

Memory, Justice and the Public Record

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Introduction

In March and April 2008, while I was preparing this paper for the Ethics of Memory Construction conference in Ann Arbor, Bergens Tidende (the major newspaper in Western Norway) published a series of articles on women that had been victimised after the liberation in May 1945 because they had fraternised with German soldiers during the Nazi occupation. The series triggered a passionate debate in the press and in other media. Some voices, provoked by the articles' viewpoints, claimed that, even though the public reactions against these girls had been exaggerated and regrettable, there should be no doubt that many of them had acted contrary to national interests during the occupation. However, the great majority of debaters asserted that the girls in general had been innocent victims of an unjust revenge, and that their only "crime" was that they had fallen in love with men in a Wehrmacht uniform.

The scale and passion of this debate indicates that the treatment of these women still represents a traumatic memory for many Norwegians. The paper that I was preparing was meant to deal with the fate of these women's children, the Norwegian "war children". Women who had fraternised with German soldiers became targets for popular revenge in all European countries that had been occupied by Nazi Germany, but the case of the Norwegian war children is remarkably special. One incident might serve to illustrate this: In July 1945, Norwegian authorities made contact with several European countries, asking how these countries intended to solve their "war child problem". Apparently, most of these countries didn't understand the question; the war children were not considered to be a pressing issue anywhere else than in Norway (Borgersrud 2005, 124-125).

The Unwanted Children

A report in the German daily *Frankfurter Rundschau* on 4 May 2002 tells the story of a war child. She was born in 1943; her mother was Norwegian, her father a German soldier. Shortly after her birth, she was taken to a Lebensborn children's home near Oslo. As a one year old she was moved to another Lebensborn home near Bremen in Germany. After Hitler's surrender, she was found there by Norwegian representatives. They sent her to Sweden, where she was adopted by a Swedish couple and given a new identity as the daughter of a woman who had died in a Nazi concentration camp.

After the liberation in May 1945, government officials were set to deport the war children¹ from Norway. Eventually, these plans failed; only one group of some 30 children was actually deported to Sweden in summer 1945, and this woman was one of these (Borgersrud 2005, 73-92). She grew up believing she was a survivor from the Holocaust. She didn't learn about her true identity until 1996, when she approached the Swedish National Archives to find out which camp she came from and who mother had been. "You don't come from a concentration camp," the archivist said, "you come from Norway".

Norwegian historian Lars Borgersrud's explores the development of official Norwegian politics concerning the war children, and analyses the motivations for these politics, in his significant study "Vi ville ikke ha dem" (2005). Borgersrud suggests that the deportation plans were built on mainly two conditions. Firstly, deportation of children as a means to solve social problems had been an established procedure in many countries for several decades, especially in Great Britain (Coldrey 1993). Secondly, the war children were regarded as inferior citizens. This was a result of the continuous impact of eugenic thinking on politics and medical science since the 1920s, which regarded biological or genetic factors as decisive for an individual's societal position (Simonsen and Ericsson 2004). Indeed, in 1945 one leading Norwegian medical expert warned that the war children could represent a future threat to the mental health of the nation. His line of argument went like this: Only a mentally underdeveloped girl would want to fraternise with the enemy, and

¹ According to the official statistic record there were born 8364 children with Norwegian mothers and German father between 1941 and 1946. Historians generally agree that these records are not complete.

only an equally underdeveloped German soldier would be content with a girl like that; consequently the offspring of such breeding most probably would be underdeveloped children (Olsen 2004, 103).

This state politics obviously had broad public support. An important reason for this was the public condemnation of the mothers of the war children. In Norway, as elsewhere in Europe, women who had intimate relations with Germans during the occupation became targets for popular revenge in May 1945. The so-called “German girls” were considered to be guilty of a double betrayal, both nationally and sexually. However, the great majority of these women did neither sympathise with Nazism nor betray their country, and contrarily to what seems to have been general belief at the time, only a small percentage were prostitutes (Jørgensen, 43-44). It has been suggested that this condemnation was sexually fixated; the dominant patriarchal ideology of that time considered female sexuality to be uncontrollable and a possible threat to society. Thus, popular opinion regarded sexual collaboration as the greatest treason of all, and more visible than other kinds of collaboration because of its ultimate evidence: the children. And even though the condemnation and revenge wasn't aimed directly at the children, it still affected them; they were the living proof of their mothers' sins . Partly because of this, most of the war children were also subject to various degrees of bullying and social exclusion in their neighbourhoods and at schools. Due to the victimisation and ostracism of their mothers, a large number of war children grew up in orphanages, with their grandparents or other relatives, or were adopted (Borgersrud 2005, Simonsen 2001).

Lars Borgersrud's research has shown that a number of state bureaucrats spent quite a bit of energy on this matter during 1945; there were even informal negotiations with Swedish officials to arrange adoption of children in Sweden. There was but one problem: most of the War Children were Norwegian citizens, which made deportation of them illegal. This left the bureaucrats with two options: Either to get their mothers' consent to send the children abroad, or to do something with their citizenship. This was precisely what was done in August 1945, when a special decree deprived women that had married a German after the invasion on 9 April 1940 of their Norwegian citizenship. Most of these women were deported to Germany, some of them together with their children. In October 1945, the Norwegian

government officially abandoned future deportation plans. But even after this, some bureaucrats continued their efforts to get rid of the children. When an Australian immigration commission visited Oslo in November that year, they were literally offered 9 000 war children across the table. But the Australians did not accept; “Half-German” kids were neither wanted in the British Empire in 1945.

After the deportation plans were abandoned, the war children were still discriminated by state politics. A great number of them were excluded from the national family allowance system, which was introduced in 1947 as the first major social reform in the Norwegian welfare state program. This system gave all Norwegian children a monthly benefit from the state. But a considerable part of the war children were in practice excluded from this system: Those who had lost their Norwegian citizenships because their mothers had married a German during the war, and those who didn't live with their mothers (Borgersrud 2005, 365).

Another example of public discrimination was the question of getting child support from the German fathers. For political reasons, Norwegian authorities did not want the unmarried mothers to be in touch with their children's fathers, and all legal proceedings to establish paternity – about 6 000 cases – were halted in 1946. When these cases were re-opened in 1950, only a small portion of the mothers re-established their claims and less than 500 fathers ended up paying (Borgersrud 2005, 363-64). As a result of this economic discrimination from the state, the majority of the war children grew up under poorer economic conditions than other children.

The Construction of the War Children

The war children had nothing in common except their fathers' nationality. A German-Norwegian child was not a war child if its mixed national parentage was unknown to others. As a group, they were a social construction. This construction was founded on the conceivable knowledge of each individual's existence, which was made possible by the registration of the children and their parents in the Lebensborn records. The existence of this archive, I will suggest, was an important condition for the particular Norwegian history of the war children.

Lebensborn – “the source of life” – was an organisation established by SS Reichführer Heinrich Himmler, initially to run maternity homes for unmarried pregnant German women of the “Aryan race”. After the outbreak of WW2, its activities were expanded to include services for widows and children of fallen SS soldiers, and for children of German soldiers and native mothers in occupied territories. In Norway, Lebensborn had the highest high level of activity outside Germany, running at least 9 homes for children and mothers. Norway was the only occupied country with a central Lebensborn headquarters. One reason for this was that the Nazi leaders considered Norwegians to be racially acceptable; because of this, sexual relationships between German soldiers and Norwegian women were positively tolerated, if not encouraged. More important, the children that such relationships might produce might be racially healthy and worthy of Lebensborn care (Olsen 2004).

In his article “The Archive and the German Nation”, Peter Fritzsche has shown how archives became an important resource for the implementation of Nazi racial politics: “This required not only the mobilization of existing records for political ends but the creation of new records that would recognise the biological categories that the Nazis held to be so consequential. As the definition of the political became more biological, so did the official archive” (Fritzsche 2005, 196). Fritzsche quotes the director of the Bavarian archives, who in 1936 established that “[t]here is no practice of racial politics without the mobilisation of source documents, which indicate the origin and development of a race and a people... There is no race politics without archives, without archivists” (ibid).

The records in the Lebensborn Norwegian HQ were also created for this purpose. If a woman became pregnant with a German soldier, she and the assumed father individually had to answer special questionnaires about themselves and their relationship, and information about the woman’s health condition and race was collected and registered. When the woman was in the last half of her pregnancy, she could move to a Lebensborn home and stay there until six weeks after the child had been born. If she didn’t want to keep the child, Lebensborn would arrange adoption or keep it in one of their children homes. If the mother kept the child she was entitled to a rather generous support from Lebensborn, which in turn requested that she kept

them informed about the child's health and development. If the couple wanted to get married, Lebensborn could help them to sort out the paperwork (Jørgensen, 22-23). Evidence of all such matters were registered and filed in the Lebensborn archive.

After the German surrender, this archive gave Norwegian authorities access to detailed information about some 8 500 war children and their mothers. Without these records, the Norwegian authorities would not have had access to any accumulated national register of war children, as Norwegian birth registration at this time was decentralised and no national registers were kept. Norway was the only occupied country where a central Lebensborn archive had been created. I will suggest that this archive became critical for the unique Norwegian construction of the war children as a societal group, and for the subsequent development of a special politics towards the war children. The existence of this archive made it possible to identify the individual war children, to treat them as a specific social group. In other occupied countries, where such an archive didn't exist, this was not possible.

In the early 1950s, the war children ceased to be a national political issue. Their background gradually became unmentionable, a societal taboo invoking shame, and their German traces were hidden from public memory. In 1953, a municipal childcare officer in Oslo wrote: "In the main, all these children with foreign soldier fathers have been included in the population of this country in an excellent way" (Simonsen 2001). However, most War Children would probably disagree with this statement. One of them later wrote, "[a]s a war child one had no fellowship. Not even one's own family did speak about these terrible things. In my reality as a war child there was simply no one to share these terrible things with" (Borgersrud 2005, 9). In local communities, schools, institutions, and even in their families, a war child's troubles became individualised, and disconnected from the group's common troubled past.

The Struggle for Justice

Then, in the early 1980s, things changed. Post-war issues that had been hidden for almost 40 years were brought into the public domain by novelists, journalists, historians and others. "German girls" and war children came forward with their stories. In 1986, new legislation gave adopted children the right to know who their

biological parents were. Consequently, war children approached the archives where the adoption files were kept and became aware of the Lebensborn archive. During the late 1980s and the 1990s more than 1 500 individual war children approached the National Archives alone to find information about their biological family (Olsen 2004, 95). Such things also occurred in other countries that had been under German occupation. But once again Norway became special: the major public issue concerning the war children was not to be the individuals' search for their biological roots, but their struggle for justice, for restitution for the discrimination and harassment that they had experienced as a result of the state's politics. In 1986 the Norwegian Association of War Children was established and the organised struggle for justice began.

I will not give a broad account of the war children's struggles. Suffice it to say that they got some results; in 1998 the Norwegian government commissioned the Norwegian Research Council to organise a three-year research project on the war children's childhood, and in his New Year speech 01.01.2000 the Norwegian prime minister publicly apologised for the state's treatment of the children. In 2003, a Governmental White Paper (St.meld. 44 2003-04) proposed a special reparation system for war children, which was approved by the Norwegian parliament in 2005.

This system, which lasted through 2006 and 2007, allowed individuals who had experienced infringement and persecution in neighbourhoods, at school or by public officials to claim compensation for this. The size of this compensation was to be made dependent on the evidence that each individual might bring forth. If an individual could document "grave suffering, loss or damage", she or he could get between NOK 20.000 and NOK 200.000. When such documentation couldn't be found, a compensation of maximum NOK 20.000 could be given dependent on individual statements that made it credible that the person in question had been subject to harassment (St.meld. 44 2003-04).

The result of the reparation system is as follows, according to official reports: The total number of war children who applied for compensation in 2006-07 were 2 025. By the end of 2007, 1097 cases had been handled. In 2007, 59% of the war children who received compensation got NOK 20 000 or less. In 2006, this percentage was as

high as 77% (Justissekretariatene 2007). In other words, a majority of the applicants has not been able to bring forth any “documentation” of their troubles as war children.

This illustrates the main problem with the compensation system: The white Paper made the individual compensations dependent on the “documentation” that each war child might produce, but what was meant by the notion “documentation” was not defined. However, in comparable cases “documentation” is usually used synonymously with public records.

The Silent Archives

The public records documenting the war children may be divided into three parts, according to their provenance. Firstly, the Lebensborn records, which document the war children’s lives until May 1945. After 1945, some of these records were used in legal proceedings to establish paternity and ended up in regional state agencies. Secondly, records created by the central Norwegian government in the conduct of national policies after WWII. In the main, these records document the development of national politics towards the war children as a group. Lars Borgersrud, whose study uncovers the motives and processes behind the state’s war child policies after WW2, states: “The state has created good records, which often are easily accessible. But, of course, they express the authorities’ versions. When the state oppresses, the researcher will be exposed to the oppressor’s understanding of reality” (Borgersrud 2005, 10). In this particular case, I would suggest, Borgersrud’s statement is rather an understatement.

Finally, the records created by the local municipal bodies that were responsible for primary schools, public childcare, children's homes and social services. These records should contain evidence of the individual war child as a school child or a child care client. However, these municipal records are incomplete and defective. The main reason for this is poor record creation in the municipal sector, due to the public administration *regime* of the time. Before the introduction of the legislation on public administration and freedom of information in 1970, public case handling processes were insufficiently documented, especially in smaller organisations like schools, childcare administrations and children’s homes. The records that actually

were created were not accessible for clients, so unlike today, the public record-making processes were largely beyond public control (Valderhaug 2004).

Furthermore, a considerable part of the records that were created do not exist today. The municipal sector did have a very weak archival tradition; Norwegian municipal archival institutions were established in the 1970s or later. Consequently records may have been lost or destroyed by accident. Lack of archival control may have made it easier for people with something to hide to get rid of archival evidence. Even today, about one-third of Norwegian municipalities are without archival institutions. Consequently, a great part of the records that still may exist are unprocessed, unlisted and unavailable for use.

What then, could be said about the private records documenting the war children's pasts? They must exist, of course; like other individuals the war children have created personal records: diaries, letters, and photographs, and their families, relatives, mothers, grandparents and friends will have created relevant records. However, such personal records are not considered to have the same evidential qualities as organisational records. But, as far as I know, no archival institutions have collected such records.

This privileging of public records originates from the assumption that the state and other public bodies are neutral expressions of society, and that the records created by such entities will be impartial by-products of administration. But, as Verne Harris notes, "[r]ecords always already express relations of power and invite the exercise of power (Harris, 241). In this particular case these power relations should be unusually obvious; the records in question were created by the very same public bodies that discriminated against the war children and neglected their needs, and they created the records to justify exactly the same actions. Consequently, the war children's own voices are not present in the Norwegian archival heritage.

Towards an Archival Justice

The case of the war children confronts the archivist with a number of challenges. Some of these involve the concrete relationships between the archivist and the war

child coming to an archives to find records that may or may not exist, others relate to the ethics and praxis of social memory construction. All these challenges are, I will suggest, fundamentally about justice. On the one hand, they are about our relation to individuals seeking some kind of individual justice, a compensation for a troubled past. On the other hand, they address our obligations towards such marginalised groups on the collective level, in their quest for a historical – and archival – justice.

The archivist's role in the documentation of personal rights is to be an archivist. It is not our job to pretend to be lawyers or social workers. It is not for us to decide whether the documentation we are able to find will be sufficient to get reparation or not. It is neither our role to engage in client counselling. We cannot grant people justice. But we can use our knowledge to locate whatever documentation there is to be found, so that the individuals may have their cases tried at the proper authorities. Our role, then, is to supply documentation and put this into the societal and administrative context. And this role is indeed difficult and challenging.

As an intermediary between the public and the records themselves, the archivist occupies a position of power in relation to the user. She controls access to the information the user needs and she can – to a certain degree – decide how much of her time and knowledge she will share with him. So how should archivists react when approached by people asking for records documenting injustice, when they know that these records may or may not exist?

I will suggest that such cases leave the archivist with two options: She may handle the enquiry in a formally correct manner, just like we handle any other enquiry we get. This will include introducing the user to the finding aids and helping him identifying the records in question, without providing any special service, thus following the recommendations in article 6 in the ICA Code of Ethics offering “impartial advice to all”. If the records exist and can be identified, they will be obtained from the repositories and made available for the user. If they can't be identified, the story usually ends here.

But it doesn't have to end here. There is another option; the archivist may use her archival expertise to uncover to uncover the conditions of record creation in the given

period: What administrative procedures may have been used? What kind of information might have been archived in the first place? Is it probable that any of the records might have been lost? Could there be found better information at other archives? And: Is it possible to reconstruct any of the missing documentation from the few traces that may be found?

For an archivist, used to handling enquiries from researchers, students and family historians, from people more or less belonging to our professional family, choosing this second option implies encountering the stranger. Individuals that approach the archives to find documentation of injustice committed against themselves, are very often strangers to the archives. They have never been to an archives before; they don't know how to use our finding aids; they may not even understand the record's bureaucratic rhetoric. They represent a new kind of users, signifying something new, something unknown, something strange – and sometimes even frightening. They approach us with their demands for justice, with their angst and their hopes, with their wants and their desires; they are coming to change their lives. The archives are strange to them; they know little about what may be found there, but they know that the archives are part of the same public system that some years ago neglected or mistreated them. And they may even be even strangers *in* the archives, because their lives are poorly documented – and sometimes totally absent – in the records.

Today, such requests represent a large and increasing part of the public enquiries in Norwegian archives, especially in the municipal sector. They come from individuals who claim they were abused in children's homes, individuals who didn't get the education they were entitled to, people who in some way or another were excluded from the social welfare system that were built in the post-war era, and they come from war children.

One archival institution that has recent and important experiences from such matters, is the Bergen City Archives. During the last decade, the City Archives has handled some hundred requests for documentation from former children's homes inmates. Due to the state of the surviving records, tracing one person's childcare history could often be a time-consuming business. To be able to identify where the records concerning one person might be found, it sometimes even was necessary to sit down

and interview the individual to hear his or her personal story. In some cases, these memories were the keys that opened the archives and made it possible to find the relevant documentation (Valderhaug 2005).

These experiences suggest that equal rights to archival information can't be reduced to equal rights to access. It must also include equal rights to benefit from the information in the archives, and a prerequisite for achieving this is to offer unequal and differential services. People with little or no experience with archives will have a greater need for guidance than the experienced reading room visitor. And it is commonly people looking for documentation of personal rights that have the greatest need for assistance from the archivist.

The development of such services will obviously take time and resources from other important tasks at an archival institution. Still, there are strong arguments that doing this should be an obligation for an archives serving a democratic society. Jacques Derrida's states that "effective democratisation can always be measured by this essential criterion: the participation in and access to the archive, its constitution and its interpretation" (Derrida 1996, 4). A living democracy depends on every citizen's right to access, understand and use public information, including current and archival records, for their own individual – or collective – purposes. This right must form an integral part of what might be called an archival justice.

However, an archival justice must also include the right to participate in the creation of the archive. For archivists, this raises at least two important issues. A comprehensive discussion of these is beyond the scope of this article, so I will merely indicate the problems.

The first issue concerns the archivist's engagement with current record creation processes in public administration. During the last two decades archivists have spent quite a lot of energy on developing standards and guidelines for electronic recordkeeping, to ensure the enduring authenticity and reliability of electronic records. There has been less attention given to another, but equally important issue: expanding democratic control of the records creation process. In democratic countries, public administration is generally subject to regulations requiring

transparency and freedom of information and that decisions should be supported by relevant written documentation. Still, regardless of legislation, public records will be created for certain purposes, reflecting the dominant social and cultural values, and thus reproducing existing power relations. However, the legal structures of transparency and freedom of information might be used to counteract such reproduction. I will suggest that public control of the public record might be crucial to avoid the creation of biased and defective records documenting societal processes, including the marginalised groups of our time: migrant workers, asylum seekers, Muslims, drug addicts, etc. Should archivists – and records managers – use this legislation to promote the creation of “just” records? How could this eventually be done? Is the development of guidelines for democratic control of public recordkeeping a possible answer?

The second issue is about the creation of another memory of the past. This might be done by bringing existing records into the public domain, or by collecting or creating new records. Kåre Olsen, archivist at the Norwegian National Archives and responsible for handling the war children's enquiries in the 1990s, was the first researcher to publish a scholarly study on the war children and their mothers (Olsen 1998). He did this for two main reasons: “little had been written on themes like war children... I also found that war children who applied to the National Archives often knew very little of the history of the war children” (Olsen 2004, 107). Thus, Olsen broke the scholarly silence on this issue, and his work was obviously an important cause when the Government commissioned the Norwegian Research Council to start their research project on the war children.

Now, in 2009, the war children's reparation system is history. A number of individual war children have received economic compensation for “grave suffering, loss or damage” and some might argue that justice now has been done (as if a destroyed childhood ever can be compensated with money). Still, I will argue, as long as the war children's own stories are absent from the archives, justice will be superficial. In a couple of decades the most of the war children will have passed away, and their stories may once again pass into oblivion. Only the defective public records will survive.

As long as the war children's own stories remain untold and unrecognised by society, justice will be superficial. The emergence of real justice will be dependent on an archival intervention to collect the war children's own stories. This implies inviting war children to record their own stories, to archive these stories and make them available for use; thus giving the silenced voices the chance to supplement the existing archival heritage and thereby contribute to the construction of a more democratic and inclusive societal memory.

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