

THE TRAGEDY OF THE HOLOCAUST IN LITHUANIA: FROM THE ROOTS OF THE IDENTITY TO THE EFFORTS TOWARDS RECONCILIATION

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INTRODUCTION

The relationship of each State with the Holocaust is twofold. Each self-respecting and democratic State, which recognizes international human rights, makes all efforts that this painful period of history is known to the public and to future generations. Secondly, the perception of the holocaust directly depends on the individual relationship each society has with the tragedy of the criminal act. This means that education about the Holocaust should go beyond the simple integration of specific programmes into the system of a state education, but the success of such programmes is dependent on the fact of how the society in question treats the historical, political, social and legal context of the holocaust. No less important is an evaluation of the impact which the holocaust makes to the development of society and the state.

It is established fact that, after the Nazi occupation, not only Germans but also native Lithuanians participated in the actions of the Holocaust.¹ It is important that the collective memory about ethnical, religious and racial conflicts, touching the collective identity, honour, liability and unfairness, is transferred from generation to generation². It is necessary to understand the circumstances and causes which influenced or are still impacting the understanding of the holocaust tragedy with regard to the whole society or to the specific perception by separate individuals.

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¹ Liudas Truska, 'Lietuviškoji holokausto Lietuvoje istoriografija' in Klaus Fuchs, Eglė Bendikaitė (eds), *Holokausto istorijos tyrimai ir tautų kolektyvinė atmintis* (VDU 2002).

²Šarūnas Liekis, 'Žydai: „kaimynai“ ar „svetimieji“? Etninių mažumų problematika Lietuvos istorijos moksle' [2002] 2(12) *Genocidas ir rezistencija* 114–120.

Taking into account the mentioned circumstances, several main aspects which define the relationship of Lithuanian society with the holocaust are revealed. The first issue discussed in the article is the Jewish-Lithuanian relations until the Holocaust, as in many cases stereotypes about Jews which developed during that period continue to affect the understanding of the holocaust tragedy to this day. A second important factor discussed in the paper - that the holocaust did not involve just a tragedy of society or state, but it is also a personal drama of each individual who was involved in the atrocities of the holocaust, especially when it comes to collective responsibility. Moreover, the question of liability is complicated by the fact that at the time of the holocaust the surviving members of Lithuania's Jewish community, who had played an active and important part in Lithuanian society and who were almost exterminated, emigrated. Because of Soviet policies, the survivors who stayed in Lithuania were forced to deny their identity. After all, the holocaust is the field of various legal evaluations and interests. Contrary to the situation in Western Europe, in Lithuania like in other post-communist countries, the holocaust is treated not as some unique event, having no analogue phenomena, but is viewed together with the atrocities of the Soviet occupation. It follows that a pure and appropriate analysis regarding changes of the legal situation in Lithuania's understanding of the Holocaust in the light of Soviet crimes should be carried out.

It must be stated, that the authors of the article do not pretend to be analyzing the methods or the scale of Lithuanians' participation in the Jewish genocide, or to be providing arguments to deny or justify their behavior. This article is an effort towards a better understanding of how the process of reconciliation between two nations (Lithuania and Israel) is influenced by specific historical and political conditions.

It should be noted that the authors do not discuss and evaluate the scale of forced deportations in other countries as the main issue of the article is to find out the Lithuanian attitude to the matter.

I. THE IMAGE OF JEWS IN LITHUANIAN REPUBLIC BEFORE THE HOLOCAUST

After the restoration of Lithuanian independence on the 16th February 1918, Lithuanian Jews were also involved in the creation of the Lithuanian state. This was the main event which required revision of the Lithuanian Jews' relationship with the state. However, this is treated very controversially, with views ranging from praise to total pessimism³. Robert van Voren, for instance, writing about the Holocaust in Lithuania, quotes the USA Jewish newspaper *Di Yiddishe Velt*, in which on October 1939 it was written: "Jews living in Vilnius should be thankful to God for their fate, knowing that Jews in Lithuania are not

³Liudas Truska, 'A Smetonos valdžios politika žydų atžvilgiu' [2004] LIX(LX) Istorija 68.

complaining about their situation, also they are not discriminated by the Lithuanian government. Jews in the USA may be assured, that cultural and religious Jewish organizations [...] could function freely”⁴. Given the general European context in that time, such praise is with foundation.

First of all, the emerging State of Lithuania promised its Jewish citizens a wide autonomy and many rights. The Lithuanian delegation to the Paris Peace Conference of 5th August 1919 delivered a letter to the Committee of the Jewish delegation regarding their situation in Lithuania. Later this letter was named “the Paris declaration”⁵. It indicates that Jews in Lithuania will have political, citizen and national rights, will participate in the activities of governmental and judicial institutions, will have a ministry for Jewish matters; proportionally to their population will participate in the activities of legislation; will have the right to use the Jewish language in meetings, press, theatre, school, judicial and governmental institutions⁶. However, the Lithuanian language would be considered the official language which Jews were obliged to know and which was to be taught at schools. In the observations of the historian and researcher Alfonsas Eidintas (who also analyzed problems of the Holocaust), if the Paris declaration would have become reality, Lithuania should have become some joint state of Lithuanians and Jews, with a clear dominance of two nations and almost today’s understanding of equality or an ethnically dualist state. The average level of education was higher among Jewish Lithuanians than among non-Jewish Lithuanians, which is why Jews expected to get many important positions in the state⁷. It should be recognized that not all of the initial promises were kept, but in any case, Lithuania did not harm the identity of national minorities, did not interfere with questions of culture, education or religious identity of the Jewish citizens⁸.

The Lithuanian Republic (1918–1939) government of that time also treated the Jewish citizens as a strong political element, which could influence in deciding such important international questions as the accession of Vilnius or securing the benevolence of influential international Jewish organizations of the developing state. Jews participated in the activities of the State Council, the Constituent Assembly of Lithuania and in other actions related to the re-establishment of the state. In the period from 1918 up till 1923 more than three thousand Jews served in the Lithuanian army, among them there were many volunteers, who participated in the fight for Lithuanian independence, many of

⁴ Robert vanVorent, *Neįsisavinta praeitis: Holokaustas Lietuvoje* (VDU 2011) 32.

⁵ Alfonsas Eidintas, *Žydai, lietuviai ir holokaustas* (Vaga 2002) 58-59.

⁶ Nobody will restrict Jewish right to celebrate Saturdays and have other festivals. The rights of Rabbi is equal to the rights of clergy from other religions. Autonomy is recognized in the inner life of Jews: in the spheres of religion, allowances, social protection, education and etc. Local communities and their units are allowed to create organs of Jewish autonomy. The decisions of these organs will be compulsory for all Jews. They are allowed to collect additional fees from their members. Jews are empowered to get subsidies if they are also given to other communities of national minorities, proportionally to their number. Education in Jewish schools is private and free of charge. The autonomy of Jews will be declared by laws and will be established in the main law- the Constitution (Eidintas (n 5) 60).

⁷ Eidintas (n 5) 61.

⁸ *ibid* 62.

whom were awarded various orders and medals. Some of the Jews became military officers and military doctors⁹.

Rising threats to Lithuanian Jews were mitigated by the fact that the persons who held governing positions, including those who held the highest positions in state governance, such as the president of Lithuania, Antanas Smetona, or his government, were not anti-Semites. No anti-Jewish law was passed; there were no members of government who would say something against Jews (at least in public)¹⁰.

However, intolerance and unwillingness to understand each other appeared in other spheres of ethnic Lithuanian citizens and Jewish life, and arising stereotypes deeply rooted in the memory of Lithuanian society.

First of all, both ethnic Lithuanians and Jews knew very little about each other. Historian Alfonsas Eidintas in his study cites observations of an interwar period writer, J. Josade, who wrote that "Jews and Lithuanians lived next to each other, in many towns even in the same street, often in the same house- all these circumstances should make them closer, but did not because they differed in language, culture, religion, habits and most important- their psychology was totally different, i.e. sensitivity of nerves, reaction to life events, temperament and much more"¹¹. Tenacious myths and, mocking folklore about Jews existed in a society in which their neighbors were ignored and closeness was discouraged¹².

The second reason for intolerance to rise was the unequal distribution or imbalance between economic activities, in which in the interwar period Jews and Lithuanians were involved and contradictions, which arose as a consequence thereof. In 1923 at least 25,000 Jews were employed in small business, 14,000 of them in manufacturing and only 5,000 in agriculture. Lithuanian Jews owned 77 craft enterprises and 22 industrial companies while 90 % of ethnic Lithuanians were related to agriculture¹³. One of the political tasks established by the Lithuanian government was the transformation of businesses and towns into ethnic Lithuanian ones. The programme as to how a business may become more Lithuanian was established in several directions: e.g. by encouraging Lithuanians to settle in cities and to develop their professional skills in the spheres of private business, industry and crafts and to create a culture of Lithuanian business. It was planned to create a layer of businessmen having Lithuanian origins in the cities, able to compete with non- Lithuanians or even to expel them¹⁴. Naturally, the new middle class of Lithuanians could not escape professional conflicts with

⁹ Elmantas Meilius, *Holokaustas, arba Lietuvos tragedija* (Generolo Jono Zemaicio Karo akademija 2001) 19.

¹⁰ Truska, 'A Smetonos valdžios' (n 3) 69.

¹¹ Eidintas (n 5) 87.

¹² Vygantas Vareikis, Jurgita Šiaučiūnaitė – Verbickienė, 'Žydo įvaizdis Lietuvos visuomenėje' in Jurgita Šiaučiūnaitė - Verbickienė and Larisa Lempertienė (eds), *Žydai Lietuvoje* (R. Paknio leidykla 2009) 94.

¹³ vanVorent (n 4) 54.

¹⁴ Vygantas Vareikis, Jurgita Šiaučiūnaitė - Verbickienė, 'Ūkinė veikla' in Šiaučiūnaitė - Verbickienė and Lempertienė (n 12) 84-85.

competing Jewish persons¹⁵. It meant that even though there were no artificial barriers for the activities of businessmen of non-Lithuanian origin, economic relations between Jews and Lithuanians developed through competing with each other, providing state support for the companies of Lithuanian capital, while Jewish-owned business tried to maintain their positions. Subsequently the traditional role of Jews in the economy and on the professional market became the cause of envy and resentment¹⁶, which meant that inevitably the image of a Jew as a capitalist and economic competitor became more prevalent.

A third factor which increased disparities between Lithuanians and Jews was the state administration. If economic competition and state support for the sector of Lithuanian business was clearly established by State policy and in legislation, there also existed an unwritten rule in the State administration that the sphere of state administration was closed to Jews. There were almost no Jews in state administration, the police, security, military forces, and the ministries¹⁷. Such a political situation automatically limited the opportunities for Jews to refocus their activities and they stayed in their customary spheres of business and trade. In the sector of public state governance and administration the situation was such that it was not possible to imagine a person of Jewish origins heading some unit of administration, naturally forming the position that the public sector belonged exceptionally to Lithuanians. This aspect had special significance when the Soviets occupied Lithuania and Jewish persons were given leading positions in the State administration.

The fourth factor significantly influencing relations between Jews and Lithuanians was the attitude to the Lithuanian language. The impression of many Lithuanians of that time was that Jews almost always ignored Lithuanian culture (did not attend exhibitions, theatres), did not study literature in the Lithuanian language, communicated only in the Yiddish and Russian languages, participated just in their own Jewish organizations and took care of their business matters¹⁸. In Lithuanian cities, the use of the Lithuanian language was associated with the environment of its usage, the Lithuanian village. Supposedly, opposition between the subcultures of the city and the village could stimulate the repugnancy of some national groups (for example, Poles and Jews)¹⁹. Furthermore, the heads of the Lithuanian national movement and its more significant representatives, the intelligentsia; mostly priests, doctors and pharmacists, were usually originating from peasants and often maintained the attitudes of their parents towards Jewish people²⁰. Evaluating the situation of the Lithuanian national movement of that time, Jews speaking the Russian language were treated as colonists and as such they were seen as impeding the economic growth of Lithuanians and hindering

¹⁵ vanVorent (n 4) 58.

¹⁶ *ibid.*

¹⁷ Raimundas Lopata, *Istorija kaip politinio mąstymo veiksnys* (1st edn, Vilniaus universiteto leidykla 2012) 275.

¹⁸ *ibid* 273.

¹⁹ Saulius Kaubrys, 'Žydai ir valstybinė lietuvių kalba tarpukario Lietuvoje' in Šiaučiūnaitė - Verbickienė and Lempertienė (n 12) 108

²⁰ Eidintas (n 5) 30.

the spread of the use of the Lithuanian language²¹. In order to overcome inertia and resistance and to start learning the Lithuanian language there was a need of tolerance in society and the goodwill of the learner, i.e. Jewish people.

Analysis of the educational institutions for Jews indicates that there was a lack of all these necessary components²². In the meeting (“fighting against the usage of Russian language”) of the representatives of Jewish society in 1937 it was established that there should be an increasing use of the Lithuanian language by Jewish people²³. However, according to the available research, the situation was changing very slowly. During the time of Lithuanian independence the communities (Lithuanian and Jewish) became closer, the young Jewish generation became more Lithuanian, adapted to the Lithuanian culture, but there was a lack of time which would have been needed for better adaptation. In addition, some social and economic problems impeded the process, and of course the traditionalistic view was an additional barrier (Šiaučiūnaitė- Verbickienė). The majority of Lithuanians were not prepared to expand the concept of Lithuanian identity, especially to assimilate Jews who suffered acculturation²⁴ and were creating a new identity of Lithuanian “believers in Moses”²⁵.

Finally the evolution of Jewish and Lithuanian relations and rooted images were finally determined not so much by the historical isolation in the already mentioned spheres of economy and culture, but by the increasing influence of major totalitarian ideologies and the feeling of a coming catastrophe. In the Europe of that time, it was necessary to choose between the predominant authoritarian, fascist and communist tendencies. As fascism was not promising anything good for Jews, that their sympathies went to the Soviets, who were formally declaring and propagating equality between nations and races, is understandable²⁶. Even for those Jews who were afraid and hated Soviets, a new regime seemed more acceptable than Germans, as “lesser evil”²⁷. Jews were equated with communists, and after the Bolshevik revolution and the establishment of Soviet authorities in 1917, the term “Jew” became a synonym of “communist” and it wasn't important as to whether it was describing the truth²⁸.

Such feelings of some Jews were used and skillfully manipulated by repressive structures of the Soviet Union which occupied Lithuania as communists and who arrived in Lithuania not trusting the native Lithuanian administration (“nationals”). Aiming to decrease the influence of Lithuanians working in the institutions of the LSSR (Lithuania Soviet Socialist Republic, they tried to form a counterweight from servants of Jewish and other nationalities. The

²¹ *ibid* 36.

²² Kaubrys (n 19) 108.

²³ *ibid*.

²⁴ Acculturation - the processes of change in artifacts, customs, and beliefs that result from the contact of two or more cultures (written by the Editors of Encyclopedia Britannica).

²⁵ Lopata (n 17) 271.

²⁶ Eidintas (n 5) 118.

²⁷ *ibid* 125.

²⁸ vanVorent (n 4) 59.

involvement of Jews having a communist orientation into the political structure of LSSR had to play the same role as the entry of Russians into administrative institutions, i.e. to weaken the positions of Lithuanians in administration, to facilitate control by Russia and to help the Russification of the administrative apparatus²⁹. Jokūbas Josadė (being a writer of Jewish origin) remembered the situation, causing so much gladness among Jewish youth as follows: “I was so fascinated by colourful mass demonstrations, rally speeches and shouting “Hura” and “Ura”, that I totally lost the feeling of reality. As if suffering some mental insanity: the land was occupied by foreign troops, who started rapaciously, feel like at home and my petrified heart rejoiced. There were arrests and deportations of innocent people to Siberia, and I was justifying this. Why? I was not communist, but I was a Jew- just yesterday odious and abused, and today... I remember, that while working as a journalist I was coming to Central Committee [government office] and in almost every cabinet I was talking with the highest men of the public authority in my native jidiš language. It flattered my self-love, I was triumphing: the national question finally solved”³⁰.

Such changes created ideological stereotypes, which spread in the mass consciousness of Lithuanians and it became not important how many Jews joined the Soviet administrative apparatus or for what reasons. The only thing which was important was that together with the Soviet occupation a massive destruction of the Lithuanian population began, which meant that, according to various calculations, no less than 460,000 of people (1/3 of the total population, including 1/2 of all men, 1/8 of all women and 1/15 of all children) became victims of the Soviet occupation policy and experienced some form of abuse. Together with the victims of the German war occupation, Lithuania lost about 1,058,000 of people³¹.

To sum up the situation of Jews in Lithuanian society prior to the Holocaust, several conclusions should be made. First, at the state level there was no discriminatory policy against Jewish people, Jews were treated as citizens of one state and had extensive rights of autonomy in the spheres of education and culture. Second, Jews and Lithuanians competed in the sectors of manufacture and trade, the Lithuanian state promoted the development of Lithuanian businesses, and the dominance of the Jews in business caused dissatisfaction amongst some Lithuanians. Furthermore, Jews could not generally get into the sectors of public governance and administration. Fourth, a different attitude to the Lithuanian language and the unwillingness of some Jews to learn it, hindered the closer relations of both nations. However, these confrontations did not grow into cases of bodily harm. Over time, even some signs of convergence were established. The Soviet occupation and the participations of Jews in Soviet administrative structures, taking part in the mass determination of the Lithuanian nation became the most important factors determining relations between Jews

²⁹ Nijolė Maslauskienė, 'Lietuvos tautinių mažumų įtraukimas į LSSR administraciją ir sovietinės biurokratijos tautiniai santykiai 1940–1941 m' [2001] 1(9) Genocidas ir rezistencija <<http://genocid.lt/Leidyba/9/nijole.ht>> accessed 15 August 2017.

³⁰ Eidintas (n 5) 136.

³¹ Arvydas Anušauskas, *Lietuvių tautos sovietinis naikinimas 1940-1958 metais* (Mintis 1996) 404.

and Lithuanians. For Lithuanians, who were the first sufferers of the Soviet regime, the participation of Jews and their warm feelings to the Soviet occupant stuck in the memory of Lithuanians. It should be noted, that the latter circumstance distinguished the perception of the Holocaust of the Western European countries that were not touched by the Soviet terror from understanding those countries which suffered both the Nazi regime and the soviet occupation.

II. THE QUESTION OF LIABILITY AFTER THE HOLOCAUST

The former president of Lithuania, Algirdas Brazauskas, apologized in the name of the Lithuanian nation during his official visit to Israel (the Knesset) in 1995 to the nation of the Jews for the participation of some Lithuanians in the Holocaust. The President stated: “I, being a president of Lithuania bow my head against the memory of more than two hundred thousand of killed Lithuanian Jews. I ask your forgiveness for those Lithuanians, who killed Jews without remorse, fired, deported and robbed them”³². This act of the President and other announcements and deeds with similar content gave rise to many controversial discussions in Lithuanian society. The fact of the tragedy itself or its scale is not denied, after all Lithuania lost more than 95 percent of the Jews who lived there at the time³³. The fact that at least some Lithuanians participated in the killing campaigns of the Jews is not denied. However, when someone tries to discuss the moral liability of the Lithuanian nation for the Holocaust, the reaction is, if not negative, then at least suspicious or a very cautious one.

At least several reasons which might explain the issue could be indicated. The Second World War in Lithuania started and ended with the fact of the Soviet occupation. When Western Europe was counting the victims of the war and tried to understand the scale of the tragedy, armed Soviet forces returned in 1944 and new Soviet occupation (reoccupation) began in Lithuania³⁴. It should be noted that there were much more active propagandist and diplomatic preparations for the second occupation of Lithuania by the Soviet Union. Although the United States and Great Britain were committed to opposing any territorial change if the nation in question had no opportunity to express its free will, the Soviet Union as a the signatory of the Atlantic Charter³⁵ managed to negotiate a silent indifference of foreigners to the repeated occupation, while maintaining the principal provisions of the non-recognition of the occupation and annexation. Nobody intended to fight because of the occupation of the Baltic States, as at that time

³² Solomonas Atamukas, *Lietuvos žydų kelias* (1st edn, Alma littera 2007) 390.

³³ *ibid* 390-391.

³⁴ With the second Soviet occupation, together with annexation, the validity of the former Lithuanian Soviet Constitution enacted in 1940 was restored; the soviet governmental institutions which had been operating in 1940-1941 were re-established (Vytautas Andriulis, *Lietuvos teisės istorija* (Justitia 2002) 465).

³⁵ Signed in 1943 in the Conference in Teheran.

occupation was referred to as a “liberation”³⁶. A witness of these events, the partisan Juozas Lukša – Daumantas, described the events of that time in his diary: “It took less than ten days, when more than twenty thousands of children, women and old people of the Lithuanians, crammed into cattle wagons and rolled out to the east. And nobody in the world except the Lithuanian underground press heard the dying laments of these unfortunates. While somewhere in the West conferences were held, toasts for victory, for the cynical killers of our nation were raised”³⁷. About 332,000 Lithuanians were imprisoned, deported into exile and GULAG camps and a further 26,000 people were killed in Lithuania³⁸.

Additionally, the second wave of the Soviet occupation predetermined the appearance of an organized partisan resistance to the implemented policy of the occupier. In 1944-1945 about 30,000 armed men gathered in Lithuanian forests. Some of them became partisans avoiding service in the army of the occupants; others became partisans because they were afraid of possible repressions or exile. However the majority of partisans chose the way of armed resistance deliberately, determined to fight until the restoration of Lithuanian independence. More than 20,000 freedom fighters died in this war³⁹. The Soviet occupation in Lithuania lasted almost fifty years.

Taking into account such circumstances, the extermination of Jews seemed to look more like the tragedy and horror of the war⁴⁰. For this reason the crimes of the Holocaust in Lithuania will never be understood as isolated from the Soviet occupation, because repressions which took place in Lithuania during this occupation were harsh infringements of human rights. They were, in the eyes of the Lithuanian people, perceived as somewhat analogous to the repressions by the Nazi structures, implemented during the same period of time and under similar circumstances⁴¹. The main difference was that after the Second World War the actions of the Nazi Regime were strictly condemned in the international arena, while the crimes of communism are suppressed and ignored; victims of these crimes are not remunerated or compensated; but most importantly that Soviet crimes are not condemned in the international sphere⁴². The Soviet atrocities still search for their place in the consciousness of the West-Europeans.

The second factor influencing the perception of the Holocaust in Lithuanian society is the Soviet propaganda which continued for more than half a century. Under its influence several generations of the occupied state grew up, and as we know, the effect of injuries was suffered not only by victims but also by their relatives and family members⁴³.

³⁶ Arvydas Anušauskas, *Teroras 1940-1958 m* (Versus Aureus 2012) 102.

³⁷ Juozas Lukša – Daumantas, *Partizanai* (3rd eds, Į laisvę fondas 1990) 177.

³⁸ Anušauskas, *Teroras 1940-1958 m* (n 36) 280.

³⁹ Genocide and Resistance Research Centre of Lithuania.

⁴⁰ Eidintas (n 5) 325.

⁴¹ Silvija Gervienė, 'Ar fiziniam asmeniui, vykdytoms represijoms sovietinės okupacijos metais, gali būti taikoma civilinė atsakomybė už padarytą turtinę ir neturtinę žalą?' [2010] 1(6) Law Review 56.

⁴² Lopata (n 17) 309.

⁴³ Danutė Gailienė, *Ką jie mums padarė Lietuvos gyvenimas traumų psichologijos žvilgsniu* (Tyto Alba 2008) 147.

“Realizing that physical terror was not enough to break the nation’s resistance and defeat the fight for freedom, the repressive structures utilized psychological and moral influence in addition to outright repression. With such enormous ideological efforts, the Soviet regime strove to deny any possibility of the restoration of the Lithuanian state, as well as legalizing and justifying the country’s occupation and annexation. Soviet propaganda was utilized to suppress national resistance and destroy national values”⁴⁴.

As noted by Timothy Snyder, Soviet propaganda is one of the reasons, why the General Secretary of the Lithuanian branch of the Communist Party treated the Jews who were killed during the Holocaust as “the sons of the nation”, i.e. Lithuanians, who died a martyr’s death for the communism⁴⁵.

The numbers of Jews and their supporters who were killed by the Nazis was, in the times of the Soviet Union, a state secret. The Nazi regime managed in such a short period of time to kill millions of Jews only with the help of the Soviet Union⁴⁶. That, at the beginning of the war in 1939 the Soviet Union was an ally of the German Nazis, and that the Soviet Union was not prepared for the German attack in 1941 must also not be forgotten. Massacres of Jews were not only unwanted memories as such; it also caused other unwanted memories. It needed to be forgotten⁴⁷. For example, the monument in Paneriai, built in 1945 to the memory of the Jews with words in the Yiddish language, was removed in 1952. At the end of the 1960s a new inexpressive monument was built in which no inscriptions in the Yiddish language remained. Inscriptions in Lithuanian and Russian announced that here 100,000 Soviet citizens had been killed⁴⁸.

The Soviet Union, occupying Lithuania and other states, justified such actions by declaring that it liberated these states, so naturally any clues that other “citizens” of the Soviet Union contributed to the killing of Jewish people had to be erased from the history of the war⁴⁹. It is therefore not surprising that during the Soviet occupation it was forbidden to commemorate the anniversaries of the murders of Jews.

The fact was that Jews were not a nation which escaped soviet repressions. Out of 986 Soviet nationalized industrial enterprises more than half (57%) were owned by Jews, and out of 1,600 nationalized trade companies, 1,320 (83%) were owned by Jews. During the Soviet occupation Saturday (Shabbat) lost its status as a Public holiday. Not tolerating the Hebrew language, the number of Jewish gymnasiums decreased by half (only Yiddish was permitted to be spoken). Jews also did not escape arrest and exile. According to the data of the Genocide and Resistance Research Centre of Lithuania, during deportations in June 1941, Jews

⁴⁴ Juozapas Romualdas Baguškauskas, 'Komunistų partijos ideologinė apologetika slopinant tautos pasipriešinimą (1944–1953 m)' [2013] 1(33) *Genocidas ir rezistencija* 41-43.

⁴⁵ Timothy Snyder, *Kruvinos žemės: Europa tarp Hitlerio ir Stalino* (Tyto Alba 2011) 378.

⁴⁶ *ibid* 376.

⁴⁷ *ibid* 380.

⁴⁸ Atamukas (n 32) 309.

⁴⁹ Snyder, *Kruvinos žemės* (n 45) 376-377.

constituted 13.5 % of exiled people while at that time Jews accounted for only 7 % of the population⁵⁰.

As could be established from the observations of Alfonsas Eidintas it became more and more difficult for Lithuanians to understand the tragedy of the Jews because in post-War Lithuania there lived far less Jews than was the case before the Second World War. As the Holocaust was not treated as a policy of extermination of the whole Lithuanian nation such exclusion of the non-Jewish victims among the Lithuanian people from the discussion of the Holocaust was not understandable for several generations. The Soviets allowed some information about Jews and the Holocaust, after macroscopically measuring provided knowledge as understood that the fact of the Holocaust strengthens identity of Sovietized Jews and hinders their assimilation⁵¹.

Peculiar understanding of the Holocaust was also influenced by the fact that 65,000 Lithuanians were forced to leave their homeland. Displaced persons, temporarily settled in Western Germany, were later removed to the USA, Canada and other countries. The question of Lithuanian identity for these political emigrants, withdrawing from Lithuania after the Second World War, was not actual, as their national understanding and national identity was strong and even strengthened more by the circumstances of their withdrawal. They did not even consider themselves to be “emigrants” or “refugees” but rather as “deportees”⁵². Those who left Lithuania experienced prosecutions, hazards, fear and uncertainty for the future of their relatives⁵³.

A psychologist, Danutė Gailienė, underlines that “forced emigration was also an existential injury- people lost their houses, habitual surroundings, and the ability to speak their native language. In the places of emigration they were often met with hostility”⁵⁴. It was one of the reasons why life in Lithuania or Lithuania itself was idealized and the behaviour of Lithuanians in the time of the Holocaust was treated much more moderately by the authors on tried to justify their actions (Stoliarovas, 2007). However in some of the publications of that time (for instance, V.Brizgis; Z.Ignatavičius Ignonis; A.Štromas; A.Damušis) it is also possible to find some authors describing the situation more objectively, but still Lithuanians are given just a minor role, as the ones who assisted the Germans⁵⁵. In the publications of the emigrants a defensive position till the reestablishment of Lithuanian independence dominated and they sought to justify the behaviour of Lithuanians escaping moral liability which at least partially could be

⁵⁰ Truska, 'A Smetonos valdžios' (n 3) 99.

⁵¹ Eidintas (n 5) 334.

⁵² Daiva Dapkutė, 'Lietuviai pasauilyje' (*Iseivijosinstitutas.lt*) <<http://www.iseivijosinstitutas.lt/lietuviai-pasauilyje>> accessed 15 August 2017.

⁵³ Gailienė (n 43) 89.

⁵⁴ *ibid* 90.

⁵⁵ Andriejus Stoliarovas, 'Lietuvių dalyvavimo holokauste vertinimas egzilio galvojimuose' (*Iseivijosinstitutas.lt*) <http://www.iseivijosinstitutas.lt/var/uploads/file/Referatas-stoliarovo_2007.pdf> accessed 15 August 2017.

predetermined by the lack of archival materials and their availability during Soviet times⁵⁶.

But even during these times there were some exceptions. Tomas Venclova, for instance, was not afraid to declare the fact that Lithuanians exterminated Jews but he also spoke about the moral liability of the nation "we need to talk about what happened, without making idle excuses, without inner censure...without ethnic complexes, without fairness. We must once and for all understand that the killing of Jews is also the killing of us, insulting of Jews-insulting of Lithuanians, the liquidation of Jewish culture- attack of our own"⁵⁷.

However, assuming moral responsibility for the Holocaust was not easy for many Lithuanians because these events had been described from generation to generation either feeling a nostalgia for interwar Lithuania or a vague hostility towards Jews but also because the whole story was turned into yet another propaganda lie. As the Publicist Linas Vildžiūnas wrote: the "Holocaust of Lithuanian Jews was so horrific and unexpected, so cynically open, carried out here, before the eyes of other citizens, so universal that basically, one way or another, affected every member of society. Maybe because of that, of the experienced psychological shock, the killing of the Jews, together with their life in Lithuania, was as if removed from our collective memory. Trying to forget traumatic experience is the usual reaction, as it is usually hidden very deeply and pushed into oblivion. However it never disappears, it becomes an open wound and may become a neurotic complex in the future. "It is no coincidence that confrontation of Lithuanian society with the reality of the Holocaust is still difficult and painful"⁵⁸.

The Holocaust in Lithuania most often is the accusation of somebody forgetting that even in the most critical situation, there is a moral choice and there are positive examples. Researcher of Jewish history Solomonas Atamukas discusses the issue: "during the war and occupation the smallest help of noble people was not simple charity or an act of kindness. Very often, it was a subtle internal battle with oneself, conscious or subconscious hesitations, caused by the feelings of personal or family self-protection, the feeling of fear, the struggle for dignity and boldness for the benefit of humanity"⁵⁹. Such examples also existed in Lithuania: according to official data of 2001, at least 3,000 Jews were saved with the help of more than 2,700 ethnic Lithuanians⁶⁰. These studies are still continuing but there is no doubt that at least part of these normal acts will be never revealed.

It may be concluded that Lithuanians, probably in common with every other nationality, do not like talking about unpleasant things of the past. The nation wishes to see its history in a good light - just fights and sufferings, and the possibility to blame all disasters of the recent past on others, in particular

⁵⁶ibid.

⁵⁷ Tomas Venclova, 'Lietuviai ir žydai' [1977] 1(85) Akiračiai.

⁵⁸ Linas Vildžiūnas, *Mano senelių ir prosenelių kaimynai žydai* (Garnelis 2002) 7.

⁵⁹ Atamukas (n 32) 283.

⁶⁰ Eidintas (n 5) 311.

minorities like the Jews. A self-critical approach to the past is not very popular among Lithuanians. The extraction of unpleasant problems of the past out of the shadows very often is perceived as defamation and slander of Lithuania⁶¹. Of course it is always easy to blame others and there is no justification for such a behaviour, but it is always possible to try to explain and understand why it happened and from where it arises. Neither Lithuanians nor Jews have chosen their fate; it was decided for all of them in most brutal and inhuman manner. Soviets have rewritten the history of the Holocaust and have created the most favourable version about the killing “of Soviet society” and cynically manipulated the “facts”⁶². The influence of totalitarianism is total, it left no single person untouched⁶³, while the consequences would be felt in the life of not just one generation but several, regardless of the ethnic background of the person in question.

III. THE LEGAL RELATIONSHIP BETWEEN THE HOLOCAUST AND SOVIET CRIMES

Timothy Snyder, Professor at Yale University, declared during his visit to Lithuania (2012) that one should fight against those who deny Nazi and Soviet crimes not in court but with the arguments of an open society⁶⁴. However, in the process of reconciliation and perception of past events the legal interpretation of the crimes is no less important. As has already been explained in the previous chapters, in Lithuania, as in other post-Soviet countries, a unique legal evaluation of the Nazi crimes was formed. Similar to the legal consciousness of Western Europe the Holocaust is treated in Lithuania as the genocide committed against the Jewish nation, but differently from Western Europe not only the crimes of the Nazi regime but also the crimes committed during the Soviet occupation period are considered to have amounted to genocide in Lithuania. It has to be clarified that by making such a comparison, there is no intention to underestimate or minimize the importance and the scale of the Holocaust. It is just one of the ways to reach for justice for the victims of both totalitarian regimes due to the objective reasons discussed below.

First of all, we should admit taking into account the work of the historian Hektoras Vitkus, who researched the problems of the perception of the Holocaust, to the effect that people evaluate past events according to their links

⁶¹ Vyngantas Vareikis and Liudas Truska, *Holokausto prielaidos: antisemitizmas Lietuvoje* (Margi raštai 2005) 100.

⁶² Stoliarovas (n 55).

⁶³ Gailienė (n 43) 161.

⁶⁴ Timothy Snyder, 'Prieš nacius ir stalinistus reikia kovoti visuomenei, ne teismams' (*Bernardinai.lt*, 18-05-2012) <<http://www.bernardinai.lt/straipsnis/2012-05-18-t-snyder-pries-nacius-ir-stalinistus-reikia-kovoti-visuomenei-ne-teismams/82449>> accessed 18 August 2012.

with the problems of the present time⁶⁵. Evaluating the events from a historical time perspective, the Holocaust in Lithuania occurred in the time of the Nazi regime (1941-1944) and affected one particular part of Lithuanian society – Jewish Lithuanians. Meanwhile, the Soviet occupation in Lithuania continued for almost 50 years (Lithuania only regained independence in 1990) and affected nearly every resident of Lithuania (without making any distinction with regard to nationality, race, origin etc.). “...the relationships that we associate with the Soviet era are especially complicated. We seldom identify them as distinctly foreign, dreadful (especially the Stalinist period), or even mysterious”⁶⁶. This means that national minorities, especially Poles, Jews and Germans, who lived in Lithuania at the time of the Soviet occupation also suffered under the Soviet regime⁶⁷. For this reason, it appeared unjust from the perspective of Lithuanian society after the restoration of independence to provide exceptional attention to the victims of one regime as the whole nation experienced sufferings. In such a case the question could arise as to what answer should be given to the person describing events of that time: “...on the 14th of June in 1941 at 4 a.m. our family was awakened and was hurriedly urged with targeted revolvers to prepare for leaving (without any conviction or court decision). Daddy demanded [the answer]: on what basis is this repression implemented? It was just answered, that our family is taken for ever to Siberia and that we will never return to Lithuania. It was allowed to take just two pillows, one blanket and some food. We got into the truck and escorted by security we left. But where and for what ?...”⁶⁸.

Due to the special attitude of the Lithuanian nation to the soviet past, after the adoption of the Law "On the responsibility for the genocide of the Lithuanian population"⁶⁹ in 1992 it was held that during the time of the Nazi German and Soviet occupations and annexation, policies of genocide and crimes against humanity had been implemented against residents of Lithuania. The actions in question, such as the annihilation of people, notwithstanding the aim, are considered as crimes in accordance with international law⁷⁰.

The second reason why the crimes of Nazi Regime and of the Soviet occupation are compared in Lithuania is the fact that a law could not be applied on arbitrary basis, i.e. prosecuting some and at the same time acquitting the others. The situation is aptly described by the lawyer Bernardas Gailius, who declares "that genocide became the basis for totalitarian policy and almost all structures of totalitarian regimes were serving to the constant genocide, i.e. for

⁶⁵ Hektoras Vitkus, 'Holokausto atminimas – tai ne vienkartinis ritualas' (*Bernardinai.lt*, 16-04-2015) <<http://www.bernardinai.lt/straipsnis/2012-10-17-hektoras-vitkus-holokausto-atminimas-tai-ne-vienkartinis-ritualas/88859>> accessed 01 July 2015.

⁶⁶ Rasa Čepaitienė, 'Sovietmečio atmintis – tarp atmetimo ir nostalgijos' [2007] 4(72) *Lituanistica* 50.

⁶⁷ Rima Gudelytė, *Gyvensime tėvų žemėje* (Mažasis Vyturys 2004) 16.

⁶⁸ *ibid* 103.

⁶⁹ Rimvydas Valentukevičius, 'Nusikaltimų žmoniškumui tyrimo Lietuvoje problemos' (*Genocidas ir rezistencija*, 2004-01-30) <<http://genocid.lt/Leidyba/5/nusikalt.htm>> accessed 15 September 2011

⁷⁰ *ibid*.

mass killings of new and new groups. In this way genocide is inseparable part of the totalitarian policy. And if, as we strongly believe, the Soviet regime was a totalitarian one, it means that it implemented the genocide⁷¹. The European Court of Human Rights denied the possibility to choose "what law" to apply. In the cases *Kolk and Kislyiy v. Estonia* and *Penart v. Estonia* the court clearly denied the opportunity to apply provisions which had been developed by the Nuremberg Tribunal specifically to evaluate the acts committed by Germany. In these cases the court (ECHR) stressed the universality of the Nuremberg Tribunal provisions, that the application of these principles could not be limited just to certain persons or to a particular period of the Second World War⁷². It is also important that the Soviet Union, as a member of the United Nations and a party to the London treaty had also adopted the regulations of the Nuremberg Tribunal⁷³. Moreover, these regulations were recognized as principles of international criminal law. Because the Soviet Union was a member of the United Nations⁷⁴ these principles became part of customary international law which also applied in the Soviet-occupied territory⁷⁵. In fact, a similar view is shared by the Lithuanian courts. In one of the court's decisions it was stated, "that it should be taken into account that the Soviet occupation regime in the territory of the Republic of Lithuania was committing international crimes, which could be qualified in accordance with the universally recognized norms of international law (inter alia the Statute of the Nuremberg Tribunal) as crimes against justice (killings and deportations of civilians, imprisonment, persecution on political, national etc. grounds) and war crimes (Treatment of Persons Prohibited under International Law, deportation, Forcible Use of Civilians in the Armed Forces of the Enemy etc.)."⁷⁶

The third reason why the understanding of genocide differs in the states which had different historical and political experiences is the fact that Soviet repressive structures used means and ways of repression which remained outside the universally recognized norms of international law of that period. In accordance with the formulation provided in the United Nations Convention on the Prevention and Punishment of the crime of genocide, "... any act committed with intent to destroy, in whole or in part, a national, ethnic, racial or religious group..."⁷⁷ is treated as a crime of genocide. However, during the Soviet occupation in Lithuania some social and political groups, which fall outside that definition of genocide, were destroyed. The best example- participants of Lithuanian armed resistance (fighters for freedom). In the opinion of Bernard Gailius, the "Soviets destroyed political nations" and guerrillas were the group which could be clearly identified and which represented the Lithuanian political

⁷¹ Bernardas Galius, *Partizanai tada ir šiandien* (Versus Aureus 2006) 180.

⁷² Dainius Žalimas, *Atsakomybės už Lietuvos Respublikos okupaciją tarptautiniai teisiniai pagrindai Komunizmo į tarptautini tribunolą* (Jusida 2009) 101.

⁷³ *Penart v Estonia* App no 14685/04 (ECtHR, 24-01-2006).

⁷⁴ Žalimas (n 72) 122.

⁷⁵ *Penart v Estonia* App no 14685/04 (ECtHR, 24-01-2006).

⁷⁶ Court of appeal of Lithuania no. 1A-38/2014.

⁷⁷ The Convention on the Prevention and Punishment of the Crime of Genocide

nation⁷⁸. Officially it was called the “cleaning” of the heads of enemy authorities and active supporters, however, each Lithuanian became a potential enemy of the Soviet government⁷⁹. The Constitutional Court of the Republic of Lithuania declared that the assumption of a legal liability for the so called genocide of social and political groups would be contrary to the constitution if such a liability had not been established at the time when the acts in question had been committed which shows that punishment of Soviet repressors becomes rather complicated⁸⁰. However, in some cases Lithuanian courts came to the conclusion, even after the aforementioned decision of the Constitutional Court, that a political group is a part of the national group, and that international law should be applied to the crimes done during the soviet occupation.⁸¹

To summarize, it should be concluded that the extended meaning of the genocide (including political groups) is treated controversially in Lithuania. “One does not need a complex research in order to state a particular controversy and even the polarity of lasting memories of that epoch both in public space and at individual level, ranging from the refusal of the Soviet era up till nostalgic reminiscences”⁸². It is obvious that crimes have been committed by repressive structures of the both Germany and the Soviet Union, transcending the boundaries of humanity and no law could justify the deaths of hundreds of thousands of Lithuanians, thousands of “broken” destinies of people who were tortured, injured, exiled⁸³.

CONCLUSIONS

1. The perception of Jews as part of the Lithuanian society and certain stereotypes stem from the Lithuanian-Jewish relations in interwar Lithuania. Despite the fact that Jews were granted broad rights of cultural autonomy, social differences and economic unevenness that existed at that time were disappearing only very gradually. This process was interrupted by external circumstances. The rise of two dictatorships in Germany and the Soviet Union, both of which seized control of Lithuania, led to an unavoidable confrontation of Lithuanian society. Many Jews in Lithuania, because of existential survival more favored the Soviet regime while Lithuanians who had suffered Soviet repressions had a more positive attitude to the Nazi occupation. In each group of society there were individuals who openly collaborated with the occupant regimes and participated in the commission of

⁷⁸ Galius (n 71) 188.

⁷⁹ Anušauskas, *Teroras 1940-1958 m* (n 36).

⁸⁰ The Constitutional Court of Republic of Lithuania no. 31/2011-40/2011-42/2011-46/2011-9/2012-25/2012

⁸¹ Court of appeal of Lithuania no. 1A-38/2014

⁸² Čepaitienė (n 66).

⁸³ Valentukevičius (n 69).

crimes. These events still influence Lithuanian society and its attitude to the Holocaust. In Lithuania the Holocaust is treated as extermination of Jews who had lived in Lithuania during the interwar period, while almost at the same time it is usually stressed that the next regime was destroying the remaining part of Lithuania nation.

2. The perception of the Holocaust in Lithuania is influenced by the Soviet system which tendentiously changed the facts of the Holocaust, and mass killings of Jews were turned into a part of propaganda management system under which more than one generation grew up. Because of that reason after the restoration of independence it became very important for countries such as Lithuania not only to properly evaluate the crimes of the Holocaust but also to develop an understanding as to the effect that the Holocaust is not only the tragedy of the Jewish nation, but also the loss of the whole Lithuanian nation and that moral liability should be accepted. However, education about the Holocaust is not possible without providing links to the Soviet occupation and the Soviet propaganda of almost fifty years.
3. After the restoration of independence in Lithuania, both in international law and in the consciousness of world society the attitude dominated that international crimes had been committed by Germans and that these crimes had been directed only against Jews. However, the historical and political reality in Lithuania is rather different. Lithuanians suffered not only from the Nazi regime but also from Soviet repressions without distinction of race, nationality, religion or other features of the victims as long as they were Lithuanian. In Lithuania, while trying to re-establish moral justice and applying legal norms of civilized nations, the crimes of the Nazis and the Soviet ones are not treated separately. This raises various questions, for instance there are some doubts if it is legally correct to prosecute Soviet criminals for acts against Lithuanian political groups and to qualify these actions as genocide. However the law cannot be applied selectively – the acts in Lithuania went beyond the limits of humanity and the law in the face of all these events cannot stay behind. Legal evaluation is needed both for the victims of these crimes and for future generations, who should understand that the painful past is an inseparable part of their national and individual identity.

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