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JEWISH REFUGEES AND HUMAN RIGHTS
IN THE AGE OF GLOBAL WAR

by Stefan-Ludwig Hoffmann

VICKI CARON, *Uneasy Asylum: France and the Jewish Refugee Crisis, 1933–1942* (Stanford: Stanford University Press, 1999), xi + 605 pp. ISBN 0 8047 4377 0. £22.95 (paperback)

FRITZ KIEFFER, *Judenverfolgung in Deutschland—eine innere Angelegenheit? Internationale Reaktionen auf die Flüchtlingsproblematik 1933–1939*, Historische Mitteilungen, Beiheft 44 (Stuttgart: Steiner, 2002), 520 pp. ISBN 3 515 08025 2. EUR 100.00

MARCIA REYNDERS RISTAINO, *Port of Last Resort: The Diaspora Communities of Shanghai* (Stanford: Stanford University Press, 2001), xviii + 369 pp. ISBN 0 8047 3840 8. £45.95 (hardback)

RUTH GAY, *Safe Among the Germans: Liberated Jews after World War II* (New Haven: Yale University Press, 2002), xiv + 347 pp. ISBN 0 300 09271 7. $29.95. £22.50

ARIEH J. KOCHAVI, *Post-Holocaust Politics: Britain, the United States, and Jewish Refugees, 1945–1948* (Chapel Hill: University of North Carolina Press, 2001), xiii + 377 pp. ISBN 0 8078 2620 0. $45.00. £37.50

In her seminal study of the origins of totalitarianism, written in the wake of the Second World War, Hannah Arendt advanced a trenchant critique of the idea of human rights. At a time when hundreds of thousands of German Jews like herself were being persecuted and driven into exile, and were most in need of protection, it had become apparent, according to Arendt, that the Western democracies believed in human rights only on paper. They did not, however, provide papers such as passports or visas that would have guaranteed legal protection and refuge. Deprived of their German citizenship by the Nazis, these stateless refugees faced a compassionless bureaucracy that, more than anything else, wanted to get rid of them as soon as possible. Having just escaped from the German concentration camps, the refugees suddenly found themselves stuck in French internment camps. 'Contemporary history has created a new kind of human being', Arendt noted with characteristic passion and sarcasm, 'the

kind that are put in concentration camps by their foes and in internment camps by their friends.' As a stateless person, Arendt herself had no political rights for eighteen long years before she finally became a naturalized American citizen in 1951. This experience undoubtedly left its mark on her political theory. In a world of nation-states, only a state can guarantee rights. When people lose their citizenship and are expelled by their native country they become a 'living corpse' excluded from humanity at large. Their humanity does not guarantee stateless refugees any rights, not even that of mere existence. As a result, Arendt argues, 'the very phrase "human rights" became for all concerned—victims, persecutors, and onlookers alike—the evidence of hopeless idealism or fumbling, feeble-minded hypocrisy'.[1] The fact that after the Great War, and in particular from the 1930s on, statelessness became a mass phenomenon and that stateless people were 'the most symptomatic group in contemporary politics', could only be understood, according to Arendt, in the context of the decline of the nation-state and the rhetorical nature of human rights.

Arendt's critique of human rights, set out in chapter 9 of *The Origins of Totalitarianism*, is still relevant today. In fact, that chapter has become one of the key texts in the ever-growing literature on the political theory of human rights, in which she is often cited in support of the idea that human rights should not remain lofty ideals but include 'a right to rights'. However, in the light of recent historical literature on the subject, Arendt's thesis that the fate of stateless refugees at times of global war and genocide is a result of human rights hypocrisy now seems less convincing. For one thing, the language of individual human rights did not gain currency in international law before the mid-1940s. Its employment by emerging institutions such as the United Nations was, in fact, a reaction to the refugee crisis of the 1930s and 1940s. Significantly, after Versailles, international law paid much more attention to protecting the rights of ethnic minorities within nation-states.

Moreover, contrary to Arendt's argument in *The Origins of Totalitarianism*, the nation-state was hardly in decline after the Great War.

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[1] Hannah Arendt, 'We Refugees', *Menorah Journal*, 31 (January 1943), p. 70; ead., *The Origins of Totalitarianism* (New York, 1985), ch. 9: 'The Decline of the Nation-State and the End of the Rights of Man', p. 269. See Marie-Claire Caloz-Tschopp, *Les sans-État dans la philosophie d'Hannah Arendt: Les humains superflus, le droit d'avoir des droits et la citoyenneté* (Lausanne, 2000).

In fact, it was the collapse of the multinational Austro-Hungarian, Russian, and Ottoman Empires, and 'Versailles's love affair with the nation-state', to borrow Mark Mazower's apt phrase, that brought about the new phenomenon of statelessness in the first place. Deprivation of citizenship, internment, and expulsion were practices of nation-states. The enforcement of the nation-state as a model of political order in the successor states of these empires gave the question of national belonging political weight, and ultimately opened the Pandora's box of 'ethnic cleansing'.[2] Consequently, the principle of national sovereignty was by no means incompatible with the rise of totalitarian regimes that pursued policies aiming for far-reaching racial or social 'purification' and 'homogenization' of the body politic. Because Western democracies were themselves constituted as nation-states and the League of Nations was preoccupied with the question of minority rights, they both failed dismally to address the unprecedented refugee crisis after the Great War. As a consequence, they also failed to come to the rescue of those who faced the deadliest dangers in the 1930s and 1940s: Central and Eastern European Jews.

I

In her study *Uneasy Asylum: France and the Jewish Refugee Crisis,* Vicki Caron admirably shows how the issue of asylum for Jewish refugees gave rise to bitter political conflicts and led to a decline of the juridical norms and values of civil society in a Western democracy. After the Nazi rise to power in 1933, France became the most important country of refuge for German Jews, even though access to asylum was severely restricted in 1934–5 and 1937–8. Caron reconstructs the twisted road that led to the full-scale German occupation of France and the first deportations of Jews to the Eastern European death camps in 1942. According to Caron, three forces shaped the French political struggles over Jewish refugees: the government, public opinion (especially of the middle classes), and the native Jewish community.

The French government faced increasing pressure from organized interest groups that, at a time of economic depression, viewed refugees as undesirable competition—an argument to which even the

[2] Mark Mazower, *Dark Continent: Europe's Twentieth Century* (New York, 1999), pp. 42, 51; Norman Naimark, *Fires of Hatred: Ethnic Cleansing in Twentieth Century Europe* (Cambridge, 2001).

leftist government of the Popular Front proved susceptible. Furthermore, once the Nazi regime began to pursue more aggressive foreign and anti-Semitic policies in the late 1930s, the Daladier government wanted at all costs to avoid letting the refugee issue increase the likelihood of war with Germany. The assassination of the German diplomat Ernst von Rath by the young Jewish refugee Herschel Grynszpan in November 1938 seemed to confirm these fears. For the *deux Frances*, which had struggled with each other since 1789, the battle lines were now drawn around the refugee question and, ultimately, the 'Jewish question'.

As a result, public debates on Jewish refugees determined French refugee policy. The protest of the French middle classes against immigration, according to Caron, was therefore the second factor in the hardening of French refugee policy — a policy that ultimately led to internment camps. The extreme right, in particular, excited and exploited middle-class concerns about the immigration of Jewish doctors, lawyers, merchants, and tradesmen. In response to growing international tensions and increasing pressure from Nazi Germany, French public opinion, which up to that point had been responsive to a liberal immigration policy, changed. Even parts of the French-Jewish community, the third political force that Caron describes, voiced concern about the impact of German-Jewish immigration and favoured exclusionary policies. Yet even on this contentious issue, Caron's meticulous, decade-long investigation provides a more nuanced interpretation. For concurrent with Jewish support for exclusionary immigration policies, a liberal faction of the Jewish community strongly and successfully supported Jewish refugees (especially during the government of the Popular Front). At the end of the 1930s various Jewish refugee relief organizations began to collaborate to find alternative escape routes and to help establish the settlement of Jews in rural France or the colonies. These attempts, and, ultimately, the republican tradition of asylum collapsed only when internal and foreign political pressures became insurmountable. Accusations of diffidence levelled at Jewish community leaders by Arendt and, later, others, therefore distort the historical record.

Caron not only refines our understanding of French refugee policy of the 1930s, but challenges traditional views of the relationship between Vichy and anti-Semitism. In contrast to other historians who have interpreted anti-Semitism under the Vichy regime as part of a

long tradition of French xenophobia, Caron stresses Vichy's radical break with previous struggles over the refugee question and French political culture.[3] For her, the Third Republic's dramatic military defeat played a far larger role than xenophobic traditions. To Caron, contingency — not continuity — is the key concept for explaining the fate of both Jewish refugees and French Jewry generally after 1940.

Although the study does not address the issue explicitly, Caron's book suggests that we can only understand the repression of refugees and stateless people in a country with one of the longest traditions of political asylum by taking international politics into account. Nazi Germany deliberately used Jewish refugees as a means of challenging the values and legal norms of liberal democracies. Given the economic depression and the political radicalism that grew out of it, most countries of refuge viewed immigrants as a potential threat. At the same time, contemporary international law gave Western democracies no lever against a nation-state that deprived its citizens of their civil rights unless they belonged to a national minority. The concept of national sovereignty that was at the heart of the Versailles vision of international law left refugees in a potentially deadly no-win situation. Inside Germany, the Nazis could deprive German Jews of their civic rights to the point where they lost their German citizenship upon emigration; outside the borders of the Reich, however, there was no international law that could have provided basic human rights and offered protection.

It is precisely this logic of power politics that Fritz Kieffer's *Judenverfolgung in Deutschland — eine innere Angelegenheit?* fails to address in what is otherwise a very instructive study of the diffident reactions of Western democracies to the Nazi persecution of Jews. His main concern is whether a solution to another pressing refugee-related problem could have been found: the transfer of Jewish capital from the Reich to foreign countries. According to Kieffer, this

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[3] See esp. Gérard Noiriel, *Le Creuset français: Histoire de l'immigration* (Paris, 1988), and id., *Réfugiés et sans papiers: La Republique face au droit d'asile XIXe–XXe siècle* (Paris, 1998); and, a more nuanced work, Patrick Weil, *Qu'est ce qu'un français? Histoire de la nationalité française depuis la Révolution* (Paris, 2002). For comparison see Dieter Gosewinkel, *Einbürgern und Ausschließen: Die Nationalisierung der Staatsangehörigkeit vom Deutschen Bund bis zur Bundesrepublik Deutschland* (Göttingen, 2001).

would have made more countries willing to accept greater numbers of refugees. Until the beginning of the Second World War, the Nazi leadership was obsessed with driving as many Jews as possible out of the country. Given the lack of foreign currency in the Reich, it proved impossible to transfer the assets of emigrants to a country of refuge. Other solutions such as the Haavara Agreement of 1933, which provided for the assets of emigrants to Palestine to be exchanged for German exports to Palestine, and Max Warburg's suggestion of 1935 for emigration to be financed by Jewish capital, failed to materialize. Kieffer attributes these failures not only to the inflexible policies of the Western democracies, but also to the impact of the organized Jewish boycott of German products. The boycott movement was strong enough to prevent the sale of German transfer goods outside Palestine, but was too weak to restrain the Nazi persecution of Jews. The equally implicit and, in the end, questionable argument of Kieffer's study is that attempts to rescue German Jews through emigration failed because of foreign protests against German anti-Semitism.

Kieffer's study, therefore, should be read as an addition to the rich scholarship on the question of why the Western democracies could not prevent the Holocaust. Kieffer focuses on one aspect—the transfer of Jewish capital to potential countries of refuge—and only briefly touches on others, such as, for example, why international law provided no protection for the refugees. In light of the refugees' plight and exhausted by the quarrels at the League of Nations, James G. McDonald, the First High Commissioner for Refugees from Germany, stepped down in 1935. In his letter of resignation he demanded that German Jews be given the legal status of a national minority. Only in this way, McDonald argued, could Germany be held accountable to the international community (a line of argument quite similar to recent discussions about UN humanitarian interventions in former Yugoslavia). As the famous case of the May 1933 Bernheim petition shows, German Jews could be protected by international law only if they were regarded as a national minority. Because of the German–Polish Geneva Convention of 1922, in which both countries agreed to respect minority rights and submit to the judgement of the League of Nations in case of violations, the anti-Jewish laws of the Nazi regime had to be suspended in Upper Silesia. In 1937, however, the treaty expired and Germany and Poland decided to ignore the

League of Nations. This example suggests that, ultimately, numerous factors combined to create a deadly trap for the refugees, not least among which were an international law dominated by the principle of national sovereignty and the internal political struggles in Western democracies so ably described by Caron. The fate of German Jewry depended on more than money.

<div align="center">II</div>

The most pressing problem for Jewish refugees was to find any place of refuge at all. The city of Shanghai, a territory that lay outside the international system of nation-states, offered such a place. Since the mid-nineteenth century Shanghai had been a commercial outpost of Britain, the United States, France, and, later, Japan. The military presence of these colonial powers guaranteed Shanghai's peculiar legal status and limited China's national sovereignty. During the first half of the twentieth century Shanghai became a 'port of last resort' for European refugees. Only there did immigration not depend on state documents. Marcia Reynders Ristaino takes up this subject in *Port of Last Resort*, her illuminating account of the Jewish and Slavic diaspora communities of Shanghai.

When German and Central European Jews arrived in Shanghai in the 1930s, the city was already hosting 30,000 Slavic refugees who had fled the collapsing Russian Empire during and after the Great War. More than 6,000 of these were Jews who had fled the pogroms. Others had been members of the White Guards who had not only fought against the Red Army during the Civil War, but had themselves initiated those very pogroms. Stripped of their citizenship in 1921 by the Soviet Union, all Russian emigrants became stateless—the same fate that German-Jewish emigrants met at the hands of the Nazis twenty years later. That these two groups shared the same fate was one of the many surreal details typical of this Age of Extremes.

In the 1930s, approximately 18,000 German and Central European Jews went to Shanghai. They travelled by the Trans-Siberian Railway or arrived on boats from Italy. Deprived of any material means, they found themselves in a bewildering environment: an International Settlement, ruled by the British and Americans, a French concession, a Japanese dominion, and quarters inhabited by Chinese, who were often refugees themselves from other parts of China. In many ways, Shanghai resembled post-Second World War Berlin, a city also char-

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acterized by its peculiar status in international law. Shanghai, too, was a topsy-turvy city of refugees, multi-national political agents, urban crime, prostitution, espionage, and various currencies; a cata-strophic city, simultaneously marked by warfare and an ongoing struggle to rebuild community life.[4] The European refugees belonged to the 'other Shanghai', those deprived of political representation and civil rights, even if they were privileged in comparison with the even poorer Chinese population.

Things changed after Pearl Harbor and the beginning of global war. Not only was Shanghai closed off as a port of rescue for European refugees, but the Japanese occupation in 1941 shuffled the cards by suspending the International Settlement (though sparing the French concession since Vichy France was formally an ally). In an ironic turn of events, the British and Americans who had earlier been in charge of refugee issues were now interned (and later forced to wear identifying armbands in public), whereas the Slavic and European refugees were left mostly to themselves. In 1943, the peculiar legal status of Shanghai came to an end when the Japanese transferred the city, including the former French concession, to a Chinese puppet regime. Shanghai has been under Chinese sovereignty ever since.

One of the most interesting aspects of Ristaino's highly readable book is the discussion of the Japanese treatment of Shanghai's Jewish refugees from Nazi Europe. Before the beginning of the Second World War, Ristaino argues, anti-Semitism was never an important force in Shanghai public life; even the Japanese military government tended to pursue its own Pan-Asian agenda rather than Nazi racial policies. The memory of American loans to Japan, which had been arranged by the Jewish banker Jacob H. Schiff in 1904–5, continued to figure prominently in the minds of those Japanese politicians who were hoping to use what they imagined to be the strong influence and considerable financial resources of Jews to strengthen Japan's imperial project.

These hopes turned out to be illusory. In February 1943 the Im-perial Japanese Army decided to establish a 'designated area' (*shitei*

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[4] See, e.g., Frederic Wakeman Jr., *The Shanghai Badlands: Wartime Terrorism and Urban Crime, 1937–1941* (Cambridge, 1996); Bernard Wasserstein, S*ecret War in Shanghai: Treachery, Subversion, and Collaboration in the Second World War* (London, 1998).

chiku) for those stateless refugees who had arrived in Shanghai after 1937. Without exception, German and Central European Jews were forced into this area, turning it into a fully fledged ghetto, though still a far cry from the ghettoes of Nazi Europe. The stateless Russians, including the Jews among them, did not have to move into the designated area. The very term 'Jew', in fact, did not appear in the official proclamation of the occupiers, indicating that the Japanese were interested not in implementing Nazi racial policy but in pursuing their own war aims.

Despite the harsh ghetto conditions, the Jewish community was able to govern itself and continue its own cultural and religious life. It was thus well prepared for the day when the Japanese were forced to transfer control of the city to American troops. Many Russians accepted an offer by the Soviet Union to return to their homeland, a decision that ended disastrously for some. The majority of Jews, however, wanted to emigrate to the USA as soon as possible. Despite the many difficulties and dramatic obstructions, most of them managed to emigrate to the USA, Latin America, or Israel after 1948. When the Communists gained control of the city in 1949, few Jews remained in Shanghai. The city now was part of Communist China and ceased to be an international space.

III

En route back to their native countries, millions of refugees crisscrossed the catastrophic landscape of Europe after the end of what Raymond Aron has called the 'new' Thirty Years War. However rigorously the borders of the new Europe were drawn, most refugees still belonged to a nation-state that offered protection and citizenship. United Nations relief organizations could provide no permanent safe haven of their own, but only assist refugees in their attempt to repatriate. Most Europeans who were expelled, persecuted, or imprisoned by the Nazis were able to return to their homelands, but this was not true for liberated Central and Eastern European Jews. When Polish Jews who had survived the concentration camps and death marches returned to their native country, they faced new pogroms, instigated by local anti-Semites. In Kielce, a city that had been home to 20,000 Jews before the Second World War, 45 of the 200 to 250 remaining Jewish inhabitants were killed in a pogrom on 4 July 1946. The Kielce pogrom convinced the Communist government to

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support Jews actively in their attempt to leave Poland. With the destruction of European Jewry by Nazi Germany and the expulsion of ethnic Germans after the war, this policy transformed the multi-national landscape of Eastern Central Europe into an ethnically almost entirely homogeneous Polish nation-state.

Occupied Germany, of all places, became the place of refuge for Eastern European Jewry between 1945 and 1948. This is the bitter irony to which Ruth Gay alludes in the title of her study *Safe Among the Germans*. One of the strengths of this eminently readable book is the sensitivity with which Gay treats the paradox of Jewish life amidst a society emerging from Nazism. About two-thirds of the half a million Jews of pre-war Germany were able to emigrate before the war. Of those who remained, 170,000, were killed by the Nazis, leaving approximately 15,000 German Jews to experience the end of the war in their native country. Only a few of the German-Jewish emigrants returned, among them 500 Berlin Jews who had fled to Shanghai and had found their way back to their native city. All German Jews who survived the Holocaust faced this fundamental either–or: they had either to sever all ties with their country of birth, or live among the perpetrators of the Holocaust.

As Gay reminds us, Jewish Displaced Persons (DPs) from Eastern Europe faced an entirely different situation.[5] From 1945 to 1948, the zones of Germany and Austria occupied by the Western Allies were a transit space for 275,000 Eastern European Jewish refugees in their passage between the experience of death and destruction and their hopes for a new life. The DP camps boasted the highest birth rates in the world and witnessed a seemingly unlikely flourishing of Yiddish culture and religion, giving the lie, as Gay poignantly remarks, to Adorno's dictum that there could be no poetry after Auschwitz. A small number of Eastern European DPs from the camps joined the

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[5] For a more detailed account, see Angelika Königseder and Juliane Wetzel, *Lebensmut im Wartesaal: Die jüdischen DPs (Displaced Persons) im Nachkriegsdeutschland* (Frankfurt am Main, 1994); and Zeev W. Mankowitz, *Life Between Memory and Hope: The Survivors of the Holocaust in Occupied Germany* (Cambridge, 2002); Atina Grossmann, 'Trauma, Memory and Motherhood: Germans and Jewish Displaced Persons in Post-Nazi Germany 1945–1949', in Richard Bessel and Dirk Schumann (eds.), *Life after Death: Approaches to a Cultural and Social History of Europe during the 1940s and 1950s* (New York, 2003), pp. 93–128.

even smaller number of German Jews to form a new Jewish community in Germany. Gay traces the unique story of this community from the first years of the Cold War to the present, with a local focus on Berlin.

To Zionists, of course, Jewish life in post-Holocaust Germany constituted a particular provocation after the founding of the Jewish nation-state in 1948. Never again would Jews experience defence-lessness and a total lack of rights. Never again would Jewish refugees be displaced in a world of nation-states. The establishment of a Jewish state appeared to be the logical consequence of the bitter experience of lawlessness in the age of genocidal warfare. In his meticulous analysis primarily of files from the National Archives/Public Record Office in Kew, *Post-Holocaust Politics*, Arieh J. Kochavi explains why British foreign policy failed to respond to this new situation and provides a welcome addition to the literature on Britain's diffident immigration policies before, during, and after the Nazi era.[6] Whereas all other parties involved, especially the Zionists, Americans, and Soviets, ably and successfully pursued their own political imperatives after 1945, British foreign policy in the late 1940s was a failure that, for various reasons, in the end left Britain without an empire.

Why did the Soviet Union and its newly founded satellite states tolerate the illegal emigration of Holocaust survivors into DP camps in the British and American zones, and later into Palestine? The answer, according to Kochavi, is that Communist countries were pursuing two objectives that resembled the Nazi foreign policy of the 1930s: to purify ethnically the body politic and to put pressure on their international adversaries. In the USA, policies toward Jewish DPs were informed by domestic considerations. The Truman government continued to enforce national quotas that allowed the immigration of approximately 400,000 European DPs. As a result of the national quotas, however, the vast majority of these immigrants were Balts, Ukrainians, or ethnic Germans; only 80,000 were Eastern European Jews. Capitol Hill would never have agreed to immigration policies more favourable to Jewish Holocaust survivors—a criti-

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[6] See, most recently, Tony Kushner and Katharine Knox, *Refugees in an Age of Genocide* (London, 1999); Louise London, *Whitehall and the Jews, 1933–1948: British Immigration Policy and the Holocaust* (Cambridge, 2000).

cal aspect Kochavi fails to explore in depth. At the same time, however, the Democratic Party sought the support of American Zionists for the impending presidential elections. To the Truman administration, the best way to pacify both Congress and American Zionists was to invite Jewish refugees to American DP camps in Germany and Austria, and indirectly to support Jewish emigration to Palestine.

Because the US and continental European governments in East and West allowed Zionists free play, the British were unable to stop either the Brichah (the flight of Eastern European Jews in DP camps) or the Ha'apala movement (the illegal immigration into Palestine). The Brichah and Ha'apala movements were more effective for the Zionist cause than terrorist attacks on the British mandate troops in Palestine because they ultimately won the support of the international community. Illegal ship passages, organized by the Zionists, took tens of thousands of refugees to Palestine, even if more than seventy per cent of them were turned back and deported to Cyprus. Things came to a head in 1947 during the dramatic Exodus affair. The British lost the moral credit they had gained fighting Nazi Germany when they turned back by force a ship with several thousand Holocaust survivors that had reached the shores of Palestine. By clinging to its long-standing policy to separate strictly the future fate of European Jewry from the Palestine question, Whitehall misread the changing post-war political and moral landscape. Britain's former allies now pursued their own power interests in the Cold War. And, its eyes opened by the media coverage of the plight of Jewish DPs, public opinion in the liberal Western democracies increasingly sympathized with the Zionists' desire for their own nation-state.

Kochavi's study is a welcome reminder that the Holocaust occupied a less central position in post-war political imagination than we have come to attribute to it today.[7] To gain a historical understanding of British policy towards Jewish DPs, therefore, it might have been more appropriate to explore Whitehall's general response to the plight of refugees in post-war Europe and to compare this with its response to the Jewish refugees. A similar argument could be made with regard to Vicki Caron's interpretation of French immigration policies in the 1930s. However nuanced and detailed these two stud-

[7] See Pieter Lagrou, 'Victims of Genocide and National Memory', *Past and Present*, 154 (1997), pp. 181–222.

ies are, they would have gained by placing their findings within a broader history of European refugees in the first half of the twentieth century. Even twenty years after its publication, Michael Marrus's magisterial study *The Unwanted* remains the only work on the subject that investigates the fate of Jewish refugees within a larger context.[8] At the same time we also lack more studies that are simultaneously as detailed and synthetic as that by Marcia Reynders Ristaino on refugees in Shanghai, which could enable us to understand the shared history of forced migration beyond the boundaries of national history.

<center>IV</center>

In 1948, the Universal Declaration of Human Rights included the right to a nationality, to asylum, and to leave and return to one's native country. At first glance, it seems that the declaration reflects the lessons which the international community drew from the experiences of genocidal warfare. The League of Nations' focus on minority rights in the inter-war period was widely regarded as a failure. In the wake of the Second World War, the very term 'human rights', which placed unprecedented stress on individual rights, gained currency in international politics but provided even less protection against forced migration than the League's minorities policy had done.[9] Human rights were not legally binding, but merely a moral declaration. In fact, that human rights not be legally binding was a condition for the Great Powers' participation in the deliberations in the first place. The Office of the United Nations High Commissioner for Refugees, founded in 1951, could, under its statutes, provide only humanitarian relief and no legal protection. It was still the case that only citizenship could guarantee basic human rights. In this respect, Hannah Arendt's trenchant critique of human rights rhetoric applies much more accurately to the post-war situation. The establishment of supra-national institutions such as the United Nations did not weaken the power of nation-states. Globally, the nation-state as a political

[8] Michael Marrus, *The Unwanted: European Refugees in the Twentieth Century* (New York, 1985).
[9] A. W. Brian Simpson, *Human Rights and the End of Empire: Britain and the Genesis of the European Convention* (Oxford, 2001), p. 9; Mark Mazower, 'The Strange Triumph of Human Rights, 1933–1950', *Historical Journal*, 47 (2004), pp. 379–98.

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model had its golden age only after the last colonial empires had disintegrated.[10] After the two world wars and before the labour migration of the late 1950s, European nation-states were ethnically homogenous to an unprecedented degree. Simultaneously, wherever sovereign nation-states were founded in the wake of war—be it in the Middle East, India, Asia or Africa—'unwanted people' were again deprived of all their rights and forced into exile. However fractured and unstable the fiction of the nation-state, after 1948 it became a political reality and affected the lives of most people on the planet.[11] Historians are now faced with a paradox: twentieth-century global history turns out to have been dominated by the principle of the nation-state to a much greater degree than previously assumed. Yet, at the same time, we will not come to terms with the 'century of refugees' unless we traverse the boundaries of national history.

[10] Jürgen Osterhammel, 'Der europäische Nationalstaat des 20. Jahrhunderts: Eine globalhistorische Annäherung', in id., *Geschichtswissenschaft jenseits des Nationalstaats: Studien zu Beziehungsgeschichte und Zivilisationsvergleich* (Göttingen, 2001), p. 338.
[11] Michael Geyer, 'The Century as History: Between Cataclysm and Civility', in Konrad Jarausch and Michael Geyer, *Shattered Past: Reconstructing German Histories* (Princeton, 2003), p. 352.

STEFAN-LUDWIG HOFFMANN is Assistant Professor of Modern History at the Ruhr University Bochum, and was a Fellow of the Alexander von Humboldt Foundation at the University of California, Berkeley and Stanford University in 2002/2003. His publications include *Die Politik der Geselligkeit: Freimaurerlogen in der deutschen Bürgergesellschaft 1840–1918* (2000), which won the Hedwig Hintze Prize of the Association of German Historians, and *Geselligkeit und Demokratie: Vereine und zivile Gesellschaft im transnationalen Vergleich 1750–1914* (2003). He is currently working on a history of Berlin under Allied occupation and a history of statelessness in the twentieth century.

Some 25 years ago, the issue of the Jewish refugees during the Nazi period occupied a relatively central place in Holocaust research. Although the topic did not disappear completely, Holocaust research in the years afterward increasingly focused on the persecutors and the mass murder during the "Final Solution." The fall of communism in Eastern Europe and the opening of the archives there further accelerated this process. With additional insights gained since then in terms of Holocaust research in general, and in light of the acute refugee problem in recent years, the International Institute f