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Cementing the Enemy Category: Arrest and Imprisonment of German Jews in Nazi Concentration Camps, 1933–8/9

Abstract

Understandably, research has focused overwhelmingly on Jews in the camps of the Holocaust. But the nazis had been detaining Jews in concentration camps ever since 1933, at times in large numbers. Who were these prisoners? This article analyzes nazi policies that brought Jews into the concentration camps. It ventures into the inner structure and dynamics of one of the most heterogeneous groups of concentration camp inmates. By contrasting the perpetrators' objectives with the victims' experiences, this article will illuminate the role of the concentration camp as the ultimate means of pressure in the fatal process of turning a minority group into an outsider group: that is, the act of defining and marking the enemy which was the critical stage before the destruction of European Jewry. Furthermore, it will examine Jewish reactions to SS terror inside the camps.

Keywords: antisemitism, concentration camps, Jews, nazi Germany, racial policy, terror

Years before Hitler's 'seizure of power', nazism as a political movement had already declared its central aim: to create a new Germany based on racial principles. Long-standing as this intention was, however, with the takeover of government in January 1933 officials and activists at all party levels were faced with the practical challenges of 'National-Socializing' the German state and society. They applied methods both of persuasion and coercion. In the following months of violence and terror – depicted as a revolution and attuned to a narrative of civil war¹ – the nation was forcibly re-ordered and co-ordinated to secure the regime. During this process, categorization served the National Socialists as an indispensable means of propagating new liabilities, social relationships, values and morals, including some Germans and

For their most valuable advice during the writing of this article I am indebted to Luise Tremel and my colleagues in Birkbeck's AHRC research project 'Before the Holocaust: Concentration Camps and Nazi Germany, 1933–1939'.

1 On the perception of the violent months following Hitler's seizure of power as a state of civil war, see Christopher Dillon's article in this issue, "'We'll Meet Again in Dachau': The Early Dachau SS and the Narrative of Civil War'.

excluding others.² They usurped the concept of the ‘people’s community’ (*Volksgemeinschaft*), *en vogue* in political circles of all persuasions since the first world war,³ and combined it with antisemitism, another potent political weapon.⁴ In practice, internal enemy groups were *defined*⁵ and then became underprivileged, discriminated against and outlawed. Jews were gradually turned into the universal enemy of Nazi Germany’s. On the eve of the war, they had been deprived of their rights as citizens; many had lost their livelihood, their dignity and, not least, their homeland.

This study re-evaluates the dynamics of exclusion and inclusion constituting the ‘people’s community’ by looking at the concentration camps as an important site of the Nazi persecution of the Jews. The camps are normally associated only with later stages of the Holocaust, when they became places of mass slave labour and genocide. Yet the role of concentration camps in the Jewish persecution before the second world war is significant. Historians of Nazi pre-war racial policy have hitherto focused on the Jews’ legal discrimination, their economic expropriation, and the intimidation of Jewish citizens through street terror and violence.⁶ Except for a few articles and scattered monographs about Jewish prisoners at the Sachsenhausen, Buchenwald and Ravensbrück camps,⁷ the history of Jews in Nazi concentration camps usually begins with the mass arrests of around 26,000 Jewish men after the 1938 November pogrom, which affected almost every Jewish family in Germany. However, the concentration camp needs to be systematically integrated into the history of the Nazi persecution of the Jews from

2 Harald Welzer has aptly analysed the mechanism of the dissection of society into privileged in-groups and discriminated out-groups in his socio-psychological study of mass murder and genocide; see Harald Welzer, *Täter: Wie aus ganz normalen Menschen Massenmörder werden* (Frankfurt am Main 2008 (2005)), 48–67.

3 On ‘people’s community’ as a political concept, see Michael Wildt, *Volksgemeinschaft als Selbstermächtigung: Gewalt gegen Juden in der deutschen Provinz 1919 bis 1939* (Hamburg 2007), 26–68. See also Frank Bajohr and Michael Wildt (eds), *Volksgemeinschaft: Neue Forschungen zur Gesellschaft des Nationalsozialismus* (Frankfurt am Main 2009).

4 See Hannah Arendt, *Origins of Totalitarianism* (New York 1968 (1951)), 3–120; Peter Longerich, *Politik der Vernichtung* (München 1998).

5 Here I am using the vocabulary of Raul Hilberg, who has stated that the process that led to the Holocaust started with the definition of the victims: Raul Hilberg, *Die Vernichtung der europäischen Juden* (Frankfurt am Main 1999 (1961)), 56–7, 69–84.

6 For an encompassing survey of the literature on the persecution of Jews in the pre-war years that considers also recent publications, see Wildt, *Volksgemeinschaft*, op. cit., 9–25.

7 See Leni Yahil, ‘Jews in Concentration Camps in Germany Prior to World War II’, in *The Nazi Concentration Camps: Structure and Aims, the Image of the Prisoner, Jews in the Camps*, proceedings of the Fourth Yad Vashem International Historical Conference, Jerusalem, January 1980 (Jerusalem 1984), 69–100; Detlef Garbe, ‘Absonderung, Strafkommandos und spezifischer Terror: Jüdischen Gefangene in nationalsozialistischen Konzentrationslagern, 1933–1945’, in Arno Herzig and Ina Lorenz (eds), *Verdrängung und Vernichtung der Juden unter dem Nationalsozialismus* (Hamburg 1992), 173–204; Harry Stein, *Juden in Buchenwald, 1937–1945* (Weimar 1992); Linde Apel, *Jüdische Frauen im Konzentrationslager Ravensbrück 1933–1945* (Berlin 2003); Jürgen Matthäus, ‘Verfolgung, Ausbeutung, Vernichtung: Jüdischen Häftlinge im System der Konzentrationslager’, in Günter Morsch and Susanne zur Nieden (eds), *Jüdische Häftlinge im Konzentrationslager Sachsenhausen, 1936–1945* (Berlin 2004), 64–90.

1933. As a pseudo-penal institution, it isolated and criminalized Jews from the early months of Hitler's dictatorship and accelerated what Harald Welzer has called the 'process of de-solidarization' (*Entsolidarisierungsprozess*) between Jews and non-Jews.⁸ Set up throughout Germany in spring 1933, concentration camps were the most violent instrument enforcing the re-ordering of German society. Nowhere were people so radically reduced to categories and later numbers than at these extra-legal sites of terror. The camps formed an alternative penal system, beyond the control of the judiciary, in which revolutionary law prevailed and police-state methods were applied.⁹ It is this improvisation of terror that is characteristic of the early phase in the history of the nazi concentration camps. Just as the premises – police buildings, military barracks, workhouses, prison wings, deserted factory halls, a water tower, even an old ship – were manifold, so were the organizers of the early camps. SS, SA, auxiliary police or traditional judicial and police officers guarded the then mostly political prisoners. There was no central co-ordination of arrests; local and regional authorities in the main empowered themselves.¹⁰ Starting in the summer of 1934, the diverse topography of the early camps was reorganized under the supervision of the SS and institutionalized with the establishment of the Inspectorate of the Concentration Camps (IKL) headed by Theodor Eicke. In 1935, at a time when prisoner numbers had decreased to about 3500 and legal authorities argued for the abolition of the camps, several crucial interventions by Hitler himself secured the future of the concentration camp system.¹¹ Starting in the summer of 1936, six large purpose-built camp sites with a standardized organizational structure were established. Guarded by trained corps of so-called Death Head's SS and holding over 20,000 prisoners in August 1939, they became firmly rooted in the nazi state as permanent sites of extra-legal terror.¹² Concentration camp incarceration was equivalent to 'social death'; the prisoners were physically isolated from society and, if released, carried a lasting stigma.¹³ The Jewish prisoner group, forced together by nazi racial thinking,

8 See Welzer, *Täter*, op. cit., 57.

9 See Disziplinar- und Strafordnung für das Gefangenenlager Dachau, 1 October 1933, in Jeremy Noakes and Geoffrey Pridham (eds), *Nazism 1919–1945: A Documentary Reader* (Exeter 1997), 3 vols, here vol. 2, *State, Economy and Society 1933–1939*, 502–4; United States Holocaust Memorial Museum (USHMM), RG-11.001 M.20, Reel 91, 1367–2-19: KL Esterwegen, Disziplinar- und Strafordnung, 1 August 1934.

10 See Angelika Königseder, 'Die Entwicklung des KZ-Systems', in Wolfgang Benz and Barbara Distel (eds), *Der Ort des Terrors: Geschichte der nationalsozialistischen Konzentrationslager*, vol. 1, *Die Organisation des Terrors* (München 2005), 30–42, at 30–2.

11 See Johannes Tuchel, *Konzentrationslager: Organisationsgeschichte und Funktion der 'Inspektion der Konzentrationslager' 1934–1938* (Boppard am Rhein: 1991), 307–17; Königseder, 'Entwicklung', op. cit., 32.

12 See Klaus Drobisch and Günther Wieland, *System der NS-Konzentrationslager 1933–1939* (Berlin 1993), 251–74, 339; Karin Orth, *Das System der nationalsozialistischen Konzentrationslager: Eine politische Organisationsgeschichte* (Hamburg 1999), 35–46.

13 On the sociological concept of 'social death', see Orlando Patterson, *Slavery and Social Death: A Comparative Study* (Cambridge 1982), 35–76. The term has been introduced into Holocaust studies by Zygmunt Bauman; see Zygmunt Bauman, *Modernity and the Holocaust* (Cambridge 2000 (1989)).

suffered an especially harsh fate. Within the concentration camp population they held the status of outcasts among the outcast.¹⁴ Jews were ‘community aliens’, just like ‘Marxist agitators’, ‘gypsies’, ‘hereditarily-diseased’, ‘habitual criminals’, Jehovah’s Witnesses or homosexuals. But whereas for at least some of these political opponents and social outsiders a way back into the ‘people’s community’ was suggested, for the Jews there was no possible integration into the Nazi racial state.¹⁵ Given the centrality of antisemitism to Nazi ideology, Jews could not possibly be ‘reformed’ or ‘re-educated’. They were excluded, deported and finally exterminated.

Research on the Nazi concentration camps has increased immensely in the last decade. Numerous local studies, primarily by German scholars, have mapped the long-neglected early and pre-war camps on a topography of terror.¹⁶ The invaluable series *Der Ort des Terrors* and *Geschichte der Konzentrationslager*, edited by Wolfgang Benz and Barbara Distel, excel as rich sources of information that document the history of every individual site of terror in the nexus of the concentration camps.¹⁷ In the historiographical process, however, empirical knowledge of the camps has outgrown the conceptual and analytical underpinnings of concentration camp research. For the readers of the voluminous concentration camp encyclopaedias¹⁸ many questions remain unanswered, some of which will be addressed in this article: when and for what reasons were Jews deported to concentration camp prior to November 1938? What role did the pre-war concentration camp assume in the persecution of the Jews and their isolation from German society? How did

14 This can be deduced from many survivors’ testimonies, from both Jewish and non-Jewish authors: e.g. Harry Naujoks, *Mein Leben im KZ Sachsenhausen 1936–1942: Erinnerungen des ehemaligen Lagerältesten* (Berlin 1989), 30, 37–40; Hugo Burkhard, *Tanz mal Jude! Von Dachau bis Shanghai: Meine Erlebnisse in den Konzentrationslagern Dachau – Buchenwald – Ghetto Shanghai 1933–1948* (Nürnberg 1967), 23–4, 26, 101. See also Falk Pingel, *Häftlinge unter SS-Herrschaft: Widerstand, Selbstbehauptung und Vernichtung in Konzentrationslagern* (Hamburg 1978), 92.

15 Nikolaus Wachsmann has delineated three main groups of outsiders targeted by the Nazis’ pre-war campaign of repression and terror: political opponents, social outcasts and ‘racial aliens’, among them the Jews, for whom integration into the ‘national community’ was principally impossible. See Nikolaus Wachsmann, ‘The Policy of Exclusion: Repression in the Nazi State, 1933–1939’, in Jane Caplan (ed.), *Short Oxford History of Germany: The Third Reich* (Oxford 2009), 122–45, at 123, 128.

16 For surveys of concentration camp historiography, see Nikolaus Wachsmann, ‘Looking into the Abyss: Historians and the Nazi Concentration Camps’, *European History Quarterly* 36 (2006), 247–78; Karin Orth, ‘Die Historiographie der Konzentrationslager und die neuere KZ-Forschung’, *Archiv für Sozialgeschichte* 47 (2007), 579–98.

17 Wolfgang Benz and Barbara Distel (eds), *Der Ort des Terrors: Geschichte der nationalsozialistischen Konzentrationslager*, 9 vols (München 2005–9); Wolfgang Benz and Barbara Distel (eds), *Geschichte der Konzentrationslager 1933–1945*, 11 vols (Berlin 2001–10).

18 Recently the USHMM has published the first volume of its encyclopedia of camps and ghettos: see Geoffrey P. Megargee (ed.), *The United States Holocaust Memorial Museum Encyclopedia of Camps and Ghettos, 1933–1945*, vol. 1, *Early Camps, Youth Camps, and Concentration Camps and Subcamps under the SS-Business Administration Main Office (WVHA)*, 2 Parts (Bloomington and Indianapolis, IN, 2009).

arrest and imprisonment of Jews facilitate the creation and cementing of the Jewish enemy category? This analysis will show that – although not yet officially targeted *qua race*, i.e. as ‘Jews’ – an antisemitic practice of imprisonment emerged and became accepted in virtually every arrest action bringing various types of ‘community aliens’ to the concentration camps. Arrests of Jews prior to the watershed of November 1938, based *de facto* upon racial categories, significantly facilitated the isolation of German Jews from the non-Jewish majority and ultimately helped to cement the profile of ‘the Jew’ as the one enemy who in his ‘viscosity’ encompassed every possible form of hostility to the ‘people’s community’.¹⁹

Jewish inmates were not a coherent group of victims. Even in the pre-war period, when Jewish prisoners were overwhelmingly German or from German-speaking countries, their different personal backgrounds provided barely any common features which could provide the basis for a distinct group consciousness.²⁰ In Imperial Germany, the Weimar Republic and the Third Reich, the religious, social, economic and cultural lives of German Jews were multi-dimensional and their individual self-perceptions were highly heterogeneous.²¹ Jews imprisoned in the concentration camps came from many different backgrounds. Members of the workers’ movement, left-wing-parties and trade unions formed the majority of Jewish prisoners in the early phase. There were also liberals and conservatives, bourgeois civil servants, entrepreneurs or unemployed, ‘assimilates’, Zionists, liberal or orthodox religious believers, atheists or baptized Christians. The sociological complexity of modern Jewry was mirrored by the social profile of the prisoners. This heterogeneity conditioned particular manifestations of companionable and conflicting behaviour. As this study will show, underlying political and social tensions were aggravated in the camps’ climate of violence, just as a however distant common heritage might generate feelings of cohesion and help relieve distress.²² In the concentration camps, even those who would have refused to define themselves as Jews were starkly confronted with the nazis’ racial categorization as enemies of the state. Many Jews experienced a fundamental conflict between their own self-definition and the external labelling by the National Socialists, whose brutal expression in the camps was virtually impossible to eschew. Taking

19 With the term viscosity I am referring to Zygmunt Bauman, who has described the modern antisemitic image of the Jew as being ‘viscous’, i.e. semantically disturbing and of a subversive incongruity in an otherwise transparent and orderly reality; see Bauman, *Modernity*, op. cit., 44–5.

20 See Pingel, *Häftlinge*, op. cit., 95–6.

21 For an encompassing account of modern German-Jewish history, see *German-Jewish History in Modern Times*, on behalf of the Leo Baeck Institute, ed. by Michael A. Meyer (New York 1996–8), 4 vols, here vols 3–4.

22 A rich source of information about cohesion and conflict within the group of Jewish prisoners is, for example, the memoir of Ludwig Bendix. Ludwig Bendix, *Konzentrationslager Deutschland und andere Schutzhafterinnerungen 1933 bis 1937* (1939), 5 books, Leo Baeck Institute Archives (LBI), MM6, MM7, MF 425. For a psychoanalytical analysis of the dynamics among the prisoner society, see Bruno Bettelheim, ‘Individual and Mass Behaviour in Extreme Situations’, *Journal of Abnormal and Social Psychology* 34(8) (1943), 417–75.

these considerations into account, the attribution 'Jewish' or 'Jew' to be used in this article must therefore, to a certain extent, echo the racist categorization of the persecutors.²³

Until the mass confinements in the wake of the 1938 November pogrom, when Jewish heritage was for the first time the sole and explicit reason for arrest, the imprisonment of Jews in concentration camps was justified by reference to at least one other factor declared harmful to the 'people's community', be it political opposition, the return from earlier emigration and/or a form of socially deviant behaviour. This article analyses the arrest practice that brought Jews into the concentration camps by outlining three different categories of arrest – 'protective custody' (*Schutzhaft*), 'instructive custody' (*Schulungshaft*) and 'preventive custody' (*Vorbeugungshaft*). The relevance and function of these categories in the development of a situation in which Jewish heritage itself became a formal category of arrest, reached in November 1938, will thus become clear.²⁴ When retracing the motivations and justifications for Jewish concentration camp detention, it is vital to analyse orders and decrees issued by the Gestapo, other police agencies and different government authorities. Their results, however, can only be fully determined by studying life inside the camps. Here, prisoner case studies and memoir literature will be considered. By contrasting the perpetrators' objectives with the victims' experiences, this article will illuminate the role of the concentration camp as the ultimate means of pressure in the process of turning a minority group into an outsider group; that is, the act of defining and marking the enemy which, according to Raul Hilberg, was the critical previous stage before the destruction of European Jewry.²⁵

In the Third Reich any opposition or resistance to the Nazi movement was seen as hostile to the nation. Once Hitler was appointed Reich Chancellor, political activism quickly became a widely applied basis for persecution, extra-judicial punishment and detention. The majority of so-called 'protective custody' cases were political arrests based on the Reichstag Fire Decree of 28 February 1933.²⁶ Raids starting that very night brought over 45,000 persons to state

23 On the difficulties of denomination, see Apel, *Jüdische Frauen*, op. cit., 8–9; Moshe Zimmermann, *Deutsche gegen Deutsche* (Berlin 2008), 18–21.

24 In this respect, the study at hand will go far beyond Leni Yahil's pioneering essay on Jewish concentration camp inmates. Yahil also works with prisoner categories, but since she does not question them, her analysis remains somewhat uncritical and affirmative: see Yahil, 'Jews in Concentration Camps', op. cit., 71–6.

25 See Hilberg, *Vernichtung*, op. cit., 56–8. Zygmunt Bauman, building up on Hilberg's pattern of analysis, has even termed the Holocaust the 'categorical murder': see Zygmunt Bauman, 'The Duty to Remember – But What? Afterword to the 2000 Edition', in *Modernity*, op. cit., 222–50, at 227.

26 On the term 'protective custody', see Martin Broszat, 'Nationalsozialistische Konzentrationslager 1933–45', in Hans Buchheim et al. (eds), *Anatomie des SS-Staates* (München 2005 (1965)), 323–445, at 325–7; Drobisch and Wieland, *System der NS-Konzentrationslager*, op. cit., 16–21; Jane Caplan, 'Political Detention and the Origin of the

prisons, police jails, torture cellars and swiftly established concentration camps by the end of April 1933. Responding to an inquiry of the Reich Ministry of Interior dating 27 July 1933, the *Länder* indicated that the prisoners held in 'protective custody' still numbered almost 27,000.²⁷ Among them were many political activists of Jewish descent: prominent figures such as Ernst Heilmann, Ludwig Marum, Werner Scholem and Erich Mühsam, to name but a few. Additionally, many Jewish lawyers, such as Hans Litten, Max Tschornicki and later Friedrich Weißler, who had expressed their opposition by fighting nazism in Weimar's courts, were also thrown into concentration camps. Aside from being regarded as political 'fat cats' (*Bonzen*), their Jewish heritage doomed them to particularly violent abuse by the camp guards, and all of the above-mentioned men lost their lives in the concentration camps.

The objective of the early waves of arrests was a violent strike against the nazis' political enemies: communists, Social Democrats, adherents of the liberal parties, the labour movement or the trade unions were incarcerated, all of them perceived as agents of an opposition that endangered the National Socialist revolution. But alongside political activists a considerable number of non-political men and women, including Jews, were also taken into 'protective custody'. Given that in a dictatorship every prisoner in a camp is ultimately held for political reasons – just as concentration camps themselves are essentially political entities, the 'true central institutions of totalitarian organizational power', as Hannah Arendt put it²⁸ – this distinction might, at first glance, seem redundant. But if we understand political arrests in the narrow sense – as cases in which a person has been arrested because of active, conscious and declared opposition towards the nazi movement – a distinction between political and non-political arrests becomes important. For only in this way does the place and function of the concentration camps in the rapidly increasing antisemitic atmosphere sponsored by the new regime become fully palpable. We should recall, too, that in the first months after the 'seizure of power' Jewish citizens were attacked in many spheres of private and professional life. This initial onslaught was orchestrated with a flood of antisemitic laws and regulations issued by the government, with widespread occupational bans and restrictions for Jewish clerks, doctors and lawyers, university teachers, students, artists and intellectuals. Together with assaults on Jewish shops and businesses, culminating in the nationwide boycott on 1 April 1933, and violent attacks by local nazi activists, these measures aimed at the gradual isolation of German Jews from social, cultural and economic life. Detention in the early concentration camps must be incorporated into this arsenal of exclusion. Historians who have studied nazi terror in the initial stages of the regime have often not fully grasped

Concentration Camps in Nazi Germany 1933–1935/36', in Neil Gregor (ed.), *Nazism, War and Genocide: Essays in Honour of Jeremy Noakes* (Exeter 2005), 22–41, at 26–8. On the Reichstag Fire Decree, see Drobisch and Wieland, *System der NS-Konzentrationslager*, op. cit., 25–6.

27 Numbers according to Drobisch and Wieland, *System der NS-Konzentrationslager*, op. cit., 38, 134.

28 Arendt, *Origins*, op. cit., 438.

why Jews were taken into ‘protective custody’. Approaching the subject from a close examination of the Gestapo – an organ of terror still under development in 1933–4 – they conclude that it was overwhelmingly ‘politically active Jews threatened with being sent to a concentration camp’.²⁹ Here, the concentration camp figures merely as the terminus of Gestapo-ordered deportations and no further differentiation is made. The picture becomes more complex, however, if one drills down to the reasons for the detention of Jewish prisoners. In doing so, the involvement of a broad range of agencies beyond the political police becomes visible. As will be shown, a variety of actors executed early arrests; their practices were unco-ordinated and their motives often complex. The notion that only Jews with political affiliations were imprisoned in concentration camps in 1933–4 will be proven invalid.³⁰

Used from the beginning to isolate various groups of ‘community aliens’, ‘protective custody’ swiftly extended far beyond its original political remit. This much was already clear in 1933, reflected in various complaints about the practice of detention. In a letter of 18 April 1933 to all police departments and other agencies responsible for ‘protective custody’, the Saxon Ministry of Interior noted that:

It has become known to the Ministry that in some cases prisoners taken into protective custody were arrested only because they belong to the Jewish race. The police departments are alerted to the fact that affiliation to the Jewish race *alone* is not a reason to impose protective custody. If today there are still Jews held in protective custody solely because of their foreignness [*Fremdstämmigkeit*], their protective custody is to be suspended immediately.³¹

A note sent on 26 April 1933 by Vice Chancellor Franz von Papen to Hermann Göring in the latter’s capacity as Prussian Prime Minister (and therefore responsible for the concentration camps in the largest German state) points in a similar direction. Von Papen reports a conversation with Lord Newton, a member of the British House of Lords, who had expressed his suspicion that ‘in the concentration camps Jews too would be imprisoned and that it would be planned to deprive Jews of their private property.’ The Vice Chancellor’s answer mirrors the euphemistic image that the nazis tended to propagate about the concentration camps: ‘Naturally, I enlightened him of the fact that only Communists who have to be occupied are to be found in these camps.’³²

29 Eric A. Johnson, *Nazi Terror: The Gestapo, Jews, and Ordinary Germans* (New York 2000), 91, compare also 92–6, 521.

30 This assumption can be found, for example, in Eberhard Jäckel, ‘Die Einzigartigkeit des Mordes an den europäischen Juden’, in Lea Rosh (ed.), *Die Juden, das sind doch die anderen: Der Streit um ein deutsches Denkmal* (Berlin 1999), 153–70, at 156.

31 Sächsisches Hauptstaatsarchiv Dresden (Sächs.HStA Dresden), AH Marienburg, Nr. 2196: cited according to Carina Baganz, *Erziehung zur ‘Volksgemeinschaft’: Die frühen Konzentrationslager in Sachsen 1933–1934/37* (Berlin 2005), 125 (emphasis in the original; all translations by the author).

32 Geheimes Staatsarchiv Preußischer Kulturbesitz Berlin (GStAPK Berlin), Rep. 77, Nr. 31, p. 75–6.

Although the authorities tried to deny that Jews were arrested for racial reasons, the practice on the ground was rather different, expanding and stretching ‘protective custody’ beyond a strictly political category.³³

A case study of the concentration camp in Osthofen in 1933–4 confirms this conclusion and clearly demonstrates that the majority of the Jews in ‘protective custody’ were, in the strictest sense, not ‘political prisoners’ but ‘unwanted’ for other reasons.³⁴ Located in Rheinhessen, a rural region with an age-long tradition of Jewish settlement, culture and trade, almost 16 per cent of the camp’s inmates were Jewish, an unusually high figure.³⁵ Among Osthofen’s Jewish prisoners were a number of businessmen interned after denunciations by former business partners for alleged criminal business practices. Take the cases of the cattle dealers Josef Wachenheimer and Richard Hirsch. Wachenheimer was taken to Osthofen in June 1933 after his client, a farmer, had reported him to both the NSDAP Party Office in Darmstadt and the police, and complained that Wachenheimer had invoiced him at excessive interest rates for payments outstanding since 1927. An explicit political reason was not needed for this arrest. While police and party officials reacted quickly to what was an essentially private economic conflict by locking up the accused in a concentration camp, the wheels of justice were simultaneously processing the incident and came to very different results: the Municipal Court of Germsheim

33 The elasticity of ‘protective custody’ as a category of detention has been emphasized by Robert Gellately in his study on police prerogatives of confinement. In this overview essay, Gellately shows that the use of ‘protective custody’ was not limited to political opposition groups but that, from the start, at least two other (analytically) distinct campaigns were waged. One might be termed a racist campaign; the other was directed at non-political (and widely defined) criminality. Gellately’s observations on Jewish ‘protective custody’ prisoners, however, remain sketchy. There is no dealing with detention before the Nuremberg Laws, and he also does not probe the complexity of the Jewish enemy category. Robert Gellately, ‘The Prerogatives of Confinement in Germany, 1933–1945: Protective Custody and Other Police Strategies’, in Norbert Finzsch and Robert Ujtté (eds), *Institutions of Confinement: Hospitals, Asylums, and Prisons in Western Europe and North America, 1500–1950* (Cambridge 1996), 191–211, at 205.

34 For a detailed study of the history of Jewish prisoners in Osthofen concentration camp, see Kim Wünschmann, ‘Jüdische Häftlinge im KZ Osthofen: Das frühe Konzentrationslager als Terrorinstrument der nationalsozialistischen Judenpolitik’, in *Gedenkarbeit in Rheinland-Pfalz*, vol. 4, *Dokumentation: Vor 75 Jahren: ‘Am Anfang stand die Gewalt...’. Gedenkveranstaltung zur Erinnerung an die Errichtung des Konzentrationslagers Osthofen* (Mainz 2008), 18–33. In the context of this earlier research I have evaluated 117 case studies of Jewish prisoners. In 60 cases the background of the arrest can be reconstructed. Applying the distinction introduced above, an arrest because of political activism can be ascertained in 24 cases (40 per cent).

35 Estimation of Osthofen Concentration Camp Memorial Site: See Förderverein Projekt Osthofen (ed.), *Das Konzentrationslager Osthofen 1933/34* (Alzey 2000), 14. In this context it is important to put the percentage of Jewish prisoners into relation with the overall share of Jewish citizens in the German population, which was about 1 per cent.

found the cattle dealer not guilty of usury.³⁶ Meanwhile, in the spring of 1933 another Jewish cattle dealer, Richard Hirsch, even had to meet his clients inside Osthofen, who in the intimidating presence of the SS demanded cancellation of their debts.³⁷ Once arrested in a concentration camp, the 'national comrades' in these two cases believed, the Jewish businessmen were disenfranchised and their situation could be exploited for personal profit.³⁸

An even more striking example of the early use of 'protective custody' as a political category of imprisonment ringing hollow are 'race defilement' (*Rassenschande*) cases. Long before the promulgation of the so-called Nuremberg Laws in September 1935, policemen and local nazi activists targeted relationships, friendly or sexual, between Germans of Jewish heritage and their non-Jewish friends or partners. Concentration camp imprisonment followed the public humiliation and defamation of the victims through 'pillory processions' and agitation in the nazi press.³⁹ The effect was a gradual casting out of Jewish citizens from the 'people's community', as the former Jewish prisoner Isak Krieger remembers:

Nobody knew us any more, in her [his fiancée's] village and in our street, she was just a Jew whore. The landlord forbade my wife to live in the house; before we had been very good friends with him, now he got the police on to us... over night they branded us as criminals... Because of this girl I came to Osthofen right at the beginning, in 1933. I was there for over four months, badly beaten-up by a friend from school; I had to clean the toilets with my bare hands and sand.⁴⁰

The brutality described in Krieger's testimony is striking. His words make very clear that detention in the early concentration camps of Jewish 'race defilers' suited the nazi state's general aims: the construction of a clearly defined and demarcated 'Aryan' racial society. The arrest of 'race defilers' served to define the boundaries of the 'people's community'. Krieger's case alerts us, furthermore, to another actor group involved in a number of early arrests: 'ordinary' people who through their denunciations had set off 'protective custody' measures. As Robert Gellately has shown, individual members of the public, by reporting 'race defilers' and so-called 'slaves of the Jews' (*Judenknechte*),

36 Archives of Osthofen Concentration Camp Memorial Site (AO), Häftlingsunterlagen (Josef Wachenheimer).

37 Testimony of Richard Hirsch, Wiener Library Archives London (WL), P II c. No. 980.

38 If the limited space of this article would not enforce a restriction here, the imprisonment of Jewish cattle dealers and businessmen in Osthofen could be supplemented with the analysis of similar cases from Börgermoor and Breitenau concentration camps, in which antisemitically distorted economic interests featured prominently in the motives for 'protective custody'. For further case studies, see Hans-Peter Klausch, *Jakob de Jonge: Aus deutschen Konzentrationslagern in den niederländischen Untergrund* (Bremen 2002), 26–31; Dietfried Krause-Vilmar, *Das Konzentrationslager Breitenau: Ein staatliches Schutzhaftlager 1933/34* (Marburg 1998), 80–5.

39 See Wildt, *Volksgemeinschaft*, op. cit., 223–49; Alexandra Przyrembel, 'Rassenschande': *Reinheitsmythos und Vernichtungslegitimation im Nationalsozialismus* (Göttingen 2003), 185–227; Klaus Hesse and Philipp Springer, *Vor aller Augen: Fotodokumente des nationalsozialistischen Terrors in der Provinz* (Essen 2002), 117–34.

40 Testimony of Isak Krieger (14 May 1982), AO, 2.

significantly aided the political police, which 'on its own could not enforce racial policies designated to isolate the Jews'.⁴¹ As with the imprisonment of Jewish cattle dealers, the motives for arrests and camp detention of so-called 'race defilers' can be traced back to a noxious mixture of antisemitic prejudices, personal interests and political opportunism in line with the new National Socialist morality.⁴²

Moving from the specific to the general, an analysis of the Decree on the Establishment of a Concentration Camp in Osthofen from May 1933 offers another important perspective. With this decree, the then State Commissar for the Police in Hessen, Werner Best, aimed to standardize detention practice in his territory. Intentionally or not, his ordinance embodies the ambiguities in arrest policies noted above. Best, who later acted as deputy to Reinhard Heydrich in the Reich Security Head Office (RSHA) and masterminded countless anti-Jewish measures,⁴³ explicitly defined the circle of persons to be imprisoned as 'everybody taken into police custody for political reasons'. Remarkably, in a *pro forma* to be used for the official admission of the arrested to the camp, the State Commissar named his hypothetical political prisoners Salomon Rubinstein and Moses Grünebaum.⁴⁴ The use of these stereotypical Jewish names suggests that for Best the discrimination against Jews was an integral part of the first conception of the nazi concentration camp. Although he does not explicitly declare Osthofen to be a weapon of anti-Jewish policy, the antisemitism inherent in his depiction of the enemy is obvious: the nazi's political and ideological opponents coincided in 'the Jew' as the archenemy of the German *Volksgemeinschaft*.

How far this emerging antisemitic model of 'the Jew' as the prototypical enemy could be stretched in practice is made clear by the case of the arrest of 40 children and teenagers resident in the Jewish Youth and Educational Home in Wolzig. The youths between the ages of 13 and 18 were sent to the SA concentration camp Oranienburg and imprisoned there from 7 June until

41 Robert Gellately, *The Gestapo and German Society: Enforcing Racial Policy 1933–1945* (Oxford 1990), 160–1.

42 My understanding of morality here follows Zygmunt Bauman's sociological theory, according to which society with its norms and regulations is the factory of morality. See, Bauman, *Modernity*, op. cit., 170–5. Enlightening in the analysis of nazi morality is also Claudia Koonz, *The Nazi Conscience* (Cambridge 2003). For 'protective custody' issued on the grounds of alleged 'race defilement', see also similar cases described by Krause-Vilmar for Breitenau and Zámečník for Dachau concentration camp: Dietfried Krause-Vilmar, 'Das Konzentrationslager im Arbeitshaus Breitenau 1933/1934', in Wolfgang Benz and Barbara Distel (eds), *Terror ohne System: Die ersten Konzentrationslager im Nationalsozialismus 1933–1934, Reihe Geschichte der Konzentrationslager 1933–1945*, vol. I (Berlin 2001), 139–61, at 146; Stanislav Zámečník, *Das war Dachau* (Frankfurt am Main 2002), 33.

43 On the career of Werner Best, see Ulrich Herbert, *Best: Biographische Studien über Radikalismus, Weltanschauung und Vernunft* (Bonn 1996). On Best's time as Police Chief in Hessen, see in particular 123–30.

44 Hessisches Staatsarchiv Darmstadt (Hess. StA Darmstadt), G 24/360, 38–39, 92–94.

10 July 1933.⁴⁵ Their detention was the culmination of a development that started before 1933, when followers of the Nazi movement in Wolzig had openly insulted and attacked the Jewish boys. Within a short time the inhabitants of the Youth Home became isolated in the village.⁴⁶ Several violent raids on the Youth Home took place in spring 1933, whilst local businessmen envisaged using the property for tourism. The graduate engineer Hildegard H., in a letter to the Reich Commissar for the Provision of Employment (*Reichskommissar für Arbeitsbeschaffung*) on 17 March 1933, tried to further such business plans by denouncing the Youth Home for promoting communist activities. The institution's 'sick pupils' and 'doubtful elements', she wrote, were an 'annoyance' to the region and they would often hold 'intimate, Jewish folk-festivities, in many cases in the Hebrew language'.⁴⁷ When these complaints were not resolved by the authorities, the local *SA-Sturmbann* II/205 raided the Home on 7 June 1933 on the pretext of fighting communist subversion. Its inhabitants were brought to Berlin and, later on, to Oranienburg concentration camp.⁴⁸ Incriminating material, such as communist propaganda literature and weapons, had been deposited in the boys' closets, desks and under their mattresses by the SA men themselves.⁴⁹ Once the youths had been taken away to Oranienburg, the Youth Home was expropriated – a very early example of camps being used to facilitate the 'Aryanization' of Jewish properties.⁵⁰

At Oranienburg, the youths from Wolzig joined the 'Jew company', then consisting of approximately 55 men.⁵¹ One of them was Max Abraham, a Jewish cantor and teacher from Rathenow. He characterized himself as 'a person who has not acted politically', but nonetheless had been arrested as a 'state enemy'.⁵² Abraham reports on the gruesome interrogation the teenagers had to suffer under *SA-Sturmbannführer* Hans Krüger: 'Through terrible maltreatment the children were tortured into the confession that they were active as Communists and that the weapons [found] belonged to one of their comrades. For hours, the children were beaten in the most brutal way and they were

45 See Klaus Drobisch, 'Überfall auf jüdische Jungen im Juni 1933: Dokumente', in Dietrich Eichholtz (ed.), *Brandenburg in der NS-Zeit: Studien und Dokumente* (Berlin 1993), 168–206, at 172.

46 *Ibid.*, 169.

47 Brandenburgisches Landeshauptarchiv Potsdam (BLHA Potsdam), Pr.Br.Rep.2A, I Pol., Nr. 1913, 3–6.

48 See Report of *SA-Sturmbann* II/205, Untergruppe Brandenburg-Ost 7 June 1933, cited according to Drobisch, 'Überfall', *op. cit.*, 179–80.

49 Testimony of Fritz Hirsch, sport teacher in the Youth Home, printed in Joseph Walk, 'Das Ende des Jüdischen Jugend- und Lehrheims Wolzig (1933)', *Bulletin des Leo Baeck Instituts* 66 (1983), 3–22, at 10.

50 Drobisch, 'Überfall', *op. cit.*, 174.

51 See Max Abraham, 'Juda verrecke: Ein Rabbiner im Konzentrationslager' (1934), in Irene Diekmann and Klaus Wettig (eds), *Konzentrationslager Oranienburg: Augenzeugenberichte aus dem Jahre 1933. Gebard Seger, Reichstagsabgeordneter der SPD, Max Abraham, Prediger aus Rathenow* (Potsdam 2003), 117–67, at 133.

52 *Ibid.*, 124–8.

forced to do the heaviest physical labour.⁵³ The young inmates' agitated reactions to camp violence had consequences for the other Jewish prisoners. Whenever one of them transgressed the camp regulations – a tokenistic set of rules to gloss over an arbitrary practice of violence – the whole 'Jew company' was collectively punished.⁵⁴ Once he saw that the boys were unable to cope with the constant abuse, Abraham tried to help with religious counselling.

Incidents like this hint at distinct dynamics of cohesion and conflict among the members of the Jewish prisoner groups. Religious practice could indeed offer some form of reassurance.⁵⁵ From time to time, the consolation of belonging to a community with a common destiny (*Schicksalsgemeinschaft*) alleviated the camp Jews' living and suffering together.⁵⁶ Struggling with their own, as well as the universal, 'Jewish Question', some inmates re-interpreted Judaism, or 'Jewishness', as a positive value rather than a stigma. As memoirs tell us, some even reclaimed a Jewish racial community based on blood and common ancestry.⁵⁷ However, in view of the diversity and heterogeneity of its members noted above, controversies frequently arose from the different political convictions and world views of the inhabitants in the Jewish blocks in the camps. Erich Drucker, another inmate in Oranienburg's 'Jew company', remembers that the political prisoners looked down on their bourgeois and middle-class co-religionists. Although forced together by the stigma of race, they strove to escape this and identified themselves instead with the larger group of (non-Jewish) political prisoners. Whereas the political Jews considered themselves to be 'freed' they thought other Jews, Drucker tells us, unsound: 'the solidarity of these people could not be expected. One had to be wary of them.'⁵⁸ Jews who were not political activists, on the other hand, were very sceptical of the 'politicals' in their block. Some of them viewed communist Jews as 'dangerous idealists and fanatics'.⁵⁹ All in all, the everyday violence in the camps – with prisoners in a state of 'permanent emotional upheaval, an uncertainty and nervous tensions', as one of them later said – made genuine feelings and acts of solidarity a difficult and most dangerous undertaking.⁶⁰ On top of this, the SS was always looking to undermine the prisoners' social cohesion, most obvious in the divisive prisoner-functionary system, by which selected prisoners

53 Ibid., 133.

54 Ibid.

55 For examples, see Gabriele Herz, *The Women's Camp in Moringen: A Memoir of Imprisonment in Germany 1936–1937* (New York 2006), 115–17; Louis Oppenheimer, *Meine Erinnerungen an Deutschland Herbst 1938*, USHMM, Acc. 1992.049, 48; Otto Blumenthal, *Dachau 1938*, Institut für Zeitgeschichte Archives (IfZ) 54/16255, 19, 25.

56 See Alfred E. Laurence (Alfred Lomnitz), 'Dachau Overcome: The Story of a Concentration Camp Survivor', unpublished manuscript ca. 1970, Dachau Concentration Camp Memorial Site Archives (AD), 43.

57 See Bendix, *Konzentrationslager*, op. cit., Book IV, 73.

58 Erich Drucker, *Erinnerungen eines deutschen Buchhändlers* (1974), LBI, MM 18, 32–3.

59 Bendix, *Konzentrationslager*, op. cit., Book IV, 59–64.

60 See Laurence, 'Dachau Overcome', op. cit., 86.

were forced into the impossible situation of winning the trust of the SS by applying the guards' brutality against those they hoped to protect.

In the rather improvised violent settings of the early camps the Jews' 'special treatment' was not yet manifested in external signs of categorization. The infamous system of badges was in place only from 1937–8.⁶¹ Equally, the singling out of Jewish inmates from others did not always correspond to a spatial separation in 'Jew companies' or 'Jew blocks'. This system of segregation became general practice in the pre-war concentration camps only after the establishment of new, 'modern' camps such as Sachsenhausen or Buchenwald from 1936–7 onwards. In this respect, Oranienburg marks an exception like Dachau concentration camp, where Jewish prisoners were also forced together in one block from the beginning. Dachau was the site of terror where the isolation and punishment of prisoners categorized as state enemies was having the most lethal effect. Although hard to reconstruct, there were at least 22 murders committed in 1933. In ten cases the victims were of Jewish descent – a striking over-representation, given that their overall share in the camp population was not more than ten per cent.⁶²

In the phase of the reorganization of the Nazi concentration camps, the function of 'protective custody' as a terror instrument was expanded and new categories of arrest and detention were created.⁶³ This also had an impact on the camps' day-to-day routines. The reason for arrest, at this point, corresponded to the arrestees' concentration-camp category and directly determined their treatment by the SS, as well as their status in the prisoners' hierarchy. The colours given to the categorical marks gradually passed into camp language as signifiers of the respective prisoner groups: that is, 'red' for political, 'green' for 'criminal', 'black' for 'asocial' inmates, and so on. In Dachau, prisoners belonging to the category of 'emigrants' were signified with blue stripes added to coloured points, later triangles, of yellow paint in the case of Jewish prisoners.⁶⁴

Following the relative lull in state-sponsored anti-Jewish measures in 1934, several thousand emigrants who had left Nazi Germany after the initial anti-semitic actions of spring and summer 1933 returned to the country. Their decisions might seem naïve in hindsight, but were less so at the time, given

61 Annette Eberle, 'Häftlingskategorien und Kennzeichnungen', in Benz and Distel (eds), *Der Ort des Terrors*, op. cit., vol. 1, 91–109, at 91.

62 Death in Dachau Concentration Camp. Statistic of AD, 2002. See also Zámečník, op. cit., 106–7; Pingel, *Häftlinge*, op. cit., 91.

63 Annette Eberle, 'Häftlingskategorien', op. cit., 92. On the latest periodizations of the development of the concentration camp system, see Ulrich Herbert, Karin Orth and Christoph Dieckmann, 'Die nationalsozialistischen Konzentrationslager: Geschichte, Forschung, Erinnerung', in idem (eds), *Die nationalsozialistischen Konzentrationslager: Entwicklung und Struktur* (Frankfurt am Main 2002), 2 vols, at vol. 1, 24–32; Orth, 'Die Historiographie', op. cit., 21.

64 Eberle, 'Häftlingskategorien', op. cit., 92. See also Drobisch and Wieland, *System der NS-Konzentrationslager*, op. cit., 206; Yahil, 'Jews in Concentration Camps', op. cit., 75–6.

their poor and insecure living conditions abroad, and the widespread notion that the Hitler dictatorship would not last for ever. The phenomenon of remigration did not, of course, go unnoticed by party and state authorities. Local nazi activists in particular used it to call for a more radical stance towards the Jews, a course of action that the government had temporarily abandoned in the interests of its image abroad. In his 'emigration directive' of 15 January 1934 Göring threatened returning 'refugees of non-German citizenship' with concentration camp imprisonment.⁶⁵ In 1935 antisemitic violence on the streets increased dramatically. A spearhead of propaganda was Gauleiter Julius Streicher's weekly *Der Stürmer*, which pushed for far-reaching racial laws through a concerted campaign against 'race defilement'. This phase of anti-Jewish action and media campaigning reached its climax in September 1935 with the promulgation of the Nuremberg Laws, which made German Jews second-class citizens.⁶⁶

At the same time, SD and Gestapo too turned to the problem of Jewish remigration. In May 1934 the strategists of the 'Jewish Question' in the SD (the SS security service) issued a memorandum which declared: 'the aim of Jewish policy has to be the complete emigration of Jews.'⁶⁷ The Gestapo, under Himmler's control since 1934, was responsible for taking suspected enemies of the state to concentration camps and decreed that German nationals returning from a foreign country were to be taken into 'instructive custody' (*Schulungshaft*).⁶⁸ In the eyes of the secret police, 'returning émigrés' had turned their back on and betrayed the 'people's community'. They therefore could not be allowed to easily settle back into the Reich. Their emigration after Hitler's 'seizure of power' was deemed an offence and made them suspect, and their stance towards the regime had to be determined through interrogations about their activities and contacts abroad. 'Re-education' seemed necessary.⁶⁹ Reintegration through re-education and instruction did not apply, however, for returning Jewish émigrés. In National Socialist ideology Jews, who made up the largest share of the returning émigrés, were 'essential' enemies of the state and as such, their remigration was 'unwanted'.⁷⁰ Cognisant of the diplomatic

65 Herbert E. Tutas, *Nationalsozialismus und Exil: Die Politik des Dritten Reiches gegenüber der deutschen politischen Emigration* (München 1975), 105–11. On Jewish emigration see also Juliane Wetzel, 'Auswanderung aus Deutschland', in Wolfgang Benz (ed.), *Die Juden in Deutschland 1933–1945: Leben unter nationalsozialistischer Herrschaft* (München 1989), 412–98, at 417, 422–31, 497–8.

66 See Saul Friedländer, *Nazi Germany and the Jews*, vol. I, *The Years of Persecution, 1933–1939* (New York 1997), 123–8; Cornelia Essner, *Die 'Nürnberger Gesetze' oder Die Verwaltung des Rassenwahns 1933–1945* (Paderborn 2002), 108–12.

67 Memorandum of SD Office IV/2 to Reinhard Heydrich of 24 May 1934, printed in *Die Judenpolitik des SD 1935 bis 1938: Eine Dokumentation*, edited and introduced by Michael Wildt (München 1995), 66.

68 On the term 'instructive custody', see Hans Buchheim, 'Die Institution der "Schulungshaft"', in *Gutachten des Instituts für Zeitgeschichte* (München 1958), 310–11.

69 See letter of Bavarian Political Police of 29 June 1934, IfZ, Fa 119/1, 47–8.

70 See Tutas, *Nationalsozialismus*, op. cit., 111–12.

strains caused by antisemitic policies abroad, however, the authorities continued to speak of their supposed 're-education' in generalized terms. Internally the Gestapo (the Secret State Police Office), the Reich Ministry of Interior and the Foreign Office left no doubt that measures against returning émigrés should deter Jews from staying in Germany.⁷¹ As we shall see, a distinctive treatment of Jews emerged within emigration policies.

The Gestapo issued its basic ordinance for the persecution of returning émigrés on 28 January 1935. In a striking fashion this decree draws a clear line between Jewish and non-Jewish returnees:

Lately, a continuous increase in numbers of returning emigrants is to be observed, of which the Jewish returnees mark by far the largest percentage. The return of these elements, who are to be regarded as principally unwanted, has already led in several cases to anti-Jewish riots whose cause was to be found in the arrogant behaviour of the returnees.

In contrast, non-Jewish returnees are described as 'human material that, with appropriate guidance and instruction, can be re-incorporated into the national body (*Volkskörper*).'⁷² This differentiation between Jewish 'unwanted elements' and non-Jewish returning émigrés fit for re-integration into the community repeats the distinction made earlier in the public representation of 'protective custody'. Whereas press propaganda referred to non-Jewish political prisoners as 'German brethren still standing aside' or 'ruthless Marxists' who could be 'educated to be decent human beings' through the 'caring education work of the SS',⁷³ Jewish 'protective custody' was depicted as a 'warning to the Jews', with the concentration camp as an instrument of intimidation and deterrence.⁷⁴ The 1935 Gestapo ordinance on returning émigrés intensified this trend. It required 'instructive custody' to be implemented in so-called 'instructive camps' (*Schulungslager*) and that 'in the absence of adequate instructive camps the returnees are to be transferred to a concentration camp.'⁷⁵ Depending on the location of the border crossing, they were to be sent to the SS camps of Esterwegen or Dachau. A supplementary order dated 9 March 1935 designated Moringen concentration camp as the site for 'instructing' female returning émigrés.⁷⁶ In the course of the implementation of 'instructive custody', the Gestapo sharpened the distinction between returning émigrés 'of German blood' (*deutschblütig*) and Jews. Each Gestapo desk had to keep accurate records of the arrested, indicating to which race they belonged, as well as statistical information on the number of cases in which the mere threat of

71 *Ibid.*, 119.

72 Preußische Geheime Staatspolizei – Der stellvertretende Chef und Inspekteur: Maßnahmen gegen zurückkehrende Emigranten, 28 January 1935, printed in Erich Kosthorst and Bernd Walter, *Konzentrations- und Strafgefangenenlager im Dritten Reich: Beispiel Emsland* (Düsseldorf 1983), 3 vols, at vol. 1, 219–20.

73 Rheinische Warte 6 May 1933 and Niersteiner Warte 23–24 April 1933.

74 *Frankfurter Zeitung*, 29 August 1933.

75 Cited according to Drobisch and Wieland, *System der NS-Konzentrationslager*, op. cit., 200.

76 *Ibid.*

concentration camp detention had ‘successfully’ prevented remigration.⁷⁷ To reinforce the notion that Jews were to be considered state enemies it was further decreed: ‘In the case of Jews, it can generally be assumed that they had left Germany for political reasons.’⁷⁸ On 31 August 1937, Reich Leader SS Himmler reflected that ‘The institution of instructive custody, which had a deterrent effect on those emigrants inclined to return, was necessary to stop the unwanted stream of particularly Jewish emigrants returning to the Reich.’⁷⁹

Jewish prisoners taken into ‘instructive custody’ differed sociologically from the majority of inmates of the early phase. They generally came from rather more middle and upper-class backgrounds. Like the ‘race defilers’, they had been imprisoned for deeds only recently defined as criminal offences. Whereas communist Jews in their activities arguably were conscious of their opposition towards the state, ‘emigrants’ probably seldom knew that their action – crossing the border back into their native country – was considered illegal and ensured punishment.⁸⁰ Many ‘emigrants’ had not previously been in conflict with the state. Indeed, they had decided to return to their fatherland because they felt German. ‘Emigrant’ prisoners had a sense of patriotism, a loyalty towards the German state and a bourgeois identification with German culture, a ‘*Heimattreue*’, that stood in painful contrast to their criminalization in the concentration camps.⁸¹ With the arrival of the Jewish ‘emigrants’ in the concentration camps, the make-up of the Jewish prisoner group began to change perceptibly. As we have seen, there had been a significant number of ‘unpolitical’ Jews in the early phase of the camps, but numerically political Jewish prisoners dominated in most camps. Among the non-political, middle and upper-class Jews, as well as those who came from a traditional or rural background, the question of why they had been imprisoned was a burning issue. Unlike the communist Jews, they could not fall back on ideology to explain their dire predicament. They often considered their arrest to be an error and, furthermore, felt little or no understanding from the political Jews.⁸² Defamed by the latter as ‘bourgeois’, Jews admitted to the camps as ‘emigrants’ considered themselves deeply rooted in the principles of the constitutional state, democracy and the rule of law. Seeing themselves as loyal and patriotic Germans, middle-class Jews were shocked when they found themselves in custody.⁸³

Since migration was a family project, it was often couples who were taken into ‘instructive custody’.⁸⁴ As a result, a number of Jewish women categorized

77 BLHA, Rep. 2 A I Pol, Nr. 1204, 61–2.

78 Ibid., 72; Tutas, *Nationalsozialismus*, op. cit., 115.

79 BLHA, Rep. 2 A I Pol, Nr. 1204, 72.

80 See Johnson, *Nazi Terror*, op. cit., 109; Tutas, *Nationalsozialismus*, op. cit., 110.

81 See Wetzel, ‘Auswanderung’, op. cit., 414, 497.

82 See Bettelheim, ‘Individual and Mass Behaviour’, op. cit., 425–9; Herz, *The Women’s Camp*, op. cit., 84–5.

83 See Bettelheim, ‘Individual and Mass Behaviour’, op. cit., 426.

84 In the 327 personal files of former female prisoners of Moringen concentration camp stored at Niedersächsisches Landesarchiv – Hauptstaatsarchiv Hannover (NLA HStA Hannover), Hann.

as ‘emigrants’ were brought to the concentration camps. An evaluation of a sample of 53 personal files of Jewish prisoners from Moringen identifies more than half of the women, 55 per cent, as *Rückwanderinnen*.⁸⁵ Their motives for returning from abroad were many: economic, private, professional, political, or a mixture of these. Amalie B. and Else L., both incarcerated in Moringen in April 1935, had been unable to make a living abroad.⁸⁶ Hedwig D.’s husband died in exile in the Netherlands. Newly widowed and suffering with illness, she returned to her family in Mönchengladbach.⁸⁷ Liesel J. and Gerda L., both from bourgeois families, had been studying abroad.⁸⁸ Herta E., who had visited relatives and worked as a nurse in Barcelona, fled the erupting Spanish Civil War on a transport of refugees organized by the German consulate.⁸⁹ Gabriele Herz returned home after having investigated how her family could make a new life in Italy.⁹⁰

All of the above-mentioned women were released from ‘instructive custody’ and in all cases their discharge from the camp was tied to a guarantee that they would leave Germany permanently. In March 1937 the Berlin Gestapo wrote to camp director Hugo Krack regarding the release of Gerda L. It emphasized ‘that the RFSS [Reich Leader SS Heinrich Himmler] gives his consent to the release of Jewish prisoners only if they plan to emigrate to Palestine or overseas and can prove this intention by presenting a certificate or a non-transferable ticket for a passage with a German shipping company.’⁹¹ The conditions for the release of Jewish returning émigrés were first codified in a Gestapo order of 13 June 1935, signed by Werner Best, which gave them two weeks to leave the Reich.⁹² As Jane Caplan has noted, this discharge procedure was utterly different from the treatment of non-Jewish ‘emigrants’, who were often simply released from the camps within weeks or months if nothing incriminating had been uncovered and were permitted to stay in Germany.⁹³ Noteworthy in all this is not only the differentiating treatment of Jews in ‘instructive custody’, but also the Gestapo’s instrumentalization of concentration camp confinement to force Jews to leave Germany, long before it became the government’s official solution to the ‘Jewish Question’. Finally, by criminalizing emigration in its

158 Moringen Acc. 105/96, Nr. 1–327, we find evidence for the communal arrest of Jewish married couples: Nr. 215, Nr. 223, Nr. 104 or Nr. 229. While the women were interned in Moringen, their husbands were brought to Dachau – from February 1937 to spring 1938 the sole concentration camp for male Jewish prisoners.

85 Ibid.

86 Ibid., Nr. 16, Nr. 223.

87 Ibid., Nr. 52.

88 Ibid., Nr. 156, Nr. 225.

89 Ibid., Nr. 67.

90 Ibid., Nr. 130; Herz, *The Women’s Camp*, op. cit.

91 NLA HStA Hannover, Hann. 158 Moringen Acc. 105/96, Nr. 225, 8.

92 Letter of Preußische Geheime Staatspolizei – Der stellvertretende Chef und Inspekteur of 13 June 1935, IfZ, Fb 201.

93 Jane Caplan, ‘Introduction’, in Herz, *The Women’s Camp*, op. cit., 1, 9.

entirety, 'instructive custody' measures added yet another dimension to the Jewish enemy stereotype polarizing and dividing German society.

In the course of Jewish persecution the year 1938 marks the final phase of escalation before the outbreak of the second world war, culminating in the first mass deportation of Jews with Polish citizenship from Germany and the imprisonment of at least 26,000 Jews in the concentration camps during the winter of 1938–9. In March 1938, the annexation of Austria provided a testing ground for an aggressive policy of radical discrimination and expulsion. With the establishment of Adolf Eichmann's Central Office for Jewish Emigration in Vienna, the organization of the subsequent mass flight of Austrian Jews was no longer in the hands of Jewish institutions but overseen by the SS. Throughout the year, an avalanche of new discriminatory laws was promulgated to facilitate the 'Aryanization' of Jewish businesses all over the Reich. As a result, many Jews became impoverished and the number of unemployed rose to approximately 60,000 in the first half of 1938.⁹⁴

With the systematic persecution of so-called 'asocials' in the spring and summer of 1938, nazi terror against 'community aliens' reached a new level.⁹⁵ Raids on an unprecedented scale brought tens of thousands of new prisoners into the concentration camps. In the second wave of 'Action Workshy Reich' alone, over 10,000 were taken into 'preventive custody' (*Vorbeugungshaft*), a form of imprisonment imposed by the criminal police in concentration camps, at first euphemistically described as 'work camps'.⁹⁶ Within camp society these detainees formed a new category. Taking into

94 See Avraham Barkai, 'Der wirtschaftliche Existenzkampf der Juden im Dritten Reich 1933–1938', in Arnold Paucker (ed.), *Die Juden im Nationalsozialistischen Deutschland 1933–1943* (Tübingen 1986), 153–66, at 156. For general studies on the radicalizing development of the persecution of the Jews in 1938, see Avraham Barkai, "'Schicksalsjahr 1938": Kontinuität und Verschärfung der wirtschaftlichen Ausplünderung der deutschen Juden, in Walter Pehle (ed.), *Der Judenpogrom 1938: Von der 'Reichskristallnacht' zum Völkermord* (Frankfurt am Main 1988), 94–117. On Austria as a testing ground, see Friedländer, *Nazi Germany*, op. cit., 241–8.

95 The derogatory label 'asocial' was already used to defame forms of socially deviant behaviour, such as vagrancy, prostitution, alcoholism, or unemployment before 1933, but nazi eugenic racism turned it into an encompassing negative moral category. Although the term kept some of its vagueness, and welfare institutions, health authorities, employment offices and criminologists discussed whom exactly to classify as 'asocial', it was widely used as a pretext to persecute 'racial aliens'. See Gisela Bock, *Zwangsterilisation im Nationalsozialismus: Studien zur Rassenpolitik und Frauenpolitik* (Opladen 1986), 363–8.

96 Figures according to Wolfgang Ayaß *'Asoziale' im Nationalsozialismus* (Stuttgart 1995), 158. On the expression 'work camp' and its decoding as concentration camp, compare 'Reich Decree on Preventive Crime Combat' of 14 December 1937 and 'Instructions of Reich Criminal Police Office on the Execution of Preventive Crime Combat' of 4 April 1938, both in *vorbeugende Verbrechensbekämpfung: Sammlung der auf dem Gebiete der vorbeugenden Verbrechensbekämpfung ergangenen Erlasse und sonstigen Bestimmungen. Schriftenreihe des Reichskriminalpolizeiamtes Berlin Nr. 15*, ed. by Reichssicherheitshauptamt, Amt V (Berlin 1941), IfZ, Dc 17.02, 43, 71. On the term 'preventive custody', see Patrick Wagner, *Volksgemeinschaft ohne Verbrecher: Konzeption und Praxis der Kriminalpolizei in der Zeit der Weimarer Republik und des Nationalsozialismus* (Hamburg 1996), 198–203.

account also the arrests of 582 'disagreeable, particularly criminally predisposed Jews' from Vienna, admitted to Dachau on 3 June 1938, approximately 3000 Jewish prisoners then wore star-shaped badges made up of a yellow and black triangle.⁹⁷ During the course of 'Action Workshy Reich', which spanned the period from the Reich Decree on Preventive Crime Combat of 14 December 1937 to the mass arrests of June 1938, police practice became increasingly antisemitic. Comparing the criteria for 'preventive custody' given in 1937 with the arrest order given by Reinhard Heydrich, in his capacity as the Chief of the Reich Criminal Police Office, half a year later, we find some striking differences with regard to Jewish victims. In the earlier ordinance, persons to be taken into 'preventive custody' were defined as 'habitual or professional criminals' and all those who 'through their asocial behaviour endanger the general public.' Criminologically, they were defined as 'having been sentenced, at least three times, to at least three months of prison or penitentiary'.⁹⁸ There was no explicit mention of Jewish offenders; and the small number of Jews arrested as so-called 'asocials' in the spring of 1938 stemmed from the unco-ordinated initiatives of local welfare institutions, police and unemployment offices.⁹⁹ In Heydrich's order that formed the basis for the arrest wave in June 1938, Jews became a selected target group and, with the order sent out to criminal police stations all over the Reich, the arrests developed into a co-ordinated raid:

Furthermore, in the week from 13 to 18 June 1938, all male Jews [residing within the particular territory] of the District Coordinating Office of the Criminal Police, who are charged with at least one prison sentence of more than one month are to be taken into police preventive custody.¹⁰⁰

The practice of arresting so-called 'asocials' thus, on the record, became antisemitic. Previously convicted Jews not targeted in the first wave of arrests in April 1938 were now officially named as an enemy who, 'through behaviour opposed to the communal good shows that he does not want to integrate into the community'.¹⁰¹ Furthermore, Jews were judged according to much stricter criminological standards: fewer charges and shorter times behind bars were required to take Jews into 'preventive custody'. With the June wave of the 'Action Workshy Reich' a crucial stage in the expansion of the Jewish enemy category was reached. Jews who had become unemployed, poor or delinquent as a consequence of ever-harsher persecution were defined as 'asocial' and systematically punished with concentration camp detention. Thousands of

97 Letter of Gestapo Vienna of 24 May 1938, cited according to Drobisch and Wieland, *System der NS-Konzentrationslager*, op. cit., 282, 286. See also Wolf Gruner, *Der Geschlossene Arbeitseinsatz deutscher Juden: Zur Zwangsarbeit als Element der Verfolgung 1938–1945* (Berlin 1997), 44.

98 Erlassammlung Vorbeugende Verbrechensbekämpfung, 41–2.

99 See Gruner, *Der Geschlossene Arbeitseinsatz*, op. cit., 42–3.

100 Erlassammlung Vorbeugende Verbrechensbekämpfung, 81.

101 Definition of 'asocial' spelled out in the instructions of 4 April 1938, in *ibid.*, 65.

such arrests reinforced the stereotypical equation of Jews and so-called ‘asocials’ and thereby cemented the image of ‘the Jew’ as a criminal¹⁰² – an image that was reinforced by the highest instances in the Nazi leadership. As Wolf Gruner points out, Heydrich’s order should be seen as the direct implementation of Hitler’s demand, made shortly beforehand, that “‘in order to carry out important labours of hauling soil, social and criminal Jews in the whole Reich’” are to be taken into custody.¹⁰³

Wolfgang Ayaß has shown that apart from purging society of unwanted elements, the recruitment of workers for the regime’s efforts to prepare the German economy for war envisaged in the Four-Year Plan was a central motivation for ‘Action Workshy Reich’.¹⁰⁴ In this context Ayaß cites a letter from the Coordinating Office of the Criminal Police Munich of 4 June 1938. The note explains that ‘male persons fit for work are meant with said asocials, whereas with male Jews the capacity to work is not required and it also does not matter when the sentences had been imposed.’¹⁰⁵ This differentiation emphasizes that with the ‘preventive custody’ of Jews the authorities were not only interested in securing manpower for the Reich’s labour projects, but pursuing other goals simultaneously. A paradigmatic biographical case study will now illuminate this specifically anti-Jewish aspect of ‘Action Workshy Reich’.

Josef Cahn, a 55-year-old cattle dealer and merchant from Munich, was arrested as an ‘asocial’ by the criminal police on 17 June 1938. With reference to misdemeanours and petty offences, some dating back as far as 1919, the officials constructed his ‘criminal vita’. His Jewish heritage figures prominently in their argumentation.¹⁰⁶ The Munich police had tried, in 1935–6, to issue a general interdiction of commerce against Cahn. The official in charge saw in ‘the cleansing of German cattle trade from Jews... an obligatory task of the German state’.¹⁰⁷ In 1936 the Jewish cattle dealer indeed had to give up his business, but could at least keep the tobacco shop he ran together with his wife.¹⁰⁸ The police, however, did not forget about him and as an ‘asocial’ prisoner he was deported to Sachsenhausen concentration camp two and a half years later. His arrest and detention were clearly motivated by the wish to destroy Jewish businesses and banish their owners, and the concentration

102 On the antisemitic stereotype of ‘the Jewish criminal’, see Michael Berkowitz, *The Crime of My Very Existence: Nazism and the Myth of Jewish Criminality* (Berkeley, CA, 2007).

103 Gruner, *Der Geschlossene Arbeitseinsatz*, op. cit., 43.

104 Ayaß ‘Asoziale’, op. cit., 150.

105 Ibid.

106 Staatsarchiv München (StA München), record group Polizeidirektion München, personal file 11807 (Cahn), frames 70–5. This voluminous holding contains hundreds of files on criminalized Jews, from which, because of the limited space of this article and the case’s outright representativeness, the file of Joseph Cahn was carefully selected.

107 Ruling on the interdiction of business by Police Department Munich of 27 May 1935, cited according to Wolfram Selig, *Leben unterm Rassewahn: Vom Antisemitismus in der ‘Hauptstadt der Bewegung’* (Berlin 2001), 96.

108 Ibid., 98.

camp served as a powerful deterrent. While imprisoned in the camp, his wife Betty tried to secure his release by announcing the family's intention finally to yield to antisemitic pressure from the state. Her petition for release reads: 'In order to prepare for emigration and, especially, for the liquidation of our business, the presence of my husband is absolutely necessary. I therefore sincerely beg to allow this petition for release.'¹⁰⁹ Although he was released on 25 August 1938, the Cahns did not succeed in emigrating. Josef Cahn fled via Italy to Hungary, where he was arrested as an illegal immigrant and interned in the Garany camp near Košice. As a last sign of life, his son received a postcard in summer 1941 informing him that Josef Cahn was on a transport to Poland. Betty Cahn, together with her daughter and grandchild, was deported from Munich to Kaunas, where the family was murdered in November 1941.¹¹⁰

The important point in this case study is the authorities' deliberate exploitation of 'preventive custody' measures for the two fundamental aims of nazi anti-Jewish policy before the war: the expulsion of Jews from the German economy, often through so-called 'Aryanization' and, secondly, forced emigration. The Criminal Police, the Gestapo and the concentration camp SS pursued these aims in the incarceration of 2500 criminalized Jews in Buchenwald, Dachau and Sachsenhausen in June 1938. From the perspective of the so-called 'November Action' implemented in the aftermath of the pogrom, the 'June Action' can be understood as a crucial test run, as the first nationwide large-scale arrest action using the terror instrument of the concentration camp to pressure Jews to leave Germany.¹¹¹ When the Gestapo arrested a tenfold increased number of Jews just five months after 'Action Workshy Reich', the repression had already been systematically rehearsed and approved. After the November pogrom of 1938, when nazi anti-Jewish policy was officially coordinated, these aims became the general guidelines under which the nazi regime treated the Jews living in its territory.

Another important outcome of the incarceration of Jewish 'asocials' in concentration camps in the summer of 1938 merits further discussion. It is clear that, by embedding antisemitic intent within a broader criminal police arrest action, the perpetrators maintained a semblance of order. The institution of 'preventive custody' was seemingly whitewashed of any political intent.¹¹² Although in practice the two police agencies often worked hand in hand, the formal competence for the raids rested not with the regime's political police, the Gestapo, but with the criminal police. Officially, only individuals with previous

109 StA München, Polizeidirektion München 11807, frame 83.

110 See Entschädigungsakte nach Josef Cahn geb. 06.07.1883, BEG 40.882, Bayerisches Landesamt für Finanzen/Landesentschädigungsamt; *Biographisches Gedenkbuch der Münchmer Juden 1933–1954*, vol. 1, ed. by Stadtarchiv München (München 2003), 229.

111 An official of the Jewish *Hilfsverein*, Arthur Prinz, also draws this connection between the two major arrest actions in 1938: see Wetzels, 'Auswanderung', op. cit., 421, 427.

112 Explicated in letter of Reich Criminal Police Office of 31 March 1938, in Erlasssammlung Vorbeugende Verbrechensbekämpfung, 63.

convictions were affected. All these aspects provided a pseudo-legal gloss intended to convince the public that the 'Action' was justified. Harry Stein correctly observes that the arrest of criminalized Jews was staged in such a way that the non-Jewish majority could accept it as rightful.¹¹³ The punishment of criminals seemed an appropriate measure. It is worth adding that the deportation of Jews taken into 'preventive custody' to concentration camps was often accompanied by pogrom-like violence in the streets. On Berlin's Kurfürstendamm, for example, Jewish shops were vandalized, and SA troops attacked Jews on 19 and 20 June 1938.¹¹⁴ Along the way, the distorted but widespread antisemitic stereotype of 'the workshy and criminal Jew' was disseminated. In early 1939, the *Illustrierter Beobachter* pictured Jewish concentration camp inmates as 'Jewish types of criminals', adding that 'the physiognomy of the prisoners shows that we deal with asocial elements that virtually provoke their segregation.'¹¹⁵

Like the non-Jewish prisoners, Jews detained as 'asocials' were lastingly criminalized, but with the difference that, as noted above, for Jews there was no possibility of betterment or integration into the 'people community'. The regime's rigid anti-Jewish legislation, easy to transgress by mid-1938, had itself created the 'Jewish type of criminal'.¹¹⁶ The consequences of this criminalization could be fatal, as in the case of Bernhard Frankfurter. In conflict with the authorities because of his inability to pay his debts, the Jewish butcher from Heusenstamm had been interned in Osthofen concentration camp in spring 1934. With camp detention already on his record, the Hessian Police Department in Offenbach referred to him as 'a morally low-standing human being who shies away from all kinds of labour'.¹¹⁷ Carrying this stigma, Frankfurter was arrested during the 'Action Workshy Reich' and deported to Sachsenhausen.¹¹⁸ Like Josef Cahn, he could not escape the ever-radicalizing course of persecution and was murdered in Auschwitz in 1942.¹¹⁹ The systematic persecution of Jews as so-called 'asocials' and their mass imprisonment in concentration camps in the summer of 1938 added to the 'viscosity' of the enemy conception of 'the Jew', built up before the Holocaust, the stigma of criminality – a taint which, as Michael Berkowitz has shown, 'often proved essential along the way of dehumanization and murder'.¹²⁰

Remarkably, Jewish prisoners, five months before the mass arrests of November 1938, were not yet an independent prisoner category in the camp

113 Stein, *Juden in Buchenwald*, op. cit., 16.

114 Ibid., 18–19.

115 *Der Illustrierte Beobachter*, 1939, Folge 10, 10, reproduced in Ayaß 'Asoziale', op. cit., 167.

116 See also Yahil, 'Jews in Concentration Camps', op. cit., 75.

117 Hess. HStA Darmstadt, G 27/314, Nr. 16 Bernhard Frankfurter, 5.

118 Strength and alternation report of Sachsenhausen concentration camp, 22 June 1938, Memorial and Museum Sachsenhausen Archives (AS), D 1 A 1020, 240.

119 See Gedenkbuch: Opfer der Verfolgung der Juden unter der nationalsozialistischen Gewaltherrschaft in Deutschland 1933–1945. 2. wesentlich erweiterte Auflage. Bearbeitet und herausgegeben vom Bundearchiv Koblenz (Koblenz 2006), 4 vols, at vol. 1, 824.

120 Berkowitz, *The Crime*, op. cit., xviii.

records but a designated subgroup in every main category. This created the bizarre situation that in the camps' everyday life, the members of the Jewish blocks were, not least through violent 'special treatment' and spatial isolation, practically separated as a racial category, but formally identified as a collection of subgroups that ran horizontally through every other existing prisoner category and thus exposed to the stigma of every type of 'community aliens'. If we interpret prisoner categorization as a tie to an outside world that, although in transition from constitutional state to police state, still maintained pseudo-criminal definitions to justify arrests, *l'univers concentrationnaire* (David Rousset) functioned as a state of exception in which the true implications of these enemy definitions were violently executed.

Categories suggest order and regularity. The act of categorizing with its implied normativity appears authoritative in itself. By using and abusing the categories 'protective custody', 'instructive custody' and 'preventive custody', the National Socialists excluded and punished nonconformist behaviour and, at the same time, gave the illusion that their repressive policies were just. This article has highlighted the ways in which these enemy conceptions, not inherently antisemitic, were employed to legitimize the arrests of Jews in concentration camps. It has shown how a pseudo-legal set of orders, framed loosely enough for 'the Jewish enemy' to be included, was expanded to a racist practice of arrest and a lasting criminalization of the arrestees. Over the years, the arrests of Jews and their deportation to concentration camps became more systematic and co-ordinated. From the wider range of motives and agencies responsible for the isolation of Jews in the early camps – SA, SS, Gestapo, local NSDAP organizations, members of the public, police stations, welfare institutions, and the Ministries of Interior in the respective *Länder* – arrest and imprisonment was gradually centralized in the hands of the Gestapo, aided by the criminal police and the concentration camp SS, with the aim of pressuring Jews into emigration and of appropriating Jewish businesses and property.

With the concentration camps as murderous instruments of deterrence, humiliation and expulsion, the Gestapo and the SS succeeded in transforming German Jews from a heterogeneous minority group within society to outsiders regarded as a homogenous group of enemies to be excluded from any form of communal life. Concentration camps, therefore, helped to shape an enemy category still in the making. While pursuing an overarching antisemitism, the cohesion of the remaining *Volksgemeinschaft* was also strengthened. New allegiances, through complicity in criminality, could effectively be created. Those carrying out the arrests of Jewish political opponents, Jewish returning émigrés and Jewish 'asocials' gradually became accustomed to isolating Jews and treating them violently – as did those witnessing detentions, standing by or denouncing Jews to the authorities. This observation chimes with Moshe Zimmermann's recent study that regards the Nazi era as a chapter in German history characterized by the set-up of 'Germans against Germans': that is, non-Jewish Germans against Jewish Germans. With the definition of Jews as

‘not German’, as alien and foreign, as opponents and enemies, the fight against them was legitimized and every anti-Jewish measure became a response to a perceived provocation.¹²¹ When Hitler gave his infamous Reichstag speech to celebrate the sixth anniversary of the ‘seizure of power’ on 30 January 1939, he drew heavily on the Jewish enemy type, the *Weltfeind* against whom war must be waged, a war at whose end he saw ‘not the Bolshevization of the earth and thereby a victory of Judaism but the annihilation of the Jewish race in Europe’.¹²² Concentration camp terror had helped to prepare the way for this racial war. A society that had accepted police-state methods of arrest and the detention of Jews at extra-legal sites of terror, depicted as necessary to protect and cleanse the ‘people’s community’ from the ‘Jewish threat’, seemed more likely to follow into a war whose ultimate end lay in the elimination of that threat.

Today, the history of Jewish concentration camp prisoners is told from a post-Holocaust perspective: mass murder in the gas chambers, pictures of heaps of dead bodies or mass graves overshadow the comparatively prosaic pre-war years. This article proposes a re-evaluation of the history of Jewish camp inmates before the war. This period is much more than a prelude to the Holocaust. It is a crucial phase of transition, when discrimination still took place right in the midst of society, its citizens responsible for working towards or preventing the cementation of a fateful enemy category.

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121 Zimmermann, *Deutsche*, op. cit., 14–15.

122 Max Domarus, *Hitler, Reden und Proklamationen 1932–1945: Kommentiert von einem deutschen Zeitgenossen* (München 1965), 4 vols, at vol. 3, 1055, 1058.