

*In War's Wake*

## *Introduction*

### THE LAST MILLION

"WHEN THIS GHASTLY war ends," Franklin D. Roosevelt gloomily predicted in October 1939, "there may be not one million but ten million or twenty million men, women and children belonging to many races...who will enter into the wide picture—the problem of the human refugee."<sup>1</sup> Six and a half years later, Eleanor Roosevelt refined her recently deceased husband's forecast. "A new type of political refugee is appearing," she observed from Europe in January 1946, "people who have been against the present governments and if they stay at home or go home will probably be killed."<sup>2</sup> These statements could also have adequately described earlier instances of forced displacement, not least the refugee exodus from the Third Reich in the late 1930s. Yet although Continental Europe had been awash with stateless people from the end of World War I to the advent of Nazism, the president and his wife envisioned "the problem of the human refugee" as an impending postwar crisis. Two decades of isolationism and restrictive immigration quotas may have blinded Americans to the magnitude of European displacement prior to 1939. The prospect of renewed American engagement with the world, however, revived strong interest in "Europe on the move." Observing this phenomenon at both ends of the conflict, Franklin and Eleanor Roosevelt were undoubtedly right: the scale of the European refugee problem created by World War II exceeded any experienced before.

The Roosevelts were not lone visionaries. As the war progressed, a wide array of British and American politicians, military planners, and social scientists spoke of an incipient disaster. Sir Herbert Emerson, appointed high commissioner for refugees of the moribund League of Nations in January 1939, expected that "when the war ends millions of persons will be scattered over the face of the globe...many of them with no homes to return to and

some of them with no government willing to protect them.”<sup>3</sup> Speaking in Oxford at a gathering of the Fabian Society in December 1942, political scientist Harold Laski anticipated “a movement of people larger than any that history has seen in modern times” after the conflict.<sup>4</sup> The American statesman Dean Acheson attempted a similar historical comparison: “I believe that not since the Middle Ages has there been any such movement of population as this war has brought about.”<sup>5</sup> In a report commissioned by the International Labor Office, the Russian-born population scholar Eugene Kulischer calculated in 1943 that “more than thirty million of the inhabitants of the continent of Europe have been transplanted or torn from their homes since the beginning of the war.”<sup>6</sup> The civilian and military Allied bodies assigned to cope with the large numbers of uprooted civilians in liberated European territories concurred. The “displaced persons” (DPs), a term coined in the United States in the midst of preparations for postwar emergencies, were central to the “relief and rehabilitation” operations in Europe. The United States Army and the United Nations Relief and Rehabilitation Administration (UNRRA), created in November 1943, both braced for a daunting logistical challenge: the millions of DPs expected to be found by advancing Allied troops on their way to Berlin.<sup>7</sup> A British commentator outlined the task: “The biggest human problem with which we shall be faced in re-ordering the world after the end of the war will probably be that of re-establishing the peoples who have been displaced from their homes or localities for one reason or another. The magnitude of the problem is such as to cause the heart to sink.”<sup>8</sup>

Writing on the eve of the Allied victory in Europe, Hannah Arendt also acknowledged the huge task that lay ahead. “It would be a good thing,” she observed in April 1945, “if it were generally admitted that the end of the war in Europe will not automatically return thirty to forty million exiles to their homes.” The former refugee from Nazi Germany then revealed one of the greatest challenges the authorities would face: “A very large proportion,” she warned, “will regard repatriation as deportation and will insist on retaining their statelessness.” Arendt evidently had in mind the Jewish survivors of the Final Solution, but she also referred to other types of Eastern European displaced persons. Altogether, she presciently pointed out, “The largest group of potentially stateless people is to be found in Germany itself.”<sup>9</sup> In contrast to the military and humanitarian focus on repatriation and population management, Arendt believed that the “DP problem” was essentially political. Throughout the late 1940s, she referred to European refugees as “the most symptomatic group in contemporary politics.”<sup>10</sup> Between 1946 and the end of the decade, the vocal and conspicuous “last million” displaced persons—a

multinational group of Jewish and non-Jewish asylum seekers unwilling or unable to go home—amply bore out her predictions.

Indeed, the “DP story” comprised two distinct chronological sequences, one logistical and one markedly political. It is generally assumed that at the end of the war there were approximately eight million civilians in Germany who qualified as displaced persons under UNRRA and Allied military directives: foreign workers, slave laborers, prisoners of war, and liberated concentration camp inmates. Between the spring and fall 1945, military and UNRRA officials succeeded in returning six to seven million DPs to their countries of origin—forcibly and often tragically in the case of Soviet nationals reluctant to repatriate to the USSR. After the completion of mass return operations, approximately 1.2 million refugees still remained homeless. The second and longer phase of the DP episode began at the start of 1946. As it became increasingly clear to humanitarian personnel and Allied military commanders, return rates significantly dwindled among the remaining DPs. Their refusal to go home, repeatedly analyzed by various surveys, was motivated by political, economic, and psychological factors. Combined with the fresh arrival of so-called post-hostilities refugees, the diminishing pace of repatriation resulted in the long-term presence of approximately one million DPs in occupied Germany (small numbers of displaced persons also lived in DP camps in Austria and Italy). Like other contemporary statistics documenting the DP world, this figure was not always accurate. The International Refugee Organization (1946–52), the agency created by the United Nations to care for the ever-fluctuating “last million,” generally included “free-living” refugees outside of the camps as well as other stateless persons living outside of Germany in order to round up this tally.<sup>11</sup> But without much distortion, the United Nations and the IRO could safely advertise the DPs to the world as the “last million” refugees from World War II desperately searching for asylum countries. Emblematic of the longer political sequence of postwar displacement, this “last million” encompassed Holocaust survivors and non-Jewish anti-Communist refugees, the two distinct components of a wide DP camp system that stretched from northern Germany to Sicily.

Seen through a narrower lens, the “last million” encapsulated a myriad of nationalities. Brought to Germany by the Nazis as foreign workers and slave laborers, 400,000 Poles amounted in March 1946 to nearly 50 percent of the DPs. Roughly 150,000 to 200,000 Estonians, Lithuanians, and Latvians formed a sizeable Baltic group including former Wehrmacht conscripts and volunteers, migrant workers, and slave laborers, as well as civilians who fled the advance of the Red Army. In addition, an important group of 100,000 to

150,000 ethnic Ukrainians was composed of Western Ukrainians who lived until September 1939 under Polish rule and of Eastern Ukrainians who held Soviet citizenship when World War Two broke out. In early 1946 Jewish refugees represented less than 10 percent of the overall DP population. But to the small group of death-camp survivors liberated by the Allies in the spring of 1945 a substantial number of Jewish "infiltrates" of Polish origin was gradually added: during the peak period of 1947–48, approximately 250,000 Jewish refugees dwelled in the American occupation zone of Germany, about 25 percent of them in Berlin and Munich outside the confines of official camps. Alongside such large groups whose size constantly changed due to repatriation, emigration, and new arrivals, small numbers of anticommunist Yugoslavs, Slovaks, Hungarians, and other Eastern Europeans rounded out "the million survivors" mentioned by Harry Truman in a solemn speech to the US Congress.<sup>12</sup> Undoubtedly effective in rallying the American public to the cause of humanitarianism and liberal immigration reform, this label was not equally applicable to all DPs. Poles survived slave labor, Jews survived death camps or narrowly escaped the reach of the Final Solution, and large numbers of Balts and Ukrainians survived the Red Army—or, as numerous critics charged at the time, survived Allied victory. Yet despite this variety of backgrounds, contemporary observers frequently portrayed the DPs as the "human backwash of the war," all similarly victimized by "the inhumane rearrangement of people and the ruthless exploitation of manpower."<sup>13</sup> An outcome of Nazi imperial rule and genocide, the DP crisis was indeed the result of carefully planned state policies. But this volatile mass of refugees had experienced the war in sharply different ways. Rigorously separated by nationality, the "last million" only shared a common opposition to repatriation and a desire to emigrate overseas, preferably to Palestine, North America, or Australia.

Admittedly, the dislocated people placed under Western Allied protection at the end of the war only represented a small percentage of Europe's displaced persons: the nine to twelve million ethnic Germans expelled from East-Central Europe—in the process of which expulsion it is estimated that several hundred thousand died—could have perfectly claimed such a label. As an advocate of German expellees bitterly pointed out, "The displaced persons represented only one-tenth of the total refugee problem in Europe."<sup>14</sup> The postwar settlement similarly forced out of their homes other groups of European refugees. The 250,000 ethnic Italians who left Yugoslav-controlled Istria and Dalmatia; the 520,000 ethnic Ukrainians, Belarusians, and Lithuanians transferred out of Poland by the end of 1946; and the one million and half ethnic Poles repatriated from the Soviet Ukraine, Belarus and

Lithuania between 1944 and 1948 (many of them forcibly resettled in the "recovered territories" of Western Poland) could legitimately be considered "displaced persons."<sup>15</sup> So could the millions of refugees who appeared, between 1947 and 1950, in India and Pakistan, in Israel and its neighboring Arab countries, Hong Kong, Taiwan and Korea. Employed by UNRRA and the IRO in a large DP camp located in Upper Bavaria, the American aid worker Kathryn Hulme vividly recalled this overlap: "It was startling to realize that before our own original mass of displaced had been resolved and resettled, another was forming on another part of the planet as if Displaced... had become the accustomed ailment of the century."<sup>16</sup> Yet the acronym DP exclusively applied to particular victims of Hitler and Stalin, even if "displaced persons" was often used in different contexts. Although generally resented by its unfortunate recipients, the DP label connoted a political and material entitlement limited to non-German European refugees from World War II and its immediate aftermath. Poster children for the unprecedented violence and population movements unleashed by Nazi expansionism, the "last million" constituted the most visible and enduring legacy of the conflict. Like many other military, political, and humanitarian actors of the period, Hulme highlighted the overriding importance of European refugees. From the vantage point of occupied Germany, and despite dire instances of forced displacement elsewhere, the DPs "seemed like the most important show on earth."<sup>17</sup>

For several decades, however, scholars treated this lengthy crisis as a side-show in the transition from war to peace in Western Europe. The success story of American-backed economic reconstruction and political integration eclipsed darker European undercurrents such as the permanence of an alarming displacement problem in Germany, Austria, and Italy. This approach also failed to recognize that the alleviation of the DP crisis served as a crucial rehearsal stage for European economic reconstruction. Dean Acheson, who helped design and implement the Marshall Plan, revealingly described the American aid package as "an outgrowth of UNRRA."<sup>18</sup> Until the 1980s, the only books dedicated to Europe's displaced persons remained the voluminous official histories of UNRRA and the IRO, as well as surveys penned by American demographers and former military planners.<sup>19</sup> The first postwar cohort of political refugees drew renewed historical attention at the end of the Cold War, driven by new trends in German historiography and mounting numbers of asylum seekers in Western Europe.<sup>20</sup> While "top-down" studies of Allied refugee policies painted the DPs as passive objects of military and humanitarian governance, other works focused on specific national groups

such as Polish, Ukrainian, and Baltic DPs, and Jewish refugees and Holocaust survivors.<sup>21</sup> In an effort to give voice to the displaced persons and not just the bureaucracies entrusted with their care, recent authors have addressed the individual and collective experiences of refugees; their struggles toward emotional, physical, and occupational normalcy; their modes of political mobilization; and their tumultuous relationships with occupation authorities, German civilians, and humanitarian personnel.<sup>22</sup> From their chaotic reception in improvised "assembly centers" to their emigration overseas, the "long road home" for Jewish and non-Jewish displaced persons is now solidly documented.<sup>23</sup>

However, the history of DPs cannot be limited to the chronology of Allied humanitarian operations or to the hardships of refugee life. It also involves policy debates that took place far from the camps. "The displaced persons in Germany and Austria are small in number compared to the population as a whole," reported the US Army War Department in 1946, "but they constitute a problem out of proportion of their numerical size."<sup>24</sup> While the intelligence branch of the US military referred to the costly and burdensome upkeep of restive refugees in the American occupation zones of Germany and Austria, this observation may be generalized. More than three years after the collapse of Nazi Germany, the Soviet Union still considered the DP problem "as urgent as ever," while for drastically different reasons the United States treated it as "one of the most unhappy repercussions of the war." For the British government, "the satisfactory disposal of millions of displaced persons involved the wider issues of world peace and stability."<sup>25</sup> Until the end of the 1940s, Europe's displaced persons remained "huddled into camps where they [could not] stay permanently, with no means to go elsewhere and no place open to them if they had means to go," as the chief prosecutor of the Nuremberg Trials, Robert H. Jackson, rightly noted.<sup>26</sup> Yet as a problem of international significance, this acute refugee crisis transcended the boundaries of occupied Germany: its multiple ramifications left a profound mark indeed on the postwar era.

Organized thematically, this book treats the DP episode as a seminal case study in post-1945 international history. It relates the experience of European displacement to the onset of the Cold War, international justice and political retribution, the emergence of the human rights movement, the rise of United Nations humanitarianism, the governance of international migration, and the advent of Jewish statehood. My goal is to shed new light on key features of the postwar period through the prism of displaced persons and political refugees. To capture the importance of DPs in postwar international politics, the book draws on the rich archives of the International Refugee Organization. Never

before comprehensively used in the literature, these records offer a different perspective on the DP question than those of the Office of Military Government for Germany or UNRRA. Coinciding with the start of the Cold War, the IRO was created by the United Nations General Assembly in December 1946 to find permanent homes for the "last million." As an American official described it at the time, this body "became by far the most comprehensive agency for refugees that had ever been known."<sup>27</sup> Under the IRO, the so-called care and maintenance of displaced persons—the difficult provision of food, health care, clothes, and housing accommodations in wartorn Germany—remained a high priority. Unlike UNRRA, however, the IRO was not strictly subordinated to Allied military authorities; as such, it belonged to the new constellation of international organizations and protection agencies established between 1945 and 1950.<sup>28</sup> The IRO also exemplified the ambiguities of liberal internationalism in the late 1940s: controlled and predominantly financed by the American government, it helped shape the unbalanced multilateralism peculiar to the postwar years.<sup>29</sup> Through the IRO and subsequent international bodies, the United States assumed unchallenged leadership on the regulation of Cold War migration flows. Above all, the creation of the IRO forced the European refugee problem to the center of the international stage. No longer a temporary humanitarian challenge, this issue was now branded as "one of the gravest cancers gnawing at the peace so dearly won."<sup>30</sup> Speaking at the UN General Assembly in December 1946, Eleanor Roosevelt highlighted the new international significance of the crisis. "As long as a million persons remain with refugee status," she declared, "they delay the restoration of peace and order in the world."<sup>31</sup>

The DP moment, in short, offers an exciting opportunity to revisit the postwar experience from its supposed margins.<sup>32</sup> One million refugees in the heart of Europe do not go unnoticed, as the more recent displacement crisis in the former Yugoslavia confirmed again in the 1990s.<sup>33</sup> Admittedly, the full-page advertisements frequently seen in the 1940s American press lamenting the situation of "one million human beings . . . condemned to a lingering death in an international twilight zone" and the dispatches penned for the *New Yorker* by the essayist Janet Flanner reached a much smaller audience than the dramatic television reports by CNN's Christiane Amanpour.<sup>34</sup> Except in the United States, where large Polish, Jewish, and other Eastern European immigrant communities remained closely attuned to the plight of their displaced brethren and donated considerable funds, the DP story did not make many headlines. In the midst of economic reconstruction, and already coping with their own war refugees, colonial returnees, or expellees, Western European

societies paid scant attention to the DPs. Yet, as this book illuminates, the problems posed by the "last million" encamped in and around the geopolitical center of the period greatly mattered to Western and Soviet policy makers, officials of international organizations, labor experts and reconstruction planners, legal scholars, human rights activists, welfare personnel, Cold War propagandists, and devotees of Zionism.

The first theme addressed in this study is the role played by the DP problem in the outbreak of the Cold War. The subject of tense discussions at the United Nations and other international venues, the fate of the "last million"—in this case, Polish, Yugoslav, Ukrainian, and Baltic anti-Communist refugees—fueled a growing East-West antagonism. As Eleanor Roosevelt wrote from the temporary United Nations headquarters in London, "It was the scene of one of the early clashes between the Soviet Union and the West."<sup>35</sup> Representatives of Communist governments demanded the immediate return of all non-Jewish Eastern European nationals. They also charged that the DP camps sheltered scores of "quislings" and war criminals attempting to evade justice at home. Western governments invoked democratic ideals to oppose compulsory repatriation but agreed to remove from the camps proven collaborators, auxiliaries of the German army, and refugees suspected of being of German descent. The massive "screening" of displaced persons conducted by Allied military and humanitarian personnel mirrored the fault lines of the Cold War. As the 1940s drew to an end, anti-Communism trumped anti-Fascism in the attribution of DP status. With long-term consequences for the governance of political asylum in the West, the political dissident emerged then as the most desirable type of asylum seeker.

The DP episode also affected the ideology and methods of modern humanitarianism. Prior to 1945, the alleviation of human suffering was the responsibility of private charitable organizations committed to war-stricken civilian populations. The "relief and rehabilitation" of Europe's displaced persons, however, was a coordinated international operation: traditional charity gave way to a "machinery of international relief" that for liberal internationalists was to be "vitally related to the kind of world we want to build when peace comes."<sup>36</sup> Religious and philanthropic groups continued to extend badly needed assistance to war refugees but were transformed in the process into nongovernmental organizations integrated into the United Nations system. Although "the idea still prevailed in some quarters that humanitarian work was a matter for private relief agencies," welfare specialists reported in 1947, "this conception has been usefully demolished by UNRRA."<sup>37</sup>

The "last million" left a similar imprint on human rights law. "It is a curious paradox," noted an American official, "that out of a postwar clean up job, out of the wreck of the refugee's fundamental freedoms, there had arisen the first widespread and binding international agreement for the advancement of human rights."<sup>38</sup> This diplomat alluded here to the "Magna Carta for refugees," the still-in-effect 1951 Geneva Convention, but the enduring spectacle of statelessness in postwar Europe impinged upon the international human rights movement as a whole. While the DP problem glaringly exposed the tenuousness of modern human rights, as Hannah Arendt passionately claimed, it also triggered the proclamation of a wide range of international protections. Although the 1948 Universal Declaration of Human Rights only amounted to a "common standard of achievement," the refugee rights adopted in the midst of the DP crisis added enforceable substance to the so-called "human rights revolution."

Finally, the DP experience encroached on international migration. Supervised by the IRO, the "resettlement" of displaced persons around the world was an unprecedented instance of planned population redistribution. Emigration to Israel or New World countries was not simply the final act of a long humanitarian drama; worries about "surplus population" and a desire to disseminate "freedom loving" Europeans in order to countenance the global spread of Communism added demographic and ideological urgency to the departure of refugees from the continent. Nearly 25 percent of all DPs ended their journey in the newly founded state of Israel. In its final section, this book analyzes the nationalizing effect of the Jewish DP experience and the place of Jewish refugees and Holocaust survivors within the postwar refugee regime.

Overall, Europe's displaced persons formed only a small subset of the "problem of the human refugee" foreseen by Franklin D. Roosevelt in 1939. Subsequent waves of Eastern European anti-Communist "escapees" and Hungarian border crossers did not alter this imbalance. Yet from 1945 to the late 1950s, the DPs and their successors epitomized the refugee condition—or "refugeedom"—in the West. Deemed more political than their non-European counterparts, the victims of Nazi and Soviet totalitarianism enjoyed a favorable status in human rights law and a key position in Cold War culture. The World Refugee Year celebrated under the auspices of the United Nations in 1959–60 ultimately challenged this hegemony. This little known fundraising campaign helped resettle most of the displaced persons still languishing in Austria and Germany. Its worldwide scope also acknowledged for the first time the global dimension of the refugee problem.<sup>39</sup>

Initially established to settle the postwar European crisis, the Office of the United Nations High Commissioner for Refugees similarly shifted its attention to forced displacement in the Third World. As a new history of dislocation and misery began on the African continent and in other emerging humanitarian hot spots, another one faded away: at the height of decolonization, the era of European refugees finally came to a halt.

## I

## *The Battle of the Refugees*

### DISPLACED PERSONS AND THE MAKING OF THE COLD-WAR WEST

ON FEBRUARY 2, 1946, a *New York Times* editorial urged the world to confront the plight of the displaced persons living in occupied Germany. At stake, the newspaper warned, were "the fate and status of hundreds of thousands of human beings who are clearly an international responsibility."<sup>1</sup> What had been a task for the Allies had become a task for the whole world. A month earlier, the first session of the United Nations General Assembly held in London had identified "the problem of refugees" as a "matter of urgent importance." The question was referred to the Third Committee, which addressed social, humanitarian, and cultural affairs. In early 1946 the organization had yet to choose a permanent location for its headquarters, and the Security Council was preoccupied primarily with a territorial dispute between Iran and the Soviet Union. The stage was nonetheless set for nearly a year of protracted negotiations. During its first twelve months of existence, the United Nations would devote more hours to the refugee problem than to any single question except those concerning security. "There are few subjects," noted an American diplomat, "on which more prolonged and exhaustive negotiations have been carried on between the Soviet Union and the western world than on the subject of refugees and displaced persons."<sup>2</sup> Recognized early on as an "urgent United Nations problem," asylum seekers and refugees critically shaped the landscape of international politics from the very start of the postwar era.

Conspicuous though it was, the DP question had a limited geographic scope. The "problem of refugees" pertained first and foremost to the complex situation of dislocated Eastern Europeans, even if forced displacement occurred in other parts of the world. Assessing the size of the refugee population in China in November 1945, a UNRRA official in the Far East

spoke of "twenty-four to forty millions, not counting the approximate 1,400,000 overseas-Chinese who escaped Japanese rule in Burma, Indo-China and other countries." In addition, Japanese occupation had caused the internal displacement of some fifty million internally displaced Chinese refugees, allegedly "the greatest mass trek in history."<sup>3</sup> The US Department of State estimated that twelve million displaced persons lived in Japan at the end of the war, including returning Japanese nationals from Manchuria, China and Formosa, as well as two million Korean laborers and their families.<sup>4</sup> Experts logically assumed that "in addition to the Europeans it is possible that large numbers of displaced Asiatics also may need international help."<sup>5</sup> Technically, both European and Asian refugees fell under the auspices of UNRRA, but in the Far East the agency's resources were severely limited. Before long the United Nations concerned itself only with the displaced persons in Central Europe. "The persons with whom an international organization for uprooted people must deal," an American expert suggested, "are almost exclusively the perhaps 2,000,000 European refugees... bristling with political complications."<sup>6</sup> By drawing the attention of the United Nations to the crisis in their occupation zones, Britain, France, and the United States "Europeanized" the focus of postwar global displacement. Each nation nonetheless advocated an international solution to the European DP problem.

The British government strongly urged the administrative transfer of displaced persons to a new international agency. This possibility was first discussed in November 1945 under the auspices of the Intergovernmental Committee on Refugees established in July 1938 to assist Jewish refugees from Nazi Germany.<sup>7</sup> George Rendel, an official of Britain's Foreign Office in charge of liaison with humanitarian organizations, later wrote in his memoirs that he was keen "to bring home to everyone concerned the seriousness of the problem with which we were now being faced."<sup>8</sup> Aware that "the refugee problem was now becoming a serious political danger," Rendel advocated the creation of "a new and effective refugee organization on a much larger scale." He explained that this international body would take on the duties then being performed by Allied military authorities: "In London, we still believed that the problem was a political rather than a military one, and that it could not be solved by short-term military measures."<sup>9</sup> When Philip Noel-Baker, a British veteran of the League of Nations and future Nobel Peace Prize winner, insisted on behalf of the United Kingdom that the displaced persons be placed under the authority of the General Assembly, he was in complete harmony with Rendel, whose bid opened the way for the internationalization of the DP question.

As Foreign Office records indicate, the British preference for an international agency was partly motivated by cost-sharing concerns. This solution, intimated Ernest Bevin to the US secretary of state James Byrnes, ensured "that every country realizes its responsibilities and takes its fair share of the burden."<sup>10</sup> This viewpoint, however, was predominantly shaped by the pressing question of Palestine. Alarming reports of Jewish "infiltrates" from Poland into the British occupation zone reached the Foreign Office in the winter of 1945, hinting that large numbers of Zionist sympathizers might be headed for West Germany. The Allies had liberated approximately twenty thousand Holocaust survivors from German concentration camps in the spring of 1945, but since then the steady influx of Jewish migrants rapidly increased the size of the Jewish displaced population. Predominantly of Polish origin, these refugees had survived the war in the Soviet Union and hoped to reach Palestine from safe havens in occupied Germany. In January 1946, Jewish infiltrates already entered the British occupation zone "at the rate of several thousands a day."<sup>11</sup> Since the release in August 1945 of the Harrison Report on the "treatment of displaced Jews"—a turning point in American attitudes toward Holocaust survivors and Zionism—the United States had pressured Great Britain to open the gates of Palestine to 100,000 Jewish immigrants. A temporary compromise was reached when in November 1945 Ernest Bevin and Harry Truman commissioned the Anglo-American Committee of Inquiry into the Problems of European Jewry and Palestine, whose 120-day mandate was "to make estimates of those who wish or will be impelled by their conditions to migrate to Palestine or other countries outside Europe."<sup>12</sup> To deflect attention away from the sensitive Jewish issue, the British government insisted "that the political questions involved were discussed in the widest possible forum."<sup>13</sup> Until the United Nations adopted a plan for the partition of Palestine in November 1947, the Foreign Office worked to dissociate the Jewish refugee problem from the Palestine question so as too weaken Zionist claims against British immigration restrictions. Rendel was well suited to this task. The former head of the Foreign Office's Eastern Department, he was a major architect of British policy toward Jewish refugees and "infiltrates" whom he linked, like Ernest Bevin, to an organized "attempt on the part of the Zionists to force our hand on the issue of immigration into Palestine."<sup>14</sup> For the British, a broadly inclusive discussion was the most preferable course in order to disentangle the Jewish DP question from the uncertain future of Mandatory Palestine.

If the internationalization of refugee governance advanced specific British goals, it also appealed to other Western Allies. In liberated France, immigration



experts argued that the recovered French model of republican assimilation could, if applied internationally, lead to the eradication of statelessness in the postwar world. "It will be the honor of France," urged the socialist Marcel Livian, "to take the initiative for this disappearance, not only at the national level but internationally as well."<sup>15</sup> In the same vein, French foreign-policy makers thought of the refugee question as a valuable channel through which French prestige could be reinvigorated. France, after all, had received the bulk of Europe's immigrants and asylum seekers during the interwar era and, despite the taint of the Vichy years, legitimately sought recognition as a generous land of refuge. In July 1945, the *Quai d'Orsay* (as the French Ministry of Foreign affairs is known) thought that France deserved a leading role in international meetings devoted to refugees: "It is expected that the reorganization of the status of stateless people will soon become an international question. A French thesis must be prepared: France leads the world in the number of stateless people and refugees living on its territory.... As such, the French position ought to be given full consideration."<sup>16</sup> This desire was not merely confined to French policy-making circles. The influential intellectual Emmanuel Mounier also referred to the tradition of French political asylum as a palliative to the erosion of French grandeur: "Even if we are unable to build atomic bombs or to bang on tables with an imperial fist like those called the Big Powers, there still remains a way to force ourselves upon History: to be a country where an exiled, desolate, and desperate man will always find a hand stretched out to him with no questions asked."<sup>17</sup> In this regard, the referral of the DP question to the United Nations allowed French officials to claim a dominant role in the emerging politics of international human rights. With less than forty thousand registered DPs in early 1946, the small French zone of occupation in Rhineland-Palatinate and the Saarland was largely depopulated of refugees. It nonetheless seemed "suitable" to the *Quai d'Orsay* "that a French national be placed at the head of a unified refugee organization mandated by the United Nations."<sup>18</sup> But as French diplomats quickly discovered, leadership of international humanitarian organizations largely remained in American hands.

Within the Truman administration, however, the refugee problem did not initially rank high among immediate postwar priorities. In May 1945, Franklin D. Roosevelt's recently inaugurated successor refused to pay particular attention to the DPs in liberated Germany, despite the prodding of his secretary of the treasury, Henry Morgenthau.<sup>19</sup> The main arbiters of American refugee policy were military commanders in Germany and the State Department in Washington, "whose ideas on the subject," the British

Foreign Office complained in the fall of 1945, "do not yet seem to be very clear."<sup>20</sup> The US Army and the State Department both sought an immediate solution to relieve the US zone from a costly humanitarian commitment shouldered by American taxpayers. Neither conceived of "international organization" as a suitable way to rapidly relieve the American occupation zone of nearly five hundred thousand displaced civilians of multiple nationalities. Faced with this daunting challenge, American authorities initially viewed the British proposal to transfer the question of nonrepatriable refugees to the United Nations as an unnecessary complication.<sup>21</sup> They agreed that existing international organizations such as UNRRA and the near-defunct Intergovernmental Committee on Refugees, were unable "to take effective action," an opinion frequently expressed by General Dwight Eisenhower. But an entirely American civilian agency overseeing the DP question was in their eyes preferable to the creation of yet another international body committed to the long-term upkeep of hundreds of thousands of DPs in Germany.<sup>22</sup> Such a prospect threatened the stabilization of Germany, at a time when American occupation policy gradually shifted from denazification toward helping "the German people to win their way back to an honorable place among the free and peace-loving nations of the world."<sup>23</sup>

Against these misgivings, American internationalists invoked the Charter of the United Nations and its stated goal to "achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character." Eleanor Roosevelt unexpectedly became one of the leading American voices advocating such a path. Asked in December 1945 by Harry Truman to join the first US delegation at the United Nations General Assembly, the former First Lady would soon publicly declare her support for international action to aid the refugees, who constituted "a source of disturbance in the relationships of nations now affected by it."<sup>24</sup> Her appointment to the US delegation gave her ample opportunity to grapple directly with issues in which she claimed to have taken a keen interest, such as "refugees, relief, and rehabilitation and human rights."<sup>25</sup> Despite such idealist intentions, the stringent immigration quotas based on national origins imposed by the Johnson-Reed Act of 1924 still prevented the entrance to the United States of a large number of displaced persons, just as it had hampered the large-scale rescue of refugees from Nazi Germany on the eve of World War II. Harry Truman's "Statement and Directive on Displaced Persons," issued on September 22, 1945 seemed to indicate a change of course. Drawing attention to the "appalling situation of dislocated people in Europe," Truman asked that "established immigration quotas be used in order to reduce human suffering,"

a timid but not inconsequential liberalization of US refugee policy that soon enabled the first organized arrival of Holocaust survivors onto American soil.<sup>26</sup> Yet at the beginning of 1946, the American agreement to refer the DP question to the United Nations meant that the United States would back, financially and politically, a multilateral solution not based on large-scale immigration to its shores. According to George Warren, the main refugee adviser at the State Department in the 1940s and 1950s, many liberal advocates of international action still opposed the wide scale acceptance of refugees in the land of the free. Their hope was instead "to divert the pressure on the United States" and to get refugees "off to other countries."<sup>27</sup>

The realization by Allied authorities in Germany that an increasing number of DPs refused to go home precipitated the search for an international solution under the auspices of the United Nations. Despite intense efforts by military authorities and UNRRA workers to proceed with the swift evacuation of DP camps, repatriation rates had slowed to a crawl, particularly among Polish DPs. Only 13,900 DPs were returned home in January 1946, the lowest monthly figure to date. UNRRA officials continued to believe that most of the displaced persons were capable of repatriating, particularly if enticed by clothing, food, and amenities.<sup>28</sup> Foreign correspondents in Germany reported a different story: "Everyone connected with the problem wishes this assumption were correct but knows that it is not."<sup>29</sup> No longer temporary refugees the DPs formed a group of long-term asylum seekers looking to emigrate to Western European countries, the New World, and, after May 1948, the State of Israel. The three occupying powers in West Germany consequently pinned their hopes on a new international body better suited than UNRRA to deal with the migratory and political dimension of the problem. "By the autumn of 1945," recalled an American planner of DP operations, "it became increasingly apparent that a new international agency would be needed to resettle those refugees who, for one reason or another, would not return to their homelands."<sup>30</sup> But the establishment of the International Refugee Organization was not a simple matter: at stake was the "safeguard and sanctuary of people shifted against their will from one government to another."<sup>31</sup> Recently arrived in London to attend the first session of the United Nations, Eleanor Roosevelt felt that the displacement crisis in Germany was rapidly morphing into a political tug-of-war. "The battle is on about the refugee resolution," she recorded in her diary on January 9, 1946.<sup>32</sup>

Over the next twelve months, according to an American official, "millions of words were uttered in prolonged debates," ultimately raising "far-reaching issues that touched fundamental questions of human liberty."<sup>33</sup> A member of

the US delegation at the Economic and Social Council, Ernest F. Penrose participated in fiery exchanges. His detailed portrayal of the proceedings was infused with unmistakable Cold War rhetoric: "Our negotiators were talking to men whose mercy was not as our mercy, nor their justice as our justice, not their idea of compromise as our idea of compromise." Other contemporary analysts, such as the *New York Times* diplomatic correspondent James Reston, emphasized in similar terms the ideological cleavage revealed by this confrontation: "It began to settle in the minds of the negotiators on both sides that what they were really seeking were two different worlds of the mind and the spirit."<sup>34</sup> Students of Soviet interventions at the United Nations shared the same view: "There has been little evidence that the Soviet Union shares the humanitarian concern for refugees which is so widely felt in the West."<sup>35</sup> Not all commentators framed the East-West divide in clear-cut ideological terms. For a French international jurist, disagreements over the definition and status of displaced persons amounted above all to a "*conflit de qualifications*": potentially reconcilable differences between two juridical approaches more than the collision of two world views.<sup>36</sup> But for the numerous American eyewitnesses to these negotiations, there was little doubt that the issue of displaced persons "shed light on the different conceptions of democracy held in Russia and America."<sup>37</sup> The US secretary of state George Marshall, who claimed he raised this question in "every possible forum," concluded that the DP problem exposed irreconcilable divergences between the "Soviet viewpoint" and the "American tradition."<sup>38</sup>

The "battle of refugees" was indeed the first direct confrontation over political dissidents between the two emerging superpowers: human rights politics did not only hastened the end of the Cold War, as commonly assumed, but also led to its outbreak. In front of the international press corps, Eleanor Roosevelt and Andrey Vyshinsky (who would be replaced as the Soviet delegate later that year by Andrey Gromyko) repeatedly sparred in plenary sessions of the UN General Assembly. The fate of the displaced persons, however, was painstakingly discussed in more specialized commissions reporting to the General Assembly and the Economic and Social Council.<sup>39</sup> This relegation to secondary venues did not however diminish the intensity of the negotiations. "The greatest political heat," observed Eleanor Roosevelt, "often came up in the course of grinding committee work."<sup>40</sup> The talks revolved around three core issues: "How were refugees and displaced persons to be defined? Were they to be permitted to choose freely between the alternatives of going back to their countries of origin and remaining outside of them? If so, what international aid should be given to those who choose to remain outside?"<sup>41</sup>

The initial participation of twenty countries, joined by thirty more toward the end of 1946, theoretically secured a broad international setting. In practice, non-Western participants played a secondary role, whether in committees or plenary sessions. Representatives of Middle Eastern countries (Egypt, Iraq, and Lebanon) almost exclusively intervened in the discussions to defend the rights of "indigenous populations" from refugees resettled in other countries, a direct reference to Jewish DPs and their possible emigration to Palestine. "Refugees," a Syrian representative argued in a rare intervention, "should not be forced upon local populations among whom their presence might result in strife."<sup>42</sup> Similarly, Latin American delegations (representing twelve countries by the end of 1946) seldom participated in the debates. Their large number, however, gave them a pivotal role during decisive votes. In one instance, Eleanor Roosevelt skillfully invoked the memory of Simon Bolivar and "his stance for the freedom of the people of Latin America" in order to drum up support for Western proposals.<sup>43</sup> Overall however, non-Western countries remained marginal actors in deliberations entirely focused on refugees in Europe. "Like other immediate issues," the American editorialist Anne O'Hare McCormick summarized, "this is a matter for the Great Powers to deal with."<sup>44</sup>

The main difference of opinion was between the countries of origin of the majority of displaced persons: the Soviet Republics of Russia, Ukraine, and Belarusia, as well as Poland and Yugoslavia; and the three countries administering displaced persons camps in occupied Germany and Austria: the United States, the United Kingdom, and France. The Eastern European bloc argued that only those persons who wanted to return to their countries should be assisted by an international organization. This view was invariably repeated by the Soviets from 1945 onward. After the defeat of the Axis Powers, they contended, "all men of good will" could and should return to their homeland. In the Communist "anti-Fascist" view, repeated throughout the negotiations, Spanish Republicans and Jewish survivors were the only categories of persecuted refugees deserving of international assistance outside their countries of origin. Both types were deemed "unrepatriable" by the Soviet bloc, although for different reasons. In Spain, the persistence of Francoist rule prevented the repatriation of political opponents, and Republicans were seen by the Soviets as freedom fighters temporarily unable to return to their homeland. Jews, however, were the only group of permanent refugees accepted as such by the Soviet Union. A particular brand of anti-Fascist philosemitism mixed with more pragmatic considerations accounted for this diplomatic sympathy. This position also reaffirmed on a much larger international stage the rigorous

stand previously taken by the Soviets at various UNRRA meetings, namely, that the distribution of postwar aid should be directly tied to anti-Fascist political criteria. As the Soviets contended, "special weight and urgency [should] be given to the needs of those countries in which the extent of devastation...resulted from active resistance in the struggle against the enemy."<sup>45</sup> The USSR held a similar view regarding postwar refugee relief: only true "victims of Fascism" should be entitled to a special international status. The overwhelming majority of DPs did not fall within this category. Whether they were victimized or not during World War II, they remained in Soviet eyes displaced citizens to be repatriated without further ado. For the Communist delegations, according to UNRRA's official historian, "the test of whether an individual was good or bad was whether he wanted, actively and quickly, to return to his area of origin."<sup>46</sup>

In accordance with the Yalta agreement, American, British, and French authorities had lent their hands to the compulsory repatriation of Soviet nationals, most of them prisoners of war and forced laborers found in Western and Central Europe in the months following V-E Day.<sup>47</sup> While still wishing for the rapid closure of DP camps, the Western Allies now argued that the bulk of the displaced persons deserved humanitarian assistance until a solution could be found for them. The role of the international community, declared Eleanor Roosevelt on January 28, 1946, was to find ways "in the interest of humanity and social stability to return... thousands of people who have been uprooted from their homes and their country to a settled way of life."<sup>48</sup> Whether this return to a "settled way of life" should take place in countries of origin or elsewhere in the world she did not specify. Her intentional vagueness on this issue was a first hint to the Soviet side that, alongside repatriation, emigration could legitimately be envisioned as a permanent remedy to the DP problem.

Underlying the East-West controversy, which erupted during the early days of the debates, was therefore a radically different approach toward the various refugee groups in occupied Germany. The USSR and its satellites immediately sought to exclude from the scope of international humanitarian aid their alleged political enemies. While stating in several instances that they did not wish to reject the right of asylum, the Communist bloc found it unacceptable to adhere to an organization providing assistance to "undemocratic" elements. "Has it ever been known in the history of international relations," asked the Yugoslav representative Ales Bebler (a former volunteer in the Spanish Civil War and Titoist partisan), "that a Government contributed to the cost of maintaining its political enemies who have fled abroad or emigrants

who have in fact committed crimes against the people?"<sup>49</sup> To bolster this position, the Polish delegate Józef Winiewicz recited from the definition of "refugees" offered by the *Oxford English Dictionary*: "Persons seeking refuge in a foreign land due to racial or political persecution." This designation, he maintained, hardly applied to displaced persons who no longer had a compelling reason to abandon their country and who were blatantly shunning the duty of postwar reconstruction. "We should not let ourselves be hypnotized by the humanitarian aspect of this question," he concluded, "and allow war criminals to be taken for irreproachable refugees."<sup>50</sup> His Ukrainian colleague similarly described the predominantly anti-Communist and nationalist Ukrainian DPs refusing to repatriate to the USSR: "These so-called refugees... which the Ukrainian people rightly call 'German-Ukrainians,' are not political refugees but criminals who endanger peace and world security." Finally, a Soviet representative of Armenian origin summarized this issue in simple terms: "The only dream of refugees is to go back as soon as possible to their country of origin," citing as an example the successful return of (a few) interwar Armenian refugees to the Soviet Socialist Republic of Armenia in 1945. "Our people," he confidently boasted, "reserve the most cordial and diligent welcome to returning displaced persons"—a claim seriously challenged at the time by anti-Communist advocacy groups and more recently by historians of the Soviet Union.<sup>51</sup> The permanent solution advocated by the USSR and its followers was the repatriation of all displaced persons (except Jews) through "bilateral agreements between the countries concerned." This option amounted to a mere continuation of early Allied repatriation policies according to which each foreign national found in liberated Europe was claimed and repatriated by country of origin, with the logistical help of UNRRA. "My hypothesis," Penrose remembered, "was that the Russians meant what they said, that they sincerely desired a temporary international organization with the object of registering refugees and displaced persons [and] arranging for their repatriation."<sup>52</sup>

For historical and ideological reasons, the Soviet attitude toward DPs unwilling to repatriate was much less flexible, especially in the case of Balts and Ukrainians. Like White Russian and anti-Bolshevik émigrés in the 1920s, "renegades" left beyond the grip of Soviet power raised the specter of counter-revolution. A frequent Russian accusation, noted the British George Rendel, was that "our refugee policy was aimed at creating counter-revolutionary movements like those of Wrangel and Denikin after the First World War." The dissemination of hundreds of thousands of anti-Communist displaced persons was also a serious public-relations concern in the midst of the

Communist takeover in Eastern and Central Europe and at a time when accurate descriptions of the forced-labor system in the USSR were starting to surface in the West.<sup>53</sup> In addition, the devastated condition of Eastern European economies created gigantic manpower needs. In the Soviet Union, the Five Year Plan (1946–50) demanded an enormous amount of conscripted labor, and Soviet DPs in occupied Germany were desirable targets of forced-labor policies, alongside the 2.2 million POWs already repatriated and assigned in large numbers to compulsory work. The USSR sought therefore to "deport its own nationals back home," where reintegration often entailed quarantine through forced labor and other forms of political punishment, including summary executions. Historians, indeed, have estimated that one-fifth of the 5.5 million Soviet nationals repatriated by 1946 were either executed or sentenced to twenty-five years of hard labor.<sup>54</sup>

In other postwar instances of European forced displacement, such as the expulsion of ethnic Germans from Czechoslovakia and Poland, exiting refugees were physically and legally barred from returning to their former country of residence. Although the DPs had not technically been evicted but had become refugees by necessity, the Soviets demanded the complete repatriation of exiles whom they otherwise vilified as debased "enemies." It is worth recalling in this respect that in 1921, the government of the Soviet Union massively denaturalized the majority of the 1,500,000 White Russian émigrés who had fled Bolshevism; the formal punishment meted out then to Russian exiles was the coercive dissolution of their citizenship.<sup>55</sup> The Soviet Union took the opposite stance in 1945 when it insisted that displaced persons were not stateless but full nationals required to return to their countries at all cost. In the wake of its Great Patriotic War, the USSR sought to "renationalize" exiting refugees and displaced persons rather than denationalize them. Various retributive goals accounted for this drastic change of approach.

The presumed wartime guilt of certain categories of DPs formed the core of the East-West controversy. On this matter, as in many others, the Communist position left little room for ambiguity: "Those who do not share the dream of returning home are not refugees but quislings," trumpeted a Soviet official.<sup>56</sup> The DP talks allowed Eastern European countries to publicly spell out the numerous political scores they sought to settle with nationals framed as collaborators. The Soviet Union harbored vindictive designs against Balts and Ukrainians who had joined the German army, compulsorily or voluntarily. At least half a million men from the Soviet Union alone, many of them turncoat Soviet POWs who had joined General Vlasov's Russian Liberation Army or other anti-Soviet units, served in German uniform on the

Eastern Front prior to joining other civilians fleeing the advance of the Red Army. Hence the request, for example, of a Soviet Ukrainian delegate to forcibly return DPs who had been members of the Ukrainian Waffen-SS "Galizien" Division, guilty of participating in "annihilating the Polish population and exterminating the Jewish people."<sup>57</sup> Yugoslavia, led by the wartime Partisan leadership, was eager not to let "fascist" Chetniks and former Croatian Ustaše go free. In addition, Yugoslavia presented a particularly detailed laundry list of "criminals" among Yugoslav DPs in Austria and Italy, including pro-German fascist Serbs, Domobranis (collaborationist members of the Slovenian Home Guard), and "Mahometans from Bosnia" who had enrolled in the SS. The Yugoslav delegation legitimized its demands by reverting to analogy: "There was no special formality followed in the case of Marshall Pétain or M. Laval. Why create difficulties for other countries? Why discriminate?"<sup>58</sup>

Within the emerging Soviet bloc, Poland took the least aggressive position regarding the punishment of expatriate nationals. The vast majority of Polish DPs had been forcibly brought to Germany as slave laborers and subsequently endured extreme hardships; the accusation of "collaboration" hardly applied to their wartime experience. On the question of DPs, Polish diplomats at the United Nations confidently departed from the retributive Soviet line and "had not thrown off the last shreds of independence at that time," as E. F. Penrose noted. Yet the emissaries of the Communist-controlled National Unity Government formed in June 1945, still counted various "enemies" among the Polish DP population, such as the members of General Anders's anti-Soviet army and the vocal supporters of the London-based Polish government-in-exile. All in all, Poland shared with its Soviet-bloc partners a common basic position: the ongoing "democratization" of East-Central Europe removed all the obstacles to nationals returning home and participating in reconstruction; their refusal to do so was an irrefutable incriminating sign.

The Communist emphasis on retribution was not dismissed outright by the Western bloc, and not only because 1946 was still a time, according to Penrose, "when the western world had not given hope on reaching an accommodation with the Soviet Union... and was anxious to leave the way open to compromise wherever practicable." The French and Belgian delegations, for instance, included former resisters sensitive to anti-Fascist Soviet claims. Marie-Hélène Lefauchaux, a French diplomat and former member of the Resistance, agreed that proven "war criminals, traitors and quislings" were to be punished and surrendered to their national government. Alexandre Parodi, himself a *grand résistant* and the first permanent representative of his

country at the UN security council, wrote in June 1946 to his fellow wartime comrade Georges Bidault (who served as the president of the provisional government as well as foreign minister) that on the refugee question, "France is looking for equitable solutions and seeks to attenuate, for the Russian group, the feeling of isolation resulting from the constant adoption of views inspired by the Anglo-Saxon bloc and shared by the majority."<sup>59</sup> The Belgian representative Fernand Dehousse, a distinguished international jurist and a socialist Resistance member during the German occupation, took his cue from the long lists of collaborators presented by the Soviet side to seek the assistance of the United Nations in securing the extradition from Francoist Spain of the notorious Belgian collaborationist leader Léon Degrelle.

This anti-Fascist kinship between East and West, however, proved limited and qualified. Most Western European countries formerly occupied by the Nazis had by 1946 completed the harsh and violent phase of retribution and purges, and were now focusing instead on the prosecution of high-profile collaborationist leaders and more often than not opted for national unity over the aggressive pursuit of political justice. For their part, Britain and the United States played a dominant role at the Nuremberg Trials and in the process of denazification in occupied Germany, but shied away from vindictive rhetoric during the DP negotiations at the United Nations. The Western side indeed carefully hewed to a moderate position regarding retribution, a stance clearly summarized by Fernand Dehousse. If the search for and prosecution of collaborators among the DPs was legitimate, he argued, "one could also refuse to return to a country of origin and not be a war criminal, a traitor, or even a fascist." In a direct challenge to Soviet criteria, Dehousse added that treason was in itself a very ambivalent and contingent juridical concept: "Should countries of refuge accept the definition of treason prevailing within the jurisdiction of claiming countries"<sup>60</sup>? As it soon became clear, someone labeled a "traitor" in Eastern European anti-Fascist parlance was no longer automatically deemed a collaborator in the West.

Foreboding the lenient admission into their countries of thousands of Ukrainian and Baltic DPs who had fought in German units, British and American delegates particularly opposed the blanket criminalization and punishment of non-Jewish Eastern European refugees.<sup>61</sup> "The United Nations must show a spirit of tolerance and generosity rather than a desire for vengeance. Its task is to bring peace, not the gallows," declared George Rendel.<sup>62</sup> According to the Western majority view, assistance provided to the Nazis during the war did not always amount to collaboration, such as in the case of coerced enrolment in the German army. On behalf of the United

States, George Warren proposed therefore that the new refugee organization should be given a limited retributive mission—the denial of assistance to DPs who voluntarily assisted Nazi Germany and its satellites—without playing the role of a “criminal tribunal.”<sup>63</sup> Speaking for France, the French trade-union leader and former Buchenwald internee Léon Jouhaux reinforced the Western position. The nations of the world, claimed the French representative at the Economic and Social Council, “must not make the fate of 1,200,000 displaced persons dependent on that of a few thousand guilty persons.”<sup>64</sup>

The landmark resolution submitted to the UN General Assembly on February 12th, 1946, reflected the split between Western and Soviet definitions of wartime treason and collaboration. While the motion required that particular attention be paid to the “surrender and punishment of war criminals, quislings and traitors” and encouraged the voluntary repatriation of DPs “in every way possible,” it also constituted the first international recognition of the right of asylum in the postwar era: “No refugees or displaced persons who have finally and definitely, in complete freedom and after receiving full knowledge of the facts,...expressed valid objections to returning to their countries of origin...shall be compelled to return to their countries of origin.”<sup>65</sup> Proven traitors should be punished, but other DPs, legitimately opposed to repatriation should be entitled to international aid and authorized to live outside their homeland. Such persons, argued a Dutch representative on behalf of the Western nations, were “entitled to resettlement elsewhere as a basic human right.” As such, this resolution went significantly further than Article 55 of the United Nations Charter, which only vaguely called for the “universal respect and observance of human rights and fundamental freedoms” without prohibiting the forcible return of asylum seekers to their country of origin.<sup>66</sup> Andrey Vychinsky, the ill-famed orchestrator of Stalin’s Great Purge between 1936 and 1938, vociferously opposed this proposal: “We refuse to accept this tolerance. We paid a high price for it, with too much blood and too many lives. This so-called tolerance is known to history by one name: Munich.”<sup>67</sup> *Time* magazine vividly described Eleanor Roosevelt’s counterattack: “Her voice shrill with emotion, she urged that UN aid those who refused to go back.” While Vyshinsky “preached Soviet doctrine in the form most repulsive to the West, the packed galleries gave her a rousing ovation.”<sup>68</sup> Other English-speaking officials used this opportunity to display their own rhetorical skills. To counter the Soviet line, the prime minister of New Zealand, Peter Fraser, read from Ralph Waldo Emerson’s poem “Boston”: “What avail / The plough or sail / Or land of life / If Freedom fail?” Hector McNeil, a Scottish junior minister at the Foreign Office, reminded

the Communist bloc that tolerance could prove beneficial: “We have had a refugee of whom we are very proud: using our libraries and his brains, he laid down a series of principles which were directed dramatically and basically against the kind of society in which he was sheltering.”<sup>69</sup> But this sardonic reference to Karl Marx did little to alter the Soviet belief in the collective guilt of DPs who refused to go home.

Despite this acrimonious atmosphere, the UN General Assembly unanimously voted in favor of the resolution with the reserved but decisive support of the five Soviet-backed delegations. “This vote meant that the Western nations would have to worry about the ultimate fate of the refugees for a long, long time,” Eleanor Roosevelt conceded, “but it was a victory well worth while.” It was a relative success for the Communist side also. Repatriation, even if voluntary, was still being framed in the resolution as the only suitable policy to solve the DP crisis. Moreover, despite stating that the refugee problem was “international in scope and nature,” the resolution allayed Communist qualms by avoiding any direct reference to the “resettlement” of DPs outside their homeland. The Communist nations still had a lot to gain by staying the course and blocking Western proposals in backdoor committees. On no issue, Penrose wrote, “did the persistence of the Eastern bloc penetrate further into details than on refugees and displaced persons.” Eleanor Roosevelt, for her part, explained this tenacity in more cultural terms. She found that the lengthy DP negotiations revealed the “Russians’ oriental streak which comes to the fore in their enjoyment of bargaining day after day.”<sup>70</sup>

New controversies inevitably erupted. Eastern European governments asked to be provided with nominal lists of displaced persons and demanded that the personnel administering the DP camps should be mostly composed of representatives of their countries. Against this claim, the British delegation proudly invoked the “Anglo-Saxon conception of law” in which “no one may be both judge and prosecutor in the same case.”<sup>71</sup> Another bone of contention was the method of transmitting information to the refugees concerning political and economic conditions in the countries of origin. Soviet-bloc representatives alleged that active coercion against repatriation was carried out in the DP camps, involving “bullets aimed at the chest of those expressing the desire to return to their motherland.” In a three-hour-long harangue, Vyshinsky charged that “those bands included among their leaders traitors and quislings who had served in the German Gestapo, who had organized pogroms against the Jews, or who had headed punitive expeditions against Ukrainian and Belarusian partisans.”<sup>72</sup> Although regularly debunked by Western counterinvestigations, these accusations were not always unfounded.



The DP camps and other non-Jewish refugee communities in occupied Germany constituted the most vocal centers of anti-Soviet propaganda in postwar Europe. Moreover, many of the antirepatriation agitators, Ukrainian nationalists in particular, had actively collaborated with the Nazis under the banner of anti-Bolshevism.<sup>73</sup> The Western majority acknowledged that "repatriation has been hampered by the dissemination of false rumors," yet they supported freedom of speech and the unrestricted circulation of information in the DP camps. The role of the future refugee organization, the Western nations contended, would be to make sure that "adequate information" on the conditions in countries of origin was supplied to refugees, without granting Eastern European governments any privileges in this process.

These differences of view were not just procedural tactics; the DP talks of 1946 showcased for the first time the blossoming rhetoric of the Cold War West, a geopolitical entity framed in civilizational terms. Three years before NATO founders proclaimed themselves "joined by a common heritage of democracy, individual liberty and the rule of law" and referred to the West as "a cohesive organism, determined to fulfill its great purpose," the United States and its allies seized upon the DP problem to exhibit alleged Western values, such as the right of individuals to be protected from the nefarious acts of states.<sup>74</sup> "Here at the United Nations," proclaimed Eleanor Roosevelt, "we are trying first and foremost to take into account the rights of man, not the rights of governments."<sup>75</sup> Rendel similarly alluded to a definitive chasm between competing ideologies when he ruled out, "at this moment of history," the possibility of reconciliation between two antithetical philosophies.<sup>76</sup> The Belgian jurist Fernand Dehousse clarified the uniqueness of the Western ethos: "We believe in human values that transcend epochs, regimes and governments."<sup>77</sup> That these principles had been blatantly violated by European powers in the colonial world as soon as World War II ended did not hinder this self-celebration. American commentators drew this unambiguous conclusion: "The East wanted a world in which the state was supreme; the West a world in which the individual was above the state."<sup>78</sup> Throughout 1946, negotiations over displaced persons at the United Nations served as the first international stage for a "clash of civilizations" between the coalescing West and the nascent Soviet bloc.

Cold War rhetoric did not however stop European and American representatives from extolling the superior humanitarian achievements of their respective countries. Léon Jouhaux, for instance, reminded the UN General Assembly of France's historic role as a haven for asylum seekers: "France has taken hundreds of thousand of political refugees. What she did, could other

countries do it too?" French "traditional hospitality," another official argued, evidently oblivious of the numerous internment camps set up by his country on the eve of World War Two and by the Vichy regime, extended back to "time immemorial."<sup>79</sup> Hector McNeil, the delegate for Britain, declared that the entire English language would disappear "should the words toleration, pity and asylum vanish from its vocabulary" (even if his instructions from the Home Office made clear that the United Kingdom, already burdened with "alien refugees," was not eager to absorb new ones).<sup>80</sup> Delegations from smaller European nations, such as Denmark, also boasted of their contribution to humanitarianism—in Denmark's case on behalf of displaced Germans from Pomerania and Eastern Prussia who escaped the advance of the Red Army on its way to Berlin. The most revealing insight into this humanitarian contest was Eleanor Roosevelt's trumpeting of the American tradition of asylum, couched in the language of American exceptionalism:

I cannot recall that a political or a religious refugee has ever been sent out of my country since the Civil War. At that time I do remember that one of my own relatives, because he came to this country and built a ship that ran contraband to the South, was not included in the amnesty. But, otherwise, this has not been a question that has entered into my thinking.<sup>81</sup>

Ignored in her statement was the deportation of Chinese laborers in the late nineteenth century and of European left-wing radicals after the First World War, not to mention her late husband's refusal to let into the United States the 973 Jewish refugees on board on *SS Saint Louis* in June 1939.<sup>82</sup> For the first American representative at the United Nations, it was the recent upheavals on the European continent such as "wars, changes in population and ownership of land" that now compelled the United States to tackle the problem of refugees "from a completely different point of view": no longer as an issue external to American experience but as one of the pillars of postwar American internationalism.

These various pronouncements all unequivocally pointed to the West as the historical home of humanitarianism, despite the efforts of other countries to challenge this monopoly. A Lebanese delegate politely reminded his audience that his country took in more than eighty thousand Armenian refugees in the interwar period. His Egyptian colleague added that many Greek, Italian, Yugoslav and Polish soldiers and refugees fleeing Nazi occupation found shelter in Cairo during the war. Yet for Cold War legal scholars and

political scientists, the Western approach to the DP problem undoubtedly reflected a unique "cult of solidarity with wretched individuals, and in particular with the victims of tyranny."<sup>83</sup> According to one commentator, "the Western tradition of freedom of speech and right of asylum was too deeply entrenched to be lightly dismissed."<sup>84</sup> Not surprisingly, the International Refugee Organization (IRO), established by the United Nations General Assembly on December 15th, 1946, was frequently portrayed as "an instrument of the West."<sup>85</sup> The fact that the Soviet-backed side withdrew from this new "specialized agency" the very day of its creation—leaving the United States to ultimately supply over half of its funding—certainly gave credence to this characterization.

After almost a year of tedious negotiations, the constitution of the International Refugee Organization was adopted by a vote of 30 to 5, with 18 abstentions.<sup>86</sup> It was, however, declared unacceptable by the Eastern European bloc. By ruling out compulsory repatriation, the Soviet representative Andrey Gromyko insisted, the West allowed "war criminals" to evade justice instead of being punished in their own country. Gromyko also reiterated the basic Soviet opposition to the resettlement of DPs, except in the case of Jewish "unrepatriables." Emigration, he contended, would condemn the refugees "to a joyless life far from their homeland, in circumstances of all sorts of discrimination."<sup>87</sup> This was a new argument in the Soviet repertoire. For several years to come, the USSR would repeatedly accuse Western capitalist countries of using DPs for cheap labor.

The withdrawal of the Soviet bloc from the IRO also marked the end of the short-lived era of Grand Alliance humanitarianism inaugurated in November 1943 with the creation of UNRRA. At that time Soviet representatives had heralded the "mutual understanding" and "the spirit of collaboration" prevailing within the organization.<sup>88</sup> To be sure, the wartime participation of the Soviet Union in the Relief and Rehabilitation Administration stemmed from a desire to obtain badly needed material assistance at the end of the war. Like the Bolshevik regime in 1918, the USSR and its immediate satellites stood in 1945 at the receiving end of international recovery efforts, a fact later bemoaned by American critics of UNRRA who realized that "the great bulk of relief, largely supplied or paid for by the United States, went to Eastern Europe and was used by governments bitterly hostile to us."<sup>89</sup> Still, the existence of UNRRA had allowed for a qualified partnership between the Western Allies and the Soviet Union in the planning of postwar relief operations. The Soviet repudiation of the IRO ended this understanding and prefigured the systematic disengagement of the USSR and its satellites from

international organizations.<sup>90</sup> It also widened the gap separating East and West over the meaning and enforcement of human rights. Two years before Communist countries abstained when the 1948 Universal Declaration of Human Rights was put to vote, their withdrawal from the IRO was the first Soviet-bloc denunciation of "bourgeois rights" at the United Nations.

The IRO constitution, however, did not entirely contradict Soviet arguments. A marked anti-Fascist language, derived from classifications established during the Nuremberg Trials, was used by the Western drafters to define persons excluded from the IRO: "No international assistance should be given to traitors, quislings and war criminals, and nothing should be done to prevent in any way their surrender and punishment."<sup>91</sup> The same clause applied to persons "who can be shown to have voluntarily assisted the enemy forces since the outbreak of the Second World War" and who "have assisted the enemy in persecuting civilian populations." Henry Monneray, a French former assistant prosecutor at Nuremberg who analyzed the legal status of refugees in the IRO constitution, clarified the meaning of this exclusionary clause: "Infidelity towards the national state will only be tolerated if justified by fidelity towards the ideals of human rights prevailing within the United Nations community."<sup>92</sup> Interestingly, Soviet legal doctrine later borrowed from IRO language when it exclusively defined refugees as "victims of Fascism." As an American Sovietologist pointed out in 1957, "the USSR seems to have adopted the law of the IRO Charter as the final word on refugees and displaced persons, even though it has opposed its adoption."<sup>93</sup>

Another provision that was quite agreeable to the Soviet side was the exclusion of "persons of ethnic German origin, whether German nationals or members of German minorities in other countries." In conformity with Article 12 of the Potsdam Agreement, the IRO considered the expellees as the exclusive responsibility of the West German government and local welfare organizations. The millions of ethnic German refugees who since 1944 had poured into Germany in fear of the Red Army as well as those forcibly transferred out of Czechoslovakia and Poland immediately after the war were therefore barred from receiving United Nations assistance. "The Organization," wrote the IRO historian neutrally, "was not required to handle the difficulties created by the influx into Western Germany and Austria of German refugees and displaced persons, the so-called Volksdeutsche."<sup>94</sup> Yet by excluding refugees of ethnic German background, the IRO hewed to the retributive principles of "victor's justice." Western refugee advocates eager to extend international help to ethnic German expellees lamented this provision. The IRO constitution, protested the theologian Elfan Rees on behalf of the World



Council of Churches, "was saddled with a definition of a refugee which was narrow, partial and in specific instances discriminatory and unjust."<sup>95</sup>

An additional compromise with Soviet interests was the priority given to refugee repatriation: "The main task to be performed is to encourage and assist in every way possible their early return to their country of origin." Although the IRO, later dubbed "the largest travel agency in the world," was created by the West to facilitate the emigration of displaced persons, its founding charter nonetheless stated that the "re-establishment of refugees should be contemplated only in cases indicated clearly in the Constitution." This cautious language intentionally avoided friction with Soviet-bloc countries demanding the prompt return of their nationals. The constitution also stipulated that "the expenses of repatriation to the extent practicable should be charged to Germany": already intent on exacting enormous material and financial reparations from its own occupation zone, the Soviet Union certainly approved.

Finally, the concern of the IRO to "ensure that its assistance is not exploited by persons...unwilling to return to their countries of origin because they prefer idleness to facing the hardships of helping in the reconstruction of their countries" acknowledged the acute manpower crisis faced by Eastern European countries. During the negotiations, both Western and Eastern European representatives shared the view that the duty of reconstruction was incumbent upon European nationals. Soviet-bloc delegates repeatedly demanded that preferential treatment be given to the courageous repatriates willing to help rebuild their countries, a position strongly supported by France, the United Kingdom, and Belgium. Western European sensitivity to Eastern European reconstruction needs stemmed from a common experience of devastation and rebuilding. In 1946, Continental Europe as a whole was still waging "production battles" involving the recruitment (and in the Soviet Union, coercive enrollment) of citizens into the drive toward economic recovery. Stipulated in the IRO constitution, the exclusion of displaced persons who intended to escape "hardships" at home in favor of the "idleness" of refugee life did not only reflect the productivist climate of the period: it also initiated the formal separation of political and economic migrants in postwar asylum policies.

The multiple references to retribution, repatriation, and reconstruction in the IRO constitution led American anti-Communist commentators to lament the overly compromising tone of the text. James Reston believed that, in spite of the Soviet withdrawal, "there is now in operation an organization that not only does not have the membership of the Soviet Union, but is much

weaker than it would have been but for Moscow's amendments."<sup>96</sup> Supporters of the IRO invoked the urgency of the crisis to justify these concessions. "A sore on the body of mankind which is not safe to ignore," as Eleanor Roosevelt described it, the DP problem required a prompt solution. They also dispelled the charge of exaggerated Western overtures. Cooperation with the Soviet Union, Penrose retorted, never "encroached on the liberties of the refugees and their right to choose freely between repatriation and resettlement."<sup>97</sup> If the exclusionary clauses of the IRO constitution were inspired by anti-Fascist language and principles, its more inclusive aspects ran indeed counter to Communist demands.

Contrary to Soviet expectations, the IRO expanded the notion of displaced persons and brought it closer to the concept of political refugees. In deference to the Soviet position, the drafters of the IRO constitution initially separated the two categories. Displaced persons were defined as civilians forcibly uprooted by the war outside of their country of origin and soon to be returned to their proper national environment. If the reasons for their displacement "have ceased to exist," the constitution stipulated, "they should be repatriated as soon as possible." The much narrower category of refugee only encompassed the victims of Nazi or Fascist regimes, mainly Jews and Spanish Republicans who were "unable or unwilling" to avail themselves of the protection of their country of nationality. Yet the possibility offered to all DPs to express "valid objections" against returning to their countries eventually blurred the distinction drawn between displaced persons and refugees. When the IRO formally replaced UNRRA in June 1947, the overwhelming majority of DPs were treated as permanent asylum seekers. "Once repatriation ceased," its historian Louise Holborn acknowledged, "the Organization had under its mandate only refugees."

The list of "valid objections" in the IRO constitution included "persecution, or fear based on reasonable grounds of persecution because of race, religion, nationality or political opinion." This explicit mention of "persecution" was a radical innovation in the history of political asylum. It was undoubtedly assumed throughout the interwar period that refugees were indeed persecuted people. But the term "persecution" never appeared in international conventions, which, like the landmark 1933 Geneva Convention, primarily defined refugees as stateless persons. Subsequent arrangements secured in 1936 and 1938 under the League of Nations on behalf of German émigrés similarly identified statelessness, and not victimization, as the salient feature of refugees.<sup>98</sup> The Evian Conference, convened in July 1938 by Franklin D. Roosevelt to find safe havens for Germans and Austrians "who must

emigrate on account of their political opinions, religious beliefs or racial origin," seemed to change course. But, drafted during the heyday of appeasement, the founding resolution of the Intergovernmental Committee on Refugees created by the Evian Conference on July 14, 1938, cautiously refrained from referring to "persecution." Eight years later, the 1946 IRO constitution finally offered a bolder terminology. Persecuting countries were not directly named, yet "persecution," as well as "political objection," became the main factors warranting the protection of displaced persons.

The introduction of these new concepts was to significantly alter the attribution of refugee status in the decades following World War Two. Prior to the creation of the IRO, one legal scholar noted, "an individual applying for refugee status did not have to justify his claim in the light of the specific circumstances which obliged him to leave his former home country."<sup>9</sup> But as the Cold War intensified, access to the DP world became increasingly dependent on a decipherable and convincing narrative of persecution. Elaborate "screening" procedures, first carried out by Allied armies under UNRRA and more systematically by the civilian "eligibility officers" trained by the IRO, sought to purge refugee camps from unworthy types and to ascertain the "democratic" identity of the DPs. As the next chapter describes, the rigorous separation of the wheat from the chaff attempted by Allied humanitarianism in occupied Germany shaped new legal and political definitions of asylum seekers in the postwar era.

## 2

*"Who is a Refugee?"*

## FROM "VICTORS' JUSTICE" TO ANTI-COMMUNISM

"WHO IS A genuine, bona fide and deserving refugee?": this question in a handbook for IRO field personnel summarized one of the most daunting challenges faced by the soldiers and civilians in charge of the DPs.<sup>1</sup> Throughout the crisis, the detection of "true" and "false" refugees in occupied Germany and Austria remained a permanent concern for Western occupation authorities. Compared by a contemporary jurist to a "net cast by the Allies to fish a chosen few among stateless people, displaced persons and refugees," the so-called screening of the DP population amounted to a massive enterprise of individual scrutiny.<sup>2</sup> This policy started in earnest in March 1946 after UNRRA resolution 92 called for the "complete registration of all displaced persons in assembly centers" and the compilation of "occupational data," particularly within the large group of Polish DPs. A conciliatory gesture toward Eastern European governments, this move encouraged "prompt repatriation" by offering to countries of origin accurate information on displaced nationals willing to return to their homeland.<sup>3</sup> When repatriation slowed to a standstill, however, screening procedures became harsher. By mid-1946, the avowed goal of Allied counterintelligence and UNRRA personnel was the expulsion of suspicious "war criminals, collaborators, quislings or traitors of whatever race, nationality, or religion" from the DP camps.<sup>4</sup> After July 1947, the civilian staff of the International Refugee Organization followed a similar course of action but also faced the arrival of new "infiltrates" and "escapees" who had crossed the Iron Curtain. From 1946 to 1951, the identification of "genuine" refugees among Europe's displaced persons served as a testing ground for the granting of political asylum in the Cold War era.

The vetting of the DP population was, however, motivated by more pragmatic concerns. Chief among them was the desire of Allied authorities to drastically reduce the number of camp inhabitants by denying them benefits