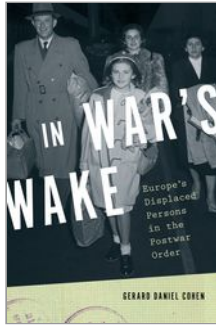


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## In War's Wake: Europe's Displaced Persons in the Postwar Order

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## Extraterritorial Jews

Humanitarianism, Philosemitism, and the Advent of Jewish Statehood

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### Abstract and Keywords

The chapter analyzes the place of Holocaust survivors and Jewish displaced persons within the postwar refugee regime. Recognized as a stateless and extraterritorial community, Jewish DPs nationalized the course of Jewish history and triggered unprecedented philosemitism in international politics. As much as the historical agency claimed by the survivors of the Final Solution, the skillful determination of the Zionist movement or the political backing of the Western and Eastern blocs, refugee humanitarianism enabled the advent of Jewish statehood.

*Keywords:* Earl Harrison, Zionism, American Jewish Conference, Nathan Feinberg, Jacob Robinson, Jewish refugees, International Refugee Organization

A HISTORICAL ACCOUNT of Jewish refugees in Allied-occupied Germany must start with a reminder of an astounding fact: in the weeks and months following the fall of Hitler's regime, the cradle of Nazism unexpectedly offered a humanitarian shelter to the survivors of the Final Solution. Indeed, the demise of the Nazi order enabled the surprising return of Jewish life on the "blood-soaked soil" of Germany: in 1947-48, the "surviving remnant" numbered approximately a quarter million Jewish displaced persons, predominantly concentrated in

American-controlled Bavaria and Hesse.<sup>1</sup> Initially composed of liberated inmates of concentration camps and survivors of death marches, the Jewish DP population in Germany was reinforced by the arrival into the American zone of approximately 150,000 “infiltrates,” most of them Polish Jews. Saved from death at the hands of the Nazis by harsh but timely exile in the Soviet Union, they were repatriated by the USSR to Poland in early 1946. This return proved temporary: the complete destruction of families and homes combined with instances of anti-Semitic violence culminating with the Kielce pogrom of July 1946 provoked a mass departure of Polish Jews to occupied Germany. Joined by a small number of Romanian, Czechoslovak, and Hungarian brethren, these “post-hostility” refugees, as they were officially known, steadily converged, spontaneously or in organized fashion, on the Jewish DP camps of the American zone and the Western-occupied sector of Berlin. Altogether, “infiltrates” from Poland and eastern European countries came to represent two-thirds of the overall Jewish DP population.<sup>2</sup>

Although they were no strangers to intense physical and emotional suffering, most displaced Jews in Germany were indirect victims of the Final Solution. Lumped together, however, the emaciated faces encountered by (p.127) Allied troops in the spring of 1945 and the subsequent waves of “infiltrates” constituted the most conspicuous group of “Holocaust survivors” on the European continent. Such a definition, according to Israeli historian Dalia Ofer, “not only reflected the Zionist understanding of what constituted a survivor, but was also used by the survivors themselves in their writings, public declarations, and private correspondence.”<sup>3</sup> This visibility contrasted sharply with the discreet presence of Jewish survivors in postwar European polities. In the Soviet Union, the principal site of the “Holocaust by bullets” perpetrated between 1941 and 1943 by the Wehrmacht and local helpers in the Ukraine, Belarusia and the Baltic States, memories of the Great Patriotic War encapsulated Jewish victimization within a scripted “national-Communist” narrative. In East-Central Europe on the verge of Communist takeover, official “anti-Fascism” similarly played down the singularity of Jewish wartime experiences. In France, Belgium, and the Netherlands, the small number of Jews fortunate enough to return from Nazi death camps was absorbed into the broader category of labor and political deportees.<sup>4</sup> In the “DP Land” of Germany, however, Jewish survivors were on full display, their presence magnified by the establishment of separate Jewish camps throughout the American zone. Contrary to the collective invisibility and silence of Holocaust survivors elsewhere in Europe, Jewish DPs loudly asserted their identity in front

of military authorities, German civilians, welfare professionals, and a cohort of journalists and foreign dignitaries.

The transient experience of Jews in occupied Germany is therefore hardly reducible to a suffocating “waiting room.” The temporary sojourn of Jews in the land of their former tormenters did not simply symbolize the last chapter of the Holocaust or, alternatively, the first chapter of Israeli history: it also enabled a formidable cultural, political, religious, and educational drive toward regeneration and normalization. In particular, Zeev Mankowitz's meticulous analysis of prayer books, rituals of public remembrance, and the writings of Jewish leaders amply confirmed what a Yiddish song popular among DPs vigorously announced: “Now one must live because the time has come!”<sup>5</sup> Atina Grossmann has described how deeply aggrieved Jewish DPs rebuilt their lives in constant negotiation with American soldiers, German civilians and the world at large.<sup>6</sup> Seen from this “regenerative” angle, the warm Zionist feelings shared by Jewish DPs were part of a complex rehabilitation process. Therapeutic and utopian more than staunchly ideological, Zionism was the main available language of hope for survivors longing for relatives and a sense of home. “The yearning for Palestine,” explained the chief rabbi of Poland to Anglo-American visitors in 1946, “was a basic human instinct and had nothing political in it.”<sup>7</sup>

(p.128) Undeniably, the scars on body and soul left by the Holocaust and its aftermath shaped the collective identity fashioned by Jewish DPs. “What distinguished the Surviving Remnant in Germany,” wrote one of its historians, “was the articulated group awareness that their singular situation prompted.”<sup>8</sup> Indeed, the constitution of an autonomous Jewish collectivity is certainly one of the most striking consequences of the postwar European refugee crisis. To be sure, the affirmation of Jewish cultural and political distinctiveness prolonged an already rich history of Jewish separatism in East-Central Europe. Advocates of Folkism, Bundism, and different strands of Zionism had since the beginning of the twentieth century argued that Yiddish-speaking Jews formed a separate national-cultural entity. Moreover, prewar interethnic relations in East-Central Europe bore a certain resemblance with the “borderlands” conditions later experienced by Jewish DPs: in occupied Germany, the last heirs of the vanished Yiddishland continued to live alongside and yet apart from their immediate neighbors. However, the exceptional circumstances created by the Final Solution and the resurgence of anti-Semitism in Poland placed Jews in a unique position within the constellation of uprooted people in the Western occupation zones. In contrast to the millions of

ethnic Germans evicted from Czechoslovakia or Poland, Jewish refugees could not conceivably be resettled in Germany, although approximately 30,000 of them eventually stayed in the Federal Republic.<sup>9</sup> And unlike anti-Communist Polish, Ukrainian, or Baltic displaced persons branding themselves as the vanguard of “captive nations,” Jews in Germany sought shelter more from the *society* than from the *government* of their previous countries of residence (Poland in the case of most Jewish DPs). A “diaspora” only in the biblical sense, the remnants of East-Central European Jewry that regrouped in the Jewish camps near Munich and Frankfurt was more akin to a nonterritorial nation placed under American protection.

Jewish observers took notice of this evolution. Touring occupied Germany, the rabbi and lawyer Zorach Warhaftig marveled at the rise of a “Jewish ethnological nationality.” Members of the Anglo-Jewish Association similarly reported in 1946 that “the consciousness of nationality within European Jewry is more widespread and perhaps even more intense than before.”<sup>10</sup> A defiant affirmation of hope and life reborn, the remarkable rise of an autonomous Jewish collectivity was not, however, born exclusively from resilience and political savvy. Although their transitional existence in self-ruled DP camps allowed Jews to recover historical agency, external factors also shaped the Surviving Remnant into a nation. During and after the war, American Jewish organizations dismayed by the refusal of Allied armies and UNRRA (p.129) to treat Holocaust survivors as a separate group of refugees forcefully pleaded for the recognition of a distinctive Jewish nationality. Following the decisive Harrison Report of August 1945, the statelessness of Jews was finally recognized by Allied relief policies and United Nations agencies. As refugees and migrants subjected, like other displaced persons, to international categorizations, Jews in occupied Germany obtained the status of extraterritorial collectivity entitled to political and migratory rights. In 1948, the IRO fully backed their emigration to Israel despite its official refusal to interfere in the first Arab-Israeli conflict. By acknowledging the legitimacy of Jewish nationhood claims, the postwar refugee regime fostered the emergence of philosemitism in international politics.

“The world at large does not have in its international thinking and international law a political term with which to designate us,” lamented one participant in the American Jewish Conference, which convened for the first time in New York in August 1943. Worried about the lack of a “concept or category that will give us international status,” he urged fellow delegates to clarify the international position of Jews in anticipation of the postwar era: “The fact that we have not had such

status heretofore should not hinder us from defining it now, when the historical moment demands it.”<sup>11</sup> Contrary to his wish, however, a precise and all-encompassing label applicable to Jews—whether they constituted a political nation, a cultural minority or a religious community—remained, like in the past, open to debate. Yet the American Jewish Conference, the first unified federative Jewish body ever formed in the United States, placed the legal and political position of Jews in the postwar world at the core of its agenda. This concern for the future of Jews outside of the United States, while not new to American Jewish institutions, announced a turning point in their relationship with the rest of the Jewish world. Unofficially serving as the wartime spokesperson of the American Jewish community, the American Jewish Conference also marked “American Jewry’s recognition that it had been charged by history to assume leadership of world Jewry.”<sup>12</sup> Undoubtedly, the ongoing mass murder of Jews within the Nazi orbit facilitated the adoption of this transnational and hegemonic role. “The elimination of Continental Jewry as an active factor,” the legal expert and director of the Institute of Jewish Affairs, Jacob Robinson, stated in 1943, “strengthens the responsibility of those sections of the Jewish peoples which have not been engulfed.”<sup>13</sup> Consequently, the most detailed blueprints on “the future of the Jews” emanated between 1943 and 1945 from the myriad of Jewish leaders and organizations loosely unified under the American Jewish Conference. Particularly active in this (p.130) regard was its Committee on Postwar Europe, tasked with guiding the rehabilitation, indemnification, and citizenship rights of surviving Jews. As the examination of its proceedings reveals, the prospect of Allied victory prompted strong demands for Jewish political and legal particularism. In the midst of World War II, this large constellation of American Jewish organizations presciently sensed that Holocaust survivors, whose number was still impossible to assess, foreboded a decisive shift in Jewish history. For the victims of Hitler, they argued, “a return to the *status quo ante* is hardly conceivable.”<sup>14</sup>

The short-lived American Jewish Conference (1943–49) is mostly remembered today as the first instance of collective identification with Zionism by large segments of the American Jewish community. Although its embrace of the Biltmore-Jerusalem Program of 1942 calling for a Jewish commonwealth in Palestine provoked a rift with the powerful American Jewish Committee, which was more cautious about statehood, the Conference successfully rallied to the Zionist platform the vast majority of its delegates, who were elected by 2,235,000 voters across the United States.<sup>15</sup> Less noticed, however, was the strong attention it paid to the related question of “uprooted Jews in the

immediate postwar world.”<sup>16</sup> Besides the “implementation of the right of the Jewish people with regard to Palestine,” the Conference was in fact specifically created for the purpose of planning the rescue of European Jewry and “taking action upon Jewish postwar problems in Europe.” The latter issue was thoroughly debated in the course of two sessions respectively held in New York (August 1943) and Pittsburgh (December 1944). That the bulk of surviving Jews from East-Central Europe would not return to their countries of origin after the war was abundantly clear to wartime Jewish organizations. The World Jewish Congress, for instance, warned as early as 1943 that the majority of survivors “will have to migrate, because they were ousted from their homes and driven to different localities.” Even if at that time the situation of the Jews in Axis Europe was still subject to “swift and catastrophic change,” the prospect of significant Jewish displacement appeared certain. By the end of 1944, it could be categorically established that many surviving European Jews “will not want to live in the same places where they and their kinsfolk have suffered or witnessed the indescribable horrors of Nazi persecution.”<sup>17</sup> Ultimately, the assumption of looming Jewish displacement fueled insistent demands for the “extraterritorialization” of future Holocaust survivors.

Indeed, the construction of surviving European Jews into a nonterritorial nation predated the end of the Nazi extermination program. Jews in Axis-ruled territories, the World Jewish Congress argued in 1944, formed a “co-belligerent nation” deserving of full Allied recognition. After the Nazis mercilessly (p.131) treated European Jewry as a belligerent nation, Jewish victims were owed by the future liberators a similar label guaranteeing their rights and status in the approaching postwar period.<sup>18</sup> Speaking on behalf of the Institute of Jewish Affairs created in New York in 1941, Jacob Robinson espoused a similar view. The situation of future survivors, he contended, “could not be considered in relation to a limited territory or to each country separately, but it was a universal, or at least a European continental problem.”<sup>19</sup> The Lithuanian-born émigré lawyer advocated, therefore, the full disentanglement of Jewish survivors from national polities and jurisdictions, particularly in matters of citizenship, property claims, and international representation. Although conceived with the last remnants of Yiddishland in mind, this supranational blueprint did not solely apply to East-Central European survivors. The status of “deported Jews from Western European countries who were only residents but not nationals of those countries” also constituted a genuine “extraterritorial problem.”<sup>20</sup> Unaware that foreign Jewish refugees who lived in France and the Low Countries prior to the war would be swiftly reintegrated as resident aliens in 1944–45, Robinson

believed that from Eastern to Western Europe, the vast majority of Jewish survivors formed a juridical category extraneous to domestic law. "What is to be their status, who will represent them or take care of them," he wrote, "must be decided on the basis of Jewish rights and status as a whole": the main consequence of the Final Solution was the severance of the bonds uniting European Jews to their former countries of residence. To counteract this loss of state protection, the American Jewish Conference recommended the establishment of a "Jewish Reconstruction Commission of a general character to take care of the problems of European Jewry on a continental scale." It also asked that this body, which ultimately never saw light, "be given the right to participate in the deliberations of the United Nations" so as to negotiate on an equal basis with sovereign nation-states.<sup>21</sup> Writing in the New York émigré publication *Aufbau* in April 1945, Hannah Arendt championed the same view: the "Jewish people," she claimed, stood on equal footing with the forty-four members of the United Nations in having the right "to take part in the organization of the victory and peace."<sup>22</sup>

The assisted emigration of Jewish survivors was another issue through which Jewish particularist claims were expressed in wartime America. "While there is no definite information on the numbers of persons involved," the American Jewish Conference predicted in 1944, "the resettlement of European Jews will no doubt have to be carried out on a mass scale."<sup>23</sup> By "resettlement," American Jewish leaders meant the emigration of Jewish survivors to countries willing to receive them in addition to Palestine, which was "ready and (p.132) best suited for Jewish colonization." However, the "principle of selection" inherited from restrictive interwar immigration policies greatly limited the relocation possibilities of Jewish refugees. Palestine, on the other hand, "had been prepared through decades of Jewish pioneering effort to absorb large masses of Jewish resettlers."<sup>24</sup> This demand was carefully presented as "a practical solution apart from all ideological considerations": the much-debated "absorptive capacity" of Palestine, assiduously measured since the 1920s by British administrators and Zionist geographers, made its territory "the only place where Jewish settlement for colonization is possible" and the natural destination for Jewish displaced persons in the near future.<sup>25</sup> But even if the emigration of Holocaust survivors to Palestine was publicly urged by American Jewish organizations, this issue remained at that time subsumed into a broader demand for the right of Jews to leave East-Central Europe through international assistance. To that end, the Conference summoned UNRRA to help future Jewish resettlers with "transportation to the new countries and aid in their first stages of

adjustment,” just like the agency helped non-Jewish “repatriates of the United Nations to return home.”<sup>26</sup> At the end of the war, Jewish survivors were already seen by their American supporters as a category of migrants bound to leave the European continent, in opposition to the millions of other displaced civilians who would reintegrate their countries of origins.

Between April and June 1945, the San Francisco conference presiding over the birth of the United Nations Organization presented a unique opportunity for Jewish leaders to propagate this view. Granted by the US government special advisory status alongside fifty other non-Jewish organizations, the American Jewish Conference joined forces with the World Jewish Congress and the Board of Deputies of British Jews to offer a “Jewish position” to the drafters of the United Nations Charter. Reminiscent of the Committee of Jewish Delegations at the Paris Peace Conference of 1919, this unified Jewish representation—“the largest and most representative Jewish delegation ever to attend an international conference,” according to its chairman, Louis Lipsky—sought the protection of Jews in the new postwar order.<sup>27</sup> But whereas the Jewish lobbyists of 1919 wanted the Great Powers to recognize the separate national existence of Jews within successor states, the “Jewish position” of 1945, cautiously but openly promoting the Zionist cause, emphasized a definitive fracture between Jews and East-Central European polities. Increasing knowledge about the extent of the Final Solution as well as the visible presence of liberated concentration camps inmates in Germany and Austria gave particular substance to this claim: “Surviving European Jews who are now in countries of refuge or temporary asylum,” a memorandum (p.133) presented at San Francisco declared, “will neither wish nor be able to return to their former homes.” As such, the appearance of Jewish displaced persons on the international scene altered the equilibrium between the individual rights enjoyed by Jews in the United States and western Europe and the collective minority rights granted to eastern- and central-European Jews after 1919. The Jewish delegation at San Francisco certainly wished to perpetuate and even strengthen both forms of protection: one of its main goals was to promote an enforceable human rights jurisdiction grounded in individual rights while safeguarding those of cultural and religious groups. Jewish DPs, however, did not easily fit into this dual system of rights. In extraterritorial limbo, the Surviving Remnant embodied instead the quest for territorialized national rights: the American Jewish Conference, together with other Zionist organizations, would soon draw an explicit link between Jewish refugees and Jewish nationhood, later summarized in a memorandum presented in 1947 to the United Nations Special Committee on



Palestine.<sup>28</sup> In June 1945, however, the most immediate agenda of the American-led Jewish delegation concerned with “the future of the Jews” was to press the United Nations and its main refugee agency to recognize the distinctive predicament of Holocaust survivors in occupied Germany.

Despite repeated entreaties by American Jewish groups in 1944 and 1945, the first United Nations institution entrusted with the care of civilian displaced persons in liberated Europe did not acknowledge Jews as a nationality. “UNRRA has indicated that it will make no special provisions for handling Jewish war victims in liberated territories,” reported two analysts of Jewish affairs in 1945: “It was felt that appropriate plans for dealing with specific Jewish problems can be worked out within each nation.”<sup>29</sup> At its second session, held in Montreal in September 1944, the UNRRA council nonetheless prompted the organization to extend help to “enemy or ex-enemy nationals” who were victims of Nazi persecution because of race or religion; this clause entitled Jewish “persecutees” from ex-Axis countries to be identified as “United Nations nationals.”<sup>30</sup> For Hannah Arendt, a keen observer of international refugee policies during and after the war, the fact that UNRRA “was allowed to care for Jews formerly of enemy nationality was only a compromise between the benevolent attitude of the governments represented and the unaltered principle that stateless Jews are still citizens of the countries from which they had been banished.”<sup>31</sup> Arendt's observation was accurate: in the weeks following the end of the war, Jewish survivors ranked among the recognized victims of World War II but were not treated as a separate collectivity by the Western Allies in charge of their care.

(p.134) Various reasons accounted for this situation. The overall (and correct) assumption within UNRRA and the Displaced Persons Branch of the Supreme Headquarters Allied Expeditionary Forces (SHAEF) was that Allied troops sweeping into Germany would only encounter a small number of Jewish survivors. Accordingly, Anglo-American planners did not think that special provisions for Jewish displaced persons were necessary. In the spring of 1945, the liberation of concentration camps confirmed their views: “With only about 20,000 Jews in Western Germany and another 7,000 in Western Austria,” wrote the expert Malcolm Proudfoot later, “the Jewish problem understandably appeared to be minor when compared to...the millions of other displaced persons requiring care and repatriation.”<sup>32</sup> Another factor prompted UNRRA to absorb Jewish refugees into the larger mass of European DPs: its permanent subordination to the policies devised by Allied military authorities. Before the liberation of Europe, SHAEF handbooks on

displaced civilians stipulated that special treatment of Jews would “perpetuate the distinction of Nazi racial theory.” Consequently, “Jewish” was not listed in the classification of DP nationalities established by military planners; for their liberators, Jews still formally belonged to their former countries.<sup>33</sup> In June 1945, Jews began to be referred to as “stateless” in SHAEF directives, a term endorsing the disconnection of Jewish survivors from their prewar countries of citizenship. This designation, however, only entitled Jews to share the uncertain status of displaced persons who refused to go home and were allowed to remain in camps until a solution could be found.<sup>34</sup> Compared to the particularist demands formulated by American Jewish organizations since 1943, the protection granted to Jewish DPs in the weeks following the liberation of concentration camps was unexceptional: by August 1945, Holocaust survivors had only earned the protective label of “United Nations nationals” and a de facto status of “non-repatriable” refugees.

The well-known Harrison Report handed to Harry Truman in August 1945, a scathing indictment of the mistreatment of Jews by the US military, is generally considered a turning point in the short history of Jewish DPs. As Leonard Dinnerstein pointed out, this damning survey of conditions prevailing in the DP camps located in the American zones of Germany and Austria played the role of the “progenitor of almost every controversy and policy suggestion of how the Western powers should disperse DPs and minimize their woes while so doing.”<sup>35</sup> The study, conducted in July 1945 by Truman's envoy, Earl G. Harrison, at that time the dean of the University of Pennsylvania Law School, was indeed of crucial significance for the future of Jewish displaced persons.<sup>36</sup> After being handled by American soldiers “just like Nazis treated (p.135) Jews, except that [they did] not exterminate them,” Jewish refugees received improved humanitarian care in autonomous camps separated from the rest of the DP world. At the root of this consequential shift was Harrison's unique understanding of the historical predicament of Jewish survivors: “Jews as Jews” had been singled out by the Nazis and consequently deserved “separate and special recognition.” Harrison's statement seemingly contradicted his recent support for ethnic-blind categorizations of Jewish migrants. As the commissioner of the United States Immigration National Service between 1942 and 1944, Harrison had indeed courageously removed the appellation “Hebrew” from the list of “races and peoples” used by American immigration agents, thus making Jews theoretically invisible within the quota system based on national origins.<sup>37</sup> In his report to Harry Truman, however, Harrison argued that the tragedy of the Holocaust called for renewed Jewish distinctiveness: not based, to be sure, on the dubious concept of

“Hebrew race” but on the peculiarity of the Jewish wartime experience: “While admittedly it is not normally desirable to set aside particular racial or religious groups from their nationality categories, the plain truth is that this was done for so long by the Nazis that a group has been created which has special needs.”<sup>38</sup> One such need was for the creation of separate Jewish camps policed by the US army, administered by UNRRA and opened to the American Jewish Joint Distribution Committee and other Jewish relief organizations. Another special need outlined by the report was the necessity to relocate Jewish survivors to Mandatory Palestine. Unlike Zionist leaders, however, Harrison only spoke of the “evacuation” of “some reasonable number of Europe's Jews” and not of national rights for Jews as a whole. This limited form of emergency Zionism, championed by Harrison without any consultation with Arab Palestinian representatives, was not without benefits for the United States. The swift departure of Jews from Germany would relieve the US army from a costly burden and exempt the US government from having to liberalize its quota-based immigration policies. Nonetheless, the Harrison Report fulfilled the main demands expressed by Jewish DPs and their American Jewish supporters. “Subjectified” as a national collective, Holocaust survivors became from then on central actors in the sequence of events leading to the partition of Palestine, approved by the United Nations on November 29, 1947. Moved by several encounters with Jewish survivors in DP camps and in Poland, the Anglo-American Committee of Inquiry appointed in November 1945 by Ernest Bevin and Harry Truman supported in its final report of April 1946 the emigration to Palestine of 100,000 DPs. Even though the committee opposed Jewish (and Arab) statehood in Palestine, its recommendation (p.136) further reinforced the status of Jewish refugees as a national entity entitled to self-determination. As the historian Dan Diner pointed out in a study of Jewish DP camps in American-occupied Bavaria, “It is arguable that the immediate founding of the State of Israel had its beginnings in southern Germany.”<sup>39</sup>

Triggered by the Harrison Report, the reversal of American policies toward Holocaust survivors also upgraded the position of Jewish refugees within UNRRA regulations. The fact that the US army eventually allowed Jewish “infiltrates” to enter DP camps until April 2, 1947, instead of the initial cut-off date of December 20, 1945, compelled UNRRA to adjust its criteria regarding Jewish “post-hostility” refugees. “Every humanitarian argument was on the side of extending help to these unfortunate people who had suffered so much,” explained UNRRA's official historian. “The Administration,” he continued, “solved the problem by invoking the doctrine of ‘internal

displacement’’: despite their delayed entrance into Allied occupied areas, what mattered was the displacement of Jews from their homes during the war, either to the Soviet Union or to concentration camps. UNRRA instructions consequently stated, in December 1945 and again in July 1946, “that all Jews were automatically considered eligible unless positive proof to the contrary was produced.”<sup>40</sup> Not surprisingly, this ruling was met with strong resistance by British authorities wary of a swelling tide of Zionist activists intent on illegally reaching Mandatory Palestine. “Polish Jewish immigrants,” the British command ordered in February 1946, “will not be admitted to DP centers in the future. They will be treated as refugees and absorbed in the German population.”<sup>41</sup> Most of them, however, purposefully avoided the unwelcoming British zone. In November 1946, the number of Jewish DPs registered by UNRRA in the American zone rose to 157,000, a clear indication that southern Germany had become the surrogate homeland of choice for Jews on the move.<sup>42</sup>

The lenient American position on Jewish “infiltrates” was tantamount to preferential treatment. As opposed to other “post-hostility” refugees, Jews were not required to provide any “concrete evidence” of internal displacement during the war. “Things began to run smoothly,” a refugee camp director, recalled, “because an order was issued from above, I think from Washington, that every Jew for the very reason that he is a Jew, is eligible for UNRRA assistance.”<sup>43</sup> Non-Jewish refugees who entered Germany after the war, on the other hand, had to prove that they had been victimized at the hands of the Nazis or their associates. However, the fine semantic distinctions of UNRRA directives had a limited effect on non-Jewish entrants: prior to the Czechoslovak coup of February 1948, the vast majority of “infiltrates” crossing (p.137) from behind the Iron Curtain into Allied-occupied Germany and Austria were Jews bent on leaving their former places of residence behind. In keeping with the trajectory of American policies toward Jewish refugees and Zionism, a complex web of military directives and UNRRA instructions treated Jewish DPs as a separate collectivity. However, the more traceable deliberations held at the United Nations in 1946 on the status of displaced persons reveal with greater clarity how Holocaust survivors became the object of unprecedented philosemitism in the international arena.

Outside of Germany, various organs of the United Nations debated the condition and status of Europe's displaced persons. The DP question, indeed, occupied a particularly high place on the agenda of the new world organization. The purpose of these negotiations, conducted from February to December 1946, was to solve a thorny issue: should the

“last million” DPs be returned to their home country or remain in occupied Germany under international guardianship? “Non-repatriable” refugees for the West and “quislings and enemies of democracies” for Soviet-bloc countries, the non-Jewish Poles, Balts, Yugoslavs, and Ukrainians displaced in Germany stood at the center of rising Cold War tensions. Yet in 1946, the emerging Eastern and Western blocs shared similar views on the status of Jewish displaced persons. As opposed to other types of DPs suspected of wartime collaborationism, Eugene Kulischer observed, “the Jewish refugees met no such antagonism.”<sup>44</sup> That Jews formed the least problematic category of refugees was undoubtedly a sharp reversal of prewar conditions. Across the spectrum of participating delegations, knowledge of the Final Solution provoked strong public pronouncements in favor of Jewish victims. If the International Military Tribunal at Nuremberg (November 1945–October 1946) was the first distinctive international effort “outside of Jewish circles to grasp the awful significance of the murder of European Jews,” so too were the less publicized discussions on the future of Holocaust survivors held simultaneously at the United Nations.<sup>45</sup> As “victims of the Nazi or fascist regimes,” “victims of persecution for reasons of race,” “persons considered refugees before the outbreak of the war,” or “persons outside their country of nationality...as a result of the Second World War,” Jews unquestionably qualified as both “refugees” and “displaced persons.” Although the prospect of Jewish emigration to Palestine remained a contentious issue, the right of Jews to international protection was unanimously accepted. The first “great humanitarian experiment to approach the refugee problem in totality,” in the admiring words of an American political scientist in the 1950s, the newly created IRO also specifically vindicated (p.138) Jewish suffering: “In that sense, the blood, tears, and despair of Buchenwald, Auschwitz, and Bergen-Belsen had perhaps not been entirely in vain.”<sup>46</sup>

Prominent among the pro-Jewish advocates at the United Nations were the representatives of the USSR (including the Soviet Republics of Ukraine and Belarusia) as well as Soviet-bloc countries (then limited to Poland and Yugoslavia). Indeed, a unique brand of anti-Fascist philosemitism paralleled the favorable American policy toward Jewish survivors generated by the Harrison Report. For the USSR and its first satellites, Jews also constituted a special case among the displaced persons and deserved more than others to be granted international status. This position was stated from the onset of the negotiations: the duty incumbent upon the United Nations, declared a Soviet Ukrainian delegate was to assist “those million of Jews who have so horribly suffered at the hands of our common enemies.”<sup>47</sup> His Polish colleague

went substantially further: "The Jewish problem," he declared, "can not be treated without consideration of the Palestine problem."<sup>48</sup> In early 1946, the Soviet Union was still "careful to avoid involvement with any controversy over Zionism," an American observer of the deliberations recorded.<sup>49</sup> Still, from the opening remarks of Andrey Vyshinsky in February 1946 to the closing arguments made by Andrey Gromyko ten months later, the USSR overtly supported the extraterritoriality of Jewish DPs: due to their past sufferings, the Soviets repeatedly insisted, Jews formed the only acceptable category of "non-repatriable" refugees in occupied Germany.

The sympathetic stance contradicted of course the resurgence of anti-Semitism in the USSR and Poland. Although in 1946 organized Stalinist campaigns against "rootless cosmopolitans" had yet to be launched, the Soviet Communist Party "kept strangely silent...about the new anti-Semitic talk, about the Kiev pogrom of September 1945, and about what had happened to Soviet Jews under the Nazis."<sup>50</sup> In Poland, the return in early 1946 of nearly 150,000 exiled Jews from Siberia and other parts of the Soviet Union generated a deep antagonism toward them, bloodily expressed in Kielce in July 1946. As symbols of "Judeo-Communism," unwelcome claimants on property, or the "feared" incarnation of Polish wartime guilt, Jewish returnees from the USSR or from concentration camps formed an "endangered species" in postwar Poland.<sup>51</sup> There was therefore a clear correlation between the Soviet-bloc position toward Jewish DPs at the United Nations and the situation of Jews in the USSR and Poland in the immediate aftermath of the war. In both cases, they represented a separate nationality: extraneous to ethnicized Soviet and Polish polities yet compassionately presented as a collectivity deserving of national rights elsewhere.

**(p.139)** The Polish position on the status of Jewish DPs particularly illustrates this ambiguity. More than any other Eastern European country, Poland insistently requested the immediate return of its displaced nationals. The indescribable destruction wreaked by the Nazis during the war created gigantic economic and demographic needs. In addition, Poland's new western frontier, thoroughly emptied of Germans, required large contingents of settlers for the "recovered territories" east of the Oder-Neisse line. In this context, the large Polish refugee population in occupied Germany was a vital human reservoir. At least 450,000 non-Jewish DPs of Polish origin received UNRRA care in March 1946, while at the time the overall number of Jewish survivors and (predominantly Polish) "infiltrates" was still limited to approximately 50,000 registered refugees. In December 1946, however, the number of Jews on UNRRA rolls had swelled to 185,000, while

250,000 ethnic Poles still remained in the DP camps.<sup>52</sup> This chronology is important: the negotiations over the fate of Europe's displaced persons held at the United Nations coincided with the peak of the Jewish exodus from Poland. As the records indicate, the diplomats sent to the UN by the Communist-dominated National Unity Government fully acknowledged the definitive dimension of this departure. Polish Jews, explained in May 1946 J. M. Winiewicz, Poland's delegate to the United Nations, suffered from a "psychological fear of returning to a country where they lost their dear ones."<sup>53</sup> Although Polish speakers at the UN never alluded to the anti-Semitic climate as a cause of the exit of Polish Jews, they nonetheless spoke warmly of Jewish DPs tragically facing closed gates throughout the world: "No country welcomes them," bemoaned an official, "in spite of a general lack of manual labor."<sup>54</sup> Echoing the Soviet line, Poland unambiguously ranked Jews, alongside Spanish Republicans, among the few postwar asylum seekers exceptionally entitled to emigrate with international assistance.

Clearly there was more to this position than a mere expression of anti-Fascist solicitude: the murder of nearly three and a half million Polish Jews by the Nazis, the transfer of a half million ethnic Ukrainians to the USSR, and the mass expulsion of Germans from the "recovered territories" radically transformed Poland's ethnic landscape. In 1946 and 1947, the exodus of Jewish survivors capped off this astonishing process of ethnic homogenization.<sup>55</sup> The displacement of various categories of "Poles" in Germany was indeed a valuable opportunity to reshape the Polish nation along narrower ethnic lines. The Polish government, for instance, was eager only for the return home of a refugee population adequately purged of "Polish-Ukrainians," i.e., ethnic Ukrainians who resided in eastern Poland prior to the Soviet occupation of September 1939. (p.140) The object of numerous Allied directives and policies, members of this uncertain category of displaced persons hoped to avoid repatriation to the USSR by passing themselves off as ethnic Poles blending in among fellow nationals in the DP camps. To counteract this, Polish authorities explained to UNRRA and IRO camp personnel "how to recognize Ukrainians who represent a drag on repatriation" by asking precise questions pertaining to their geographical, religious, or linguistic background.<sup>56</sup> A bishop serving Polish DPs in Germany later described the welcome effects of this homogenization: "Now that the other groups who had Polish citizenship were removed...Polish DPs constitute a very cohesive group from a national and religious point of view."<sup>57</sup>

In contrast to Polish-Ukrainians, Jews were hermetically separated from ethnic Poles within the DP camp system. Moreover, the large Polish segment of the Surviving Remnant, even if they had been pushed out by the reappearance of anti-Semitism, had also deliberately severed ties with their former homeland. Little effort was required, therefore, to expunge Jews from the Polish national community in exile. At the United Nations, the unremitting Polish support for a separate international status for Jewish DPs endorsed this postwar divorce. “Communist authorities,” charged Jan T. Gross in his study of postwar anti-Semitism in Poland, “acquiesced in society’s violently expressed desire to render the country *Judenrein*.”<sup>58</sup> Yet public statements on the return of Jewish DPs to Poland were less peremptory. As the first Jews displaced into the Soviet Union started to repatriate, Polish officials reassured Western visitors that the “government was anxious to keep them in Poland” and predicted that within five years 250,000 Jews would live in the country.<sup>59</sup> Following the Communist electoral takeover of January 1947, IRO envoys in Warsaw tempered this optimism: “The Polish authorities welcome back all Jews of Polish origin who wish to return but they do not wish to publicize any encouragement of their mass repatriation.”<sup>60</sup> Other observers noticed this ambivalent stand. “Politically,” a Joint representative from Warsaw reported, “the government does everything to make the life of Jews comfortable yet re-emigration to Poland would cause extreme difficulties and complicate the political situation.”<sup>61</sup> This delicate balance was already identifiable in the declarations made by Polish officials at the United Nations in 1946. While undeniably attuned to Jewish suffering, they never formally claimed Jews as their own displaced nationals: the sympathetic recognition of “extraterritorial Jews” was made all the more easier by the unchallenged exodus, soon after the Holocaust, of the last visible Jewish minority in Poland.

Another revealing episode exemplifies the broad acceptance of Jewish supranationality at the United Nations. In May 1946, the Special Committee (p.141) on Refugees and Displaced Persons appointed by the Economic and Social Council addressed the situation of approximately twelve thousand German and Austrian Jews who had recently returned from deportation. In August 1945, Law No. 1 issued by the Control Council of Germany had revoked the Nuremberg Laws as well as other Nazi denationalization decrees and called for the automatic restoration of German and Austrian Jews to their previous citizenship. This policy was, however, met with strong opposition from Jewish organizations and international jurists. For the distinguished Cambridge scholar Hersch Lauterpacht, this “forcible regermanization of stateless persons” was contrary to international law. In keeping with



his individualist vision of human rights, Lauterpacht argued that the right of states to confer citizenship ought to be limited by the “interests and desires of the individuals concerned.” International morality was also invoked: German and Austrian Jews had not merely been denationalized but also “cut off, amidst calculated and prolonged indignities and humiliation, from any sort of community.”<sup>62</sup> Their compulsory “regermanization,” the American lawyer and refugee expert Joseph P. Chamberlain concurred, “would be offensive to a sense of decency,” an argument repeated in various memoranda presented to the United Nations by the World Jewish Congress and the Jewish Agency for Palestine. The following question, therefore, stood before the Special Committee: should the United Nations grant refugee status and recognize the statelessness of German and Austrian Jews who were opposed to reintegration into their former countries?

The United States and Eastern European countries favored such a measure. “Although antisemitism had now disappeared in Austria and its disappearance in Germany could be looked forward to,” their representatives maintained, “if they could not enjoy international protection and assistance the Jews would be obliged to live in the same localities where they had suffered so much and would be kept in contact with their former prosecutors.”<sup>63</sup> Initially focused on a small number of German and Austrian survivors, these discussions soon broadened to include Jewish DPs as a whole. The Dutch chairman of these meetings, in particular, resolutely stressed the distinctiveness of the Jewish predicament, even if in 1945 returning Holocaust survivors in the Netherlands enjoyed neither special status nor specific rights to food, clothing, or money.<sup>64</sup> “By reason of the suffering inflicted on them and the inhumane treatment they had received,” he declared, “Jews constitute a category absolutely apart which should receive different treatment.”<sup>65</sup> Wary of this indirect support for Zionism, the United Kingdom delegation challenged this view: “Terribly as the Jewish people have suffered at the hands of their (p.142) Nazi oppressors, it is generally recognized that they were by no means the only victims of Nazi persecution.” Treating nationals of Jewish origin as international refugees would create an “inequitable and difficult situation” among other types of victims, such as non-Jewish Germans deported by the Nazis. The British also added that “His Majesty's Government cannot subscribe to the policy so strongly advocated by the Nazi regime, that there is no place for Jews in central Europe, or as citizens of the states which will eventually be established there.”<sup>66</sup>

Siding with Britain on this issue were the representatives of Lebanon, Iraq, and Egypt. While they conceded that German and Austrian Jews had endured great suffering, international acceptance of Jewish extraterritoriality would “put a premium on emigration” to Palestine against the will of its native population. On behalf of the Arab League and with unusual Soviet support, the Lebanese delegate Charles Malik asked that the “new refugee organization will not be required to concern itself with refugees and displaced persons who have returned to the countries of nationalities they hold or in which they had habitual residence”: a reference not only to German and Austrian Jews but also, more importantly, to Jewish “infiltrates” into Germany.<sup>67</sup> The Western majority replied that this was not “the right place to express an opinion about the future place of Jews in central Europe, but we should like to state that these Jewish survivors from concentration camps have in fact no opportunity as a group to re-establish a normal life in their own country.” The American representative, George Warren, admitted that an international status for German and Austrian Jews “not yet firmly resettled” in their own countries created an exceptional precedent. He nonetheless urged the committee to “err on the side of generosity and justice.” Ultimately, the constitution of the IRO adopted by the General Assembly in December 1946 applied the term “refugee” to repatriated German and Austrian Jewish “victims of Nazi persecution.”<sup>68</sup> This little-known provision had little effect besides the possibility for destitute survivors to obtain international aid and access American Jewish welfare organizations operating in Berlin, Munich, or Vienna. But its meaning transcended the mere case of German and Austrian Jews returned “home” after 1945. If Holocaust survivors could be deemed extraterritorial refugees in their own countries, the United Kingdom feared, “the new provision might well involve the new International Refugee Organization in schemes for Jewish immigration into Palestine.” This forecast was prescient: even if, as the American delegation suggested in a conciliatory move, the IRO was to “give due weight to any evidence of genuine apprehension and concern...by the indigenous population of the non-self governing country in question,” it also (p.143) greatly facilitated the emigration of the Surviving Remnant to the state of Israel.

The officially recognized disentanglement of Jewish refugees from existing polities had indeed one important consequence: the acknowledgment of Jewish extraterritoriality normalized the idea of Jewish self-determination in international politics. Diplomatic and international historians have described how between 1945 and 1948 the Jewish DP problem, central to the Zionist struggle, elicited favorable attitudes toward Jewish statehood among Western and Soviet-

bloc nations.<sup>69</sup> Yet under the shadow of Great Powers diplomacy, United Nations humanitarianism also played a decisive part in “post-Holocaust politics.” It is often forgotten that the mass emigration of Jewish refugees to Israel after 1948 (more than 300,000 Holocaust survivors, not all of them DPs, were absorbed in the new state by 1952) was facilitated and financed by the postwar refugee regime. Indeed, the secretive Bricha organization and the Jewish Agency for Palestine were not the sole protagonists in the relocation of the majority of the Surviving Remnant to the Jewish state. In operation during the crucial years of 1947–49, the IRO significantly backed Jewish emigration to Israel. To be sure, the “largest travel organization in the world” did not officially support Zionism. Jewish refugees undoubtedly formed “one of the principal groups for whose resettlement the Organization was established,” its director general at the time, the philanthropic Quaker businessman William Hallam Tuck, declared. But from the start of its operations in July 1947 to the proclamation of the state of Israel on May 14, 1948, the IRO only facilitated the legal emigration of six thousand Jewish immigrants to Mandatory Palestine.<sup>70</sup> When war broke out between Israel and Arab armies on May 15, 1948, the IRO considered the region a dangerous “area of hostilities” and refused to use its funds to support the emigration of refugees to belligerent countries. In accordance with a UN Security Council resolution condemning the “introduction of fighting personnel” (Jewish and Arab) into the battlefield, the IRO limited itself to the assistance of Jews within the DP camps of Germany, Austria, and Italy. This position changed toward the end of 1948, particularly after the second truce of July 18–October 15, 1948. Although William H. Tuck did not want “to run the risk of the Organization's being a contributor to the intensification of the Arab refugee problem or the preemption of the return of Arabs to their home,” he nonetheless made budgetary provisions to retroactively pay for the emigration of 50,000 Jewish DPs independently transported since May 1948 by the Jewish Agency for Palestine with the support of the American Jewish Joint Distribution Committee. In December 1948, the IRO director general still expressed his agreement with (p.144) the principle of equity advocated in July 1948 by the UN mediator, Count Folke Bernadotte, two months before his assassination in Jerusalem. “It would be an offense against all principles of elemental justice,” the Swedish diplomat had warned, “if these innocent victims [i.e., Palestinians] of the conflict were denied the right to return to their homes while Jewish immigrants flow into Palestine and offer the threat of permanent replacement of the Arab refugees.”<sup>71</sup> Tuck nonetheless believed that the war no longer hampered the “firm reestablishment” of Jewish DPs in areas controlled by Israel. “There was no evidence,” he contended in front of the IRO Executive Council, “that many thousands

Jewish refugees who have entered Palestine since May 1948 have experienced difficulty in resettlement or in becoming firmly integrated.”<sup>72</sup> For Tuck, the absorption and assimilation capacities of the new country provided sufficient guarantees for the adequate resettlement of refugees, the primary task assigned to the IRO by the United Nations in 1946. For the IRO, eagerly searching for countries willing to accept refugees, Israeli know-how in immigration and resettlement made a crucial contribution to the prompt resolution of the DP problem in Europe.

Although pragmatic factors explained this reversal of attitude, diplomatic considerations strongly influenced the policies of an organization headed by an American civil servant and predominantly financed by the United States. Prolonging the “Great Power discord” between Britain and the United States on the Palestine issue, Tuck's proposal to retroactively pay for the transportation of Jewish DPs to Israel was hotly debated within the IRO Executive Committee.<sup>73</sup> The American representative, George Warren, conceded that there was “no positive proof that no refugee who had gone to Palestine was living in a house previously occupied by an Arab and unquestionably some were doing so.” He added, however, that “the immigrants who had moved to Arab houses could be almost counted on the fingers of one hand” and that the vast majority of Jewish newcomers “only worked in cooperatives and in areas where the Arab had not lived.”<sup>74</sup> As recent research has established, this statement did not reflect the reality on the ground. The systematic resettlement of abandoned Arab towns and neighborhoods started in earnest soon after May 1948 when the city of Jaffa was repopulated with Jewish immigrants. As the war increasingly went the way of the Israeli army, tens of thousands of Jews freshly arrived from Europe occupied vacant Arab houses in Haifa, Acre, and Ramla. At the same time, dozens of Jewish settlements were created on Arab lands and destroyed villages long before the formal end of the war.<sup>75</sup> Stemming in part from the decision made in June 1948 by the Israeli authorities to obstruct the return of Palestinian refugees to their homes, the settlement of (p.145) Jews in former Arab areas was dictated by short-term housing necessities and long-term repopulation designs. The American delegate at the IRO Executive Committee nonetheless maintained that Jewish immigration did not violate the terms of the UN Partition Plan and, more importantly, vitally relieved American taxpayers from the expensive upkeep of Jewish refugees in Germany.

With several *New York Times* articles in hand, the British representative countered that immigration was a “key Zionist strategy” and not a neutral policy: “Who could say that none of those actual persons helped in that way would not occupy a refugee's house or land or join a strategic colony?”<sup>76</sup> In between was the majority view held by the Executive Committee: while sympathetic to the plight of Holocaust survivors awaiting emigration, most of IRO members supported the UN Conciliation Commission appointed by the Security Council on December 11, 1948, to secure the return of Arab refugees, as per UN Resolution 194 issued that same day. A compromise was reached on January 29, 1949, shortly before a series of separate armistices signed between Israel and Arab countries. The Executive Committee authorized the IRO director general to reimburse the Joint to the extent of four million dollars for the movement of 50,000 Jews to Israel between May 1948 and January 1949. The IRO also pledged to do “nothing which would interfere with the UN Conciliation Commission's mandate to bring about peaceful settlement of the Palestine dispute.”<sup>77</sup> On April 5, 1949, the IRO released an additional five million dollars after the Conciliation Commission recognized Israeli sovereignty in immigration matters. This decision cleared the way for the transportation of a projected 120,000 IRO-registered Jewish DPs by the end of 1949. To that end, the IRO transferred ten million dollars to the Jewish Agency as payment for this operation. “By supporting a policy of clearing out a whole area thereby creating displaced persons in order to settle other persons there,” the Lebanese representative, Karim Azkul, predictably argued at the UN General Assembly in May 1949, “the IRO was partly responsible for the fate of the Arab refugees from Palestine.”<sup>78</sup>

Yet the organization did not ignore the dire situation of Palestinian refugees in the Arab-held areas of Palestine or in neighboring Lebanon, Jordan, Syria and Egyptian-controlled Gaza. In response to an emergency \$32 million relief program launched by the United Nations on November 19, 1948, the IRO donated 100,000 blankets, secured “6,000 to 7,000 tons of flour,” and made available its stores and vehicles located in the Middle East for more than half a million Palestinians displaced at that time.<sup>79</sup> The IRO also assigned experienced personnel to the program and later contributed additional supplies and funds.<sup>80</sup> (p.146) A year before the creation of the United Nations Relief and Works Agency (UNRWA), the IRO was among the first responders to the 1948 Arab refugee crisis.<sup>81</sup>

At the request of the UN Security Council, the IRO also examined the legal status of this new category of displaced persons. Until the creation of UNRWA in December 1949, it was indeed still unclear whether Palestinian refugees should be the responsibility of the IRO or of a separate UN agency: were they political refugees similar to Europe's displaced persons or humanitarian refugees of a new kind? The IRO legal division argued that "Arab refugees were the result of war operations and did not fall within the wording 'persecution or fear based on reasonable ground of persecution,' " the criterion otherwise used to evaluate the claims of DPs in Europe. But because they were "willing" to return home but "unable" to do so, Palestinian refugees could plausibly be considered political refugees: this inability, the IRO legal experts suggested, was potentially equivalent to "fear of persecution." Ultimately, however, the IRO concluded that the determination of a legal status for Palestinians was less urgent than the delivery of humanitarian help: "The need for material assistance is much greater."<sup>82</sup>

In his book *The Ethnic Cleansing of Palestine*, the historian Ilan Pappé has claimed, without any supporting evidence, that "it was Israel and the Zionist Jewish organizations abroad that were behind the decision to keep the IRO out of the picture."<sup>83</sup> For supporters of Israel, the international body that was assisting Jewish refugees in fulfilling their own "right of return" could not possibly extend the same support to Arab Palestinians. Zionist lobbyists, contends Pappé, "were keen to prevent anyone from making any possible association or even comparison between the two cases."<sup>84</sup> That Jews were more deserving of the label "refugees" than Arab Palestinians was indeed an argument made by prominent Israeli officials. Abba Eban, the long-time icon of Israeli foreign policy, hinted at this qualitative hierarchy when he pleaded the case of Jewish DPs at the UN Security Council in August 1948: "International agencies are appropriately forced to measure the plight of these new refugees [i.e., Arabs] against those who have endured refugee conditions, not for months, but for years."<sup>85</sup> But the institutional separation of Palestinians from Jewish and European DPs did not stem from Zionist pressure: unlike Holocaust survivors, Palestinians were seen by United Nations agencies as humanitarian refugees in need of material help more than European-style political victims.<sup>86</sup> For the first director of UNRWA, Herbert Kennedy, "the Arab refugee" was simply a "staunch individualist forcefully resisting the politicization of his plight."<sup>87</sup>

(p.147) As a “relief and works” agency funded by large American subsidies, UNRWA drew direct inspiration from New Deal public works. Gordon Clapp, one of the agency's founders and the head of the Economic Survey Mission created in August 1949 to investigate the feasibility of large-scale water and forestry projects in the Middle East, had previously served as chairman of the Tennessee Valley Authority. As a result, UNRWA's official policy was to promote the integration of refugees into “developing” Arab countries over repatriation to Palestine.<sup>88</sup> In contrast to Jewish DPs in postwar Germany, Palestinian refugees were not perceived as being in conflict with their place of refuge. But like the Holocaust, the Palestinian “catastrophe” of 1948 had a profound, even if delayed, nationalizing effect: in the 1950s, the “burning of ration cards” urged by the rising Palestinian national movement rejected the “humanitarization” of Palestinian refugees in favor of political and violent struggle, and above all, the right of return.<sup>89</sup> Not unlike Jewish DPs between 1945 and 1948, the Palestinian diaspora forged its own extraterritorial identity within the confines of United Nations refugee camps. What Palestinians did not obtain from the refugee protection system was similar recognition as a nonterritorial nation. Seen from this angle, the Arab-Israeli conflict reveals alternative and interdependent roots: not only a face-to-face history of hostility but also an internationally mediated scramble over refugee categorizations.

The more successful Jewish path to extraterritoriality, critical for the legitimization of the State of Israel, nonetheless came to a close at the end of the 1940s. Here again, IRO eligibility guidelines illustrate the evolving status of Jews as refugees and international migrants. Following the Czechoslovak coup of February 1948, a small wave of Jewish “infiltrators” from Communist countries sought to obtain DP status in Germany. Yet unlike their predecessors, they underwent this time thorough “screening” by IRO agents. Indeed, the intensification of the Cold War normalized the status of the last Jewish refugees coming out of East-Central Europe: like anti-Communist political dissidents, Jews were required to provide valid objections of a political nature justifying their refusal to return home. “A Jewish refugee as any other must produce some evidence that he is a bona fide refugee,” the IRO Manual for Eligibility Officers stipulated; “the mere desire to go to Palestine is not considered acceptable as a valid objection.”<sup>90</sup> The IRO feared at that time that many border crossers from East-Central Europe were economic migrants passing themselves off as political refugees. The Communist seizure of power in the region had indeed disrupted traditional patterns of Jewish livelihood: (p.148)

As most of the Jews from the eastern countries are self-employed (craftsmen, shopkeepers, etc.) and follow trades which are liable to disappear as a result of the measures applied there, their aversion to the regime is prompted by both political and economic considerations. Many of the Jews pleaded persecution, and with good reason, but economic reasons...contributed doubtless to the motives for their departure.<sup>91</sup>

Moreover, post-1948 Jewish refugees did not neatly fit the heroic image of anti-Communist “escapees” crafted at the height of the Cold War.<sup>92</sup> “When persons have left their country of nationality of former habitual residence with all plans made, such as passports and visas for other countries...they are emigrants,” the IRO stated. According to Cold War logic, “a political dissident would not normally avail himself of the protection of his government.”<sup>93</sup> The mention of “compelling family reasons,” such as the loss of relatives in the course of “previous persecution,” nevertheless allowed most Jews to bypass the rigors of IRO screening.<sup>94</sup> But as the 1940s drew to an end, the position of Jews as paradigmatic refugees was abruptly challenged. At that time, however, these fine nuances hardly mattered. Departure to the sovereign state of Israel was not hampered by the lack of DP status. Nor was emigration to the United States, an increasingly attractive destination for Jewish refugees after the amended DP Act of 1950 opened the gates of the *goldene medine* (“golden land” in Yiddish) to Holocaust survivors.

In a seminal article written shortly before the creation of the State of Israel but published soon afterward in 1948, Nathan Feinberg, a renowned international jurist at the Hebrew University in Jerusalem, argued that the Jewish people now constituted a “state-forming entity” recognized in international law.<sup>95</sup> To make his case, Feinberg enumerated a wide range of legal arguments mostly revolving around the “juridical validity” of the Balfour Declaration, on the decisive impact of the “minorities question” in the aftermath of World War I, and on the legal status of the Jewish Agency for Palestine as a legitimate “nucleus of the Jewish government.” Feinberg, however, started his study with an overview of humanitarian actions carried out on behalf of Jews from the eighteenth century to 1919:

It was felt necessary to offer this cursory survey...because it is only in the light of these interventions that the fundamental, if not indeed revolutionary, change in the approach to the Jewish question during (p.149) the First World War can be adequately



appreciated. Thereafter the Jewish question was raised to the level of a question involving a nation as a whole, an entity entitled to separate national existence and to the organization of its life within the framework of the State.”

Writing at the end of 1947, Feinberg did not allude to the role played by Jewish DPs in this nationalization process. But as shown throughout this chapter, the particular place of Holocaust survivors in the postwar governance of displacement completed the “revolutionary” developments analyzed in this important essay.

The crucial contribution of international humanitarianism in establishing Jews as a nation had until then been downplayed in the historiography of Jewish nationalism. In early and mid-twentieth-century Zionist narratives of nationhood in particular, “contingency” carried less historical weight than “destiny.”<sup>96</sup> International contributions to the rise of Jewish nationhood, decisive as they may have been, took the back seat to historical subjectivity, allegedly the real engine of Jewish self-determination and national redemption. This explains why, for David Ben-Gurion, touring Germany in 1945, Jewish survivors were not yet part of the national collective but remained “a mob and human dust without language and education, without roots and without being absorbed in the nation's vision and traditions.”<sup>97</sup> Yet the opposite was true: the “Jewish nation” owed much to the extraterritorial predicament of Jewish DPs in occupied Germany between 1945 and 1948. As is often noted, without the visible presence of Holocaust survivors in the DP camps of Germany, Austria, and Italy, Jewish statehood may simply never have been achieved. Expounding on his ideas during the uncertain period leading to the UN Partition Plan of November 1947, Nathan Feinberg still had plausible reasons to doubt the “international recognition of the existence of the Jewish people and of its right to national life in Palestine.”<sup>98</sup> But after a cataclysmic war during which Nazi and other anti-Jewish policies were taken to their most extreme levels without the interference of any major countervailing force, Holocaust survivors triggered an unprecedented philosemitic moment in postwar international politics. As much as the historical agency claimed by the survivors of the Final Solution, the skillful determination of the Zionist movement, or the political backing of the Western and Eastern blocs, refugee humanitarianism enabled the reterritorialization of the Jews, a formidable rise from catastrophe to power sadly accompanied by the deterritorialization of another people.

Notes:

(1.) The “surviving remnant” or “she’erit hapletah” is a label for survivors of the Holocaust referring to a biblical passage (2 Kings 19:30) narrating the story of Jews who survived the Assyrian conquest of ancient Israel in the eighth century BCE.

(2.) Avinoam J. Patt and Michael Berkowitz, eds., *“We Are Here”: New Approaches to Jewish Displaced Persons in Postwar Germany* (Detroit: Wayne State University Press, 2010), 3.

(3.) Dalia Ofer, “Holocaust Survivors as Immigrants: The Case of Israel and the Cyprus Detainees,” *Modern Judaism* 16 (January 1996): 1–3.

(4.) Amir Weiner, *Making Sense of War: The Second World War and the Fate of the Bolshevik Revolution* (Princeton, NJ: Princeton University Press, 2001); Maria Ferreti, “The Shoah and the Gulag in Russian Memory,” in *Clashes in European Memory. The Case of Communist Repression and the Holocaust*, eds. Muriel Blaive, Christian Gerbel and Thomas Lindenberger (Innsbruck: StudienVerlag, 2011), 23–36; Joanna Michlic, “The Holocaust and its Aftermath as Perceived in Poland: Voices of Polish Intellectuals, 1945–1947,” in *The Jews Are Coming Back: The Return of the Jews to their Countries of Origin after WW II*, ed. David Bankier (New York: Berghan Books, 2005), 206–31; Annette Wiewiorka, *Déportation et génocide: Entre la mémoire et l’oubli* (Paris: Plon, 1992); Pieter Lagrou, *The Legacy of Nazi Occupation: Patriotic Memory and National Recovery in Western Europe, 1945–1965* (Cambridge, UK: Cambridge University Press, 2000.)

(5.) Zeev W. Mankowitz, *Life between Memory and Hope and Hope: The Survivors of the Holocaust in Occupied Germany* (Cambridge, UK: Cambridge University Press, 2002). On the Jewish DP musical band named the Happy Boys see Ruth Gay, *Safe among the Germans: Liberated Jews after World War II* (New Haven, CT: Yale University Press, 2002), 57.

(6.) Atina Grossmann, *Jews, Germans, and Allies: Close Encounters in Occupied Germany* (Princeton, NJ: Princeton University Press, 2007).

(7.) Foreign Office, FO 1049/416.

(8.) Mankowitz, *Life between Memory and Hope*, 286.

(9.) Michael Brenner, *After the Holocaust: Rebuilding Jewish Lives in Postwar Germany* (Princeton, NJ: Princeton University Press, 1997); Jay Howard Geller, *Jews in Post-Holocaust Germany, 1945–1953* (Cambridge, UK: Cambridge University Press, 2002).

- (10.) Zorach Warhaftig, *Uprooted: Jewish Refugees and Displaced Persons after Liberation* (New York: Institute of Jewish Affairs of the American Jewish Congress and World Jewish Congress, 1946), 121; Anglo-Jewish Association, *The Future of European Jewry and Other Papers* (London: Anglo-Jewish Association, 1946).
- (11.) Alexander S. Kohanski, ed., *The American Jewish Conference: Its Organization and Proceedings of the First Session* (New York: American Jewish Conference, 1944), 189.
- (12.) Paul Mendes-Flohr and Jehuda Reinharz, eds., *The Jew In the Modern World: A Documentary History*, 2nd ed. (New York: Oxford University Press, 1995), 522.
- (13.) Jacob Robinson, "Postwar Jewish Problems," *Congress Weekly*, June 25, 1943.
- (14.) Kohanski, *Proceedings of the First Session*, 186.
- (15.) Naomi W. Cohen, *The Americanization of Zionism, 1897-1948* (Hanover, NH: University Press of New England for Brandeis University Press, 2003).
- (16.) Jacob Robinson, "Uprooted Jews in the Immediate Postwar World," *International Conciliation* 389 (April 1943), 291-310.
- (17.) Alexander S. Kohanski, ed., *The American Jewish Conference: Proceedings of the Second Session* (New York: American Jewish Conference, 1945), 315.
- (18.) World Jewish Congress, *Memorandum on Jewish Status*, February 17, 1944, IRO Records, 43AJ-48.
- (19.) Kohanski, *Proceedings of the First Session*, 187.
- (20.) Ibid.
- (21.) Kohanski, *Proceedings of the Second Session*, 237.
- (22.) Hannah Arendt, "Die jüdischen Chancen: Geringe Aussichten—gespaltene Vertretung," *Aufbau*, April 20, 1945, reprinted in *Vor Antisemitismus ist man nur noch auf dem Monde sicher: Beiträge für die deutsch-jüdische Emigrantenzeitung "Aufbau" 1941-1945*, ed. Marie Luise Knott (Munich: Piper Verlag, 2000): 181.
- (23.) Kohanski, *Proceedings of the Second Session*, 238.

(24.) Ibid, 315.

(25.) Ibid, 239. Shalom Reichman, Yossi Katz, and Yair Paz, "The Absorptive Capacity of Palestine, 1882-1948," *Middle Eastern Studies* 33 (April 1997): 338-61.

(26.) Kohanski, *Proceedings of the First Session*, 316; Zorach Warhaftig, *Relief and Rehabilitation: Implications of the UNRRA Program for Jewish Needs* (New York: Institute of Jewish Affairs of the American Jewish Congress and World Jewish Congress, 1944), 168.

(27.) American Jewish Conference, *The Jewish Position at the United Nations Conference on International Organization: A Report to the Delegates of the American Jewish Conference* (New York: Parish, 1945). Lipsky nonetheless competed with Joseph Proskauer, the representative of the American Jewish Committee who had consultative status at the San Francisco conference. See Michael Galchinsky, *Jews and Human Rights: Dancing at Three Weddings* (Lanham, MD: Rowman & Littlefield, 2007), 3-35.

(28.) American Jewish Conference, *Statement Submitted to the United Nations Special Committee on Palestine* (New York: American Jewish Conference, 1947).

(29.) Max Gottschalk and Abraham G. Duker, *Jews in the Post-war World* (New York: Dryden, 1945), 167.

(30.) George Woodbridge, *UNRRA: The History of the United Nations Relief and Rehabilitation Administration* (New York: Columbia University Press, 1950), 3:137.

(31.) Hannah Arendt, "The Stateless People," *Contemporary Jewish Record* 8 (April 1945): 137-53.

(32.) Malcolm J. Proudfoot, *European Refugees: 1939-1952; A Study in Forced Population Movement* (Evanston, IL: Northwestern University Press, 1956), 330. Postwar estimates on the number of surviving Jews found by the Western Allies in Germany and Austria varied greatly. Contrary to Proudfoot, Kurt R. Grossmann calculated that between 90,000 and 100,000 Jews were encountered by the Allied in liberated concentration and labor camps, out of which 70,000 survived the first weeks of freedom. See Kurt R. Grossmann, *Refugees, DP's, and Migrants* (New York: Institute of Jewish Affairs and World Jewish Congress, 1962), 4-8

- (33.) Leonard Dinnerstein, *America and the Survivors of the Holocaust* (New York: Columbia University Press, 1982), 13.
- (34.) SHAEF Administrative Memorandum 39 of April 16, 1945, appendix to Proudfoot, *European Refugees*, 445–69.
- (35.) Leonard Dinnerstein, “Does Anyone Want the Displaced Persons?” *Diplomatic History* 27 (January 2003): 167–170.
- (36.) Allis Radosh and Ronald Radosh, *A Safe Haven: Harry S. Truman and the Founding of Israel* (New York: HarperCollins, 2009), 92–12; Dinnerstein, *America and the Survivors*, 39–41.
- (37.) Patrick Weil, “Races at the Gate: Racial Distinctions in Immigration Policy; A Comparison between France and the United States,” in *Migration Control in the North Atlantic World: The Evolution of State Practices in Europe and the United States from the French Revolution to the Inter-war Period*, ed. Andreas Fahrmeir, Olivier Faron, and Patrick Weil (New York: Berghahn Books, 2003), 271–97.
- (38.) Proudfoot, *European Refugees*, 327.
- (39.) Dan Diner, “Elemente der Subjektwerdung: Jüdische DPs in historischem Kontext,” in *Überlebt und unterwegs: Jüdische Displaced Persons in Nachkriegsdeutschland*, ed. Fritz Bauer Institut (Frankfurt: Campus, 1997), 229–48.
- (40.) Woodbridge, *UNRRA*, 2:510.
- (41.) FO 1049/416.
- (42.) Proudfoot, *European Refugees*, 341.
- (43.) *Ibid*, 350.
- (44.) Eugene M. Kulischer, “The IRO and the Jewish Refugees,” *Rescue* 4 (April 1947), 4.
- (45.) Michael Marrus, comp., *The Nuremberg War Crimes Trial, 1945–46: A Documentary History*. (Boston: Bedford Books, 1997), 254.
- (46.) John George Stoessinger, *The Refugee and the World Community* (Minneapolis: University of Minnesota Press, 1956), 82.
- (47.) Hyperbolic estimates of the population of Jewish DPs were not just a Soviet specialty. In a speech delivered in February 1946, Harry Truman declared that “there are left in Europe 1,500,000 Jews, men,

women and children, whom the ordeal has left homeless, hungry, sick and without assistance." "Statement by the President to a Delegation from the United Jewish Appeal," HSTL, Official File 127, Box 673.

(48.) United Nations, *The Question of Refugees: Documents for the Special Committee on Refugees and Displaced Persons*, E/REF/1, 1946.

(49.) Ernest F. Penrose, "Negotiating on Refugees and Displaced Persons, 1946," in *Negotiating with the Russians*, ed. Raymond Dennett and Joseph E. Johnson (Boston: World Peace Foundation, 1951), 139-71.

(50.) Yuri Slezkine, *The Jewish Century* (Princeton, NJ: Princeton University Press, 2004), 289.

(51.) Jan T. Gross, *Fear: Anti-Semitism in Poland after Auschwitz; An Essay in Historical Interpretation* (New York: Random House, 2006).

(52.) Woodbridge, *UNRRA*, 2: 423.

(53.) "U.N. Refugee Group to Swift Jewish Data," *The New York Times*, May 4, 1946.

(54.) United Nations, *Official Records of the Second Part of the First Session of the General Assembly, Third Committee, Social, Humanitarian and Cultural Questions, Summary Record of Meetings, 24 October-December 12, 1946*.

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(56.) IRO Records, 43AJ-1074.

(57.) Ignacy Walczewski, *Destin tragique des polonais déportés en Allemagne: La crise de la famille polonaise dans les camps de personnes déplacées* (Rome: Editions Hosanium, 1951).

(58.) Gross, *Fear*, 259.

(59.) "Polish plenipotentiary for Repatriation Questions to Mr. Manningham-Buller, M.P, February 9, 1946," FO 1049/416.

(60.) IRO Records, 43AJ-1074.

(61.) IRO Records, 43AJ-893.

(62.) Lauterpacht's legal opinion on Law No. 1 (March 1946) is in IRO Records, 43AJ-48.

(63.) UN Economic and Social Council, Second Session, Special Supplement 1, *Report of Special Committee on Refugees and Displaced Persons*, June 7, 1946, E/REF/75.

(64.) Dienne Hondius, "Bitter Homecoming: The Return and Reception of Dutch and Stateless Jews in the Netherlands," in Bankier, *The Jews Are Coming Back*, 108-35.

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(66.) Cited in Kulischer, *IRO and the Jews*, 4.

(67.) "Arab League Asks U.N. Palestine Bans," *New York Times*, June 20, 1946.

(68.) Constitution of the International Refugee Organization, Part I, Section A, Paragraph 4.

(69.) Arieh J. Kochavi, *Post-Holocaust Politics: Britain, the United States, and Jewish Refugees, 1945-1948* (Chapel Hill: University of North Carolina Press, 2001); Idith Zertal, *From Catastrophe to Power: Holocaust Survivors and the Emergence of Israel* (Berkeley: University of California Press, 1998); Leonard Dinnerstein, "Britische und amerikanische DP-Politik," in Fritz Bauer Institut, *Überlebt und unterwegs*, 109-19.

(70.) *Report of the Director-General on Immigration into the Countries of the Middle East, December 22, 1948*, IRO Records, 43AJ-687.

(71.) Following the first truce of June 11-July 8, 1948, Folke Bernadotte proposed the return of a limited number of refugees to their homes. This demand was reiterated in his report to the Security Council (August 1, 1948) and in his last progress report of September 16, 1948. See Lex Takkenberg, *The Status of Palestinian Refugees in International Law* (Oxford: Clarendon, 1998), 22.

(72.) Ibid.

(73.) The IRO Executive Committee was composed of nine nations: Australia, Belgium, Canada, China, France, Norway, the United Kingdom, the United States, and Venezuela.

(74.) IRO Executive Committee, *Summary Record of Fourteenth Meeting*, January 26, 1949 in IRO Records, 43AJ-687.

(75.) Benny Morris, *1948: A History of the First Arab-Israeli War* (New Haven, CT: Yale University Press, 2008), 308–9.

(76.) *Summary Record of Fourteenth Meeting*.

(77.) IRO Public Information Office, Monthly Digest 6, February 1949, in IRO Records, 43AJ-1074.

(78.) United Nations General Assembly, May 12, 1949.

(79.) IRO Executive Committee, Tenth Meeting, December 10, 1948 in IRO Records, 43AJ-687.

(80.) The United Nations Relief for Palestinian Refugees (UNRPR) was established by the General Assembly “to relieve the desperate plight of Palestinian refugees of all communities.” See United Nations, General Assembly, Third Session, 163rd Plenary Meeting, November 19, 1948 (Doc A/731).

(81.) Department of State, *United States Participation in the United Nations: Report by the President to the Congress for the Year 1949 on the Activities of the United Nations and the Participation of the United States Therein* (Washington, DC: Government Printing Office, 1950), 40–41.

(82.) “The problem of the Palestine Arab refugees and its relation to the proposed international service,” October 28, 1949, IRO Records, 43AJ-687.

(83.) Ilan Pappé, *The Ethnic Cleansing of Palestine* (Oxford, UK: Oneworld, 2006), 236.

(84.) Ibid.

(85.) UN Security Council, August 18, 1948. In his iconoclastic novel *Khirbet Khizeh* published in 1949, the Israeli novelist S. Yizhar (an intelligence officer during the 1948 war) vividly described this qualitative superiority: “Everything, everything was for the refugees, their welfare, their rescue. Our refugees, naturally. Those we were driving out—that was a totally different matter. Wait. Two thousand years of exile. The whole story. Jews being killed. Europe. We were the masters now.” S. Yizhar, *Khirbet Khizeh*, translated by Nicholas de Lange and Yaacob Dweck (Jerusalem: Ibis, 2008).



(86.) Randa Farah, "The Marginalization of Palestinian Refugees," in *Problems of Protection: The UNHCR, Refugees, and Human Rights*, ed. Niklaus Steiner, Mark Gibney, and Gil Loescher, (New York: Routledge, 2003), 155-74; Susan Akram, "Reinterpreting Palestinian Refugee Rights under International Law," in *Palestinian Refugees: The Right of Return*, ed. Naseer Aruri (London: Pluto, 2001), 165-94.

(87.) *Interim Report of UNRWA Director*, October 19, 1950, IRO Records, 43AJ-1255.

(88.) Benjamin N. Schiff, *Refugees unto the Third Generation: UN Aid to Palestinians* (Syracuse NY: Syracuse University Press, 1995), 10.

(89.) Ilana Feldman, "Difficult Distinctions: Refugee Law, Humanitarian Practice, and Political Identification in Gaza," *Cultural Anthropology* 22 (February 2007): 129-69.

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(92.) Susan L. Carruthers, "Between Camps: Eastern Bloc 'Escapees' and Cold War Borderlands," *American Quarterly* 57, no. 3 (2005): 911-42.

(93.) IRO Records, 43AJ-1251.

(94.) IRO Records, 43AJ-574.

(95.) Nathan Feinberg, "The Recognition of the Jewish People in International Law," in *The Jewish Yearbook of International Law*, ed. N. Feinberg and J. Stoyanovsky (Jerusalem, 1949), reprinted in Feinberg, *Studies in International Law: With Special Reference to the Arab-Israeli Conflict* (Jerusalem: Magnes, 1979), 229-62.

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(97.) Cited in Gulie Ne'eman Arad, "Israel and the Shoah: A Tale of Multifarious Taboos," *New German Critique* 90 (Autumn 2003): 526.

(98.) Feinberg, "Recognition of the Jewish People," 262.



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