26.

⁶⁷ Gabriel Sonnenreich (Frankfurt am Main) to Leipzig JC, 11 Aug. 1948, and again on 17 Feb. 1949, USHMM, RG-14.035M, reel 26.

⁶⁸ Henry Taub to Leipzig JC, 24 Jan. 1949, USHMM, RG-14.035M, reel 43; Chana Rosenman née Ohrenstein to Leipzig JC, autumn 1949, RG-14.035M, reel 42; Benno Scharfstein to Leipzig JC, 5 May 1959, RG-14.035M, reel 32.

⁶⁹ She most like died there or was murdered after being deported to the ghetto in January 1942; see www.bundesarchiv.de/gedenkbuch (accessed 11 July 2016), and Bertram, *Menschen ohne Grabstein*, 233.

⁷⁰ Richard Kahn (1908-1943), bank official and bookkeeper from Suhl, had lived in Leipzig since 1933. See also www.bundesarchiv.de/gedenkbuch (accessed 11 July 2016), and Bertram, *Menschen ohne Grabstein*, 199.

today than Jewish community employees in 1946 about individual camps and ghettos in which some of these people were killed. We have a much more precise overview of the murderous events that took place in thousands of large and small sites—in woods, in fields, in barns, in ephemeral forced labour sites. All of this is important for the events that we today call the 'Holocaust'. Yet we cannot understand the impact of these events if we fail to take the early postwar perspective seriously, including the hopeful search enquiries of Jewish men and women.

The letters presented in this chapter throw some doubt on what we understand as 'the end of the war'. Although the war was formally over, these modest, polite, desperate documents underline that May 1945 did not represent a definitive break with the sorrows of the war and that 'the terrible years' continued for many Jews.⁷¹ Their search for missing persons was marked by competing emotions: mourning and delayed mourning, deep anguish as well as a belief in exceptions. They were grateful for their distance from Europe, yet desperate for news from their old homes. This is a fundamentally different narrative of the 'Jewish postwar period' than the histories of 'life reborn', the story of culturally rich Jewish DP communities that emerged from the ashes in Bavaria, in Bergen-Belsen and elsewhere.

Examining the anguish, suffering and fear that accompanied the search for missing Jews after the war allows us to gauge how murderous Nazi policies continued to operate, continue to exert power long past the dismantling of the camps and ghettos. What did Jews know immediately after May 1945 about what had occurred? The letters that arrived at small Jewish community offices in postwar Germany demonstrate how difficult it is to measure knowledge about the Shoah amongst

⁷¹ Hannah Plaut (in Massillon, Ohio), used this expression; Plaut to Ernst Kaufmann, 15 April 1946, USHMM, RG-14.035M, reel 41.

surviving Jews. What could they know or not know? How did they reconcile abstract recognition that mass murder had occurred with the fate of those close to them, dear to them? Chapter 3 addresses these questions by focusing on the major western tracing services that emerged in the 1940s, particularly those that centred their work on Europe's missing Jews. The volume of their enquiries and their greater resources set them apart from these struggling postwar communities in German cities. Much of their work replicated the challenges that descended on the small staff at Löhrrstrasse, Leipzig, and other community offices. Yet how did these larger-scale initiatives differ in how they saw the events that had overtaken Europe's Jews?

Chapter 3. Tracing Agencies and the Problem of Missing Jews

Wartime and postwar tracing services, particularly those searching for missing Jewish persons, suffered from many of the same dilemmas and poor odds as their clientele. Like individual enquirers, location offices struggled with the question of where to look and whether the missing were dead. A number of these offices were run or staffed by people whose own relatives or friends remained missing in Europe. Chaim Finkelstein, a journalist from Poland who had long worked for the Zionist Yiddish-language daily *Haynt*, set up the location service of the World Jewish Congress (WJC) in New York in the middle of the war. His wife and children had remained behind in Warsaw.¹ Anita Wolf-Warburg, Secretary of the UK Search Bureau for German, Austrian and Stateless Persons from Central Europe (UKSB) at Bloomsbury House, had left her home city Hamburg for London in 1935.² Karl Baum of the World Jewish Congress (WJC) London tracing office was a refugee from Czechoslovakia.³ It remains unclear how many relatives of Roman Flohr, head of the UN's Central Tracing Bureau (CTB) in Germany for a time, remained in Poland, but he had only moved to Palestine in 1935.⁴ As many

¹ See correspondence on the immigration of Chaim Finkelstein (involving HIAS, Stephen S. Wise [AJC], WJC and the Visa Division of the U.S. State Department), April to Sept. 1943, U.S. Holocaust Memorial Museum (hereafter USHMM), RG-67.011M, D21-05; he was affiliated with the WJC from October 1942. A deputy at the World Zionist Congress in Geneva in August 1939, Finkelstein (b. 1899) fled to New York in November 1939. His wife Rywka (née Ajzenberg) and one daughter died in Warsaw during the war; his other daughter survived and emigrated to New York. See finding aid, USHMM, RG-15.151 (legacies and papers of Chaim Finkelsztejn, original collection at ŻIH, the Jewish Historical Institute in Warsaw).

² Anita Warburg (b. 1908), obituary, *New York Times* (20 and 21 Dec. 2008).

³ Born in Brno in 1907, he came to England in 1938 and was a long-time journalist and editor. He continued working for the WJC until 1960 and later served as chairman of the Council of Jews from Czechoslovakia in Great Britain. Judith Turk Rosenblatt, ed., *Who's Who in World Jewry* (Baltimore: Who's Who in World Jewry, 1987), 32; *AJR Information* [Association of Jewish Refugees in Great Britain], XXIV, no. 7 (July 1969), 4.

⁴ Flohr was born in Lwów/Lviv in 1910 and joined UNRRA in February 1946 after serving in the Jewish Brigade from 1940 to 1946. He became chief of the CTB's records division in November 1946, acting director of the Central Tracing Bureau/DP operations in January 1947 and

as half of the CTB's staff consisted of displaced persons (DPs) when the office moved to Arolsen near Kassel, Germany, some of whom were Jewish.⁵ This chapter examines the assumptions embedded in the work of the major tracing services in the search for missing Jews. In many places these efforts ran on two distinct tracks, with separate services set up to help a Jewish clientele, a fact little acknowledged in recent writing on the history of the postwar Central Tracing Bureau and its successor, the International Tracing Service in Arolsen, Germany.⁶ It is useful to examine how these offices in both separate and overlapping ways viewed the scope and character of wartime anti-Jewish persecution as they developed strategies to find the missing.

Jewish tracing or contact services, many of them ad hoc and facing insurmountable obstacles, were organised soon after war broke out in Europe. They supplemented national Red Cross organisations, which played a pivotal role in reaching across the borders of combatants. Over 10,000 wartime 'missing persons' queries landed with the Board of Deputies of British Jews in London, for instance, forwarded from dozens upon dozens of Citizens' Advice Bureaux, refugee committees and Jewish relief organisations all over Britain. Pleas for news about Jews last living in Germany, Austria, France, Belgium and Poland filled the Board's log books. In some cases internment camps or even ghettos were listed as the last known address of

director in the spring of 1947 before returning to Palestine/Israel in 1948. 'Flohr Is Named Director of CTB', *UNRRA DP News* (May 17, 1947); Igal Segal, ed., *Who's Who in World Jewry* (New York: Enterprise, 1981), 226. The case of Etta Deutsch of the Central Location Index is likewise unclear. She was born in Chicago in the early 1890s, but her parents had emigrated from Austria-Hungary. Deutsch household, U.S. Census (1910), National Archives and Records Administration of the United States (hereafter NARA).

⁵ 'Officials Confer on Future of UNRRA', *UNRRA Team News* (22 March 1947), USHMM, ITS database (hereafter ITS), 6.1.2/0014/0076. Further investigation of the backgrounds of early ITS staff members would be desirable.

⁶ Rebecca Boehling et al., eds., *Freilegungen. Spiegelungen der NS-Verfolgung und ihrer Konsequenzen* (Göttingen: Wallstein, 2015); Suzanne Brown-Fleming, *Nazi Persecution and Postwar Repercussions: The International Tracing Service Archive and Holocaust Research* (Lanham, Maryland: Rowman & Littlefield in association with the USHMM, 2016).

persons being sought.⁷ Letters routed through neutral countries (Sweden and Switzerland) or countries that entered the war late (the United States), had some chance of getting through, even to and from people confined in East European ghettos, but these options proved increasingly fragile and unworkable.⁸

The World Jewish Congress embarked on a sustained commitment to tracing work after moving its headquarters across the Atlantic from Geneva to New York in July 1940.⁹ There the prodigiously energetic Chaim Finkelstein launched its ambitious search division in October 1942. Known as the Personal Inquiry Department from 1944 to 1945 and the Location Service in its last phase (1945-1947), it would in part be administered by the WJC's sister organisation, the American Jewish Congress (AJC).¹⁰ Parallel initiatives sprang up everywhere: by late August 1943, the Jewish Agency and various Zionist organisations had set up a relatives' search agency in Jerusalem. Dr. Jacob Hellman in Buenos Aires and Hilel Storch in Stockholm created similar offices.¹¹ When the war broke out the WJC also set up a special relief organisation in Geneva, RELICO, using it to field thousands of search enquiries and pass on money and food parcels for Jews stranded in Nazi-occupied territory.¹² Discussions began in 1943 to fund a larger-scale central Jewish registry of missing persons in the city. The

⁷ 'Missing Persons' lists, books 3, 4, 5, 17 Oct. to Nov. 1944, London Metropolitan Archives, Acc/2793/04/04/02-04 (Central British Fund for World Jewish Relief).

⁸ See e.g. the exchange of letters between teenagers in Jürgen Matthäus, with Emil Kerenji, Jan Lambertz and Leah Wolfson, *Jewish Responses to Persecution*. Vol. 3: 1941-1942 (Lanham: AltaMira Press in association with the USHMM, 2013), 70-82. For a sample of postcards sent from Theresienstadt, see also USHMM RG-14.052M (Jüdische Gemeinde Köln), reel 17.

⁹ Unsigned 'Memorandum', [?July 1946], USHMM, RG-67.011, D46-02.

¹⁰ Initially the work involved seeking relatives of Polish-Jewish refugees in Teheran, and transmitting money and food packages to refugees in Teheran and Palestine. Finkelstein report of the Refugee Relief Department of the WJC, 19 April 1943 [also marked 19 May 1943], USHMM, RG-67.011, D46-02. Its functions were transferred to the AJC Women's Division in February 1947 before being discontinued in November of that year.

¹¹ WJC, *Unity in Dispersion: A History of the World Jewish Congress*, rev. 2nd ed. (New York: WJC, 1948), 298.

¹² Gerhart M. Riegner, *Never Despair: Sixty Years in the Service of the Jewish People and the Cause of Human Rights* (Chicago: Ivan R. Dee in association with the USHMM, 2006), 75-76.

Verschollenenkartothek, or the Jüdische Zentralkartothek zur Erfassung der jüdischen Deportierten und Verschollenen (Fichier central juif) opened its doors in Geneva in June 1945, financed jointly by the Schweizerischer Israelitischer Gemeindebund (SIG), the Verband Schweizerischer Jüdischer Flüchtlingshilfen and the World Jewish Congress.¹³ The WJC's search department in London headed by Karl Baum—not the only such initiative in Britain—opened its doors on 1 March 1945, and became fully operational in the summer, later changing its name to the 'European Tracing Office' (the ETO).¹⁴ When its founders closed down the Geneva Kartothek, its files were transferred to this London office, which continued its work comparatively late, until 1955.¹⁵ On the other side of the Atlantic, a group of major relief organisations, both Jewish and non-Jewish, joined forces to form their own Central Location Index, Inc. (the CLI) in Manhattan in August 1944.¹⁶ The Joint Distribution Committee (JDC), one of its partners, maintained a whole network of location offices alongside its relief operations in European capitals after the war ended, if not earlier.

In October 1944, shortly after the CLI had gained a foothold in New York, the

¹³ 'Note über die Herstellung einer zentralen Deportierten-Karthothek' (Gerhard M. Riegner), 15 Nov. 1943, USHMM, RG-58.009 (SIG, Schweizerischer Israelitischer Gemeindebund), file 2744 (SIG-Archiv/2744); and see 'Jüdische Zentralkartothek in Genf eingestellt', *Israelitisches Wochenblatt* (20 Dec. 1946). The WJC's representative Gerhart Riegner helped initiate the service and the WJC supported the office financially. RELICO was a Geneva-based Jewish relief organisation created in 1939 as part of the WJC.

¹⁴ Finding aid, USHMM, RG-67.035M. Though the groundwork was laid at preparatory conferences in 1932, 1933 and 1934, the organisation only de facto existed from 1936. The American Jewish Congress had formed temporarily in World War I and was established more permanently in 1922.

¹⁵ The Federation of Polish Jews in Britain most likely transferred the cases of its 'Relative Search Department' to the WJC office at the beginning of 1946 as well. K. Baum, Report to Members of the National Council, WJC British Section, 1 Dec. 1945, USHMM, RG-67.011, D46-07.

¹⁶ 'Index Established Here to Locate War Refugees', *New York Times* (10 Aug. 1944), 17, on the Central Location Index, Inc.; its initial member organisations were the American Committee for Christian Refugees, the AJJDC, the Hebrew Sheltering and Immigrant Aid Society (HIAS), the International Migration Service, the National Council of Jewish Women, the National Refugee Service, Inc. and the Quakers' American Friends Service Committee (AFSC).

WJC made overtures about merging or coordinating their work. Chaim Finkelstein's Location Service at the Congress had already been up and running for two years, but with queries mounting rapidly, the general secretary of the WJC's Executive Committee (Rabbi Irving Miller) approached the president of the newly minted CLI (Moses A. Leavitt) about potentially joining forces. A letter naming WJC conditions followed. The CLI's Executive Director Etta Deutsch quickly responded, rebuffing the offer and the matter was dropped, possibly because the CLI maintained closer ties to the Joint.¹⁷ Despite these failed proposals, close ties and reciprocal assistance reigned across a myriad of small and large tracing offices, including some in eastern Europe and the Soviet Union. By late June 1946, for instance, the Jewish Kartothek office in Geneva had fostered contacts with such sister organisations as the Federation of Polish Jews in central London, the federation of Jewish organisations in Paris, the Service d'évacuation et de regroupement des enfants et familles juives (SER) in Nice and World Jewish Congress offices in Bucharest, Budapest, Buenos Aires and Stockholm. They regularly exchanged information with the International Committee of the Red Cross (ICRC), various national Red Cross groups and the Ministry of Labor and Social Protection in Prague.¹⁸

The record is less clear about how much sharing or competition existed between these and certain other initiatives. Nazi camp prisoner lists and death books became much sought after, not only by tracing operations but also the war crimes

¹⁷ [Kurt R. Grossmann], Notes Regarding Central Location, n.d., USHMM, RG-67.011, D46-04; and Unsigned Memorandum, n.d., USHMM, RG-67.011, D46-02. Leavitt (1894-1965) had been affiliated with the JDC since the late 1920s, serving as its long-time executive vice chairman when he died. Obituary, *New York Times* (26 June 1965), 29.

¹⁸ Jüdisches Zentralkarthothek zur Erfassung der jüdischen Deportierten und Verschollenen (Genf), Sekretariatsakten, 1943-1947, USHMM, RG-58.009 (SIG), file 2744; *Israelistisches Wochenblatt* (31 Aug. 1945).

investigation teams that sprang up across Europe even before the war ended.¹⁹ With some trials lasting into the late 1940s, many documents on Nazi killing and detention operations remained inaccessible for years.²⁰ Former prisoners who had managed to rescue camp or prison records were committed to publicizing Nazi crimes and passing on information about survivors and those who had been killed.²¹ At the same time, they were sometimes reluctant to relinquish stewardship over these precious records, having saved them from destruction at great risk. Some surviving Jewish camp inmates forwarded lists to the WJC via Jewish chaplains after liberation. Chaim Finkelstein's office was in contact with the Central Committee of Liberated Jews in both the U.S. and British zones of occupied Germany, as was Mrs. Wolf-Warburg of the UKSB.²² The first issue of the ITS *Catalogue of Camps and Prisons in Germany and German-Occupied Territories* (July 1949) also extended an all-purpose thanks to ex-

¹⁹ Astrid M. Eckert unfortunately did not explore this type of record in her insightful study of postwar cultural politics, *The Struggle for the Files: The Western Allies and the Return of German Archives after the Second World War* (Washington, DC: Cambridge University Press in association with the German Historical Institute, 2012). The Polish government-in-exile had already created a War Crimes Office as part of the UN War Crimes Commission in 1943 and the Armija Krajowa (Home Army) created its own courts to deal with war crimes in Poland. See David M. Crowe, *The Holocaust: Roots, History, and Aftermath* (Boulder: Westview Press, 2008), 423.

²⁰ Draft article, *HICOG Information Bulletin*, n.d. (ca. April 1951), ITS 6.1.1/0001/0370. On competition for material with war crimes investigation teams, see A.J. Wittamer (Chief, U.S. Zone Division ITS) to M. Thudichum (Director, IRO-ITS Headquarters), 26 April 1949, ITS 6.1.1/0043/0212.

²¹ The compiler of the late 1945 memo 'Documents to look for' described this activity as follows: 'Often members of concentration camps themselves took along with them lists of names from those camps as souvenirs when they were liberated from the occupied countries'. Unsigned memo, 27 Nov. 1945, ITS 6.1.1/0065/0078.

²² Chaim Finkelstein to Nehemiah Robinson, 26 Feb. 1958, USHMM, RG-67.011, D46-11. See also American Jewish Congress press release (draft), 24 Jan. 1947, USHMM, RG-67.011, D46-02; 'Digest of Report of Mrs. Wolf-Warburg', Etta Deutsch (CLI) to Moses A. Leavitt (JDC), 13 Nov. 1947, JDC on-line archives, 1945-1954 New York Collection, item 607321 (Documents\NY_AR_45-54\NY_AR45-54_Orgs\NY_AR45-54_00147\NY_AR45-54_00147_01040.pdf). On the UK Search Bureau (set up in June 1944), see Jenny Edkins, *Missing: Persons and Politics* (Ithaca: Cornell University Press, 2011), 65-66. It became a section of or affiliated with the British Red Cross's Foreign Relations Department under Miss Warner and brought together 57 affiliated organisations, including some Jewish ones.

political prisoner associations for their help.²³ But the personnel of tracing agencies could be brusque and impatient with survivors, annoyed at having to bargain for 'viewing rights' and even possession of documents. Thus, for instance, a U.S. Zone International Refugee Organization (IRO) tracing office branch complained to Roman Flohr at the CTB about two men who were still holding on to Mauthausen concentration camp death records in early 1948, asserting that one of them was 'trying to get personal advantages from the fact he detains illegally these documents'. The men in question attempted to bargain: 'My colleague is willing to work in your Tracing Office and give you his records. Working for your index we shall complete our own manuscripts. We want to publish the loss of all nationalities in the CC Mauthausen and Gusen'. Flohr informed his colleague that obtaining the records was unquestionably desirable, but only if they were surrendered unconditionally. 'We are certainly not interested in the suggestion of employment put forward...'²⁴

The frustration and even hostility in these encounters was sometimes palpable. A U.S. Zone tracing official stationed in Ludwigsburg, Germany, complained that 'problems connected with concentration camps should have been solved long time ago' in reference to Dachau concentration camp files. An international committee of ex-camp inmates had taken them over after liberation, using them for tracing purposes until the middle of 1946. However, UNRRA's Bureau of Documents and Tracing had taken 'necessary steps to liquidate' the group and take over files 'because of very unsatisfactory reports on the activities of this Committee'. The files

²³ See International Tracing Service, *Catalogue of Camps and Prisons in Germany and German-Occupied Territories, Sept. 1st, 1939 - May 8th, 1945* [1st Issue], 2 vols. (Arolsen: ITS, July 1949), 4; reprinted in Martin Weinmann, ed., *Das nationalsozialistische Lagersystem (CCP)*, 2nd ed. (Frankfurt am Main: Zweitausendeins, 1990).

²⁴ F. Przyłuski and Roman Flohr, Jan. 1948 and Aug. 1949, ITS 6.1.1/ 0072/0284-0287.

'were received from the Committee in a state of great disorder', he claimed.²⁵ The IRO's tracing organisation and its successor, the ITS, had better success with other groups of former prisoners, possibly as the latter's volume of enquiries grew unmanageable or survivors became increasingly interested in obtaining official certification of incarceration in Nazi detention sites or deportation.²⁶ Flohr mentioned to a colleague that 'the Committee of Ex-Political Prisoners (V.V.N.)' in Hamburg had in November 1947 provided a number of lists of Jewish transports to Theresienstadt. 'Would it be possible to obtain other transport lists from the same Committee', Flohr asked. 'We are particularly interested in Jewish transport lists to Minsk, Lodz, Itzbica. The number of requests for certificates of incarceration or deportation we receive here is steadily increasing and we should make every effort to complete our roster of deportees, prisoners and c.c. [concentration camp] inmates'.²⁷

UNRRA's tracing work in Europe began comparatively late, formally in November 1945. Its advent was preceded by 1944 meetings with the British Red Cross and the ICRC to discuss cooperation, as well as a short-lived SHAEF Tracing and Location Unit and a Combined Displaced Persons Executive (CDPX) initiative in 1945 (forerunners of the Central Tracing Bureau). A quadripartite agreement of the Allied

²⁵ F. Przyluski (Chief, Tracing Service, Tracing Section in Ludwigsburg) to Capt. A.H.M. van Banning (Senior Liaison Officer, Netherlands National Tracing Bureau at Arolsen), 16 Dec. 1947, ITS 6.1.1/0018/0191-0193. For a more benign account of these events, see Brown-Fleming, *Nazi Persecution*, 171-73. For a brief mention of the International Information Office (IIO) at Dachau, see also Harold Marcuse, *Legacies of Dachau: The Uses and Abuses of a Concentration Camp, 1933-2001* (Cambridge: Cambridge University Press, 2001), 66 and 429 (notes).

²⁶ On ITS statistics for such requests between 1951 and 1953, see 'Annual Report for the Year 1953', 12 Jan. 1954, ITS 6.1.1/0058/0052.

²⁷ Roman Flohr (Chief, ITS headquarters) to Mr. W. Lee (British Zone Division, ITS, 922 Area Team), 2 April 1948, ITS 6.1.1/0073/0389. It is unclear how Flohr understood such 'completion' and when and whether he and other occupation officials decided to steer clear of the VVN, which in western Germany was increasingly perceived as a Communist front organisation; see Jeffrey Herf, *Divided Memory: The Nazi Past in the Two Germanies* (Cambridge, Mass.: Harvard University Press, 1997), 281.

Control Council followed on 17 September 1945.²⁸ As Allied troops advanced through Italy and beyond, the military's civil affairs branch facilitated cooperation with agencies undertaking civilian tracing (in part the British Red Cross). However, such tracing arrangements stalled in occupied Germany, catching the military command and other officials unprepared for the volume of requests.²⁹ The ICRC, which had traditionally dealt with soldiers and POWs, had set up a separate section in 1943 to facilitate contacts between dispersed families and was poised to serve as the central tracing agency for civilians in Germany in the summer of 1945. However, its role was abruptly curtailed by military authorities.³⁰ In her historical reconstruction of location services in the immediate postwar, Jenny Edkins has concluded, 'Tracing missing persons and reuniting families were not the prime motivation of the official [military] services... [P]riorities, particularly those relating to repatriation, made it almost inevitable that the military and UNRRA, as an intergovernmental body, would take control of tracing services, sidelining both the International Red Cross and, to a lesser extent, the British Red Cross too'.³¹ A Central Tracing Bureau and records office under UNRRA would subsequently acted as a clearing house for national and zonal tracing efforts in Germany and Austria, but left the question of German civilian tracing requests untouched.³² UNRRA's CTB also ultimately sent a substantial number of cases involving missing Jews on to the Jewish tracing services, be it because of language

²⁸ For a time line, see 'International Tracing Service', ca. 1951, ITS 6.1.1/0001/0329-0331, and 6.1.1/0001/0367 on the Control Council's quadripartite agreement, 17 Sept. 1945, CORC/P(45)54. Memo, Kurt R. Grossmann to the members of the Office Committee, 26 April 1945, citing letter from Fred K. Hoehler (Director DP Division, UNRRA) to Grossmann, USHMM, RG-67.011, D46-04. On Hoehler's previous wartime postings, see George Woodbridge's *UNRRA*, Vol. 3 (New York: Columbia University Press, 1950), 6. UNRRA itself was superseded by the IRO in 1947, but the CTB carried on as part of the IRO.

²⁹ Edkins, *Missing*, 66-67.

³⁰ *Ibid.*, 64.

³¹ *Ibid.*, 65.

³² They were excluded and would in part fall to the German Red Cross.

barriers or because they offered a last resort in queries where the prospects for a resolution had grown undeniably dim.³³ CTB officials such as Colonel John B. Bowring evidently for some time pushed the British Red Cross office—doubling as the national tracing bureau for the UK—to designate an agency as the country's official Jewish Tracing Bureau, for failure to do so 'is mainly the reason why enquiries concerning Jews are often badly channeled and causes the frequent delay between the date of enquiry and the time when the reply reaches the enquirer'.³⁴ And when one of the national tracing bureaux under the UN's CTB umbrella, the 55th British Search Bureau in Göttingen, closed its doors at the end of 1946, its officials suggested 'that enquiries for the British Zone, be handled as much as possible, direct with the German Authorities, Jewish Communities and the Hamburg Search Bureau No. 57'.³⁵

It remains unclear whether the Jewish communities and organisations that received some of these cases viewed them as overdue recognition of their superior tracing skills and better networks or a poisoned chalice, an offloading of unsolvable cases. In his summary for location work in 1946, Chaim Finkelstein chose to put a positive spin on such transfers, lamenting the slowness of the tracing machinery of Jewish groups in Europe ('much behind the demand of American Jewry to search for their kin'), whilst also criticising the non-Jewish organisations to which many American Jews first turned: 'These agencies were not in the least prepared to handle Jewish inquiries and, in many cases, the International Red Cross in Geneva, the American Red Cross, various UNRRA teams and others, transferred their Jewish inquiries to the

³³ The ITS nonetheless continued to pursue some 'desperate cases' in the late 1940s.

³⁴ Col. J.R. Bowring to S.J. Warner, 7 Nov. 1946, ITS, 6.1.1/0019/0475-0476.

³⁵ 'Closing down of the 55th British Search Bureau, Göttingen', memo fragment (extract from historical surveys), ITS 6.1.1/0033/0383.

Location Service of the American Jewish Congress'.³⁶ Such requests to the New York office continued into 1947, with further queries arriving from the American Red Cross, along with Jewish clients 'whom they are unable to accommodate at all'.³⁷ UNRRA's Central Tracing Bureau in Europe followed suit in June 1947, transferring some 24,000 unsolved enquiries about Jewish missing persons to the European Tracing Office of the WJC in London; the UN official Roman Flohr described these enquiries as 'by nature... one of the most difficult problems to be solved in the tracing program'.³⁸ ETO spokesman Karl Baum ventured that the transfer had occurred because the WJC, 'with its well organised activities and widespread contacts with the Jewish people may be in a better position to obtain results'.³⁹ What were those results?

Bad Numbers

It is difficult to determine retrospectively which of these agencies received the highest number of requests. Their statistical reporting often proved very cautiously worded, perhaps to downplay their rate of unsolved cases. The numbers announced for the WJC search departments were not always consistent or clear. The Geneva Kartothek staff had 'solved' what one contemporary news story rather vaguely deemed 'thousands' of cases by the time it closed its doors and transferred its remaining files to the WJC at 55 New Cavendish St., London W1. Chaim Finkelstein rather nebulously

³⁶ Chaim Finkelstein, 'Report on the Activities of the Location Service for 1946', 24 Jan. 1947, USHMM, RG-67.011, D46-02. His conclusion was echoed in an early history of the WJC, which concluded that the non-Jewish organizations providing tracing services 'were neither ready nor equipped to handle Jewish searches' and often referred Jewish requests to WJC Location offices. See WJC, *Unity in Dispersion*, 299.

³⁷ 'A Short Survey of the Activities of the Location Service as of May 1, 1947', USHMM, RG-67.011, D46-02.

³⁸ Draft letter, R. Flohr to Miss Warner, ca. 1 July 1947, ITS 6.1.1/0019/0495. It is difficult to ascertain exactly why the CTB made this transfer.

³⁹ K. Baum, 'A World-Wide Search Continues: Six Years of the Victims of Nazism', *Zionist Review* (London, Narod Press, n.d. [ca. 1951]), 129-31, USHMM, RG-67.011, D46-011.

reported for an overlapping but longer period that the New York office's files contained 400,000 registered displaced persons (DPs) and survivors.⁴⁰ An additional 15,000 visitors had also visited the Location Service offices in New York, although it is unclear if they had been precisely tallied or included in any of Finkelstein's counts.⁴¹ Some of these figures were later revised, as in a 1958 letter from Finkelstein to Nehemiah Robinson, director of the Institute of Jewish Affairs; Finkelstein retained the number of 400,000 for the roster of 'indexed' survivors, but now suggested that over 150,000 enquiries (rather than the 200,000 reported earlier) and over 50,000 visitors had been received in the New York office.⁴² When the CLI in New York closed its doors in May 1949, its staff reported processing location appeals for 750,000 persons, employing 75 trained researchers (presumably over five years) and acquiring 1,200,000 file cards on individuals.⁴³ The numbers proffered by these different agencies and offices, all plausible, were simply not comparable. For instance, by the end of 1946 a large percentage of the WJC/AJC Location Service requests in New York had become enquiries coming *from* Europe, survivors requesting addresses for kin in the United States rather than information on missing victims of Hitler's war.⁴⁴ Tracing figures were also skewed by the bundling of requests in many of the enquiries. In his recapitulation of activities of the location service of the WJC/AJC, refugee activist Kurt Grossmann pointed out, 'The letters, of course, contain not only one name but

⁴⁰ The New York office went into operation in late 1942. [Finkelstein], 'A Short Survey of the Activities of the Location Service as of May 1, 1947'.

⁴¹ See e.g. press release (American Jewish Congress letterhead), 24 Jan. 1947, USHMM, RG-67.011, D46-02.

⁴² Chaim Finkelstein to Nehemiah Robinson, 26 Feb. 1958, USHMM, RG-67.011, D46-11.

⁴³ '50,000 DPs Traced. Agency Ends Work', *New York Times* (12 May 1949), 8.

⁴⁴ See e.g. Chaim Finkelstein, Report on the Activities of the Location Service for 1946, 24 Jan. 1947, USHMM, RG-67.011, D46-02. By the end of 1946 his office had gotten 2,900 requests—only one-fifth of all requests—to locate relatives in Europe, but 13,160 requests from Europe to locate relatives in the United States.

sometimes fifteen to twenty names'.⁴⁵ Chaim Finkelstein confirmed this in one of his quarterly reports, writing that almost all enquiries from people in the U.S. attempting to locate relatives in Europe 'contain more than two names'.⁴⁶

Even taking mitigating factors into account, the files of the JDC and other tracing offices provide some indication of just how spectacularly high the failure rate for Jewish missing person searches were and remained. These dismal figures demand comment.⁴⁷ Back in June of 1943 Chaim Finkelstein ventured 'there is the likelihood that the devastating reports of complete extermination which have been reaching us may be grossly exaggerated and we must therefore be prepared, THE VERY DAY THAT THE WAR IS ENDED, to institute a search for those people whose names we will by that time have accumulated'.⁴⁸ By the time he was reporting on his office's achievements after the war ended, however, the assessments seemed more sanguine. One out of every three enquiries received during 1946 'was successfully closed', WJC officials reported.⁴⁹ Finkelstein pronounced rather defiantly, 'Just to illustrate what we have achieved... let it be said that in their report for the month of December, 1946, UNRRA informed that they succeeded in locating 266 persons; our Location Service

⁴⁵ Kurt R. Grossmann, 'Rescue and Relief Work of the World Jewish Congress', *The Jewish Social Service Quarterly* (Sept. 1946): 24.

⁴⁶ Report of the Incoming Mail to the Location Service for the Month of April, 1947, USHMM, RG-67.011, D46-02.

⁴⁷ Recent in-house statistics from the Holocaust Survivors and Victims Resource Center at the USHMM covering its operations from opening in December 2007 to the end of February 2016 are instructive; of the 'total number of requests received' (26,341), the 'Total number of cases with information found' was 12,864, or 49%. The Center relies heavily on ITS records. Personal communication, D. Afoumado.

⁴⁸ Chaim Finkelstein, Report of the Refugee Relief Department of the WJC, 7 June 1943, his emphasis, USHMM, RG-67.011, D46-02. The Congress had already publicised mass Nazi atrocities against the Jews; see account offered by George Garai, ed., *40 Years in Action: A Record of the World Jewish Congress, 1936-1976* (Geneva: WJC, 1976), 14.

⁴⁹ See e.g. press release (American Jewish Congress letterhead), 24 Jan. 1947, USHMM, RG-67.011, D46-02. On the 1946 figures, see also '20,000 Missing Jews Located Last Year', *New York Times* (30 Jan. 1947), 5. On Finkelstein, see www.jta.org (issue for 13 Nov. 1939); USHMM, RG-15.151 (legacies and papers of Chaim Finkelsztejn).

office in New York located 383 persons during the same month of December'.⁵⁰ He also reported that his office had received '10,100 letters' between 1 January and 30 April 1947, and succeeded in locating and reuniting 1,985 relatives.⁵¹ Put bluntly, these figures suggested a less than 20 per cent success rate. In a look back from 1958, the numbers seem no better, some 25,000 families were known to have been reunited between 1942 and 1948 by his office out of over 150,000 enquiries received and over 50,000 office visits.⁵²

A further indicator of paltry success rates came from the location clearinghouse CLI in New York, whose administrators had voiced caution about the odds for success from the outset. Ella Deutsch, the first executive director, suggested in September 1944 that the Index was facing a two-year job, telling the press that searches might take 'several months to a year. In many instances... deaths in concentration camps meant that information about missing persons never would become available'.⁵³ Reporting on its work in the spring of 1947, the director (by then Caroline Flexner) announced that of the million European refugees and displaced persons whose names were filed with the CLI, some *15 to 20 per cent* were reunited with families or relatives in the United States, Canada and South American countries. On a more positive note, she suggested that match-ups had improved over the 1945 rate.⁵⁴ By the time the office closed in May 1949, CLI operations had expanded to

⁵⁰ 'Report of the Activities of the Location Service', 3 Sept. 1947, USHMM, RG-67.011, D46-02. The figures 266 and 383 are slightly illegible in the original.

⁵¹ 'A Short Survey of the Activities of the Location Service as of May 1, 1947'.

⁵² Chaim Finkelstein to Nehemiah Robinson, 26 Feb. 1958, USHMM, RG-67.011, D46-11.

⁵³ 'Two-Year Job Expected by Agency Here in Finding Europeans Dislocated by the War', *New York Times* (13 Sept. 1944), 5.

⁵⁴ 'Refugees Aided in Search for Kin. Location Index here United 15% of 1,000,000 listed DP's with their Families', *New York Times* (22 April 1947), 9. Like the Central Tracing Bureaux in Germany and Austria, the CLI drew information from camp records, official sources, private enquirers and displaced persons.

include eight member agencies and continued to cooperate closely with tracing offices in occupied Germany and Austria (by then the International Tracing Service, ITS). At this point CLI Index representatives reported finding 50,000 persons in postwar Europe for relatives all over the world (40,000 alive and the rest dead or deported) in the course of its five years of work, in response to some 750,000 location appeals.⁵⁵

Showing a brave face, Karl Baum in December 1945 similarly informed officials at his agency that the British search department's endeavours to re-unite Jewish families separated by the war 'have met with satisfactory results'.⁵⁶ He too offered a blizzard of numbers: of the 24,629 people traced in the three years ending in 1947, 20,999 were survivors and 3,630 were 'death tracings'.⁵⁷ But the office had reportedly dealt with 275,000 enquiries from relatives of missing persons by this date.⁵⁸ By 1955 an article in the UK's *Jewish Chronicle* reported that an estimated 130,000 displaced or missing Jews 'have been traced or their fate established' by the WJC's ETO in London.⁵⁹ Even at that date the rate of enquiries stood at nearly 1,500 in the past year, 'which resulted in the tracing of nearly 500 persons'. The ETO's function had clearly shifted somewhat, increasingly serving to support applications of claims under the new West German indemnification law, but its inability to find many missing Jews or clear information on their fate remained pronounced. Baum, the long-time director of the London office, told the newspaper that their success was 'modest in proportion to the immense tragedy in Hitler's Europe' but had been obtained through careful

⁵⁵ '50,000 DPs Traced', *New York Times* (12 May 1949), 8.

⁵⁶ Baum, 'Report to Members of the National Council, WJC British Section, 1 Dec. 1945', USHMM, RG-67.011, D46-07.

⁵⁷ File note (typescript), 'Up to December 31, 1947...', 15 March 1948, USHMM, RG-67.011, D48-07.

⁵⁸ Press release, 'World Jewish Congress aids Jewish Agency Reconstruct...'

⁵⁹ 'Tracing Victims of Nazism: 500,000 Inquiries Handled by London Office', *Jewish Chronicle* (4/3/1955).

planning.

One of the most detailed accounts of the search agencies' difficulties came from the head of the Location and Search Department of the JDC in Warsaw, Mrs. Bertha Mandel, who began sending statistical logs to the organisation's Paris Location Service headquarters at monthly intervals in March 1947.⁶⁰ Her staff included a manager and eleven assistants and office staff, who maintained a names index and regularly published the names of all the people being sought in ads in both Yiddish-language and Polish-language newspapers or journals (*Dos naje leben*, a weekly, and *Nowe Zycie*, a monthly publication in the Lower Silesia region).⁶¹ Mandel suggested that these and radio broadcasts of lists had generally been the most effective tracing tool; publications containing name lists also circulated in a number of DP camps.⁶² Even with fairly well-organised outreach efforts and extensive contacts around the world, the JDC office in Warsaw faced terrible odds in the search for missing Polish Jews.⁶³ Between April 1947, when monthly statistical reporting became routine for the office, and September 1948, for instance, the number of 'no information' cases rarely dropped below 80 per cent. (Only in November 1947 did those numbers fall to just over 73 per cent). But unsolved cases also sometimes exceeded 90 per cent (as in April

⁶⁰ The request for statistics was issued as 'Location Service Survey', Location Memorandum No. 82 (4 March 1947), JDC on-line archives W_4549_159_0295.

⁶¹ Bertha Mandel, Search Report B/17385/03809/768, AJDC Warsaw to AJDC Paris Location Service, 21 April 1947, JDC on-line archives, W4549-151_0525.

⁶² See e.g. K. Baum, 'A World-Wide Search Continues'. Jewish tracing agencies were using newspaper and radio outreach everywhere. See 'Report on the Activities of the Location Service for 1946', and 'Report of the Incoming Mail for the Month of April 1947'. Sending out lists of refugees seeking relatives to the Yiddish daily press in the United States, Canada, Mexico, Argentina and elsewhere had already begun by 1943. See Finkelstein, 'Report of the Refugee Relief Department of the World Jewish Congress', 19 April 1943 [or 19 May 1943], All in USHMM, RG-67.011, D46-02.

⁶³ After the 'location' column of Radio i Swiat was discontinued the JDC office forwarded such queries to the Polish Red Cross. See JDC on-line archive, Bertha Mandel Search Report B/17385/03809/768, W4549-151_0525.

1948).⁶⁴

Tracing Failure

Why was the rate of finding Jewish missing persons so dismal, success so elusive? The answer is not at all obvious. With hindsight we know that the sheer number of people captured, deported and killed made the task of finding all the missing next to impossible. Information about mass Jewish death in continental Europe had been circulating amongst Jewish aid organisations since the middle of the war.⁶⁵ But search agencies did not dwell on this information and instead pressed ahead with their work. Many factors came into play, making their task potentially limitless. Although not directly relevant to the rate of resolving cases, tracing experts speculated that the volume of enquiries was initially artificially high because of the shutdown of the German postal system until late 1945 or early 1946. The formidable Miss S.J. Warner, director of the Foreign Relations Department of the British Red Cross Society, proved to be the most optimistic about rationalising the search process and obtaining rapid results. She even suggested to a SHAEF official in mid-September 1945, 'Once Postal Services to the outside world are re-established in Germany, a great many of the tracing enquiries will not be necessary. In other words, the Zonal Bureaux in Germany will receive a great many enquiries because people cannot write to the one address they know. I do not think this fact can be emphasised too much when tracing is being

⁶⁴ The total number of cases in spring 1947 through 1948 listed each month ranged from 1,231 to over 3,000. Monthly Statistical Reports, Search Department AJDC in Warsaw, JDC on-line archives, W_4549_159_0332 ;W-4549_117_1019; W_4549_118_0970; W-4549_119_0164; W_4549_103_0678; W-4549_103_0681; W_4549_151_689; W_4549_121_0928; W-4549_122_0675; W-4549_123_0173; W_4549_103_0684; W-4549_103_0905; W-4549_103_0690; W_4549_125_0006; W_4549_127_1094; W_4549_127_1091.

⁶⁵ See e.g. J.W. Pehle, War Refugee Board, Washington, DC, to Nahum Goldmann, WJC (NYC), 21 Nov. 1944, USHMM, RG-67.011, D58-08.

discussed'.⁶⁶ In addition, some national tracing teams in Europe carried the burden of looking not only for civilian missing persons, but MIAs and POWs who had not returned. When Col. J.R. Bowring of the Search Bureau of the Control Commission for Germany (BAOR) issued general instructions to his tracing officers in early September 1945, he enjoined them to trace and search for both military and civilian missing persons of the United Nations.⁶⁷ The addition of missing soldier searches would clearly have tested the limits of agency resources.

Tracers regarded survivor eyewitnesses as valuable resources, but at times they also seemed to make the search project more rather than less complicated. Bertha Mandel of the JDC tracing office in Warsaw pointed to other difficulties: 'Due to the specific conditions and circumstances of the small remainder of Jews, who are constantly moving from place to place and owing to the fact, that only very few members of entire families survived, as a consequence of marriages taken place in the meantime, certain persons must be sought under other names than those under which they lived before the war'.⁶⁸ Finkelstein of the AJC location service concurred that Jewish survivors on the move, constantly going 'from [one] town to another and from one country to another in Europe' looking for relatives, were skewing their

⁶⁶ S.J. Warner to Col. A.H. Moffitt, Jr., SHAEF's Combined Displaced Persons Executive (G-5, U.S. Army), 12 Sept. 1945, ITS 6.1.1/0015/0244.

⁶⁷ J.R. Bowring, General instructions for all Officers in tracing and search, 10 Sept. 1945, Search Bureau, Control Commission for Germany (BE) BAOR, ITS 6.1.1/033/0224. Some teams, such as the French and Polish national bureaux, also organised exhumations (probably to some degree of military personnel), while the British Red Cross did not. Bowring commented to Miss Warner in late 1946, 'To send you a list of all stateless and Jewish names, or names of persons who have no country of origin to which they intend to return, would entail an excessive amount of work...' Without an official agency designated as the official Jewish Tracing Bureau, 'Jew are often badly channelled and [it] causes the frequent delay...' See J.R. Bowring to S.J. Warner, 7 Nov. 1946, ITS 6.1.1/0019/0475-0476.

⁶⁸ Bertha Mandel, Search Report B/17385.

statistics.⁶⁹ And in a March 1948 discussion F. Przyluski, a U.S. Zone tracing official, suggested to Maurice Thudichum, director of the newly established umbrella organisation ITS in Arolsen, that search agency statistics were distorted because 'enquirers will always write to all agencies they know, in the hope that one of the Agencies will give them better and quicker service'.⁷⁰ Added to this, agencies often did not hear from enquirers who actually managed to find someone they were seeking.

Thudichum complained to Etta Deutsch at New York's CLI on 25 October 1948,

One of the reasons, why our work so much slows down, is that we carry a very heavy load of cases which have a long time ago been solved and the enquirer has not advised us accordingly. Over and over again we come across cases on which a considerable amount of work has been done in the last couple of months and we discover by contacting the enquirer that a long time ago he has found the missing person.⁷¹

Still, collecting information from survivors about what they had endured and whom they had seen remained a major objective. Missing person lists were published week after week in diverse newspapers and broadcast on the radio and at DP camps. Tracing officials must have discovered quickly that eyewitnesses for many known camps and prisons were in very short supply: thus, for instance, many of the entries appearing in the International Tracing Service's first published catalogues (1949/1950)

⁶⁹ Finkelstein, 'Report on the Activities of the Location Service for 1946', 24 Jan. 1947, USHMM, RG-67.011, D46-02. And for a similar commentary from the British Zone tracing branch about DPs: Draft History of the International Tracing Service 1945-1951, ca. 1950-1951, ITS 6.1.1/0001/0243. On people moving from DP camp to camp looking for relatives, see Edkins, *Missing*, 50-51.

⁷⁰ He argued that channeling of enquiries to particular offices 'will be very difficult to enforce, not only because DPs will not always take our advice, but because there are Tracing Bureaux and Agencies, who will always by-pass the officially established Tracing Bureaux'. See F. Przyluski to M. Thudichum, 1 March 1948, ITS, 6.1.1/0093/0299-0300. On Maurice Thudichum, see obituary, *International Review of the Red Cross* (Geneva, July 1961), 203-04; he began working for the ICRC in the British section of the Central Prisoners of War Agency and continued working for Geneva until his 1948-1951 work at Arolsen for the ITS ('which was later to be entrusted to the ICRC'). He continued international work for the ICRC almost until his death.

⁷¹ He wrote that it was bad for staff morale. Thudichum to Deutsch, 25 Oct. 1948, ITS 6.1.1/0093/0527-0528.

list only a single 'former inmate' as the source for sometimes major detention sites. Even where witnesses existed in some places, extracting information proved difficult. Some tracing experts suggested in retrospect that 'many of those who survived the Nazi occupation were, after years of incarceration, in no position to give details of their relatives, origin, etc'.⁷² In a 'medical report' requested on the Sandbostel camp in northwestern Germany, which had held a range of different prisoners, personnel from BAOR's 55 Search Bureau in Göttingen attempted to give a reason 'for the high percentage of negative replies to [post-liberation] enquiries received particularly as to where the [missing] person is'.⁷³ A chaplain in situ offered a catalog of reasons, including the fact that 'The patients in their weak state would very often change beds'. Many were too impaired by illness to communicate clearly, even without the difficulty of finding a shared language.⁷⁴ Those prisoners who died, even POWs, often landed in mass graves, impervious to identification efforts.⁷⁵

The major tracing agencies sought to improve on their poor showing by

⁷² 'Tracing Victims of Nazism' (4/3/1955).

⁷³ 'Report on search for missing persons of Sandbostel Camp - 55 Search Bureau Göttingen, BAOR', by Miss I. Hilliers, BRCS, attached [to the] Search Bureau/PW & DP Division/CC for Germany (BE)/BAOR, 18 July 1946, ITS 1.1.13.0/0002/0069-72.

⁷⁴ The local German civil registry office had also not received regular notification of the dead or details of burial. Somewhat absurdly, the Allied compilers of the Sandbostel camp report placed some hope in recovering information not only from mass graves, but from diving operations 'now taking place' and recovery of documents in boxes on board several ships sunk in Neustadt Bay (Cap Arcona, Thielback and Athen); see ITS 1.1.13.0/0002/0072. On the situation at Belsen, e.g. *British Zone Review* (13 Oct. 1945), 1-5.

⁷⁵ On the failure to identify bodies at an exhumation at Penal Camp II Schendorfer Moor (Emsland camps) in February 1946, see Emsland Penal Camps (confidential copy), The Herold Case, 15 March 1946, ITS 1.1.34.0/0001/0270; and see discussion of American and Allied soldiers buried in Heilbronn (May 1946): 'The register of deaths [in the Heilbronn civil registry] fails to disclose whether any Displaced Persons or soldiers are involved so that the distinction between soldiers and civilians proves to be impossible'. Kielwein [Heilbronn Registrar] to Herrn Oberbürgermeister, 14 May 1946, ITS 1.1.29.0/0005/0120. See also local questionnaire reports sent to the British Zone Division tracing office (Göttingen) on the (anonymous) burials of dead prisoners from a death march: ITS 5.3.3/001/0001/0043-0044 (March 1947). Graves rechecking proved 'an unpleasant duty few Tracing officers did... in preference to the more glamorous Tracing'; see A.J. Wittamer to M. Thudichum, 26 April 1949, ITS 6.1.1/0043/0212.

overhauling office and search procedures several times in the first years after the war, creating new reporting and indexing systems.⁷⁶ Some operations such as the national Red Cross offices—with the experiences of the World War I missing behind them—had already long worked to refine their search techniques.⁷⁷ Agencies gradually redesigned their forms, publicity posters and response procedures to reflect the mountain of material and enquiries that had come in. Miss Warner, the British Red Cross official responsible for organising much of the British tracing effort in occupied Germany, was appalled by the slowness of UNRRA in setting up its tracing system and, later, the inefficiencies of the CTB system.⁷⁸ She pushed her UNRRA colleagues to introduce special mechanical filing machines used by the International Red Cross in Geneva but failed, also failing in her attempt to centralise long-term tracing operations under the Swiss ICRC rather than a German ITS roof.⁷⁹ As the number of enquiries appeared to decline a bit over the course of 1946, the World Jewish Congress also felt some pressure to centralise and streamline ('rationalise') search efforts by simply shutting down the tracing office in Switzerland (at the end of the

⁷⁶ On AJDC's revised procedures for tracing persons in Europe, see Location Memorandum no. 189 (10 July 1947), JDC G45_54_SM_046_0530.

⁷⁷ Mrs. Hilda Pickard-Cambridge, 'Chief Searcher for Surrey', scrapbook, British Red Cross Society archives, 2305/4.

⁷⁸ See e.g. S.J. Warner (War Organisation of the BRCS and Order of St. John of Jerusalem) to Lieutenant-Col. E.M. Hammer (War Office Civil Affairs, DP Branch, WC2), 20 July 1945, National Archives of the United Kingdom (hereafter NAUK), FO 945/557.

⁷⁹ Extract from historical survey of the ITS, in ITS 6.1.1/0015/0008; S.J. Warner to M. Duchosal and Dr. Thudichum, both 1 July 1946, ITS 6.1.1/0019/0454, 0456-57. For Warner's arguments on placing the CTB outside Germany, see also her letter to Thudichum, 19 Dec. 1947, ITS 6.1.1/0019/0510-0511. In a 1944 draft memo on the tracing and registering of displaced persons and refugees she appears to have pushed London as the best venue. Draft memo, 6 Jan. 1944, ITS 6.1.1/0061/0092-0094. On the British Red Cross (BRC) search operation and its personnel under Warner, see Edkins, *Tracing*, chapter 3, esp. 71-72, 80. Edkins points to Warner's misgivings about the CTB organization and argues, perhaps too vehemently, that bodies such as the BRC and highly experienced women such as Warner were largely sidelined in the German tracing realm to make way for other political and military objectives.

year) and moving the remaining files to London.⁸⁰ The UN's Central Tracing Bureau in western Germany centralised and de-centralised its structure at several points, despite auspicious beginnings. The press had lauded the methods introduced by such figures as Col. Bowring, who was initially heralded for keeping his UNRRA department 'humming' and establishing a 'meticulous routine' for all enquiries toward the end of 1945.⁸¹ But subsequent innovations produced some confusion amongst co-workers and enquirers alike about where to route requests. The Central Tracing Bureau abruptly stopped accepting individual tracing enquires in 1947, transferring them all to the national tracing bureaux. But the decision coincided with the virtual end of the British Red Cross's UK tracing service (on 31 May 1947), leaving some 16,000 cases unprocessed.⁸²

Ultimately, even where they may have appeared 'inefficient', most of the national tracing bureaux indisputably worked with fierce commitment, marshaling masses of helpers and setting up shop in numerous European cities. The London tracing office of the WJC, for instance, pursued its task with Stakhanovite persistence, tapping the energies of up to as eight hundred volunteers in 1945-1946, many transcribing camp and death list information in their spare time for 'Operation Relief Homework'. In its peak period, that office also employed twelve paid staff.⁸³ All these extra hands still did not translate into a positive outcome. The Nazis' treatment of the

⁸⁰ Gerhart M. Riegner (WJC, New York) to Dr. Georges Brunschvig (SIG in Bern), 22 Oct. 1946, RG-58.009M, file 2744, frames 89-90 (Jüdische Zentralkartothek).

⁸¹ 'UNRRA Base Lists Europe's Missing: Stopped Short of his Goal', *New York Times* (20 Dec. 1945), 4. By the autumn of 1947, the CTB was discussing a return to 'centralised tracing' again. See Roman Flohr to Etta Deutsch, 18 Sept. 1947, JDC on-line archives, NY AR194554 / 2 / 4 / 10 / 1543 (item ID 607342).

⁸² S.J. Warner to M. Thudichum, 2 March 1948, ITS 6.1.1/0019/0515. The files were were damaged in storage, so the BRC subsequently destroyed them. S.J. Warner to M. Thudichum, 22 Nov. 1948, ITS 6.1.1/0019/0529.

⁸³ 'Tracing Victims of Nazism' (4/3/1955).

Jewish dead deeply impacted the success rate of the tracing services and stymied the as yet limited understanding by tracers and many survivors of where most of the killing of Jews had taken place.

Unrecorded Death

Where did tracing officials look for answers? Their focus and pursuit of documentation gives some indication of how they understood the workings of Nazi control over Europe. Jewish agencies appear to have heavily relied on the circulation of survivor lists and word of mouth, while those national and UN tracing bureaux operating through the Allied military occupation administrations had more leeway to perform fieldwork in places such as Germany, Austria, Czechoslovakia and Poland. Clues about field operations survive from the UN's Central Tracing Bureau in particular. A few months before he took over UNRRA's newly formed Central Tracing Bureau in late 1945, Col. J.R. Bowring (then still with the BAOR search bureau in occupied Germany) suggested a whole host of places to look and pursue enquiries.⁸⁴ His instructions for tracing officers detailed exhaustively where to cast a dragnet for missing persons, alive or dead.⁸⁵ Clues, he suggested, might be found in hospitals, police records, cemeteries and orphanages, as well as in prisons or former concentration camps. (Searches by UNRRA for children, many of whom had been kidnapped for 'Germanisation', had followed a slightly different trajectory and emphasised different

⁸⁴ He took over the UNRRA office in Hoechst in December 1945 - UNRRA Base Lists Europe's Missing: Stopped Short of his Goal', *New York Times* (20 Dec. 1945), 4.

⁸⁵ J.R. Bowring (Search Bureau, Control Commission for Germany [BE], BAOR), General instructions for all Officers engaged in tracing and search, 10 Sept. 1945, ITS 6.1.1/033/0223-0226.

source material.)⁸⁶ On the one hand, Bowring's injunctions were impressive for encouraging personnel to think through the way stations of Nazi-era detention, deportation and even death. In cases where information was very meager, officers were expected to contact all those who may have had contact with the missing: possible friends, priests, prison guards and even the resistance. Where the missing person had been in a 'convoy', the guidelines spelled out, 'the search should start at the point of departure and follow every step of the route'. Instructions for arranging for exhumations were also included. Officers were encouraged to collect not only personal effects, but all kinds of detention records (in part anticipating future compensation claims).

On the other hand, Bowring seemed to understate the difficulties posed by the search for mass graves to an almost absurd degree: 'In some cases the identity of the person buried will be clearly established; in other cases an element of doubt will exist, whilst in further instances mass graves will be discovered, and the greatest difficulty experienced in obtaining, even after exhumation, any evidence of the identity of the bodies concerned'. Whether due to inexperience or undue optimism, his instructions suggest an imagined orderliness that hardly corresponded to the reality of mass graves in fields and woods, roadside 'death march' executions and in so many other places, the casual and cavalier disposal of prisoners and forced labourers' bodies. Bowring was not alone in his optimism or naiveté about identification of the dead.⁸⁷

⁸⁶ Here the UNRRA-IRO figures for 1945 to 31 Aug. 1950 indicate 20.6 per cent 'enquiries solved (all children, including Jewish) and 22.6 per cent 'solved' for Jewish children between 1945 and 31 August 1950. Statistics on Missing Children, 1951, ITS 6.1.1/0001/0295. On competing demands on tracing officers for children's cases, see typescript draft study, 'History of the International Tracing Service 1945-1951', 1951, ITS 6.1.1/0001/0243.

⁸⁷ See 1 May 1945 memo, 'Burial of Victims of Nazi Atrocities', AC 293-GNMCU (NARA, RG-407, 103-0.18), cited in Randall Hansen, *Disobeying Hitler: German Resistance after Valkyrie*

To state the obvious, the problem was hardly confined to western Allied occupation officials. In one case of many, officials at the Control Council for Germany learned, for instance, of the obstacles confronting a 1947 War Crimes Commission in Poznan investigating the German prison 'Slonk'. Its personnel had been unable to find any surviving witnesses or documents. Although they determined that many prisoners had been murdered there on the night of 30-31 January 1945, and uncovered the location of their 'two big graves', they found it impossible to determine the victims' names or nationality, or even a strict number of those shot.⁸⁸

Search practices on the ground fell far short of Bowring's ambitious agenda, even with the most determined volunteers and staff in place. We lack information about what training commonly took place and how it evolved. The British Red Cross Society, which had years of carefully charted procedure, lent a hand at some junctures.⁸⁹ Further written checklists of good practices followed Bowring's missive: a 27 November 1945 document circulated within UNRRA suggested 'what [records] to look for'.⁹⁰ Were Bowring's injunctions widely heeded? We can deduce that his instructions did have some impact from the breathtaking number of Nazi detention

(Oxford: Oxford University Press, 2014), 403n59 (on Eisenhower's orders to disinter, collect and rebury concentration camp victims).

⁸⁸ J. Gumkowski (Polish Military Mission to Control Council for Germany/Consular Section), 1 Dec. 1947, ITS 6.1.1/0090/0208. They no doubt meant the Sonnenburg - Słonsk prison, where the SS massacred over 800 prisoners in late January 1945. See Martin Weinman, ed., *Das nationalsozialistische Lagersystem* (CCP), 2nd ed. (Frankfurt am Main: Zweitausendeins, 1990), 268. See also the entries on the prisons in Słomsk, in Czesław Pilichowski, ed., *Obozy hitlerowskie na ziemiach polskich 1939-1945: informator encyklopedyczny* (Warsaw: PWN, 1979), 457; Nikolaus Wachsmann, *Hitler's Prisons: Legal Terror in Nazi Germany* (New Haven: Yale University Press, 2015), 332-33.

⁸⁹ See scrapbook of Mrs. Pickard-Cambridge (Surrey), RCUK. On instructions given to those who gathered testimonies in Poland for the Central Jewish Historical Commission, see Eleonora Bergman, 'Early Accounts of Survivors: The Records of the Central Jewish Historical Commission at the Jewish Historical Institute in Warsaw', in *Freilebungen. Überlebende - Erinnerungen - Transformationen*, Vol. 2, eds. Rebecca Boehling, Susanne Urban and René Bienert (Göttingen: Wallstein, 2013), 140, 144.

⁹⁰ See unsigned memo, 'Documents to look for', 27 Nov. 1945, and List No. I, 30 Nov. 1945, in ITS, 6.1.1/0065/0077-0079. Its source is not wholly clear.

sites identified by some of the tracking officials connected with the United Nations; they were listed in thick printed ITS catalogs of camps and detention sites, the first appearing in 1949/1950. In tandem we also find a paper trail of Allied military government representatives systematically and exhaustively contacting towns and hamlets throughout their occupation zone in Germany, struggling to compile a record of known graves of foreigners who died during the war and on death marches.⁹¹ Jewish agencies had fewer opportunities, though as this chapter has shown, Jewish community staff members were quite willing to do critical research legwork. The JDC too developed procedures—less elaborate—for its far-flung location offices and field researchers, even issuing special memos such as the one Irwin Rosen (director of the AJDC Emigration HQ) circulated to all location services in late March 1947. In what was probably desperation, Rosen enjoined the Joint's European tracing staff to make enquiries at mental institutions or hospitals for Jewish DPs 'who are unable to make their identity known'.⁹² The overall success rate of even these diverse, inspired efforts to locate Jewish individuals remained largely dismal.

Cold War Complications and Barriers

After 1949 or 1950 the emerging Cold War unsurprisingly imposed a further set of complications and barriers in the missing person searches across occupation zones and national lines. Before this juncture the record had been mixed. Polish authorities had, for instance, allowed the World Jewish Congress to send lists for checking by special plane to the Central Jewish Committee in Warsaw. Similarly, a Czech

⁹¹ See e.g. graves, cemeteries and destinations for death marches, Allied investigation material, ITS, 5.3.1., 5.3.3. and 5.3.5.

⁹² Irwin Rosen (AJDC Emigration HQ), 'Location in Mental Hospitals', Location Memorandum No. 109, 24 March 1947, JDC W_4549_261_0736.

organisation of liberated political prisoners in Prague lent the Central Tracing Bureau a Dachau prisoner registration book and several death books for copying.⁹³ This interlude of cooperation may have been the byproduct of an agency with insufficient personnel confronting the impossible burden of processing huge quantities of camp records. In what was probably a plea for help, the Czechoslovak National Tracing Bureau communicated to the CTB in spring 1947 that it held fairly complete registers of deaths at Theresienstadt; while the reinstated Jewish religious community in Prague had begun issuing death certificates for Jews and parish offices for persons of other religions, the city could not issue certificates 'in bulk' for all the non-Czechs who had died at the camps.⁹⁴ Western tracing officials such as Maurice Thudichum, Miss S. Mustard, or Major A.H.M. van Banning of the Netherlands National Tracing Bureau were still visiting their Polish opposite numbers in Kraków and Warsaw in 1948 and 1949, paving the way for photostat teams from western Germany, but also lending some reciprocal assistance to Polish tracing offices. And when the AJDC search department in Warsaw was dissolved in April 1949, requests were transferred to the Central Committee of Polish Jews in the city.⁹⁵

Although some cooperation with Soviet authorities existed shortly after the war, the exchange or communications proved far from satisfactory: few enquiries were ever answered.⁹⁶ The head of New York's AJC tracing service, Chaim Finkelstein,

⁹³ Dr. Paul Winter (Processing Section, CTB) to Ing. Vratislav Jahn (Landessekretär des Verbandes der befreiten politischen Gefangenen in Prague), Nov. 1946, ITS 6.1.1/0071/0432.

⁹⁴ Roman Flohr (CTB, UNRRA - BAOR), to Case Office, memo on Theresienstadt death cases, 28 April 1947, ITS 6.1.1/0073/0387.

⁹⁵ Józef Gitler-Barski to Adolf Gottschalk (London), 12 Dec. 1949, JDC on-line archives, W_4549_229_1074 (item ID 23122045). On the early postwar history of the committee, see David Cesarani, *Final Solution: The Fate of the Jews 1933-49* (London: Macmillan, 2016), 773-74.

⁹⁶ 'Tracing Victims of Nazism' (4/3/1955). The JDC was allowed to operate in most Soviet-allied countries until 1949-1950 before being asked to leave, with Hungary and Yugoslavia tolerating

appears to have had slightly better luck for a time with his Soviet opposite numbers, cultivating relationships with several Soviet organisations. Finkelstein's Location Service began in mid-1943 cabling massive numbers of search enquiries to Moscow Jewish community staff (by then riding out the war in Tashkent). However, the president, Samuel Chobruky, soon indicated that they were unprepared to handle the volume of requests from New York and Finkelstein's operation reduced its number of cables. The New York office ultimately also sent over 10,000 enquiries to the Soviet Red Cross in Moscow in 1945 and 1946, whilst receiving less than 100 answers back, over half to the effect that the person sought could not be located or had been killed by the Germans. The record improved slightly in the first months of 1947, with 381 answers to thousands of 'tracers' coming in. Finkelstein also reached out to the 'Jewish Anti-Fascist Committee in Moscow', which sent a delegation to New York (date unclear), bringing some long sought after lists of Jewish refugees in the Soviet Union.⁹⁷ However, cooperation between Soviet search agencies and western Allied administrators in Germany and Austria remained consistently erratic.⁹⁸ This may have been as much a product of the Soviets attempting to come to grips with their own

its presence the longest, until early 1953. Moses A. Leavitt, *The JDC Story 1914-1952* (New York: AJJDC, 1953).

⁹⁷ 'A Short Survey of the Activities of the Location Service as of May 1, 1947', USHMM, RG-67.011M, D 46-02; [Chaim Finkelstein], Report on the Activities of the Location Service for 1946 (24 Jan. 1947), USHMM, RG-67.011M, D46-02; Chaim Finkelstein to Nehemiah Robinson, 26 Feb. 1958, USHMM, RG-67.011M, D46-11. On the later fate of committee members, see Jonathan Brent and Vladimir P. Naumov, *Stalin's Last Crime: The Plot Against the Jewish Doctors, 1948-1953* (New York: HarperCollins, 2003). Copies of Russian-language records on the committee are held by the USHMM, RG-22.028M.

⁹⁸ Either for practical reasons or as a conciliatory gesture, the successor organisation to the CTB—the International Tracing Service—ended up in Arolsen rather than being folded into the ICRC. The Soviets expressed long-lived hostility towards the Swiss organisation, among other things accusing it of helping Nazi collaborators to escape justice after the war. See Gerald Steinacher, *Humanitarians at War: The Red Cross in the Shadow of the Holocaust* (Oxford University Press, 2017), 98-103. On the lack of diplomatic relations between Switzerland and the USSR complicating the role of the ICRC, see also extract from (ITS) historical survey, n.d., ITS 6.1.1/0015/0008.

astronomical losses in the war as rising Cold War tensions.

Hostility between east and west also grew out of the vexed issue of repatriation and complicated tracing efforts. Many Soviet, Polish, Ukrainian and Yugoslavian nationals residing in postwar German and Austrian DP camps did not want to be found, for it made them into targets for forced repatriation and everything that followed, above all accusations at home that they had been German collaborators. The CTB and other western officials thus began to tread carefully when they received requests for reciprocal information from Soviet-allied authorities. Nigel Gosling in Vienna, the British Red Cross Controller at the Tracing Bureau in the British occupied zone of Austria, expressed deep concern to his British colleague Miss Warner in late 1945 about the dangers of passing on information on individuals sought in Germany by Yugoslavian officials.⁹⁹ The director of the Information Bureau of Office of the Polish Red Cross congenially promised Bowring cooperation from Warsaw in searches involving 'Polish citizens of Jewish religion', but unsurprisingly persisted: 'We would be very much obliged to you for sending us any kind of documentary material, concerning Poles living at present in Germany, as well as death lists of prisoners, internees and prisoners of war [who are] Polish Nationals'.¹⁰⁰ By mid-October 1946 UNRRA's Central Tracing Policy Board and its Bureaux of Documents and Tracing were also struggling with how to handle questions about Soviet citizens, particularly from the Moscow Russian Search Bureau. A tracing official for the U.S. Zone in Germany finally announced to branch chiefs, 'You are directed not to issue any list of citizens of

⁹⁹ Gosling to Warner, 21 Dec. 1945, ITS 6.1.1/0080/0129-30, and see Bowring to Gosling, 12 March 1946, ITS 6.1.1/0080/0143-44. On this general discussion, see also memo, J.P. Bond to UNRRA, 14 Jan. 1946, ITS 6.1.1/0015/0383-85.

¹⁰⁰ M. Bortnowska to Bowring, 26 Jan. 1946, ITS 6.1.1/0030/0189-190.

any nationality residing in your geographical territory under any conditions'.¹⁰¹

Deteriorating communications and several reorganisations of how and where search enquiries should be routed fed confusion about whether cases could be closed or not. In early 1947 the executive secretary of the Canadian Red Cross Society in Toronto, A.R. Sellery, explained to Roman Flohr that his organisation was trying to settle unprocessed enquiries originally received from Polish counterparts in Warsaw. But, he lamented, 'we have no way of finding out whether the missing persons live in Germany, in Poland, or outside the Curzon Line under the jurisdiction of the USSR'.¹⁰² As the proverbial Iron Curtain was dropping, Jewish tracing services faced intractable problems that went far beyond the new political stand-off in Europe.

The Hunt for Camp Records

As we have seen, tracing teams in 1945 were urged to exploit material ranging from displaced persons registration cards, burial records for DPs, allied POWs and nationals, and records of food and labour offices, churches and hospitals. 'All concentration camp records' only occupied third place on a list of thirteen types of locations deemed valuable for searches.¹⁰³ As time passed, most postwar tracing officials in western Europe—working for both Jewish and non-Jewish agencies—ultimately came to place an exaggerated faith in what the remnants of concentration camp records would reveal. They did not pursue such records exclusively, but did devote disproportionate

¹⁰¹ 'You are directed not to issue any list of citizens of any nationality residing in your geographical territory under any conditions'. R.D. MacTavish, Bureau Director, U.S. Zone Bureau of Documents and Tracing for UNRRA, to [UNRRA tracing] branch chiefs, 18 Oct. 1946, ITS, 6.1.1/0021/0050-0051.

¹⁰² A.R. Sellery to Roman Flohr (Acting Director, CTB, UNRRA, Central HQ Germany), 28 March 1947, ITS, 6.1.1/0091/0132. The Curzon Line was a proposed demarcation line between Poland and the Soviet Union.

¹⁰³ Unsigned memo, 'Documents to look for', 27 Nov. 1945, ITS 6.1.1/0065/0077.

energy to finding them. Field tracing personnel and officials again and again chased after surviving records from the main camps, be they lists of registered prisoners or copies of death books. In doing so, they clung to and even consecrated certain widespread assumptions about where most deported Jews had been sent or what precisely had happened there. In fact, we know with hindsight these could never provide more than a piece of the puzzle. The fate of Jewish prisoners to some extent matched but also drastically diverged from the fate of most other prisoner groups, something not yet fully understood by tracing personnel. Still, a paradigm of Jewish death in concentration camps—and the conflation of concentration camps and extermination camps—had solidified quickly, particularly amongst the western Allies.¹⁰⁴ How postwar 'Holocaust knowledge' evolved in eastern Europe was regionally specific and demands further attention. Most camp records had in fact been intentionally destroyed by departing staffs. 'In the case of Dachau, Buchenwald, Flossenbuerg, Mauthausen, Natzweiler and Neuengamme sufficient material is available', the authors of the first ITS published catalog concluded, adding rather laconically, 'However, for Sachsenhausen-Oranienburg, Ravensbrueck, Gross Rosen, Auschwitz and other camps in Eastern European countries and in the Soviet Zone of Germany, very little material has been obtained...'¹⁰⁵ Expectations for such records nonetheless continued to run high.

What in fact was these tracing experts' understanding of how the whole system, with its diverse elements, had functioned? In an exchange about transfers of lists and documents from Germany to London in October 1946, S.J. Warner of the

¹⁰⁴ On the lack of clarity about the geography and operation of the Holocaust, see Dan Stone, *The Liberation of the Camps: The End of the Holocaust and its Aftermath* (New Haven: Yale University Press, 2015), 12, 18, 41, 69, 81-82.

¹⁰⁵ ITS, *Catalogue of Camps* (July 1949 edition), 4.

British Red Cross tracing service expressed some annoyance to the Central Tracing Bureau's director in Germany, Col. J. R. Bowring. She wanted copies of all lists of concentration camp records he had acquired, as well as lists of stateless or Jewish persons, not just British missing persons' names. 'We are most anxious to clear up our outstanding enquiries', she declared. 'Interested as we are to read the historical information contained in your file No. 584/R/60, concerning a report on Concentration Camp Flossenbug, it is really of very little use to us as it gives us practically no information about the names of the different people who were in Camp Flossenbug at any one time, and really adds nothing to the material useful in our tracing work'.¹⁰⁶ Miss Warner and many of her colleagues fixedly pursued camp and prison records, not lessons about how the Nazi camp system had worked or what it implied for record-keeping and the 'processing' of death.¹⁰⁷

The pursuit of camp records continued even as a number of tracing agencies had begun shutting down (and the future of the operations in Germany remained unsettled). Maurice Thudichum, an ITS director formerly with the ICRC, visited Warsaw and Kraków in mid-March 1948 with Major van Banning, in part to arrange copying of additional material held by the Information Bureau of the Polish Red Cross. Thudichum later wrote to his colleague Roman Flohr that this Polish bureau was largely responsible for material relating to Auschwitz and had '60% of the names of the inmates of the camp who were registered, which, I was told, does not include the

¹⁰⁶ S.J. Warner to Col. J.R. Bowring (CTB director, UNRRA Central HQ for Germany), 17 Oct. 1946, ITS 6.1.1/0019/0473-474.

¹⁰⁷ He admitted that the Flossenbug report was more likely to interest search bureaux that also contemplated exhumations, such as the French and Polish. J.R. Bowring to S.J. Warner, 7 Nov. 1946, ITS 6.1.1/0019/0476. On the prison records that the Search section of the British Red Cross Foreign Relations office personnel had pursued in the British Zone of Germany in the first half of 1947, see Summary of Work done in Records Office, from February 1st to August 31st, 1947, ITS 6.1.1/0033/0439.

three million Jews who were exterminated there'. The letter continued on to other matters. The almost casual remark now seems jarring. It is unclear whether Thudichum ever devoted much reflection to the extermination figure, or stopped to consider what its immensity meant for the search process and the gaps that remained.¹⁰⁸ The other figure, the 60%, is evidently what caught his colleagues' attention: a few days later Flohr wrote another staff member about Thudichum's Kraków visit and the Information Bureau's possession of some 60% of registered inmates' names. 'This figure appears to me to be far in excess of the volume of registers copied by the French and any of our own which may have reached us through various channels'. He was evidently confident that the Polish colleagues would make material available for copying, but expressed regret that the Bureau's head in Kraków, Dr. Mazurkiewicz, had informed him they had no information on Gross Rosen, Oranienburg, Sachsenhausen, Bergen-Belsen, or Ravensbrück.¹⁰⁹ Here Flohr, a Jew from Poland, skirted any direct discussion of the 'three million' and we are left to wonder what that silence meant.

The pursuit of Auschwitz prisoner registry and other material continued into the following year with an extended exploratory visit by another ITS team to Poland from early February through the end of March. Major van Banning led the group and it included an assistant records official, Miss S. Mustard. An early stop was the camp at Majdanek, where the group discussed obtaining copies of some recently excavated

¹⁰⁸ 'Questions raised during my visit to Warsaw and Cracow', 30 March 1948, ITS, 6.1.1/0090/0209, my emphasis. ITS colleagues raised questions about material held at the 'Majdanek museum' around the same time: John S. Widdicombe, Chief of PCIRO office in Poland to Thudichum, 23 June 1948, ITS, 6.1.1/0069/0034. However, it is unclear they knew what had transpired there.

¹⁰⁹ Roman Flohr (Chief, ITS HQ) to Mr. [A.J.] Wittamer, memo, 'Auschwitz Documentary Material', 1 April 1948, ITS 6.1.1/0069/0067. Wittamer held a range of leading administrative posts at ITS such as chief of the Documentation Division and chief of the U.S. Zone Division.

records and received a tour of camp buildings, the gas chambers, crematorium and an early memorial.¹¹⁰ They learned that some records of Blechhammer, Treblinka, Majdanek and Izbica had ended up in Moscow, and their guide at the memorial museum informed them 'although more than 2 million are known to have passed through the camp, only those fit for work survived'. In some cases prisoner registration numbers of dead inmates were recycled, they heard, making a precise count even more difficult.¹¹¹ Although the Arolsen group met with AJDC staff in Warsaw (including Bertha Mandel), the director withheld introductions to both the Central Committee for Polish Jews [sic] and the Institute of Jewish History without official government clearance.¹¹² The Polish Red Cross nonetheless updated them on the status of various concentration camp records as well as protocols of mass and single grave exhumations (people shot near Warsaw).

The group also visited Kraków in late March. There they met with Mr. Jan Sehn, a former war crimes prosecutor in the 'Auschwitz case' and now a procurator in Kraków, and discussed what additional Auschwitz camp material had survived and would be made available to a later copying team.¹¹³ Mustard and van Banning subsequently visited the Polish Red Cross Information Bureau, where they again discussed what records had been exchanged or had been sent on to the Polish Red Cross in Warsaw 'for inclusion in their death index'. Heading back to Germany, they

¹¹⁰ Major A.H.M. van Banning to Thudichum, memo on Mission to Poland, 24 Feb. 1949, ITS 6.1.1/0069/0239-0241.

¹¹¹ S. Mustard memo (ITS Photostat Team, Poland) to Records Division, ITS HQ Arolsen, 3 March 1949, ITS 6.1.1/0069/0298.

¹¹² Bergman, 'Early Accounts of Survivors', esp. 138-40.

¹¹³ Mrs. Wolf-Warburg of the UKSB in London visited German tracing offices and DP camps in late 1947, and reported that Arolsen had 'Dead and survivors of Auschwitz' documentation, but it is unclear whether she assumed those records were complete (particularly since people gassed upon arrival were never registered as prisoners). See 'Digest of Report of Mrs. Wolf-Warburg'.

stopped in Oswiecim and visited the director of the state museum being constructed at Auschwitz-Birkenau, a former prisoner.¹¹⁴ Although they talked at length about conditions and relics in the blocks, darkness fell and they never got as far as the remains of the extermination camp.¹¹⁵ Their host 'very much wished us to stay overnight, so that we could go over Birkenau in the morning', the van Banning team reported, 'we decided that it was not possible to spend an extra day in Poland for this purpose'. (The major subsequently blamed the poor arrangements made by the IRO's man in Warsaw for cutting short the visit to Auschwitz and Birkenau. 'What we did see of Auschwitz was in any case, seen partly by the light of our cigarette lighters'.¹¹⁶)

The discussion of gathering in concentration camp records to extract names continued. Even as late as April 1949, A.J. Wittamer, chief of the U.S. Zone Division of ITS, concluded in a communication to his boss Maurice Thudichum, 'Although some 30 tons of Concentration Camp original Documents have already been secured by the U.S. Zone Bureau, it is safe to assume that many tons of the material are still to be found in War Crimes Archives and in the Documents Centers controlled by Civil-Affairs Division in Heidelberg'.¹¹⁷ In countless instances Jewish death had in fact occurred in ghettos and in ephemeral camps and irregular execution sites of all types. Burial or 'disposal' of the dead had been undertaken largely without ritual or respect.¹¹⁸ As we

¹¹⁴ Memo, S. Mustard (ITS Documents Intelligence) to M. Thudichum (ITS director) on the mission to Poland, 6 May 1949, ITS 6.1.1/0069/0318-0320.

¹¹⁵ Ibid., ITS 6.1.1/0069/0318.

¹¹⁶ Major A.H.M. van Banning memo to Thudichum, Mission to Poland, 28 April 1949, ITS 6.1.1/069/0315.

¹¹⁷ A.J. Wittamer to M. Thudichum, 26 April 1949, ITS 6.1.1/0043/0212. See also the memos by Benjamin B. Ferencz, Capt. Donald T. Paul and others concerning 'document disposal' and the disposition of Nurnberg records in the summer of 1948; NARA, RG-260 [OMGUS], 390/41/24/02, box 1. (I thank Henry Mayer for this reference.)

¹¹⁸ On the particularly high mortality rate amongst Polish Jews, see 'Jewish Population', typescript carbon copy, June 1947, USHMM RG- 67.011, D58-08. See also Jan Grabowski, *Hunt for the Jews: Betrayal and Murder in German-Occupied Poland* (Bloomington: Indiana

have seen in Chapter 1 (The Urn and the Swastika), the detailed recording of the death of Jewish prisoners in the main concentration camps declined as the war went on, prisoners' illicit efforts notwithstanding. Keeping track of the living and the dead became all but impossible in the final weeks of the war as evacuations, evacuation marches and rapidly deteriorating camp order reigned. In location after location, the problems of identifying the massive numbers of the dead remained intractable. In many places neither paper records, nor witnesses, nor identifiable bodies existed, even if the location of 'big graves' had been pinpointed. By the time the first ITS catalogues of camps and prisons were published in 1949 and 1950, some of these problems were tacitly acknowledged. The 1949 volume also included the designation of extermination camp, listing Belzec, Chelmno, Oswiecim-Auschwitz and Treblinka, although it remains unclear how carefully or extensively ITS and other tracing officials were making a sharp distinction between those camps and more 'ordinary' concentration camps.¹¹⁹ For Poland, too, the predominant source given for Polish detention sites by the ITS catalog was the 'Polish War Crimes Bulletin', not camp prisoner lists. (This was presumably the *Biuletyn Główniej Komisji Badania Zbrodni Niemieckich w Polsce*, which was published beginning in 1946 and issued by the

University Press, 2013), 138; he found the survival rate of Jews in Dąbrowa Tarnowska County in southeastern Poland to have been only 1 to 2 per cent. For early (1946) estimates of the number of Polish Jews killed in German-occupied Poland, see Philip Friedman, 'The Extermination of Polish Jews during the German Occupation, 1939-1945', in idem, *Roads to Extinction: Essays on the Holocaust*, ed. Ada June Friedman (New York: Jewish Publication Society of America, 1980), esp. 236 ('only 3 per cent remained at the end of the war'). See also Bergman, 'Early Accounts', esp. 138-41, on the activities of the commission in gathering nearly 2,600 testimonies between 1944 and 1947, some of which were used in early war crimes trials in Poland.

¹¹⁹ Majdanek was listed as a former POW camp and a concentration camp, and Sobibor was not listed as an extermination site. See ITS, *Catalogue of Camps* (July 1949 edition), 321, 329, 331, 332, 343.

Central Commission for Investigation of German Crimes in Poland.¹²⁰) Nazi extermination camps (if not all killing sites) thus slowly and belatedly entered the mental map of many postwar tracing investigators in the West without truly dislodging the singular, iconic place occupied by the network of some two dozen concentration camps.¹²¹

Closing Cases

When did searches end? The decision by both the ITS-affiliated services and Jewish tracing offices to close (or even re-open) cases remains opaque. Furthermore, the replies or recommendations the Jewish agencies sent to letter writers have for the most part not survived. Procedures changed drastically over their short existence. As the volume of enquiries climbed into the thousands, the more personal approach originally fostered by tracing officials such as Finkelstein gave way to a more bureaucratically rational organisation of search materials. Within two years after the war, these diverse initiatives were for the most part curtailing their work again, much as Etta Deutsch of the CLI had predicted. The organisations bankrolling the offices, too, were faced with difficult decisions about how long to carry on tracing work with such poor returns.

¹²⁰ Already active in 1945, the commission was the predecessor to the IPN, the institutes of 'national memory' in Poland.

¹²¹ By contrast, when Philip Friedman, a founder of the Central Jewish Historical Commission in Lublin in 1944, laid out a map for future Holocaust Research in 1945, he included the 'Nazi strategy of extermination' with such factors as camouflaging measures, principles of 'selection' and methods of extermination. The CJHC, later renamed the JHI, moved to Łódź in 1945 and Warsaw in 1948, and several branches were also established in postwar Poland. However, Friedman himself left Poland in 1946, emigrating to the United States in 1948. See Philip Friedman, 'Appendix: Outline of Program for Holocaust Research', in *Roads to Extinction*, 573. The Central Commission for Investigation of German Crimes in Poland evidently began publishing information in Polish on the Chelmno (Kulmhof) extermination camp in 1946 and 1947.

The JDC's Bertha Mandel made clear that her work for Jewish missing persons in Europe had not markedly diminished in the eighteen months after the European war ended. Since 1 November 1946, she wrote, 'there has been only an insignificant decrease in location service requests in our area. [...] We take this opportunity to stress, that a considerable number of inquiries received by our Office could not as yet be brought to an end. It should be noted that from the Central Location Index only, we have on hand about 3,500-4,000 inquiries relating to about 18,000 persons'.¹²² As elsewhere in the tracing service network in Europe, the JDC had followed the trend, periodically introducing reorganisation measures and even new forms of centralisation in a bid to make the work more efficient.¹²³ The problem of when and how to close cases for which the only finding had been 'no information' remained. A location memorandum (no. 189) issued by JDC headquarters in July 1947 and offering new 'Procedures for Tracing Persons in Europe' contained instructions about formally dealing with unsuccessful searches. Still, it lacked clarity about how long searches should be pursued before they were either sent to Paris for further work and resolution, or deemed unsolvable and thus definitively abandoned.¹²⁴ In September 1947 Mandel gingerly aired some reservations about the July memorandum and its instructions to field offices to turn over more material to Paris. 'Our previous practice and the system we have worked out, prove that very often we locate people a very

¹²² Bertha Mandel, Search Report B/17385/03809/768I, JDC, W4549-151_0525.

¹²³ On centralisation of files and registration cards, see also Location Memorandum No. 186, 5 July 1947, JDC W_4549_262_0323. In part the handover from UNRRA to the IRO and then formation of the ITS in 1948 all entailed some new subordinations and renegotiations. See draft feature story, *Hicog Information Bulletin*, ca. April 1951, ITS 6.1.1/0001/0369. On some problems that were never resolved (budget constraints, competing demands, lack of follow-through), see draft fragment, 'History of the International Tracing Service 1945-1951', ITS 6.1.1/0001/0242-244.

¹²⁴ Location Memorandum No. 189, 10 July 1947, Procedures for Tracing Persons in Europe, JDC on-line archives, G45-54_SM_046_0530).

long interval after the close of the case. If we had to send you the originals of our unsuccessful investigations, it would bring our work into a state of confusion and the organisation would present great difficulties'.¹²⁵

When the World Jewish Congress felt pressure to centralise ('rationalise') its search efforts, the Kartothek in Geneva was told to close its doors and transfer all enquiries to the WJC London offices.¹²⁶ The UK Search Bureau for German Austrian and Stateless Persons from Central Europe had reduced its staff to a skeleton crew by early November 1947.¹²⁷ The American Jewish Congress location office in New York cut its staff to 10 employees by the end of 1946, down from 15 at the beginning of the year, but held out until 1948 before closing entirely. Finkelstein later remarked the end had come 'much prematurely'.¹²⁸ The CLI suspended operations in May 1949, announcing its functions would revert to member agencies.¹²⁹ The Joint's Warsaw location service ultimately appears to have been dissolved in the spring of 1949 as well, with the injunction that future Polish Jewish search enquiries be sent to the Central Committee of Polish Jews in Warsaw. The AJDC location services located in Rome and Paris had also been dissolved. And by late October 1949, the International Tracing Service took over the work of its Munich office and the Central Committee for Liberated Jews in the American Zone in Germany, and search records were transferred

¹²⁵ Bertha Mandel, memo, 5 Sept. 1947, JDC on-line archives, W_4549_119-1026.

¹²⁶ Gerhart M. Riegner to Dr. Georges Brunschvig, Bern S.I.G., 22 Oct. 1946, RG-58.009, file 2744. And see 'Report on the Activities of the [WJC] Location Service for 1946', 24 Jan. 1947, USHMM, RG-67.011, D46-02; K. Baum, 'A World-Wide Search Continues'.

¹²⁷ A. Wolf-Warburg (U.K. Search Bureau for German Austrian and Stateless Persons from Central Europe) to Roman Flohr, 4 Nov. 1947, ITS 6.1.1/0019/0556. However, survivors' registries in Munich and at the Belsen DP camp appeared to still be maintaining lists and answering queries; see 'Digest of Report of Mrs. Wolf-Warburg'.

¹²⁸ Chaim Finkelstein to Nehemiah Robinson, 26 Feb. 1958, USHMM, RG-67.011, D46-11.

¹²⁹ It is unclear whether any of them retained tracing personnel after this date. See '50,000 DPs Traced', *New York Times* (12 May 1949), 8.

to ITS offices in Arolsen.¹³⁰

The longest lived of the Jewish tracing services in Europe or the west were the WJC's European Tracing Office in London, surviving until 1955, and possibly the Jewish Agency for Palestine's office in Jerusalem, notwithstanding the severe bomb damage it sustained in 1948.¹³¹ Although the number of cases arriving at the ETO London office were down, some 1,000 cases continued to be handled monthly and funding for the effort continued; in 1950 its staff was still working its way through some 5,000 search queries.¹³² Discussions around winding up the parallel UNRRA's central tracing operation went all the way back to 1946, with some officials (Brigadier Kenchington) arguing that many recent enquiries were just duplicates and the ICRC in Geneva could do a better job.¹³³ With the UN's refugee organisation, the IRO, scheduled to terminate its operations in mid-1950, the ITS faced an uncertain future, but ultimately carried on and found funding, albeit working with a reduced staff. The Allied High Commission assumed responsibility for the service on 1 April 1951.¹³⁴ After its move

¹³⁰ Office of Dorothy Levy (Personal Service Department, AJDC Paris) to William Bein (AJDC Warsaw), 5 Feb 1949, W_4549_260_0071; JDC Location Service Memorandum #7 from AJDC Paris, G45-54_GR_008_0989; Levy to Bein, 6 May 1949, G45-54_MISC_028_0128; Dorothy Levy to H. Viteles (AJDC Tel Aviv), 6 May 1949, JER44-52_ADM_027_0115, JDC on-line archives.

¹³¹ The WJC helped reconstruct the agency's search index. See World Jewish Congress press release, 29 March 1948, 'World Jewish Congress aids Jewish Agency...' USHMM, RG-67.011, D48-07.

¹³² 'WJC Maintains Tracing Operations' (transcript of clipping), 21 Oct. 1948, USHMM, RG-67.011, D48-07; K. Baum, 'A World-Wide Search Continues'. The number of personnel reached a high point at the beginning of 1950: see 'The International Tracing Service: Brief Review of its History and Activities, IRO, document GC/198 (Geneva), 16 March 1951, ITS 6.1.1/0001/0346.

¹³³ Extract of a letter, Miss E. Bark to Miss Thompson, 27 Nov. 1946, and Rough Notes on Meeting with Brig. Kenchington (PW & DP), Col. Bowring, and Miss Samsanoff (CTB), and Miss Bark (BRC) in Berlin, 13 Nov. 1946, British Red Cross Society archives, RCC/1/12/4/24/. For a timeline on the operation's subsequent history, see M. Potulicki (Section Historique) to M. Thudichum, 31 May 1951, ITS 6.1.1/0001/0330-0334.

¹³⁴ 'Officials Confer on Future of UNRRA', *Team News* (22 March 1947) ITS 6.1.2/0014/0076. In November 1946, some 20,000 enquiries were coming into the office, whilst in the first three months of 1947 the number had dropped off only slightly. See draft story for *HICOG*

to one-time UNRRA offices in Arolsen, the service may have largely 'ceased to do any actual tracing', gradually shifting its remit to providing documentation for work and incarceration histories of former internees where it could, including some Jewish survivors. The German government had also at least temporarily installed a system to issue death certificates in Arolsen, which were needed to address the legal limbo in which many survivors or surviving family members found themselves.¹³⁵

Conclusion: Towards a Presumption of Death

Men and women searching for Jewish missing persons after the war relied on a variety of Jewish organisations and tracing initiatives, many begun during the war. They also turned to the largely nonsectarian tracing services of their countries and communities, above all the national Red Cross societies. With greater freedom of movement and more resources in the field, the Allied occupation administrations and the new agencies of the United Nations on the ground provided critical support to these services, particularly in Germany, Austria and western Europe. Like their clientele, however, Jewish tracing offices had difficulty 'closing' cases: most of the Jewish missing of World War II Europe would never be found. Without a greater knowledge of where the Nazis' anti-Jewish measures and deportations had led, there was great reluctance to relegate the missing immediately to the ranks of the dead. Jewish

Information Bulletin, n.d. (ca. April 1951), ITS 6.1.1/0001/0367. Management was transferred to the ICRC (under the administrative direction of an eight-nation international commission) in 1955 under a Bonn agreement. Edkins, *Missing*, 77.

¹³⁵ A special German civil registration office (*Sonderstandesamt*) was created at the ITS headquarters in 1949 to issue death certificates for persons who died in German concentration camps and birth certificates for those born in camps and Lebensborn homes. See 'The International Tracing Service: Brief Review of its History and Activities', IRO, document GC/198 (Geneva), 16 March 1951, ITS 6.1.1/0001/0345. ITS may have continued some special 'mass tracing' efforts for hard cases, however; see draft story, *Hicog Information Bulletin* [1951?], ITS 6.1.1/0001/0371 on death certificates and death notifications.

tracing services and community officials pursued leads by quizzing survivors. They had only limited success. And the fragmentary, sometimes nonexistent records of main concentration camps remained at the centre of hope for much tracing work in the West, even after awareness of extermination camps beyond Auschwitz had increased.

Trials such as the IMT and early research by war crimes investigation committees and postwar Jewish historical commissions shaped the emerging narrative of what had happened to Jews under Nazi rule. Yet huge gaps in knowledge remained about where the 'road to extinction' for Europe's Jews had lain. Huge gaps remained in understanding the scale of those measures. The staff of tracing services, Jewish and nonsectarian, painstakingly reconstructed some of this history in the first years after the war on both sides of the new east-west divide in Europe. They competed for material but more usually shared what became available until the end of the 1940s, gradually generating findings not only about the vast expanse of Nazi concentration and forced labour camps, but also about the major killing centres in occupied Poland. Further complications remained, even when those searching for missing loved ones finally conceded that they were unlikely to return. Many of the missing who did not return could not be declared legally 'dead' without meeting almost impossible conditions demanded by a confusing international legal landscape.

In the late 1950s, long after the missing persons tracing office of the American Jewish Congress had closed, its former head pleaded that the filing cards used for name searches not be destroyed. 'After all', he told his former colleagues, 'these cards are not just old pieces of cardboard, for the great majority of them symbolizes Jewish souls who perished al Kidush Hashem [to sanctify His name]. Each card testifies to the desperate efforts to establish the whereabouts of the deportees [...]. In the case of

the perished ones, the cards represent all that is left of their lives on this earth'.¹³⁶ In some sense he was not exaggerating. The vast majority of searches had turned up empty-handed. Even when investigators did happen upon the stray concentration camp prisoner death lists, tracing investigators encountered sometimes insurmountable legal challenges or constraints. Such was the case with certain death books from Dachau in 1946-1947, tracing officials learned, as they attempted to comply with a request to have 118 former Dachau inmates registered as deceased.¹³⁷ While their graves were located, registering such cases of death in a German state civil registry office remained a legal act 'which has to be made in accordance with existing provisions of the law. It is obvious that the Official who carries out the registration must be fully satisfied as to the identity of the deceased person and must be provided with evidence as laid down by the Law'.¹³⁸ Some of the camp's dead had thus not officially legally died. The legal branch of OMGUS took up this particular incident (with no clear outcome), but it was hardly unique to Dachau and its environs. We turn to the problem of Jewish 'legal death' in the following chapter.

¹³⁶ On the disposal of archives of the defunct Location Service of the WJC, see Chaim Finkelstein to Nehemiah Robinson, 26 Feb. 1958, USHMM, RG-67.011, D46-11.

¹³⁷ F. Przyluski (Tracing Section in Ludwigsburg) to Capt. A.H.M. van Banning (Netherlands National Tracing Bureau at Arolsen), 16 Dec. 1947, ITS 6.1.1/0018/0191-193.

¹³⁸ Ibid., ITS 6.1.1/0018/0192.

Chapter 4. From Social Death to Legal Death

When did the 'missing' become 'the dead' after World War II?¹ Jewish survivors and refugees from Europe, as we have seen, chose that point with hesitation and reluctance. Few were initially willing to pronounce, with terrible finality, 'To my great sorrow, I am the only one of my family who returned' or 'I have lost everyone and everything'.² The decline in missing persons enquiries and the rising number of requests for declarations or certificates of death received by postwar Jewish communities and tracing services in Europe allow us to infer that by 1948 or 1949 that point had mostly been reached. For the early 1950s, statistical compilations of the work of the International Tracing Service in Arolsen—just one port of call for paperwork—register a steeply rising number of requests for death certificates.³ All this was of fundamental importance because, from the perspective of the law, most of Europe's murdered Jews were not dead. They were missing, 'persons whose

¹ This can be taken as a different, more literal problem than the 'Jewish absence' laid out by Julie Kalman and Daniella Doron in 'Absence in the Aftermath', *Journal of Contemporary History* 52 (2017): 197-210.

² Letters (translated into English) in Robert Rozett and Iael Nidam-Orvieto, eds., *After So Much Pain and Anguish: First Letters after Liberation* (Jerusalem: Yad Vashem, 2016), 76, 138-39. Already by 1946 Polish Jewish investigators had concluded, 'The final "solution of the Jewish problem" in Poland ordered by the Nazi leaders was accomplished almost in its entirety. [...] As compared with the pre-war total, the losses of the Jews in Poland amount therefore to 98%'. See [Philip Friedman], 'Extermination of the Polish Jews in the Years 1939-1945' in the *Bulletin of the Central Commission for the Investigation of German Crimes of Poland [German Crimes in Poland]*, Vol. 1 (Warsaw: 1946), 162, 164. An enlarged and corrected version appeared in 1947.

³ ITS Executive Board, 'Annual Report for the Year 1953', 12 Jan. 1954, U.S. Holocaust Memorial Museum (hereafter USHMM), ITS database (hereafter ITS), 6.1.1/0058/0052-0055, and 'Annual Report for the Year 1954', 31 Jan. 1955, ITS, 6.1.1/0058/0069-0072. Requests for death certificates rose from 4,264 (1951) to 14,287 (1954). Despite the presence of the special government registry office in Arolsen since 1949, demand for death certificates appears to have far outstripped those approved and granted; 3,327 were issued in 1951 and 3,949 in 1954. Many ITS searches no doubt ended inconclusively.

presumed death cannot be proven with certainty through any official instrument'.⁴ Declaring the missing to be dead became a legal matter addressed in diverse ways in countries across Europe after the war. And it eventually became the business of the newly formed United Nations, which at the beginning of the 1950s put in place an international legal mechanism for this purpose at the prodding of a campaign that was several years in the making. The prehistory of that convention forms the subject of this chapter, with a particular focus on discussions in postwar western Germany.

The mass death and killing of civilian populations posed new challenges for prewar missing persons laws across Europe and Asia in particular. A range of Jewish advocacy groups targeted this body of jurisprudence as a significant site for the postwar legal 'management' of the mass murder of Jews. It offered one important tool in securing rights for surviving Jews in a world where much remained in flux and unstable, including their civil status and financial prospects. The laws and their revised form—including the later, carefully formulated UN accord—in turn reveal something about how officials at every level were talking about, referencing, or 'seeing' the mass murder of the Jews during the five years after the war had ended. Within these legal discussions, Jewish political advocacy groups largely adhered to the rubric of 'missing persons' even as they were operating with a tacit understanding that the measures being discussed were in fact about millions of murdered Jews. Their efforts in this realm reflect a transitional moment, when no full consensus existed on which tactics and terminology would serve them best politically. Could they tap laws already on the books, or did they need to reinvent law to better address a catastrophe of unprecedented proportions?

⁴ WJC (NY) Memorandum Submitted to the [UN] Diplomatic Conference on the Declaration of Death of Missing Persons, 13 March 1950, 1, USHMM RG-68.045M, reel 186, file 1780.

Legal and civil management of death took many forms in the immediate post-1945 period. Consciousness about what we now call the Holocaust can thus be gauged at many different points and intersections, but missing persons legislation has been ignored by historians of the Holocaust and deserves a closer look. This chapter begins with a discussion of one revealing case in which Jewish community and military occupation officials in postwar western Germany grappled with the problem of legally certifying the deaths of massive numbers of missing Jews. We will then turn to the struggle of Jewish survivors and family members of Holocaust victims to make sense of laws governing disappearance of persons and legal death. Finally, we return to attempts by Jewish policy-makers to evaluate models of missing persons law across Europe and craft workable alternatives in the face of divergent and incompatible national legal traditions and an unprecedented catastrophe.

Early Postwar West German Law

Even with the war still underway, legal experts working for Jewish advocacy groups had begun scrutinising existing missing persons legislation across Europe and elsewhere closely for the kinds of cases it could and could not cover. One law they read closely was the German law on missing persons and certification of death, which had been revised in early July 1939 and then supplemented in mid-January 1942 and again in mid-January 1943 to reflect circumstances thrown up by the war.⁵ One year after the war ended, with the German law still in effect, the legal expert for the Jewish

⁵ For a detailed record of these alterations, see Hermann Vogel, *Verschollenheitsrecht. Gesetz über die Verschollenheit, die Todeserklärung und die Feststellung der Todeszeit vom 4. Juli 1939* (Berlin: Verlag für Rechtswissenschaft, 1949), 3ff. The 4 July 1939, law was printed in the *Reichsgesetzblatt*, Teil I, Nr. 120 (7 July 1939), 1186-192 (Gesetz über die Verschollenheit, die Todeserklärung und die Feststellung der Todeszeit). It remains unclear whether it was altered in anticipation of war; discussions at the Akademie für deutsche Recht, founded in 1933 on Hans Frank's initiative, offer no illumination.

Relief Unit (JRU) in occupied Germany laid out some of the obstacles ahead. The difficulties encountered in Germany exemplify the postwar legal problem of mass Jewish death, although national variations on these discussions occurred all over Europe and beyond in the late 1940s. Dr. George (Georg) Weis, a Czechoslovakian lawyer who had fled to Britain in 1939, acutely grasped the dimensions of the problem and gained an audience with British policy-makers contemplating the future of Germany. Weis had spent the war in London as a legal adviser on European law and began chairing a committee as early as 1943 to draft a postwar restitution law for the country he had left behind.⁶ In a lengthy 1946 dissection of the legal problem of German Jews presumed dead through persecution, he pointed out to British military occupation officials (BAOR) that about 375,000 German Jews had died during the war, few of them in Germany and few with clearly documented deaths. It is worthwhile citing his conclusions at length: 'Legally the rest are missing as long as they have not been declared dead, and we may assume that a declaration of death will have to be applied for in about 300,000 cases, about 100,000 of which fall into the British Zone'. He continued:

In most of these cases very few facts are known on which a declaration of death can be based. There are no relatives left to tell where the missing went to after they had been deported from Germany. Only in a very few cases will there be witnesses to give evidence of the last days of the missing persons. In most cases nothing else will be known but the fact that the person was deported some time in 1941 or after. This fact is shown on the 'Meldekarte' [registration card] at the police of the last place of residence.⁷

⁶ Weis (1898-?1978) continued working as an adviser for such organisations as the Intergovernmental Committee on Refugees in London, the JDC in Paris, and the Jewish Restitution Successor Organization in Germany after his work for the JRU. He spent much of his subsequent career on restitution policy. See Werner Röder and Herbert A. Strauss, eds., *Biographisches Handbuch der deutschsprachigen Emigration nach 1933*, Vol. 1 (Munich: K.G. Saur, 1999), 807-08.

⁷ Copy of a letter-commentary from Dr. G. Weis (JRU) to Col. J.F. W. Rathbone (Legal Division, BAOR), 30 May 1946 (with cover letter from G. Weis to Ernest Cohn), National Archives of the United Kingdom (hereafter NAUK), FO 937/132. The German law that in theory would have

Under Paragraph 7 of the German missing persons law still in force, he ventured, Jews missing after deportation to a concentration camp could be declared dead because at least a year had elapsed since the danger ended and some district courts [*Amtsgerichte*] in the Zone had granted some of these applications. But several further problems now loomed ahead. As yet no case had been submitted to the German courts 'in which the only fact that can be proved is the deportation of the missing Jew from his place of residence'. He wondered whether some judges might still 'not want to admit that deportation to the East was identical with immediate danger to a person's life', meaning that more years would need to elapse before a declaration of death could be issued. He worried, too, about lack of jurisdiction in cases where missing persons' residence in Germany had ended or their German citizenship status had been terminated.⁸

Comments prepared by Ernest J. Cohn of the British governmental Special Legal Research Unit on 26 June 1946, concurred with much of what Weis said, including a recommendation that a special section be added to the law to reflect the 'special conditions' that 'constitute a historical situation which cannot be expected to occur again'.⁹ Yet Cohn also added some criticisms and in the process signaled what he understood about Jewish death under the Nazis.¹⁰ Amongst other things, he argued

applied was the Law regarding Disappearance [of Persons], Declaration of Death, and Establishment of Time of Death of 4 July 1939. A decree published three years later (*Reichsgesetzblatt*, Teil I, Nr. 5 [22 Jan. 1942]: 31) stipulated that publicity that a declaration of death was pending was not required for persons who had taken part in military operations, a step most likely used to keep the number of war casualties secret from the public.

⁸ Ibid.

⁹ Cohn commentary, British Special Legal Research Unit (BSLRU/90100(1), 26 June 1946, NAUK, FO 937/132. It was distributed to various parties, including Dr. Weis.

¹⁰ Ernst Joseph Cohn (b. 1904 in Breslau) was a German-trained legal expert on the German civil code. See Werner Lorenz, 'Ernest J. Cohn (1904-1976)', in *Jurists Uprooted: German-Speaking Émigré Lawyers in Twentieth-century Britain*, eds. Jack Beatson and Reinhard

that the presumption of danger to life should extend to any cases in which persons had been brought to concentration camps, even during the early years of the Nazi regime (with the beginning of the war not marking any significant new stage of development). He pointed out that many prisoners were killed before actually being transported to camps or camps outside Germany and that the onset of a danger to life began with the date of arrest. Gathering evidence from eyewitnesses would remain an obstacle: 'Many persons whose evidence would be required to establish the probable time of death of missing persons are themselves former inmates of concentration camps. It is a great hardship on these people to have their minds brought back to the period of the extreme suffering which they have undergone there. [...] These people resent being interrogated by any German authority'.¹¹

Cohn anticipated that private international law would pose further hurdles for establishing that the 'missing' were actually deceased. For instance, many other countries were unlikely to regard a German court decree declaring a stateless person not domiciled in Germany or holding property there as dead; location of property would prove to be a critical point. Leaving German courts with the power to declare persons of German origins who had been residing in other countries as dead likewise posed difficulties as a range of other nations prepared revised standards on such legal

Zimmermann (Oxford: Oxford University Press, 2004), 325-44, esp. 331-32. Cohn was forced out of a professorship in private law in Breslau in 1933 and emigrated to England, where 'he had to study English law from scratch'. He was later called to the Bar by Lincoln's Inn and became a naturalised British subject. During the war Cohn was given a post in the Legal Department of the Supreme Headquarters Allied Expeditionary Forces (SHAEF), which worked to prepare legislation for Germany under the future military government. After the war he continued working in British government service, including departments connected with the military occupation government in Germany, and co-authored a widely-consulted introductory *Manual of German Law* (London: HMSO, 1950-1952).

¹¹ Cohn commentary, BSLRU/90100(1), 26 June 1946, NAUK, FO 937/132, his emphasis. The unit addressed legal questions under the Legal Division of the Control Office for Germany and Austria (British Element) and the German Section of the Foreign Office. See NAUK, FO 936/106.

measures. For persons residing outside of Germany, the fees for setting a declaration of death in motion in a German court or newspaper created a further absurd hindrance: the Trading with the Enemy Act 1939 remained in operation, making it impossible for applicants abroad to pay these costs.¹² Many other complications flew back and forth in these discussions, raising the question of the degree to which the problem was perceived as first and foremost one of missing Jews. (For instance, another British official in the British occupation government in Germany, E.D. Renwick, Chief of the Legal Division at the BAOR's Herford offices, noted in mid-August 1946 that the 'Special Legal Advice Bureau' (evidently the BSLRU) had recommended changing section 7 of the German 4 July 1939 law 'so that the shorter period of one year shall suffice [for presumption of death] in the case of persons missing after air raids or as a result of imprisonment in a concentration camp'. They had also (so Renwick) recommended 'that in the case of persons missing as a result of mass deportations the full period of ten years [sic] prescribed in Section 3 of the Law should apply...'.¹³ Sir Alfred Brown (Control Office for Germany and Austria, London) reminded Renwick that 'there has been correspondence on this subject [missing persons and presumption of death] between the official Jewish Adviser and the Controller General, M.O.J. Control Branch'.¹⁴

Some of the internal British deliberations that followed remain opaque, but the outcome later that year steered clear of 'persons missing after air raids' or references to mass deportations. At the end of 1946 an ordinance or decree authorized by the British Zone's military government amended the July 1939 German

¹² Cohn commentary, BSLRU/90100(1), 26 June 1946, NAUK, FO 937/132.

¹³ Memo, Renwick to Public Expenditure Branch (Berlin, BAOR), 14 Aug. 1946, FO 937/132.

¹⁴ Memo, Sir Alfred Brown to [Renwick] Chief of Legal Division, C.C.G. Herford, 30 Aug. 1946, NAUK, FO 937/132. Brown also referenced Cohn's 'note'.

law. The new measure mainly altered provisions of that law to cover any missing person 'who was arrested before May 8, 1945, on political, racial or religious grounds, or who was forcibly deported or who was placed in a concentration camp or other place of forcible detention, shall be considered as having been in danger of his life'.¹⁵ The regulation did not cover missing members of the Wehrmacht. The presumption of death was reduced to one year after 'commencement of the danger, though where it is impossible to ascertain this, the period will run from the 8th May 1945'.¹⁶ Article 3, Paragraph 7a of the British decree [*Verordnung*] of 16 December 1946, provided a special legal presumption of danger to life in these cases.¹⁷ A major restitution law covering the American Occupation Zone (Law No. 59) contained a related presumption of death provision, Article 51.¹⁸ These were only first steps in attempting to establish some working legal principles.¹⁹ The question of missing Jews, their fate

¹⁵ Order reproduced in American Joint Distribution Committee, *European Legislation on Declarations of Death* (Paris: AJDC, 1949), 89-91. See also *Verordnungsblatt für die britische Zone* and a subsequent related order, 14 June 1948, ITS, 6.1.1/0077/0231.

¹⁶ Memo on presumption of death, Legal Division (Herford/BAOR) to Headquarters, BAOR, 4 Dec. 1946, NAUK, FO 937/132 (German Section). The ordinance also addressed remarriage and potential bigamy in the case of a missing spouse.

¹⁷ Vogel, *Verschollenheitsrecht*, 53ff., reproduces the amendments (*Verordnungsblatt für die britische Zone* [Jan. 1947], 10), as well as several subsequent related regional state ordinances from the British Zone on such matters as civil registry office recording of deaths and the suspension of fees for family heir-survivors (*Erben*) of people who were persecuted (killed) for political, racial, or religious reasons. On changing French and Soviet Occupation Zone regulations/decrees, see Vogel, 62-72. For commentaries on postwar supplements to the 4 July 1939 German law, see Erich Schubart and Hans Völker, *Verschollenheitsrecht* (Frankfurt a.M.: Wolfgang Metzner, 1950).

¹⁸ Vogel, *Verschollenheitsrecht*, 47 (German-language version). It took effect in Bavaria, Bremen, Hessen and Württemberg-Baden on 10 Nov. 1947.

¹⁹ Vogel, *Verschollensheitsrecht*, 470ff., reproduced a number of related decrees and legislation introduced by regional German states in the American Zone. The exact political constellation that led up to passage of the German legislation goes beyond the parameters of this thesis. Several detailed commentaries were published shortly after the law changed. For a discussion of changes to the West German law of missing persons at the beginning of 1951, see Egon Arnold, ed., *Verschollenheitsrecht. Kommentar zum Verschollenheitsgesetz in der Fassung vom 15.1.1951* (Bonn: Athenäum-Verlag, 1951), 25, 29, 91, 97; Helmut Strebel, *Die Verschollenheit als Rechtsproblem. Eine rechtsanalytische und -vergleichende Studie* (Frankfurt am Main: Alfred Metzner Verlag, 1954).

and the rights of their surviving dependants or kin faded in and out of the picture.

The legal status not only of missing Jews but also missing combatants and POWs and huge displaced civilian populations posed complex problems for legal bodies all over the world after 1945, as did the legal rights of the stateless in these matters. In Germany, France, and elsewhere legal scholars assiduously produced a whole new body of legal treatises on absence and presumption of death and proof and certification of death: *Verschollenheitsrecht*, *Kriegsverschollenheit*, the *Todesbegriff*, as well as *l'absence en droit français* and *disparus de la guerre (militaires ou civil)*.²⁰ The thrust of these discussions and measures had nothing to do with providing support or new resources for the tracing agencies still in operation, their number much reduced as of 1946 or 1947. Nor were they designed to provide support for the war crimes or war graves commissions still in operation or, still less, to advocate further exhumations and surveys of registered and unregistered deaths or burials during the war. Even with special provisions introduced in occupied postwar Germany and elsewhere, much remained unresolved, and practices and expectations remained uneven. We can register this legal problem at an entirely different level as well.

Confusion in Practice

Soon after the end of the war—but particularly from 1948 onwards—Jewish communities in Europe began fielding queries about the documentation needed to

²⁰ See e.g. the headings for absence and presumption of death in the subject catalog of the U.S. Library of Congress, <http://catalog.loc.gov> (accessed 13 Feb. 2018). For a brief discussion of how German civil registry offices were meant to record deaths of Wehrmacht and Waffen-SS personnel and POWs, see Hans Dippel, *Standesamt und Standesamtsführung. Eine erste Einführung für den neuernannten Standesbeamten* (Berlin: Verlag für Standesamtswesen, 1941), 105. A fourth edition of this book (1960) gave detailed instructions and examples of how German civil registrars should fill out both the *Sterbeurkunde* and the *Sterbebuch*.

register the death of relatives. Many survivors, emigrants and their lawyers were requesting certification of death (*Todesbestätigung*) for relatives who had been arrested and disappeared, never to return, particularly if there were inheritance and insurance claims to resolve. Thus, for instance, the Dresden Jewish community received a plea for assistance from a woman in Berlin-Wilmersdorf in April 1946 about her grandmother, Jette Wolff, deported to Theresienstadt in July 1942 and missing since then. The district court (*Amtsgericht*) in Dresden wanted a proper death certificate (*Sterbeurkunde*), 'which, however, I cannot produce, since I don't know where in fact my grandmother was killed by the Nazis'.²¹ The surviving kin of Holocaust victims from Cologne similarly turned to the city's postwar Jewish community for help. By late 1948 and 1949 Moritz Goldschmitt, head of the Synagogen-Gemeinde Köln-Ehrenfeld, was sending enquirers certificates of some kind confirming that their family members had been deported (*Deportationsbescheinigungen*); these statements could be used at a district court (*Amtsgericht* IV or *Amtsgericht*, Abteilung 4) to obtain an official state death document (*Todeserklärung*).²² And Leipzig Jewish officials received a typical request from a man in Munich who was pursuing a restitution and inheritance claim involving his brother who had lived in Leipzig until 1942.²³ Here, too, the office directed many such correspondents to apply to the local district court (*Amtsgericht*) using notarized statements confirming that the person or people had been deported to the East.²⁴ The

²¹ Henny-Hildegard Heisterkamp to Dresden JC, 9 April 1946, USHMM, RG-14.036M, reel 3.

²² See e.g. Sagebiel to the Köln JC, 29 May 1949, USHMM, RG-14.052M, reel 1; the collection contains similar correspondence for other cases. It is not clear from these Jewish community files when the court began recognising the legitimacy of Goldschmitt's forms to confirm presumption of death; applicants also appear to have needed police certification of the deportees' last domestic residence and citizenship.

²³ Bamberger to Leipzig JC, 14 Sept. 1950, USHMM, RG-14.035, reel 42.

²⁴ Leipzig JC to Karl Bannas in Berlin, 27 June 1942, USHMM, RG-14.035, reel 26.

volume or burden of such requests remains unclear; a man in Düsseldorf—possibly an attorney—who had contacted the Leipzig office about an inheritance matter claimed that some Jewish communities had begun making blanket requests to their district courts for death certificates for all their community members who were deported east and did not return.²⁵

Consistent with this pattern, the community official Nathan Rosenberger in the West German city of Freiburg received similar requests from private parties and court agencies, particularly from 1949 onward. His office files indicate that he corresponded extensively with the district court adjudicating death certification, the Baden Amtsgericht 15 in Freiburg.²⁶ Cases in the city were surely complicated by the fact that many police registration documents had been destroyed during the war.²⁷ Community correspondence suggests that the relevant district court was ready to accept the city's Jewish officials' judgments on the presumption of deported Jews' probable death and that these sufficed for issuing death certificates (*Todeserklärungen*). No stringent standard of evidence was imposed for these missing individuals, although in most cases five years had elapsed since their disappearance, sufficient for a routine presumption of death under the prewar missing persons law (*Verschollenheitsgesetz*). Karola Fettweis, a Freiburg-based attorney who wrote to Rosenberger, for instance, indicated that it would be sufficient if he could make 'some sort of document'

²⁵ Walter Alexander to Leipzig JC, 1 March 1952, USHMM, RG-14.035, reel 26. His assertion cannot be confirmed at present. In the Polish case, a 29 Aug. 1945 decree (published in the *Dziennik Ustaw Rzeczypospolitej Polskiej*, No. 40, art. 2, par. 2) stipulated 'If a large number of persons are missing because of a single occurrence, the Minister of Justice is empowered to refer to a single court all proceedings to declare dead the persons involved in that occurrence'. See George M. Szabad and Joseph G. Blum, 'Proving Death of Victims of Nazi Oppression', *New York University Law Quarterly Review* 24 (July 1949): 586n61.

²⁶ Baden Amtsgericht 15 to Freiburg JC, USHMM, RG-14.061M, reel 1.

²⁷ Generalstaatsanwalt, Dezernat für Restitutionsklagen (Freiburg) to Rosenberger, 21 March 1950, USHMM, RG-14.061M, reel 1.

available showing that one Herr Dr. Maier-Kraemer had been sent to the East on a transport from Gurs.²⁸ When a place of death was more certain (for instance, at a specific camp), Jewish community officials directed some correspondents to apply for death certificates from the municipal office nearest the detention site (such as the mayor's office in Gurs).²⁹

As Chapter 1 indicated, the main concentration camps had by and by set up internal civil registries to veil the high number of prisoner deaths. Yet overall it remains unclear how many, where, when and in what detail the people running many smaller and more ephemeral camps created by the Nazi regime or its partners had reported deaths of prisoners to local civil registry offices.³⁰ This notwithstanding, many relatives continued to expect or hope for not only death certification, but exact information on where and how their loved ones had perished. Ida Backhaus (née Bigar) wrote in asking about the cause of death and burial place of her sister and brother who had been deported from 'Lager Cours' (the Gurs camp).³¹ Writing sympathetically to the request of Hermann Neflin, a lawyer in Offenburg working on behalf of a client, Rosenberger pointed out, 'The date of the gassing can never be determined among the hundreds of thousands [of cases], unless someone who was in the camp with them and managed to come out alive can by chance remember the people and say about when the gassing was done. Among those who returned from

²⁸ Dr. Karola Fettweis to Nathan Rosenberger, 27 June 1949, USHMM, RG-14.061M, reel 1.

²⁹ Nathan Rosenberger (Freiburg) to Generalstaatsanwalt für Restitutionsachen in Freiburg/Breisgau, 24 March 1950, USHMM, RG-14.061M, reel 1.

³⁰ For an ambiguous postwar document on the practices at Natzweiler concentration camp, see memo between two UNRRA staff (Bureau of Documents and Tracing), Lt. Frank G. Verhulst to Louis E. Levitan, 18 June 1946, ITS 1.1.29.0/0005/0121.

³¹ See Ida Backhaus-Bigar (Lörrach) to Rosenberger, 8 May 1946, USHMM, RG-14.061M, reel 1, file F1. Among other things she asked for the location of their corpses [sic]. (*'Ist Ihnen ebenfalls der jetzige Aufbewahrungsort der Leichen bekannt?'*)

Auschwitz, we were only acquainted with Herr Rolf Weinstock from Emmendingen, to whom you might possibly turn'.³²

Despite some seeming flexibility in the German postwar court system in covering deported Jews, various points of contention inevitably remained. Some Jewish community officials in Europe objected to the use of the final day of the war as the generic date of death for Jewish missing persons set by some revised postwar legislation and decrees. Thus, for instance, at the prompting of the aforementioned Oldenburg lawyer Neflin, Nathan Rosenberger also wrote regional court officials (the Landgericht Offenburg, Zivilkammer II) at the end of November 1950 about the death certification (*Todeserklärungen*) issued for Hermann and Sophie Moch. He confirmed that they had been deported to the East from France in August 1942, adding with annoyance, 'It also disturbs us that the time of death was set at 8 May 1945, since we were notified in similar cases [*ähnlich gelagerten Fällen*] that the date of death was set at 31 December 1942'.³³ Neflin informed Rosenberger that his client in New York would lose his inheritance claim if the date of death were not set earlier (that is, at the time of deportation from Gurs in 1942 to an unknown destination). According to the German missing persons law, 'the time of death is to be set at the beginning of the mortal danger'. It became increasingly apparent, however, that many issues around documentation of death would be difficult to resolve across national borders or for a DP and refugee population scattered across the globe. Jewish advocate groups began searching for alternative legal models as well as international tools to ease the process and address the judicial gaps.

³² Nathan Rosenberger to Hermann Neflin, 30 Oct. 1950, responding to a series of letters from October 1950, USHMM, RG-14.061M, reel 1.

³³ Nathan Rosenberger to Landgericht Offenburg, 28 Nov. 1950, and Neflin to Rosenberger, 26 Oct. 1950, USHMM, RG-14.061M, reel 1.

Everywhere Different: The (Un)Finality of Death

George Weis remained vigilant about the trajectory of postwar missing persons legislation. Just a few years after his conversation with British occupation legal experts, he published a commentary with detailed case studies of national trends and postwar amendments to missing persons legislation. The extended pamphlet, *European Legislation on Declarations of Death*, was issued by the office of the General Counsel of the American Jewish Joint Distribution Committee's European headquarters and appeared at the beginning of 1949.³⁴ It was very much geared towards legal experts and, despite its quite general title, Weis made clear in his opening paragraph that Jews stood at the centre of the study. He declared, 'Many of these had lost their lives in the course of military actions and air raids, but the vast majority were victims of the anti-Jewish extermination policy pursued by Germany'.³⁵ Overall, the author noted 'a relaxation' of previous conditions, a shortening of the waiting periods for applicants and a reduction of the number of public notices required to obtain declarations of death. But a number of technical problems endured.

Weis's survey highlighted the gaps in new and existing national laws around the missing, and pointed to areas that a pending UN draft convention on the

³⁴ The study by Peter Deuss, *Die Verschollenheit nach englischem Recht* (Zurich: Juris-Verlag, 1947), 232-33, lists the legal statutes relevant to Switzerland, France, Germany, Austria and Italy going back to the early nineteenth century. See also Strebel, *Die Verschollenheit*, 116-27, 136ff.

³⁵ AJDC, *European Legislation*, 7. The WJC found that countries such as Belgium, France, Hungary, Poland, Romania and Czechoslovakia had enacted new or special laws by June 1948 to cope with the unprecedented situation, while other governments, such as those in the Netherlands or the British Zone in Germany, had 'adapted existing rules to the new situations'. See 'Memorandum Concerning the Necessity of a Convention on Missing Persons' (New York: WJC [no author named]), 16 June 1948, USHMM, RG-68.045, reel 185, file 1778, 2.

declaration of death of missing persons should ideally address. His role in subsequent debates underway at the United Nations on this issue remains unclear, but his pamphlet expressed support for the utility of a 'declaration of death' that could be honoured across borders. The early UN draft of the convention (from 26 October 1948) was reproduced in an appendix, as was a statement issued by the UN's Preparatory Commission for the International Refugee Organization (PCIRO) a few months earlier, underlining the urgency of solving such legal difficulties for refugees and displaced persons.³⁶ A number of European governments had made prerequisites based on nationality of missing persons less stringent and had become more open to recognising foreign declarations of death. Yet he stressed that as a rule, 'The cardinal shortcoming of the existing law is clearly the fact that stateless persons cannot be declared dead in all countries... One of the chief *desiderata* in respect of a Convention on declarations of death is therefore that it impose upon the Contracting Parties the obligation to extend their national laws on declaration of death to aliens and stateless persons'.³⁷ Amongst other hurdles that Weis highlighted were the sometimes excessively long waiting periods between time of disappearance and the permitted declaration of death.

He concluded his introductory comments by returning to the specific question of Jewish death, insisting, 'Where a missing person disappeared as a victim of German anti-Jewish extermination measures, the time of death cannot be inferred even approximately. The deportees were sometimes put to death immediately, sometimes after weeks or months or years of detention in a camp, during which they could not communicate with the outside world'. The upshot: 'Any presumption as to the time of

³⁶ AJDC, *European Legislation*, 193, 197-99.

³⁷ *Ibid.*, 7-8.

death becomes a mere figment'. American occupation officials in Germany had short-circuited this 'insoluble problem' by implementing Article 51 of Military Government Law 59 (Restitution of identifiable property of 19th November 1947): in the absence of evidence to the contrary, the article specified that death of persons persecuted by Germany or its allies shall in most cases be presumed to have occurred on 8 May 1945.³⁸ The equivalent provision for the British Zone was embedded in the 16 December 1946 decree on missing persons (Article 3, Section 7 a).³⁹ Analysis of the specific legal provisions of 24 countries (including the USSR and Israel) and the State of New York followed in bewildering detail, including long quotations of the pertinent laws and expansive dissections of legal traditions and even a handful of actual cases.⁴⁰

A similar survey of legislation appeared almost simultaneously, penned by George M. Szabad, former chief of the Appellate Section of the U.S. Department of Labor, and Joseph G. Blum, a senior member of a New York law firm and president of the Consular Law Society. Their survey looked particularly closely at the complications posed by foreign proof of death documentation in a variety of U.S. courts.⁴¹ The authors endorsed the 1930 opinion of a judge at a Surrogate's Court in New York, who had declared 'there are few questions in the law upon which the conceptions of a

³⁸ Ibid., 92; Article 51 stated 'Any persecuted person, whose last known residence was in Germany or a country under the jurisdiction of or occupied by Germany or its allies and as to whose whereabouts or continued life after 8 May 1945 no information is available, shall be presumed to have died on 8 May 1945; however, if it appears probable that such a person died on a date other than 8 May 1945, the Restitution Authorities may deem such other date to be the date of death'.

³⁹ Ibid., p. 90. On the decree, see discussion earlier in this chapter.

⁴⁰ Weis managed to include not only discussions of Israeli and U.S. law, but also provisions in the USSR and a number of East European countries (Bulgaria, Czechoslovakia, Hungary, Poland and Romania). On Polish procedures, see Szabad and Blum, 'Proving Death', esp. 585-87. The practical application of Polish procedures for establishing that someone had died as a result of the Soviet or Nazi occupation can be partly tracked in the records of a special court in Warsaw: USHMM, RG-15.270M (records from the Court Grodzki [Sąd Grodzki] in Warsaw, a collection from the State Archives of the Republic of Poland covering mainly 1946 to 1949).

⁴¹ Szabad and Blum, 'Proving Death', 577-97.

majority of the bar are less clear than on that of a presumption of death from absence'.⁴² (Surrogates' courts in the United States handle issues involving the wills and estates of people who have died.) Indeed, statutory rules on presumption of death after an unexplained disappearance differed vastly from American state to state, and often seemed 'anachronistic, rigid and arbitrary', adhering almost without exception to a common law requirement of seven years' absence in even 'ordinary' cases. The authors cited a largely failed attempt to introduce more uniformity across state lines, and a reluctance by courts and legislatures to adopt 'a more realistic approach to the problem of absentees whose death cannot be proven by usual evidentiary standards'.⁴³ Evaluating the usefulness of U.S. laws in addressing the mass disappearance of victims of the Nazis, they concluded that the 'specific peril doctrine' had been rarely used in U.S. courts. It required that "'the irresistible inference from the facts demonstrate that death occurred in some clearly identified disaster" [and] is poorly adapted to cases of most Nazi victims[,] the circumstances of whose death are only vaguely known'.⁴⁴

A brief survey of the applicability of European codes modified on the basis of the two world wars followed. The authors concluded that European statutes on the presumption of death were more flexible and responsive in the wake of the war than those of their U.S. counterparts. For instance, deaths stemming from 'war activities'—as well as being forcefully deported outside the country—had in several places already resulted in substantial reductions of the time that applicants needed to wait to obtain

⁴² Ibid., 578.

⁴³ Ibid., 580-82. They suggest the reluctance may have stemmed from 'the comparative dearth of domestic calamities which would make the problem of missing persons of such magnitude as to require bolder treatment'.

⁴⁴ Ibid., 583. Here they cite a New York State Surrogate's Court decision of 1930. They reiterated their point later in the text, finding 'the American law on proof of death is largely inadequate to cope with the problem of adjudicating death of Nazi victims' (587).

a declaration of death (for instance, in Poland).⁴⁵ Inevitably, the authors asked whether U.S. courts could in some way utilise European statutes and declarations of presumptive death issued under those laws. Their answers were mostly negative for a whole roster of reasons. If the United States had not been the domicile of the 'absentee', then 'the difficulty and cost of presenting here satisfactory proof of the circumstances of the absentee's disappearance' was rarely possible.⁴⁶ Furthermore, the principles of legal comity stretched only so far: '...it is extremely unlikely that [foreign] declarations of presumed death, even if treated as full-fledged judicial decrees, would be entitled to full faith and credit in American proceedings', they concluded.⁴⁷ Even if taken into account as evidence, some rulings had suggested that foreign evidence did not categorically satisfy U.S. probative standards to support a finding of death.

On the one hand, Szabad and Blum ended on an upbeat note. They expressed hope that after some revisions, the United Nations would sign off on the proposed convention on the declaration of death, characterizing it as 'a bold and far-reaching step in the direction of solving the many legal problems created by the disappearance of millions of victims of Nazism'. On the other hand, with U.S. states having no statutory provisions for issuing declarations of death in separate proceedings, the convention seemed 'too sweeping and difficult to adapt' in the American court system, and would have presented both constitutional and practical difficulties.⁴⁸

Szabad and Blum's analysis of the peculiarities of U.S. law serve well to illustrate the

⁴⁵ Ibid., 584-87.

⁴⁶ Ibid., 588. They added a footnote here indicating 'It is a matter of common knowledge, for instance, that European Jews from many countries were put to death in the notorious death camps operated by the Nazis in Poland'.

⁴⁷ Ibid., 589n79, and see 588-89.

⁴⁸ Ibid., 596-97. See United States Comments on Draft convention on (United Nations) Declaration of Death of Missing Persons (UN document E/1071/Add. 3, 11 Feb. 1949).

challenges faced not only by declaration of death applicants who had managed to leave their former homes, but also their advocates in the corridors of a new international testing ground for diplomacy, the United Nations. Their dissection of the U.S. case gave, not least, a foretaste of the hurdles faced by the proposed UN international convention, particularly the hurdle of disparate legal traditions.

Conclusions

This chapter has offered an account of one set of early postwar debates around Jewish missing persons and their status. How could they be legally 'converted' into the Jewish dead? Though far from exhaustive, these debates in the British Zone of Germany on legal 'disappearance' nonetheless help us identify several critical factors. First, they underline the fact that legal experts everywhere in Europe—not just those involved in war crimes trials—were being forced to articulate, even faintly, how they understood the operations of the Nazi killing machine: its location, timing, breadth and traces (or lack of them). Yet doing so was largely a coincidental or collateral effect of discussions about how to alter older prewar laws, and whether they needed to be altered at all. Paradoxically, prolonged *absence* and the failure to reappear were at the centre of this body of law; the standard of evidence in these cases did not revolve around demonstrating facts about violent persecution, detention in Nazi camps and deportation, or even forensic proof of death. Fittingly, contributors to these debates such as George Weis appeared under no pressure to be more specific than making some mention of 'German anti-Jewish extermination measures' or 'detention in a camp'.

Second, these debates in just one corner of Europe reveal one of the difficult

decisions facing postwar Jewish advocacy groups, whether and how to separate the special circumstances of Jewish disappearance during the war from other civilian displacements, disappearance and death. Was a push for more 'universal' legislation around disappearance more politically viable? Other groups in fact clearly did push for amendments to older legislation, for the West German law on missing persons or presumption of death was altered in the early 1950s, with an amending law to the *Verschollenheitsgesetz* going into effect on 15 January 1951. Jurist Egon Arnold's commentary on the revised law devoted some discussion to 'war disappearance' (or presumption of death through war, *Kriegsverschollenheit*) a number of times and his 1951 book also discussed expellees from eastern Europe, POWs and POW camps. Helmut Strebel's slightly later exposé discussed those missing in concentration camps on a few pages, but perhaps unsurprisingly devoted more space to Germans missing in the east ('*Ostvermisste*') and POWs, along with 'war disappearance'.⁴⁹ The discussion of soldiers missing in action or believed still to be in Soviet captivity spurred a long-lived, highly politicised cottage research industry, exemplified by such figures as Kurt W. Böhme. Author of an account of the postwar tracing services created by the German Red Cross, he long worked on postwar projects devoted to tracing or researching the history of missing German POWs.⁵⁰

The fact of mass Jewish death had become a given. Debates about missing persons law touched upon but did not foster any in-depth or precise discussion of *how*

⁴⁹ Arnold, ed., *Verschollenheitsrecht*, 250, 257, 261. See Strebel, *Die Verschollenheit*, which included a section on the missing and concentration camps; see esp. 46, 91.

⁵⁰ See Kurt W. Böhme, *Gesucht wird... Die dramatische Geschichte des Suchdienstes*, rev. ed. (Munich: Süddeutscher Verlag, 1970), 93. Boehme ultimately penned many of the books in a 15-volume history of German POWs in the Second World War, *Zur Geschichte der deutschen Kriegsgefangenen des zweiten Weltkrieges* (published in Bielefeld by the Verlag Ernst und Werner Giesecke, 1962-1974), with Erich Maschke as chief editor; they were the fruit of the Wissenschaftliche Kommission für deutsche Kriegsgefangenengeschichte.

the mass of Europe's Jews had died. Legal policy-makers, occupation officials, and even Jewish community staff in Germany in these years all seemed to be operating with a paradigm of mass Jewish death in concentration camps or "camps." The pending UN convention offered the promise of a streamlined means of 'closure' to a widely dispersed population of refugees and survivors—no modest goal—while signaling unmistakably that postwar Jewish agencies had turned from *tracing* the missing to a different set of priorities. As World Jewish Congress official Robert Marcus bluntly declared, 'it may be justifiably assumed that whoever has not been heard from during the four years which have elapsed since the end of hostilities will no longer be traced. Relatives and spouses of the missing persons have had to reconcile themselves to the loss of their dear ones, to begin regularizing their own personal status and that of the property of the persons who are considered dead'.⁵¹ It was a tacit acknowledgement that tracing work for missing Jews was over. Four years into the peacetime, Jewish organisations' commitment of resources to such searches had almost wholly vanished. With an exceptionally high 'failure rate' of searches—as Chapter 3 of this dissertation has shown—a deep pessimism and resignation had set in. This is a different trajectory than what we see, for instance, around missing Axis soldiers, particularly German POWs; rumors that many former combatants were being held in secret Soviet camps were long nurtured, particularly in West Germany.⁵²

As noted above, a year after the war in Europe had ended, George Weis

⁵¹ Memo to Manfred Lachs, 21 Nov. 1949, USHMM, RG-68.045M, reel 186, file 1779, 6-7. A WJC (NY) memo to the Diplomatic Conference on the Declaration of Death of Missing Persons, 13 March 1950, repeated this refrain: '...it may be justifiably assumed that this period [of searching] has come to an end. Relatives and spouses of 'missing persons' have had to reconcile themselves to the loss of their dear ones and have begun to regularize their personal status and that of the property of the persons considered dead'. USHMM, RG-68.045M, reel 186, file 1780, 6.

⁵² Frank Biess, *Homecomings: Returning POWs and the Legacies of Defeat in Postwar Germany* (Princeton: Princeton University Press, 2006), 181-82, 188, 223.

concluded that 'about 375,000 German Jews had died during the war'.⁵³ The sources he used for this calculation are of interest. But the assumption that followed—'we may assume that a declaration of death will have to be applied for in about 300,000 cases'—retrospectively seems far more suspect and assailable. An interest of heirs, dependants and widowed spouses in establishing the legal death of Europe's Jews clearly existed, but it now seems impossible to reconstruct exactly how many people would have or could have formally done so. Furthermore, it seems at first glance unclear why those potential heirs and surviving family members could not have relied on conventional regulations for establishing legal death. What precisely was gained by revising the laws on disappearance for Jewish survivors and the kin of Jewish Holocaust victims? Indeed, as George Szabad and Joseph Blum pointed out in their wide-ranging survey, 'some of the laws on this subject in existence in European countries... were enacted as a result of World War I or other calamities...'⁵⁴ Many Jewish legal thinkers and policy advocates of the late 1940s nonetheless became convinced of the need for new rules, and at some level Szabad and Blum concurred. The next chapter will examine their intense efforts to rewrite international law on the disappearance of persons.

⁵³ Commentary, Dr. G. Weis to Col. J.F.W. Rathbone (BAOR), 30 May 1946, NAUK, FO 937/132.

⁵⁴ Szabad and Blum, 'Proving Death', 577n3.

Chapter 5. Death at the United Nations

After a conference of United Nations members and consulting parties agreed on the final wording in the spring of 1950, the General Assembly adopted the Convention for the Declaration of Death of Missing Persons and opened it for ratification. It offered a means to certify the death of 'persons whose last residence was in Europe, Asia or Africa, who have disappeared in the years 1939-45, under circumstances affording reasonable ground to infer that they have died in consequence of events of war or racial, religious, political or national persecution'.¹ The convention went into force for a small handful of governments on 24 January 1952, and a few more in the years to come. The appeal, utility and implementation of that measure form the subject of this chapter. In New York, Geneva and London, an array of refugee Jewish lawyers worked assiduously to transform the missing Jews of Europe into people who counted as legally dead. They saw international recognition of mass Jewish death under Nazi rule as a critical means to secure the best available future for their extant or re-established communities. In their thinking, the UN convention would streamline survivors' access to any intact looted family assets and estates and rectify survivors' sometimes unclear civil status. More broadly, organisations such as the World Jewish Congress, one of the strongest proponents of the new convention, harboured high hopes for using the influence and power wielded by the United Nations for a whole range of intersecting goals: from promoting international law such as the Genocide Convention, to securing

¹ United Nations Convention on the Declaration of Death of Missing Persons, Article 1. Reproduced in *Yearbook of the United Nations, 1951* (New York: Columbia University in Co-operation with the United Nations, 1952), 880. The WJC argued that Nazi aggression towards its neighbours began in 1938, but was unsuccessful in having the convention's coverage dates (1939-1945) altered.

the rights of refugees and stateless persons.² This convention became an early test case for some of those other objectives.

Complicated Cases

The 1950 Declaration of Death convention promised to sweep away a vexed problem that faced not only Jews, but a multitude of individuals who had been caught up in the war and driven from their original homes in the war. As Dr. Schnitzer, legal adviser to the Protection Division of the UN's International Refugee Organization, pronounced in January 1949, 'Certain countries have adopted provisions permitting declaration of the death of aliens domiciled in the country, but this measure has not been adopted everywhere. Thus, it is impossible at the present time to have a declaration of death issued for a Balt who died in a German concentration camp'. In consequence, he declared, 'The widow cannot re-marry, the settlement of the estate is impossible; it is difficult to settle the question of paternal authority and of child adoption. A declaration of death recognized in one country may not be recognized in another, which gives rise to great difficulties for DPs and refugees who, after being driven from one country to another, often have assets in several different countries'.³ The example used by the Berlin-born Adolf Friedrich Schnitzer (1889-1989) involved a 'Balt', but the plight of surviving Jews cannot have been far from his mind. Schnitzer was Jewish and had left Germany with his wife Lily (née Marcus) in 1933, settling in Switzerland for the rest of his life.

Gerhart M. Riegner, a Swiss member of the Executive Committee of the World

² Nehemiah Robinson's *The United Nations and the World Jewish Congress* (New York: Institute of Jewish Affairs, 1956) provides an overview of these early activities.

³ Conference of IRO and Voluntary Organizations, Geneva, 18-21 Jan. 1949, Summary of Discussions in Section Meetings, Annex II, U.S. Holocaust Memorial Museum (USHMM), ITS database (hereafter ITS), 6.1.1/0061/0491.

Jewish Congress and a consultant to the United Nations, also weighed in on the need for such a measure later that year, proffering an even more convoluted case. An international convention seemed preferable to improving laws in individual countries or bilateral treaties, Riegner and his colleagues argued, and would make the procedure of obtaining legally acceptable declarations of death easier. 'In many cases the situation is this, that a missing person was [for instance] a Rumanian national, was deprived of his nationality, found refuge in Holland, was deported from there to Poland, disappeared there in the gas chambers of Nazi Germany, was possessed with assets in Austria and in the United States and left a widow at present residing in France'. He continued, 'Without an international convention, his legal successors and especially his widow, if she wants to remarry, would have to apply for a certificate of death in not less than seven countries'. However, the woman in this disturbing hypothetical case would have been unable to pay the diverse lawyers or cover court stamps and duties: 'Due to currency regulations, the applicant for a death certificate is therefore frequently not able to lodge his application before any court outside his country of residence at least for financial reasons'.⁴

The currency regulation hurdle was no fiction: as late as September 1950 Nathan Rosenberger, the Freiburg Jewish community official, had to tell a former resident of the city now living in Paris that he simply did not know how she could pay for death certificates for her parents and brother. (She needed them to conclude some legal business and she had not been able to find a French bank to handle the 60

⁴ In UN Convention, 'Statement of the World Jewish Congress to the Council NGO Committee', [July 1949], USHMM, RG-68.045M, reel 186, file 1779. See the 1949 AJDC survey introduced by George Weis, *European Legislation on Declarations of Death*, which discussed in some detail a case published in the *New York Law Journal* (6 May 1947) regarding the estate of Lazare I. Elias, a Romanian living in France; the two publications offer somewhat different facts in the summary.

D-Mark transaction.⁵) Despite a reference to 'gas chambers', Riegner never explicitly declared that his 'Rumanian national' was a Jew; we will never know whether the relatively swift passage of the Declaration of Death convention would have run differently if its advocates had adopted language and examples even more explicitly about Jewish cases. His example appears to have been loosely based on the matter of the estate of Lazare I. Elias, a case that came before a New York City Surrogate's Court in the spring of 1947.⁶ A Romanian citizen and resident of France (not the Netherlands), Elias was 'said to have died on or about 28 September 1942' after being seized by Germans, interned in Drancy, and sent to the east in September 1942, 'after which nothing was heard of him'. A French ministry had issued a certificate of presumptive death in Auschwitz for him, a procedure stemming from a decree that could be applied to both French citizens and non-citizens who disappeared from territory under French authority. The New York court had to rule on the validity of the French certificate of presumptive death, whether Elias's citizenship status mattered and whether the French officials' conclusions were enough for a finding of death. The New York court in fact found 'there is general knowledge that the inmates of that camp [Drancy] were deported to the east and were never heard from again', and concluded, 'While the policy of extermination directed against the Jews does not suffice in itself to establish the death of any particular individual the fact that this testator was within the power of the Germans and that he has not been heard from in five and one-half years renders it permissible for the court to accept proof of the nature now tendered'. Riegner's decision to highlight this case—or pieces of it—seems

⁵ Rosenberger to Marthe Moch, 22 Sept. 1950, and Moch to Rosenberger, 22 Sept. 1950, USHMM, RG-14.061M, reel 1.

⁶ *The New York Law Journal* (6 May 1947): 1773.

rather odd, given the court's acceptance of the French findings. Perhaps it made for a trenchant publicity vehicle, or perhaps the dead man's heir or heirs had earlier turned to the World Jewish Congress (WJC) for advice in settling his estate.⁷

Whether lightly edited for dramatic effect or not, the two hypothetical cases illustrate well one of the ongoing dilemmas faced by Jewish legal strategists and organisations, as they sought an international framework for legal 'management' of Jewish missing persons and mass Jewish death. Despite the strong impetus for the measure—it was closely linked to one of the WJC's leading policy maven, Nehemiah Robinson—the provisions were constructed as a universal, inclusive system for deciding the fate of missing persons from the Second World War.⁸ Thus the *New York Times* report on the emergence of the draft convention from committee could proclaim, 'The United Nations today paved the way for the heirs of millions of missing persons of World War II, who disappeared in Europe, Asia or Africa because of hostilities or persecutions, to get certificates of death...'⁹ Missing persons were not a legal problem confined to Jewish families, and they had long been the subject of legislation by most modern states, including those that had been combatants during the First World War.¹⁰ Schnitzer's and Riegner's hypothetical cases provide a starting point to remind us why establishing 'legal death' was so important, who it affected and what had changed in the post-World War II era. Why were new agreements

⁷ WJC officials do not appear to have been overrun with complicated cases. See e.g. the correspondence between Robert S. Marcus, Nehemiah Robinson and Fred van Dyk, June-July 1950, USHMM, RG-67.005M, C47/0410-0411, C47/048-049.

⁸ In internal discussions at the organisation, there seemed to be a consensus that this was 'not about Asia' or fall out from the Pacific war.

⁹ 'U.N. Adopts System on Missing Persons', *New York Times* (7 April 1950), 18.

¹⁰ For a compelling discussion of the incomplete documentation and complex computation of civilian and military losses of World War I, see Antoine Prost, 'The Dead', in *Cambridge History of the First World War*, vol. 3, ed. Jay Winter (Cambridge: Cambridge University Press, 2013), 561-91.

across national borders now necessary?

There is little evidence that people suffering from the complications presented in these hypothetical cases were bombarding Riegner or his colleagues at the World Jewish Congress with enquiries. Still, there was indisputably confusion about how exactly to change the legal status of missing Jews to dead. A man in Philadelphia contacted WJC official Robert S. Marcus in late June 1950 after reading an article in the German-Jewish émigré paper *Aufbau* about death certificates for concentration camp victims.¹¹ He wished to establish his right to inherit the contents of a safety deposit box in Amsterdam. (His father had died in Buchenwald and his mother in Stutthof.) Nehemiah Robinson responded for the WJC but could provide no satisfaction; he informed the man that the laws of individual countries still governed the issuance of death certificates until the new convention came into force.¹² We turn now to the WJC's involvement in shaping and lobbying for the new UN measure, one of many non-state organisations attempting to claim a foothold in the new international experiment.

Making the United Nations a Partner in the 'Jewish Postwar'

Long before the World Jewish Congress formed in the 1930s, Jewish leaders had put considerable efforts into pushing the League of Nations to intervene to protect

¹¹ Robert S. Marcus had written a front-page article for *Aufbau*, vol. 16, no. 20 (19 May 1950), 1, 10, titled 'Ermordet - nicht vermisst. Über 10 Millionen Menschen verschwunden. Internationale Konvention für Todeserklärung' (Murdered - not missing. Over 10 million people have disappeared. International convention for declaration of death). A native of Jersey City, Marcus served as an army chaplain during World War II and visited a number of liberated concentration camps in Germany after the war ended. A lawyer by training, he became political director of the WJC in 1948, but suddenly died of a heart attack at age 41. See obituary, *New York Times* (20 Jan. 1951).

¹² See e.g. the Marcus-Robinson-van Dyk correspondence cited above; June-July 1950, USHMM, RG-67.005M, C47/0410-0411, C47/048-049.

minority rights.¹³ As the United Nations was being created, Congress officials again invested heavily in reaching out to the new international body, the de facto successor to the League. They did so at multiple levels, campaigning long and hard to gain representation with the UN's Commission for the Investigation of War Crimes, which formed in the autumn of 1943.¹⁴ WJC policy experts were also anxious that the charter of the new organisation more forcefully protect minority rights than had proven possible under the League, and that it make provisions for refugees and the stateless.¹⁵ To this end they sent a delegation headed by Jacob Robinson and Dr. Maurice L. Perlzweig to the drafting meeting for the UN Charter in San Francisco in April 1945, and with several other Jewish organisations presented memoranda there. These included proposals for indemnification and reparations to Jewish individuals and communities for losses caused by the Axis powers.¹⁶ If the response was mixed and less than ideal, the WJC nonetheless began working towards consultative membership in the UN's Economic and Social Council (ECOSOC) from 1946 onwards, making an official application on 3 March 1947. It was granted, 'thus creating the legal basis for its cooperation with the ECOSOC and its various commissions'.¹⁷ The Jewish organisation monitored developments throughout the body, submitting memos and

¹³ Zohar Segev, 'The World Jewish Congress, the League of Nations, and the United Nations', in *The World Jewish Congress, 1936-2016*, ed. Menachem Z. Rosensaft (New York: World Jewish Congress, 2017), 103.

¹⁴ They did so despite the commission's limited focus on war crimes against Allied nationals. Mark A. Lewis, 'The World Jewish Congress and the Institute of Jewish Affairs at Nuremberg: Ideas, Strategies, and Political Goals, 1942-1946', *Yad Vashem Studies* 36, no. 1 (2008): 186-87.

¹⁵ World Jewish Congress, *Unity in Dispersion. A History of the World Jewish Congress*, 2nd rev. ed. (New York: Institute of Jewish Affairs, 1948), 311-13. Historian Mark Lewis characterises the WJC as a political pressure group that was a successor to the post-World War I generation of 'international Jewish diplomats' who had lobbied for the minorities treaties in 1919-1920. Mark Lewis, *The Birth of the New Justice: The New Internationalization of Crime and Punishment, 1919-1950* (New York: Oxford University Press, 2014), 151-52, and see 11.

¹⁶ WJC, *Unity in Dispersion*, 313-17.

¹⁷ *Ibid.*, 324.

briefs, issuing oral comments, publishing research findings on questions under discussion and otherwise lobbying for a range of goals.¹⁸ As Nehemiah Robinson would later write, the WJC's status allowed it to intervene 'in practically all matters relating to the drafting of new international law rules, protection of minorities, prevention of discrimination, protection of human rights, protection of Jewish communities, and similar subjects...'¹⁹ Whilst many staff members were legal experts, the WJC operated very much with the tactics of a political organisation promoting Jewish rights on this stage.²⁰ Working under the umbrella of the United Nations was not for the faint-hearted. A considerable 'UN bureaucracy of committees, subcommittees, and councils' quickly emerged in its critical first years, as the organisation grappled with creating new international legal codes and workable mechanisms for enforcing them.²¹ Robinson proved to be the consummate lobbyist, even if many of his efforts never bore fruit.

WJC officials seeking influence at the UN thus needed to decide how to pursue their goals most effectively, even if that meant less than ideal agreements and outcomes.²² Related to this, they faced a familiar challenge as a new international agreement on human rights was hammered out for much of the postwar world: whether to opt for a language of universalism or a more 'particularistic' approach that

¹⁸ The WJC retained this status even after the state of Israel became a UN Member State in 1949.

¹⁹ Nehemiah Robinson, *The United Nations and the World Jewish Congress* (New York: IJA, 1956), 3, and see Segev, 'The World Jewish Congress, the League of Nations', 108, 113.

²⁰ Lewis, *Birth of the New Justice*, 152.

²¹ *Ibid.*, 199.

²² For an illuminating discussion on Jacob Robinson's role in the Nuremberg trial strategy, see Michael R. Marrus, 'A Jewish Lobby at Nuremberg: Jacob Robinson and the Institute of Jewish Affairs, 1945-46', in *The Nuremberg Trials: International Criminal Law Since 1945*, eds. Herbert R. Reginbogin and Christoph J.M. Safferling (Munich: K.G. Saur, 2006), esp. 67, 70-71.

explicitly referenced Jews and Jews' status as victims on an unprecedented scale.²³ Internal disagreements occasionally came to the fore, with the Congress operating from several different bases after leaving its early headquarters in Geneva, primarily London and New York. These two offices at times proved tactically at odds with one another over strategies for postwar prosecution and justice (for instance, at the International Military Tribunal).²⁴

Central to the work of the World Jewish Congress at the UN from its founding months were the brothers Jacob and aforementioned Nehemiah Robinson, refugee legal scholars in New York, and their critical work in creating the WJC's think tank in New York. Legal historian Jonathan Bush has called Jacob 'arguably the most important and prolific legal scholar-activist in the Jewish world in the middle decades of the twentieth century', though he is mainly remembered for his role in the International Military Tribunal at Nuremberg and the Eichmann trial.²⁵ The Robinsons stemmed from an observant family in a Lithuanian village in the Russian Empire and obtained legal training abroad. Jacob (born in 1889), the eldest of seven brothers, became fluent in several languages and the art of negotiating as a long-time POW of the Germans during World War I. He spent the interwar years briefly directing a Hebrew gymnasium before practicing law in Kaunas/Kovno with his brother Nehemiah and becoming active in political affairs. For a time he also served as legal adviser to the Lithuanian Ministry of Foreign Affairs. The brothers and other family members escaped to New York in 1940 via Lisbon. Just a few months after their arrival, Jacob and Nehemiah established the Institute of Jewish Affairs (IJA), a project that had

²³ Lewis, *Birth of the New Justice*, 152, and see 162, 180, and 204 on Lemkin's broad-based framing of the Genocide Convention.

²⁴ Ibid., 158, 160, 163, 200.

²⁵ Jonathan A. Bush, 'Nuremberg and Beyond: Jacob Robinson, a Champion for Justice', in *The World Jewish Congress*, ed. Rosensaft, 46-47.

already been under discussion since April 1939 and was initially created under the combined sponsorship of the American Jewish Congress and the WJC.²⁶

The brothers began publishing policy papers through the new institute during the war, addressing the plight of Jews in Europe, the question of a more effective future system of minority protection, and postwar indemnification and reparations to Jews in the peace settlements.²⁷ After a few years Jacob ceded leadership of the institute to Nehemiah, as he pursued a range of other roles as, amongst other things, legal adviser to the Jewish Agency (and later the state of Israel) at the UN, the International Military Tribunal and Subsequent Trials at Nuremberg, in the Wassenaar negotiations leading to the 1952 Luxembourg Agreements, and later the Eichmann trial in Jerusalem. Jacob also assumed an extensive active role in lobbying work and policy negotiations at the early United Nations along with the WJC's Gerhard Riegner.²⁸

Trained as a lawyer in Jena, Nehemiah Robinson (born in 1898), arrived in New York in December 1940 with his brother.²⁹ He would serve as director of the Institute

²⁶ Omry Kaplan-Feuereisen, 'At the Service of the Jewish Nation. Jacob Robinson and International Law', *Osteuropa* (2008): 166.

²⁷ For the brothers' background, see Shabtai Rosenne, 'In Memoriam: Jacob Robinson, November 28, 1889-October 24, 1977', in *The Life, Times and Work of Jakobus Robzonas - Jacob Robinson*, eds. Egle Bendikate and Dirk Roland Haupt (Sankt Augustin: Academia, 2015); Marrus, 'A Jewish Lobby', 64-73; Kaplan-Feuereisen, 'At the Service'; obituary (Nehemiah Robinson), *New York Times* (12 Jan. 1964). Nehemiah had already published a work during the war titled *Indemnification and Reparations: Jewish Aspects* (New York: IJA, 1944). See also Maurice L. Perlzweig, 'Robinson, Nehemiah (1898-1964)', *Encyclopaedia Judaica*, 2nd ed., vol. 17 (Detroit: Macmillan Reference USA, 2007), 356.

²⁸ Maurice L. Perlzweig, 'Robinson, Jacob (1889-1977)', *Encyclopaedia Judaica*, 2nd ed., vol. 17, 355-56.

²⁹ Zohar Segev acknowledges that Jacob and Nehemiah Robinson both had a role in founding the Institute of Jewish Affairs, yet Nehemiah remains a shadowy figure in Segev's account of the institute's goals and activities. Jacob remains at the centre of his account, although Segev's description of Jacob's diverse interventions at the United Nations also remains rather sketchy, leaving the reader in the dark about how much traction the WJC commanded in the early years of this new international umbrella. See Zohar Segev, *The World Jewish Congress*

of Jewish Affairs from 1947 until he died suddenly in 1964. Under his leadership the institute continued its work of publishing on diverse legal problems facing Jews in the postwar era. Nehemiah also served on the Executive of the WJC and worked with a number of organisations fighting for Jewish claims, such as the Jewish Restitution Successor Organization (JRSO) and the Conference on Jewish Material Claims (known as the Claims Conference). His Jewish affairs work remained closely aligned with those of Jacob. Unflaggingly industrious, he published a stream of volumes and annual surveys on legal questions, and issued six lengthy commentaries on activities at the United Nations. The first, *The Declaration of Death of Missing Persons* (1951), was followed by volumes on a convention on the status of refugees (1953), the convention relating to the status of stateless persons (1955), the Universal Declaration of Human Rights (1950 and a second edition in 1958) and the genocide convention (1960).³⁰ His main interest, however, remained the problem of reparations, restitution and indemnification, and he penned not only legal commentaries on the subject but also translations of the major German laws that emerged in the postwar years. The posthumously published *Ten Years of Indemnification* refined his earlier analysis, *Spoliation and Remedial Action*.³¹

Jonathan Bush has cogently characterised the brothers as 'Mr. Inside' and 'Mr. Outside' in the decade after the war: 'Jacob was the insider at Israel's UN mission, working in the corridors of power, and Nehemiah was the outsider at the scholarly IJA,

during the Holocaust: Between Activism and Restraint (Oldenbourg: de Gruyter, 2014), 184-201.

³⁰ Monty Jacobs, compiler, *Biography of Dr. Nehemiah Robinson. Tributes and Messages. A Survey of the Jewish Position in 1963* (New York: WJC, 1984), esp. 8-10.

³¹ See unsigned preface, Nehemiah Robinson, *Ten Years of German Indemnification* (New York: Conference on Jewish Material Claims Against Germany, 1964), 13-15. This volume lists his many writings on indemnification questions, beginning with his 302-page 1944 *Indemnification and Reparations*; he expanded it in a series of supplements (1945-1949).

urging new programs, warning of new dangers, and advising the public'.³² Both probably contributed to analyzing what provisions the Declaration of Death of Missing Persons convention should include, and Jacob also served as a member of its spring 1950 drafting conference (as Israel's representative). Some commentators on the convention have even suggested, 'This difficult operation was the work of the brothers Jacob and Nehemiah almost unaided'.³³ Eulogizing his close colleague after his sudden death in January 1964, Maurice Perlzweig cited Nehemiah's formulation of the first draft of the Convention on the Declaration of Death, and also asserted, 'With patience and persistence he pressed for it for years in various organs of the United Nations until at last it was adopted by a Diplomatic Conference and, following the requisite ratifications, became part of international law'. Regardless of what role the brothers played, the 1950 convention was fundamentally linked to many of their most deeply felt concerns. Bush concludes that it and the subsequent UN convention relating to the status of refugees (1951) 'were intended as temporary, retrospective agreements and both might seem technical, but they were of deep concern to a nation such as Israel, with hundreds of thousands of refugees and missing kinsmen'.³⁴

Genesis of the Convention on the Declaration of Death of Missing Persons

The precise genesis of how the UN convention was conceived remains unclear. The unevenness of national laws in Europe, the lack of coordination between different countries on procedure and the lack of recognition for declarations of death (or

³² Bush, 'Nuremberg and Beyond', 56. For a new evaluation of Jacob Robinson, see James Loeffler, *Rooted Cosmopolitans: Jews and Human Rights in the Twentieth Century* (New Haven: Yale University Press, 2018).

³³ Rosenne, 'In Memorium', 73; Bush, 'Nuremberg and Beyond', 57; Kaplan-Feuereisen, 'At the Service', 169; and see Nehemiah Robinson's pamphlet, *United Nations Convention on the Declaration of Death of Missing Persons: A Commentary* (WJC: Institute of Jewish Affairs, 1951).

³⁴ Bush, 'Nuremberg and Beyond', 57.

presumptive death) across borders troubled many members of the postwar international legal community. Adolf Schnitzer of the Preparatory Commission for the International Refugee Organization (PCIRO, later IRO) had an important formative influence in promoting the new measure. The Executive Secretary of the PCIRO sent a communication dated 3 June 1948 (E/824) and a memo on the necessity of coordinating declaration of death procedures to the UN's Secretary-General.³⁵ On 24 August 1948, the ECOSOC adopted Resolution No. 158 (VII) recognising the legal difficulties 'arising from the disappearance of numerous victims of war and persecution'.³⁶ As a result of this resolution, the Secretary-General ordered a draft convention (E/1071, 26 October 1948) to be prepared and through Resolution No. 209 (VIII) (2 March 1949) the ECOSOC established an Ad Hoc Committee on the Preparation of a Convention on the Declaration of Death of Missing Persons to study the draft and discuss whether it was needed.³⁷

The WJC, too, conducted extensive preparatory work on the measure.³⁸ It submitted a detailed memorandum to the UN in late October 1948 arguing for its necessity and addressing anticipated objections. WJC experts deployed an array of shifting arguments and sometimes rather soft statistics to back the proposal. The

³⁵ Helmut Strebel, 'Das Abkommen der Vereinten Nationen über die Todeserklärung Verschollener vom 6. April 1950', *Zeitschrift für ausländisches und internationales Privatrecht* 16 (1951) (Berlin/Tübingen): 547, indicates that the discussion may have started slightly earlier in Geneva. It is unclear how much WJC drafters of related material worked with or diverged from Schnitzer's office at the IRO, but published WJC accounts speak of 'close contact with the IRO' throughout the process. See also Robinson, *The United Nations*, 29, which suggests that the WJC took the initiative first.

³⁶ See e.g. memo, WJC to Manfred Lachs (Chairman, Sixth Committee, General Assembly), 21 Nov. 1949, USHMM RG-68.045M, reel 186, file 1779.

³⁷ Ibid. See also Strebel, 'Das Abkommen der Vereinten Nationen', which reviews some of the disagreements in these discussions in greater detail.

³⁸ The WJC's 1950 pamphlet, *The Convention on the Declaration of Death of Missing Persons and the Activities of the World Jewish Congress in Connection Therewith* (New York: May 1950), indicated (like Robinson's 1956 book on the UN and the WJC) that the WJC had already prepared a draft convention as early as April 1948 and an accompanying explanatory memorandum; a memo to the Secretary-General of the UN followed, on 16 June 1948.

memo circulated by the WJC in October suggested that 'hundreds of thousands of individuals' were having serious difficulties in obtaining death certificates for relatives 'which are necessary for them to acquire property of the deceased, for re-marriage and for other likewise important purposes... the unfortunate position of many hundreds of thousands of people would be improved...'³⁹

A U.N. Ad Hoc Committee met for two weeks on the proposed measure in June 1949 in Geneva (issuing a 21 June 1949, report, E/1368). It concurred with WJC representatives, concluding 'that neither internal legislation nor bilateral treaties could meet the objectives'. The committee prepared a new draft of the convention with a goal of bringing it before UN's General Assembly to be considered for adoption and signing in late November 1949 during its fourth session.⁴⁰ However, the Assembly's Sixth Committee (the Social Committee of the UN's Economic and Social Council) felt there was insufficient time to discuss the draft before the end of the session and suggested soliciting further opinions from Member States on the proposals. The Assembly also passed a 3 December 1949, resolution 369 (IV), calling for an international conference of representatives to prepare a final multilateral convention on the subject in the spring of 1950.⁴¹ Representatives and observers from over twenty-five countries and the IRO next gathered at the conference (15 March to 6 April 1950) in temporary UN facilities at Lake Success, New York, to discuss the

³⁹ Gerhart Riegner more modestly would refer to the plight of tens of thousands of people. 'Statement of the WJC to the Council NGO Committee' [July 1949], USHMM RG-68.045M, reel 186, file 1779.

⁴⁰ United Nations Department of Public Information Research Section, Background Paper No. 56 (ST/DPI/SER.A/56*), New York (22 Feb. 1950), esp. 8-9. The publication (Annex III) provides a timeline from the June 1948 PCIRO communication (UN document E/824) through the General Assembly's 3 December 1949 resolution. On the 1949-1950 chain of events, see also WJC, *The Convention on the Declaration of Death*, 11-12.

⁴¹ Final Act of the United Nations Conference on Declaration of Death of Missing Persons (typescript summary), RG-68.045M, reel 186, file 1780, 1.

previous summer's draft convention.⁴² After another round in the hands of a special drafting committee, the convention came up for approval. All along the way, the committees received commentaries on the proposals from member states and NGOs, and Nehemiah Robinson concluded that the new draft had been substantially revised. By May 1950, the WJC would declare, 'The Convention is the result of almost two years of activity by the U.N. and the I.R.O. It went through various stages and at every one of them the World Jewish Congress made a significant contribution'.⁴³

Numbers and Rhetoric: The Holocaust at the UN

The campaign for the declaration of death convention, and particularly the WJC's role in promoting it, can be assessed by what it achieved in practical terms. Yet it can also be assessed for what it signaled about the uses of the Holocaust as a political weapon on the postwar international stage. To what degree did the convention's proponents in the end explicitly reference the Holocaust and the recent plight of Europe's Jews, as opposed to civilian victims of World War II more generally? The answer is mixed, and Jewish advocacy groups revealed their hesitation and ambivalence around the proposal. A June 1948 WJC memorandum submitted to the Secretary General of the UN in support of the convention referred to 'about ten million European civilians [who] disappeared during the war... either murdered by the Fascists or... perished of

⁴² On discussions at the drafting meetings of this period, see Strebel, 'Das Abkommen der Vereinten Nationen'. There appears to have been no explicit discussion of the fate of Jews during the war within these drafting rounds. Although Weis emphasised the draft 'concerned a situation unprecedented in history', the missing persons under discussion became generic civilian victims of the war. Nehemiah Robinson, *United Nations Convention of the Declaration of Death of Missing Persons: A Commentary* (New York: Institute of Jewish Affairs, 1951), 2, indicates that despite a plethora of documents issuing from the drafting committee, no minutes were available for its thirteen sessions.

⁴³ WJC, *The Convention on the Declaration of Death* (1950), 8-10, 12. It is unclear how closely the drafters of convention material worked with or diverged from Schnitzer's office at the IRO, but published WJC accounts speak of 'close contact with the IRO' throughout the process.

starvation, disease, or as a result of military action under conditions which made it impossible to officially record their deaths...'⁴⁴ Furthermore, 'new techniques of destruction, including the mass extermination of persons belonging to certain groups...' had necessitated 'new criteria for meeting the test of a Missing Person'. The memorandum proceeded to detail complications plaguing procedures for obtaining a declaration of death, ranging from residency requirements, to lack of material evidence for disappearance, to making claims in foreign or multiple foreign jurisdictions. In a complex hypothetical case involving claimants of a murdered German refugee deported to occupied Poland from France, the memo pointed out, 'In the courts of the United States or Great Britain, even if such courts were to waive the requirements of a death certificate, it would be almost impossible to prove the legal death of a person in view of the total lack of evidence'.⁴⁵

A year later the WJC official Robert S. Marcus took a less oblique tack, emphasising that the Convention had special significance to the Jewish population. In a May 1949 memo to the UN committee evaluating drafts for the measure he argued pointedly (after conceding that Nazi aggression had brought 'intensive persecution and violence against broad sections of the population') that 'Millions of Jews in Europe were massacred or starved to death during the period of Nazi domination... the draft Convention is of special importance to the Jewish community.' A Convention 'would

⁴⁴ [WJC, New York], 'Memorandum Concerning the Necessity of a Convention on Missing Persons', 16 June 1948, USHMM, RG-68.045, reel 185, file 1778, 1.

⁴⁵ Ibid., 3. The memo in passing suggested that whilst similar cases had occurred in 'Asia', the 'differences between the legal systems of Europe and Asia is too great to allow for a common solution' and proposed limiting the proposed convention to missing persons in Europe as a result of World War II. Ultimately the scope covered persons 'whose last residence was in Europe, Asia or Africa' believed to have died 'in consequence of events of war or of racial, religious, political or national persecution'. On the residency stipulations and qualifications pertaining to military personnel, see Robinson, *United Nations Convention*, 9.

help alleviate some of the hardships of those who had survived the Nazi holocaust...'⁴⁶

In a further memorandum in late November 1949 addressed to Manfred Lachs, Chairman of the UN's Sixth Committee (the Social Committee of the ECOSOC), Marcus again argued the measure would 'regularize the personal status of large numbers of survivors of Nazism as well as establish an effective procedure to govern the disposition of the property and assets of missing persons'. He emphasised that domestic legislation fell short in solving the problem of declaring missing persons dead and regularizing property rights or personal status of disappeared persons. His references to the Jewish tragedy were unmistakable and underlined the difficulty of documenting wartime Jewish death by any complete, official means:

During the Second World War millions of persons disappeared in consequence of acts of war and as a result of persecution on political, racial and religious grounds. Figures given during the Nuremberg trials indicate that 5,360,000 perished in the extermination camps of Auschwitz, Birkenau and Majdanek alone and that 700,000 addition victims were burnt in or near the locality of the Kremci Woods.[sic] In most of these instances the deaths were not certified by regular death certificates nor were there always lists of the murdered persons available. Additional hundreds of thousands died on their way to or during deportation to foreign lands, in death marches, while in hiding or from starvation.⁴⁷

Marcus continued, emphasising the complications thrown up by the unavailability of legal proof of disappearance (or death), particularly for reclaiming property. 'Many of the surviving deportees, forced laborers or inmates of concentration camps, often the only remnants of whole deported or annihilated families, did not return to their former place of domicile; furthermore, thousands of persons, whose relatives had been subjected to acts of persecution and annihilation during the war, remained

⁴⁶ [Robert S. Marcus, Political Director of the WJC in New York], memorandum to the [UN] Ad Hoc Committee on the Preparation of a Convention on the Declaration of Death of Missing Persons, 27 May 1949, USHMM RG-68.045M, reel 186, file 1779, 4.

⁴⁷ Robert S. Marcus, WJC Memorandum concerning A Convention on Missing Persons, 21 Nov. 1949, USHMM, RG-68.045M, reel 186, file 1779, 2.

abroad after the end of hostilities...' Now, 'due to the mass extermination of certain groups singled out by the Germans for annihilation, relatives who resided for a long period in foreign countries became the heirs of the dead or missing persons', and a large number of the missing persons had left property 'outside their domicile'. By March 1950 the WJC's (unsigned) memo to UN representatives continued to seesaw between explicit references to Jewish suffering and 'millions of Europeans' or the more general 'victims of Nazi persecution'.⁴⁸ It signaled uncertainty about the political uses of Jewish suffering just five years after the end of the war.

Practical Goals and Fault lines

The convention remained imperfect from the standpoint of its WJC promoters, even after passage. A pamphlet issued by Nehemiah Robinson in 1951 titled *United Nations Convention on the Declaration of Death of Missing Persons: A Commentary* delineated its component parts and purpose as well as its deficits in great detail (and in rather convoluted prose).⁴⁹ He did not offer a long narrative of the war or the Axis powers' persecution 'against their own minorities and, to an even larger extent, against the civilian population in occupied countries...'⁵⁰ The pamphlet lauded the uniform rules established by the Convention for all the countries adhering to it and the fact that it cleared a path for people residing in countries without a declaration of death vehicle to obtain vital documents.⁵¹ It also acknowledged the opportunity given poorer applicants to obtain legal aid and exemptions from costs as they pursued their

⁴⁸ WJC (NY), Memorandum Submitted to the Diplomatic Conference on the Declaration of Death of Missing Persons, 13 March 1950, USHMM RG-68.045M, reel 186, file 1780, esp. 2, which invoked the mass slaughter of Jewish communities of eastern and western Europe and the 'Nazi holocaust'.

⁴⁹ It was published by the Institute of Jewish Affairs.

⁵⁰ Robinson, *United Nations Convention*, 3

⁵¹ *Ibid.*, 5-6.

applications. It left unclear, however, what evidence applicants would need to provide to show that a missing person's 'disappearance affords reasonable grounds to infer that the missing person died in consequence of events of war or of racial, religious, political or national persecution'.⁵²

Robinson raised several more general objections to the final version of the convention, the most prominent being how to bring together parallel systems of declarations of death. This possibility had dogged discussions of the measure from the time it was introduced and arguably (retrospectively) would always limit the number of states that would accede to the convention. The convention never formally resolved the dissonance between its provisions and domestic legislation, how two differing legal systems around the declaration of death could both remain in force.⁵³ The problem surely complicated many other measures issued by the United Nations in the decades to come. In this case lobbyists such as Robinson and UN officials reached no consensus on how to bridge the differences. Although Robinson felt that the Convention had made clear 'it is left to the domestic law to determine the significance of the declaration within the territory of the issuing State', one could argue that not many shared this conviction.⁵⁴

Retrospectively, arguments promoting the proposed UN convention make clear that its architects in Jewish organisations were above all interested in overcoming obstacles to already complicated property and restitution claims by Jewish survivors and successor organisations. As his publication record indicates,

⁵² Ibid., 14. See the discussion on 37ff. about the drafters' problematic attempts to give the measure legal force while not contravening domestic (national) law. Robinson concluded that Article 5 of the convention 'thus leaves it to every Contracting State to ascribe to [the convention] the significance it wants'.

⁵³ Ibid., 81.

⁵⁴ Ibid., 83.

Nehemiah Robinson had by the late 1940s devoted extensive attention to these matters.⁵⁵ Already in 1944 'at a moment when some occupied countries are already liberated, Axis satellites are changing horses, and total liberation appears near', he had published a lengthy Institute of Jewish Affairs study outlining estimates of the disproportionate property losses by Jews in countries under Nazi domination.⁵⁶ A large portion of the work focused (in staggering detail) on possible avenues for indemnification. Included, too, was a review of the experience of material damage claims submitted after World War I and its implications for 'what can and ought to be done to rehabilitate the Jews in the countries where they were persecuted and despoiled'.⁵⁷ The study concluded with proposals for 'restorative' and 'constructive' measures, including the special problems and tasks adhering to 'absent persons'.⁵⁸

The complications affecting postwar property claimants foreshadowed many of the problems facing those seeking declarations of death. Prominent was the problem of claimants' nationality or citizenship: 'It is commonly accepted that states are entitled to lodge claims with foreign nations only in respect to their own citizens'.⁵⁹ The result would be exclusion from such claims mechanisms of former residents of European countries who had changed their citizenship or become stateless. Robinson also warned that 'the United States and other nations may not intend to make reparations claims in favor of their naturalized citizens and

⁵⁵ Many claims were uncharted legal territory, for not only were former property owners missing and presumed dead, but—to state the obvious—the war had altered or damaged significant assets, and records of 'aryanisation' and transfers of assets all kinds were not easily accessible or capable of being reconstructed.

⁵⁶ The quote is from Nehemiah Robinson, *Indemnification and Reparations* (1944), 9. The IJA was at the time still jointly serving the American Jewish Congress and World Jewish Congress. Robinson lists the as yet small number of publications dealing with this topic on 245n1.

⁵⁷ *Ibid.*, 8.

⁵⁸ *Ibid.*, 255ff.

⁵⁹ *Ibid.*, 175 and see 176-77.

residents'.⁶⁰ He made the point again in delineating indemnification difficulties that applied exclusively or largely to Jews and the principles that needed to be adopted in response ('no difference in treatment shall be countenanced because of the nationality of the damaged persons; the decisive matter is the residence at the time when the exceptional situation was introduced').⁶¹ Finally, addressing the problem of 'disappeared Jewish individuals who have left no heirs (extinguished families) or only such heirs as are not interested in the property or are not recognized by the law of the country', Robinson concluded with an argument about heirless property: 'The property of extinguished families and legal persons, communities and organizations must be disposed of in favor of the Jewish people by the means described below'. He envisioned entrusting a central Jewish authority to care for assets belonging to emigrated persons or disappeared owners, individual or communal.⁶² The many particulars at stake are not directly relevant to the history of the 1950 convention on the declaration of death. Yet it would be difficult to understand the WJC's and Nehemiah Robinson's pursuit of the convention without casting an eye on the looming postwar battle over looted assets and property.

The Convention Goes into Effect

The two countries required to ratify the convention did so in December 1950. This made the convention operative thirty days after receipt of the second notification. Valid for five years, it entered into force on 24 January 1952, and was ratified first by the Republic of China (20 December 1950), Guatemala (25 December 1951), Israel (7

⁶⁰ Ibid., 244.

⁶¹ Ibid., 254.

⁶² Ibid., 255-56.

May 1952), Belgium (22 July 1953), Pakistan (6 December 1955) and a non-member state, the Federal Republic of Germany (30 January 1956).⁶³ The convention was extended for an additional ten years in January 1957, with China, Guatemala, Israel, Pakistan and the FRG again acceding, along with newcomers Cambodia and Italy. However, Belgium dropped out at this point. Cambodia, China, Guatemala, Israel, Italy and Pakistan signed on for a final five-year extension, but West Germany did not. Approved with a large majority at the drafting conference in the spring of 1950, the measure seemed to have wide appeal by offering legal closure on the status of the Second World War's missing persons who had disappeared through the 'events of war or of racial, religious, political or national persecution'.⁶⁴ In practice, however, few countries signed on after ratification, the hesitation probably coming as no great surprise to the Robinsons; the United States and United Kingdom, for instance, had already repeatedly dropped warnings that the convention's framework was at odds with their countries' legal 'structuring' of death.⁶⁵

⁶³ Although the two German states only became UN members in 1973, any country could under the terms of the convention become a party to it. West Germany's accession to the convention as a non-member state (under Article 13) caused particular displeasure amongst Soviet officials, angry that many Soviet citizens had managed to avoid repatriation after the war. See 'Bonn's Bid to Join UN Pact Irks Reds', *New York Times* (6 Aug. 1953); Soviet and Polish delegates to the ECOSOC charged that the whole thing signaled West Germany's move to represent the whole of Germany and 'was a maneuver to improve Chancellor Konrad Adenauer's position in the forthcoming elections'. Chava Landau, 'The U.N. Convention on the Declaration of Death of Missing Persons, 1950. (An Example of International Co-operation in a Field of Private Law)', in 'Liber Amicorum. Adolf F. Schnitzer', *Mémoires (Faculté de droit de Genève)*, Vol. 61, ed. Faculté de droit de Genève (Geneva: Librairie de l'Université, 1979), 302; and see 'Guatemala Signs Pact', *New York Times* (28 Dec. 1951), 2.

⁶⁴ UN Convention on the Declaration of Death of Missing Persons, Article 1.

⁶⁵ Robert S. Marcus, Political Director of the WJC in New York, admitted there were 'certain constitutional problems in those countries whose governments are based on the federal system' (the U.S. and Canada) or common law because they 'do not ordinarily provide for a Declaration of Death'. He suggested the convention be tailored so that they would not be required to enact legislation providing for such declarations, or 'by giving to the declaration the effect of a "presumption" of death'. Marcus, WJC memorandum to the [UN] Ad Hoc Committee on the Preparation of a Convention on the Declaration of Death of Missing Persons, 27 May 1949. The issue of the incompatibility of the U.S. legal system with the

What can be surmised about the holdouts? With the force and enforcement of UN agreements still untested waters, representatives of countries whose governments were based on a federal system (the United States or Canada) stalled because of perceived constitutional conflicts, as did common law countries that did not ordinarily provide for declarations of death.⁶⁶ Robert S. Marcus tried to reassure UN Secretary-General Trygve Lie that countries with different systems of law would be under no compulsion to enact such declarations if their legal structures did not provide for them. He and other WJC advocates of the measure suggested instead that declarations of death could serve as 'documentary evidence' where needed, and that in these 'not infrequent cases' governments across the globe would still need to assist individuals or citizens who were legal successors of missing foreigners. The difficulties of instead concluding a multitude of separate treaties for the same goal 'would be almost insuperable'. Emphasising the urgency of the measure for protecting thousands of persons and their assets, he rather melodramatically added, 'It is a step which must be undertaken to help stabilize the post-war world'.⁶⁷ Marcus also emphasised that the convention would be of special importance to the Jewish community, alleviating hardships for survivors by legally establishing the death of their kin 'who were the innocent victims of Hitler's program of mass murder'.

Soviet representatives and their allies at the UN expressed ongoing hostility towards the proposed measure, arguing that the problem was fundamentally one of western authorities refusing to repatriate or issue information about displaced

proposed measure continued to come up in subsequent WJC comments and memos, e.g. Gerhart M. Riegner's statement to the UN's Ad Hoc Committee (July 1949). Material in USHMM, RG-68.045M, reel 186, file 1779.

⁶⁶ See the discussion in Strebel, 'Das Abkommen der Vereinten Nationen': 558-559.

⁶⁷ WJC (Robert S. Marcus) to Manfred Lachs (Chairman, Sixth Committee, General Assembly), 21 Nov. 1949, USHMM, RG-68.045M, reel 186, file 1779.

persons (that is, Soviet nationals who refused to return home): 'the entire problem... would probably cease to exist once the [refugee and displaced persons] question had been properly settled by the repatriation of all displaced persons desiring repatriation'.⁶⁸ Soviet bloc countries, including the Byelorussian S.S.R., continued to press for postponement of consideration of the measure, albeit without success. The alternative of instead instituting bilateral treaties remained on the table for some time, but the argument against them remained that they would not remove enough hurdles if assets, former domicile of a victim, place of death, and residence of his or her legal successors all diverged.⁶⁹ With the setting of an all-purpose death date of 8 May 1945, for those whose fate was unknown, participants in the discussion around the convention seemed to have largely reached the point at which searching for the missing was no longer an objective.

The early accessioning states—China, Guatemala, and Pakistan—at first glance seemed to be a motley and unexpected mixture. Yet at least two of the three must have suffered a severe 'missing persons' problem themselves. A civil war had raged in China between 1927 and 1937 and again from 1946 to 1950, interrupted for a time by the Second Sino-Japanese War between 1937 and 1945. Guatemala had nominally backed the Allied powers in the Second World War, beginning shortly after Pearl Harbor, but underwent a ten-year period of domestic strife as of 1944.⁷⁰ And Pakistan,

⁶⁸ UN Background Paper No. 56 (ST/DPI/SER.A/56*), 22 Feb. 1950, 3-4, and see 5-7 and Annex II, 18, in which part of the Soviet proposal read, 'States on whose territory are to be found refugees and displaced persons communicate a list of such persons to the governments of the countries where they were permanently domiciled prior to the war'.

⁶⁹ WJC (Robert S. Marcus) to Manfred Lachs (Chairman, Sixth Committee, General Assembly), 21 Nov. 1949, USHMM, RG-68.045M, reel 186, file 1779.

⁷⁰ Neither declaration of death applications nor decisions had been communicated from the Republic of China or Guatemala to the UN bureau that processed convention-related claims in its first eleven months. See A.F. Schnitzer to O. Schachter, 9 Sept. 1953, UN Archives, S-0441-

established in August 1947, had experienced widespread communal violence and a massive population dislocation during the Partition of India in 1946-1947.⁷¹ The First Indo-Pakistani War over Kashmir followed (1947-1948). The practical appeal of and expectations around the Declaration of Death Convention for these countries deserve further scrutiny, but have little to do with the fate of Europe's missing Jews. Pakistan's representative at the drafting conference attempted to extend the relevant period beyond 1945. Article 1 (in section 2) was ultimately altered to allow the convention to apply to persons who disappeared after 1945 'under similar circumstances'. However, legal scholar Chava Landau has concluded that 'no advantage was taken of this possibility'.⁷² In retrospect, the accessions may have been largely about status and visibility in the new international body rather than practical concerns. As research on the history of the United Nations continues, we may find that many measures were adopted because of such collateral goals.

Discussants at the convention's drafting conference at Lake Success also drew a distinction between presumed death (not absolutely certain) and assumed death (certain but lacking documentation). 'Unlike a presumption of death', Landau writes, 'a declaration of death serves in lieu of a certificate of death. Like a certificate of death, a declaration of death has the effect of stating the termination of the legal

1331. The volume of requests slowly heated up: the bureau received 576 applications in the last third of 1954 and 738 applications from 31 May 1956 to 1 Sept. 1956.

⁷¹ Estimates range from 500,000 to two million dead by 1948.

⁷² Landau, 'The U.N. Convention', 305. Tel Aviv-born Eve [Eva] Chava Landau (also: Shachor-Landau, b. 1928) became an expert in European law after World War II. Scrutiny of statistics from the Geneva office set up to enforce the convention may provide confirmation. The United Nations Department of Public Information Research Section, Background Paper No. 56 (ST/DPI/SER.A/56*), New York (22 Feb. 1950), 8, indicates that the ECOSOC's Social Committee in late 1949 agreed to an amendment by Pakistan that would widen the convention to refer 'to other disturbances of peace following the Second World War' and would make the convention applicable to that country.

personality of a natural person'.⁷³ Domestic laws continued to determine the legal consequences of a declaration of death, as well as the consequences of any sudden reappearance of the disappeared person. Countries even within western and central Europe varied enormously in whether they had special procedures for producing a special and final declaration of death, and the civil code in some countries (Belgium, for instance) used a system of declarations of absence rather than death—or even a mixed system. The periods of absence required for such a presumption or declarations also varied considerably (ranging from two to ten years), as did how 'the most probable date of death' was chosen.⁷⁴ Other variations and complications abounded, not all completely short-circuited by the new convention. For instance, some countries' laws had long restricted declarations of death to their own nationals and refused foreign declarations of death issued regarding their own nationals. The convention also permitted survivors of missing persons to apply to tribunals at the place of domicile or residence of the applicant rather than that of the missing person. (Landau identifies this as the most important innovation of the 1950 agreement.⁷⁵)

For all their enduring differences, large and small, the countries involved in this conversation shared some common goals. One underlying question is surely, why do states have an interest in certifying death or ascertaining the death of their subjects or others on their territory? John Torpey in his study of the modern European 'passport regime' argues that regulating international movement of citizens and noncitizens through passports has proven to be a critical element in state-building itself. States

⁷³ Ibid., 306. The nomenclature across national borders and languages remains difficult to unravel. The WJC's 1950 pamphlet on the eve of the UN convention on this matter, *The Convention on the Declaration of Death*, announced, 'Such declarations [of death] are required as substitutes for death certificates...'

⁷⁴ Landau, 'The U.N. Convention', 304-09.

⁷⁵ Ibid., 312-15, which includes some comments on East European mutual legal assistance treaties.

usurped these functions from 'rival claimants' such as churches, and World War I became a particularly critical juncture in states' use of documents to control or limit movement across borders.⁷⁶ I would argue that the registration of death has followed a somewhat similar historical trajectory as it became the domain of civil registry offices. In part—for instance, during and after military conflicts and wars—one clear state interest was to register who was missing and calculate overall military (and civilian) losses. A large part of that state interest has also arguably resided in creating certainty in the disposition and disposal of property on the one hand, and affirming the civil status of a person's dependants and other family members on the other. Though a shared interest, there is no reason to assume that procedures for verifying or presuming death should have been fully synchronised from one country to the next. Indeed, although the United Kingdom and United States accorded the UN discussions serious attention, the apparent incompatibility between their legal systems and the new measure was never overcome.

Impacts and New Institutions

The convention created an international bureau under the UN Secretariat to process actual applications for declarations of death. Its main functions, a 1950 WJC pamphlet offered, would be to create 'the necessary interdependence between applications' filed in various states, avoid duplication of proceedings and provide for publicity for these applications (in order to preclude that the missing were still alive).⁷⁷ Nearly two years after approval in the General Assembly, the office was inaugurated in the Palais

⁷⁶ John Torpey, *The Invention of the Passport: Surveillance, Citizenship and the State* (Cambridge: Cambridge University Press, 2000), see esp. 1-3, 158-59, 164. See also the discussion in Vogel, *Verschollenheitsrecht*, 73ff.

⁷⁷ WJC, *The Convention on the Declaration of Death*, 6.

des Nations in Geneva on 1 October 1952 (under Article 8), headed by legal expert Adolf F. Schnitzer.⁷⁸ He was a logical choice for the post. After spending the first part of his career in Berlin as a lawyer and notary, Schnitzer taught at the Institut des Hautes Études Internationales and the university in Geneva, where he also earned a doctorate in political science in 1935. After the Second World War he began serving served as a legal adviser for a range of international NGOs (1946 to 1948). Schnitzer had devoted much energy to addressing policies concerning heirless or unclaimed property and the property of racially or religiously persecuted foreigners in postwar Switzerland.⁷⁹ Files of the World Jewish Congress/RELICO in Geneva indicate that he also discussed restitution and peace agreements with other Swiss Jewish officials, was active in an international committee for finding positions for refugee intellectuals (1947) and a commission for representing refugees in Switzerland, and acted as legal adviser to the PCIRO.⁸⁰

From 1948 onwards Schnitzer worked for the IRO. In the end he would head the International Bureau for the Declaration of Death of Missing Persons (IBD) in Geneva for its entire lifespan, from 1952 until 1973. He continued publishing legal studies on the side, whilst teaching courses in international law at the University of Geneva and later at the University of Luxembourg.⁸¹ As a testament to his extensive work on comparative and private international law (*internationales Privatrecht*), the law faculty of the University of Geneva published a substantial tribute volume in his

⁷⁸ 'Regime for Libya is Outlined in U.N.', *New York Times* (17 Nov. 1950); UN Archives, S-0441-1329.

⁷⁹ See files of the Schweizerischer Israelitischer Gemeindebund (SIG); copy in USHMM, RG-58.009, e.g. 158, 891, 897, 899, 902.

⁸⁰ USHMM, RG-68.045M (World Jewish Congress-Geneva), files 1757, 1879C.

⁸¹ Biographical overview, catalog of the Deutsche Nationalbibliothek, <https://portal.dnb.de> (accessed 16 March 2018); Michael Berenbaum and Fred Skolnick, eds., *Encyclopaedia Judaica*, 2nd ed., Vol. 18 (Detroit: Macmillan Reference USA, 2007), 152; 'Liber Amicorum. Adolf F. Schnitzer', esp. 533-36.

honour on the occasion of his 90th birthday, which recounted details on the IBD. The bureau consisted of a 'very modest staff' to register applications and decisions on deaths, as well as a publication service that produced an information bulletin on these applications and proceedings throughout its existence. The bulletin ran to 191 issues over its lifetime and was distributed to around a hundred NGOs in a last effort to locate missing persons. Initially the office (or Schnitzer himself) also attempted to promote further accessions to the measure.⁸² Some 16,000 cases eventually passed through this fairly obscure office and Chava Landau reminds us that most of the applications to the bureau came from district courts in Belgium, the FRG, Israel and Italy (which had signed on to the convention).⁸³ In its twenty-three years of operation the need to resort to the International Court of Justice to settle conflicting interpretations or other disputes never arose.⁸⁴

Landau's overview of the convention, one of the few retrospective treatments by legal scholars, leaves many questions unanswered about why various countries did and did not opt for accession. We find a partial answer in the correspondence between Adolf Schnitzer and the UN's legal department, as Schnitzer and his colleagues sought to expand the number of signatories for the measure. In 18 December 1952 letter to Oscar Schachter at the UN's legal department in New York, Schnitzer sketched out the extensive outreach he had engaged in 'on behalf of ratifications': he had approached ministries of foreign affairs (of 21 countries), permanent delegates in Geneva (representing 4 countries), delegates to the 4th session of the Provisional Intergovernmental Committee for the Movement of

⁸² Landau, 'The U.N. Convention', 316.

⁸³ Ibid., 299, 303. Bulletins of the bureau's work confirm this claim. They had acceded to the convention, so the distribution is hardly surprising. It is unclear from the bureau's publication what percentage of the 16,000 had concerned Jewish missing persons.

⁸⁴ Ibid., 318.

Migrants from Europe or PICMME (13 countries) and other officials.⁸⁵ Six weeks later he reported again to Schachter, this time with survey results on the reactions of the governments to the convention's ratification. Israel, which did sign on to the convention, had already begun forwarding dozens of cases of missing persons to the Geneva bureau. Negotiations with governments elsewhere were pending, and in some cases (the Netherlands) the prospects looked unpromising: 'There is a certain reluctance to accede to the Convention before other countries like France, Switzerland and the United States have taken the step. The matter was dealt with in the Netherlands by a law of 1949 in a different manner from the Convention and this makes it rather difficult to introduce the system of the Convention'.⁸⁶ Others remained on the fence for yet other reasons and Schnitzer thus made renewed efforts to promote the measure, discussing the problem with foreign ministry officials stationed in Switzerland. He would remain pessimistic about U.S. participation and I have foreshadowed some of the causes in Chapter 4 of this thesis: Schnitzer concluded, 'It would be most desirable that the United States should accede to the Convention as other countries would be much influenced by their example; however, it must be admitted that the federal character of the States and their legal system make accession to the International Convention rather difficult'.⁸⁷ He also continued

⁸⁵ A.F. Schnitzer to O. Schachter, 18 Dec. 1952, UN Archives (New York), S-0441-1331. Oscar Schachter was a New York-born son of Polish Jewish immigrants. His father's occupation in the 1930 census was fur buyer. See National Archives and Records Administration of the United States (NARA), T626, Fifteenth Census of the United States, 1930 population. After training in and practicing law, Oscar Schachter began working as a U.S. State Department adviser during the war, moving to UNRRA in 1944. After missions to Poland and the Soviet Union in 1945, he became legal counselor at the United Nations. By 1952 he had become director-general of the UN's Legal Division; he published numerous works on international law and the United Nations legal order through his remaining career after 1952. See obituary, *New York Times* (17 Dec. 2003).

⁸⁶ Schnitzer to Schachter, 30 Jan. 1953, UN Archives, S-0441-1331.

⁸⁷ *Ibid.*

negotiations with non-member states of the UN, including Switzerland, Austria and Japan, and a range of major NGOs such as the World Jewish Congress, which 'is fully aware of the necessity of having more ratifications'. However, the wheels of ministries and parliaments moved slowly in this case.

In a slightly later letter to Schachter, Schnitzer reported that while relations with Israeli authorities were 'very good', this was not enough. By contrast, 'the accession of China and Guatemala has had until now no practical value...' and 'until other States have acceded to the Convention, it is evident that the purpose of the Convention will not be fulfilled'.⁸⁸ He had also concluded that the European states closer to the centre of the war and persecution were continuing to wait until another country had acceded. He had some hopes that Belgium would help break the logjam and was again in the process of reaching out to permanent delegates in Geneva. In a 16 March 1953, letter to Schachter on the matter, Nehemiah Robinson also confirmed Schnitzer's growing pessimism: 'Unfortunately [further accessions] have not been forthcoming and the chances for imminent additions appear to be slim...' (Robinson also met with Schnitzer during an April trip to Germany and Switzerland to discuss Geneva accession efforts.)⁸⁹ The push to persuade a cluster of European countries to sign on continued, with Schnitzer soliciting help from the ICRC and WJC.⁹⁰ But in early September he again reported that 'the Dutch authorities have not the feeling of a need to accede to the Convention as more than a hundred thousand cases were settled on the basis of the special national legislation in the matter and no difficulties were ascertained in cases of disappearance'. Japan's government had decided not to

⁸⁸ Schnitzer to Schachter, 7 Feb. 1953, UN Archives, S-0441-1331.

⁸⁹ N. Robinson to Schachter, 16 March 1953, 29 April 1953, UN Archives, S-0441-1331.

⁹⁰ See e.g. Schnitzer correspondence, 31 March 1953 and the remainder of 1953, UN Archives, S-0441-1331.

request accession, and in France, too, the Ministry of the Justice remained 'negative'. On top of these disappointments, he found his office battling the misconception 'that the Bureau has a service of searching and tracing missing persons' and 'is authorized to establish itself death certificates'.⁹¹

The IBD's Early Clients

Chava Landau's retrospective account of the 1950 convention focused on the formal provisions and implementation of the measure, but did not include case studies of applicants who sought judgments through Schnitzer's new office, what their expectations were and where they had previously attempted to process their 'claims'. The bulletins published by the bureau, beginning in November 1952 and appearing on an almost monthly basis thereafter, provide some limited clues about what applicants knew about the disappearance or even death of their kin.⁹² The applicants were asked to provide 'last news' of the subject of the request—along with full name, place and date of birth, habitual and last known residences, nationality, court from which proceedings were instituted and their own name. The early cases (beginning in 1952) came predominantly from a district court in Jerusalem, but these were numerically outstripped by Belgian cases once Belgium had (by August 1953) deposited its instrument of accession to the convention. Regardless of an applicant's place of residence, however, these 'early' applicants almost without exception were able to name a detention site (for instance, Assembly Camp Malines) as the 'Last known residence'. Their 'Last News' from missing persons was often very specific rather than

⁹¹ A.F. Schnitzer to O. Schachter, 9 Sept. 1953, UN Archives, S-0441-1331.

⁹² The bulletins of pending cases are taken from the UN Archives, S-0441-1329. Publishing an announcement of an application for a declaration of death remained part of the legal process.

unknown. This was true even when the application concerned multiple members of a family, in some instances as many as 16 or 17 people.⁹³

Applicants typically named a detention site as the last known residence of a disappeared person: for instance, Assembly Camp Malines, Camp Auschwitz, Camp Birkenau (Poland/Pologne). Nearly ten years had elapsed since the receipt of 'last news', but here too the applicants of the 1950s could offer concrete details. In a case forwarded from the District Court in Jerusalem regarding Henrietta (Philipsa) Borman, born 1895 in Rotterdam, last known residence Sobibor, the *Bulletin* reported 'The missing person was last seen on 20.VII.1943, when she left Westerbork on her way to Poland'.⁹⁴ Had the applicants themselves seen this woman at Westerbork? In another comparatively detailed announcement, Jeannette Schindelheim, a Belgian national from Antwerp on '15 January 1943, left Malines by convoy 19, her number being 530'.⁹⁵ The Polish national Chajès (or Julius) Schnitzer, a Polish national who had been born in Berlin in 1902 and had lived in Antwerp, reportedly on '24 November 1942, died at Auschwitz'. And Daniel Deutsch, a Polish Jew born in Antwerp in 1923, on '4 March 1943, left Drancy'.⁹⁶ Far more rarely, we can discern how the chain of information had materialised: Polish-born David Reszke had been living in Belgium, but landed in Malines and left the camp on 10 October 1942 on convoy no. 12. 'According to a witness, Goldfischer Liebisch, he died in August 1943 near Breslau (Wrocław)'.⁹⁷ We can surmise how other applicants acquired some of these specifics. Perhaps more pieces of the story are buried in the Bureau's files. However, these formal publications

⁹³ See e.g. *Bulletin* of the International Bureau for Declarations of Death (Geneva), no. 3 (Feb. 1953), UN Archives, S-0441-1329.

⁹⁴ IBD *Bulletin*, no. 4 (March 1954).

⁹⁵ IBD *Bulletin*, no. 21 (15 June 1954)

⁹⁶ The Schnitzer and Deutsch cases appear in the *Bulletin*, no. 20 (31 May 1954).

⁹⁷ IBD *Bulletin*, no. 19 (1 May 1954). Two locations appear to be confused here, Breslau (Polish: Wrocław) and Włocławek (German: Leslau).

do not generally reveal the many paths leading to fragments of 'Holocaust knowledge'. Requests to the bureau between 1952 and 1973 were submitted to a tribunal for a decision, which then could issue a declaration of death under the UN convention.⁹⁸

Although the full details on the applicants or applications coming to the IBD may never be fully illuminated, we can view the convention itself (as Chava Landau does) as a solid advance towards humanitarian law covering survivors of war and persecution, helping to regularise their legal status in a simplified and (to some degree) binding form.⁹⁹ Landau argues that the convention marked a first step in the field of international recognition of personal status (for instance, in cases of divorce) and the multilateral recognition of foreign judgments issued by courts of law. We lack the data to confirm or dispute this conclusion. Yet we can conclude that the 1950 UN convention served as a model for later accords and disappeared persons. Significantly, Landau points out, the 1950 measure set the stage for a later Convention on Certain Declarations of Death, which ten European states signed on 14 September 1966, in Athens, and which came into force on 31 July 1977. Its provisions were extended to cover 'cases unconnected with war or persecution, such as natural catastrophes, accidents, etc.'¹⁰⁰

Conclusions

⁹⁸ It is unclear how many requests were rejected.

⁹⁹ Landau, 'The U.N. Convention', 323.

¹⁰⁰ Ibid., 321; the author is somewhat unclear whether the convention applied to all of them, or only between the FRG, Greece, the Netherlands and Turkey. She argues that its most significant provision was that registration of death in a registry of civil status in one of the states would be deemed valid by other states that were party to the agreement. 'Registration has extraterritorial effect and is not merely prima facie evidence' (322). Whether the Athens measure appropriated parts of the earlier convention and its mechanisms is a question for further research.

The precise genealogy of the UN's Declaration of Death Convention remains somewhat in dispute. It was not solely a campaign orchestrated by the World Jewish Congress. The seeds may have been planted in postwar occupied Germany, with Allied legal teams discussing proposed revisions to the German missing persons law. We do know that promotion and passage of the later Convention on the Declaration of Death of Missing Persons lacked the drama and intense showdowns that accompanied many other discussions in the first years of the early United Nations. In that sense it may be typical of much early work at the new international body. We also know that even if it became a model for subsequent international accords, as Chava Landau speculates, it has now largely been forgotten. Already at the time of Nehemiah Robinson's death in 1964, Maurice L. Perlzweig, director of the WJC's Department of International Affairs, called the convention that Robinson had energetically promoted, 'almost unknown, certainly unappreciated'. He heralded the younger Robinson's contribution to formulating the measure and shepherding its passage into international law, concluding that 'Under it thousands of people have been able to begin a new life either through remarriage or the inheritance of assets that might otherwise have been lost'.¹⁰¹ Robinson indisputably did leave a deep mark on formulating the concept of Jewish collective claims to heirless and unclaimed property and on postwar negotiations with the West German government in the Hague. The eulogist's claim about this particular convention's power was surely exaggerated. However, Perlzweig was correct in suggesting that the convention had faded into relative obscurity. The drama lay elsewhere.

¹⁰¹ Jacobs, compiler, *Biography of Dr. Nehemiah Robinson*, 12.

Historians and policy-makers today continue to hotly debate the terms and impact of at least two further accords from those early years, the Universal Declaration of Human Rights and the Convention on the Prevention and Punishment of the Crime of Genocide Convention, both adopted by the General Assembly in December 1948.¹⁰² No consensus has yet emerged about the imprint of the Holocaust on these measures, let alone the UN as an institution.¹⁰³ The intrusion of Cold War politics also began to afflict the early United Nations. A New York public thrilled as U.S. representatives and the tough Soviet deputy foreign minister and delegate Andrei Vishinsky went head to head; these acrimonious exchanges reputedly became a minor tourist attraction during the first years of the new international body.¹⁰⁴ It remains to

¹⁰² A flood of works has appeared on the two measures; some significant earlier contributions include Johannes Morsink, *The Universal Declaration of Human Rights: Origins, Drafting, and Intent* (Philadelphia: University of Pennsylvania Press, 1999); Mary Ann Glendon, *A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights* (New York: Random House, 2001); and Raphael Lemkin, *Totally Unofficial: The Autobiography of Raphael Lemkin*, ed. Donna-Lee Frieze (New Haven: Yale University Press, 2013). Another international accord that has received less attention until recently was the 1949 Geneva Convention promoted by the ICRC to protect civilians in the future from deportations and reprisal killings. The 1949 revisions provided that civilians in enemy hands should be 'humanely treated', protected against acts of violence, rape, torture, 'extermination' and more generally against all 'measures of brutality'. Undefended towns and demilitarised zones were to be protected from fighting. Civilians in occupied territories should be allowed to receive and send news of a personal nature to their families. See *Geneva Convention Relative to the Protection of Civilian Persons in Time of War of August 12, 1949, Geneva Conventions of 12 August 1949 for the Protection of War Victims* (Washington, DC: U.S. Government Printing Office, 1950), 173-75; Gerald Steinacher, *Humanitarians at War: The Red Cross in the Shadow of the Holocaust* (Oxford: Oxford University Press, 2017), esp. chaps. 8 and 9.

¹⁰³ For a range of positions, see Seymour Maxwell Finger, 'The United Nations', in *The World Reacts to the Holocaust*, ed. David S. Wyman (Baltimore: The Johns Hopkins University Press, 1996), 811-35; G. Daniel Cohen, 'The Holocaust and the "Human Rights Revolution": A Reassessment', in *The Human Rights Revolution: An International History*, eds. Akira Iriye, Petra Goedde and William I. Hitchcock (Oxford: Oxford University Press, 2012), 53-71; and Johannes Morsink's forthcoming *The Universal Declaration of Human Rights and the Holocaust: An Endangered Connection* (Washington, DC: Georgetown University Press). See also James Loeffler's *Rooted Cosmopolitans: Jews and Human Rights in the Twentieth Century* (New Haven: Yale University Press, 2018), and Samuel Moyn, *Human Rights and the Uses of History*, new ed. (London: Verso, 2017), esp. 103-13.

¹⁰⁴ See Vishinsky's obituary, *New York Times* (23 Nov. 1954), 14. On the Cold War tensions that clearly seized the UN itself from its earliest days, see e.g. Brian Urquhart, *Ralph Bunche: An American Life* (New York: W.W. Norton, 1993), 234-35 and 246-47; Edward C. Luck, *Mixed*

be seen which conflicts and which measures best reveal the architecture of the early United Nations, how it functioned and how it shaped the rights discourse of the postwar era. Still, despite its comparatively low profile and later lapse into near-oblivion, the Declaration of Death measure marked one indisputable endpoint to the upheavals of the war and Jewish missing person searches. The convention in its own way affirmed Jewish officials' position, three or four years after the end of the war in Europe, that Europe's missing Jews had been murdered, that they would not be returning.

Did the 1950 convention offer long sought-after clarity? How successfully? We can evaluate the impact of the convention and its bureau in Geneva from several different vantage points. First, as the IBD's *Bulletin* reveals, a disproportionate number of applications originated in Israel and Belgium. This had everything to do with their status as the few early states that had acceded to the convention; the applications did not provide a true proportional reflection of where the bulk of people seeking to conclude missing person cases resided.¹⁰⁵ Second, whether the Robinsons at the WJC's Institute of Jewish Affairs or Schnitzer at the PCIRO and International Refugee Organization set the ball rolling, the convention ultimately passed through the jumble of UN committees and subcommittees without extraordinary delays and did little to stir up controversy, despite some objections from Soviet representatives and their East bloc colleagues. Schnitzer by all accounts handled the discrete mission of the IBD well and ensured that it would function smoothly until the convention expired in the early 1970s. But if he lobbied or hoped for significantly more signatories, they never

Messages: American Politics and International Organization, 1919-1999 (Washington, DC: Brookings Institution Press, 1999), 83-89; Dean Acheson, *Present at the Creation: My Years in the State Department*, rev. ed. (New York: W.W. Norton, 1987), 619-714.

¹⁰⁵ IBD *Bulletin*, UN Archives+, S-0441-1329.

materialised. With 16,000 applications processed, the office in Geneva was hardly redundant but, serving only a limited number of countries, its reach was arguably modest indeed. It remains difficult to gauge how the Robinsons felt about their work promoting the convention in the end and whether they blamed themselves for not lobbying even harder. For them, the measure was clearly just one building block of many in their dogged attempts to smooth the path for postwar property restitution and compensation claims of Jewish survivors. Retrospectively, it did not solve very many cases across the international spectrum. Their returns were limited, given the time they had invested in this project. They had not achieved uniform rules for mutually certifying death of the missing or provided access to 'a procedure which does not involve insurmountable difficulties'.¹⁰⁶ The convention served as a kind of trial balloon for WJC officials, demonstrating what it might achieve through the United Nations. They may not have anticipated the many other, sometimes intractable hurdles that would face them in their efforts to process survivors' property and inheritance claims in the late 1940s and 1950s.

Third, the convention and the reluctance to use it by postwar powers such as the United States or the United Kingdom signals a kind of hesitation to subscribe wholeheartedly to the new international legal ties and obligations offered by the United Nations. The UN was still a very young institution, wielding unclear power in the face of conflicting or competing demands from Member States. The fate of the convention reveals distrust towards the new international body. And it reveals attempts to use it as one site for the postwar international community to confront the mass killing of Europe's Jews. Held up against the International Military Tribunal at

¹⁰⁶ WJC Memo to the Diplomatic Conference on the Declaration of Death of Missing Persons, 13 March 1950, 4, USHMM-RG-68.045, reel 186, file 1789.

Nuremberg or such early UN milestones such as the Declaration on Human Rights (1948) or the Convention on the Prevention and Punishment of the Crime of Genocide (1948), the declaration of death convention's provisions appear to have been far less controversial as well as more backward-looking, much less relevant for the future. But the process still dragged out for over two years. (The UN was not in constant session.) It has now also been forgotten. Such was the fate of many an early UN convention, be it the Convention on the International Recognition of Rights in Aircraft (June 1948), the Scandinavian Old-Age Convention (1949), the International Convention for the Permanent Control of Outbreak Areas of the Red Locust (1949), or a host of others.¹⁰⁷ Many of them may deserve further scrutiny as 'tests' of where early postwar power and influence resided. Some, like the measure on the declaration of death, may have been seen as a shortcut through the thicket of diverse and dissonant national laws that were ill-suited to address problems thrown up by the war. Others addressed short-lived postwar problems that spilled across multiple borders.

Fourth, many of the lawyers who were involved in these various forms of post hoc 'legal management' of the mass killing of Europe's Jews were themselves refugees, were themselves Jewish. However, what that ultimately meant for their postwar strategies, the language and precedents they used, is by no means obvious. Men such as Schnitzer, the Robinsons, or Weis were always doing battle on multiple fronts, invested in an array of strategies to shape international law. Here they emphasised the urgency of an international solution to the problem. Whether it was best to present problems as part of the Jewish plight in World War II or cast them as universal difficulties became an open and ongoing question.

¹⁰⁷ Edmund Jan Osmańczyk, *Encyclopedia of the United Nations and International Agreements* (Philadelphia: Taylor & Francis, 1985), 17, 659, 710.

Fifth, missing person legislation debates largely sidestepped any explicit discussion of *how* the mass of Europe's Jews had died. But the fact of their death had become a given. The convention offered a streamlined means of 'closure' to a widely dispersed population of refugees and survivors—no modest goal—whilst further signaling unmistakably that the World Jewish Congress had turned from *tracing* the missing to a different set of priorities. Sixth, the IBD application process was never the only game in town, but we will never be able to reconstruct where Jews across the globe most frequently turned to have their missing relations formally declared dead. How many turned to international tools to achieve that end? Was Schnitzer's Geneva office the last port of call? We will never know which factor was most compelling in prompting that decision. Most applicants appear in the end to have used a domestic district court or even in some cases the International Tracing Service's clearinghouse to accomplish the same goals.

And finally, declaring Jews dead in a broadly recognised legal framework had everything to do with the restitution and reparations efforts organised by Jewish advocacy groups in the immediate postwar. It represented only one hurdle in that complex process, entailed a huge investment of time and resources, and barely eased the way for individuals or organisations attempting to make claims stick in what became a multidecade battle. As they argued for the necessity and utility of the convention, WJC spokespeople revealed ever more clearly that property and inheritance questions were at the heart of the proposed declaration of death mechanism, not the collateral goal of freeing Jews to remarry new partners after the war. Seen from this angle, the measure represented not an endpoint but one of many junctures in a protracted battle around restitution and heirless Jewish property. Those

discussions had begun during the war and they played out for many more decades to come.

In a 2012 essay, David Cesarani argued, 'The way is open to a root and branch reassessment of Jewish life in the postwar era [...]'.¹⁰⁸ Historians are still struggling to map out the diverse and tangled ways in which unresolved lost and looted property questions were pursued in the postwar world. In his own assessment of efforts of expropriated Jews to obtain material compensation after the war, Cesarani found a record of disappointment, failure and hostility, despite carefully plotted negotiations by figures such as the WJC's Nehemiah Robinson or Chaim Weizmann.¹⁰⁹ Swiss historian Regula Ludi confirms this conclusion in her three-way comparison between the reparations policies for victims of Nazi persecution that emerged in France, West Germany and Switzerland after the war.¹¹⁰ Reparations proposals of this postwar era were tied to a range of national and international considerations, and not exclusively or explicitly geared to Jewish or Holocaust claims.¹¹¹ Mapping the terrain of these countries from 1945 through the 1950s, Ludi concludes, 'the erratic nature of compensation legislation [...] became a continuous quandary that lawmakers sought to overcome with a sheer endless proliferation of legal norms to address even the smallest details. Rather than solving the problem, juridification thus deepened the predicament and produced an inscrutable array of rights that were limited by

¹⁰⁸ David Cesarani, 'Challenging the "Myth of Silence": Postwar Responses to the Destruction of European Jewry', in *After the Holocaust: Challenging the Myth of Silence*, eds. David Cesarani and Eric J. Sundquist (Abingdon: Routledge, 2011), 12. Mark Glickman has called the proliferation of initiatives, 'the postwar restitution alphabet soup', in his *Stolen Words: The Nazi Plunder of Jewish Books* (Philadelphia: Jewish Publication Society, 2016), 253.

¹⁰⁹ David Cesarani, *Final Solution: The Fate of the Jews 1933-1949* (London: Macmillan, 2016), 779-89.

¹¹⁰ Regula Ludi, *Reparations for Nazi Victims in Postwar Europe* (New York: Cambridge University Press, 2012).

¹¹¹ *Ibid.*, 3, and see also 114.

countless circumstances and thus [...] kept raising the formal hurdles for claimants to qualify'.¹¹² Even after state policies were installed, the bureaucratic machinery for processing compensation claims proved to be a slow-moving train.¹¹³ Policies around heirless assets and 'masterless' communal property were likewise long contested.¹¹⁴ Ludi writes that Jewish organisations viewed the just handling of these assets as a critical litmus test of the postwar settlement. Bluntly put: they were surely disappointed. In Germany and beyond, reparations emerged 'as an instrument to simultaneously address and deny responsibilities for past injustice and [limit] resulting obligations'.¹¹⁵ With so much left unsettled for claimants, 'proving' the death of family members was just a starting point in the claims process for many individuals.

Pursuing accords such as the Declaration of Death Convention at the new United Nations was in many ways a move into uncharted waters. Thus, the World Jewish Congress—with its unrelenting push for the convention—joined many others in testing the possibilities of a new international authority, even as they witnessed the ascent of sharp Cold War divisions that would hobble the transition to a just, peaceful postwar order. But there is one more thing to say. What was being acknowledged in this provision about the mass killing of Jews? How had they died? What was known?

¹¹² Ibid., 192. For a recent review of diverse 'second-generation' Holocaust restitution programmes since the 1990s, see the special issue of the Paris-based journal *Yod*, no. 21 (2018), at <http://journals.openedition.org/yod/> (accessed 27 March 2018 and based on a 2014 workshop).

¹¹³ On the Federal Republic of Germany, see Ludi, *Reparations*, 115-16. Additional valuable discussions of this history appear in works by Constantin Gosciler, such as *Schuld und Schulden. Die Politik der Wiedergutmachung für NS-Verfolgte seit 1945* (Göttingen: Wallstein, 2005), and *Wiedergutmachung. Westdeutschland und die Verfolgten des Nationalsozialismus (1945-1954)* (Munich: R. Oldenbourg, 1992), or Ludolf Herbst and Constantin Gosciler, eds., *Wiedergutmachung in der Bundesrepublik Deutschland* (Munich: R. Oldenbourg, 1989).

¹¹⁴ See e.g. WJC, *Unity in Dispersion*, 276-77.

¹¹⁵ Ludi, *Reparations*, 88, 188.

Exhumation efforts had been greatly reduced but not wholly suspended by the period 1948 to 1952. Scholarly reconstructions of what had happened were just beginning, often focusing on the Nazi system broadly rather than Jewish fates. Here, in a new international forum, the gathering of evidence for the Holocaust had taken an odd turn indeed, fostered by a legal framework around missing persons. That framework was familiar and of long standing, even if it had now proven too rigid and parochial in practice, incapable of crossing a host of national borders and bridging national legal differences. Paradoxically, *disappearance*—not eyewitness accounts, or forensic and medical testing of remains, or the rare logs recording deaths of camp prisoners—had become 'proof' of mass death.

Conclusion. Records of Annihilation

'The Jewish cemetery had a superb view over the bay, if the dead had only been able to contemplate it'.¹

Even resourceful, well-educated men who had kept a close watch on Nazi rule in Europe fell prey to optimism at the end of the war. In January 1946 Alexander Frum in New York wrote his brother Bernhard in Shanghai the following lines:

Edi and I are pushing the search for our parents energetically and we are of good hope that we shall soon have established contact with them. The difficulties at the moment are appreciable, because there is no postal service into and out of Germany and only military or Government personnel are allowed to enter it. [...] In spite of these difficulties, I feel sure that our efforts will be rewarded and that we will be in touch with them soon. My feeling is that they will prefer to come to this country rather than going to Palestine (which mother might possibly have considered under normal circumstances) and as soon as we are in contact with them I shall start working on their immigration.²

The Frum brothers were Jews from Berlin. Alexander, a talented young physicist, had immigrated to the United States in the mid-1920s and become a leading engineer in the telecommunications industry. Bernhard, a composer, had fled to China in 1939 and remained there until Alexander lined up the visas to bring him to the United States in 1946. Their brother Edi (Edouard) had left Germany for France, probably in the 1930s, where he married a Frenchwoman and started a family. After the war he worked for the United Nations relief agency UNRRA and may even have run a displaced persons camp in Germany.³ Their parents, mentioned in the letter above,

¹ Hélène Cixous, 'My Algeriance, in Other Words: To Depart not to Arrive from Algeria', in *Stigmata: Escaping Texts* (London: Routledge, 2005). An abbreviated French version of this essay (not including this sentence) first appeared in *Les Inrockuptibles* 115 (20 Aug.-2 Sept. 1997): 71-74. Personal communication, Eric Prenowitz.

² Alexander Frum to Bernhard Frum, 18 Jan. 1946, U.S. Holocaust Memorial Museum (hereafter USHMM), RG-10.152 (Frum family collection).

³ His position at Föhrenwald camp could not be confirmed. Angelika Königseder and Juliane Wetzel, *Waiting for Hope: Jewish Displaced Persons in Post-World War II Germany* (Evanston:

were both born in Russia in the 1870s and had remained behind in Berlin. The brothers were persistent in their efforts to find them, contacting tracing service offices of the American Jewish Joint Distribution Committee, UNRRA, a search service administered by the city of Berlin, the Central Location Index in New York and others on an almost monthly basis throughout 1946. Their hopes may have dimmed, but on paper the Frum brothers' quest nevertheless continued into at least the spring of 1947.⁴ Leja and Gerschon Leib Frum had been deported to Theresienstadt in October 1942 and the trail went cold.

As I have shown in this thesis, many similar searches began on a confident and hopeful note, and then ended inconclusively. With hindsight, we know that this confidence was tragically misplaced. And where the missing were finally accepted as dead, we at times find a retreat into the abstraction and firmness of large numbers, itself a practice inviting further scrutiny.⁵ In a recent biography of Henry Kissinger, Niall Ferguson writes, 'If the Kissingers had not left Germany when they did, there can be little doubt what their fate would have been. [...] Of his close family, according to [Kissinger's] own estimate, thirteen relatives were killed in the Holocaust...' But Ferguson knows better, writing

In fact, the figure of thirteen understates the number of Henry Kissinger's relatives who perished at the hands of the Nazis. According to 'The Kissingers', a manuscript family history compiled by either Charles Stanton or Martin Kissinger, the correct figure is twenty-three. Even that figure may be too low. Of all the known descendants of Meyer Löb Kissinger, no fewer than fifty-

Northwestern University Press, 2001), 141; Simon Kitson, *The Hunt for Nazi Spies: Fighting Espionage in Vichy France* (Chicago: University of Chicago Press, 2008), 103.

⁴ T/D files for Gerschon-Leib and Lea Frum, USHMM, ITS database (hereafter ITS), 6.3.3.2/0080082 and 0080083. A memorial book for Theresienstadt indicates that their father died in June 1943 in the camp and their mother died in Auschwitz in late 1943, but it is unclear when the Frum brothers resigned themselves to never seeing their parents again.

⁵ For a compelling study of the uses of numbers in the aftermath of genocide, see Diane M. Nelson's study of Guatemala, *Who Counts? The Mathematics of Death and Life after Genocide* (Durham: Duke University Press, 2015).

seven died in the years of the Holocaust. [...] Suffice to say that the figure of twenty-three is a minimum; the total number of Kissinger's relatives killed was probably closer to thirty.⁶

Ferguson mounts an odd, contrived challenge here. Without stopping to speculate on his motives, we can use Ferguson's quarrel with Kissinger's numbers to remind us that these distant deaths of Europe's Jews were poorly recorded, often not at all. They are inherently unstable.

The organisations that worked to find missing Jews or collect hard evidence about their fate inevitably fell short; this was true of non-Jewish and Jewish tracing services alike. The information they could provide often had no clear endpoint and did not improve with the passage of time, even as Cold War obstacles finally receded in the 1990s. Even now, much remains to 'resolve'. Since the opening of the International Tracing Service database collection to the public and select research centres in December 2007, the Holocaust Survivors and Victims Resource Center of the United States Holocaust Memorial Museum, for instance, has received new 29,370 requests for information from survivors or their families. No information apparently survives to answer thousands of these enquiries.⁷ It would be easy to lay the blame on Cold War combatants for having prolonged these endeavours and their poor outcomes. Failure to provide conclusive information about individual deaths was

⁶ Niall Ferguson, *Kissinger, 1923-1968: The Idealist* (New York: Penguin, 2015), 79-80.

⁷ USHMM Research and Reference Branch statistics, Diane Afoumado, personal communication, 31 March 2018. As a point of comparison, the end of the Cold War enabled the German War Graves Commission to expand its work eastwards; in 2012 the commission was still processing some 20,000 World War II searches per month, with a staff of 582 and some 9,000 volunteers. See David Crossland, 'Germany Still Located 40,000 War Casualties a Year', *Spiegel International* on-line: www.spiegel.de/international/germany/germany-tracing-its-war-dead-from-world-war-ii-a-832063.html (8 May 2012, accessed 24 Sept. 2017). A recent account of missing U.S. military personnel reported 'Of more than 72,000 American service members from World War II who are still unaccounted for, approximately 26,000 are considered possibly recoverable'. See 'A World War II Mystery Is Solved, and Emotions Flood In', *New York Times* (28 May 2018).

embedded in Nazi agencies' efforts to cover up and obliterate any evidence of their crimes, sometimes systematically, sometimes haphazardly. It was part of the 'Final Solution', conducted as an official state secret. The destruction brought by Allied bombing in some places enhanced perpetrators' own efforts to obliterate traces of what they had done to Europe's Jews, be it through 'Aktion 1005' or other operations. Both tracing services and postwar scholars in search of the Nazis' captives have had to rely on such fragmentary material as deportation lists, eyewitness accounts and the few logbooks and reports that could be salvaged from Nazi administrators' offices and detention sites.

The Postwar Production of Knowledge around Nazi Mass Killing Sites

I began this thesis with several overarching questions: What was known about the Holocaust in the immediate aftermath of the war? And at what point were Europe's missing Jewish populations understood to be dead, not simply displaced? The path of many Holocaust victims cannot be charted precisely or completely, but we can still learn a great deal about how Jewish survivors pieced together what happened to their families and communities. In eastern Europe and the Soviet Union, special commissions began investigating Nazi crimes by conducting extensive interviews and exhuming known mass graves even before the war in Europe ended.⁸ In the West in

⁸ In addition, special courts were later set up to adjudicate missing persons claims in some places; for Poland, see e.g. RG-15.270M (Grodzki Court records in Warsaw). The Soviets' Extraordinary State Commission for Ascertaining and Investigating Crimes Perpetrated by the German Fascist Invaders and their Accomplices reportedly had up to 32,000 staff members and drew on the work of millions of citizens in collecting evidence. (It is not clear whether it functioned as a de facto searching service.) See Selma Leydesdorff, *Sasha Pechersky: Holocaust Hero, Sobibor Resistance Leader, and Hostage of History* (NY: Routledge, 2017), 159, 163n69. Projects such as the Paris-based Yahad-in Unum are still using Soviet Extraordinary Commission records for Holocaust research on the Soviet Occupied Territories to identify

particular, the production of knowledge about mass Jewish death was closely tied to the images of a handful of liberated concentration camps that reached the international press in the spring of 1945; these camps came to stand in for the larger tragedy, even though they had never been the primary sites for the mass killing of Europe's Jews. Postwar trials, the gathering and publication of diverse survivor testimonies and historical works published in the 1950s and 1960s challenged that reigning paradigm but did not succeed in dislodging it.⁹ I have often privileged German voices and localities here, but my dissertation has nonetheless suggested a number of new paths through which an understanding of the broader Nazi detention system and mass killing was pieced together in the early postwar.

Although much of this thesis confronts what can be said about the *absence* of evidence, my chapters have been organised around a series of critical sources connected to searches for the missing and the dead. Beyond wartime letters and return receipts for packages and financial remittances sent to camps and ghettos, we can look to cremation urns and death notifications issued by the main concentration camps to the families of at least some Jewish prisoners. Above all, we can garner critical information from missing person enquiry letters and death certificates or declarations of death issued for missing Holocaust victims. Each reveals in unique ways the difficulty of seeing past the obstacles and obfuscations produced by Nazi officials. At the same time, each offers an avenue by which we can gauge how Jewish individuals, families, communities and political advocacy groups talked about, understood and tried to locate 'the missing'. Historians up to now have not given

where killings took place, where the victims were buried and what the populace knew. Personal communication, Patrice Bensimon, 17 Nov. 2017, USHMM.

⁹ Auschwitz occupies a somewhat exceptional cultural position, yet references to that camp complex have often seemed ignorant of its diverse parts and 'funcions'.

serious consideration to most of these seemingly commonplace yet deeply complex artefacts of the Holocaust.

Tracing work, a central focus of this thesis, clearly began during the war itself. For the most part search letters for neither the wartime nor the immediate postwar survive in great quantity.¹⁰ However, the exchanges between searchers and tracing agencies are easier to document for the postwar, and offer a better sense of the gap between general 'Holocaust knowledge' and individual understandings of what concretely had happened to loved ones. As my introduction has emphasised, the war years were characterised by a growing inaccessibility of Nazi-occupied Europe to individuals and organisations in Allied or neutral territory. Families and friends maintained some contact through the mails, telegrams, relief parcels, Red Cross message forms, or even letters smuggled across borders, but the major deportations of Jews brought those faint possibilities to a crashing halt. A few camps did remain guardedly, periodically accessible to outside 'neutral' observers and relief efforts: Theresienstadt, a range of internment camps in France and even Bergen-Belsen and Westerbork.¹¹ Much depended on Jewish prisoners' nationality and identity papers, but such opportunities to maintain contacts, to convey news across borders, proved fragile indeed. If the work of wartime tracing services grew exponentially, it had little chance of succeeding against this backdrop. Some news about Nazi camps and

¹⁰ For lists of search enquiries, see London Metropolitan Archive, ACC/2793/04/04/002, 003, 004 (missing persons enquiries, books 3, 4, 5, Central British Fund for World Jewish Relief), Oct. 1944; Jewish Agency for Palestine. USHMM, RG-68.126 (Rescue Committee of the Jewish Agency for Palestine), e.g. reels 36-37. Some wartime correspondence survives from Adolf Silberschein's (largely privately funded) RELICO relief operation under the mantle of the World Jewish Congress in Geneva, but for the most part only its outgoing mail to clients has been retained.

¹¹ Some relief parcels were also being delivered in Drancy during the first half of 1944, routed through the Union of French Jews (UGIF), which was established in 1941 in response to German demands. See USHMM RG-43.077M (Drancy parcel recipient records), reels 1 and 2.

atrocities indisputably came to light in Allied circles (with very mixed and ambivalent responses, as we now know).¹² Yet obtaining information on *individual* prisoners remained virtually impossible until at least the end of the war.

My study began with a prehistory to missing person searches of the immediate postwar. Records produced by the Nazi concentration camp system offered one of the few wartime locations where the death of detained Jewish prisoners did have some chance of being registered in a nearly 'normal' civil procedure. Yet, as I have shown, these seemingly ordinary procedures—along with the use of cremation urns—were themselves used to cloak abnormally brutal detention conditions under which Jewish prisoners were particularly vulnerable. Furthermore, despite the appropriation of these bureaucratic procedures, processes associated with a stable and accountable state, their contents were systematically falsified in every imaginable way. Death records and notifications at the major concentration camps were filled out with patently false information to shield the administrators of many new Nazi penal institutions from scrutiny and any accountability for wrongful deaths. Historians have noted some of this phenomenon before. However, we still lack information about how widely such procedures were implemented in the larger and growing network of Nazi detention sites. Unclear, too, is whether urns containing German Jewish prisoners' ashes were 'sent home' largely because those prisoners bureaucratically counted as German.¹³ Were they simply the byproduct of regulations governing the death of German nationals, or deployed as part and parcel of a malicious strategy to create

¹² The literature on this question is now immense. See e.g. Michael Fleming, *Auschwitz, the Allies and Censorship of the Holocaust* (Cambridge: Cambridge University Press, 2014); Richard Breitman and Allan J. Lichtman, *FDR and the Jews* (Cambridge, Mass.: The Belknap Press of Harvard University Press, 2013); Walter Laqueur and Richard Breitman, *Breaking the Silence* (New York: Simon and Schuster, 1986); Board of Deputies of British Jews, 'Annual Report 1942' (London, 1943), esp. 27, 29-38.

¹³ I am grateful to Jane Caplan for this suggestion.

fear? For the purposes of my study, however, prisoner death notifications and even urns sent by concentration camps became one of the few ways in which relatives of incarcerated Jews could receive concrete information about their loved ones. Local Gestapo officials typically conveyed that news to families for distant concentration camp offices, and it thus embodied the very opposite of reassurance: the bleakest and saddest news possible was delivered with a dose of intimidation.¹⁴

My discussion of search enquiries for missing persons puts particular emphasis on the early postwar years and forms the core of this project. I have focused at length on the surviving two-way correspondence between officials of several devastated Jewish communities in the process of rebuilding and hundreds of their former members. Correspondents searching for relatives and friends wrote in from across occupied Germany as well as Palestine and the far reaches of North and South America. These ordinary people, many of them refugees with extraordinary resilience, revealed a highly incomplete, fragmented knowledge of the deportations and extermination sites in eastern Europe: they were neither familiar with places in eastern Europe that became sites of mass killing (Riga, Łódź, Bełżec) nor the level of devastation and transformation that had afflicted their home towns. The officials who fielded their questions were themselves survivors of a range of camps who had witnessed much death and struggled to uncover the fates of their own missing friends and kin. My case study has scrutinised three much-reduced communities, two in Soviet-occupied Germany, where many former members had Polish Jewish roots, and

¹⁴ For a jarring recent discussion of the difficulties and dangers of obtaining death certification, see 'How Syria's Death Toll Is Lost in the Fog of War', *New York Times* (13 April 2018). A UN assistant secretary general and regional humanitarian coordinator for the Syrian conflict attested that eighteen different authorities were issuing such documentation and 'many civilians fear that having a death certificate issued by the "wrong authority" could jeopardize their relatives'.

the other in the French occupation zone catering to many constituents who had been pushed across the French border even before the war began. Despite their varied character and composition, they reveal the expanse of tracing networks across central Europe tapped by these community officials and their clientele, and they reveal the full range of the impatience, confusion, fear and high expectations that accompanied Jewish missing person searches everywhere in this period. If brief, awkward Red Cross messages became the prototypical, most ubiquitous genre of wartime writing, missing person enquiry letters may well have been their equivalent in the immediate postwar.

Tracing requests for missing Jews represented a broad spectrum of expectations, assumptions and knowledge about the recent past. I have argued here that we can learn much by reading these requests closely, taking their words seriously and even literally. They provide some glimmer of how long such searches continued after the war, how enquirers dealt with uncertainty and how long mourning could be deferred. In a period and place for which we now have multiple histories of Jewish DP camps, bringing these alternative perspectives to the table is critical. By privileging first-person accounts we learn that the mechanics and locations of the Nazi killing operation were very poorly understood. They reveal a gulf between abstract knowledge about 'the Holocaust' and long-enduring hope about the fate of one's own family members. The many reports and testimonies gathered in from Jewish survivors had had an arguably limited impact on the expectations of the living, many themselves survivors of perilous journeys and events. Taking search queries seriously allows us to turn away from a 'life reborn' narrative of the 'Jewish postwar' to one in which past

events long remained unsettled territory.¹⁵ The enquiries also become a rough measure of how long most people sustained the search process and what came to replace it in the later 1940s and 1950s.

My dissertation has also told the story of some of the major tracing services that emerged during the war and served a largely Jewish clientele. It has scrutinised the interaction between these offices and some of the agencies with a more general remit to find missing persons (the Central Tracing Bureau, UNRRA, the International Committee of the Red Cross and others). These agencies had separate and overlapping stories, and the personnel of the Jewish agencies in particular struggled with their own searches for missing family members, much like the officials discussed in Chapters 2 and 3. Despite extensive cooperation, agencies of all kinds initially competed for records of Nazi criminality: tracing agencies, war crimes investigators, former camp prisoners and the International Tracing Service, which was formally established at the beginning of 1948 in Arolsen, Germany. And in some instances, they off-loaded difficult cases on one another. Many cases could not be closed and the 'failure rate' for locating Jewish missing persons remained strikingly high. In response, many agencies blamed 'serial enquirers', circulated list after list, redesigned their office forms, used word-of-mouth to obtain eyewitness accounts and centralised and de-centralised their search services. Here again it became dismally clear that the Nazis' treatment of the Jewish dead had deeply impacted the success rate (indeed, failure rate) of the tracing services and stymied the as yet limited understanding by tracers and survivors of where most of the killing of Jews had taken place. They

¹⁵ On postwar Jewish communities and politics in Germany, see e.g. Jay Howard Geller, *Jews in Post-Holocaust Germany, 1945-1953* (Cambridge: Cambridge University Press, 2005); Eva Kolinsky, *After the Holocaust: Jewish Survivors in Germany after 1945* (London: Pimlico, 2004); and the more recent Margarete Myers Feinstein, 'Without a Home: German Jews as Displaced Persons in Post-War Germany', *Leo Baeck Institute Year Book*, Vol. 62 (2017): 75-93.

imagined orderliness where none existed and began their work with optimism, underestimating the difficulty of searching for mass graves or the tens of thousands of prisoners who collapsed or were killed on camp evacuation marches. Like the general public, they placed disproportionate faith in what surviving records of the concentration camps might reveal. Some of the postwar war crimes trials helped fill in and shape a narrative about what had happened, but huge gaps in knowledge endured, as did the sharing of and competing for material, a failure to close cases and an abysmal success rate. Postwar tracing services drew on Red Cross experience from the last world war, but forged ahead with continuous innovations and rationalising of procedures. Despite this, the rate of success remained paltry. In the end, institutional support for continued searches faded after 1947 and 1948, though a few of the Jewish location services continued to operate into the 1950s. Agency goals had shifted. At the same time awareness of the extermination sites claimed space in the first printed catalogue of the post-UNRRA consolidated search service, the ITS, in 1949 and 1950.¹⁶ Despite the fact that so much effort had been invested in searching for sites of persecution, the returns were devastatingly meagre. Still, there was no clear endpoint for the work. Could the legal solution devised by World Jewish Congress provide that 'endpoint', attain some form of closure for the families of survivors?

Early postwar legal discussions provide another pathway to understanding how Europe's Jews were transformed into Holocaust victims. What was literally required to turn Jewish missing persons into persons who could be certified as legally dead? And when was that step taken? As surviving family members of missing Jews sought to sort out inheritance issues, pension and insurance claims, or marital status, they

¹⁶ International Tracing Service, *Catalogue of Camps and Prisons in Germany and German-occupied Territories, Sept. 1st - May 8th 1945*, 2 vols. (Arolsen: ITS, 1949-1950).

encountered a range of difficulties that existing legislation had not anticipated. The unprecedented scale and circumstances of Jewish 'disappearance' underlined the need for less cumbersome regulations, measures that took into account not only the complicated journeys taken by victims of Nazi persecution—their far-flung residences, places of captivity and assets—but also those of their surviving family members and heirs. 'Missing persons' legislation was modified across the European map in the wake of the war. Each of those national contexts merits further investigation, particularly as a locus for how the Holocaust and Holocaust victims were described and confronted by specific political and legal communities. Here I have primarily examined how Jewish advocacy groups and legal experts discussed the problem of Jewish *Verschollenheit* in the German context, whilst the country was still under Allied occupation. As with missing persons enquiries, these discussions revealed what knowledge had circulated about Nazi killing sites and Jewish death under Nazi rule. They also illustrated well the problem of making mass Jewish death—or even the death of individual Holocaust victims—a legal fact in the absence of actual bodies. The difficulty of establishing or confirming 'Jewish legal death' reached the international stage just a few years after the war in Europe ended.

My dissertation concludes by tracking the efforts of a small group of refugee legal scholars to insert Jewish concerns into the postwar international order and political agenda. Their shepherding of a new agreement through the fledgling United Nations, the Convention on the Declaration of Death of Missing Persons, speaks to their skills of persuasion and daring in an era of new internationalist initiatives and instruments, still untested waters in an era when Cold War tensions began to loom large. The convention, which went into force for a handful of U.N. Member States in

early 1952, was one of many initiatives promoted by the World Jewish Congress and its leading strategists, the Robinson brothers. It provided a means to remove obstacles to inheritance and restitution and, collaterally, offered a test case for using the new international body to support Jewish advocacy work. Yet the convention had few takers and a rather modest reach in the end. In contrast to now better-known UN measures of that era, its implications were retrospective, focused on the aftermath of mass atrocities rather than designed to prevent future mass killing. It also showed that the tracing process had for the most part been abandoned. It lent credence to the conviction that the missing were dead, while largely avoiding any direct discussion of *how* Europe's Jews had died. In this strange constellation, absence, disappearance and *Verschollenheit* had become 'proof' of mass killing, the evidence on which claims about the Holocaust could be made. Discussions of death by disease and starvation in ghettos or Jewish labour camps, for instance, or by execution in the forests of eastern Europe were long kept in the wings, not made part of a mainstream narrative.

Residing with Disappearance

What happens when the normal cycle of death and burial has been so badly and violently disrupted? Many cases discussed here were eventually closed and peacetime civil registry procedures regained a foothold. The missing were declared dead, but remain with us as a host of unresolved questions. First, some of the national variations on these issues need to be untangled systematically. Each of these national stories can tell us something about how political bodies, policy-makers and public discourse included or excluded the wartime experiences of persecuted Jews. What terminology was used? What can be gleaned from these discussions about how the location and

scope of the mass killing of Europe's Jews were understood shortly after the war ended? When was information shared or made available across the East-West divide that emerged ever more rigidly after 1945? Second, changing standards for evidence for death (and mass killing) in the wake of World War II could be fruitfully evaluated to a greater extent. Even after extensive attempts to exhume the war dead by occupation forces in Europe and commissions investigating Nazi crimes, the state of forensic science had not yet advanced enough to pinpoint identities or numbers of many of the dead. What sites were prioritised and what was the standard for estimating death totals? To what degree did they rely on survivor accounts and accounting on the one hand, and the records of the occupiers themselves—heavily redacted, often falsified—on the other?

Third and related to this, we lack histories of how the Nazi era transformed Jewish mourning practices, the marking of death and loss.¹⁷ Under Nazi rule Jewish families and communities were stripped of their ability to bury and honour their dead in rituals of their own choosing. Europe's Jewish cemeteries and funeral halls underwent fundamental transformations and destruction in many places, with the Jewish dead buried elsewhere without dignity, or worse.¹⁸ What does mourning look

¹⁷ Gabriel N. Finder has begun some of this research; see e.g. his book chapters 'Yizkor! Commemoration of the Dead by Jewish Displaced Persons in Postwar Germany', in *Between Mass Death and Individual Loss: The Place of the Dead in Twentieth-Century Germany*, eds. Alon Confino, Paul Betts and Dirk Schumann (New York: Berghahn Books, 2008), 232-57, and 'Final Chapter: Portraying the Exhumation and Reburial of Polish Jewish Holocaust Victims in the Pages of Yizkor books', in *Human Remains and Identification. Mass Violence, Genocide, and the 'Forensic Turn'*, eds. Élisabeth Anstett and Jean-Marc Dreyfus (Manchester: Manchester University Press, 2015), 34-58.

¹⁸ On the German case, see esp. Andreas Wirsching, 'Jüdische Friedhöfe in Deutschland 1933-1957', *Vierteljahrsheft für Zeitgeschichte* 50, no. 1 (2002); Adolf Diamant, *Jüdische Friedhöfe in Deutschland 1945 bis 1999* (Potsdam: Verlag für Berlin-Brandenburg, 2000); Edith Raim, *Nazi Crimes against Jews and German Post-War Justice: The West German Judicial System during Allied Occupation (1945-1949)* (Oldenbourg: de Gruyter, 2015), 179-85; and Ulrich Knufinke, 'Jüdische Friedhöfe und ihre Bauwerke in der Zeit des Nationalsozialismus. Ein Überblick', in

like when deferred for so long, buried in a broader shared story of mass death? To what extent were individual Jews in Europe, even prisoners, or Jewish communities able to retain some control over rituals associated with death of community members? Where and for how long?

Fourth, much work also remains in detailing long-term postwar institutional developments and how the Holocaust marked them. The account I have offered here on the activities of the World Jewish Congress and its sister organisations raises the question of how advocates for Jewish survivors and Jewish rights navigated the political waters of the postwar. They steered back and forth between framing issues in particularistic and more universal terms at the young United Nations, as they touted the benefits of a convention on the declaration of death. As the UN's Convention on the Declaration of Death was being hashed out, Jewish political advocates sometimes inserted very explicit references to the 'Nazi holocaust' and 'mass killing', as Robert Marcus did in 1949. But what was learned from these early cases or campaigns? To express this another way, to what extent could and did Jewish advocacy groups broker the peace? Work on the influence and strategies of such organisations as the World Jewish Congress is just beginning. Historians have thus far focused some attention on the role of Jewish refugee lawyers in shaping the major Allied war crimes trials of the latter half of the 1940s. More remains to be done on the use of Jewish witnesses and prosecution personnel, or on the degree to which Jewish organisations were able to impact and shape restitution settlements.

Historians have gauged postwar knowledge about the Holocaust in widely diverse ways. They have unearthed the results of public opinion polls of the late

Gärten und Parks im Leben der jüdischen Bevölkerung nach 1933, eds. Hubertus Fischer und Joachim Wolschke-Bulmahn (Munich: Martin Meidenbauer, 2008).

1940s, calculated the number of camp survivor memoirs and reports published in the decade after the war ended and scrutinised the audiences that consumed newsreel footage of the liberation of concentration camps. They have looked at Jewish community newsletters for survivor accounts and analysed audience responses to war crime trials conducted across postwar Europe, in Nuremberg and beyond. They have mined public rhetoric and private writing for references to the terms Holocaust or the Shoah. My dissertation has joined in these efforts but taken a new approach. It has underlined the importance of an unlikely pair: death certificates and missing person enquiry letters.

Many historians of the major Nazi concentration camps have noted and described the practice of issuing, hiding and also falsifying Nazi prisoner death records. I have taken this focus further. On the one hand, I have shown here that following camp death certificates back to the local level—back to the hands of local Gestapo offices, back to Jewish community offices and prisoners' families—reveals their terrible, unsettling power for European Jews in particular. The cremation urns issued for dead prisoners at concentration camps were in some perverse sense a middle point, not the endpoint of a process. On the other hand, I have shown that certification of death became a critical postwar battlefield for making mass Jewish death visible. As this dissertation has shown, looking at that battle helps us to see how the Holocaust was understood and bureaucratically 'processed'. Requests for such certificates by a subset of Jewish survivors and Jews across the globe ultimately signaled a delayed concession that missing relatives were in fact the victims of mass murder. Yet as legal practitioners and policy-makers soon realised, obtaining conventional documentation for Jewish death through Nazi persecution would remain

a high hurdle for postwar Jewish clients and claimants. As I have shown, even a carefully planned campaign for redress by major Jewish advocacy groups could not overcome national legal differences and dissonances.

As this dissertation makes clear, Jewish missing person enquiries offer us a hitherto unexplored path by which Holocaust death was 'processed' or, indeed, kept at a long remove. Contemporary statistics of location services of the 1940s reveal that these enquiries were written in massive numbers, even if they only survive today in scattered archival pockets. Mining local Jewish community correspondence about the disappeared allows us to see a slow evolution in assumptions made by survivors, emigrants and one-time refugees about absense, and about what being deported to Riga or other distant destinations meant in the context of Nazi racial policies. Missing persons 'return' with every new mass atrocity in which whole landscapes of death and killing have been obliterated. We cannot neglect them as a problem of history.

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