

PREFACE

IN 1946 A SURVIVOR OF the Warsaw ghetto uprising asked, “Why did the Jews die such strange and horrific deaths?” and “What were they guilty of in the eyes of the world?”¹ Vital strains of Nazism were based on the idea that Jews deserved their fate under Hitler because they were “criminals.” “Judentum,” Jewry and Judaism, proclaimed a prominent Nazi billboard, “ist Verbrechen” —is criminality.² This libel, directed at Jews as individuals as well as at a mythically unified, archconspiratorial entity, was a protean weapon in the Nazi arsenal. It was the stuff of Nazi patter, platitudes, and policy. The following study details this dimension of the persecution of the Jews and analyzes its part in stimulating and rationalizing gratuitous violence and murder. The accusation that Jews were criminals shaped how the Nazis and their collaborators, and post–Second World War sympathizers with the Nazi regime, endeavored to justify the Jews’ stigmatization and attempted annihilation.³

Though stereotyped images of “Jewish criminality” were an important part of the mental landscape of European anti-Semitism and the Holocaust, they have received sparse scholarly attention.⁴ Yet the significance of the Nazi association of Jews with criminality is clear in recent historical work that convincingly demonstrates that a major appeal of the Nazi regime was its image as a bastion of “law and order.” The Nazi State incessantly declared that it was waging a successful “war on crime” and therefore making

all Germans—except for Jews, “Gypsies,” homosexuals, “leftists,” and other “social outsiders”—much safer. The Nazis’ claim that they had instituted a respite from “lawlessness” is an enduring image of the regime that is similar to the myth of National Socialism’s “eternal victory” over unemployment. Neither of these claims was greatly discredited in German popular memory, even after the colossal failure of National Socialism.⁵

This book also surveys and interprets the Jewish response to the “Jewish criminality” charge. Numerous survivors have commented on the irony of the Nazis’ branding the Jews “criminals” while Hitler’s Germany and its helpers conducted an unprecedented campaign of state-sponsored robbery, mayhem, torture, and murder that violated every convention of civility. Though exemplary figures such as Emmanuel Ringelblum, Marcel Reich-Ranicki, Primo Levi, Hugo Gryn, and Victor Klemperer have written explicitly on the “criminality” canard of the Holocaust, there has been little scholarly follow-up on these reflections. I will explore how Jews reacted to the criminality accusation and how it influenced their self-perceptions and regard for themselves—as individuals and as members of a group. I have found a great amount of comment in published and unpublished accounts about the Nazis’ equation of Jews and criminals.⁶ I will argue that this association had a noticeable impact on Jews in ghettos and concentration camps as well as on survivors in displaced-persons (DP) camps.⁷ In many settings where Jews were compelled to violate Nazi law to survive, they saw themselves as appropriating a tradition akin to that of the “social bandit,”⁸ as well as possibly devising an “honorable” identity for themselves.⁹

This study, therefore, offers perspectives that I find to be underrepresented in the secondary literature on the Holocaust and anti-Semitism but that are prevalent in a large number of primary sources on the perpetration of the Holocaust as well as in survivors’ recollections. By no means do I contend that the accusation of Jewish criminality is the essence of the Holocaust. Although the charge that Jews are criminals played a prominent role in anti-Semitism, it does not represent the key to anti-Semitism in all times and places. But the perception of Jews as criminals occupied a larger role—and was intertwined in other anti-Jewish efforts, political, economic, and “racial”—than has heretofore been acknowledged in the history of the Holocaust and anti-Semitism, both before and after the Third Reich. That the Nazis played upon older stereotypes of Jewish criminality to obfuscate and justify their persecution of the Jews might have had particular resonance for those Germans who were not carried away by the theoretical racism of the regime—but who did buy into its so-called war on crime. The

anti-Semitic obsession with Jewish criminality furthermore played a more formidable role in Jews' understanding of the discrimination and oppression they confronted than has previously been noticed.

Nazi Germany has long been viewed and dissected, for the most part sagaciously, as "The Racial State."¹⁰ That National Socialism was fundamentally committed to a pseudoscientific ideal of world domination by "Aryans" and to the "industrial" destruction of the Jews as their antithetical, enemy "race," is beyond doubt.¹¹ The crackpot notion that Jews are a distinct race and that Germans are a pure Aryan race colored almost every facet of the Nazi State and all it held in its grasp. Once in power, the Nazis expended copious amounts of time and energy subduing and annihilating those they deemed a racial menace. Racism, clearly, was central to the systematic mass murder of Europe's Jews in the Holocaust.

Nazi administrators of numerous departments were awash in a sea of bureaucratic gobbledygook as they attempted to assure themselves that those who peopled their Reich,¹² especially its vaunted SS, were of "pure" racial stock.¹³ The concentration camps and extermination camps were "laboratories" of a sort, supposedly to foster the "racial state" and a racialized world order.¹⁴ They were predicated on the idea that Jews and other undesirables should not be free to inhabit the same earth as the Germans, who as Aryans par excellence were uniquely endowed and destined to rule.

As powerful and far-reaching as this racial *Weltanschauung* was, it did not always provide enough direction and support to Germans and those in their orbit. Nazi policy makers—including Adolf Hitler—found that exposure to purported racial truths did not guarantee that the German public would internalize and consistently uphold such ideals.¹⁵ The Nazis sometimes had to exert considerable pressure "to break the resistance" of Germans, particularly those who regarded themselves as "apolitical."¹⁶ Furthermore, before the outbreak of the war, the Nazis learned that prising Jews from German society was not always easy.¹⁷ For example, *Deutsche Arbeitsfront* (DAF) officials were perplexed that there was more than a smattering of Jews in supposedly un-Jewish realms—such as the civilian air-national guard, motor-sports clubs, and even police forces.¹⁸ Singling out Jews for their "racial" otherness, they found, did not automatically trigger the Jews' expulsion.¹⁹

Although National Socialism's incarnation as "The Racial State," was primary, Nazi Germany also earned the title of "The Police State."²⁰ Despite important distinctions in their respective interpretations, Christopher Browning, Richard Breitman, and Ulrich Herbert have shown that Nazi

genocide evolved and was perpetrated because of the coalescence and mutual support of the SS, which pursued its “racial” program, and various police and security services, which acted in the name of domestic law and order and state security.²¹ “Police” support for Nazi operations, such as in the Baltic states, Belorussia and Ukraine, France, Belgium, Norway, and the Netherlands, was of paramount importance.²² Within the Third Reich, the courts and the “criminological” infrastructure buttressed these actions.²³ Criminal law as taught in German universities, particularly by the leading criminologists Edmund Mezger and Franz Exner, also adopted the idea that “race played a role in determining the criminal behavior of the Jews.” Interestingly, Mezger and Exner urged caution and tended to offer qualifications to offset gross generalizations, setting themselves apart from the hacks and outright ideologues who pontificated about Jews and crime.²⁴ As early as 1941 the Allied Powers were aware that the German police and the SS were becoming intricately enmeshed in the mass murder of civilians, especially Jews, but they failed to appreciate the intent or consequences.²⁵

In this regard, the careers of men such as Kurt Daluge and Werner Best—who were not known as racist fanatics but became key proponents of the Holocaust—are illustrative.²⁶ Many Nazis who propelled or assisted the racist system were not, and were not required to be, dyed-in-the-wool racists. A number of Jewish victims noticed the tension, in the early years of the Third Reich, between “regular” policemen and Nazis.²⁷ One survivor, recalling Vienna in 1938, reported, “Police [had] become night-watchmen while all administrative matters” were taken over by the Nazis, who were “loud-mouthed and obnoxious.” One could see the dismay, if not disgust, on the faces of the “grey-haired policemen” who only a few months earlier would have delivered a swift “kick in the ass” to the punks who were now in charge.²⁸ Sometimes a kindly policeman was recognized as “a Social Democrat of the old school.”²⁹ But the police, in all its manifestations, proved quite amenable to the Nazis.

Historian Konrad Jarausch, delving into “the conundrum of complicity,” has attempted to explain the “ease with which racist zealots succeeded in overturning humanist traditions,” especially among those who should have known better, the “educated.”³⁰ Surely “different types of support,” specifically “factors other than ideological zeal,” must be taken into account to see how fascism actually functioned.³¹ Many professionals, including intellectuals, artists, and musicians, needed to believe that they benefited, in some way materially, by the removal of Jews.³² Yet, between 1933 and 1938,

the Nazis discovered and nurtured ways to assure their stalwarts and the general public that National Socialist Jewish policies were desirable, or at least unobjectionable. This strategy has been described as “the quest for a respectable racism.”³³ Even after Jews were systematically killed, the Nazis sought ways to explain why they acted as they did, and racism was only one factor—if it was cited at all. Among the most effective and prominent reasons the Nazis put forth for persecuting, torturing, murdering, and having murdered Jews was the stigmatization of the Jew as criminal.³⁴

Noted scholar Raul Hilberg argued (as early as 1955) that racial ideology provided a rationalization and a core philosophy for National Socialist policies, but the Nazis and their accomplices did not need to adopt it as their primary, or replacement, secular religion. Although the German population had more than enough racial enthusiasts in its midst, most Germans simply had to comply.³⁵ One of the chief reasons why the German public greeted Nazi anti-Semitism without great suspicion, Hilberg asserts, is because the ideology derived most of its character from the so-called old, or preracial, anti-Semitism. This type of anti-Semitism had been part of Christian religious discourse since Luther turned his pen against what he saw as a recalcitrant Jewry in the sixteenth century.³⁶ Ian Kershaw, as well, maintains that identifiably premodern varieties of anti-Semitism remained a vital force in Nazi Germany.³⁷

The stigma of criminality helped to inculcate the sense that Jews were “beneath respect and abnormal” as the German State was heralded as the embodiment of the Aryan race.³⁸ Given that Nazism operated to some extent as a secular religion, the association of Jews with criminality had a “liturgical quality,” easily harnessed to older forms of Christian anti-Jewish hatred and polemics critical to the “self-representation” of the Nazis.³⁹ The imagined struggle against “Jewish criminality” was a means of bridging official Nazi ideology and informal “rituals” of the movement, integrating its more irrational elements with supposedly rational ones.⁴⁰ The slogan and stereotype of “Jews as criminals” painted Jews as “racial” and “diseased” outsiders who posed a threat to “respectable” Germans but also as men, women, and even children who had willfully chosen to abrogate the laws of society. Overall, this book is a response to the questions George Mosse posed in *Nazi Culture*: “How did National Socialism impinge upon the consciousness of those who lived under it?”⁴¹ “Why did so many people accept and help to strengthen the Nazi rule?”⁴² I have diverged, however, from Mosse’s concerns in asking another question: How did the Jews themselves deal with this particular kind of victimization? Jews, to the Nazis, constituted

a palimpsest in which any number of meanings could be inscribed, including the taint of criminality, which often proved essential along the way to dehumanization and murder.⁴³

The men of the SS, Robert L. Koehl has written, “were permitted to torture and kill, to conquer and destroy, and to take part in a theatrical production of immense proportions.”⁴⁴ The result was a grotesque pantomime. In the chapters that follow, I explore a distinct dimension of this Nazi “theatrical” endeavor: the attempt to cast all Jews as suspects, culprits, petty criminals, and archvillains—and the condemned. I also, however, illuminate the Jewish victims’ responses to what they correctly saw as a bizarre assault that bore only highly selective and scant relationship to any previous notions of crime, punishment, and administration of justice.

Chapter 1 begins with pre-Nazi discourses on Jews and crime to show the interplay between myth, reality, and stereotype in non-Jewish and Jewish perceptions of “Jewish criminality.” In the late eighteenth and nineteenth centuries, debates about the so-called *Kriminalstatistik*, including criminal statistics on Jews, were a part of public discussions on many levels. In contrast to many studies of anti-Semitism, the focus here is not on racism per se but on the application of stereotypes of Jews as criminals, in which allegations of duplicity and financial impropriety loomed largest. The notion of endemic Jewish crookedness was particularly intense in the wake of Germany’s defeat in the First World War, when a number of Jews were apparently involved in a barrage of highly publicized scandals. In chapter 2, we see that the right wing’s essentialized construct of the Jew as criminal in the Weimar period was translated into policy and action in Germany after 1933. Until 1938, when the Nazis unequivocally embraced the guiding principle that “The Jew is outside the law,”⁴⁵ they often took pains to charge individual Jews with specific crimes, usually focusing on technical aspects of tax laws and currency-exchange regulations. On the one hand, they sought to exploit the racist agenda and traditional anti-Semitic stereotype; on the other hand, they wanted to give the impression that the Nazi State was simply zealous in applying the letter of the law.

The third chapter explores “crime” in Nazi-created ghettos. The ghettos could not have been anything but incubators of crime, because the Nazis fashioned them in such a way that living beyond the law was the only way to survive. The Nazis claimed that the exhibition of criminality in the ghettos revealed the true character of the Jews and was proof that their ghettoization was an urgent necessity. It is little wonder that “smugglers” often became the Jews’ heroes of the ghettos.

Chapter 4 examines the practices and rituals surrounding the Jews' supposed "criminal behavior" in the concentration camps. "Criminals" might have been those who were brought to the camps as conventional law-breakers, those charged with "criminal" activity specific to the wartime context, as well as those accused of a crime within the camp confines. This chapter also discusses the process of "criminal photography" in Auschwitz, which helped perpetrate the fraud that Auschwitz was a prison. Among themselves, the Nazis fostered the delusion that Auschwitz and other concentration camps were penal institutions for those who had committed crimes and therefore deserved punishment. This fantasy probably made it easier for some Germans to believe that what they were doing to the Jews was more palatable than it otherwise may have felt. Hangings by rope—in camps and ghettos and in the theater of (normative) battle—occupied a far weightier role in Nazi self-perceptions than has been acknowledged. The Jewish American POWs captured at the Battle of the Bulge who found themselves at the obscure Berga camp were profoundly shocked by the routine hangings, whereas most of the inmates seemed numb to the spectacle.⁴⁶

Chapter 5 centers on a specific Nazi propaganda directive, of June 1944, in which the anti-Semitic conspiracy fantasy of "The Protocols of the Elders of Zion," of a general Jewish attempt at world domination, was replaced by a more contemporary version that would suit a post-Second World War order. Zionism, the late nineteenth-century political movement to create a Jewish home in Palestine, was reconfigured as the apex of Jewish evil and organized criminality to rationalize the decimation of six million.⁴⁷ Previous scholars have assumed that the crossover from Nazi anti-Semitism to anti-Zionism was an outgrowth of Nazi Middle Eastern Realpolitik and the fact that a number of key Nazis were taken in by post-war Arab governments. Although this factor was important in the rise of anti-Zionism, anti-Zionist sentiment grew into an all-embracing ideology in 1944 when the Nazi press office launched its concerted effort to make it so. Otto Dietrich and Helmut Sündermann, possibly inspired by Hitler himself, spearheaded an effort to reenergize the big lie(s) that "actions" against the Jews were of a "defensive" nature. As a result, the world Jewish conspiracy lived on, more ominously, through Zionism.

The sixth chapter shows that the stigma of Jews as criminals was one of the most resilient and widespread perceptions among Germans as they confronted the remnant of European Jewry in post-World War II Europe—in what came to be known as the DP, or "displaced-persons" problem. Because

racial anti-Semitism was a possibly questionable way to express opinions in postwar Germany, especially in the U.S. zone of occupation toward which most Jewish DPs migrated, Germans' view of Jews as criminals was a major factor in the dynamic between Jews, Germans, and the U.S. Army. The presence of a thriving black market, ubiquitous in postwar Europe, certainly abetted the perception of DPs as a "criminal element," and a number of forces combined to ensure that DPs had few other means, outside of the black market, to survive. Many Germans conveniently forgot that the black market had also operated, and had even been out of control, during the Nazi reign.

Chapter 7 looks at criminality among the Jewish remnant through the eyes of the American Jews who advised the U.S. occupation forces as well as from the perspective of the DPs themselves. It also examines how Jewish self-defense (often termed *Haganah*, the same word used for the army of Palestine's Jews) was manifested in the creation of Jewish police forces after Nazi Germany's defeat. The Jews' attempt to instill law and order among themselves is little noticed in the scholarly literature of the postwar period.⁴⁸ Unlike the "Jewish police" in Nazi ghettos, which had checkered or unsavory reputations, the Jewish police forces in the DP communities emerged as responsible institutions in which Jews were able to take pride, and the police thereby strengthened the communities' material and spiritual well-being, despite having to function in a sometimes hostile and ghost-ridden atmosphere.

The epilogue revisits the end of a small Jewish community, that of Estonia. Because this tiny Baltic nation had little native tradition of anti-Semitism, the Nazis and their accomplices had to resort to more circuitous methods to convince the local population that massacring their Jews was appropriate. Compiling "criminal dossiers" on more than a majority of the remaining urban Jewish population was part of the Nazis' travesty but was consistent with many other aspects of their Jewish policy. The perpetrators of this sham seemed to see it as having some sort of explanatory, civil-educative, or pedagogic function. The dossiers were also a hypocritical stab at self-exculpation in the midst of genocide.

The association of Jews with criminality was part of the evolving history of a little-acknowledged but widespread Nazi practice. This book probes the view of Jewish victims as criminals, documenting its role as a central mechanism of the prehistory, persecution, and systematic mass murder of European Jewry. It also considers the influence of these practices on the Jews' "surviving remnant" in postwar Germany. While scribbling and shrieking that

all Jews were criminals, the Third Reich caught the world—and especially European Jewry—off guard as it robbed and murdered like few other regimes in modern history. Scholars and the world at large are still struggling to unravel the sprawling web of lies, deceit, greed, treachery, barbarism, and willful destruction of humanity and culture that spread over the Nazi empire. The reality of the Nazis' massive plunder and bloodbaths of innocents mirrored their grotesque caricature of a "criminal" Jewish menace.

We do not know to what extent the Nazi equation of Jews with criminals eased the path to genocide. Yet we can be sure that it helped assure the Nazis and their accomplices, who might not have been rabid racists or ardent ideologues, that their path was legitimate. Claims about Jewish criminality, after all, had been in the air since anyone could remember, and it was probably recalled that Jews had publicly and ardently defended themselves. Before 1939, however much Jews were concerned about their respectable image, they were not shy about talking about Jews and crime. They knew that "Jewish criminality" was a relatively small, if curious, phenomenon that had been almost totally overcome wherever Jews had an opportunity to make a decent living. Jews surmised—and were correct—that they had no reason to be more ashamed of the "criminality" of their people than any other national or religious community did. Survivor Hermann Leyes, recalling a conversation as a youth during the Third Reich, writes that when he "unhappily referred to some 'black sheep' among Jews," a friend "turned serious":

"This only proves that you too have become infected. Why do you assume that the Jews were only noblemen? There are statistics to the effect that there were relatively fewer criminals among Jews than among Christians. But does this really matter? What does it prove? Doesn't everyone have the right to be judged according to his personal guilt or merit?" He then cited something unknown to me, perhaps it was from Heine: "If pride of birth were not something silly and contradictory, one could be proud of being the descendants of those martyred ones who gave to the world One God and a morality on which Western civilization is built."⁴⁹

But to the German community at large, the notion of Jewish criminality was made to seem more reasonable than many other facets of the anti-Jewish onslaught, in part because there were a few kernels of truth—however anachronistic—to some of the anti-Semitic claims, which had been subject to scrutiny and discussion long before the Nazis. "Race" was

obviously, fatally significant in the Nazi definition of “who was a Jew.” Yet from the inception of the Third Reich to its last gasp, the association of Jews with criminality proceeded apace and did not end with the demise of National Socialism. Identifying Jews with criminals was not invariably genocidal, but it was a key factor in stripping Jews of their rights and respect, and it was often instrumental in their eventual physical decimation.