On 19 April 2009, the University of Vermont hosted the Fifth Miller Symposium, focusing on "The Law in Nazi Germany." The speakers included Konrad H. Jarausch of the University of North Carolina at Chapel Hill, Douglas G. Morris of the Federal Defenders of New York, Harry Reicher of the University of Pennsylvania Law School, Raphael Gross of the Jüdisches Museum in Frankfurt and the Leo Baeck Institute of London, and Kenneth F. Ledford of Case Western Reserve University. Robert Rachlin of Downs, Rachlin, Martin and the Vermont Law School moderated the proceedings. The main themes addressed in their papers were the active and passive acceptance of anti-Semitism by lawyers in the Third Reich; the persecution of Jewish lawyers by the Nazis; post-war trials of Nazi judges, prosecutors, and civil servants; the role of morality in Nazi ideology and law; and the transformation of the German judiciary before, during, and after Nazism.

Professor Jarausch opened the symposium with a paper on "The Conundrum of Complicity: German Professionals and the Final Solution." Throughout his lecture Jarausch incorporated the personal experiences of his family; however, he began his presentation with a more general historical narrative of academic and professional involvement in Nazi Germany. While he dismissed the average book burner as an overzealous fascist follower, he puzzled over the willingness of professionals to contribute enthusiastically, or at least willingly, to the "Final Solution." In order to explain this involvement, Jarausch sketched the typical histories and experiences of lawyers and other German professionals both before and during the Third Reich. There was social distance between professionals and the lower classes. Professionals possessed theoretical knowledge, practical competence, and job security, but the First World War and the Great Depression shattered this stability. The Weimar period saw an overabundance of students, alongside declining industrial revenues, government pay cuts, and shrinking job markets. Given the uncertainty of their future, the younger generation viewed these new circumstances as a betrayal of their previous expectations. As

presented at the University of Sydney, dealt with Holocaust fabrications. Professor Scrase has in preparation a piece on the conductor Rudolf Schwarz entitled, "From the Berlin Kubu Orchestra to the Bournemouth Symphony Orchestra."

Professor Alan E. Steinweis joined the faculty at UVM in January 2009 as professor of History and Director of the Miller Center for Holocaust Studies. He came from the University of Nebraska-Lincoln, where he was the holder of the Hyman Rosenberg Professorship of Modern European History and Judaic Studies.

Professor Steinweis is in the process of completing a book on the November 1938 "Kristallnacht" pogrom, which will be published in late 2009 by Harvard University Press. Over the past year he gave invited lectures on the subject of this book at Pacific Lutheran

Nicosia Inaugurates Hilberg Professorship

by Paul Blomerth

On Wednesday February 18, 2009, Professor Francis Nicosia inaugurated the Raul Hilberg Distinguished Professorship of Holocaust Studies at the University of Vermont with a lecture titled: *The Third Reich and the Middle East: Jews and Arabs in Nazi Race Policy*

Professor Nicosia began with an examination of Nazi views towards the Middle East and North Africa before and during the 1930s, noting that Hitler said and knew very little about the region. During this time, the Nazis emphasized Jewish emigration from Germany to Palestine, and did not want to do anything that would threaten this policy. They were careful to not foster anti-Jewish sentiment in the region, and during the 1936 Arab revolt in Palestine the Nazis dismissed the Arabs as 'terrorists' because they demanded the cessation of that Jewish immigration to Palestine.

Once war broke out in Europe in 1939, however, the Germans were willing to alter their stance in the region in order to gain an advantage against their European enemies, most notably Britain. From 1939 to 1941, emigration to Palestine declined because of the war, and with the conquest of most of Europe by 1941, the number of Jews under Nazi occupation increased dramatically. By 1942 Hitler assumed that his campaigns in the Soviet Union and North Africa were on the brink of victory. In light of this assumption, Hitler had an SS-*Einsatzgruppe* assembled in Greece in July of 1942. This evidence suggests that in addition to murdering all the Jews of Europe, the Nazi regime intended to exterminate all the Jews of the Middle East and North Africa as well. As Hitler saw it, now the Germans and the Arabs were involved in a joint struggle against their common enemies: the British and the Jews. Nicosia asked, "But what was to be the place of the Arab population in an Axis new order in the region? In particular, what was to be the role of the Arabs in German plans to murder the Jews of North Africa and the Fertile Crescent?"

Nicosia addressed the extensive propaganda campaign implemented by the Germans in the Middle East. The Germans issued radio broadcasts from Berlin and dropped leaflets in North Africa in an attempt to rally the Arabs to their cause. The Germans claimed that they were liberating the peoples of the Middle East from British and Jewish domination, and as they rolled through Egypt, they announced that they were there to grant independence to the Egyptians. Nicosia was quick to point out, how ever, that the Germans never intended to grant the Arabs independence, since it conflicted with the imperial intensions and ambitions of their Italian and Vichy French allies.

Another reason for this propaganda campaign was the hope that the Germans could mobilize Arabs to help

them massacre the Jews in the region. Nicosia noted that Arabic radio messages from Berlin by the Grand Mufti and his small group of Arab exiles contained the following text: "The Glorious victory secured by Axis troops in North Africa has encouraged the Arabs ...because they believe that the Axis powers are fighting against the common enemy, namely the British and the Jews..." And on 7 July 1942, radio Berlin broadcast a piece in Arabic entitled "KILL THE JEWS BEFORE THEY KILL YOU," rallying the Egyptians to "...rise as one man to kill the Jews before they have a chance of betraying the Egyptian people." Whether or not this campaign would have been successful will thankfully never be known because the Germans were defeated at el-Alamein in October 1942.

Since it had been established that Hitler and his allies were unlikely to grant the Arabs independence, what then did they intend to do? Nicosia explained that their aim was to replace British dominance in the region

Hilberg Professorship

ment, "As historians and scholars, we naturally examine the past to better understand the present. But we must never allow the present to determine our interpretation of the past."

Paul Blomerth is a graduate student in the UVM Department of History, focusing on Nazi Germany and the Holocaust. He has received a UVM Graduate Student Summer Research Fellowship, which will assist with his internship at the U.S. Holocaust Memorial Museum in Washington DC.

A Dutchman in Vermont

by David Barnouw

During the Fall 2009 semester I taught as a visiting professor at the Center for Holocaust Studies, which I enjoyed very much. As a scholar of World War II and a spokesperson for the Netherlands Institute for War Documentation I usually do not teach courses; I have previously delivered only lectures in the U.S., in addition to the Netherlands and abroad. This made it a special honor not only to visit but also to teach at the home institution of the preeminent scholar of the Holocaust, the late Raul Hilberg, author of the famous *The Destruction of the European Jews*—and a political scientist just like me! One could sense his influence and fame in Burlington, not least in the inauguration of the Raul Hilberg Distinguished Professor Francis Nicosia.

My interactions with students and staff were also very important. My course, "The Holocaust in the Netherlands," was not easy for the students because their knowledge of my small country is limited. Of course, everyone knows about Anne Frank, but I had to explain such complex issues as the Dutch Pillarization. Nevertheless, they came of their own free will and seemed to like it! The staff provided essential support for me, and were all very helpful of this "ignorant Dutchman."

At the moment I am writing *Fifty Icons of the German Occupation of the Netherlands*, and plan to write a book about the influence of Anne Frank on post-war society. I sincerely wish to return to teach at UVM again!

David Barnouw published with a colleague the first complete edition of The Diary of Anne Frank: The Critical Edition (7 ed.). Barnouw has also written books and articles about the Nazi Youth Movement in the Netherlands; economic and political collaboration, and the Hunger-winter 1944-1945 in the Netherlands; and Dutch settlers in the Baltic States and Russia during the German Occupation.

The Fifth Miller Symposium

(Continued from page 5)

to a sense of honor, sacrifice and patriotism, which could resonate among all Germans. Jewish lawyers argued that an individual who was good enough to risk his life for the Fatherland should be allowed to practice in his profession. This argument, Morris pointed out, was fundamentally flawed, for it abandoned notions of legal equality, and created a generational and gender rift among lawyers. Moreover, those who invoked this argument failed to comprehend that in the anti-Semitic Nazi state Jewish lawyers could never be a natural or loyal part of the legal system.

Jewish lawyers often responded to discrimination as atomized individuals rather than as organized groups. Businesses and private practices ended as Jews were barred from even entering the courthouses. Gradually, the Nazi state stripped Jews of their citizenship and excluded them from the legal system. As the Nazi regime pursued the professional ruin of the Jews, Morris noted how it subjected them to increasingly humiliating experiences. In 1933, for example, lawyers who fought to maintain their legal credentials were kept waiting for hours in the rain to apply for recertification. Yet Morris also recognized the unwillingness of Jews to recede quietly from their profession. In this particular example, seventy-four percent of Jews who had been stripped of their credentials were willing to fight for reinstatement.

As a consequence of the discrimination, degradation, and exclusion of the Jews, Morris observed, German law ceased to be an independent system. German Lawyers could no longer represent individual rights and the rights of their clients. By 1938, the legal system only upheld Nazi laws and ideology, and essentially became a parody of justice.

The third paper of the symposium, delivered by Harry Reicher, was titled "Evading Responsibility for Crimes against Humanity: Murderous Lawyers at Nuremberg." It offered a close examination of several German jurists who were prosecuted in Nuremberg in the "Justice Trial." According to Reicher, the trial revealed that lawyers were capable of committing the most horrible crimes even as they effectively carried out the normal functions of the law. The trial was the third of twelve subsidiary trials, which occurred in the United States zone of occupation, approximately four and a half months after the main trials. The defendants in the Justice Trial consisted of six judges, four prosecutors and nine civil servants, all of whom were charged with crimes against humanity.

Reicher focused on two case studies. The first analyzed the case of Markus Luftglass, an elderly Jew charged with the theft of eggs. Sentenced to two and a half years in prison, his case captured the attention of Hitler, who subsequently ordered that the presiding judge, Franz Schlegelberger, hand Luftglass over to the Gestapo for execution. Schlegelberger complied with Hitler's wish, and Luftglass was executed. The second case study focused on the trial of Leo Katzenberger. The Nazis charged Katzenberger with "racial defilement" because of his suspected affair with a young Aryan woman named Irene Seiler. Before the case even began, the presiding Judge, Oswald Rothaug, discussed the verdict of the trial with his clerks. In order to ensure that Katzenberger be found guilty, Rothaug discredited Seiler's denials of the affair by charging and convicting her of perjury while the Katzenberger trial was still in progress. Moreover, Rothaug sought the execution of Katzenberger by tacking on an additional charge that characterized the defendant as a public enemy. Rothaug had no evidence to support this latter charge,

The Fifth Miller Symposium

racial ideology, which sought the elimination of alien threats. He believed that his actions reflected the Führer's will, and argued that any failure to adhere to the wishes of the Führer could have resulted in his removal from office.

The Nuremberg tribunal argued that the defendants, as intelligent adults, had to adhere to not only national, but also international legal systems. The defendants had knowingly and purposefully used the legal system to perpetrate judicial murder. By doing so they had emptied the national legal system of any content. Even as national law had ceased to offer any justice, international law should have still guided their actions.

Raphael Gross presented the fourth paper of the symposium, entitled "Nazi Morals and Nazi Law: 'Race Defilement' before German Courts." Gross argued that moral concepts of honor, loyalty, decency and comradeship were fundamental aspects of Nazi ideology. He noted that few scholars had recognized the impact of moral categories and theories on Nazi law, even though morality provided a framework that informed all aspects of Nazi philosophy, psychology, medicine, and politics. To Gross, arguments that Nazism was based on bad or confused morals offered an unsatisfactory characterization of Nazism. Instead, Gross argued that Nazism was not based on amorality or an absence of morality, but on a concern for positive virtues and considerations. Though Nazi law implemented anti-Semitic doctrines, it also incorporated a code of morality. Nazism lauded such traits as comradeship, fidelity, selfsacrifice and decency. The expression of such virtues brought honor and praise, whereas their antithesis brought disgrace and shame.

Gross provided three examples of the connection between Nazi ideology and morality. He explained how a 1933 ban on public swimming by Jews reflected two moral fears. The Nazis hoped to prevent an unhygienic pollution of the pool. Yet this concern for physical purity also reflected a fear of direct physical contact with Jews, which in turn indicated a larger fear of sexual intimacy between Jews and Aryans. The 1935 "Law for the Protection of German Blood and Honor," also incorporated these concerns.

In illustrating the function of this law, Gross cited the 1941 trial of a young man named Hollander. Although born Jewish, Hollander had been raised Protestant and had been unaware of his legal standing as a Jew. While a student, he had formed several intimate relationships with German women, but in 1936 developed a lasting relationship with a woman named Katarina W. D. After impregnating her, he informed her of his Jewish heritage, and she, in response, aborted the baby. The Nazi state charged Hollander with racial defilement and dangerous criminal activity. To the Nazis, the boy had sullied the honor of a German girl, and had, as a result, with the whole of world Jewry, tarnished German honor. One incident of racial defilement, in other words, tainted the entire community. In the eyes of the German government, W.D. was a broken child who had been shattered in her first blossom. For his part, Hollander was a habitual and dangerous criminal who enjoyed poking fun at the Nazis and declaring the loss of the war. To the Nazis his actions reflected the common nature of the Jewish race—shameless, threatening, and possibly harmful. In view of his supposedly egregious crimes against the German people, Hollander was executed in May 1944.

For Gross, the bourgeois morality that informed these laws sought to implement morality not only in words, but also through law.

The Limits to Love and Desire

a film review by Meaghan Emery

La Petite Jérusalem. Directed by Karin Albou. Featuring Fanny Valette, Elsa Zylberstein, Bruno Tedeschini, Hédi Tillette de Clermont-Tonerre, and Sonia Tahar. 2005. DVD. Kino on Video, 2006. 94 min. ASIN: into a relationship with him, undoubtedly due to the fact that he is a Muslim. As her mother endeavors to undo the spell that Djamel has cast on her daughter, through the superstitious burning of incense, incantation of formulas, and the placement of a magic talisman under her bed, Laura seeks comfort in Judaism, with little success, how ever. She attends synagogue but without earnestness. Tormented by her yearning, she reads the Torah at night instead of her philosophy books. Not only does her emotional upheaval cause her to lose interest in her philosophy courses, but also she ceases her

(Continued from page 11)

that it is also the reason behind the family's decision to make alivah and immigrate to Israel. Many French Jews did so during the period in question when there was a surge in hate crimes committed against Jews by Muslims. Yet, in the film's few scenes of violence or its allusions to the potential threat of fanatical religious extremism, the cause, reasons, or perpetrators are not explicitly communicated-one could even say that they are expressly concealed from the audience to avoid blame. Ariel's aggressors are hooded and masked. The arson scene is filmed after emergency services have arrived. It is the woman at the *mikvah* who first suggests to Mathilde the idea of leaving during one of their numerous consultations concerning Mathilde's marriage. Where to is not yet clear. The film's allusion to Zionism is equally as implicit as are its oblique references to Islamist anti-Zionism. In the scenes afterward, there is no further discussion, except for the children's Legoconstruction of their new home in Israel, which the son Mikaël bombs using his toy helicopters. "Pourquoi?" ["Why?"], Mathilde questions him. Importantly, the lone scenes where a Jew and a Muslim directly confront one another, with naked emotion, are those in which Laura and Djamel haltingly negotiate the internalized cultural impediments to their amorous relationship. The rest is pure conjecture.

Similarly, at the end of the film, the audience is denied an explanation of Laura's enigmatic smile. The only farewell scene is a quiet meeting between her and her mother, who embodies the communal warmth of North African culture in the film. Laura expresses her regret simply: "I'll miss you." Her mother gives to her daughter an expensive ring for Laura to sell in order to pay for the three-month deposit on the studio apartment Laura had found earlier. The independence Laura had sought is hers at last. Her mother, heavy-hearted, packs the few photographs she possesses, including one with Laura, her "princess", in a small suitcase. Mother and daughter, caught in a cultural divide, part to lead separate lives. The wedge driving them apart, to all appearances, is the trip to Israel, however, not the maternal Tunisian heritage. When Ariel announces the decision over dinner, the mother leaves the table; her visible sadness expresses her resignation to the fact that she will be leaving with them. Laura states she "cannot go." But, characteristically, in the final goodbye, the agents for the mother and daughter's separation-Ariel and Mathilde-are absent.

Afterward, the scene then cuts to a shot of Laura walking alone, followed by her smiling profile in the metro. She has found the means to live on her own, and

Peter Crane. *Wir leben nun mal auf einem Vulkan* (Bonn: Weidle, 2005), with a foreword by Walter Laqueur, English texts translated into German by Rolf Bulang and Jenny Piechatzek.

This remarkable book of correspondence by and around young Sibylle Ortmann over the years 1932-1946, starts when she was a 14 year old school girl in Berlin and ends in New York just after the birth of her second son, Peter. He is the one who would eventually publish the present book of letters selected from many boxes his grandmother, Eva Ortmann Lechner, had saved in her New York apartment.

The main stay of the book consists of the letters Sibylle exchanged with her mother, Eva, during the hectic years of emigration and World War II. They are characterized by deep mutual love and respect. The majority of the letters and Walter Laqueur's foreword were originally written in German while Peter Crane's well researched connecting comments and Sibylle's letters to her English host family and to Milton Crane, her American husband-to-be, were originally written in English. The title of the book is derived from a letter nineteenyear-old Sibylle writes to her mother from London, June 1937. At this point Eva Ortmann Lechner is already in New York and Sibylle has just acquired her immigration visa for the USA. But before leaving Europe, possibly for good, she wants to take a hitchhiking trip to France and Italy with her friend Thola. Her mother worries that war might break out any time, but Sibylle's mind is set and she tries to assuage her mother's concern with the words: "We happen to live on a volcano and if we were to worry all the time when it may erupt, then we would not be able to live on the volcano, so one does not dwell on this possibility and continues living, based on the instinct of self-preservation"

Determination is certainly characteristic for Sibylle although she rarely uses it to insist on relaxation or vacation. From her very first postcard, written in 1932 on the island of Sylt, Sibylle displays a great sense of awareness. It is the time of the Great Depression and she is at a summer camp for undernourished younganswers an advertisement for a bi-lingual secretary and is hired by the American trade attaché in Berlin. For almost two years, she earns a nice salary and makes valuable connections. Yet, the situation in Germany keeps deteriorating and despite the many depressing letters Eva and Sibylle receive from their emigrated relatives, both of them realize that they must leave Germany as soon as possible. In May 1936, Sibylle returns to Engtence to do something for those that are hit by it, which would be one's only justification for the privilege of being safe and far away." On March 15, after Hitler's army marched into Czechoslovakia she writes to Milton that The Carolyn & Leonard Miller Center for Holocaust Studies Old Mill, Room A301 University of Vermont 94 University Place Burlington, VT 05405-0114

Non-profit Org. U.S. Postage **PAID** Permit No. 143 Burlington, VT

The Bulletin of the Carolyn & Leonard Miller Center for Holocaust Studies *Volume 13, Number 2*

Preview of Next Year's Events

In the academic year 2009-2010 the Miller Center will sponsor several major events to which the public will be invited. In the Fall semester two public lectures will be delivered by the first Miller Distinguished VisitEditors: Alan E. Steinweis and Philip Pezeshki



