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Forced Laborers in the "Third Reich" - an Overview

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The enlistment of millions of workers to forced labor during the Second World War was one of the essential characteristics of national socialistic work policy - in Germany itself, as well as in all of German-occupied Europe. However, the term "forced laborer" encompasses several groups of people in partly very different working conditions. They all have in common that they were denied the ability to look for, or to leave, their employment and employers of their own free will, and that they were subject to particular legal or other administrative regulations which, as a rule, were linked to particularly poor social conditions that also denied them any right to protest. Thereby, logically the term "forced laborer" has to be clearly distinguished from the temporary or permanent working conditions under which German citizens of the Reich can be placed, which, based on an overall consideration of the living conditions, should be classified more as a draft than as forced labor.

Four very different large groups can be distinguished from each other here, in regards to the status, type and method of recruitment, social status, legal basis for employment, length and conditions of the working relationship:

- the foreign civilian workers, who were brought into Germany between 1939 and 1945 for "Arbeitseinsatz [labor use]" and who were colloquially called "Fremdarbeiter [foreign workers]"; they were by far the largest of the groups listed here;
- the foreign prisoners of war, primarily from Poland, the Soviet Union and France, who were used as workers in Germany. However, considerable numbers of Polish prisoners were reclassified as "Zivilarbeiter [civilian workers]". This group also includes the roughly 600,000 "Militärinternierte [military internees]" - Italian soldiers, who were detained by the Wehrmacht after Italy seceded from the "Achse [Axis]" and who were brought to Germany as forced workers;
- the inmates of the concentration camps of the SS within the territory of the Reich;
- the European Jews, who were forced into labor for short or longer periods in their home countries, but significantly also after their deportation -- initially in Poland - in Ghettos, forced labor camps or branch camps of the concentration camps -- but after 1944 increasingly also within the territory of the Reich.

What will not be discussed here, except for the Jewish forced laborers, is the enlistment of inhabitants of countries occupied by the Wehrmacht to forced labor outside of the concentration camps in said countries. Not only are the developments in research in this subject expressly disparate, but in the different countries totally different definitions of "forced labor" are also used, ranging from the forced performance of work in concentration camp-like installations to the drafting of welfare recipients by the local work administration office.

The following is a short overview on some main aspect of this broad topic. I begin with the development of the "Ausländereinsatz", the use of civilian forced workers and POWs, followed by short surveys of the use of Jews and concentration camp inmates als forced workers. I finish with some remarks on the development of the compensation-problem from 1945 until today.

1.

The National Socialist "deployment of foreigners" between 1939 and 1945 represents the largest case of use of foreign forced labor on a massive scale in history since the end of slavery in the 19th Century. In the late summer of 1944 there were 7.6 million foreign civilian workers and prisoners of war officially reported as working in the territory of the "Greater German Reich," who had been, in large part, forcibly brought to the Reich for work deployment. They represented at this point about one fourth of all registered workers in the entire German Reich economy. Likewise, the "deployment of foreigners" had been neither planned nor prepared prior to the start of the war by the National Socialist leadership.

During preparations for an armament economy in Germany during the war, there were three obstacles- currency, certain raw materials and workforce. For currency and raw materials there was a solution: in accordance with the "Blitzkrieg" [lightning war] concept, the supplies of conquered countries would successively expand the resources of the Reich. This concept had already proven itself in the cases of Austria and Czechoslovakia and would be confirmed again in the years between 1939 and 1945. The question of the procurement of workers was more difficult to deal with because, aside from the economy, other security policy and particularly ideological factors also played a role. The "Greater German Reich" lacked some 1.2 million workers; another increase in this number could be expected after the start of the war.

There were two possibilities open to debate: either one employed - as in WW1 - German women in the economy at a large scale, or one imported workers in large numbers from the

countries that would be conquered. Both, however, met with refusal from the regime leadership. The draft of German women during WWI had led to considerable inner political destabilization and dissatisfaction. Additionally, it represented flagrant violations against the National Socialist concepts of female and social policy. Bringing millions of foreign workers to work in the Reich, particularly from Poland, collided vehemently with National Socialism's population principles according to which, the massive employment of "foreign nationals" in the Reich would have threatened the "purity of the blood" of the German people.

The decision came only after the start of the war. In comparing two evils, the deployment of foreigners appeared to be a lesser one than drafting German women, because it was believed that potential dangers could be more easily controlled through the use of repressive means.

The close to 300,000 Polish prisoners of war who'd fallen in German hands were then quickly brought to work, predominantly in agricultural operations. At the same time, a recruitment campaign for Polish workers was begun, which at first was tied to the long tradition of employing Polish agricultural workers in Germany but after a short time turned to ever more intense recruitment measures. Since early 1940 it led to an outright manhunt by the so-called "General Government," through which workers would be captured in yearly drafts, collective repression measures, raids, round-ups at movie theaters, schools and churches. Up until May of 1940 more than one million Polish workers had been brought to the Reich in this fashion.

In the same way, the regime leadership still felt that the "deployment of Poles" was a violation against the "racial" principles of National Socialism. According to Himmler in February of 1940, the national political dangers that would be borne from this were to be combated with accordingly sharp measures. As a result of this, an extensive system of repressive regulations was developed against the Poles. They had to live in barracks, although in practice this proved right away to be unenforceable out in the country; they received less wages, they were not allowed to use public facilities (from rapid transit trains to public swimming pools) or to attend German religious services; they had to work longer than Germans and were forced to wear a badge - the "Polish P" - sown on their clothing. Contact with Germans outside the workplace was prohibited. Sexual contact with German women would be punished by public execution. In order "to protect the German blood" it was decreed in this regard that at least half of the Polish civil workers to be recruited had to be women.

For the German authorities, the "Polish deployment" model experiment was a success in general: it was possible to bring a large number of Polish workers to Germany against their will within a short time as well as to put in place a two-class society based on a hierarchy of "racial" criteria.

However, already in May of 1940 it was impossible to overlook the fact that even the recruitment of Poles would not satisfy the German economy's workforce needs. Therefore, already during, and directly after, the "French campaign" a little more than 1 million French prisoners of war were brought to the Reich as workers. Furthermore, increased worker recruitment was begun in the allied countries and in the occupied territories in the West and North. Special regulations were issued regarding the treatment, payment, accommodations, etc. also for these groups; although they were markedly more favorable in comparison with those for Poles. In this way, a multi-tier national hierarchy system was created; a stepladder on which the already so-called "guest workers" from allied Italy together with the workers from North and Western Europe were placed on top, with the Poles at the bottom.

Until the summer of 1941, the largest number of foreign civilian workers and prisoners of war during the "Blitzkrieg phase" were employed in agriculture. At this time, foreigners did not play any significant role in industrial concerns; the industry was far more intent on getting its German workers back from the military soon after conclusion of the "Blitzkrieg." At the same time, the ideological reservations against an expansion of the deployment of foreigners were so widespread within the party and authorities that it was decided to put a freeze on the number of foreigners at the figure from the spring of 1941 - short of 3 million. This concept worked, as long as the strategy of short, comprehensive campaigns did not require a changeover to a long, drawn-out war.

However, after the fall of 1941 a totally new situation developed here. The German army experienced its first defeat in Moscow; there could no longer be talk of a "Blitzkrieg." Furthermore, the German armament industry had to adjust itself to a longer, continuous, drawn-out war and significantly expand its capacity. It could also no longer be counted on soldiers returning home. On the contrary, a massive draft wave now included the workforce at the armament plants that had been protected up to this point. However, the gaps could not be filled only through the intensive efforts now underway at acquiring workers from West European countries. Only the deployment of a workforce from the Soviet Union could bring further, effective relief.

However, the work deployment of Soviet prisoners of war or civilian workers in the Reich had been expressly ruled out before the start of the war. Thereby, not only the party leadership, the Reich's security office and the SS had voiced themselves against any employment of Russians in Germany on the basis of "racial" and security policy reasons. Furthermore, the belief in certain victory was so prevalent in most of the government agencies involved in the preparation for war and in the economy, that such a deployment had not been

seen as necessary from the outset, so that, contrary to the employment of Poles, this time the ideological principles of the regime prevailed. Aside from that, there were also strong reservations within the German population against a "Russian deployment", intensified even more after the first news reels of the war in the Soviet Union.

Because there seemed to be no need for their employment in the Reich for reasons of war economy, the millions of Soviet prisoners of war were left to their own fate in the massive camps behind the German Eastern front. More than half of the 3.3 million Soviet prisoners of war who fell in German hands until the end of 1941 starved, froze, died of exhaustion or were killed. In total, until the end of the war, 3.5 of the close to 5.7 million Soviet prisoners of war in German custody lost their lives.

However, as the military and with it the war economy situation of Germany quickly changed after the late summer of 1941 and then markedly that same winter, new economic pressure came to bear to employ Soviet prisoners as well, which was expressed by issuing corresponding orders in November. This time, the initiative came from industry, particularly from mining, where the lack of workers had already taken an alarming form.

However, the great majority of Soviet prisoners were no longer available for work deployment. From the over 3 million prisoners at that point, only 160,000 had gone to work in the Reich until March of 1942. For this reason, also here it had to be changed to the recruitment of Soviet civilian workers on a grand scale. The acquisition of that many workers in as short a time as possible became the urgent question and the main task of Sauckel, the "General Plenipotentiary for Work Deployment" newly appointed in March, who carried out his duty as much with efficiency as with unbounded brutality. In little less than 2 1/2 years, the deployment staff of the Wehrmacht and of the German work offices deported 2.5 million civilians from the Soviet Union to the Reich as forced laborers - 20,000 people per week.

The methods of recruiting the soviet workers, are described in a report on the operations of a worker recruitment commando unit consisting of German officials from the labor offices, officers from the regular German police and the Ukrainian militia, taken from a letter written in the autumn of 1942 by a resident of the Ukrainian village of Bielosirka. The letter was subsequently intercepted by the German postal censors.

"The order came to provide 25 workers. But no one reported, they'd all run off. Then the German gendarmerie arrived and started to set fire to the houses of those who'd fled. ... The people who'd rushed over were not permitted to put out the fires. They were beaten and arrested, so that six farms burned down. In the meantime, the gendarmes were busy setting other houses ablaze. The people went down on their knees, they were kissing the hands of the

cops. But they started beating them with rubber truncheons, they threatened to burn down the whole village. During the fire, the [Ukrainian] militia combed through the neighboring villages, arresting the workers and hauling them off into custody. If they weren't able to find a worker, they locked up the parents until their kids showed up. This raged on all night in Bielosirka. Nowadays people bag people the way carcass-hunters used to snatch stray dogs."

There are numerous reports of this kind. Quite evidently, the operation described here was not the exception. Rather, it was quite in keeping with daily routine practice in conscripting Soviet civilians for enforced labor in the Reich. It marks the high point in a campaign of worker recruitment by the German labor offices that had developed gradually from the beginning of the war, but soon picked up steam and was pushed forward with fierce rapidity. In his new extensive study on German economic policy and annihilation policy in White Russia, Christian Gerlach suggests distinguishing between a number of different methods of worker recruitment employed in the eastern occupied territories:

Individuals signed up voluntarily, particularly during the first few weeks of German occupation. Yet already by August 1941, the German labor deployment staffs reported that there were practically no more volunteers for work in Germany.

Workers were forcibly conscripted in raids and manhunts, such as the operation in Bielosirka described above.

Through the allocation of obligatory quotas: certain regions and administrative authorities were ordered to provide a specific number of workers within a specified time--how they did it was left up to them. Ultimately it was the job of the local administrative authorities to implement recruitment.

Via the mandatory conscription of entire cohorts (all those born in a given year) for labor in Germany; that practice was first introduced on a large scale in Russia starting in 1943. In the process, the German authorities soon began to conscript ever younger forced laborers. In 1943, the General Commissioner's Office for White Ruthenia recruited girls between the ages of 16 and 22 for labor in the Reich. In 1944, they even conscripted the female cohort for 1930, i.e. thirteen- and fourteen-year-olds. Of the 77,281 laborers deported to the Reich from the area of the Army Group Center between January and the end of 1944, 5,418 were between 10 and 14 years old, 5,390 below the age of 10.

By combing through industrial firms, Wehrmacht units and agrarian enterprises in order to conscript laborers.

Through the forcible seizure of workers in conjunction with large-scale operations against partisans.

By the so-called combing and selection of refugees and evacuees from the areas evacuated in 1943-1944 by the Wehrmacht for purposes of forced conscription.

During the forcible transfer of portions of or the entire local population in conjunction with Wehrmacht pullbacks, especially from 1942-1943 on: some of those brought back with the retreating armies were then deported as forced laborers to Germany. Thus, during the collapse of the Army Group Center, large segments of the population were evacuated westward, particularly from the area controlled by the Second Army. To cite some figures: this amounted to 130,000 persons, 41 percent of the total population, just in the area Rzhev-Vyazma; in the evacuation of the Orel Salient, some 220,500 persons were evacuated (22.2 percent); in the Operation Panther pullback to the Dnieper-Dvina line, 535,000 (22.5 percent of the population).

Using such methods, the German authorities succeeded in a short time in bringing in huge numbers of laborers from the Soviet Union to the Reich: in the span from April to December 1942 alone, some 1.3 million civilian Soviet laborers were deported to Germany--amounting to about 40,000 per week, half male, half female. The average age of the deportees was roughly 20 years, but many were far younger, including teenagers only 14 or 15. In addition, in 1942, some 450,000 Soviet POWs were deported to the Reich for forced labor. So by the end of 1942, there were already more than 1.7 million Soviet civilian forced workers and POWs on the job in German firms. The greater proportion of these were now deployed in industry, then staggering under the constantly mounting pressures for increased output since the strategy shift in the winter of 1941-1942 to a long war of attrition.

A strict national hierarchy that was regulated down to minutiae differentiated the living conditions of the individual groups of foreigners. While the workers from occupied Western territories and from so-called friendly countries had to live primarily in camps but received about the same wages and food rations as Germans in comparable positions, and were also subject to the same working conditions, the workers from the East, primarily the Russians, were in pretty significantly worse conditions. The rations for Soviet civilian workers, officially called "Eastern workers," were so meager that often they were totally undernourished and unable to work already a few weeks after their arrival.

The living and working conditions of the Soviet civilian workers (officially called Ostarbeiter) and Soviet POWs was regulated down to the smallest detail by a comprehensive package of rules and ordinances. If we summarize the raft of regulations, the following grim picture emerges: accommodation in closed, sexually segregated residential camps, end by high fences. Eastern workers' families were housed together. Those unfit to work, children

under 15 and pregnant women were deported back East. There was a prohibition on free movement and leaving camp except for work. Leisure time activities were tightly controlled by the German Labor Front: laborers were sometimes rewarded with outings, accompanied by German personnel. As much as possible, labor was organized in divided, segregated work details. The authorities tried to prevent any sense of solidarity emerging between Germans and Russians. Workers were watched over by plant guards, professional security personnel and German workers employed as auxiliary plant guards. Camps were headed by camp commanders appointed by the political counter-intelligence officer at the plant. Female Russian workers were also guarded by male security personnel. There was a strict requirement to display a distinctive badge (marked OST) on one's clothing. Russians were utilized as agents and senior camp prisoners (Lagerälteste, the top camp functionaries). It was permitted to send letters twice a month. Pastoral care was strictly forbidden. In the case of disobedience, ruthless use of force was sanctioned, including firearms. A special penal system was operative in the camps and firms (penalties such as fatigue duty, assignment to a penal labor gang, cancellation of warm meals for up to three days, confinement for up to three days, permission for camp commanders to use corporal punishment; all other penalties were meted out by the Gestapo). If a worker attempted to flee, he or she was sent to a so-called reeducation work camp or concentration camp. The death penalty was applied in the case of capital offenses, political crimes or sexual relations with Germans.

In the meantime, a veritable cosmos of camps had come into being inside the Reich. Both in the large cities and in the rural countryside, there were camps for foreigners in virtually every part of town. Just in a metropolis like Berlin, there were some 500; throughout the entire Reich, the number of camps was probably in excess of 20,000. Several hundred thousand Germans were directly involved in the organization of foreign labor deployment, working in a array of functions ranging from cook in a camp to supervisor for foreign laborers in a factory. The living conditions of the individual groups of foreigners were differentiated by a strict national hierarchy, a pecking order regulated down to the smallest details. For the most part, Fremdarbeiter from the occupied western territories and the so-called friendly nations had to live in camps, but they received the same wages and rations as Germans in comparable positions and were subject to the same working conditions. By contrast, workers from the East, especially the Russians, were far worse off. Rations for the Ostarbeiter were so skimpy that only a few weeks after the workers arrived, they often were already suffering from the effects of serious malnutrition and unfit for work.

The barracks camps were surrounded by barbed wire. Workers marched the daily path to the factory in formation and under guard. All civilian Soviet workers, male and female, were given a badge marked OST which they had to sew on their clothing. Their wages, calculated on the basis of special rates, amounted to roughly 20 percent of the wages for comparable German workers. Yet wages for Eastern workers were often paid out in camp scrip and thus had little monetary value for the workers. As a rule, Ostarbeiter worked 10 to 12 hours a day. It was common practice to have two shifts of 12 hours each. For the most part, Soviet forced laborers, both men and women, were assigned especially heavy, dirty or dangerous work-- jobs German workers and the more privileged Fremdarbeiter from western and northern Europe did not like or want. Down to 1944, it was absolutely forbidden to leave camp except to go to work; afterwards, a new regulation allowed workers to leave the camp perimeter, but only in groups under careful supervision. There were harsh penalties for violations of the camp and factory regulations, particularly the prospect of being sent to a penal labor camp. Or, in the case of so-called "serious offenses," a category which even included disobedient behavior toward a German foreman, a worker risked internment in a concentration camp. Sexual contacts between Soviet men and German women were subject to severe penalty: the public execution of the male offender (and imprisonment for the German woman involved). Yet there was considerable variation in the situation of Soviet forced laborers in particular: their situation differed from firm to firm and camp to camp. As a rule, those employed in agriculture were far better off than laborers in industry. In the industrial sector as well, there were striking differences in treatment and diet, especially starting from the end of 1942. However, that range of variation points up a central fact: the considerable leeway for action and the large scope of discretionary powers granted the individual firm. So it is impossible to explain the poor working conditions of workers from the Soviet Union solely on the basis of the binding regulations set down by the authorities. Nevertheless, the primacy of performance on the job had certainly not become the accepted criterion everywhere--just take the example of the mining industry. The working and living conditions of the Soviet laborers in mining were particularly poor, and remained so down to the end of the war. Just a few short weeks after arrival, the physical condition of Soviet civilian workers assigned for work in the pits, initially quite good, had deteriorated to a critical level, now similar to the wretched condition of the POWs. As late as the summer of 1942, the approximately 25,000 Soviet forced laborers in the coal mines in the Dortmund district were still not being used effectively. In August of that year, an official of the Dortmund mining district commented:

"It often happens, for example, that Russian POWS collapse a short time after going down into the pit; they turn totally apathetic and unresponsive below ground and have to be carried up to the surface by stretcher or some other means."

Even the end of 1942, about one in every six Soviet miners was still unfit for work, and the average output of the others was 37 percent of that of their German counterparts. Soviet POWs no longer fit for work were sent back after some time to their base camp (stalag), where most soon died. Later on, some mines even refused to send the POWs allocated to them back to their stalag, "especially since only a small number of these persons ever return," as a letter from a coal mine association noted.

To cite only one example which illustrates the concrete conditions of Soviet forced laborers in Germany, a commission delegated by the Economic Staff East inspected various camps operated by large companies in the Ruhr, summed up its impressions at the end of November 1943 as follows:.

"Even the most necessary things, such as food and housing, often leave much to be desired. They are inadequate, haphazardly prepared, filthy--indeed, in some cases, bad beyond all measure. ... Thus, for example, we will never forget the wretchedness and misery in the Bochumer Verein camp: workers terribly run-down, their morale catastrophic, camp neglected and filthy. Food insufficient. Flogging. Families torn apart. Attempts to escape even by women. Food as a prize--first productivity, then reward. Management has no understanding of the problem."

Already in the early summer of 1942 numerous companies were reporting that the "Russian deployment" was very uneconomic because effective employment was dependent not only on better care and enough breaks but also on appropriate training measures for the foreign workers in their work processes. In the case of French prisoners of war, such measures had led to their work performance having reached a level close to that of the German workers after a relatively short period of time. However, most of all, the situation of the Soviet forced laborers was very different from company to company and from camp to camp. They did significantly better in agriculture than in industry, and even there the differences in treatment and nourishment were spectacular, particularly since the end of 1942. However, this points to how broad treatment and discretionary powers of individual companies were. There can be no argument at all that the poor working and living conditions of the workers from the East were traceable only to authorities' binding regulations.

Effective improvements in the living conditions of "Eastern workers" came in great measure only after the defeat of Stalingrad in early 1943. A comprehensive campaign to improve

performance was employed, linked to the relationship of the size of food rations to work performance, while at the same time beginning comprehensive qualification measures. Through this it was actually possible to significantly improve work performance. However, qualified employment forcibly had to have an effect on the relationship of Germans to the foreign workers. So, everything possible was done in the regulations of the corresponding authorities to assert the privileged position of German workers in all areas with respect to that of foreigners, in particular the Russians. Germans had principally supervisory positions with respect to the "Eastern workers." In some companies, German workers who would be trained by East workers were given even the function of auxiliary police.

Yet there were other places where the working and living conditions of the Soviet laborers were far better, where relations between Soviet and German workers were based on cooperation, and sometimes even marked by a sense of solidarity and readiness to help.

Roughly speaking, there was a four-tier staggered wage system. Civilian workers from all countries except the former Polish and Soviet territories received the same wages as the German workers who were in comparable positions - at least in theory. There are several reports about the fact that in practice it did not always work in the way it was prescribed by the authorities. However, that shall not be taken into consideration here. In theory, Polish workers should have also received the same wages; however, they would have to pay a special 15 percent tax, the "Polish contribution". By the way, this was introduced by the German work authorities for the remarkable reason that it would serve as compensation for the fact that Poles were not drafted into military service as were Germans. By contrast, Soviet workers received specially established wages which were significantly lower than those of Germans and other foreign workers - theoretically about 40% below; but in most cases in fact probably much lower. About this, it is known that many companies did not pay Soviet civilian workers any wages at all and that they were considered "civilian prisoners".

In the meantime, the deployment of foreigners in Germany was an obvious part of daily life during the war, and in light of their own worries, the fate of foreign workers was absolutely of little interest to most Germans. In the summer of 1944, 7.6 million foreign workers found themselves employed in the Reich: 5.7 million civilian workers and a little less than 2 million prisoners of war. 2.8 million of them came from the Soviet Union, 1.7 million from Poland and 1.3 million from France. In total at this time there were people from almost 20 European countries deployed to work in the Reich. More than half of the Polish and Soviet civilian workers were women, less than 20 years old on the average - the average forced laborer in Germany in 1943 was an 18 year-old school girl from Kiev. So, 26.5% of all those employed

in the Reich were foreigners: 46% in agriculture, almost 40% in industry and about 50% in the specialized armament industry, in individual companies with a large percentage of unskilled labor, up to 80 and 90%.

Table: Foreign workforce in the German war economy from 1939 to 1944

		1939	1940	1941	1942	1943	1944
Agriculture	Germans	10,732,000	9,684,000	8,939,000	8,969,000	8,743,000	8,460,000
	Foreign Civilians	118,000	412,000	769,000	1,170,000	1,561,000	1,767,000
	Prisoners of war	-	249,000	642,000	759,000	609,000	635,000
	Total foreigners	118,000	661,000	1,411,000	1,929,000	2,230,000	2,402,000
	Foreigners as a % of all employed	1.1	6.4	13.6	17.7	20.3	22.1
All non-agricultural	Germans	28,382,000	25,207,000	24,273,000	22,568,000	21,324,000	20,144,000
	Foreign civilians	183,000	391,000	984,000	1,475,000	3,276,000	3,528,000
	Prisoners of war	-	99,000	674,000	730,000	954,000	1,196,000
	Total foreigners	183,000	490,000	1,659,000	2,205,000	4,230,000	4,724,000
	Foreigners as a % of all employed	0.6	1.9	6.4	8.9	16.5	18.9
Total Economy	Germans	39,114,000	34,891,000	33,212,000	31,537,000	30,067,000	28,604,000
	Foreigners	301,000	803,000	1,753,000	2,645,000	4,837,000	5,295,000
Economy	Foreign civilians	301,000	803,000	1,753,000	2,645,000	4,837,000	5,295,000
	Prisoners of war	-	348,000	1,316,000	1,489,000	1,623,000	1,831,000
	Total foreigners	301,000	1,151,000	3,069,000	4,134,000	6,460,000	7,126,000
	Foreigners as a % of all employed	0.8	3.2	8.5	11.6	17.7	19.9

The employment of foreign forced laborers was not limited only to large companies but it stretched over to the entire economy, excepting administration - from small farms to metalworking shops with six workers to the Reich railroad, the communes and the large armament plants; but also many private homes that employed one of the more than 200,000 Russian maids who were especially prized because they were cheap.

In all this, the German people played a special role. Significantly, the forced labor performed by millions of foreign workers--and, in the final phase of the war, by concentration camp prisoners as well--did not take place in isolated camps, far removed from the eyes and ears of the population. No, it was literally on their very doorsteps, around the corner and down the street. The National Socialist program of enforced foreign labor can be basically regarded as successful as far as the rulers are concerned. One element was largely instrumental in that success: a substantial proportion of the German people accepted the role they were assigned. True, few Germans participated in maltreatment of the forced laborers. But there were likewise only a comparative handful who actively tried to assist the Fremdarbeiter, to lend them succor and support. For most Germans, the foreigners were simply there, a familiar fixture in the landscape of everyday life in wartime, like ration cards or air-raid shelters. The discrimination of the Russians or Poles was accepted by Germans as a given in the situation, as was their own privileged position vis-à-vis these foreign workers from the East. Yet that is precisely what allowed the racism to function so smoothly: to practice it became a customary part of the round of everyday life--without the individual necessarily having to participate in actual hands-on discrimination or oppression. The program of enforced foreign labor served to foreshadow what was slated to become everyday reality for all of Europe in the wake of a German victory and end to the war: namely the installation throughout the conquered continent of a hierarchical National Socialist society founded on racial criteria.

2.

Since the beginning of 1944, however, it appeared that even such in fact considerable numbers were no longer sufficient to meet the need for workers, especially in the large Reich armament projects. At the same time, as a consequence of military developments, the recruitment of workers primarily from the Soviet Union was reduced, and so the worker shortages that were becoming ever larger could no longer be filled. As a result of this, interest turned increasingly to the only organization that still had available a considerable number of potential workers: the SS and the concentration camps under it.

In the first years of the war the work deployment of concentration camp prisoners was of no importance to the war economy. While there had been SS-owned economic enterprises already since 1938 - primarily stone quarries, brick making factories and repair workshops -, where close to all prisoners were brought to forced labor in some way, also here the character of the work remained punishment, "education" or "revenge" and already before 1939 and more strongly thereafter it took on the form of extermination, especially in regards to the groups who stood particularly low on the political and racial hierarchy of the Nazis. Through the founding of SS-owned enterprises such as the "German Armament Works" and the "German Earth and Stone Works" the attempts of the SS to use the concentration camps increasingly also as an economic factor were visible. However, in practice the economic function of the prisoners' forced labor remained subordinate to the political goals of camp imprisonment until well into the war years.

After the military defeat on the Eastern front in the fall of 1941 and the restructuring of the German armament industry to meet the needs of the long, drawn-out war associated with it, some organizational restructuring of the SS was also undertaken by the Reich leadership in order to make production for armament the primary task at concentration camps - and not only, as up to then, the construction industry, the production of building material and military equipment. However, the concentration camps were, in fact, neither set up for such a quick change, nor was there enough economic expertise in the newly established SS central organization for concentration camps, the "Main Office for Economy and Administration," (WVHA, in German) to be able to establish a large-scale armament factory from the ground up. Added to that was the difficulty of converting concentration camp guard squads themselves over to the precedence of work deployment, after the practice exercised for many years where a human life in the concentration camp did not count. In April of 1942, the SS Main Office for Economy and Administration made the deployment of concentration camp prisoners the main task of all concentration camp commanders. In reality, however, from the 95,000 registered concentration camp prisoners in the second half of 1942, 57,503 died; that is, more than 60%. The value of armament production at concentration camps in 1942 was on average about 0.002% of total production. A private company needed only 17% of the workforce needed by the shop at the Buchenwald concentration camp to produce the same quantity in rifle manufacturing.

Only in the spring of 1942 did the SS commence to deploy concentration camp prisoners in more extensive numbers for armament purposes, particularly in the construction of the IG-Farben factory close to Auschwitz. However, the prisoners here were at first only employed in

construction work, while the deployment in armament manufacture only began a year later. In the confrontations among the different interest groups within the SS, however, the concept of punishment and extermination still prevailed, as opposed to that of work and productivity - primarily because through the mass deportation of Soviet workers to Germany that was taking place at this time, there did not arise any pressure to employ concentration camp prisoners for reasons of war economy.

Only on September 22, 1942 did Hitler decide, at the suggestion of Armament Minister Speer, that from that point on the SS should place its concentration camp prisoners at the disposal of industry on a loan basis, and that the industry, in turn, would integrate the prisoners into the existing production process. Through this, the principle of loaning concentration camp prisoners to private industry was established, which would determine from then on the deployment to work of concentration camp prisoners. Since this "decision by the Führer" the work deployment of concentration camp prisoners within existing industrial companies was increased. For this, private companies would report their need for workers at the WVHA, which would review them for accommodations and security reasons and would issue the permits. As a rule, company representatives could also look themselves in the camps for prisoners who appeared to be adequate. Following this, the prisoners would be transferred to an "external installation" of the concentration camp, which most times was set up in close proximity to the work site. The fees for loaning the prisoners, which the companies had to pay the SS amounted to 6.00 Reich Marks per day for skilled workers and 4.00 RM for auxiliary workers and women. At the same time the SS-owned companies in the Reich began also to change heavily toward the production of armament. Already by the end of 1942 the "Deutschen Ausrüstungswerke" [German Armament Works] (DAW) were producing primarily for purposes of significance to armament and war, above all repair work.

In order to strengthen the deployment of armament, the primary interest of the WVHA became to significantly increase the number of prisoners in as short a time as possible. In seven months, the size of the workforce in all concentration camps climbed from 110,000 (September 1942) to 203,000 (April 1943). By August of 1944 the number of prisoners had already grown to 524,268, in the beginning of 1945 to over 700,000. The death rate for prisoners was still extraordinarily high and only began to go down since the spring of 1943 - from 10% in December of 1942 to 2.8% in April of 1943. However, because the number of prisoners had climbed so high, the absolute number of dead declined much less than the percentages would suggest. From January to August of 1943, more than 60,000 prisoners died in the concentration camps; however, the relative death rate declined. This shows that the

increased demands from the side of private and SS industries represented significantly increased imprisonment rates, although not a fundamental change in the working and living conditions of camp prisoners.

Accordingly, the average length of fitness to work - and with it the life span - of individual prisoners in 1943/44 was between one and two years; although it differed widely according to the place of deployment and to what group the prisoners belonged. Real improvements in the working and living conditions of concentration camp prisoners came only when the workforce was no longer replaceable, or it was very difficult to do so, because individuals were deployed according to employment qualification or in qualified jobs after an apprenticeship period.

In the summer of 1943, about 15% of the 160,000 registered prisoners of the WFHA camp were employed in camp maintenance and 22% were reported as unable to work. The other 63%, about 100,000, were distributed among the SS building projects, SS companies, as well as private companies. Still during the spring of 1944 the Armament Ministry, in the narrow sense, parted only from a figure of 32,000 concentration camp prisoners actually employed in the private armament industry. At the end of 1942 there were 82 external camp installations in the Reich territory; a year later there were 186. In the summer of 1944 this number climbed to 341; by January 1945 to 662. Given that the figures provided by the SS and by Speer's ministry were in part very different from each other, exact determinations are difficult.

3.

With regards to German Jews, the changeover to systematic forced labor could be noticed already by the beginning of 1939. Since then, Jews who applied for unemployment assistance were placed as auxiliary workers in "united work deployment" [projects] in accordance with decrees from the German work administration offices. Until the summer of 1939 the number of these - primarily male - Jewish forced laborers grew to approximately 20,000. They were employed particularly in street construction work, in improvement, canal and flood plain projects, and after the start of the war also in short-term snow removal or crop harvesting. During the course of the year 1940, the obligation to perform forced labor was extended to all German Jews able to work - women as well as men - independent from receipt of unemployment assistance. From then on the deployment took place primarily in industry.

However, since early 1941, at the latest, the efforts at forced labor by German Jews in the armament companies in the Reich territory competed with the goal of the German leadership to deport all Jews from Germany.

Even for the Jewish forced laborers deployed in the armament companies - about 50,000 in the summer of 1941 - the jobs, many of which had been classified as "crucial for armament," did not offer any guaranteed protection from deportation; rather, only a delay determined by the significance of their occupation to the armament economy. It is worthy of mention in this regard that the deportation of Jews employed in companies of importance to the war effort was justified by references to the fact that, after all, there were enough Poles or Ukrainians available as substitutes. This was a deciding factor in the decision to finally deport the "armament Jews" from Berlin who'd been spared at first. On February 27, 1943 Jewish armament workers in Berlin were seized at their work places and taken to deportation trains. Foreign civilian workers filled their jobs at the factory. On the 5th, 7th and 30th of March the arrival of the first transports of "armament Jews" from Berlin was registered at Auschwitz. Of the 2,757 deported Jews in these transports, 1,689 were killed immediately. In the summer of 1943 - with the exception of a few cases - there were no more Jews inside of Germany and thus no more Jewish forced laborers.

Similarly, although partly on a different time schedule, forced labor deployment developed in the countries occupied by Germany, particularly in East Europe. Above all, this can be understood particularly in light of the occupation of Poland.

The Jewish forced labor was imposed on the so-called "general government" already in October of 1939. After that, all Jewish males 14 to 60 years old had to perform forced labor in forced labor camps set up for that. It was accordingly the responsibility of the "Jewish council" to seize and distribute this workforce. Some weeks later, forced labor was extended also to Jewish women from 14 to 60 years old.

Originally though, the SS had planned to put all Jews in the "general government" to work in large forced labor camps. However, there were so many Jews employed de facto in free working relationships, that an abrupt change to camp imprisonment appeared barely possible from an organizational perspective. Nevertheless, the "deployment to work" of Jews would be increasingly concentrated in Ghettos, whose establishment at this point had not advanced very much.

Something else derailed the development in those parts of Poland that had been annexed to the German Reich. Here there was no general regulation of forced labor by Jews because of the dispositions of imperial law. The German measures had the general goal at first of "displacing" Poles, Jews, and Gypsies inside the "general government" for the benefit of those ethnic Germans coming from the Soviet Union, Romania and other areas and who would settle in the "Reich." In reality, however, the forced labor rules for Jews valid in the "general

government" were established in the annexed territories through decrees tied to the particular locality.

The work administration in the "general government" determined already in the summer of 1940 that Jewish workers freely employed should receive at most 80% of the customary wages received by Poles engaged in a comparable occupation. Many German companies or institutions then laid-off their Jewish workers, whom they had paid less or no wages at all before. However, this changed with the start of the systematic "final solution." The flight to jobs in the Ghettos called "shops," and the terrible situation of Jewish workers who had to fear being deported and murdered if their work performance was not satisfactory, made them increasingly more attractive for them as a workforce. The division into manufacturing sites important and less important to armament became ever more a life and death decision for Jewish forced laborers.

With the changeover to the priority of work deployment since the beginning of 1942, the contradictions became sharper: within the "general government" the dissolution of Ghettos and the deportation of Polish Jews to extermination camps began in March 1942. A portion of them however were taken to special work camps under SS and police direction, where they were deployed in construction projects and in armament production. For this, the SS set up its own companies in these camps, partly from the transferred production facilities from former Jewish companies. Significant conflicts arose from these measures, above all with the Wehrmacht, which was interested in keeping "its" Jewish workers in the ghetto workshops. However, the SS was only prepared to leave for the moment the Jewish workers in the armament companies, if the Jews would entrust the companies for work deployment as concentration camp prisoners under control of the SS.

On July 19 of 1942, Himmler ordered that until the end of 1942 all Polish Jews should be murdered. Only those Jews who were performing forced labor of importance to armament should be kept alive for the moment. However, those production facilities were to be successively given over to SS control and be combined into forced labor camps.

From then on, Ghetto by Ghetto was cleared out and the production facilities that had been built and employed tens of thousands of Jewish workers were shut down. The forced laborers were deported to extermination camps and murdered. Even the "East Industries," an umbrella company built by the SS itself in March 1943 that included all the individual work camps engaged in armament production, was closed just as these companies had increased their production in the fall of 1943. All 17,000 Jews employed here were grabbed out the factories and shot in the area close to Lublin in the days following.

In the occupied territories of the Soviet Union the situation was no different. After the first phase of mass executions in the summer of 1941 here too Jews were employed in work gangs and workshops. However, also in the time immediately following, and after the changeover in war economy since the beginning of 1942, the practice of extermination without consideration of the economic necessities was continued.

Only since the beginning of 1944, as the main political goal of National Socialism in regards to the Jews was reached, did a change happen during the final phases of the war, because of the dramatically sharper lack of workers. Jewish prisoners were then deployed as workers also in the Reich territory in SS-owned companies, in companies changed to operate underground and in private companies, primarily in heavy industry. Already in August of 1943 the top leadership of the regime had made the decision to allow production of the A 4 Missile, one of the so-called V-weapons, to take place in underground facilities with the help of concentration camp prisoners. At the year change from 1943 to 44 all over Germany production of importance to armament started to be moved to underground factories - mostly in caves or mine shafts - where they would be protected from bombing attacks. These projects, undertaken under enormous time pressure, had terrible consequences for the concentration camp prisoners involved in them. Already during the construction phase in the fall and winter of 1943/44 the death figures were immense. The easy replaceability of prisoners in jobs that were mostly technically easy, but physically demanding, the high time-pressure, the lack of nourishment and the imaginably poor living conditions were the causes of the high death rate, which only began to decline after the living quarters had been finished and the production began. Until then, however, the prisoners would be "worked-out" barely a few weeks after their arrival. Projects of this sort, in which tens of thousands, maybe even hundreds of thousands of workers on three daily shifts were used, could only be performed through the use of concentration camp prisoners, because only the SS still disposed of workforce reserves in such large magnitude. But even they were soon not enough to fulfill the tasks at hand, so in early 1944 the work deployment of Jews as well was discussed. Until then, the employment of Jews within the Reich had been expressly forbidden; after all, it was considered a success of the Reich's security office of the SS to have made the Reich "Jew-free." However, this was being changed now: Apparently based on a survey of the Todt Organization, which was primarily engaged in military construction, Hitler decided in April 1944 that for purposes of moving armament production and building large bunkers, "the close to 100,000 men needed would be brought from Hungary by making ready the appropriate contingent of Jews."

About 765,000 Jews had fallen in German hands through the occupation of Hungary in March of 1944; their deportation began on April 15th, during the course of which, until July, about 458,000 Hungarian Jews were taken to Auschwitz. From these, about 350,000 people were gassed immediately and 108,000 who appeared particularly able to work were sorted out for work deployment in the "Reich." Given that the stream of "foreign workers" in the meantime had almost totally dried up, ever more companies in the Reich had requested prisoners at the work offices, sometimes even directly at concentration camps, and were now also willing to employ Jewish forced laborers from the "Hungarian campaign." The prisoners coming to Auschwitz, among them quite many women, were now formally assigned to concentration camps in the "Reich" and distributed to the companies that had requested concentration camp workers.

The number of work brigades from the source concentration camp grew rapidly as of early 1944. By the end of the war there were some 660 external camp installations in the Reich territory; the list of German companies that built such external camp installations and who employed concentration camp prisoners became ever longer and included hundreds of renowned companies.

The working and living conditions of the prisoners were very different at the different companies. However, in general one can - with all due caution - assume that those who were themselves involved in the production of armament, had greater chances of survival than those prisoners who were deployed in the large construction projects, particularly in the construction of underground production facilities, as well as those engaged in production in caves and shafts once the company was moved.

If one finally attempts to summarize the total numbers of human beings pressed into forced labor by the authorities and firms of National Socialist Germany, one can provide precise numbers based on the records of the labor authorities only for the use of foreign civilian workers and prisoners of war: The maximum number of "Fremdarbeiter [foreign workers]" employed at any given time was reached at 7.6 million during the summer of 1944. In view of the enormous fluctuation, however, it is realistic to talk of about 9.5 to 10 million foreign civilian workers and prisoners of war, who were used for a longer or shorter period in Germany in forced labor. The number of concentration camp inmates, which were used for forced labor either in Stammlager or Außenlager of concentration camps overall, can hardly be estimated with any reliability. Between 1939 and 1945, a total of about 2.5 million inmates were sent to the concentration camps of what later turned into the Wirtschafts- und Verwaltungshauptamt [Economy and Administration Main Office] of the SS; of that number,

about fifteen percent were German and 85% foreigners; a conservative estimate of the number who died in these camps ranges between 836,000 and 995,000 dead; this does not include the camps Majdanek and Auschwitz, where in total about 1.1 million persons died, of which the vast majority were Jews.

One should assume that practically every concentration inmate was used for forced labor for short or long periods during the imprisonment, however in very different and changing ways. It is probable that less than half of the 200,000 inmates in April 1943 were used in the armament industry. At year-end 1944, the number of concentration inmates was about 600,000, of which 480,000 were actually designated as "able to work". According to the estimates of the Wirtschafts- und Verwaltungshauptamt of the SS, about 240,000 were used in the subterranean plants and the construction sites of Organisation Todt and about 230,000 were used in private industry.

The number of Jews, who were pressed into forced labor before or after their deportation, cannot be estimated with sufficient precision; particularly since this varied widely among the various European countries. During the summer of 1942, the number of Polish Jews squeezed into the Ghettos and the forced labor camps was about 1.5 million; it is certainly not an overstatement to assume that at least half of them were pressed into forced labor for a longer or shorter time period. The proportion of those who were selected out as "able to work" after they had been deported from the various European countries into the camps of the East was considerably smaller. Likewise, the numbers available for the territory of the Soviet Union give us only an approximate number.

During 1944, the foreign forced workers - civilian workers, prisoners of war, concentration camp inmates and Jewish workers - represented about a quarter of the total employment level within the Reich. This includes the use of forced labor by concentration camp inmates and Jews after 1942/43. Within this number, a significant contribution derived from the construction of subterranean production sites, particularly for the assembly of planes, during the final phase of the war.

To date it has been impossible to find a single large firm in the production sector which did not use foreign forced labor during the war. This applies fully to the civilian workers and the prisoners of war, whereas the concentration camp inmates and the Jewish forced workers were primarily requested by larger firms. The initiative for the use of forced workers of all categories always derived from the firm; if they did not ask for forced workers, they received none. Presumptions that the firms had been forced by the regime into using forced workers

are groundless and fail to recognize the character of the cooperative structure in the German labor administration during the war.

4.

The International Military Tribunal at Nuremberg, both in the main trials and the later proceedings against leading industrialists, SS officers and bureaucrats, centered on National Socialist policy toward foreigners and conditions in the concentration camps. One of the four principal charges against defendants in the bill of indictment was the "program of slave labor"--a formulation fuzzy both in terms of conception and the concrete facts. This was the major count on which Sauckel, Speer, the managers at Flick, IG Farben and Krupp and the top echelon at the SS Business Enterprises Office (the WVHA) were tried and convicted.

Nonetheless, there was never any real public debate in the Federal Republic on the whole question of the deployment of forced labor under the Nazis. By contrast, the mass deportations and massive forced labor program were often discussed in the media and public sphere abroad. Thus, the resounding international call for "reparations" after the end of the war was to a very particular degree aimed at compensating a specific group, namely the so-called "displaced persons." For the Jewish victims, that expectation for compensation was partially met as a result of the 1952 agreement concluded between the Bonn government, the state of Israel and the Jewish Claims Conference on the one hand and later West German legislation on indemnification on the other. That is also true for a certain number of the German concentration camp prisoners, where the courts recognized they had been victims of specific National Socialist wrongdoing and were thus entitled to compensation in accordance with West German law.

According to the basic principle of West German legislation on indemnification, any individual who was persecuted and suffered harm at the hands of the National Socialists for racial, political, ideological or religious reasons can claim compensation. Yet in practice, that principle has restricted: in the main, it has been applied to Germans and individuals who either now or in the past had some "spatial relation" to the territory of the Federal Republic or the former German Reich. In addition, there are requirements regarding various qualifying dates. It is true that a large portion of the total sum of some 100 billion D-marks paid out in connection with the Federal German Law on Compensation (Bundesentschaedigungsgesetz, BEG) has gone to persons resident abroad--yet only those who fulfilled the qualifying prerequisites mentioned. By contrast, the BEG does not cover claims raised by nationals of countries that were former enemy states. The upshot is that the largest groups of foreign

victims of National Socialism have been excluded from receiving compensation: namely foreign civilian forced laborers and foreign concentration camp prisoners, including those Jews who returned to one of the Eastern bloc countries after 1945. And then there are the former POWs. Right from the outset and down to today, there has never been any discussion of compensation, in accordance with international law, for them.

After the war, the central question in dealing with compensation claims by former foreign concentration camp inmates and forced laborers was: should they be classified as individual claims put forward by private persons or considered part of the demands for reparations made by the former enemy powers? Right from the beginning, just in view of the expected huge magnitude of such claims, the German side contemplated only a lump-sum payment for reparations, since in line with international law, claims deriving from the effects of war or occupation can be raised solely by one state against another. They cannot be brought by individuals against the former enemy. The relevant precedent cited in this regard was the Versailles Treaty, which had dealt accordingly with such claims.

The principal legal foundation for this view were the provisions on reparations in the international agreements concluded in the immediate postwar period, especially the Potsdam Agreement. The latter had divided the German assets set aside for reparations into a so-called "eastern estate" and a "western estate." The Soviet Union was to satisfy its reparations claims by removal of assets from the Soviet Zone of Occupation; in addition, it was to receive certain supplementary payments from the western zones. Furthermore, the Soviet Union was also to satisfy Polish claims by assets withdrawn from its zone of occupation. On August 16, 1945, the Provisional Polish Government declared its acceptance of this scheme. According to this legal view, nationals of a former enemy country were thus excluded from direct compensation and were dependent on payment from their own state. Those payments were in turn to be covered by the respective country from the sum of German reparations to be agreed upon. However, the Polish side in particular was opposed in principle to such an approach: right from the end of the war, it had argued for making a distinction between "individual indemnification" and "state reparations." Yet given the postwar historical situation, such legal reasoning had only secondary political importance: it was more a topic for specialists, and did not engage the broader public. Under the impact of the deepening East-West conflict, any consideration by the Federal Republic of claims by Polish or Soviet nationals was now out of the question. The unresolved issue of a divided Germany prevented the conclusion of a peace treaty for the foreseeable future--and thus likewise the working out of a final settlement on reparations. Moreover, the difficult economic situation in West Germany in the early postwar

period meant that in the eyes of the West Germans--and the Western Allies who were bent on strengthening the fledgling West German state--it appeared politically and economically absurd for the Germans to make any additional reparation payments, particularly in the light of experience after World War I and the lessons of Versailles.

In stark contrast, the Soviets continued to drain off further large-scale reparations from the Soviet Zone and latter GDR. Moreover, the Bonn government resorted to weighing wrongdoing on the scales: it countered Eastern demands based on persecution of the civilian population by the German occupiers during the war by pointing to the injustices perpetrated against the German population during expulsion from the Eastern territories. Although the political determination of Bonn to reject any such claims was thus clear, Bonn's legal support for this remained shaky as long as there was still no overall resolution of the question of reparations as a whole anchored in clearer agreements--and particularly some arrangement for settling the claims of former concentration camp inmates and foreign workers.

The favorable solution of this problem for the German side came about through a kind of back door, namely in the form of the London Debts Agreement of February 27, 1953. At the beginning of the 50s, the still unresolved question of debts owed by the German Reich was a major hurdle blocking the full reintegration of the West German economy into the international economic order. These included both prewar debts and financial liabilities to the Western powers, especially the United States, deriving from postwar economic aid. Bonn's credit-worthiness--and thus the prerequisite for West German economic recovery and growth as a whole--were bound up with reaching some settlement on this question. As early as March 1951, the Bonn government had declared its readiness to recognize these obligations. At the same time, it had pointed to its financial weaknesses and the staggering burdens the young republic was shouldering. Yet early on in preliminary discussions among the Western allies, the American position prevailed over the views of the French, and initially also of the British side. The Americans argued that in settling the question of debts owed, no demands should be included in the agreement that had their basis in the German conduct of the war or National Socialist occupation policy. In the negotiations, the Bonn government committed itself to covering the debts of the Reich by an agreed-upon overall sum to be paid out in annual installments, thus satisfying the international creditors. The total sum of 7.3 billion D-marks, spread out over 12 years, might be seen as a remarkable success for the German side when contrasted with the far higher initial figures that had been put forward by the negotiation partners. Since Washington was the main creditor in the London Debts Agreement, bilateral

payments over and beyond the sum agreed upon were unlikely, so that virtually all the Western and several Eastern creditor nations accepted the agreement.

The decisive stipulation in the London Agreement was patterned on stipulations in the Transition Agreement of May 26, 1952 and the Paris Reparations Agreement. Article 5 (2) stated:

" A review of claims deriving from World War II by states who were at war with Germany or whose territory was occupied by Germany, and claims by nationals of those states against the German Reich or against offices and individuals acting on its agency ... will be deferred until the final settlement of the question of reparations."

This article was the immediate consequence of the arguments repeatedly raised by the German delegation: they reiterated that the Federal Republic would be insolvent should further claims for reparation be made. But the Western allies, Washington in particular, also pressed for a stipulation that payment of debts was to have priority over all other claims. The American delegation rejected all attempts to obligate the German side to pay reparations to former forced laborers or others persecuted by National Socialism, especially persons from Communist Eastern Europe.

Significantly though, the Dutch delegation raised objections to the stipulations in Art. 5 (2). They argued that such a far-reaching regulation would also affect individual claims for indemnification by citizens of the Netherlands. The head of the Dutch delegation gave one example: the wage claims of former Dutch concentration camp inmates against their German employers, such as IG Farben. He stated that the Dutch government "wished to arrive at an agreement with Germany regarding this. It did not want to defer the matter until final settlement on reparations as based on the formulation in the London Debts Agreement." The heads of the delegations from the three Western allies and the Federal Republic were clearly against this Dutch initiative. Once again, they cited the financial weakness of the Federal Republic and the priority of debt claims by the Allies over all other questions of reparations. This attempt by the Dutch delegation is so significant because it points up that all participants, especially the Germans, were well aware what was at stake here: namely the need to stave off any claims raised by former concentration camp inmates and civilian forced laborers against German offices.

The settlement of debt payment itself as the core of the London Agreement has long since been concluded. It was evident after only a few years that given the overall economic upswing in the Federal Republic, the financial obligations of Bonn consequent from the agreement were far less weighty than the initial fears voiced in discussion with the parties to the

agreement. On the contrary, after a few years Bonn was pleased it was able to reduce its dangerously high level of foreign currency reserves by means of repayment of debt ahead of time. Yet the innocuous-sounding formulation in Art. 5 (2)--the temporary deferment of the review of reparation claims--had, due to the absence of a final peace treaty, become a permanent arrangement: nothing less than the settlement of all claims for reparations deriving from World War II and at the same time the basis for rejecting all claims for compensation by former foreign concentration camp inmates and Fremdarbeiter--which is to say the overwhelming proportion of all the victims of National Socialist persecution.

However, the staving off of all reparations claims by foreign victims of Nazi persecution anchored in the London Agreement relates not only to claims based on persecution personally suffered. It also encompasses all claims to back wages by former forced laborers. According to the Hague Land Warfare Convention, the occupying power is obligated to pay immediately in cash for any work performed by the inhabitants of occupied territories. Now since concentration camp inmates were never paid any wages whatsoever and civilian forced laborers, especially those from Poland and the Soviet Union, were paid far far less than German workers (and in practice frequently nothing at all), the objection raised by the Dutch representative called attention precisely to this delicate point glossed over in the London Agreement.

Furthermore, there is a second important relevant agreement worth mentioning in this connection. On August 22, 1953, the Soviet Union declared its intention to dispense with any further withdrawal of reparations from its zone (the SZO/GDR) and "in agreement with the government of the People's Republic of Poland (in respect to their portion of reparations), to completely terminate the withdrawal of reparations from the German Democratic Republic in the form of shipments of goods or in any other form, effective January 1, 1954." From the West German legal perspective, Poland and the Soviet Union had, by this declaration, effectively waived all claims to reparations respective to Germany AS A WHOLE, including any claims by individuals.

Bolstered by this agreement, all claims for compensation directed to Bonn by former camp inmates and Fremdarbeiter from abroad were dismissed without exception: it was argued that these were claims for reparations; and all such claims had either been deferred in accordance with the London Agreement or were now invalid as a result of the waiving of further reparations claims by Poland and the Soviet Union. Moreover, down to 1965, Federal German legislation on indemnification explicitly excluded claims by nationals of states with which the Federal Republic had no diplomatic relations.

Along with this basic legal position, there were nonetheless several legal cases brought before the courts pertaining to the problem of payment of wages, the liability of private firms and the validity of stipulations in the London Agreement after fulfillment of its obligations. The question of wages withheld was conclusively decided by the Federal Supreme Court in a ruling handed down on February 26, 1963: the claim of a Polish concentration camp prisoner for back payment of unpaid wages for the forced labor he had performed was rejected, citing the London Debts Agreement in support. It was argued that the rejection of the demands by the Dutch representative during the London negotiations meant "that the intention of Art. 5 was not only to protect the Federal Republic qua state, but also to protect its economy and currency."

Yet to what extent did this affect private firms? After all, it was quite conceivable that foreign concentration camp prisoners and Fremdarbeiter would file civil suits directly against armaments firms where they had been deployed as forced laborers. These demands were likewise dismissed: the firms had to be regarded as persons acting in the "agency of the Reich." Because "with allocation of forced laborers, the government entrusted the 'quasi-employers' ... with the shaping and implementation of the relation of control by force that existed between workers and the state. ... The 'quasi-employers' functioned as auxiliary organs of the state administration of prisoners." That view is certainly hard to defend in the light of historical research; yet the decisive point here is that it prevailed.

The upshot of this interpretation was that former foreign forced laborers or concentration camp prisoners were unable to raise legal claims either for payment of back wages or for reparations by the firms where they had been employed in wartime. If you bear in mind the fact that in 1944, approximately one third of all those employed in the German armaments industry were foreign civilian workers and POWs--and that in numerous firms, foreigners made up far more than 50 percent of the work force-- the significance of this legal view, which became increasingly more accepted, should be evident.

Only the Claims Conference, exerting enormous political pressure, was successful in obtaining reparations payments from several large firms, such as IG Farben, Krupp, AEG and Siemens. These were lump sums, expressly declared to be voluntary and legally non-binding, set aside to indemnify Jewish camp inmates who had been deployed there as forced laborers. Yet the firms explicitly excluded claims by non-Jewish concentration camp inmates (with the exception of the settlement reached with IG Farben in liquidation in 1958) as well as demands by civilian and POW forced laborers.

But even the very small number of former forced laborers who met the requirements stipulated in the BEG were excluded from compensation. Why? Because forced labor was not viewed by the German authorities as a form of "typical Nazi wrongdoing." The final legal interpretation pertaining to the status of forced laborers was handed down by the Federal Supreme Court in a ruling on December 7, 1960. A Polish worker had been arrested during the war and sent to Germany for forced labor. Initially he was deployed as a forced laborer on a farm in Allgaeu. Later the man was sent to the concentration camps Dachau, Buchenwald and Dora, where he worked in forced labor. The Federal Supreme Court rejected his claim for compensation. The judges argued that when it came to recognizing an entitlement to reparations, the motives of the persecutors were crucial. Yet in his case, it was not "typically National Socialist" reasons of persecution which had led to his deportation to Germany. Rather, the decisive factor had been the "labor shortage" in the Nazi Reich. The court argued that the key motive in the thinking of the labor deployment authorities had been "solely to recruit new workers to bolster the German economy, particularly the armaments industry." Moreover, the fact that the Pole in question had been imprisoned in a concentration camp should, the court contended, not be regarded as persecution for reasons entitling the person to reparations.

"Rather, everything suggests that the plaintiff had been deployed as a forced laborer in an armaments firm attached to the concentration camp Dachau, and later in the assembly of V-1 rockets in the "Dora" plant near Nordhausen, for one reason only: namely because he was a skilled mechanic who was needed in the armaments industry. Subsequently, any former forced laborer who submitted a claim for reparations to the German authorities received a standard reply from the Federal Administrative Authority informing the person that his deployment as laborer ... constituted part of various measures to remedy the shortage of labor as a result of the war, a measure that affected persons of all nationalities. After careful consideration by the court, we believe the conditions of work mentioned by the plaintiff are attributable to the general deterioration in living conditions during the course of the war. Hence, the claim had to be rejected."

Yet what if the object of the London Agreement--namely the settlement of outstanding debts--was subsequently invalidated because creditor demands had been met? From the early 1960s on, that appeared likely in the foreseeable future. Since, due to the lack of a peace treaty, there had been no settlement of the question of war reparations, it could be argued that the corresponding paragraph in Art. 5 deferring a review of claims might lose its justification and thus validity. Yet that too was disputed. The reply to all those who "repeatedly attempted to

raise claims regarding war debts, especially accruing from forced labor" was that "even after settling all obligations deriving from the agreement on debts, the stipulations regarding war claims would still be valid."

This line of argumentation for the view professed by the leading commentator on the London Agreement, Gurski, an official from the Federal Finance Ministry, is revealing. According to its preamble, the aim of the London Agreement was "to contribute to the development of a flourishing community of nations. Normal economic relations on the part of the Federal Republic within such a 'flourishing community' are conceivable only if domestically there is a secure standard of living and social services." Only by staving off potential claims in keeping with Art. 5 of the Agreement had it become possible for the Federal Republic to "participate in efforts for the defense of the free world, and later in developmental aid." This tack of argumentation was also pursued in respect to payments in accordance with the BEG and the agreements with Israel and the Claims Conference. If one were now to take the claims of former camp inmates into consideration as well, the goal of a "flourishing community of nations" as a prerequisite for these payments would be at risk. That also was true when it came to claims against private firms because such demands would be so onerous that it would result in a loss of tax revenues. This in turn harmed the state and hence was detrimental to the "flourishing community of nations."

On December 10, 1953, shortly after the first federal BEG became law, the Allied High Commission complained to the government in Bonn that according to this law, nationals of West European countries who had suffered persecution at the hands of the National Socialists were excluded from any compensation. One year later, the Allies stated that "the chief example" of this were the "forced laborers or concentration camp inmates with French passports who had been deported from France and subjected to inhuman treatment in the Reich." Referring to the London Debts Agreement, the representatives of the Bonn government argued that this was clearly a problem of reparation law; moreover, the potential financial burden deriving from this for the Federal German government was excessive. Representatives of the three Western powers took a different tack. In their view, the wrongful acts under discussion here perpetrated by the Nazi regime could not be considered measures of war; consequently, no settlement of reparation claims was involved. The second law on reparations passed in 1956 likewise contained no reference to victims of Nazi persecution from Western Europe. In June 1956, the Bonn government, which had evidently underestimated the importance of this question for countries in Western Europe, found itself confronted with similarly worded notes from eight West European governments: these

demanded compensation for nationals from these countries who had been persecuted by Germany during the war (in legal jargon, "persons from the West who were victims of persecution," Westverfolgte). These demands were dismissed both in German public opinion and by the Bonn government. Yet ultimately Bonn declared its willingness to enter into individual negotiations with the intervening powers regarding these claims, albeit with the proviso that given the clear and unequivocal position of the law, all that could be possibly negotiated were voluntary payments by the Federal German government--not obligations by Bonn under the terms of international law.

In the context of these global reparations treaties with 11 Western European countries, Bonn agreed to lump-sum payments amounting to 876 million D-marks. France was to receive almost 400 million, or nearly half the total amount. However, it was obvious that these treaties could not exclude similar claims brought by states in the Eastern bloc, particularly Poland. Yet the entire issue remained a non-starter as long as Bonn had no diplomatic relations with Poland and the prevailing climate between East and West remained unchanged. Only after this freeze began to thaw did Poland's long-standing demands for compensation for Polish concentration camp prisoners and forced laborers take on renewed political importance. The juridical basis for these claims was the difference long stressed by the Polish side between reparations settlements between sovereign states on the one hand, and the personal claims of individual victims on the other. This controversy remained a heavy burden troubling German- Polish relations in the subsequent period. Here too ultimately, a temporary compromise was found which made it possible to eliminate this impediment to German-Polish reconciliation--and to do so without official recognition of the legality of Polish demands by the Bonn government. During the Helsinki Conference on August 1, 1975, Federal Chancellor Helmut Schmidt concluded an agreement with the Polish head of state Gierek that fulfilled these conditions: Bonn granted Poland a loan of one billion D- marks with favorable terms. At the same time, an agreement was reached on the mutual recognition of pension claims, as a result of which Poland received another 1.3 billion D-marks. As a counter gesture, Poland agreed to permit some 120 to 125 thousand ethnic Germans to emigrate to Germany over a period of four years.

Though the granting of the loan can be viewed as a form of "indirect reparations," it is a different picture in the case of the agreement on pensions. Due to the pension deductions paid in by Polish forced workers in Germany during the war, a settlement of pension claims by individuals, possibly geared to the standard amounts for German pensions, would have turned out to be far more costly. Immediately after the agreement was concluded, the Polish

government introduced a sizable increase in the pensions of former concentration camp inmates in order to show demonstratively just how such funds would be used. Nonetheless, these treaties remained controversial both in Poland and Germany, due to the fact that many former victims of National Socialism in Poland viewed these agreements as signaling the loss of their right to a personal claim for indemnification.

Thus, the Federal Republic paid out a total of 876 million D- marks to Western countries in connection with compensation claims from concentration camp inmates and forced laborers. Along with the agreement on pensions, which was basically favorable financially from the standpoint of the Federal Republic, Bonn also granted a "soft" loan with attractive terms to Poland amounting to 1 billion D-marks. Compared with payments to Nazi victims based on the BEG, this was comparatively small change. And the basic legal position of each and every administration in Bonn remained unaltered: namely the rejection of all individual claims by foreigners, citing in support the London Agreement on Debts, particularly if such claims were founded on alleged persecution as a result of deportation or forced labor.

That changed when the prerequisites of the London Agreement melted away along with the division of Germany and an arrangement was worked out in the Two-Plus-Four Accord tantamount to a peace treaty. In order to contain the probable and quite substantial consequences--the question of compensation for forced labor had played a significant role in negotiations on Two-Plus-Four--Bonn concluded an agreement with the CIS states of the former Soviet Union and with Poland for a one-time payment of 1.5 billion D- marks. Of this, Poland was to receive 500 million and the other CIS states one billion marks. These monies were to be used to provide compensation to victims of National Socialist persecution. Corresponding foundations were then set up in these countries to distribute these funds. However, during these negotiations, Bonn stuck to its view that forced labor was not a typical form of Nazi wrongdoing that entitled its victims to compensation. The Bonn government was determined not to give up the legal position it had always adhered to; it was concerned to avoid opening the door to further demands by forced laborers from other countries.

By contrast, private firms remained adamant in their dismissal of claims by former forced laborers. Down into the 1980s, the topic was rarely discussed in public. Only later in that decade, and then with greater intensity as Germany entered the 1990s, were German firms confronted with increased demands by former forced laborers for compensation. The argument advanced was that the government had already done much as a result of the BEG, the lump-sum payments to Western countries, the loan to Poland and payments in line with Two-Plus-Four--yet the private firms had done precious little, aside from payments made by

four enterprises to Jewish prisoners in the 1950s. This did not begin to change until the initiatives by Volkswagen and Daimler in the late 1980s, though only few firms have to date followed suit. The companies continue to reject inquiries or claims from former forced laborers, pointing to the London Debts Agreement, the February 1963 Supreme Court ruling-- or simply dismissing such claims out of hand.

However, that legal position was shaken by the rulings in various lower courts and then by the Federal Supreme Court stating that the Two-Plus-Four Accord was tantamount to a peace treaty, thus eliminating the legal basis for exclusion of forced laborers from possible indemnification and rejection of their claims. In response, various organizations of former forced laborers in the United States and Europe sought legal counsel and instituted law suits against German firms. Soon after taking office, the Schroeder government declared its commitment to making sure that such compensation would be made available, and those talks began whose auspicious conclusion we should hopefully now witness within a few days.

While these lines are written, the compensation talks between German companies and the organization of the victims were closed successfully. It would indeed be a gratifying development if, despite all the adversity and setbacks, it can still prove possible to accord these individuals, who had to suffer such a heavy fate, a modicum of at least partial satisfaction, both materially and symbolically, as the 20th century draws to a close.

1 This short outline presents an overview on the main facts and problems. I abandon on footmarks, because they would either be too few or too many, or both. The essay is based on my books and articles on these topics. A selected and slightly commentated bibliography at the end of this essays gives hints for further reading.

2 Based on: Der Arbeitseinsatz im (Gross-) Deutschen Reich, Jahrgang 1939-1944, qualifying date, 5/1 of each year, including only civilian workers and POWs, who were enlisted within the German Reich.

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