

## **A 'Most Astonishing' Circumstance: The Survival of Jewish POWs in German War Captivity during the Second World War**

During the Second World War, more than 60,000 Jewish members of the American, British and French armed forces became prisoners of war in Germany. Against all expectations, these prisoners were treated in accordance with the 1929 Geneva Convention and the majority made it home alive. This article seeks to explain this most astonishing circumstance. It begins by collating the references to the experiences of Western Jewish POWs from the historical literature to provide a hitherto-unseen overview of their treatment in captivity. It then asks what made their protection from persecution possible. To this end, it explores Germany's wider motivations for its selective application of the Geneva Convention and highlights the role that military identity played in making its application seem necessary for all POWs from the Western front.

Keywords: prisoners of war; war captivity; World War 2; Jews; Germany, Western front

## Introduction

In the Second World War, between 12 and 35 million people became prisoners of war. Germany alone took up to 8 million prisoners (Davis, 1977: 624). Unsurprisingly, therefore, war captivity has been said to be ‘on a par with, if not exceeding, combat as one of the most common experiences for those in uniform’ (Moore and Fedorowich, 1996: 1), and both memoirs and historical studies of this experience in different parts of the world abound.

There is, however, a relatively small group of POWs whose experiences have so far attracted little scholarly attention despite the fact that they are of interest to both historical and legal scholarship. The POWs in question are American, British and French (henceforth referred to as ‘Western’) servicemen<sup>1</sup> of Jewish faith who were captured by Germany. While little detail is known about their lives in captivity, it is known that this group of prisoners did not suffer the lethal force applied to Jews elsewhere in Germany and German-occupied territories. This is a surprising fact. As Yves Durand (1999: 73) puts it in respect of French Jewish POWs:

It is most astonishing that French Jewish POWs, who were during the entire length of their imprisonment put up in the heart of the Third Reich, escaped the Holocaust, while their families remaining in France lost their lives. . . . This is certainly one of the most surprising paradoxes in the way the NS-regime functioned and in the behaviour patterns of the population or the decision makers that were subjected to this regime.<sup>2</sup>

This article seeks to explain this most astonishing circumstance. The motivation for this endeavour stems from something Sönke Neitzel and Harald Welzer write at the end of their study of recorded conversations between captured German soldiers in Allied war captivity. Having chronicled and sought to explain these soldiers’ accounts of the terrifying

acts of violence they committed, Neitzel and Welzer (2012: 342, emphasis added) conclude that, rather than show surprise at such violence in war, ‘it would be more productive to ask whether and under what circumstances people can *refrain* from killing.’ For lawyers, this is an important question, particularly in relation to the Nazi period. After all, the Nazi regime had not only renounced the abstract values of natural law that are associated with the legal protection of the person, but purposefully employed law (as well as the non-legal state apparatus) in the service of national-socialist aims, foremost amongst which was to solve what it regarded as the Jewish problem (Fraenkel, 2017: 107ff). If fundamental legal protections of the person can so easily be dispensed with, any alternative way in which such protections might acquire force becomes significant. In this sense, the active protection of Western Jewish POWs by Germany under the Geneva Convention<sup>3</sup> ought not to be dismissed as a mere historical anomaly but be explained.

The article finds that compliance with the Convention could be attributed to neither of the three most often cited factors: legality, morality and considerations of utility. It puts forward an alternative explanation that points to the role that German military identity played in this respect. If correct, this explanation offers a new understanding of how law can acquire force through non-legal means.

The article begins with some historical detail. It estimates the likely number of Western Jewish POWs in German hands from the figures available in the historical literature. It then brings together the existing references to the treatment of Western Jewish POWs. These references are currently scattered across a diverse set of sources, some of which are reputed historical works on POWs of a particular nation, others memoirs written from an entirely subjective point of view. There is no existing overview of what life in captivity was like for Western Jewish POWs, which is perhaps not surprising, as most research on the treatment of Jews by Nazi Germany focuses on the Holocaust. Indeed, it is in the shadow of

the Holocaust that this overview of POW life is presented, its prevalence of daily discrimination and harassment distinguished from the fate of those who fell victim to persecution, forced labour and unjustifiable death at the hands of the Nazis.

## **Numbers**

The mortality rate of POWs held in Germany ranged from ca. 3.5% for Western Allied POWs to ca. 60% for Soviet POWs (Schulte, 1988: 181). These headline figures hide many variations in treatment, which makes it difficult to generalise about POW experience and its underlying causes (Rachamimov, 2012). It is, however, possible to say with some certainty that amongst all of those captured by Germany, members of the Western armed forces were in a good – even fortunate – position, and that this was chiefly due to the fact that Germany generally complied with the rules of the Geneva Convention in their respect. This meant that ‘prisoners of war in the West, though rarely happy with their condition, were at least reasonably sure of surviving until the end of hostilities’ (MacKenzie, 1995: 79).

Within this group of Western POWs were a significant number of men of Jewish origin or faith. While there is no consensus on that number in the historical literature, it is clear that it was by no means negligible. In total, 1.4m Jews served in the combined Allied armies,<sup>4</sup> of which approximately 200,000 fell into German hands (Krakowski and Gelber, 1990: 1188-1189). Subtracting from this number the estimated 60,000-65,000 Polish and 85,000 Soviet Jews captured by Germany,<sup>5</sup> this gives a figure of between 50,000 and 55,000 Jews for the remaining Allies. However, it is known that of the 1.8m French POWs alone who fell into German hands in 1940 (Overmans, 2005: 760), 55,000 were Jews (Spoerer, 2005: 505).<sup>6</sup> There are no precise numbers for American Jewish POWs, but it is established that overall 550,000 Jews served in the US armed forces, 35,157 of whom were killed,

wounded, captured or were reported missing in action. Excluding those who were killed or wounded in combat, this leaves 9,157 Jewish Americans who were killed in service generally, captured or missing in action.<sup>7</sup> The number of British (excluding Commonwealth Canadian, Australian and South African) Jewish POWs is around 688 (Morris and Sugarman, 2011: 339), in addition to at least 1,500 Jews from Palestine (Krakowski and Gelber, 1990: 1191; Gelber, 1981), who were serving as volunteers in the British army and were treated as British. Overall, this means that even on a conservative estimate, over 60,000 American, British and French Jewish POWs found themselves in German war captivity during the war.

## **The treatment of Jewish Western POWs**

### *Identification*

What seemed like an innocuous question when asked by the German camp staff filling in the registration cards for new arrivals – ‘Religion?’ – was for the Jewish prisoners a question that went to the heart not only of their faith, but also their identity. The Germans in their racist imagination saw the Jews as a homogenous group, but the Jewish POWs they had captured in fact included men from diverse linguistic, cultural and ethnic backgrounds. In relation to French POWs, for example, Jewish prisoners included men from North Africa, the Alsace, recent immigrants to France from Eastern Europe and members of the traditional French elite, each with their own religious identity. As Richard (2018: 12) points out, these different backgrounds resulted in a ‘variety of identity positionings.’ In addition to these positionings, feelings of fear as well as defiance in the face of possible danger also determined each man’s answer.

Some, like the writer Roger Ikor (1975: 90), who was an atheist and took the question in its most literal sense, did not disclose the fact that they were Jews. Others, like the

philosopher Emmanuel Levinas, openly declared themselves when asked, in Levinas's case in the firm expectation of being singled out and killed or transferred to a concentration camp (Malka, 2006: 262). Some thought that concealing their Jewish identity would be pointless, as their name would give them away in any case (Berg, 1990: 201), but others gave a false name for this purpose (Bories-Sawala, 1996a: 240).<sup>8</sup> American POWs had perhaps the least choice in this respect, as their dog tags were already stamped with an 'H' for Hebrew, 'so the correct chaplain could be called if a soldier was wounded or killed' (Bard, 1994: 37). Nonetheless, some American Jews managed to hide their faith by swapping their dog tags with colleagues (Bard, 1994: 37 and 71; Durand, 1988: 209). That despite these efforts, and despite the fact that there were no systematic attempts to identify all Jews, the Germans knew about a substantial number of Jewish men amongst their POW populations, becomes readily apparent from the targeted harassment of Jewish POWs as well as their segregation into separate living and working units.

#### *Convention breaches, discrimination and harassment*

There is overall agreement in the literature that Western Jewish POWs did not receive significantly different treatment than that of their non-Jewish colleagues.<sup>9</sup> The German policy was also 'to separate Jewish prisoners of war from the other prisoners of war of the same nationality,' but to accord them equal treatment "in all other respects" (Levie, 1977: 175 n. 324, reference omitted; Favez, 1999: 124). However, there is evidence that Jewish POWs were nevertheless subjected to discrimination and harassment on account of their faith, some of it in breach of their Convention rights. This was not least enabled by first the identification, and, from 1941, the separation of Jewish POWs from other prisoners into their own living and working units, which in itself constituted a violation of the Convention.

Datner (1964: 105) appears to suggest that this separation was not carried out for British and American officers, but by autumn 1944, the policy certainly applied to officer camps as well (Favez, 1999: 124), even if it encountered a certain measure of resistance, particularly in British camps.

At its worst, some newly captured Jewish combatants appear to have been executed on capture or transferred to concentration camps, although such accounts, often told by non-Jewish prisoners who watched their Jewish comrades being taken away, may be speculative (Bard, 1994: 37-39; Winograd, 1976: 17; Foy, 1984: 130). Mitchell Bard (1994: 77ff) details one definite instance in which 80 American Jews were sent to a hard-labour camp at Berga, in which civilian Jews (who were victims of the Holocaust) also worked (also see Cohen, 2005). This constituted an action specifically aimed at Jewish POWs, even if once there, they did not receive treatment that was substantively different from that of non-Jewish American POWs who had also been sent there for punishment. Morris and Sugarman (2011: 336) mention the deaths of 12 Palestinian Jewish POWs in retaliatory action by German soldiers, although it is not clear whether this action was linked to the POWs' faith. Direct retaliations, carried out after German soldiers were ambushed by POWs or civilians, were a common feature of the war.

In the middle of the spectrum of maltreatment, there are reports that 'sick and wounded Jewish POWs were being removed generally from lists of prisoners eligible for repatriation' (Favez, 1999: 122) and that Jewish inmates had to carry out especially humiliating or strenuous work (Durand, 1999: 73; 1982: 354). They were being tasked with 'cleaning the outside latrines and perform other dirty tasks the rest of the POWs did not have to do' (Bard, 1994: 75; also see Foy, 1984: 130), were made to clear unexploded bombs (Bard, 1994: 40-41; Foy, 1984: 130-131), and Roger Berg (1990: 201) states that the special work units or 'commandos' to which Jews were assigned were 'in most cases' disciplinary in

nature. However, Pierre Gasca (1967: 54) finds that conditions in work detachments in which French Jews were placed were 'not much harsher than elsewhere.' As to descriptions of French Jewish POWs of non-commissioned officer (NCO) rank as being subjected to forced labour,<sup>10</sup> these should be treated with caution, as the 'encouragements' (Durand, 1999: 7) of French NCOs by their own representatives to sign work contracts, aided on the German side by the application of 'massive pressure' (Bories-Sawala, 1996a: 228), applied to all French NCOs. It should be born in mind, however, that any threats of transfer to a camp in the East would have been more effective against Jews than against non-Jewish POWs.<sup>11</sup>

Indeed, the distinction between working Jewish POWs and forced labourers is important to uphold, not least in order to give recognition to the fate of millions of civilian forced labourers who worked in Germany under an entirely different legal regime devoid of the protections that Western POWs enjoyed, some of them becoming victims of the Holocaust. In comparison, the fate of Western POWs has been described as one of 'relative privilege' (Bories-Sawala, 1996a: 215). For example, when Lador-Lederer (2011: 150) mentions that '200 British Jewish prisoners of war [were] allocated to the Janina mines in Upper Silesia,' this does not necessarily mean that these prisoners were maltreated, even though work in the mining sector was generally harder and was therefore less preferred than work in the agricultural sector (Bories-Sawala, 1996a: 216-217). Doubts about whether the employment of British Jews in the mine is evidence for their maltreatment particularly arise in light of the fact that in 1943 these prisoners were replaced with prisoners from Auschwitz because of the former's low productivity, likely due to 'frequent sabotage and refusal to work' (Memorial and Museum Auschwitz-Birkenau). This was itself a sign of relative privilege, as such subversive actions were not generally open to victims of the Holocaust.

Often, however, Jews simply suffered a litany of smaller harassments such as slaps (Winograd, 1976: 7), kicks, blows from rifle butts (Bard, 1994: 40-41) and beatings



(Rubenstein, 1989: 15, 31, 44), and sometimes they were denied representative positions in their camps because members of the German camp administration refused to deal with them on account of their faith (Levie, 1977: 299 n. 163; Foy, 1984: 130; Morris and Sugarman, 2011: 335). Before a directive was issued in March 1942 that clarified that no such identification was to be applied to POWs (Vourkoutiotis, 2003: 41), some Jewish POWs may also have been required to wear a yellow star or letters on their uniform that identified them as Jews. After surveying the available evidence, Yves Durand (1982: 356), however, concludes that such cases were rare (also see Hilberg, 1985: 627).

Jewish doctors and medical personnel were the objects of a number of discriminatory policies in violation of the Convention. Favez (1999: 122) writes that ‘these prisoners were forbidden to care for their compatriots in the hospitals and camps and were not designated for repatriation [in line with the Convention] either.’ French Jewish doctors were certainly denied repatriation during the *Relève des médecins* in 1943, although any benefits of such repatriation would have been doubtful given the treatment of civilian Jews in France (Bories-Sawala, 1996a: 241 and n. 95). Their fate in war captivity may not, however, have been much better, as Jewish doctors were sometimes employed to look after those that had fallen ill in epidemics without receiving prior vaccinations (Stelzl-Marx, 2000: 77; Durand, 1982: 354; Berg, 1990: 201), often in camps near the Eastern front (Favez, 1999: 7 and 122).

### *Anti-Semitism*

Jewish POWs also suffered from a certain amount of prejudice and discrimination from their own colleagues, often actively encouraged by the Germans. Rüdiger Overmans (2005: 766), for example, refers to a proposal issued by the commander of one camp to separate Jewish prisoners from the rest of the officers, which could only be implemented

without using force after the anti-Semitic sentiments of inmates had been successfully strengthened. Foy (1984: 129-130) writes about a camp where Jewish American POWs were ‘never physically abused,’ but where the German authorities ‘allowed the guards to try to incite the other POWs against their Jewish comrades, which lead the POWs to keep the true numbers of Jews amongst them secret.’

However, not all Germans working in POW camps were signed up to the racial ideology of the Nazis. This may have been due to the fact that it was mainly older veterans from the First World War and less politically reliable soldiers who were assigned to POW camps (Morris and Sugarman, 2011: 335). Arthur Durand (1988: 307), for example, recounts how a German Deputy Commandant concealed the faith of a Jewish POW who had died, so that a funeral with military honours could be given to him (also see Rubenstein, 1989). Unsurprisingly though, many of the Germans working in POW camps held anti-Semitic views, and the POW administration as a whole was certainly anti-Semitic in its outlook. Arthur Barker (1974: 165) thus recounts how an English language newspaper distributed by the Germans, called ‘The Camp,’ crudely attempted to stir anti-Semitic feelings by referring to ‘the exploitation of the “Anglo-Saxons” by “world Jewry.”’ Jean-Marie d’Hoop (1981: 9) also writes about German propaganda films being shown in officer camps, including the film ‘Jud Süß.’<sup>12</sup>

Another way in which Jewish POWs were confronted with anti-Semitism was through contact with German civilians, usually in the course of their work. The civilian population was already warned off fraternization with POWs generally (Christiansen, 1994: 34), but for Jewish POWs this enforced distance took on another dimension. Levinas (2001: 41) thus recounts how German villagers looked at him and his fellow POWs as Jews rather than as human beings, with all the negative connotations that this term entailed at the time: ‘The

villagers certainly did not injure us or do us any harm, but their expressions were clear. We were the condemned and the contaminated carriers of germs.’

As to anti-Semitism amongst the POWs themselves, the worst cases appear to have occurred within the French armed forces. Helga Bories-Sawala writes in this respect that even though solidarity between colleagues prevailed overall (also see Datner, 1964: 106 and Shneyer, 2016: 69-70), the behaviour of some POWs echoed the anti-Semitic politics of the Vichy government (Bories-Sawala, 1996a: 239; d’Hoop, 1981: 13; Richard, 2018: 17). At least one high-ranking French officer specifically requested the separation of named Jewish POWs into separate commandos from their German colleagues (Bories-Sawala, 1996a: 240), and both Yves Durand (1982: 355) and Berg (1990: 201-202) recount an instance in which an influential French POW tried to accomplish that his Jewish colleagues were required to wear the yellow star, only to be rebuffed by the German camp commander. D’Hoop (1981: 13) lists a number of instances in which French Jews were harassed by their colleagues, including one where a rector of a camp university was forced to step down on account of his faith. He also writes that when French Jewish officers were required to be separated and the camp administration needed to ascertain their identities, they were often denounced by their colleagues (d’Hoop, 1981: 14). Unsurprisingly, therefore, Yves Durand (1982: 356) concludes from accounts of repatriated POWs that despite the often close solidarity between colleagues in the French forces, anti-Semitic sentiments were common:

The racism of some French seems to have exceeded that of German officers, if one is to believe the testimony cited above. The truth obliges us to say that obvious traces of anti-Semitic spirit were sometimes expressed in the words of repatriated POWs; some denouncing the Jews as responsible for the black market in the camps, others for the political opposition to Maréchal Pétain, some for shady collusions with German guards.

In relation to American POWs, Foy (1984: 130) reports that some Jews were treated worse by their colleagues than by their German captors, but others list a number of instances in which American non-Jewish soldiers helped their Jewish colleagues to hide their faith from the Nazis (Bard, 1994: 37 and 71; Durand, 1988: 209), actions that must have come with significant risks. Howard Levie (1977: 175 n. 324) also notes that the German camp administration sometimes encountered resistance from the rest of the American prisoners when they tried to separate Jewish prisoners from them.

As to the British, Krakowski and Gelber (1990: 1191) write that non-Jewish colleagues were supportive of the fact that the Germans treated British Jews in the same way as all other British POWs. Gelber (1981: 19) in this respect reports an incident where the Germans wanted to deny Red Cross parcels to Palestinian Jewish POWs, but were resisted by the British Man of Confidence,<sup>13</sup> who declared that in that case, ‘the British too would refuse to get their parcels.’ He concludes that ‘anti-Semitic manifestations on the part of British POWs were rare; more common were the friendly contacts that prevailed, and along with joint cultural and social activities, escapes also constituted joint ventures’ (Gelber, 1981: 39; also see Shneyer, 2016: 72). Morris and Sugarman (2011: 335 and 336) confirm this when they write that senior British officers and Men of Confidence successfully resisted the segregation of Jewish POWs, acting in solidarity with their Jewish colleagues (also see MacKenzie, 2004: 274). Where it occurred, hostility against Jews seems to have arisen because of their ability to communicate and trade with the Germans, from which they were able to derive some advantages (MacKenzie, 2004: 80 and 273-275).

### *Fears and forebodings*

It can thus be concluded that life in captivity for a Western Jewish POW turned out to be harder than for non-Jewish POWs, even if a threat to their life was the exception rather than the norm. However, one should at this point consider that despite this fact, Jewish POWs may have lived in constant fear for their lives. Although the full extent of the Holocaust only became apparent after the war, enough was known to raise fears of the worst at least in newly captured Jewish POWs. Even where no maltreatment followed the identification of Jews or their separation from their non-Jewish colleagues, its prospect accompanied captivity and lent significance to any threats of transfer to the Gestapo that were sometimes employed during interrogations (Winograd, 1976: 11; Durand, 1988: 66). This was not surprising, given that the same steps of identifying and separating Jews from the rest of the population preceded the killing of Jews elsewhere in Germany and German-controlled territories. It would not have been apparent to POWs that the same fate was not planned also for them (Datner, 1964: 98 and 106-107). Levinas (2009: 210), for example, who was officially interned at Stalag XIB at Fallingbostal near Hanover for five years, but who spent his time on a disused farm in a small forestry work detachment comprised of Jewish POWs, reflects as follows on his experience:

The Jewish prisoners felt the deferred death sentences that hung over their work and their laughter like a familiar shadow. In the special Kommandos in which they were grouped, for the most part lost at some point in a forest, they found themselves at once separated from other prisoners and the civilian population. It was as if something was being prepared for them, but always postponed.

These forebodings were in part due to the rumours that had spread amongst POWs about the treatment of civilian Jews by Hitler (Rolf, 1988: 73). News about deportations of

friends and family members reached French POW camps by way of returned mail marked 'left without leaving a forwarding address,' and Levinas (2009: 210) writes after the war that they knew what this meant because they 'knew of the mass exterminations of Jews in Eastern Europe' (also see Levinas, 2009: 206-207). But there were also direct encounters with victims of the Holocaust, often in the course of the POW's work (Rolf, 1988: 73). For instance, once during his captivity, Levinas saw a column of deportees destined for the nearest concentration camp and sensed the extent of the tragedy that was unfolding around him (Malka, 2006: 263). It has also been reported that Levinas and his Jewish colleagues clandestinely threw food over the fence of the concentration camp Bergen-Belsen to starving women when the opportunity arose (Gutman, 2011: 23). Krakowski and Gelber (1990: 1191) similarly recount an instance in which British Palestinian Jews were sent to a work detachment where they came into contact with Jewish forced labourers 'who told them of the atrocities perpetrated by the Nazis' and to whom they smuggled food (also see Gelber, 1981: 20-21 and 24). Gelber (1981: 17) writes that the uncertainty surrounding the treatment of Jewish POWs resulted in a 'feeling of isolation,' but also 'a growing sense of comradeship and common fate,' while Gasca (1967: 54-55) writes that their anguish of knowing about the fate of Jews elsewhere rendered the captivity of Jewish POWs a more cruel one than that of others, offsetting any relief they might have felt at their own protection.

French POWs in particular perceived their situation as perilous. Due to the actions of the French government in relation to its Jewish citizens at the time, they had little hope of support from their home side. Although they were still protected by the French uniform, French Jewish prisoners felt the most 'bitter disappointment' at their betrayal on the part of France (Christophe, 1974: 39), leading Levinas (2009: 207) to write: 'Others spoke reform, relief, liberation – the Israelite knew he was in a tough world, without affection, without

fatherhood. He existed without recourse to humans. He assumed alone all the weight of his existence.’

This provides context to recollections that otherwise may be misunderstood. For example, when Leonard Winograd (1976: 15) writes about ‘the ever present horror of being a Jew in prison in Germany,’ he is likely to be referring to the fear or threat of rather than actual maltreatment. As an American air force officer – the most privileged group of POWs – Winograd himself thus did not experience anything worse than an either too hot or too cold cell during his interrogation. Thinking of how he would tell this story after the war, he pondered: ‘I could always say that I had met the enemy and “my head was bloody but unbowed” – except that it wasn’t even bloody. It was cold and it was sweaty, but it was *not at all* bloody’ (Winograd, 1976: 11).

### *Daily normality*

Not only was the treatment of Jewish POWs rarely bloody even when it was unequal, but life as a Jewish POW also afforded a certain extent of normality as well as some small pleasures. For example, no special provisions were made relating to Jews practicing their religion (Vourkoutiotis, 2003: 65), and Foy (1984: 101 and 129) accordingly writes that American Jewish POWs were able to conduct weekly religious services at one Luftwaffe camp. This was also the case for Levinas and his French colleagues, although they appear to have celebrated their religious holidays clandestinely rather than openly. Richard (2018: 25) writes evocatively about the improvisation involved:

The resourcefulness that characterized the captive universe was put at the service of Judaism, illustrating a form of adaptability and creativity: In many *Judenbaracke* [Jewish barrack], a

space was devoted to the practice of worship, acting as a makeshift synagogue, and certain prisoners reconstructed prayer books from their memory. The *Shabbat* was thus celebrated, with the means at hand, according to time constraints, sometimes in the light of boxes of sardines transformed into candles.

For some of the prisoners, the shared experiences and anxieties of being a Jew in German war captivity brought about a renewal of their Jewish faith and identity (Levinas, 2009; Richard, 2018). Jews came together in helping each other, sharing food parcels, exchanging information about the situation at home and comforting each other when they received news about the arrest and deportation of family members or when communication simply broke off. Diasporic micro-communities, in which Rabbis played a central role, thus emerged (Richard, 2018).

Even where Jewish POWs had to work, such as in Levinas's case, evenings and days off provided time for reading, the studying and writing of philosophical and spiritual works, for diary keeping and for theatrical performances (Jacques, 2017, Richard, 2018). Each main camp had a library and bookbindery stocked by the YMCA and the Red Cross, and book boxes circulated amongst the work detachments (Christiansen, 1994: 47). Jewish prisoners were able to receive letters and parcels, both from family members and the Red Cross, and access basic health care services, either through the main camps or local doctors assigned to work detachments (Rodgold). In Levinas's case, a dog seems to have been allowed to live with the prisoners, and while life in captivity lacked many comforts, it had a romantic aspect that Levinas and his colleagues appreciated (Levinas, 1990; Jacques, 2017).

Larger camps sometimes afforded more structured leisure activities. Krakowski and Gelber (1990: 1191) thus write about British Palestinian Jews in one large camp: 'In this camp the Jews were treated like the rest of the prisoners. Keeping to themselves, they



developed support groups and even organized classes in Hebrew and other subjects.’ Shneyer (2016: 74) even cites accounts of Jewish participation in camp sporting competitions that involved raising a flag with the star of David in honour of Jewish winners and the marching of the Jewish team to their ‘Company Song’ sung in Hebrew.

Not all Jewish prisoners would have had the same experience of war captivity; their rank, the camp’s size, its location and the outlook of its administrative personnel, but also the work that POWs were asked to do contributed to the conditions they found themselves in. While few would have been able to look back on their time in war captivity as a time of sporting endeavours and audacious dares in the way that some non-Jewish English and American members of the air force were (Smith, 1968), their experience was a far cry from that of the Jewish victims of the Holocaust. As Lador-Lederer (2011: 146) writes, ‘for the Jewish prisoner of war of a Western country who benefited from the provisions of the Geneva Convention of 1929, his sufferings measured against yardsticks of Jewish martyrology, were a matter *de minimis*.’

### **Explaining the protection of Western Jewish POWs**

What enabled the protection of Jewish Western POWs by Germany in the midst of an otherwise entirely unrestrained campaign of anti-Semitic violence? This question has no easy answer, not least because the Wehrmacht did not draw up policies relating to Western Jewish POWs that would shine a light on the underlying motivations for the inclusion of Jewish POWs within the protections of the Geneva Convention (Overmans, 2005: 872). Any explanation offered therefore has to be constructed from other facets of the complex relationship between Germany and its different enemies. In the end, a successful explanation should answer the questions why it was Western Jewish POWs that were protected (while

Eastern ones were not), and why the same attitude that led to the protection of Western Jewish POWs was not also extended to Western civilian Jews. The discussion below will therefore proceed, firstly, by highlighting the difference in treatment of Western and Eastern<sup>14</sup> POWs generally, before exploring, secondly, some of the more commonly-cited explanations for this difference in treatment and arguing, thirdly, that it was aspects of military identity set within specific relations of enmity that made the protection of Western Jewish POWs not only possible, but appear necessary. The article will end by considering why the protection afforded to Western Jewish POWs was not also extended to Western civilian Jews.

#### *The difference in treatment of Western and Eastern POWs*

The question whether Germany complied with the requirements of the Geneva Convention in relation to Allied POWs from the Western front is invariably answered affirmatively (Overmans, 1999: 14; Beaumont, 1996: 279; MacKenzie, 1995: 79). Compliance with the Geneva Convention by Germany<sup>15</sup> is most readily certified in relation to American and British POWs, particularly in relation to officers and air force personnel. Indeed, the care extended to American and British POWs by the authorities went so far as to cause resentment amongst the German population, which itself suffered food and medical shortages at the time (Shneyer, 2016: 20). However, major breaches of the Convention did occur even in relation to this group, exemplified by the reprisals in the shackling crisis and the execution of prisoners after the attempted mass escape at Stalag Luft III at Sagan. Minor breaches were common. Indeed, one only needs to open POW accounts of ordinary American soldiers, such as William Spanos (2010), to realise that war captivity could be hellish, and that the leisurely life that some American officers enjoyed was by no means the standard for

all. This divergence of experiences even in the most privileged group of POWs shows how dependent conditions were on specific constellations of events, local circumstances and the personalities in positions of power, regardless of the nationality or faith of the prisoners.

French POWs were in a slightly different position, as the particular relation between France and Germany after 1940 meant that Germany was able to disregard some of the requirements of the Convention, compliance therefore being merely partial. After conducting a considerable amount of research on French POWs held by Germany, Yves Durand (1999: 72) nevertheless concludes that the German military kept to its obligations under the Convention, even though he also mentions exceptions.<sup>16</sup>

In contrast, Germany did not apply the laws of war at all to POWs from the Eastern front. Captured soldiers from the Soviet Union, who often arrived in captivity in an ill and under-nourished state (Streim, 1982: 14), were either specifically targeted and killed because of their political or religious status, maltreated, or simply left to die until the spring of 1942, at which point more than two million prisoners had already died. When it dawned on Germany that no quick victory would be achieved on the Eastern front and that therefore the men deployed there were unlikely to return to their civilian jobs in the foreseeable future (Speckner, 2003: 177), the economic need for the labour of Soviet POWs took precedence over military aims, and it was determined to keep Soviet prisoners at least alive (Herbert, 1997: 141). However, this did not substantially change the nature of their fate. Living and working conditions for Soviet POWs were dismal, and in the mining industry so bad that Ulrich Herbert (1997: 391) writes of ‘a continuation of the war of extermination by other means.’ Beaumont (1996: 279) estimates that in total ‘probably over three million Soviet POWs were executed or died of starvation or overwork at the hands of the ideologically and racially obsessed Nazi regime.’

### *Explanations of the selective compliance with the Convention*

A number of explanations have been advanced to explain why Germany complied with the Convention only on the Western front. These provide a starting point for thinking about the likely reasons for the protection of Jewish Western POWs.

The first concerns the legality of Germany's actions in relation to the servicemen it captured. Thus, one possible answer to the question why the Convention was complied with selectively is that at this time, despite the Convention's and Red Cross symbol's aspirations to universality, the Convention applied only between signatories, and the Soviet Union was not amongst them. However, Germany's claim that it was not obliged to provide for Soviet POWs under the Geneva Convention because it had neither been signed nor ratified by the Soviet Union can be considered a mere pretext. As Christian Streit (1990: 1192) points out, general international law on the treatment of prisoners of war would have been sufficient to protect the lives of POWs if only it had been applied.

The second explanation for the compliance with the Convention on the Western side concerns matters of morality, more specifically a possible belief in the intrinsic value of every human being. Even leaving to one side that this could not explain Germany's non-compliance in the East, such a belief can be discounted. Germany had completed the ratification of the Convention in 1934 only for superficial, propaganda reasons (Overmans, 2005: 729ff), and in relation to the Hague Conventions of 1899 and 1907 Overmans (2005: 729) cites Hermann Göring as having remarked in front of the International Military Court in Nuremberg in 1946 that 'if he had been conscious of what kind of fetters the German Reich had bound itself with through the signing of the Hague Conventions, he would have advised Hitler to break with them even before the beginning of the war.' It is thus doubtful that what Simon MacKenzie (1994: 490) calls 'the humanitarian ethos – broadly conceived to mean that the captured enemy soldier was regarded as possessing the same essentially human

nature as his captor' was determinative in Germany's compliance with the Convention in the West as a matter of national policy. Nor can it be argued that members of the Wehrmacht acted under moral restraints, a theory that has long been disproved by reference to the Wehrmacht's conduct on the Eastern front (Streit, 1978).<sup>17</sup>

And yet, something bound Germany sufficiently to the rules of the Convention to make compliance appear necessary in relation to American, British and French combatants. The third explanation, which concerns the utility of compliance in a situation in which reprisals were likely and, at least in relation to France, an atmosphere in which collaboration remained possible needed to be maintained, hold some promise. Indeed, when it comes to Western Jewish POWs, most authors point to concerns about possible reprisals (Bard, 1994: 37; Poliakov, 1954: 142; Krakowski and Gelber, 1990: 1192; Overmans, 2005: 872; Shneyer, 2016: 71 and 82; Hilberg, 1985: 627 and 654; Lador-Lederer, 2011: 147). However, while strategic reasons may have played a part in ensuring compliance once the parties had agreed to apply the Convention rules (MacKenzie, 1994: 491), they cannot be said to have been determining reasons for applying the Convention in the first place. Generally speaking, the persecution of Jews as a racial policy constituted an aim that was pursued by Hitler independently of any military objectives and at times even collided with their achievement (Herbert, 1991). In principle, Hitler thus had no qualms about endangering the lives of German soldiers in foreign captivity by maltreating foreign POWs held by Germany, as the Soviet example shows. Other examples of the sometimes counterproductive separation of racial from military policies are Hitler's orders to keep starving Soviet prisoners in improvised enclosures in the occupied territories rather than employ them in Germany so as not to 'contaminate' Germany with their presence (Davis, 1977: 627), and to prohibit the donation of blood by POWs for use by Germans out of fear that some of this blood could be from people of Jewish origin (Cohen, 2005: 71-72; Vourkoutiotis, 2003: 62). Together, these

examples make it difficult to maintain that Jewish POWs were spared persecution only because it would have interfered with military objectives on the Western front.

### *An alternative explanation*

An alternative explanation emerges when one considers the fact that the war to the West remained 'a political struggle' (MacKenzie, 1995: 97), while to the East it was all-out war. From the beginning, Hitler had regarded the war to the East not as 'a formal battle between two states, to be waged in accordance with the rules of International Law, but as a conflict between two philosophies' (Field Marshall Wilhelm Keitel's Nuremberg testimony, quoted in MacKenzie, 1994: 505). Accordingly, German propaganda described the conflict with the Soviet Union as one between two mutually exclusive worldviews, the Soviet one being branded 'Jewish Bolshevism' (Schulte, 1988: 228).

For Hitler (quoted in Streim, 1982: 27), this meant specifically that the army had to distance itself from the traditional point of view that still held fast in the West, according to which enemy soldiers were comrades-in-arms united by a shared set of values and a sense of professional solidarity: 'The communist is before [the war] not a comrade-in-arms and after [the war] not a comrade-in-arms.' With nothing uniting the actors in this conflict, there was also nothing that called for restraint, as it was not the aim of the war in the East 'to conserve the enemy' (Hitler, quoted in Hartmann, 2009: 309, footnote omitted). Schulte (1988: 150) in this respect writes that 'documents from the highest level impressed on the German troops [on the Eastern front] that they were engaged in an ideologically based racial war of extermination . . . that was by its very nature qualitatively different from the conventional war . . . conducted in the West.' According to Hitler, the point in this war was not to win against the enemy, but to eradicate him once and for all (Streim, 1982: 27).

Germany thus approached its relation to its Eastern and Western enemies in two fundamentally different ways: To the East, local populations as separate entities were to disappear through eradication or assimilation, with Germany expanding into their territory, while to the West, relations between the enemies as separate entities were expected to outlast the war, hatred being understood merely as a symptom of current hostilities that should not replace mutual respect as the fundamental characteristic of relations.<sup>18</sup> Accordingly, the commander of one POW camp (quoted in Durand, 1988: 308, footnote omitted) called on staff to comply with the Geneva Convention with the following words:

I shall ask you not to forget one important fact: any war has to end sooner or later, and after a war the nations have to live together again. We cannot ask for the sympathy of the POW[s] we will release when this is over, but what we want to instil is a feeling of respect. They can say "I hate the Germans," but they must think "I respect them."

In contrast, members of the Wehrmacht deployed in the East were actively encouraged by the political and military leadership to switch from an outlook informed by traditional views of enmity to one informed by national-socialist views (Streim, 1982: 31). While Hitler distrusted the military to carry out his political ambitions and therefore also employed other strategies to implement his plans (such as the tasking of the security forces with many of the practical aspects of the crimes (Hartmann, 2009: 63ff)), overall the propaganda efforts showed positive results, with Nazi ideology reaching the Wehrmacht in 'the foremost zones of the German sphere of power,' (Hartmann, 2009: 65), meaning members of the Wehrmacht directly engaged in combat.

This understanding of the war in the East as being of a different nature than that in the West was supported by an assessment of Germany's enemies in racial, cultural and military

terms. In the hierarchy of national-socialist ideology, Nordic and Western European peoples were situated above those from Russia and Eastern Europe. The Russians were thought to be of an inferior, less deserving nature (Römer, 2008: 327; Neitzel and Welzer, 2012: 98). This hierarchy was not just a matter of racist imagination, but had grown over time, influenced by historical and cultural factors, which perhaps explains why it was never stated in a ‘pure form’ (Bories-Sawala, 1996b: 94). Of particular significance in this respect was the experience of the First World War, when, as Overmans (2005: 871) writes, the Russians had already ‘been rated as culturally backward and were already then discriminated against.’ Their army was declared to exhibit a complete lack of the professionalism said to characterise Western armies, and they were presented as a threat against ‘the very existence of the German “Volk” whose task it was to defend European “Kultur” against the barbarian hordes’ (Schulte, 1989: 150).

This negative assessment of the enemy not only served to justify the kind of war fought in the East, but also protected German self-understanding from being affected by the large-scale killing of Soviet POWs. Because German soldiers were not dealing with whom they regarded as equals, crimes could be perpetrated without the need to reflect on their own status as human beings. On the Western side, however, bad treatment was thought to also reflect badly on the German military and its members. Rolf (1988: 67) thus reproduces the following statement from official German guidance on the treatment of POWs: ‘The POW can expect to be treated with respect regarding his personage and his honour. Bad and degrading treatment is not compatible with German dignity.’<sup>19</sup> Directions addressed at camp commanders for prisoners on the Western side also made it clear that ‘even small deviations from a firm but correct application of the Geneva Convention would reflect poorly on the honor of the German soldier’ (Vourkoutiotis, 2003: 28, footnote omitted), and propaganda



materials on both sides, showing the good treatment of Western POWs, served to evidence the captor nation's humanity (Overmans, 2005: 732).

Reading accounts of captured German soldiers boasting of their killing of civilians on both the Eastern and the Western front (Neitzel and Welzer, 2012), it is hard to countenance that any notion of honour, dignity or humanity was operative in the self-understanding of German soldiers. However, one should keep in mind that compliance with honour-based rules have featured in war alongside the commission of atrocities since antiquity without necessary contradiction. To give one stark example, German fighter pilots in the Second World War prided themselves on shooting down women, children and livestock, but would have thought it dishonourable to kill an enemy fighter pilot who had ejected himself from his aircraft (Neitzel and Welzer, 2012: 66 and 75).

The laws of war regarding the treatment of POWs were such honour-based rules, the Geneva Convention itself harking back to the laws of war in the late Middle Ages or the 'Age of Chivalry.' These rules applied only between those who thought themselves to be equals, for whom they were a matter of self-understanding. Thus, when the laws of war were first codified, they were brief, as for officers of an aristocratic and thus largely homogenous background the need to comply with the rules that were now drawn up appeared self-evident (Oeter, 1999: 50). It is thus unsurprising that terms such as 'honour,' 'chivalry' and 'chivalric customs' (as well as 'embarrassment' and the need to 'save face' when official orders put staff in a position where they were required to go against such customs) feature prominently both in first-hand accounts of Western war captivity (see, for example, Durand, 1988: 306-308) and in German directions seeking to dispel such notions in relation to Russian soldiers (MacKenzie, 1994: 508; Streim, 1982: 33-34 and 41; Rosas, 1976: 78). In relation to Western POWs, the idea of chivalry sometimes proved too much for the Nazi command, which, for example, saw French POWs as good workers and thought that this should inform their

treatment rather than any misplaced notions of ‘excessive chivalry’ (Bories-Sawala, 1996a: 218-219 and 276ff). As Neitzel and Welzer show (2012: 144, 317 and 340), where such notions of honour and dignity were translated into concrete military norms and values, they proved to be an effective frame of reference for German soldiers, a frame of reference that determined their behaviour even in the absence of legal force. It was where such norms and values were either absent or where direct orders were given to contravene them that soldiers engaged in indiscriminate killing.

*Why the protection of Western Jewish POWs – and not civilians?*

When considered in the context of an honour-based military identity, it is less surprising than on first sight that the presence of Jews within captured Western armed forces presented an issue of ambivalence for the German POW administration, resulting in a lack of policies regarding their treatment. Jews were ranked lowest on the German ideological hierarchy, and the correct attitude towards them was one of hatred and contempt. However, as Western POWs, they were members of armies that were not only deserving of respect,<sup>20</sup> but also a source of self-respect for German servicemen.

The last question to answer, then, is why this respect was not also extended to civilian Jews of Western nations. A first answer is that the framework was only operative within the military and not the security forces. This has nothing to do with the supposedly superior morality associated with the Wehrmacht vis-à-vis the SS and other security forces. As explained above, it was not morality but identity which was determinative, and only in relation to some, not to all of Germany’s enemies. In the security forces, however, this identity (and the history on which it was based) was not present, and as Ricoeur (1998: 19-20) observes, the fact that it was the Wehrmacht and not the security forces who oversaw

POWs on the Western side was therefore a significant factor in the Jewish prisoners' survival.

A second answer emerges when one considers the secrecy employed in the 'Final Solution.' This secrecy was not possible under the Geneva Convention, where each POW was registered and notified to the protecting power upon arrival in the camp. The subsequent disappearance of Western Jewish POWs would almost certainly have reflected badly on Germany in the eyes of its Western enemies. Bearing in mind the equal status of these enemies as far as the German Wehrmacht was concerned, this would have impacted the German self-understanding in turn. MacKenzie (1994: 504) thus puts the emphasis on the embarrassment that knowledge about the persecution of Jewish POWs could have caused. He writes that it was only 'because the secrecy and deception at the heart of the Final Solution could not be applied [to registered POWs]' that they escaped the fate of civilian Jews (also see Datner, 1964: 107). This led to a situation in which Germany effectively had to overlook the fact that Jews were amongst Western POWs – or rather, in which it could only carry out small measures of discrimination and harassment that were less likely to attract the attention of its Western enemies.

## **Conclusion**

The protection of Western Jewish POWs in German war captivity during the Second World War was an astonishing circumstance. Within a sea of anti-Semitic persecution, POW camps represented islands of protection for Western Jewish soldiers, making them '*de facto* the safest place for a Jew in the German sphere of influence' (Overmans, 2005: 872). While this protection may appear incongruous, this article has argued that it can be explained by German military identity, operative only in relation to Germany's Western enemies, that

incorporated notions of honour and dignity. This military identity would have been unsettled by the open maltreatment of Jewish Western POWs in contravention of the Geneva Convention.

The identity argument avoids the commonly cited explanations of legality, morality or utility for compliance with the Convention, while also avoiding the exculpation of the Wehrmacht from its involvement in the crimes committed on the Eastern front and as part of the Holocaust. It shows the importance that identity can have for the application of law, where it makes compliance seem necessary in a situation in which law lacks other force. Identity limits the actions that are thought to be possible within a given setting; if law incorporates this identity, it can build on these limits through detailed rules. In the case of Western Jewish POWs, German military identity functioned to keep what Neitzel and Welzer (2012: 89) term war's 'floodgates of violence' partially shut. However, that even this means of limiting violence was frequently ineffective, leading to breaches of the Convention and, in the Jewish case, daily discrimination and harassment, is clear from the historical evidence.

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<sup>1</sup> Almost exclusively men, although there were also some women serving as parachutists, in liaison and signals units and in auxiliary and medical roles (Datner, 1964: 110-114).

<sup>2</sup> Any English quotes from materials in a language other than English are the author's own translations.

<sup>3</sup> Convention relative to the Treatment of Prisoners of War, Geneva July 27, 1929. The Convention governed the treatment of POWs during the Second World War, its provisions setting out, amongst other things, rules on the kinds of work POWs could be required to undertake, the respective roles of the detaining and protecting powers, the requirement to treat POWs humanely and their right to respect and honour.

<sup>4</sup> According to Joseph Lador-Lederer (2011: 149 n. 15), 40% of these served in the Red Army. Henry Morris and Martin Sugarman (2011: 269) mention a total number of 1.75m Jews in the combined Allied armies.

<sup>5</sup> This subtraction is necessary because Shmuel Krakowski and Yoav Gelber (1990: 1189-1190) appear to include both in the 200,000 figure.

<sup>6</sup> Annette Wiewiorka (2001: 106) gives a lower figure of 10,000-15,000 Jews.

<sup>7</sup> These numbers are extrapolated from those provided by Isidor Kaufman (1947: 349) and Martin Gallin (1986: 38-39).

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<sup>8</sup> There is also a suggestion that at least some British Jewish POWs may have changed their name and faith already when enlisting, foreseeing future capture (Morris and Sugarman, 2011: 339).

<sup>9</sup> Szymon Datner (1964: 101) accordingly finds that ‘victimization’ of Jewish POWs even below officer status was either infrequent (French POWs) or hardly took place at all (British and American POWs). At least in 1942-1943, it was also the understanding of the ICRC that English speakers were excluded from the discriminatory measures that were applied to Jews (Jean-Claude Favez, 1999: 55 and 123). David Foy (1984: 129) concludes based on the interviews he conducted with ex-POWs that ‘a significant portion [of American Jewish POWs] were treated like any other POWs.’ Krakowski and Gelber (1990: 1189) state that ‘Jewish soldiers from the armies of Western countries (the United States, Britain – including the Jewish units from Palestine – France, Canada and Australia) were treated no differently than other POWs from those countries except for some attempts that were made to separate them from the rest.’ Morris and Sugarman (2011: 335) write that ‘the experience of British and Commonwealth Jewish POWs of the Germans was a mixed but generally non-violent one’ and that ‘little discrimination was . . . shown.’

<sup>10</sup> Howard Caygill (2010: 27) uses this term in relation to Levinas, who was an NCO. Sarah Hammerschlag (2012: 394) similarly states that Levinas was interned in a ‘Nazi labor camp,’ a term that suggests disciplinary labour rather than the ordinary work POWs could be expected to do.

<sup>11</sup> The French historian Fernand Braudel was sent to such a camp, partly on account of his ‘intervention discouraging fellow inmates from offering voluntary labour to the Germans’ (Caygill, 2004: 159 n. 11). Nonetheless, some Jewish NCOs did refuse to work (Chambrun, 1989: 52).

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<sup>12</sup> ‘Jud Süß’ was a highly successful German anti-Semitic propaganda film based on an 18<sup>th</sup>-century Jewish court figure. It was produced in 1940 and should not be confused with Lion Feuchtwanger's 1925 novel of the same title.

<sup>13</sup> The Man of Confidence or ‘Vertrauensmann’ was a POW of senior rank who was elected by the prisoners to liaise between them and the camp administration.

<sup>14</sup> References to the East are used as a shorthand for the Soviet Union, without regard to the differences in treatment of the minorities serving in the Red Army and of the members of other Eastern European countries’ armed forces. The treatment of Polish Jewish POWs in particular is of interest, but exceeds the scope of this article.

<sup>15</sup> Meaning here the Wehrmacht. There are numerous reports of war crimes against Allied POWs by the Waffen SS (Neitzel and Welzer, 2012: 305-306).

<sup>16</sup> For examples of Convention breaches, see Hoch, 1992: 232-233.

<sup>17</sup> For a historical overview of the debate over the Wehrmacht’s conduct on the Eastern front, see Schulte, 1988: 1-27. For accounts of the sometimes voluntary involvement in the killings by members of the Wehrmacht, see Neitzel and Welzer, 2012: 136 ff.

<sup>18</sup> The fact that respect was present in practice is supported by both Overmans (2005: 786) and Rolf (1988: 45).

<sup>19</sup> However, Rolf (1988: 67) immediately qualifies this quote by saying that ‘the reality of their treatment as prisoners belied this pompous official advice.’

<sup>20</sup> Yves Durand (1982: 324 and 354) thus writes of an ‘effective respect of the quality of Jewish soldiers’ by the German Wehrmacht despite the occasional bullying of Jewish POWs.