

Bystanders: Catchall concept, alluring alibi or crucial clue?

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The notion of bystander has become an established part of the way we talk about conflict situations.¹ The concept is widely used to discuss situations when people are in proximity to a situation of conflict, and questions arise about moral responsibility to intervene. But the focus on the actors in the trilogy tends to deflect attention from the context of action. This chapter raises questions rooted in the distinction between individually motivated acts of violence, and systemic, state-sanctioned, collective violence. While the former may be viewed as discrete incidents in which perpetrators and victims constitute a core conflict situation and bystanders in some sense ‘stand outside’ the conflict arena, in the latter the system of violence encompasses far larger numbers of people over extended periods of time and across vast swathes of territory. It is harder, when looking at systemic collective violence, to identify what might legitimately be seen as ‘outside’ the specific conflict situation. The concept of an individual bystander may therefore not be so useful in relation to a system of state-sanctioned collective violence.

Classic and recent approaches to bystanders suggest that it has functioned as a catch-all concept, and something of a residual category that is inherently unstable. The term may however be an appealing alibi, relevant to understanding self-representations in accounts since 1945. Moreover, for historians a focus on the conditions under which bystanding behaviors are prevalent may assist in

¹ This is an amended and shortened version of a chapter first published in Mary Fulbrook, *Erfahrung, Erinnerung, Geschichtsschreibung. Neue Perspektiven auf die deutschen Diktaturen* (Wallstein Verlag, 2016; Reihe: Jena Center Geschichte des 20. Jahrhunderts. Vorträge und Kolloquien, Bd. 17).

understanding the dynamics of persecution in a wider context. The correlate is that we also have to develop a more differentiated analysis of those ‘on the perpetrator side’, as well as victims.

The initial categories of the classic triad have, in a sense, to be ‘re-thought together’. They are relational terms predicated on a particular model of a system where it is possible in some way to be ‘outside’ the act of violence; this was not the case in Nazi-dominated Europe. In particular, key questions arise regarding the distinctions between individually motivated acts of violence, and state-ordained or state-sanctioned collective violence. The situation with respect to individual incidents of, for example, rape, robbery, or bullying, when the institutions of power and authority are opposed to the violence, is very different to a situation when the forces of repression are on the side of those committing violence. Moreover, while the former may be viewed as discrete incidents in which perpetrators and victims constitute a core conflict situation and bystanders in some sense ‘stand outside’, in the latter the system of violence encompasses larger numbers of people over extended periods of time and territory. It is harder to identify what might legitimately be seen as ‘outside’ the specific conflict situation.

Catchall concept: An inherently unstable category of analysis

The notion of bystander has become a well-established part of the way we talk about situations of conflict. In relation to the Nazi persecution of the Jews, the notion became firmly entrenched as one of the three elements of the triad highlighted by the eminent Holocaust historian, Raul Hilberg, in his book on *Perpetrators, Victims,*

Bystanders, first published in 1992.² For all the criticism levied at the book even immediately on publication, the triptych in the title has subsequently gained wide currency as a standard analytic framework.

The concept of bystander is used not only by historians, but is used widely in everyday life to discuss situations when people find themselves in close proximity to a situation of conflict, and where the question arises as to an individual's moral responsibility to intervene. The Massachusetts Institute of Technology (MIT), for example, defines 'Bystander' as 'a person who observes a conflict or unacceptable behavior'. This behavior 'might be something serious or minor, one-time or repeated, but the Bystander knows that the behavior is destructive or likely to make a bad situation worse'.³ The implication is that the bystander has a moral duty to act in some way on behalf of the victim. This is central to some of the issues around its use as a concept for historical analysis, yet the focus on the actors in the trilogy tends to deflect attention from the context of action.

Definition of the term should be straightforward. A bystander is 'standing by' but not involved in a significant situation of conflict between a perpetrator and a victim (or groups of each). It is in effect not the person but the context that defines the role: the person happens to be close to something which is in essence part of someone else's history. The bystander is by definition 'outside' of the real dynamics of the situation.

It is notable that definitions do not generally embed the discussion in any wider contextual analysis. The Merriam-Webster Dictionary, for example, states that a bystander is 'a person who is standing near but not taking part in what is

² Raul Hilberg, *Perpetrators, Victims, Bystanders. The Jewish Catastrophe 1933-1945* (New York: HarperCollins, 1993).

³ <http://web.mit.edu/bystanders/definition/index.html>, (accessed 2 July 2015).

happening’.⁴ The Oxford Dictionary agrees that a bystander is a ‘person who is present at an event or incident but does not take part’. It goes on to give as an example ‘water cannons were turned on marchers and innocent bystanders alike’.⁵ Or, in the somewhat fuller definition of sociologist Victoria Barnett:

The bystander is not the protagonist, the person propelling the action; nor is the bystander the object of the action. In a criminal case, the bystander is neither victim nor perpetrator; his or her legally relevant role is that of witness – someone who happened to be present and could shed light on what actually occurred.⁶

The bystander in these decontextualized versions, where the conflict situation is itself bounded and discrete, appears initially to be a neutral role, that of a person who sees but is not an intrinsic part of a conflict situation.

‘Bystanding’ and ‘standing by’ are inherently problematic terms. They are not attributes of the people themselves, but rather of their location in relation to where the conflict is taking place. Bystanders are defined by virtue of proximity to a situation in which they are not involved; it is the very fact of *not* being part of the conflict that actually defines them as ‘bystanding’, even if it is not necessarily possible to be ‘not involved’. Therefore, at the same time, bystanding is an inherently unstable term, with a heightened moral freighting. Where others are inevitably situated on one side or another, as perpetrators or victims, bystanders alone appears to have a choice as to which side they choose to be on, or whether to avoid taking sides – which in itself is not a morally neutral decision either, since inaction on behalf of the victims effectively condones or favors the power of the dominant group. As Barnett puts it:

⁴ Merriam Webster Dictionary, available at: <http://www.merriam-webster.com/dictionary/bystander> (accessed 2 July 2015).

⁵ Oxford Dictionary, <http://www.oxforddictionaries.com/definition/english/bystander>, (accessed 2 July 2015).

⁶ Victoria Barnett, *Bystanders: Conscience and Complicity during the Holocaust* (Westport, Conn., and London: Greenwood Press, 1999; Contributions to the Study of Religion, No 59: Christianity and the Holocaust – Core Issues), p. 9.

‘bystanders are confronted by a wide range of behavioural options, and they bear some responsibility for what happens.’⁷

Intervention, or failure to intervene, are inherently loaded acts. Non-intervention effectively reinforces the perpetrator’s behavior, allowing an advantage over the victim, and condoning or even reinforcing violence. Intervention may succeed in challenging violent norms and behaviors, thus tipping the balance in the victim’s direction – but it might also mean that bystanders risk becoming victims themselves. In this analysis of situational dynamics, there is no real possibility of ‘innocence’, but rather only one of asking ‘whose side are you on?’

In a sense, then, the ‘innocence’ of bystanders is only one possibility; guilt is equally possible, as is heroism, or indeed foolhardiness. All of these imply both a pragmatic and a moral evaluation of the choices made by bystanders about the ways in which they did or did not become involved.

It is the moral weighting of the term, and particularly the question of presumed innocence, on which most approaches agree that we need to focus our attention. But we can only do this fruitfully if we build in distinctions between individual and collective violence, between isolated incidents and systemic violence, which have to date largely escaped adequate attention.

What then of the use of the term by historians? The great pioneer of Holocaust historiography, Raul Hilberg, essentially divided the world into three: victims, perpetrators and bystanders. In the third edition of his three-volume work on the *Destruction of the European Jews*, Hilberg pointed out the relevance of the behavior of local populations in determining the outcome of persecution as ‘witnesses distanced themselves from the victims, so that physical proximity no longer signified

⁷ Barnett, *Bystanders*, p. 10.

personal closeness'.⁸ Hilberg contended that 'local bystanders formed a human wall around the Jews entrapped in laws and ghettos.'⁹ An evaluation of local bystander attitudes and likely behavior was crucial in weighing up options on the part of victims: 'Escape meant risk of denunciation or extortion. Anyone could be dangerous and help was uncertain.'¹⁰ Bystanders were, after all, part of the situational dynamics, helping to determine differing outcomes in different areas. These insights were, as we shall see, crucial; but Hilberg went on to extend the concept massively, losing the conceptual precision essential to historical analysis. In his 1992 book on *Perpetrators, Victims, Bystanders* he included under 'Bystanders' chapters on 'Nations in Adolf Hitler's Europe'; 'Helpers, Gainers and Onlookers'; 'Messengers'; 'Jewish Rescuers'; 'The Allies'; 'Neutral Countries'; and 'The Churches'.¹¹ Many of his examples could be categorized as victims, facilitators, collaborators or resisters; few were really 'bystanders' in any sense that does not presuppose intrinsic involvement in the dynamics of the situation.

As Michael Marrus suggested, for Hilberg the notion of 'bystander' was more an accusatory than an analytical category, commenting that Hilberg 'seems less a pathfinder than a conscience'.¹² Reflecting in his autobiographical work, *The Politics of Memory*, Hilberg was bitterly disappointed at this reception: the 'triptych' mattered desperately as a critique of failures to intervene when intervention might have made a difference.¹³ For him and many others, the notion of bystanding is intrinsically rooted

⁸ Raul Hilberg, *The Destruction of the European Jews* (New Haven and London: Yale University Press, 3rd edn, 2003; orig. 1961), Vol. III, 'The Neighbors' (pp. 1119-1126), p. 1123.

⁹ Hilberg, *Destruction of the European Jews*, Vol. III, p. 1125.

¹⁰ Hilberg, *Destruction of the European Jews*, Vol. III, p. 1126.

¹¹ Hilberg, *Perpetrators, Victims, Bystanders*.

¹² Michael R. Marrus, 'Acts That Speak for Themselves', *New York Times*, September 20, 1992

¹³ Raul Hilberg, *The Politics of Memory. The Journey of a Holocaust Historian* (Chicago: Ivan R. Dee, 1996), pp. 189-194.

in the reproach that those who saw and knew what was going on could have intervened on the side of the victims, but failed to do so.

But is such a catch-all concept really a useful analytic – as opposed to moral – tool? Recent uses tend not to apply the concept across more or less the whole world, with states, governments, institutions and organizations all coming under the blanket category of bystanders, but more commonly address situations where people witnessed events unfolding before their eyes. The term ‘bystanders’ is generally used to refer to people within Nazi-controlled areas, and specifically those who could personally see the interactions of persecutors and persecuted.

Again, the moral evaluation seems intrinsic to the definition. Bystanders could, it is generally implied, have made some difference to the outcome of specific situations if they had been less indifferent. The question of potentially tipping of the balance is evident, for example, in the USHMM’s 2013 exhibition entitled ‘Some were Neighbors’, revealingly subtitled ‘Collaboration and Complicity in the Holocaust’.¹⁴ The issue is not so much that ‘bystanders’ were not involved: it is rather that they were not *necessarily* involved, and had a degree of *choice* – which might in practice be very limited – about which side to become involved in, or whether not to become involved at all. Yad Vashem’s Holocaust Resource Center similarly points up the moral implications of the term. It defines ‘Bystanders’ in terms of those people ‘in Germany and occupied Europe’ who ‘were aware, to at least some extent, of how the Nazi regime was treating the Jews’.¹⁵ Yad Vashem offers as explanation not only ‘antisemitic sentiments’, but also and indeed ‘primarily’ a sense ‘that it was an assault not on them but on “an other”, even if this “other” was a neighbor, partner or

¹⁴ See on this the chapter of Susan Bachrach in this volume.

¹⁵ http://www.yadvashem.org/yv/en/holocaust/resource_center/item.asp?gate=2-52#!prettyPhoto (accessed 2 July 2015).

acquaintance'. It emphasizes both fear and profit, pointing not only to the 'Nazi policy of terror' but also 'the benefits that many people received through the dispossession and murder of the Jews'.¹⁶ Yad Vashem's documents to support the study of 'bystanders' overwhelmingly relate to local populations in areas of persecution. Interactions range from perceived indifference, including failure to provide small forms of help, such as food on a death march, to materially benefitting through profiting from property, goods, and clothing.¹⁷ Bystander reactions are portrayed negatively: willful failure to help, morally questionable profiting at the expense of the Jews, or collaborating with persecutors. We need, then, a more differentiated spectrum. In some cases, terms such as 'beneficiaries' and 'collaborators' might be more helpful – insofar as we want to use a noun at all for a category of person.

Many scholars, however, now question the use of nouns, categories into which individuals can be neatly slotted, as the best way of proceeding. A 'social process' approach has been developed concerning how people become involved in acts of perpetration. But it is initially less easy to see how such a processual approach could be applied to bystanding. In contrast to becoming involved in an act of perpetration, being a bystander is arguably only possible at the start, not the endpoint of the social dynamics of a conflict situation. The inherent instability of the bystanding position means that soon the balance tips onto one side or another. Time is simply flowing in a

¹⁶http://www.yadvashem.org/yv/en/holocaust/resource_center/item.asp?gate=2-52#!prettyPhoto (accessed 2 July 2015).

¹⁷ For example: 'Survivor Edi Weinstein on Germans Selling Jewish Stolen Property to the Poles' from Edi Weinstein, *Quenched Steel. The Story of an Escape from Treblinka*, Yad Vashem, Jerusalem 2002, pp. 89-90, available at: http://www.yadvashem.org/odot_pdf/Microsoft%20Word%20-%203960.pdf (accessed 2 July 2015); and 'From the Testimony of Fritzi Schiffer about the Daily Conditions and the Local Jews of Tashkent During the War', Yad Vashem Archives 0.3-7873, available at: http://www.yadvashem.org/odot_pdf/Microsoft%20Word%20-%203845.pdf (accessed 2 July 2015).

different direction for this situationally defined status. Unlike ‘becoming’ a perpetrator over time, one ‘leaves’ the status of being a bystander.

Another way of avoiding use of a noun is to limit the focus to behavior at a specific point in time. The social psychologist Dan Bar-On, for example, proposes the concept of ‘bystanding behavior’ in place of ‘bystander’, seeing ‘bystanding behavior’ as contextual, situational rather than in terms of a personality trait’.¹⁸ Bar-On points out that there are ‘many forms of bystanding behaviors’, and raises questions about widespread lack of awareness of the moment when ‘constructive inaction’ becomes ‘destructive’, and the conditions under which people may move into ‘becoming rescuers’ or ‘getting involved in resistance’.¹⁹ He suggests that there are different positions including ‘eyewitnesses, distant listeners, those far away who should be concerned’, and ‘different levels of exposure to the victimization process’; yet very few become ‘rescuers’ or perform ‘acts of resistance’.²⁰ Bar-On’s approach may provide a helpful way forwards in examining the dynamics of particular situations, at least as far as psychological rather than historical dynamics are concerned.

The simplest recent usage on the part of historians is to define anyone in a given locality as bystanders if they are neither direct perpetrators in any obvious or strong sense (SS, Gestapo), nor targeted victims of Nazi persecution such as inmates of concentration camps or fugitive Jews. Sometimes bystanders defined in this way are seen in quite positive terms, as in Jack Morrison’s work by on Ravensbrück concentration camp for women, largely based on survivors’ accounts.²¹ By contrast,

¹⁸ Dan Bar-On, ‘The Bystander in Relation to the Victim and the Perpetrator: Today and During the Holocaust’, *Social Justice Research*, Vol. 14, No. 2 (June 2001), 125-148, p. 127.

²⁰ Bar-On, ‘The Bystander’, p. 130.

²¹ Gordon J. Horwitz, ‘Places far away, places very near: Mauthausen, the camps of the Shoah, and the Bystanders’, in Michael Berenbaum and Abraham J. Peck (eds), *The Holocaust and History: The Known, the Unknown, the Disputed, and the Reexamined* (Bloomington and Indianapolis: Indiana University Press, 1998), Chapter 30, pp. 409-420.

Horwitz focuses on Mauthausen concentration camp, and the nearby euthanasia center in Schloss Hartheim, and highlights how members of the local population participated in the functioning of the camp and benefitted from plunder of the dead.²² Local residents were also sufficiently hostile to prisoners to assist in hunting down any who escaped.²³ Others who lived nearby were determined, despite clear evidence, to ‘not see’ and ‘not know’ what was going on. Horwitz draws on the work of philosopher Mary Midgley arguing that “‘deliberate avoidance [of knowing] is a responsible act’”.²⁴ The concept of bystanding is intrinsically an ethical and moral concept.

When we look at historical dynamics in more depth, we soon encounter issues concerning sources. These relate to different understandings of not only what it means to be a bystander, but also what it means to be a perpetrator. We need therefore to look closely at precisely why the concept of being ‘merely a bystander’ might be alluring to those who were implicated in a system of collective violence without being perpetrators in a narrow or legal sense of the term.

Alluring alibi: Or, bystanders are not perpetrators

People who lived through these times and were not themselves victims have a personal interest in not being classed among the perpetrators. Just as we refine the concept of perpetrator, we need to be aware of the multiple ways in which people sought to ensure a less contaminated place for themselves in the category of ‘innocent bystanders’. For many who tainted, the claim has served as a convenient means of establishing a clear conscience.

²² Horwitz, *In the Shadow of Death*, pp. 43-4; Horwitz, ‘Places far away, places very near’, p. 412.

²³ Horwitz, ‘Places far away, places very near’, p. 413.

²⁴ Mary Midgley, *Wickedness*, ‘Selves and Shadows’, pp. 62-3, quoted in Horwitz, ‘Places far away, places very near’, p. 416.

Many people later claimed innocence through ignorance: they alleged that they ‘had never known anything about it’ (*‘davon haben wir nichts gewusst’*). In this formulation, what is meant by ‘it’ slides into ever-increasing distance: for those living far enough away, ‘it’ is reduced to the death camps of occupied Poland; for those living close to such camps, ‘it’ can be reduced to ‘just’ the gas chambers, or the ‘function’ of extermination rather than ‘merely’ incarceration and hard labor. ‘Ignorance’ is a claim even mounted by those at incredibly close quarters, who talk of ‘suspicion’ rather than ‘knowledge’ of what ‘might’ be going on.²⁵

People who had demonstrably ‘known’ but not intervened on behalf of the victims were put on the defensive in a later era. There were a variety of ways in which, in later accounts, such individuals sought to justify their former passive onlooker status. One way of casting oneself in the role of ‘innocent bystander’ was to misrepresent the situation. By focusing on the immediate clash of physical forces, it was possible to downplay or even deny one’s own role in the system of which these forces were but one manifestation. This alibi was prevalent in West Germany in the 1950s, when the definition of ‘perpetrator’ was narrowed repeatedly. Starting with statements by German Chancellor Konrad Adenauer, ‘perpetrators’ were defined largely in terms of Hitler and his henchmen, plus the brute forces of the SS, the Gestapo, and a few sadists and thugs. ‘Normative demarcation’ (in Norbert Frei’s phrase) indicated both clear disapproval of those held to be guilty, while reintegrating those who were to be rehabilitated in service of a new, functioning democratic system – even at the expense of others who had opposed, challenged, or been excluded from the Nazi system.²⁶ Meanwhile professional groups – the civil service, the medical

²⁵ See further M. Fulbrook, *Reckonings: Legacies of Nazi Persecution* (OUP, 2017), and the essay of Susanne Knittel in this volume.

²⁶ Norbert Frei, *Adenauer’s Germany and the Nazi Past* (New York: Columbia University Press, 2002; orig. German 1997; translated by Joel Golb).

profession, the judiciary, even the Army – portrayed their own former roles in a far more benign light. They may have ‘known’ about violent and illegal acts, atrocities and what were often written off as ‘excesses’ – but they themselves were effectively ‘bystanders’, not really responsible. This approach was rooted in a widely held misrepresentation of the structure of the Nazi state. It can be found at all levels of the hierarchy, and across different areas of activity, including among members of the civilian administration who played a role in stigmatization and ghettoization of Jews, and then disassociated themselves from any responsibility for the subsequent deportations and deaths that their actions had facilitated.²⁷

There were other ways too of later constructing a self-image as someone who was intrinsically good, but lacking in agency or adequate understanding at the time. For example, Melita Maschmann, a former German Youth leader in the BDM, wrote a memoir in the form of letters to a school friend of Jewish descent; this ‘reckoning’ with her ‘former self’ was supposedly not an attempt at self-justification, but was in essence precisely that.²⁸ Recounting her experiences in the newly occupied and annexed territories of Poland, Maschmann vividly depicts the suffering of Jews in the ghettos of Kutno and Łódź. Implicitly anticipating the reader’s outraged reaction, Maschmann defends herself by pointing to the power of ideology. She suggests it was possible to ‘see without seeing’, blinded by an ideology which allegedly exerted particular power over idealistic young people such as herself.²⁹ She not only suppressed any sympathy but even criticized Jews for not engaging in productive work. She understood that to get Jews to hand over their possessions, it would be

²⁷ See for example the case of Udo Klausa, discussed in Mary Fulbrook, *Small Town near Auschwitz: ordinary Nazis and the Holocaust* (OUP, 2012).

²⁸ Melita Maschmann, *Fazit. Kein Rechtfertigungsversuch* (Stuttgart: dva, 1963).

²⁹ Maschmann, *Fazit*, p. 90.

necessary to cut their rations – without questioning these policies.³⁰ Moreover, she told herself that her private feelings of sympathy, particularly for suffering and starving children, should be suppressed in view of the larger necessity of ‘driving out the Jews’, essential ‘if the Warthegau was to become a German land’.³¹ In this attempt to understand and portray her past – telling us more about the mentality of a former Nazi in 1960s West Germany than about the views of middle class girls in the 1930s and early 1940s – Maschmann constructs a would-be sympathetic picture of an idealistic youngster taken in by those in authority, navigating a fine line between innocent bystander and complicit actor. Portraying herself as effectively the puppet of others, she presents a person mobilized against her instincts rather than motivated by her own intentions. She is therefore neither fully responsible for her actions, nor really guilty by virtue of her failure to see what turned out to be the wrong side of history.

If Maschmann claimed lack of agency through the power of ideology, and others claimed lack of agency by a misrepresentation of the system, a further means was to split the self between outer behavior and inner authenticity. This strategy was successful in many West German trials. Defendants were cleared of the charge of murder if they could prove that they had been ‘merely obeying orders’ under such constraints that they could not have acted otherwise, or had at least thought this at the time, even if this was a misperception. Lack of evidence about subjective attitudes could get them off the hook – as indeed was the case for many defendants who had so successfully participated in mass murder in Belżec.

There were many other cases where perpetrators claimed they were in reality just bystanders, eyewitnesses without agency. Heinz Schuberth, for example, a former adjutant of Otto Ohlendorf in Einsatzgruppe D which had murdered Jews, Gypsies

³⁰ Maschmann, *Fazit*, pp. 88-9.

³¹ Maschmann, *Fazit*, p. 86.

and ‘partisans’ in the southern Ukraine and Caucasus in 1941-2, was unwittingly interviewed by Claude Lanzmann for the latter’s film *Shoah*. In footage filmed surreptitiously (not included in *Shoah*), Schubert made great play of the difference in German between the word for supervise, ‘*beaufsichtigen*’, and see, ‘*besichtigen*’. He claimed that he had only ‘observed’, but not had responsibility for, acts of killing: he was in his self-presentation merely an innocent bystander.

Examples like these, precisely in their extremity, underscore the way in which an understanding of the wider system and the demarcation of bystanders from perpetrators are essential if we are to make progress with the term as an analytic tool for historians.

Crucial clue

The problem with the exhaustive triad – perpetrators, victims, bystanders – is that it is not fit for historical analysis of a system of state-ordained violence over a long period of time. Where authorities are also against the offence being committed, bystanders can in principle call for help. But bystanders within a system of state-sanctioned violence cannot necessarily act in the same way. In such situations, momentary ‘bystanders’ to a particular ‘node’ of acutely concentrated violence were themselves part of a broader field of multiple, conflicting forces: there is no ‘outside’. In contexts infused with collective violence, the world is more complicated than it is in relation to one-off acts of individual violence in an essentially benign wider context. And in a system changing over time, sometimes very rapidly, it is more complex still.

The question is therefore twofold. First, it is a question of adequate differentiation between different roles and behaviors in a wider system that was in itself violent, whether symbolically, structurally or physically. Secondly, we have to

build in the dimension of time: we need to understand changing behaviors in evolving situations, with key shifts in power structures, social roles and relations, cultural understandings and individual responses. Systemic violence was punctured by incidents and episodes within a wider sea, in the course of which all protagonists were changing.

So the primary task is to understand better the multiple ways in which an intrinsically violent system was established, expanded, and sustained. This means that we cannot be restricted by everyday understandings or legal definitions of the word ‘perpetrator’, but need to think harder about the variety of behaviors that contributed to making mass persecution possible. Beyond the top level initiators of policy and the murderers on the ground, there were many different ways in which people acted to sustain the system, whether or not they felt they were internally opposed to it, or however much they retained a sense of inner distance. There were of course different degrees of responsibility (and culpability); but certain distinctions can be made. In Germany, the willingness of so many people to distance themselves from former friends and neighbors of Jewish descent was a precondition for later policies to be put into effect. In the occupied territories a combination of fear and profiting affected people’s willingness to collaborate or benefit from German occupation. Everywhere, people were in some way affected by the Nazi regime.

On only the most cursory of occasions – when referring to a specific incident lasting a delimited period of time – could people readily be classed as ‘bystanders’. Depending on circumstances they could be described as ‘eye-witnesses’, or even ‘spectators’, ‘onlookers’. These categories too embody their own problems, as when Jews were forced to spectate at public hangings, alongside Germans who came to enjoy the spectacle. The categories do not really map onto that of bystander in these

cases, nor would one really want to lump the groups together. The notion of ‘bystander’ is at best useful when we have a snapshot – perhaps literally a photograph – of an incident, and we know nothing at all about those who are watching in the background.³²

When considered over longer periods of time, however, even those who were neither active members of the persecuting community nor obvious targets of persecution were nevertheless affected by and implicated in the system of terror in one way or another. Whether it is helpful to lump them all together as ‘bystanders’ is a question that needs to be addressed in more detail.

Let us take some examples from contemporary sources. Consider, for example, the diary of Zygmunt Klukowski, the surgeon and doctor in charge of the Zamość County Hospital in the small Polish town of Szczebrzeszyn.³³ It is clear right from the very start just how badly not only the Jewish residents but also the local Polish population were affected by the invasion of Poland in September 1939. Over the ensuing years, curfews, numerous restrictions, food shortages, robberies, constant violence, reprisals, uncertainties and humiliation made Klukowski feel that he and his fellow Poles were living in a state of almost unbearable ‘slavery’ (his term). While the treatment of the Jews was worse than that of non-Jewish Poles, and the Jews were eventually targeted for total extermination, mass murder, the defeated Polish population was also a victim of Nazi occupation. Poles were, then, not only ‘bystanders’ to the Jewish catastrophe, but also themselves victims of Nazi oppression. Even so, they had somewhat greater leeway for choice over how to respond to the Nazi persecution of the Jews. They were not only victims of German

³² For an exploration of photographs as snapshots of such situations, see Christoph Kreutzmüller’s contribution to this volume.

³³ Zygmunt Klukowski, *Diary from the Years of Occupation 1939-44* (Urbana and Chicago: University of Illinois Press, 1993; first published 1958).

rule but might also be collaborators, perpetrators and beneficiaries of Nazi persecution of the Jews. The massacre of the Jews of Jedwabne by their neighbors has become infamous; but it is arguably still insufficiently recognized that all across the country Poles were responsible for the identification, betrayal and often even murder of their former Jewish neighbors.³⁴ Klukowski provides horrific examples of Polish involvement, helping to kill escaping Jews with axes, and laughing during a massacre.³⁵ The mass murder of the Jews could not have taken place without the involvement of many ordinary Polish people in hunting down and ‘rendering’ Jews to the Germans to enrich themselves.³⁶

The fact of the state backing violence that the Germans had themselves initiated was important in the dynamics of increasing lawlessness. As Klukowski commented bitterly, following his report on the day’s attacks and robberies on 21 May 1942: ‘The attackers are laughing and telling people to notify the German police’.³⁷ By 19 September 1942, Klukowski noted that the ‘the number of bandits and robbers is growing [...] It appears they are laughing at the gendarmes and police.’ This situation affected other people living in the locality: ‘Some of the people have been broken and lost their will to fight for survival. Everyone’s hope is to survive until the end of the war.’³⁸ At the other end of the spectrum, some Poles were involved in oppositional activities that often ended in their own arrest or even execution, and partisan bands roaming the countryside posed limits to the Germans’ power in the area. Even Klukowski’s eleven-year-old son tried to join the Polish

³⁴ Jan T. Gross, *Neighbours. The Destruction of the Jewish Community in Jedwabne, Poland, 1941* (London: Random House, Arrow, 2003); Antony Polonsky and Joanna Michlic (eds), *The Neighbors Respond. The Controversy over the Jedwabne Massacre in Poland* (Princeton: Princeton University Press, 2004); and Anna Bikont, *The Crime and the Silence. A Quest for the Truth of a Wartime Massacre* (London: William Heinemann, 2015; transl. by Alissa Valles; orig. Polish 2004).

³⁵ Klukowski, *Diary*, p. 197, p. 220.

³⁶ See in detail Jan Grabowski, *Hunt for the Jews. Betrayal and Murder in German-Occupied Poland* (Bloomington and Indianapolis: Indiana University Press, 2013); and his essay in this volume.

³⁷ Klukowski, *Diary*, p. 198.

³⁸ Klukowski, *Diary*, p. 216.

underground, but was sent home by a forest ranger.³⁹ However courageous some of these partisans may have been, fighting the Germans did not necessarily make them any friendlier towards Jews, and many groups excluded Jews from partisan activities or betrayed them to the Germans. Yet even so, some Jews were able successfully to hide and survive precisely because of a few courageous Poles – for whom the penalty was execution, not only of themselves but also their whole families.

The very mixed and often totally unpredictable responses of local Polish people become evident in, for example, the early postwar accounts of Jewish children who survived ‘on the Aryan side’, thanks to the compassion, for whatever reason, of people who were often complete strangers to them.⁴⁰ Some of these rescuers were paid, some accepted the children’s labor and found them to be reliable farm workers, and others appear to have acted out of sheer kindness – but any willingness to hide Jews could turn suddenly into something quite different if fear of adverse consequences struck.

Of course the local Poles were in some sense ‘bystanders’, as when Klukowski tells us that some of them stood around laughing when they watched Jews being massacred, while others seized the opportunity to enrich themselves; but they were also very much active participants, one way or another. Klukowski himself, who might – in his role as observer and diarist – be seen as the classic bystander, was deeply affected by the period through which he lived. His responses to particular situations, such as having to refuse medical treatment to Jews on the order of the Germans, reveal the constraints under which he was operating. He too was a part of a wider system that made it impossible for Jews to receive appropriate assistance at a

³⁹ Klukowski, *Diary*, p. 194.

⁴⁰ See for example the accounts in Maria Hochberg-Mariańska and Noe Grüss (eds), *The Children Accuse* (London: Vallentine Mitchell, 1996; orig. Polish, Jewish Historical Commission, Cracow, 1946; transl. by Bill Johnstone; The Library of Holocaust Testimonies).

crucial time, but only because to have opposed the German ban would have meant certain arrest and likely execution.

Clearly to explore the changing perceptions and reactions of those who were part of the wider system does help us to understand the dynamics of persecution. To focus on isolated incidents of non-intervention is not always helpful, as becomes evident when considering the roles played by individuals over time.

To take another example of a contemporary diary writer: the journalist Ruth Andreas-Friedrich in Berlin.⁴¹ She had many friends who, like herself, sought to provide assistance and shelter to Jews in hiding or evading deportation. She was horrified at the reports of the fate of Jews who had been deported, and noted rumors of the killings – ‘mass shootings and death by starvation, tortures, and gassings’ – in her diary as early as Wednesday, December 2, 1942.⁴² Her main effort, in the small resistance group of which she was a part, was to provide food and lodging to imperiled Jews. But from another perspective, she might have been considered to be a bystander, when she watched but did not intervene on occasions when Jews were being grabbed off the streets and thrown into trucks for deportation. As she pointed out in her entry of Sunday February 28, 1943, any intervention in such incidents would have been entirely senseless and counter-productive. She noted, aghast, that people were being loaded onto ‘overcrowded trucks with blows of gun butts’, like ‘human cargo [...], penned in and jostled about like cattle going to the stockyards’. But, she reflected: ‘The SS is armed; we aren’t. No one is going to give us weapons, either; and if anyone did, we wouldn’t know how to use them. We just aren’t “killers”. We revere life. That is our strength – and our weakness.’⁴³

⁴¹ Ruth Andreas-Friedrich, *Berlin Underground 1938-1945* (New York: Henry Holt and Company, 1947; transl. by Barrows Mussey; Introductory note by Joel Sayre).

⁴² Andreas-Friedrich, *Berlin Underground*, p. 83.

⁴³ Andreas-Friedrich, *Berlin Underground*, pp. 90-1.

In different ways, both Klukowski and Andreas-Friedrich were acute observers of events, and bystanders to particular incidents of violence. But because we know more about them, their activities and roles over time, their reasons for engaging in certain types of action and not others, we would not likely want to call them bystanders. Rather, we would seek a more differentiated approach to understanding the ways in which they engaged in a longer-term system of terror and coercion, which affected them deeply, and in which they were highly constrained, having very little freedom to choose how precisely to respond at particular moments in the light of their morals, their principles, and the practical realities of any given situation.

Much also depended not only on the views of a particular individual at a specific time, but also on how people thought others might react. It is worth noting that where large numbers of people were willing to cooperate together in an act of resistance, it was more likely to be successful – and possible to pull others on board for action – than when only isolated individuals were involved. The case of saving the Jews of Denmark provides the simplest illustration. Microcosms of perception, interpretations, and discourse were as important as the realities in any given situation. Again, change over time is a crucial feature to be taken into consideration here.

Interestingly, in the third edition of his work on the *Destruction of the European Jews*, Hilberg engaged in a discussion entitled ‘Neighbors’ (not related to Jan Gross’s use of this term).⁴⁴ Hilberg makes some extremely perceptive comments about the significance of the surrounding population – those living and working in or passing through territory where perpetrator-victim dynamics were taking place – for the outcome of such dynamics. As Hilberg puts it: ‘all the prewar divisions between

⁴⁴ Raul Hilberg, *The Destruction of the European Jews* (New Haven and London: Yale University Press, 3rd edn, 2003; orig. 1961), Vol III, ‘The Neighbors’, pp. 1119-1126.

Jews and non-Jews were deepened as the non-Jewish neighbors turned their concerns inward for the sake of material and mental stability’, affecting their responses of those now seen in a quite different light.⁴⁵ Even ‘bystanders’ were themselves transformed by the changing situation in which they were living.

Changes taking place in the character of the bystander population over a period of time – longer or shorter, depending on location – could radically affect the outcome of situations for the victims. Bystanders were not some static category, happening to be on the scene as ready-made two-dimensional figures at the time of action, but were themselves people who changed and developed.

It was not only individuals who shifted their horizons, aspirations, and priorities in changing circumstances, although this was highly significant in areas that remained somewhat stable. It was also that, in some areas, the composition of bystander populations also changed to a greater or lesser extent, particularly with Nazi policies of resettlement and ‘germanization’. Moreover, the social and political contexts changed rapidly, affecting also what local bystanders might take into account in acting on one way or another. So the question of bystanding under Nazism has to be considered within changing contexts over longer stretches of time (and not just as a one-off situation which presupposes relatively stable wider parameters and conditions). Within a system of collective violence, we cannot treat bystanders as individual actors, defined by proximity to a specific incident within an essentially neutral context. We might rather reconceive them as part of the wider field of forces, where the authorities not merely support but actively produce (and indeed are) the perpetrators. ‘Bystander populations’ are formed and transformed over time within a constantly evolving situation.

⁴⁵ Hilberg, *Destruction of the European Jews*, Vol III, p. 1123.

Nazism changed who it was that the bystanders were, in three significant ways: in terms of individual attitudes and outlooks; in terms of the composition of the population; and in terms of the broader contexts of action or inaction. When viewed in this more differentiated manner, bystanders could provide crucial clues to the outcomes of specific situations. The character of the local bystander population could be particularly significant in areas where sheer physical survival or the chances of escape, rescue or resistance were dependent on the character of the local population, as many escapees from ghettos and camps discovered.⁴⁶

A more differentiated analysis of variations among local bystander populations reveals interesting distinctions.⁴⁷ It is, for example, perhaps a desperate and certainly a rather sad undertaking to compare the slim chances of survival in the two largest ghettos, Warsaw in the General Government and Łódź (Germanised as Litzmannstadt) in the Wartheland, incorporated into the Greater German Reich. In both ghettos, many tens of thousands of people died from starvation and disease even before deportation to the death camps. Many factors were involved in determining daily death rates within the ghettos, and affecting chances of escape. The roles of the respective Jewish Councils, and particularly of their leaders – the controversial Chaim Rumkowski in Litzmannstadt, and the more reputable Adam Czerniaków in Warsaw – have been endlessly debated. The slightly differing German policies towards each of these ghettos also played a significant role. The overwhelming majority of the people trapped in these ghettos could not survive the combination of brutal conditions and deaths from disease and starvation, or later deportation to the death camps. The existence of the sewer system in Warsaw also meant that it was physically less easy to seal off from the outside world than was the

⁴⁶ Cf also Hilberg, *Destruction of the European Jews*, Vol III, p. 1125.

⁴⁷ In fact Hilberg himself engages in just such a more differentiated analysis – picked up also (if not actually plagiarized) by Hannah Arendt in *Eichmann in Jerusalem A Report on the Banality of Evil* (

ghetto of Litzmannstadt, where escape was far more difficult. But for a few, the character of the bystander population could prove to be highly significant in heightening or restricting their chances of survival. Even contemporaries were aware of the fact that it was slightly easier to smuggle in additional foodstuffs as well as, eventually weapons, from areas surrounding the Warsaw ghetto, where among the local population of cowed Poles there could be found a significant number who were sympathetic to the plight of the ghetto inhabitants, than it was in the somewhat more Germanised surroundings of Litzmannstadt. It was also easier to smuggle people out and to find hiding places for those who escaped the Warsaw ghetto – something that again did not work for those trapped in the more germanised environment around Łódź.

The character of local populations also affected possibilities for survival in less tangible ways. Moral support – words of encouragement, acts of solidarity or friendship, willingness to listen or soothe – might restore faith in humanity as well as assistance in physical survival. There is a form of ‘relational support’ that is distinct from ‘rescue’ or ‘resistance’, but might for some be equally important at key moments in their lives – or rather near-deaths, as on the occasions where people threw bread or handed water to people on the death marches. There are numerous such stories in survivor testimonies.⁴⁸ An analysis of how victims perceived those they only knew as bystanders might genuinely help in understanding some crucial aspects of the dynamics of Nazi persecution and the roles of others, who were not in the same category as the particular groups of victims, at key moments in their lives.

Conclusions

⁴⁸ See further Fulbrook, *Reckonings*.

If bystander is effectively used as a catchall concept for anyone who was neither a perpetrator nor a victim in a particular situation, the notion of guilt and the dynamics of violence are effectively reduced to a rather small circle of actors. Such an approach also tends to restrict the concept of violence to discrete actions or episodes, in specific places and for limited periods. It may work for particular moments of individual acts but it is far from clear that it is equally relevant when talking about systemic, collective violence over sustained periods of time and exerted in multiple ways. If applied to a system of state-ordained violence, the triad can easily function to provide alibis of innocence for some, and to cast a guilty shadow over others – both equally undeserved. In a sustained system of collective violence virtually everyone was in one way or another constrained to develop a relationship – perhaps changing over time – to the driving dynamics of violence. Some were more contaminated by the relationships they chose than others.

The notion of bystander retains some value as a residual category for short-term purposes. It is clearly applicable to those who witnessed or were demonstrably present at certain events, but about whom we know too little to say more than that they did not intervene on that specific occasion. It is potentially also applicable at an early moment of time for those who became involved in the dynamics of collective violence by virtue, initially, of simple proximity. But once we build in the dimension of time and the evolution of the system, these people then develop behaviors that either serve to underscore and sustain the system, or to challenge and undermine it, potentially shifting roles and allegiances over time.

The initial three categories of the classic triad have in a sense, to be ‘re-thought together’. They are relational terms predicated on a particular model of a system where it is possible in some way to be ‘outside’ the act of violence; this was

not the case in Nazi-dominated Europe. ‘Perpetrator’ is both a legal and a moral category, with implications for justice. ‘Victim’ too is a contested category: recognition may be implicated in terms of justice, reparations, compensation, entitlement to some form of ‘making good again’. It may be argued that ‘bystander’ here rightly implies that one is somehow outside this legal and moral framework. But this is not necessarily the case even in terms of legal systems. It is certainly not so in moral terms.

Perhaps we should not start from the standard triad as a means of trying to encompass all those involved. Rather, we should begin by recognizing the distinction between individual incidents within a system that does not condone such acts, and participation in a system of collective violence that is initiated and driven by the state. We need to recognize violence across the system and over time, and analyze the ways in which the system itself produces the roles in which people find themselves. Rather than categorizing individual persons, we also need to make distinctions between outer behaviors and inner states at different times – as the diaries of Ruth Andreas-Friedrich and Zygmunt Klukowski remind us.

Can we or even should we try to devise other concepts and categories that might be more useful? Certainly there is much mileage to be gained from looking, for example, at collaborators, beneficiaries, functionaries and facilitators, and other roles on the ‘perpetrator side’, such that the restrictive notions characteristic of German evasions of justice no longer dominate the historiographical landscape or even the landscape of public history. Moreover, some people were supportive, others terrified, others just tried to keep their heads down and survive. There is so much more to be explored about ways of living through the system of violence that cannot adequately be captured by a simple trilogy.

Are there nevertheless ways of making the notion of bystander less of a catch-all concept, less of an alibi, and more fruitful analytically? Further questions can be posed about the ways in which people developed responses in a range of directions in changing contexts. Such a discussion might first, for example, take into account the moral choices people make in the light of both ethical and practical considerations, and consider on whose behalf they are acting. Secondly, we might look at spectrums relating to the context, and ask how the wider situation affects people's choices: how likely is an intervention to be effective; and what are the risks of intervening either to oneself or to other people? The latter could include people dear to one, such as members of one's own family; or even other people one is hiding, as in the case of Ruth Andreas-Friedrich discussed above. Thirdly, the wider context includes the question of how many others would be likely to act in the same way. Choices depend not only on individual morals and politics, as well as weighing up of risks, but also on the likelihood of other people acting in sufficient numbers. Fourthly, we may want to pose questions around how later justifications relate to earlier actions (or inaction). Some self-representations might tend to exaggerate claims about risks, or about benefits of the ways they acted. If we can systematically compare perceptions at the time (of risk, or capacity for intervention) with later statements, we may unlock many clues to the legacies of collective violence for later self-understandings and evasions, for feelings of guilt, shame and responsibility.

The exploration of 'bystanders', if coupled with a differentiation of 'perpetrators' and a recognition of the significance of changing locations within a constantly evolving system of collective violence, could in fact prove highly rewarding. It will take a seismic shift in the historiography to achieve such a

transformation; but if this can be achieved, it may help us to understand not only the violence of the times, but also the dynamics this unleashed for decades to come.