AXIS RULE
IN OCCUPIED EUROPE

Laws of Occupation • Analysis of Government • Proposals for Redress

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CHAPTER VIII
THE LEGAL STATUS OF THE JEWS

A special status for the Jews was created by the occupant in every occupied country. The definition of a Jew was based mainly upon the Nuremberg Laws. A Jew is any person who is, or has been, a member of the Jewish faith or who has more than two Jewish grandparents. Grandparents are to be considered as Jewish if they are, or have been, members of the Jewish faith.

Regulations were issued pertaining to personal status, to freedom of movement, to property, labor, rationing, and the right to practice professions. From the beginning of the occupation, the conditions imposed on the Jews were not as severe in the countries occupied in the west as they were in the countries occupied in central and eastern Europe. But later on, when Jews from France, Norway, Belgium, and the Netherlands were removed from time to time en masse to Poland, they were treated there in the same way as Polish Jews. Shortly after the occupation in the west, the German military commanders issued regulations forbidding Jews who had fled from the occupied territory to return to their homes.

On November 23, 1939, a law was introduced in the Government General of Poland imposing upon all Jews and Jewesses over ten years of age an obligation to wear on the right arm an armband with the Star of David at least ten centimeters wide. All Jewish enterprises and stores had to have special signs visible to the public.

According to the decree of January 26, 1940, the Jews in the Government General of Poland were forbidden to use railways. Later, in October, 1940, the Jews in Poland were compelled to live in ghettos, leaving the ghetto without permission being punishable by death. The administration of Jewish affairs in the ghettos was entrusted to Jewish councils, which are responsible to the German authorities for the carrying out of demands made by the latter upon the Jewish population.

All Jewish property in the Polish areas which were incorporated into the Greater Reich was ordered to be sequestrated by decree of September 17, 1940, the same decree providing that sequestrated property could be con-
fiscated if the public welfare, particularly Reich defense or the strengthening of Germanism, so required. By an order of the Chief of Military Administration in France of October 18, 1940, Jewish property had to be declared and, if it was of some value, especially if it was real property, it could be put under the administration of trustees appointed by the occupant, which practically amounts to confiscation since the owner is not entitled to any allowances from property thus administered.9

In the Netherlands, the Reich Commissioner issued on August 9, 1941, a decree concerning the treatment of Jewish capital. According to this decree, Jews are prevented from disposing of their capital in the form of securities and bank accounts amounting to more than a thousand florins. Some exception was made in cases where capital did not exceed ten thousand florins and the yearly income did not exceed three thousand florins.9

As to real property in the Netherlands, the Reich Commissioner issued a decree requiring the registration of all Jewish real property and authorizing the transfer of administration of such properties to managers appointed by the occupant.10

A special form of forced labor was introduced for Jews, with an essentially severe regime and under conditions deleterious to health. According to the decree on Jewish labor in the Government General of Poland, of December 12, 1939,11 all Jewish inhabitants from fourteen to sixty years of age are subject to forced labor. The decree states that forced labor is normally for two years, but the German authorities may lengthen this period at their discretion in a given case by invoking the reason that the “educational purpose” of forced labor has not been attained in that particular case. The use of the word “educational” in the above-mentioned decree is evidence of the punitive character of the forced labor applied on a wholesale scale to large groups of the population in the occupied countries.12

In the areas occupied in the present Russo-German war (such as Ostland) the Jews are not allowed to receive wages. Employers of Jews must pay a special fee to the German authorities, and if Jews are employed in overtime work or on holidays or at night, the employer does not pay any extra fee to the German authorities.12

Jews do not receive unemployment relief.13

9 Any enterprise is considered Jewish if the owners or lessees are: (a) Jewish; (b) a partnership with one Jewish partner; (c) a limited partnership in which more than one third of the partners are Jewish, or more than one third of the shares are owned by Jewish partners, or in which the manager is a Jew, or more than one third of the board of trustees are Jews; or (d) corporations in which the president of the board of directors or managing officer is a Jew, or in which more than one third of the board of directors are Jews. However, the authorities are free to declare an enterprise Jewish even if the above-mentioned factors do not occur. The authorities may declare as Jewish an enterprise which, according to their opinion, is predominantly under Jewish control. See order of October 18, 1940, promulgated by the Chief of the Military Administration in France, below, p. 400.

10 Verordnungsblatt, 1941, No. 148.
11 Ibid., No. 154.
12 See below, p. 544.
13 A similar decree on forced labor was issued in Serbia for Jews and gypsies from fourteen to sixty years of age, for the purpose of repairing damages caused by the war. Verordnungsblatt, 1941, p. 85.
14 See below, p. 311.
15 See decree of December 16, 1939, for the Government General of Poland, below, p. 546.
The Jewish population in the occupied countries is undergoing a process of liquidation (1) by debilitation and starvation, because the Jewish food rations are kept at an especially low level; and (2) by massacres in the ghettos. In order to isolate the Jews from every source of help from the local population, severe penalties have been introduced for extending such help to them. In that part of Yugoslavia designated as Serbia, the military commander issued an order dated December 22, 1941, imposing the death penalty on any person who shelters or hides Jews or accepts any object of value from Jews for safekeeping.\textsuperscript{14}

The treatment of the Jews in the occupied countries is one of the most flagrant violations of international law, not only of specific articles of the Hague Regulations, but also of the principles of the law of nations as they have emerged from established usage among civilized nations, from the laws of humanity, and from the dictates of the public conscience—principles which the occupant is equally bound to respect.\textsuperscript{15}

The massacres of the Jews and wholesale confiscations are an obvious violation of Article 46 of the Regulations; and the institution of forced labor is a violation of Article 52, because the occupant, while he may demand the services of local labor for limited needs of the army of occupation, has no right to use them for so-called “educational purposes.” Moreover the denial of wages to Jews amounts to involuntary servitude, which is a violation of the laws of humanity.

Family honor and rights of the Jewish population as protected by Article 46 were violated on a wholesale scale by separating families during deportations.

Starving the Jewish population by deliberately establishing low food rations, and exposing them to mass death by creating unhealthy conditions in the ghettos and the forced labor camps, amount to disregard of human life, which is prohibited by Article 46 of the above-cited Regulations.

Depriving the Jews of the right of free movement and the exercise of professions is a violation of Article 43 of the Hague Regulations. These rights were guaranteed by the constitutions of all occupied countries. The occupant is entitled only to make such changes in the laws of the occupied country as may be justified by military necessity. Obviously no military necessity is involved when the aim of the occupant is solely to deprive people of their elementary human rights. Moreover, the obligation of the occupant to restore public order embraces also the obligation to restore economic order, which means the right to work and to make a living.

The persecution of Jews in the occupied countries has given rise to many protests throughout the world by institutions, parliaments (House of Com-

\textsuperscript{14} See below, p. 601.

\textsuperscript{15} See preamble to Hague Convention IV respecting the Laws and Customs of War on Land.
mons, the Congress of the United States), and governments.\textsuperscript{16} The Jews being one of the main objects of German genocide policy, their particular situation in occupied Europe has been additionally treated in the chapter on genocide.

\textsuperscript{16}See chapter on "Genocide," below, p. 89, note 45