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THE BYSTANDER DURING THE HOLOCAUST

Robert A. Goldberg*

I. INTRODUCTION

The bookshelves and film racks are filled with accounts of the Holocaust that focus on three representative figures: the victim, the perpetrator, and the selfless savior. The victims are the most numerous. Those who were killed, enslaved, and tortured totaled into the millions with Jews, Gypsies, homosexuals, political and religious activists, and the mentally and physically disabled marked as prime targets. In pursuit was the Nazi killing machine, Germans and their collaborators, which methodically organized men and women to annihilate whole communities. Comparatively, a handful of people later anointed as the “righteous among the nations,” risked their lives to protect those in danger.¹

Missing from these accounts is by far the largest number of people, the bystanders, who witnessed the Holocaust ravage Europe. They raised no objection to the horrors that befell their neighbors. They swore their denial of events. Others would claim that the risk of resistance was too high. What could one man or woman do under the circumstances? Later some would seek absolution by insisting that they were merely following orders. They had become bystanders, without will, to morality. Acquiescing to power and circumstance, disengaged, all of these men and women, wrote philosopher Simone de Beauvoir, were “silenced by [h]istory.”² Their silence offers proof of John Stuart Mill’s observation about the bystander: “Bad men need nothing more to compass their ends, than that good men should look on and do nothing.”³ Decisions about goodness, however, should be withheld.

This essay will consider three aspects in the matter of the bystander during the Holocaust. First, this essay will consider the intellectual and historical complexities of defining bystanders and assessing their role. How does the historian investigate those who remained in the background, blurred faces as events passed by? Second, this essay will assess the importance of context. How do specific historical, national, and local circumstances affect bystander behavior? These factors also open to view the actions of those who collaborated and those

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¹ To remember non-Jews who endangered their lives during the Holocaust to save Jews from death at the hands of the Nazis, the state of Israel created the honorific distinction of “righteous among the nation.” See *About the Righteous*, YAD VASHEM: THE WORLD HOLOCAUST REMEMBRANCE CENTER, <http://www.yadvashem.org/righteous/about-the-righteous> [https://perma.cc/6AXP-QPP8].

² SIMONE DE BEAUVOIR, *WARTIME DIARY 26* (Margaret A. Simons and Sylvie Le Bonde Beauvoir eds., 2009).

³ John Stuart Mill, Rector of the University, Inaugural Address Delivered to the University of St. Andrew (Feb. 1, 1867).

who resisted. Finally, this essay will broaden perspective to consider questions of morality and responsibility.

In studying the bystander during the Holocaust, we cannot remain neutral about the moral impact of inaction. Clearly, matters of guilt and responsibility must frame this discussion. Ethics must play into judgment.

The verdict, however, is hardly obvious. Recall the career of Oskar Schindler, the most famous of the righteous Christians, who is credited with saving more than one thousand Jewish lives.⁴ He was also an opportunistic German industrialist and Nazi Party member whose factories served the war effort and employed slave laborers.⁵ Alternatively, how do we understand the Nazi Party member who secretly and repeatedly left a sandwich for teenager and concentration camp inmate Michael Schafir?⁶ “We never made eye contact or talked,” remembered Schafir, “. . . [he] came almost every day . . . gave me food. He saved my life.”⁷ Identities of collaborator, resister, and bystander, and even predator can be ambiguous, malleable, and transitory. Impulse, pleading, and changing events influenced the decision between the human instinct and the instinct for self-preservation. Discussion here helps us grasp not only a past event, but also our roles as citizens today.

II. DISCUSSION

A. The Puzzle of the Bystander

Bystanders are defined by their choice: they stood by and chose inert obedience and passivity over power and justice. Bystanders walked a tightrope between collaboration and resistance, steadying themselves with claims of self-interest and survival. They lived in the shadows, refusing to reveal themselves or their feelings and beliefs. Witnesses have described their behavior. In Germany, neighbors noted the departure of Jews. When asked about a resident in his apartment building, a Berlin concierge replied: “the one on the second floor? The Jewess, you mean? They came and took her away. Day before yesterday. Oh, along about six.”⁸ The bystander is detached, causal, emotionally unrevealing about someone he knew. In 1943, Berliner Inge Deutschkron wrote in her diary of onlookers to actions against Jews: “People on the street stand still, whispering to each other. Then they quickly go on their way, back into the security of their homes.”⁹ Contrast this with stories of spectators applauding as columns of Jews

⁴ See DAVID M. CROWE, *OSKAR SCHINDLER: THE UNTOLD ACCOUNT OF HIS LIFE, WARTIME ACTIVITIES, AND THE TRUE STORY BEHIND THE LIST* (2004); *SCHINDLER’S LIST* (Universal Pictures 1993).

⁵ *Id.*

⁶ Eileen Hallet Stone, *Living History: A Utah Holocaust Survivor’s Story*, SALT LAKE TRIB., Apr. 21, 2012.

⁷ *Id.*

⁸ PETER FRITZSCHE, *LIFE AND DEATH IN THE THIRD REICH* 254–55 (2008).

⁹ *Id.* at 255.

passed bound for the trains. There were very few instances of public dissent in Nazi Germany.¹⁰

German bystanders found their counterparts throughout Europe. Simone de Beauvoir wrote of Paris during the German occupation and the matter of complicity. She observed, “[t]he very fact of breathing implied a compromise.”¹¹ And, compromise and accommodation were the priorities. Many had made their peace with the Germans and their deported Jewish neighbors. Missing was empathy, awareness, or concern about the Jews’ misfortunes. A few lines from a W.H. Auden poem capture bystanders in surrender of their humanity:

Intellectual disgrace
Stares from every human face,
And the seas of pity lie
Locked and frozen in each eye.¹²

In comprising the European majority and playing supporting roles in the making of murder, bystanders represent a major problem for historians. They simply do not reveal themselves. They flee the lens and remain unfocused and anonymous. Protagonists leave memoirs and diaries, publish newspapers, and write manifestos. They seek to turn history. Bystanders, in contrast, seek distance by stepping away from history. They leave few tracks. Their behavior does not warrant legal prosecution. Publishers do not solicit their stories. There is little worthy of honor or memory and nothing to share with children curious about the past.

Even when bystanders appear in narratives, scholars can only speculate about them. Why, in a quicksilver deed, does an anonymous person step from the crowd to give water and bread to a Jew on a death march? The bystanders do not speak, yet they play supportive roles, perhaps unintentionally. How do we make sense of events in the small, Polish town of Jedwadne in July 1941? There, with German soldiers absent, Polish citizens herded their Jewish neighbors into a barn, set it ablaze, and burned alive several hundred men, women, and children.¹³ The forty men who organized this pogrom were predators. But, what of reports that the hundreds of Poles who followed in the wake of the Jews, did not intercede, and watched the massacre? Did the quiet presence of these bystanders encourage the murderers? How does the passage of time influence our judgment? For decades, the citizens of Jedwadne kept silent and thus denied justice to the perpetrators. Did this inaction convert men and women from bystanders into partisans?

¹⁰ *Id.* at 256.

¹¹ DE BEAUVOIR, *supra* note 2, at 32–33.

¹² DANIEL GOLDHAGEN, *HITLER’S WILLING EXECUTIONERS: ORDINARY GERMANS AND THE HOLOCAUST* 440 (1997) (quoting W.H. Auden).

¹³ JAN GROSS, *NEIGHBORS: THE DESTRUCTION OF THE JEWISH COMMUNITY IN JEDWADNE, POLAND* 21–22 (2002); ANNA BIKONT, *THE CRIME AND THE SILENCE: CONFRONTING THE MASSACRE OF JEWS IN WARTIME JEDWADNE* (2015).

There are reports of German soldiers attempting to transform themselves from predators into bystanders. In one instance, German soldiers watched and snapped photographs as Lithuanian civilians beat Jews to death with iron rods.¹⁴ A Wehrmacht sergeant remarked: “We could not believe what was happening and after some time we went away . . . I could not watch anymore. My friends left with me.”¹⁵ Were these men bystanders or did their mere inaction connote official sanction? Commander Otto Ohlendorf of an Einsatzgruppe killing unit declared, “I always gave orders for several people to shoot simultaneously in order to avoid any individual having to take direct, personal responsibility.”¹⁶ In a twisted way, the men were bystanders to their own crimes.¹⁷ How do we classify German civilians who stood by as their Jewish neighbors were taken away, and later participated in raffles of Jewish property and lotteries of Jewish houses and apartments?¹⁸

What of the members of the Einsatzgruppe who refused to shoot Jewish men, women, and children at point blank range and stepped off the firing line?¹⁹ Historian Christopher Brown records that one in five Police Battalion soldiers refused to participate in slaughter and none were punished for their choice.²⁰ Does this action make them bystanders before murder and perhaps worthy of atonement? Or do their later roles in rounding up Jews or as guards on trains bound for concentration camps again implicate them as predators?²¹ Bystanders, then, in judging risk, chose neither overt collaboration nor resistance. Social pressure and fear overcame moral sensibilities in the rush to safe ground. If conformity and alarm sustained the balance, impulse could upset it. The bystander position, then, was both fluid and entrenched. While moving us a step forward in understanding the dynamics of bystanders, these examples suggest the difficulties researchers encounter.

B. The Bystander in Context

If bystanders are hard to access, important insights can be drawn from histories of resistance and collaboration. Scholars like Istvan Deak and Nechama Tec have suggested that circumstances specific to a nation’s history and demography, both before and during the war, were critical in shaping bystanders’ individual choices. These include the severity of the German occupation, the level

¹⁴ THE GOOD OLD DAYS: THE HOLOCAUST AS SEEN BY ITS PERPETRATORS AND BYSTANDERS 35 (Ernst Klee, et al. eds., 1988).

¹⁵ *Id.*

¹⁶ *Id.* at 60.

¹⁷ *Id.* at 24, 108.

¹⁸ See FRITZSCHE, *supra* note 8, at 256–59, 264.

¹⁹ David H. Kitterman, *Those Who Said “No!”: Germans Who Refused to Execute Civilians During World War II*, 11 GERMAN STUD. REV. 241 (1988).

²⁰ *Id.*

²¹ See CHRISTOPHER R. BROWNING, ORDINARY MEN: RESERVE POLICE BATTALION 101 AND THE FINAL SOLUTION IN POLAND 159 (1988).

of Jewish acculturation, the size of the Jewish population, and the intensity of preexisting national anti-Semitism. Several sites offer opportunities for investigation.²²

In the central French Alps, citizens of several small villages known as Le Chambon-sur-Lignon aided as many as 3,000 Jews in their escape from the Nazis and the collaborationist Vichy French.²³ The area sheltered Huguenot Protestants, a minority that had experienced bitter persecution and insisted on religious freedom for all faiths.²⁴ Allied with their Catholic and non-believing neighbors, they created a united front that discouraged collaboration with the authorities.²⁵ Recalled Elizabeth Koenig-Kaufman, a former child refugee:

Nobody asked who was Jewish and who was not. Nobody asked where you were from. Nobody asked who your father was or if you could pay. They just accepted each of us, taking us in with warmth, sheltering children, often without their parents—children who cried in the night from nightmares.²⁶

No informers betrayed the effort and local police were complicit in the rescue attempt; the police tipped off rescuers to coming raids and threatened arrests.²⁷ Moreover, the area was largely inaccessible and contained only a small garrison of German soldiers.²⁸

In this place of active resistance, with the threat level relatively low, the typical bystander position was turned on its head. Here, it meant silence not in the face of depredations, but before humanitarianism. Neutrality was less viable, less acceptable. It did not measure up to community norms. A tradition of tolerance and a painful memory of persecution conditioned sacrifice. Perhaps also significant, those in need were a transitional population, often children, only passing through to safety.

The Danish example is often cited as the essence of humanitarianism and a model for resistance. In 1943, in the wake of the German defeat at Stalingrad, Reichsfuhrer Heinrich Himmler ordered the deportation to concentration camps of

²² See ISTVAN DEAK, *EUROPE ON TRIAL: THE STORY OF COLLABORATION, RESISTANCE, AND RETRIBUTION DURING WORLD WAR II* (2015); NECHAMA TEC, *WHEN LIGHT PIERCED THE DARKNESS: CHRISTIAN RESCUE OF JEWS IN NAZI-OCCUPIED POLAND* (1986).

²³ *Le Chambon-sur-Lignon*, U.S. HOLOCAUST MEMORIAL MUSEUM HOLOCAUST ENCYCLOPEDIA, <https://www.ushmm.org/wlc/en/article.php?ModuleId=10007518> [<https://perma.cc/LK55-FTJ5>].

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Id.*

²⁸ CAROLINE MOOREHEAD, *VILLAGE OF SECRETS: DEFYING THE NAZIS IN VICHY FRANCE* (2014).

Denmark's nearly 8,000 Jewish citizens.²⁹ Informed by local German officials, Danish political and church leaders organized an exodus to Sweden that saved the vast majority from the death camps.³⁰ How can we account for this remarkable and unique event? The German hand rested lightly on Denmark. The Danes had surrendered at the beginning of the war, offered no resistance, and posed little threat.³¹ Danish leaders did not flee to London and the occupiers permitted the government, King, and parliament to remain in office.³² Surely, a sense of shared Aryanism fueled German beneficence. At the same time, the Jews were highly assimilated, relatively few in number, and perceived by their Christian neighbors as fellow Danes.³³

Denmark presents the case that in a place with relatively low risk of retribution and high camaraderie with the persecuted, bystanders could persuade themselves not so much to resist, but to rescue. Once the operation was completed, Danes returned to passive accommodation till the end of the war. Sadly, recent reports present a more ambiguous telling. Danish boatmen extorted heavy payments from the rescued for ferrying them to Sweden. Some returning Danish Jews found that their apartments had been taken and their possessions stolen.³⁴ Note also that the Yad Vashem Museum in Jerusalem named the commercial attaché at the German legation in Copenhagen, who revealed the plan of deportation, as a righteous Christian.³⁵

Compare Denmark to the Netherlands and Poland. In the Netherlands, Jews were well integrated in Dutch social, political, and economic affairs and highly assimilated. The Jewish population also stood at less than two percent of the national total. Yet, the Germans held Holland in a tight grip. Nazi ideology drove the occupation with SS and Party members controlling the police and civil service, ordering all citizens to possess identity cards, and meeting resistance with brute force. Unlike in Denmark, Jews were required to wear the yellow Star of David on their clothing. Collaboration was widespread with large numbers of Dutch men volunteering to serve in the German Army and informers a constant threat to hidden Jews and their Christian protectors. Under these circumstances, few Dutch

²⁹ NECHAMA TEC, *WHEN LIGHT PIERCED THE DARKNESS: CHRISTIAN RESCUE OF JEWS IN NAZI-OCCUPIED POLAND* 7, 9 (1986).

³⁰ *Id.*

³¹ Ellen Otzen, *The mass escape of Jews from Nazi-occupied Denmark*, BBC NEWS (Oct. 8, 2013), <http://www.bbc.com/news/magazine-24427637> [<https://perma.cc/AYX6-YTQX>].

³² *See King Christian X of Denmark*, U.S. HOLOCAUST MUSEUM HOLOCAUST ENCYCLOPEDIA, <https://www.ushmm.org/wlc/en/article.php?ModuleId=10008043> [<https://perma.cc/7H2L-LK8B>].

³³ DEAK, *supra* note 22, 45–46, 132.

³⁴ Paul Berger, *Denmark Forced by History to Revisit Heroic Tale of Jewish Rescue from the Nazis*, FORWARD (Sept. 23, 2013), forward.com/news/184216/Denmark-forced-by-history-to-revist-heroic-tale-o/ [<https://perma.cc/C47M-QB2Q>].

³⁵ TEC, *supra* note 22, at 7; DEAK, *supra* note 22, at 45–48, 132–34; Berger, *supra* note 34.

men or women chose to abandon accommodation and risk life, family, and property to aid a Jewish friend. In all, nearly three-quarters of the Jewish population of the Netherlands perished during the Holocaust.³⁶

Poland was the Holocaust's bloodiest killing ground. Three million Jews, or ninety percent of the Jewish population, were slaughtered.³⁷ Poland also lays claim to one-fourth of the almost 6,000 men and women known as "righteous among the nations."³⁸ Several factors contributed to the Jewish fate. Constituting ten percent of the Polish population, Jews were a people apart socially and economically. Only twelve percent of Jews named Polish as their first language. Jews and Christians dressed differently, ate different foods, and celebrated different holidays. As professionals, traders, factory owners and workers, Jews were highly urbanized and contrasted sharply with Christian farmers. Tension between Jews and Christian was long standing and anti-Semitism was rife in all sectors of the Polish society and economy.

Polish institutions, and particularly the Catholic Church, denied Jews national kinship and cultivated suspicion of an enemy within. A Polish physician described the general sentiment as

some wild animal-like response. A certain psychosis took hold of the Polish people, who . . . did not see a human being in the Jews. Instead they perceived the Jews as dangerous and threatening animals; creatures which ought to be exterminated in any way possible just like one needs to exterminate rats with pesticide.³⁹

Many Poles did not simply tolerate the persecution of the Jews; they urged the Germans on. Reporting to the Polish government in exile in London, resistance courier Jan Karski observed, the "dislike of the Jews created a narrow bridge on which the occupier and a significant part of Polish society could meet."⁴⁰ Nazi authority drew energy from this mutual antagonism. Caught in this storm, Jews were fortunate to find the few safe havens they did.⁴¹

³⁶ TEC, *supra* note 22, at 9; DEAK, *supra* note 22, at 124–27; PETER ROMIJN ET AL., *THE PERSECUTION OF THE JEWS IN THE NETHERLANDS 1940–1945* 29–92 (2012).

³⁷ *Polish Victims*, U.S. HOLOCAUST MEMORIAL MUSEUM HOLOCAUST ENCYCLOPEDIA, <https://www.ushmm.org/wlc/en/article.php?ModuleId=10005473> [<https://perma.cc/Z5G4-BFBJ>]; *The "Final Solution": Estimated Numbers of Jews Killed*, JEWISH VIRTUAL LIBRARY, <http://www.jewishvirtuallibrary.org/estimated-number-of-jews-killed-in-the-final-solution> [<https://perma.cc/KPL5-N4AA>].

³⁸ *Markowa, Poland – Poland to Create 'Righteous Among Nations' Museum*, VOS IZ NEIAS? (Oct. 28, 2010), <http://www.vosizneias.com/67093/2010/10/28/markowa-poland-poland-to-create-e28098righteous-among-nationse28099-museum/> [<https://perma.cc/P8UK-9NQ5>].

³⁹ TEC, *supra* note 22, at 41.

⁴⁰ DEAK, *supra* note 22, at 151.

⁴¹ TEC, *supra* note 22, at 11–20, 84; DEAK, *supra* note 22, at 150–51.

German rule fell heavily on Poland with lands annexed or under strict and direct military control.⁴² Alongside the Polish righteous were the many more informants and collaborators who bent to German will. The Jedwabne massacre, which was mentioned earlier, forms a part of this pattern. Even Polish resistance units offered little relief to Jewish refugees. The end of the war brought no respite. Historians have recorded more than 130 incidents of violence against Jewish survivors returning to their homes with more than 300 men and women murdered in local programs.⁴³ For Polish bystanders, the handwriting was on the wall. The Nazis ruthlessly used fear and terror to viciously subjugate the civilian population. Jews were exterminated without mercy and Poles could claim no justice. Peer, family, and institutional pressure left few willing to resist. How many Poles would take a stand for those who were so alien compared to themselves and were cast as dangerous to all things sacred?

These examples indicate that the intensity of German repression was crucial in the mental calculus of men and women choosing to collaborate, resist, or be bystanders. When the threat level is high, individuals seek shelter, turn inward, and turn silent. This is reinforced when friends and family, priests and employers insist that resistance is futile. This choice to accommodate came regardless of friendship or because there were no friendships. Note also the influence of timing and its effect on behavior. From 1939 to the battle of Stalingrad in 1943, the Germans were winning the war.⁴⁴ Both collaboration and biding time as bystanders were viable strategies for survival and even success. When the tide turned, men and women had to refigure priorities. Opportunities for resistance rose as the Germans retreated, while the risks of confronting collaborators fell. Bystanders could safely remain in place or, calculating the new odds, take a stand.

C. *Blame, Guilt, Responsibility*

With the foregoing as our background, let us consider the Holocaust in the context of collective responsibility and guilt. Judging accountability is not an easy task and the bystander rests at the heart of this. There is no question that predators and their accomplices are culpable. Yet, they are not alone in receiving censure. Others, including the victims, have been deemed responsible for their fate. Regarding bystanders, can those who took no action nevertheless be condemned collectively for deeds done in their name?

Historians have staked out in detail the German path to genocide. From the nightmares that Adolf Hitler outlined in *Mein Kampf*, to the plans formulated at the

⁴² See *Invasion of Poland, Fall 1939*, U.S. HOLOCAUST MEMORIAL MUSEUM HOLOCAUST ENCYCLOPEDIA, <https://www.ushmm.org/wlc/en/article.php?ModuleId=10005070> [<https://perma.cc/Y8QH-K3H9>].

⁴³ David Engel, *Patterns of Anti-Jewish Violence in Poland, 1944-46* 6 (1998), http://www.yadvashem.org/odot_pdf/Microsoft%20Word%20-%203128.pdf [<https://perma.cc/5PLW-QH7S>].

⁴⁴ See *1943 Battle of Stalingrad Ends*, HISTORY, <http://www.history.com/this-day-in-history/battle-of-stalingrad-ends> [<https://perma.cc/L9YD-JZNQ>].

Wannsee Conference to propel the Final Solution, to the reality of extermination, the case presented convicts the predators of their crimes against humanity. Philosopher Hannah Arendt, among many others, has written about the Germans' collective guilt. Having participated in murder by intention and deed, the individual perpetrators are liable for their actions. "Even a cog," Arendt wrote, "can become a person again."⁴⁵

At the same time, there is an implicit undercurrent that blames the victims for their fate. How could the Jews go to their deaths like sheep to slaughter? Inherent in this is a sense of shame that fuels backlash. It can be seen in the Never Again Movement of extreme right-wing Jewish militants. Do Israelis unconsciously perceive themselves in contrast to the slaughtered six million? The toughness, strength, and an unyielding defiance of their enemies that the Israelis exhibit counter stereotypes of Jews as appeasers. Recently, gun rights proponents have come to claim that if Jews had only armed themselves, there would have been no Holocaust.⁴⁶

Narratives of Jewish complicity in their own persecution ignore the psychological and physical reality of Nazi death making. Oskar Singer, in the Lodz Ghetto in 1942, wrote about the disorientation he experienced caused by the quick transformation of his life: "[H]uman beings have not known death like this . . . everything is upside down."⁴⁷ The past offered Jews little guidance for defense. They had experienced persecution and even death in episodic, localized pogroms. Yet, the Jewish people had never encountered a modern and technologically advanced nation state engaged in a determined, all-out, Europe-wide campaign to kill every Jewish man, woman, and child, with the intent to erase all traces of their very existence.

Furthermore, shut into overcrowded ghettos and cut off from the rest of the world, Jewish strength was decimated by starvation and disease.⁴⁸ Nazi officials acted without warning. The Nazis' hurried timetable kept Jewish men and women off balance and unable to stand against the rapid movement of events. Senseless brutality defied economic sense in a war that demanded labor and support from the defeated. Throughout, the Nazis toyed with their prey and held out promises of resettlement and life.⁴⁹ Deported as families and crammed into cattle cars for days,

⁴⁵ JAMES W. BERNAUER, AMOR MUNDI: EXPLORATIONS IN THE FAITH AND THOUGHT OF HANNAH ARENDT 43, 44 (1987); see also *Collective Responsibility*, STANFORD ENCYCLOPEDIA OF PHILOSOPHY (Aug. 8, 2005), <http://plato.stanford.edu/entries/collective-responsibility> [<https://perma.cc/6TUC-HG8E>].

⁴⁶ See Stephen P. Halbrook, *How the Nazis Used Gun Control* (Dec. 2, 2013), <http://www.nationalreview.com/article/365103/how-nazis-used-gun-control-stephen-p-halbrook> [<https://perma.cc/SU98-H4QH>].

⁴⁷ SOURCES OF THE HOLOCAUST 195 (Steve Hochstadt ed., 2004).

⁴⁸ *Ghettos*, U.S. HOLOCAUST MEMORIAL MUSEUM HOLOCAUST ENCYCLOPEDIA, <https://www.ushmm.org/wlc/en/article.php?ModuleId=10005059> [<https://perma.cc/58U2-493F>].

⁴⁹ See U.S. HOLOCAUST MEMORIAL MUSEUM HOLOCAUST ENCYCLOPEDIA, *Deportations to Killing Centers*, <https://www.ushmm.org/wlc/en/article.php?ModuleId=10>

mothers and fathers rejected resistance to calm their children.⁵⁰ Even into the gas chambers, a faint hope was kept alive. For those like Elie Wiesel, who survived selection on the train platform, a new hell awaited. His family gone, he was stripped of his clothes, his head shaved, and his arm tattooed with a number.⁵¹ “Within a few seconds,” he wrote, “We had ceased to be men.”⁵² Wiesel was now A-7713.⁵³ “After that I had no other name.”⁵⁴ In the concentration camps, primitive conditions and random violence snuffed out the spark of resistance and the spirit of life.

Let us now bring the bystander from the background to the foreground. What burden of history do the most important bystanders of World War II carry? The President of the United States Franklin Roosevelt and British Prime Minister Winston Churchill rejected not only deals to save endangered Jews but even the diversion of allied bombers to destroy the killing machines at Auschwitz. In 1944, Josef Stalin deliberately halted the Soviet Army’s advance against the Germans less than a mile from the center of Warsaw. Despite having encouraged the Poles to rise up against their occupiers, the Russians stood down and by, from summer into fall, as nearly a quarter million civilians and resistance fighters lost their lives and Warsaw was razed to the ground.

Pope Pius XII maintained, what scholar Robert Graham, S.J. called, a “significant silence” during the war.⁵⁵ The Pope was aware of Nazi atrocities against the Jews and their deportation to the death camps.⁵⁶ He knew of Nazi violence against Jewish converts to Catholicism.⁵⁷ While local Catholic clergy spoke out against the destruction of European Jewry, Vatican policy toward the Third Reich was opportunistic and avoided confrontation. And finally, where was God? The religious asked, why did the heavens not weep in this time of mass slaughter? Prayer brought no relief, only silence.⁵⁸

Again, Hannah Arendt’s work provides valuable insight about judging the ordinary men and women who stood by and looked away. She argues that bystanders could not be found guilty of criminal acts that are the work of others.⁵⁹ Guilt is a personal burden and separates the perpetrator from the group. “Where all

005372 [<https://perma.cc/Y49L-WFDA>].

⁵⁰ See *The Holocaust in Macedonia: Deportation of Monastir Jewry*, U.S. HOLOCAUST MEMORIAL MUSEUM HOLOCAUST ENCYCLOPEDIA, <https://www.ushmm.org/wlc/en/article.php?ModuleId=10006804> [<https://perma.cc/ZE32-S8Q9>].

⁵¹ ELIE WIESEL, *NIGHT WITH CONNECTIONS* 45, 51 (1960).

⁵² *Id.*

⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ BERNAUER, *supra* note 45, at 54. See generally ROLF HOCHHUTH, *THE DEPUTY* (1964).

⁵⁶ BERNAUER, *supra* note 45, at 54.

⁵⁷ BERNAUER, *supra* note 45, at 54.

⁵⁸ DEAK, *supra* note 22, at 152–55.

⁵⁹ BERNAUER, *supra* note 45, at 43.

are guilty,” she observes, “nobody is.”⁶⁰ Still, bystanders watched as the synagogues burn, obeyed the signs that separated Jews from Aryans, and formed the crowds as Nazi legions paraded by. They must share a “vicarious” or “collective responsibility” for they were part of a community that silently encouraged the predators and even sheltered them.⁶¹

III. CONCLUSION

The German people today have embraced their sense of collective responsibility. They have accepted the seamless case of genocide and its implications are part of the national soul. They have come to full reckoning, determined to remember a difficult past and not repeat it. The Austrians, the Dutch, and the Poles have yet to reach the point of confession or even an awareness of responsibility. Perhaps the most remarkable symbol of national responsibility is the grassroots *Stolperstein* or Stumble Stone project,⁶² which began in Germany in 1992 with the goal to remember the victims of the Holocaust individually. Cobblestone-size concrete squares bearing a brass plate inscribed with the names and birth and death dates of victims are set in the sidewalk at the victim’s last place of chosen residence prior to deportation.⁶³ To date, more than 50,000 markers have been laid in eighteen European countries.⁶⁴ This is an intimate reminder of the Holocaust. It recalls the taking of neighbors from their homes and their unjust deaths. It rebuilds the fabric of community. Explicit in this is the message that there are no innocent bystanders.

⁶⁰ BERNAUER, *supra* note 45, at 43.

⁶¹ BERNAUER, *supra* note 45, 43–45, 50.

⁶² *Home*, STOLPERSTEINE, <http://www.stolpersteine.eu/en/home/> [<https://perma.cc/9KVN-LYK4>].

⁶³ *Technical Aspects*, STOLPERSTEINE, <http://www.stolpersteine.eu/en/technical-aspects/#c343> [<https://perma.cc/3PW3-MG65>].

⁶⁴ *Id.*