Forced Laborers in the Third Reich: An Overview

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Abstract

In 1944, more than eight million foreign forced laborers were employed in the German war economy inside the Reich. This essay investigates the origins, character, and effects of the employment of foreigners on the German war economy. The principle characteristic of this employment of foreigners was the contradiction between the economic interest in exploiting as many foreigners as possible and the ideological principles of National Socialism, which sought to protect the *Volk* from mixing with "foreign blood." From this contradiction there developed a rigidly hierarchical racist system for the treatment of forced laborers. Without the use of foreign labor, the agricultural and industrial production of Germany would have collapsed in 1942 at the latest. The German war economy therefore had no choice but to depend on the employment of millions of forced laborers. The second part of this essay traces the history of the refusal to offer compensation to the former forced laborers from 1945 to 1999. Two factors are most important in explaining this refusal. First, the German government tried to represent forced labor as an atypical Nazi injustice and thus to avoid compensation. Second, the West, above all the United States, opposed allowing any payments to the states of the eastern bloc during the Cold War. With the reunification of Germany and the Two-Plus-Four Accord, these efforts and interests collapsed.

The enlistment of millions of workers into forced labor during the Second World War was one of the essential characteristics of National Socialist work policy, in Germany itself as well as in all of German-occupied Europe. The term "forced laborer" encompasses several groups faced with partly different working conditions. However, all were denied the ability to freely leave or seek their employment and employers. In addition, all were subject to legal or administrative regulations that, linked to particularly poor social conditions, denied them any right to protest. The term "forced labor" must therefore be clearly distinguished from the temporary or permanent working conditions under which German citizens of the Reich could be placed, which should be considered a draft rather than forced labor.

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

[1]This short outline, based on my books and articles on these topics, presents an overview of the main facts and problems. I have abandoned footnotes because they would either be too few or too many. A selected and slightly commentated bibliography at the end of this essay provides suggestions for further reading.

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foreign civilian workers were brought into Germany between 1939 and 1945 for *Arbeitseinsatz* (labor use). Colloquially called *Fremdarbeiter* (foreign workers), they were by far the largest of the groups listed here. Second, foreign prisoners of war (primarily from Poland, the Soviet Union, and France) 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 Axis and who were brought to Germany as forced workers. Third, there were the inmates of the concentration camps of the Schutzstaffel (SS) within the territory of the Reich. Fourth, European Jews were forced into labor for shorter or longer periods in their home countries, but significantly also after their deportation in ghettos, forced labor camps, or branch camps of the concentration camps (initially in Poland), and, after 1944, increasingly within the territory of the Reich itself. What will not be discussed here, except in the case of the Jewish forced laborers, is the enlistment of inhabitants of countries occupied by the Wehrmacht into forced labor outside of the concentration camps in said countries.

I will begin with the use of civilian forced workers and prisoners of war (POWs), followed by short surveys of the use of Jews and concentration camp inmates as forced workers. I shall finish with some remarks on the development of the compensation problem from 1945 until today.

Civilian Forced Workers and POWs

The National Socialist "deployment of foreigners" between 1939 and 1945 was the largest use of foreign forced labor since the end of slavery in the nineteenth 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 Reich, largely brought there by force for work deployment. They represented, at that point, about one-fourth of all registered workers in the entire German economy. The deployment of these foreigners was neither planned nor prepared for prior to the start of the war by the National Socialist leadership.

Germany faced three obstacles preparing for an armament economy during the war: currency, raw materials, and work force. For currency and raw materials, there was a ready 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 economic needs were complicated by security policies and ideological factors. The Reich lacked some 1.2 million workers and was expected to need more after the start of the war.

There were two possibilities. Either one employed (as in World War One) German women in the economy on a large scale, or one imported workers from the countries that would be conquered. However, the regime leadership initial-

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ly rejected both options. On the one hand, the draft of German women during World War One had led to considerable inner political destabilization and dissatisfaction. Moreover, it was at odds with the aims of National Socialist social policies for women. On the other hand, bringing millions of foreign workers into 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 German blood. After the war started, National Socialist leaders opted for the deployment of foreigners as a lesser evil than drafting German women because they believed that potential dangers could be more easily managed through the use of repressive means.

Close to 300,000 Polish prisoners of war had fallen into German hands and were quickly brought to work, mostly in agricultural operations. At the same time, an increasingly intense recruitment campaign for Polish workers was begun. By early 1940, the so-called "General Government" captured workers through yearly drafts, collective repression measures, raids, and round-ups at movie theaters, schools, and churches. By May 1940, more than one million Polish workers had been brought to the Reich in this fashion.

The regime leadership still felt that the "deployment of Poles" violated the racial principles of National Socialism. According to Heinrich Himmler in February 1940, the national political dangers that would arise from this were to be combated with appropriately sharp measures. An extensive system of repressive regulations was developed against the Poles: They had to live in barracks, although in practice this immediately proved to be unenforceable in rural areas. They received lower wages. They were not allowed to use public facilities nor to attend German religious services. They had to work longer hours than Germans and were forced to wear a badge, the "Polish P," sewn onto 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 that at least half of the Polish civil workers recruited had to be women.

For the German authorities, the experiment with the "Polish deployment" model was a general success. 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-tiered society based on a hierarchy of "racial" criteria. However, by May 1940 it was impossible to overlook the fact that even the recruitment of Poles would not satisfy the German economy's work-force needs. Therefore, during and directly after the "French campaign," slightly more than one 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 for these groups regarding treatment, payment, accommodations, and so forth that were markedly more favorable compared to those for Poles. Thus a multitiered national hierarchical system was created. The so-called "guest workers" from al-

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lied Italy together with the workers from northern and western Europe were placed on top while the Poles were placed at the bottom.

Until the summer of 1941, the largest number of foreign civilian workers and prisoners of war were employed in agriculture. At this time, foreigners did not play any significant role in industrial concerns. Industry was far more intent on quickly getting its German workers back from the military after the conclusion of the *Blitzkrieg*. The ideological reservations against expanded deployment of foreigners were also widespread within the Nazi party and among authorities. As a result, the number of foreigners was frozen at the level reached in the spring of 1941—just short of three million. This policy worked as long as the Reich relied on a strategy of short campaigns.

However, after the fall of 1941, the German army experienced its first defeat in Moscow; there could no longer be talk of a *Blitzkrieg*. The German armament industry would have to adjust itself to a longer, drawn-out war while significantly expanding its capacity. It could no longer count on soldiers returning home. On the contrary, a massive draft wave now siphoned off the work force at the armament plants that had been protected up until now. The resulting labor shortages could not be filled solely by workers from western European countries. Only the deployment of a work force from the Soviet Union could bring further, effective relief.

However, the work deployment of Soviet civilians or POWs in the Reich had been expressly ruled out before the start of the war. The Nazi party leadership, the Reich's security office, and the SS had voiced opposition to any employment of Russians in Germany on "racial" and security-policy grounds. (Aside from the employment of Poles, the ideological principles of the regime had prevailed.) Furthermore, the belief in certain victory was so prevalent in most of the government agencies involved in preparations for the war and in the economy that such a deployment was thought unnecessary. There were also strong reservations within the German population against a "Russian deployment," which intensified after the first newsreels of the war in the Soviet Union. As a result, millions of Soviet POWs were left in massive camps behind the German eastern front. More than half of the 3.3 million Soviet prisoners of war who fell into German hands by the end of 1941 starved, froze, died of exhaustion, or were killed. In total, by the end of the war, 3.5 million of the almost 5.7 million Soviet prisoners of war in German custody lost their lives.

As the military and the war-economy situation of Germany quickly changed, new economic pressures led to the employment of Soviet prisoners in November 1941. 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. Of more than three million prisoners, only 160,000 had gone to work in the Reich by March 1942. Therefore Soviet civilian workers had to be recruited on a grand scale. The rapid acquisition of that many workers became the task of Fritz Sauckel, the General Plenipotentiary for Work Deployment. Sauckel was

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appointed in March and carried out his duty with efficiency and brutality. In a little less than two and a half 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.

In *Kalkulierte Norde* (Hamburg, 1999), an extensive study of German economic and annihilation policies in White Russia, Christian Gerlach distinguishes a number of different methods for recruiting workers 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. Increasingly, authorities had to rely on more severe measures such as arrests, beatings, and arson. Workers were forcibly conscripted through raids and manhunts, in conjunction with large-scale operations against partisans, by combing through industrial firms, or by placing obligatory quotas on local administrative authorities. Workers were also conscripted during the forcible transfer of the local population (or a portion of it) in conjunction with Wehrmacht pullbacks, especially from 1942 on. As recruitment intensified, the German authorities began to conscript ever younger forced laborers. In 1943, for example, the General Commissioner's Office for White Ruthenia recruited girls between the ages of sixteen and twenty-two 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 ten and fourteen years old, and 5,390 were below the age of ten.

Using such methods, the German authorities succeeded within a short time in bringing huge numbers of laborers from the Soviet Union to the Reich. 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 twenty years, so many were far younger. In addition, in 1942, some 450,000 Soviet POWs were deported to the Reich for forced labor. By the end of 1942, there were more than 1.7 million Soviet civilian forced workers and POWs working in German firms. Most of these workers were deployed in industry, then staggering under the constantly mounting pressures for increased output since the strategic shift in the winter of 1941 to 1942 to a long war of attrition.

Accompanying the influx of foreign workers was the creation of an extensive system of camps inside the Reich, both in the large cities and in the countryside. In Berlin, there were some five hundred camps; throughout the entire Reich, probably in excess of twenty thousand.

The living and working conditions of the various groups of foreigners continued to be differentiated according to a strict national hierarchy. The workers from occupied western territories and from so-called friendly countries had to live primarily in camps, but they received about the same wages (at least in theory) and food rations as Germans in comparable positions and were also subject to the same working conditions. In contrast, the workers from the East (*Ostar-*

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beiter) were in significantly worse conditions. Their wages, calculated on the basis of special rates, amounted to roughly twenty percent of the wages for comparable German workers. Moreover, wages for eastern workers were often paid out in camp scrip, and thus had little monetary value for the workers. Polish workers were also subject to a special fifteen percent tax, the "Polish contribution." This was introduced by the German work authorities to compensate for the fact that Poles were not drafted into military service, as were Germans. By far, the wages of Soviet workers were the lowest, at least forty percent lower than those of Germans and other foreign workers. In fact, many companies did not pay Soviet civilian workers any wages at all and considered them "civilian prisoners." The rations for Soviet civilian workers were also meager; often these workers were totally undernourished and unable to work within a few weeks of their arrival.

The living conditions of the Soviet civilian workers and POWs were regulated down to the smallest detail by a comprehensive package of rules and ordinances. They lived in closed, sexually segregated residential camps enclosed by high fences or barbed wire. The families of eastern workers were housed together. However, those unfit to work (children under fifteen and pregnant women) were deported back east. Pastoral care was strictly forbidden. There was a prohibition on free movement and leaving camp except for work. Even letters were restricted to two per month. Leisure-time activities were tightly controlled by the German Labor Front. Laborers were sometimes rewarded with outings, but accompanied by German personnel.

Camp commanders were appointed by the political counterintelligence officer at the plant, although Russians were used as agents and senior camp prisoners (*Lagerälteste*, the top camp functionaries). In the case of disobedience, ruthless use of force was sanctioned, including firearms. A special penal system operated in the camps and firms. Penalties included fatigue duty, assignment to a penal labor gang, cancellation of warm meals for up to three days, confinement for up to three days, and 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.

A commission delegated by the Economic Staff East inspected various camps operated by large companies in the Ruhr, summing 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. . . . [W]e 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."

Working conditions for the eastern workers were also terrible. Workers

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marched the daily path to the factory in formation and under guard and continued to be watched over at work by plant guards, professional security personnel, and German workers employed as auxiliary plant guards. Male security personnel also guarded female Russian workers. The authorities tried to prevent any sense of solidarity from emerging between Germans and Russians. Eastern workers were required to display a distinctive badge (marked OST) on their clothing and labor was organized as much as possible in segregated work details. Moreover, for the most part, Soviet forced laborers, both men and women, were assigned especially heavy, dirty, or dangerous work—jobs that German workers and the more privileged *Fremdarbeiter* from western and northern Europe did not like or want. As a rule, *Ostarbeiter* worked ten to twelve hours a day. It was common practice to have two shifts of twelve hours each. The working and living conditions of the Soviet laborers in mining were particularly poor and remained so until the end of the war. The physical condition of these Soviet miners deteriorated so badly that it began to affect their productivity. By the end of 1942, about one in every six Soviet miners was unfit for work, and the average output of the others was thirty-seven percent of that of their German counterparts.

Although Soviet forced laborers remained at the bottom of the national hierarchy, there was considerable variation *among* them; 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, but even within agriculture the differences in treatment and nourishment were spectacular, particularly after the end of 1942. Within the industrial sector, too, there were striking differences in treatment and diet, especially after 1942. This suggests that individual firms were granted considerable discretion and leeway for action. The poor working conditions of workers from the Soviet Union can therefore not be explained solely on the basis of the binding regulations set down by the authorities.

Overall, however, effective improvements in the living conditions of eastern workers came in great measure only after the defeat at Stalingrad in early 1943. A comprehensive campaign to improve performance was begun; the size of food rations was linked to work performance and comprehensive qualification measures were introduced. Through this it was actually possible to significantly improve work performance. However, employment in more qualified jobs threatened to affect the relationship between Germans and foreign workers. Everything possible was therefore done in the regulations of the corresponding authorities to assert the privileged position of German workers with respect to that of foreigners, in particular, the Russians. Germans continued to have principally supervisory positions with respect to the eastern workers. In some companies, German workers who would be trained by eastern workers were given even the function of auxiliary police. 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. Nevertheless, the

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four-tiered staggered wage system continued to reinforce the privileged position of German workers.

The deployment of foreigners in Germany became an obvious part of daily life during the war and, in light of Germans' 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. Of these, 2.8 million came from the Soviet Union, 1.7 million from Poland, and 1.3 million from France, but there were people from almost twenty European countries deployed to work in the Reich. More than half of the Polish and Soviet civilian workers were women, less than twenty years old on the average; the typical forced laborer in Germany in 1943 was an eighteen-year-old school girl from Kiev. Of those employed in the Reich, 26.5 percent were foreigners. Forty-six percent were in agriculture, almost forty percent worked in industry, and about fifty percent of which were in the specialized armament industry. Up to eighty or ninety percent were employed in individual companies with a large percentage of unskilled labor.

The employment of foreign forced laborers was not limited to large companies but extended to the entire economy—excepting administration. Foreign forced laborers worked in small farms, small metalworking shops, the Reich railroad, the communes, the large armament plants, and many private homes that employed one of the more than 200,000 Russian maids who were especially prized because they were cheap. 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. On the contrary, several hundred thousand Germans were directly involved in the organization of foreign labor deployment, working in an array of functions, from camp cook to supervisor for foreign laborers in a factory. Foreign forced labor was literally on the Germans' very doorsteps, around the corner, and down the street.

The National Socialist program of enforced foreign labor can be 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 relative 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. Discrimination against 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 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

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victory and an end to the war: namely, the installation throughout the conquered continent of a hierarchical National Socialist society founded on racial criteria.

Concentration Camp Inmates as Forced Workers

By the beginning of 1944, it appeared that even considerable numbers of foreign forced laborers would no longer be 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 eased. As a result, 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 since 1938 (primarily stone quarries, brick-making factories, and repair workshops) where close to all prisoners were forced in some way to labor, the character of the work remained punishment, "education," or "revenge." Prior to 1939, but more strongly thereafter, it took the form of extermination, especially in regard 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 SS increasingly attempted to use the concentration camps as an economic factor. 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. The aim was to make production for armament the primary task of concentration camps. However, the concentration camps were not set up for such a quick change, nor was there enough economic expertise in the newly established SS central organization for the Main Office for Economy and Administration (WVHA in German) to transform concentration camps into large-scale armament factories. Added to that was the difficulty of converting concentration-camp guard squads to the task of work deployment following the practice exercised for many years where a human life in the concentration camp did not count. In April 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—more than sixty percent. The value of armament production at concentration camps in 1942 was on average about 0.002 percent of total production. A private company needed only seventeen percent of the work force

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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, the concepts of punishment and extermination still prevailed rather than those of work and productivity. This was primarily because the mass deportation of Soviet workers to Germany that was taking place at this time alleviated any pressure to employ concentration camp prisoners for reasons of war economy.

Only on September 22, 1942, did Adolf Hitler decide, at the suggestion of Armament Minister Albert Speer, that 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. In this way, the principle of loaning concentration camp prisoners to private industry was established, which would determine from then on the work deployment of concentration camp prisoners. Following this "decision by the Führer," the work deployment of concentration camp prisoners within existing industrial companies was increased. 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. Afterwards, 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 six Reich marks (RM) per day for skilled workers and four RM for auxiliary workers and women. At the same time, the SS-owned companies in the Reich began to shift heavily toward the production of armaments.

In order to expand the production of armaments, the WVHA sought to increase the number of prisoners in as short a time as possible. In seven months, the size of the work force in all concentration camps climbed from 110,000 (in September 1942) to 203,000 (in April 1943). The number of prisoners had already grown to 524,268 by August 1944 and then to over 700,000 in the beginning of 1945. The death rate for prisoners was still extraordinarily high and only began to drop in the spring of 1943, from 10 percent in December 1942 to 2.8 percent in April 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 1943, more than 60,000 prisoners died in the concentration camps, even as the relative death rate declined. From 1943 to 1944, the average length of time during which prisoners were fit to work—and with it their life span—was between one and two years, although it differed widely according to the place of deployment and the group to which the prison-

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er belonged. Real improvements in the working and living conditions of concentration camp prisoners came only when the work force was no longer replaceable or when it was very difficult to do so because individuals were deployed according to employment qualifications or in qualified jobs after an apprenticeship period.

In the summer of 1943, about fifteen percent of the 160,000 registered prisoners of the WVHA camps were employed in camp maintenance and twenty-two percent were reported as unable to work. The other sixty-three percent, about 100,000, were distributed among the SS building projects, SS companies, and private companies. Still, during the spring of 1944, the Armament Ministry 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 eighty-two external camp installations in the Reich territory. A year later, there were 186. In the summer of 1944, this number climbed to 341 and then to 662 by January 1945. As the figures provided by the SS and by Speer's ministry were in part very different from each other, exact determinations are difficult.

Jews as Forced Workers

With regard to German Jews, the changeover to systematic forced labor could be noticed by the beginning of 1939. By 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. In 1940, the obligation to perform forced labor was extended to all German Jews able to work—women as well as men—independently of receiving unemployment assistance. From then on the deployment took place primarily in industry.

However, by 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 protection from deportation. At best, they provided a delay determined by the significance of their occupation to the armament economy. The deportation of Jews employed in companies of importance to the war effort was justified by the fact that there were enough Poles or Ukrainians available as substitutes. This was a weighty factor in the decision to finally deport the "armament Jews" from Berlin who had 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 March 5, 7, and 30, 1943, the arrival of the first transports of "armament

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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—save for a very few exceptions—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 eastern Europe. Above all, this can be understood in light of the occupation of Poland. Jewish forced labor was imposed on the so-called "general government" already in October 1939. After that, all Jewish males aged fourteen to sixty had to perform forced labor in camps. It was the responsibility of the Jewish Council to seize and distribute this work force. Forced labor was later extended to Jewish women aged fourteen to sixty. Originally, the SS had planned to put all Jews under 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 work deployment of Jews would be increasingly concentrated in ghettos, the establishment of which had not advanced very much at this point.

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 at first had the general goal 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 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 freely employed Jewish workers should receive at most eighty percent 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. This changed with the start of the systematic "final solution." The flight to jobs in the ghettos 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 employers as a work force. The division of manufacturing sites into those more 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 by 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. However, a portion of them 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

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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 the Jewish workers in the armament companies temporarily if the Jews would agree to work for the companies as concentration camp prisoners under control of the SS. On July 19, 1942, Himmler ordered that all Polish Jews should be murdered by the end of the year. 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 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 taken out of the factories and shot in the area close to Lublin in the following days. 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, Jews were employed in work gangs and workshops here, too. However, also in the time immediately following, and after the shift in war economy by the beginning of 1942, the practice of extermination without consideration of economic necessities was continued.

Only by the beginning of 1944, as the main political goal of National Socialism in regards to the Jews was reached, did an even more dramatic lack of workers bring about a change. Jewish prisoners were then deployed as workers also in the Reich territory in SS-owned companies, in companies moved underground, and in private companies, primarily in heavy industry. In August 1943, the top leadership of the regime had made the decision to allow production of the A4 missile, one of the so-called V-weapons, to take place in underground facilities with the help of concentration camp prisoners. At the end of 1943 and the beginning of 1944, armament production all over Germany began to be moved to underground factories, mostly in caves or mine shafts, where it 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 to 1944, the death figures were immense. The ease with which prisoners in technically easy but physically demanding jobs could be replaced, the intense time pressure, the lack of nourishment, and the unimaginably poor living conditions caused a 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 or maybe even hundreds of

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thousands of workers on three daily shifts were used, could only be performed through the use of concentration camp prisoners because the SS still disposed of work force reserves in 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 on the basis of 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 into German hands through the occupation of Hungary in March 1944. Their deportation began on April 15, during the course of which, until July, about 458,000 Hungarian Jews were taken to Auschwitz. From these, about 350,000 Jews 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 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 concentration camps 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 which 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 armaments 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 reached 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

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in Germany in forced labor. The number of concentration camp inmates, who 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 became the SS Main Office for Economy and Administration. Of that number, about fifteen percent were German and eighty-five percent were foreigners. A conservative estimate of the number who died in these camps would range between 836,000 and 995,000. This does not include the Majdanek and Auschwitz camps, where in total about 1.1 million persons died, of which the vast majority were Jews.

One should assume that practically every concentration camp inmate was used for forced labor for short or long periods during 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 the end of 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 SS Main Office for Economy and Administration, about 240,000 inmates were used in the subterranean plants and the construction sites of the Todt Organization 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 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 to 1943. 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 that did not use foreign forced labor during the war. This applies fully to the civilian workers and the prisoners of war, whereas larger firms primarily requested the concentration camp inmates and the Jewish forced workers. 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.

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The Compensation Problem: From 1945 to Today

The International Military Tribunal at Nuremberg—both in the main trials and the later proceedings against leading industrialists, SS officers, and bureaucrats—focused 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 Main Office for Economy and Administration (WVHA) were tried and convicted.

Nonetheless, there was never any real public debate in the Federal Republic of Germany 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 hand. That was also true for some German concentration camp prisoners when 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 been 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 deutsche marks paid out in connection with the Federal German Law on Compensation (*Bundesentschaedigungsgesetz*, BEG) has gone to persons resident abroad—but only those who fulfilled the aforementioned qualifying prerequisites. 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. To this day, 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 whether

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they should be classified as individual claims put forward by private persons or considered part of the demands for reparations made by the former enemy powers. From the beginning, because of the expected 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. Individuals cannot bring them 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 foundations 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. 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 became out of the question. The unresolved issue of a divided Germany prevented the conclusion of a peace treaty and thus 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 One and the lessons of Versailles.

In stark contrast, the Soviets continued to drain off further large-scale reparations from the Soviet zone and later the German Democratic Republic (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 an-

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chored 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 1950s, 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—was 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) the British. 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 deutsche marks, spread out over twelve 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 that "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 of Germany would be rendered insolvent should further claims for reparations 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 Article 5 (2). They argued that such a far-reaching regulation would also

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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 of Germany 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 significant because it shows that all participants, especially the Germans, were well aware of 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 arising 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 that 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 Article 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. This formulation provided nothing less than the settlement of all claims for reparations deriving from World War Two and at the same time served as the basis for rejecting all claims for compensation by former foreign concentration camp inmates and *Fremdarbeiter*—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 via the London Agreement did not merely relate to claims based on personally suffered persecution. It also encompassed all claims to back wages by former forced laborers. According to the Hague Land Warfare Convention, the occupying power was obligated to pay immediately in cash for any work performed by the inhabitants of occupied territories. 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 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 Soviet Zone of Occupation/German Democratic Republic) 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

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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 that 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.

Despite this basic legal position, there were nonetheless several legal cases brought before the courts pertaining to the problem of the 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 on the basis of the London Debts Agreement. It was argued that the rejection of the demands by the Dutch representative during the London negotiations meant "that the intention of Article 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. Given that in 1944 approximately one third of all those employed in the German armaments industry were foreign civilian workers and POWs—and that in many firms, foreigners made up far more than fifty percent of the work force—the significance of this legal view, which became increasingly accepted, should be evident.

Only the Claims Conference, exerting enormous political pressure, was successful in obtaining reparations payments from several large firms, such as

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IG Farben, Krupp, AEG, and Siemens. These were lump sums, expressly declared to be voluntary and legally nonbinding, 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 because forced labor was not viewed by the German authorities as a form of "typical Nazi wrongdoing." The Federal Supreme Court, in a ruling on December 7, 1960, handed down the final legal interpretation pertaining to the status of forced laborers. 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 Dachau, Buchenwald, and Dora concentration camps, 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 that 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." 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. 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—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 Article 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, Hans Gurski, an official from the Federal Fi-

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nance 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 Article 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 argument 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 western 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 was 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 reparations law. Moreover, the potential financial burden deriving from this for the West 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 western European governments. The notes demanded compensation for nationals from these countries who had been persecuted by Germany during the war. These demands were dismissed both by German public opinion and 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 West German government—not obligations by Bonn under the terms of international law.

In the context of these global reparations treaties with a11 western European countries, Bonn agreed to lump-sum payments amounting to 876 million deutsche marks. France was to receive almost 400 million, or nearly half the to-

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tal amount. 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 nonstarter 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 longstanding 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, Edward Gierek, that fulfilled these conditions: Bonn granted Poland a loan of one billion deutsche 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 deutsche marks. In return, Poland agreed to allow some 120,000 to 125,000 ethnic Germans immigrate to Germany over a period of four years.

Although 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 personal indemnification.

Thus, the Federal Republic paid out a total of 876 million deutsche marks to western countries in connection with compensation claims from concentration camp inmates and forced laborers. Along with the agreement on pensions, which was financially favorable from the standpoint of the Federal Republic, Bonn also granted a "soft" loan with attractive terms to Poland amounting to one billion deutsche 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: 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

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away along with the division of Germany; 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 states of the former Soviet Union and with Poland for a one-time payment of 1.5 billion deutsche 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 wanted to avoid opening the door to further demands by forced laborers from other countries.

In 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, although few firms to date have 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 lawsuits against German firms. Soon after taking office, the government of Gerhard Schroeder declared its commitment to making sure that such compensation would be made available and began talks on the matter.

Recently, the compensation talks between German companies and victims' organizations were concluded 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 twentieth century has drawn to a close.

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SELECTED BIBLIOGRAPHY

Civilian Workers and General Works

Cesare Bermani, Sergio Bologna, and Brunello Mantelli, *Proletarier der "Achse": Sozialgeschichte der italienischen Fremdarbeit in NS-Deutschland 1937 bis 1943* (Berlin, 1997).

Jürgen Bohmbach, *". . . zu niedriger Arbeit geboren . . ." Zwangsarbeit im Landkreis Stade 1939–1945* (Stade, 1995).

Lutz Budraß, *Flugzeugindustrie und Luftrüstung in Deutschland 1918–1945* (Düsseldorf, 1998).

Yves Durand, *La vie quotidienne des prisonniers de guerre dans les Stalags, les Oflags et les Kommandos 1939–1945* (Paris, 1987).

Neil Gregor, *Stern und Hakenkreuz: Daimler-Benz im Dritten Reich* (Berlin, 1997).

Ulrich Herbert, *Hitler's Foreign Workers: Enforced Foreign Labor in Germany Under the Third Reich* (New York, 1997).

Ulrich Herbert, *A History of Foreign Labor in Germany, 1880–1980* (Ann Arbor, 1990).

Ulrich Herbert, "Labour and Extermination: Economic Interests and the Primacy of 'Weltanschauung' National Socialism," *Past and Present* 138 (1993):144–195.

Ulrich Herbert, *Europa und der "Reichseinsatz": Ausländische Zivilarbeiter, Kriegsgefangene und KZ-Häftlinge in Deutschland 1938–1945* (Essen, 1991).

Andreas Heusler, *Zwangsarbeit in der Münchner Kriegswirtschaft, 1939–1945* (München, 1991).

Edward L. Homze, *Foreign Labor in Nazi Germany* (Princeton, 1967).

Barbara Hopmann, Mark Spoerer, Birgit Weitz, and Beate Brüninghaus, *Zwangsarbeit bei Daimler-Benz* (Stuttgart, 1994).

Diemut Majer, *"Fremdvölkische" im Dritten Reich. Ein Beitrag zur nationalsozialistischen Rechtssetzung und Rechtspraxis in Verwaltung und Justiz unter besonderer Berücksichtigung der eingegliederten Ostgebiete und des Generalgouvernements* (Boppard, 1981).

Hans Mommsen and Manfred Grieger, *Das Volkswagenwerk und seine Arbeiter im Dritten Reich* (Düsseldorf, 1996).

Walter Naasner, *Neue Machtzentren in der deutschen Kriegswirtschaft 1942–1945. Die Wirtschaftsorganisation der SS, das Amt des Generalbevollmächtigten für den Arbeitseinsatz und das Reichsministerium für Bewaffnung und Munition/Reichsministerium für Rüstung und Kriegsproduktion im nationalsozialistischen Herrschaftssystem* (Boppard, 1994).

Roland Peter, *Rüstungspolitik in Baden: Kriegswirtschaft und Arbeitseinsatz in einer Grenzregion im Zweiten Weltkrieg* (München Oldenbourg, 1995).

Manfred Pohl and Philipp Holzmann, *Geschichte eines Bauunternehmens, 1849–1999* (München, 1999).

Raimond Reiter, *Tötungsstätten für ausländische Kinder im Zweiten Weltkrieg: zum Spannungsverhältnis von kriegswirtschaftlichem Arbeitseinsatz und nationalsozialistischer Rassenpolitik in Niedersachsen* (Hannover, 1993).

Bernd A. Rusinek, *Gesellschaft in der Katastrophe: Terror, Illegalität, Widerstand-Köln, 1944–45* (Essen, 1989).

Christoph Schminck-Gustavus, ed., *Hungern für Hitler. Erinnerungen polnischer Zwangsarbeiter im Deutschen Reich, 1940–1945* (Hamburg, 1984).

Gisela Schwarze, *Kinder, die nicht zählten: Ostarbeiterinnen und ihre Kinder im Zweiten Weltkrieg* (Essen, 1997).

Klaus-Jörg Siegfried, *Das Leben der Zwangsarbeiter im Volkswagenwerk, 1939–1945* (Frankfurt am Main, 1988).

Klaus-Jörg Siegfried, *Rüstungsproduktion und Zwangsarbeit im Volkswagenwerk: Eine Dokumentation* (Frankfurt am Main, 1986).

Martin Weinmann, ed., *Das nationalsozialistische Lagersystem* (Frankfurt am Main, 1990).

Gerd Wysocki, *Arbeit für den Krieg: Herrschaftsmechanismen in der Rüstungsindustrie des "Dritten Reiches." Arbeitseinsatz, Sozialpolitik und staatspolizeiliche Repression bei den Reichswerken "Hermann-Göring" im Salzgitter-Gebiet 1937/38 bis 1945* (Braunschweig, 1992).

https://doi.org/10.1017/S0147547900003677 Published online by Cambridge University Press

Bernd Zielinski, *Staatskollaboration: Arbeitseinsatzpolitik in Frankreich unter deutscher Besatzung, 1940–1944* (Münster, 1996).

Prisoners of War

Bernd Bonwetsch, "Sowjetische Zwangsarbeiter vor und nach 1945. Ein doppelter Leidensweg," *Jahrbücher für Geschichte Osteuropas* 41 (1993):532–546.

Ulrike Goeken, "Kontinuität des Terrors? Die Repatriierung sowjetischer Kriegsgefangener und Zwangsarbeiter nach dem Zweiten Weltkrieg," in *Ein Staat gegen sein Volk? Diktatur und Terror in der Sowjetunion. Anmerkungen zum "Schwarzbuch des Kommunismus,"* edited by Lothar Maier (Münster, 2000).

Karl Hüser and Reinhard Otto, *Das Stammlager 326 (VI K) Senne 1941–1945. Sowjetische Kriegsgefangene als Opfer des nationalsozialistischen Weltanschauungskrieges* (Bielefeld, 1992).

Jörg Osterloh, *Ein ganz normales Lager: das Kriegsgefangenen-Mannschaftsstammlager 304 (IVH) Zeithain bei Riesa/Sa. 1941 bis 1945* (Leipzig, 1997).

Gerhard Schreiber, *Die italienischen Militärinternierten in Deutschland 1943 bis 1945. Verraten, verachtet, vergessen!* (Baden-Baden, 1989).

Christian Streit, *Keine Kameraden. Die Wehrmacht und die sowjetischen Kriegsgefangenen, 1941–1945* (Stuttgart, 1978).

Concentration Camp Inmates and Jews

Florian Freund, *"Arbeitslager Zement." Das Konzentrationslager Ebensee und die Raketenrüstung* (Wien, 1989).

Florian Freund and Bertrand Perz, *Das KZ in der Serbenhalle. Zur Kriegsindustrie in Wiener Neustadt* (Wien, 1987).

Florian Freund, Bertrand Perz, and Karl Stuhlpfarrer, "Das Getto in Litzmannstadt (Lódz)," in *"Unser einziger Weg ist Arbeit": Das Getto in Lódz, 1940–1944. Ausstellungskatalog des Jüdischen Museums Frankfurt,* edited by Hanna Loewy (Wien, 1990).

Rainer Fröbe and Claus Füllberg-Stollberg, *Konzentrationslager in Hannover. KZ-Arbeit und Rüstungsindustrie in der Spätphase des Zweiten Weltkriegs, 2 Bde.* (Hildesheim, 1986).

Wolf Gruner, *Der geschlossene Arbeitseinsatz deutscher Juden: zur Zwangsarbeit als Element der Verfolgung, 1938–1943* (Berlin, 1997).

Yisrael Gutman and Avital Saf, eds., *The Nazi Concentration Camps* (Jerusalem, 1980).

Peter Hayes, *Industry and Ideology: IG Farben in the Nazi Era* (New York, 1987).

Ulrich Herbert, Karin Orth, and Christoph Dieckmann, eds., *Die nationalsozialistischen Konzentrationslager. Entwicklung und Struktur* (Göttingen, 1998).

Hermann Kaienburg, ed., *Konzentrationslager und deutsche Wirtschaft, 1939–1945* (Opladen,1996).

Hermann Kaienburg, *"Vernichtung durch Arbeit." Der Fall Neuengamme, Die Wirtschaftsbestrebungen der SS und ihre Auswirkungen auf die Existenzbedingungen der KZ-Gefangenen (*Bonn, 1990).

Detlef Korte, *"Erziehung" ins Massengrab. Die Geschichte des "Arbeitserziehungslagers Nordmark"* (Kiel, 1991).

Gabriele Lofti, *KZ der Gestapo. Arbeitserziehungslager im Dritten Reich* (Stuttgart, 2000).

Karin Orth, *Das System der nationalsozialistischen Konzentrationslager* (Hamburg, 1999).

Bertrand Perz, *Projekt Quarz: Steyr-Daimler-Puch und das Konzentrationslager Melk* (Wien, 1991).

Falk Pingel, *Häftlinge unter SS-Herrschaft. Widerstand, Selbstbehauptung und Vernichtung im Konzentrationslager* (Hamburg, 1978).

Thomas Sandkühler, *"Endlösung" in Galizien. Der Judenmord in Ostpolen und die Rettungsinitiativen von Berthold Beitz, 1941–1944* (Bonn, 1996).

Wolfgang Sofsky, *Die Ordnung des Terrors. Das Konzentrationslager* (Frankfurt am Main, 1993).

Isabell Sprenger, *Groß-Rosen. Ein Konzentrationslager in Schlesien* (Köln u.a., 1996).

Herwart Vorländer, ed., *Nationalsozialistische Konzentrationslager im Dienst der totalen Kriegsführung. Sieben württembergische Außenkommandos des Konzentrationslagers Natzweiler/Elsaß* (Stuttgart, 1978).

Eliyyahû Yônes, *Die Straße nach Lemberg. Zwangsarbeit und Widerstand in Ostgalizien, 1941–1944* (Frankfurt am Main, 1999).

https://doi.org/10.1017/S0147547900003677 Published online by Cambridge University Press

Compensation Problems

Benjamin Ferencz, *Less than Slaves: Jewish Forced Labor and the Quest for Compensation* (New York, 1979).

Constantin Goschler, *Wiedergutmachung: Westdeutschland und die Verfolgten des Nationalsozialismus, 1945–1954* (München, 1992).

Ulrich Herbert, "Nicht entschädigungsfähig? Die Wiedergutmachungsansprüche der Ausländer," in Ulrich Herbert, *Arbeit, Volkstum, Weltanschauung. Über Deutsche und Fremde im 20. Jahrhundert* (Frankfurt am Main, 1995).

Cornelius Pawlita, *"Wiedergutmachung" als Rechtsfrage? Die politische und juristische Auseinandersetzung um Entschädigung für die Opfer nationalsozialistischer Verfolgung (1945 bis 1990) (Frankfurt am Main, 1993).*

Die Wiedergutmachung nationalsozialistischen Unrechts durch die Bundesrepublik Deutschland, edited by Bundesminister der Finanzen in cooperation with Walter Schwarz, 7 Bände (München, 1974–1999).

https://doi.org/10.1017/S0147547900003677 Published online by Cambridge University Press