

# IDENTITY, SECURITY AND DEMOCRACY

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# Identity, Security and Democracy

The Wider Social and Ethical Implications of Automated Systems  
for Human Identification

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*This book is dedicated to the memory of Ermelando Vinicio Cosmi who passed away before its publication.*



# Preface: Life in a Jar

Emilio MORDINI

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The visitor who goes to Yad Vashem in Jerusalem may happen to come upon a tree planted in honor of a Polish Catholic woman, Irena Sendlerowa (Sendler)<sup>1</sup>. Irena's father was a medical doctor who had a reputation as the only doctor who would treat Jewish patients in the anti-Semitic pre-war Warsaw. Irena followed her father's example and when she was at university she crossed out the "Aryan" stamp that allowed her to sit on the "normal" seats in lecture halls and chose to sit on the "Jewish" benches<sup>2</sup>. In 1939 the Germans invaded Poland, and established the Warsaw ghetto, into which some 500,000 Jews were crowded<sup>3</sup>. Irena, who was at that time a social worker of the Polish Contagious Disease Department, was allowed to enter the Ghetto. Her work consisted in distributing medicines and vaccinations among Jewish children, a "humanitarian" intervention allowed only in order to prevent epidemics that could also affect the German army. There was a church next to the ghetto, which had one entrance in the ghetto and another on the "Aryan side". Irena discovered a way to pass on children unnoticed into the Aryan side of the Church. Then, if children could speak perfect Polish and knew some Christian prayers, they could be taken by Polish Catholic families or religious orders, which could care for them. This was very risky but Irena succeeded in "smuggling" in such a way some 2,500 children before being discovered and arrested by Germans on October 20, 1943. During her rescuing activity, Irena had a problem to solve, which was only apparently minor: hidden children should not go dispersed, they should return to their Jewish parents when the war was over. Irena insisted on recording the children's details, their names were written down on fine tissue papers and then put into two jars that were buried. The Nazis caught Irena but did not find the two jars. Under torture (she had both her legs and feet fractured) she revealed nothing. Thanks to a bribe paid by Zegota (a Polish underground group to assist Jewish people, made up by Jews and non-Jews), Irena escaped execution and spent the rest of the war hidden under a false identity. When the war was finally over, she dug up the jars and began searching children and trying to find a living parent.

Fifty six years later, in 1999, in a rural school of Uniontown, Kansas (a small village of 288 inhabitants), a teacher showed four students a short clipping from a March 1994 issue of *News and World Report*, which said, 'Irena Sendler saved 2,500 children from the Warsaw Ghetto in 1942–43'<sup>4</sup>. He told the students that he had not heard of this woman or story before, and challenged them to enter into the National History Day

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<sup>1</sup> See *Sendler Irena, Poland*, [http://www1.yadvashem.org/righteous\\_new/sendlerowa.html](http://www1.yadvashem.org/righteous_new/sendlerowa.html).

<sup>2</sup> For that she was suspended from the university for three years.

<sup>3</sup> See Paulsson G. S., 2002, *Secret City: The Hidden Jews of Warsaw, 1940–1945*, Yale UP, New Haven.

<sup>4</sup> See *The Irena Sendler Project*, <http://www.irenasendler.org/thestory.asp>.

program with a project devoted to Irena Sendler. After a year of research the four students wrote a play (*Life in a Jar*) in which they portrayed the life of Irena. The piece had an extraordinary success and was performed in other Kansas schools, and soon also all over the US. Following the success of the play, the community of Uniontown decided to sponsor an *Irena Sendler Day* and to search for her grave in Europe. They discovered that Irena was still alive and living in Warsaw. Indeed those who had rescued Jews during the Nazi occupation were looked on with suspicious eyes in communist Poland. Immediately after the war Irena was repeatedly interrogated by the secret police<sup>5</sup> and left to continue her work as a social worker, only provided that her story remained almost unknown homeland and world-wide. Despite that in 1965 she was recognized as *Righteous Among the Nations* by Yad Vashem, but Polish authorities did not allow her to travel to Israel<sup>6</sup>. Eventually four years after the *Life in a Jar* project, in 2003, Irena received Poland's highest honor, the order of the White Eagle and in 2007, Irena was also nominated for the Nobel Peace Prize<sup>7</sup>. Irena passed away on May 12th, 2008 in Warsaw. She was 98 years old<sup>8</sup>.

Many lessons can be learned from Irena's story, and one is worth mentioning in a book that is dedicated to the thorny and multifaceted relations between identity, security and democracy. Irena's life is an extraordinary illustration of how full of nuances the process of human identification is. "*Life in a Jar*" is more than a metaphor of the life of Jewish children rescued by Irena, it is a metaphor of the whole system for human identification, of its paradoxes and contradictions, lightness and darkness.

## Personal Identification

Many people think of personal identification as only part of the security/surveillance apparatus. This is likely to be an oversimplification, which largely misrepresents the reality. The need for recognition schemes is actually inherent to human civilization itself, probably dating back to the first urban societies in the Middle East and China, when societies became as complex as to require frequent interactions between people who did not know each other. Persons that travelled outside of the confines of their home (e.g., military, sailors, traders) needed to be recognized and to recognize<sup>9</sup>. The first method for doing this involved recording descriptions of physical appearances however this method alone became inadequate as human interactions became more and more frequent and complex. The first recognition schemes<sup>10</sup> were then probably based on artificial body modifications (e.g., branding, tattooing, scarification, etc.) and tokens<sup>11</sup>.

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<sup>5</sup> Irena was pregnant, and she lost her second child because of the hard interrogations.

<sup>6</sup> Only in 1983 did Irena finally go to Israel.

<sup>7</sup> That year the prize was eventually given to Al Gore.

<sup>8</sup> Quoted by The Times, May 12, 2008, *Irena Sendler Obituary*, <http://www.timesonline.co.uk/tol/comment/obituaries/article3918822.ece>.

<sup>9</sup> This was probably at the origins also of the metaphor of the last travel – that in netherworld – where one needs to be recognised as well.

<sup>10</sup> J.Caplan, J.Torpey J., (eds), 2001, *Documenting Individual Identity*, Princeton UP.

<sup>11</sup> Early signs of recognition also had a religious meaning. In the Classic Greek religion, there was a close link between identification documents (i.e., written tablets, seals, etc.) and the hereafter. All gods of the netherworld (differently from Olympic gods) could write and read. Hades, the King of the Infernal Regions, was called by Aeschylus "*he, who writes on the tablet*" (Aesch. Eum.275). Hades and Thanatos (Death) "*cata-*



The Roman Empire was the first cosmopolitan society in the west and was also the first example of a universal system for people recognition, which was mainly based on badges and written documents. In Middle Age Europe – where the majority of the population never went outside the immediate area of their home or villages – individuals were identified through passes and safe-conducts issued by religious and civil authorities. The birth of large scale societies and the increased mobility associated with urbanization imposed new recognition schemes. The first passports were issued in France by Luis XIV in 1669<sup>12</sup>, but only by the end of the 19th century was a true universal passport system established. In the period immediately after the first World War, with the disintegration of three large empires (Austro-Hungarian, Russian and Ottoman), and large masses of people forced to move across and within national borders, the international passport system was finally fixed. In the same period, also citizens' movement within national borders were increasingly ruled by identity papers and many countries made national identity cards mandatory. In the 20th century nation-state system, passports and ID cards – incorporating face photography, and in some cases also fingerprinting – have become the primary tool for people recognition. This has increasingly made identity papers also a powerful instrument to classify individuals for various purposes, including taxation, mobility control, police supervision, law enforcement, war, and segregation. No doubt that many of these purposes are ethically problematic and politically questionable. The most famous case is certainly the case of ethnic and religious classifications on national identity cards. For centuries, passes, safe-conducts, letters of presentation, birth certificates and other identification papers had been filled with details about religion, ethnicity, race, cast, and so on<sup>13</sup>, but what happened in the last century is definitely appalling and went well beyond the Nazi “J” stamp.

## The “J” stamp

The story of the infamous “J” stamp used in the Nazi regime in Germany, Poland, France, Hungary, and other countries is quite known, but few know that a similar “J” stamp was first used in 1910 in democratic Switzerland on East European Jewish refugee documents, as recently demonstrated by the *Bergier Commission*<sup>14</sup>. Also in the Russian Empire there was an internal passport which included ethnicity as a main category. The passport was abolished in 1917 but it was reintroduced in 1932. At that time

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*logue everything in their kingdom*”, wrote Hesopus (Aesop. fab. 133). Persephones, the Queen of the netherworld, marked on the door of her realm the names of those who are about to die, moreover she had a written list of those who were to be punished in the hereafter. In the Hellenistic period those deceased who belonged to Orphic sect took with them complex instructions written on golden tablets, to be recognised, and to recognise Gods and places of the netherworld (Janko R, 1984). These golden tablets were then a sort of “passport” for a safe travel across the hereafter. Also the alliance between God and Abraham is sealed by a sign of recognition, the circumcision, and many religions imply body modifications which allow to recognise the faithful. Also a tragic pun reminds us of the importance of being recognized by God (and His legates). At the siege of Béziers in 1209, the Papal Legate, abbot Arnaud, was asked how to distinguish the good Catholics from the Jews and the Cathars, and he answered: “*Tuez-les tous; Dieu reconnaitra les siens*” (Kill them all; God will recognize his own). More than 20,000 people were massacred in the space of two hours.

<sup>12</sup> J.Torpey, 2000, *The invention of the Passport- Surveillance, Citizenship and the State*, Cambridge UP.

<sup>13</sup> As stated by the Final Report of the *LSE Identity Project* (<http://is2.lse.ac.uk/IDcard/identityreport.pdf>) “The relationship between Identity Cards and ethnic profiling is strong, yet poorly studied”.

<sup>14</sup> Independent Commission of Experts Switzerland – Second World War (ICE) (<http://www.uek.ch/en/index.htm>).

the USSR was enforcing a new system of compulsory collectivization of agriculture. Almost 200.000 households were affected by the requisition of property, land, and houses. The whole agricultural system was ruined and a famine soon developed. In order to prevent an exodus of peasants from the hunger-stricken regions to other regions, the government introduced new identity papers and obligatory registration for citizens. The internal passport had an entry for “ethnic nationality”. People were prevented because of their ethnicity to move and, as a result, seven million people died in the so called “Holodomor” (extermination by starvation)<sup>15</sup>. The URSS internal passport then played a critical role also in several other actions in which the communist regime targeted particular ethnic groups for restrictions, compulsory relocation and extermination.

The role played by Rwandan ID cards in another genocide, the Tutsi genocide, is also well known. An estimated 500.000 to 1 million people, primarily ethnic Tutsis, were exterminated by the majority Hutus in Rwanda in 1994. Scholars suggest that prior to the rigid quota system imposed by Belgian colonial authorities, the Hutu and Tutsi were social caste groups rather than ethnic groups. However when the genocide broke out in April 1994, thousands of roadblocks were erected all over the country to filter out Tutsi, who were identified and selected for killing because the IDs mentioned their ethnic group.

Jumping to the present, ethnicity appears on China, Sri Lanka, and Singapore ID cards; the religion of the card bearer is noted in Saudi Arabia, Turkey, Egypt, Indonesia, Iran, Jordan, Laos, Malaysia, Pakistan; in Syria special stamps on the regular ID card identify Kurds and Jews<sup>16</sup>. Finally there are many ways in which identity documents can inform about ethnicity, without mentioning explicitly ethnic or religious affiliation. For instance the Serbian Identification Law prescribes that the ID card should be in Serbian language and the “other languages of those ethnic groups who are granted constitutional right to use their own mother tongue”<sup>17</sup>. In Israel ethnicity is no longer a category of the *Teudat Zehut* card, but Jewish citizens have their birth date registered as a Hebrew date, while non-Jews have not.

According to James Fussell, Executive Director of Genocide Watch, the role played by ID Cards in discrimination against ethnic and religious groups, is threefold<sup>18</sup>, with different degrees of severity. The first degree is racial segregation. People are ethnically profiled and ID cards become a powerful instrument for group classification and social segregation, “The ability of the individual to determine when and how to identify self is constrained. Cards play a role in governmental, financial, employment seeking interactions.” The second degree is legal segregation and ghettoization. In this case classification on ID Cards “is central in the enforcement of institutional and legal domination. Cards determine where a person is permitted to live, to work and restricts freedom of

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<sup>15</sup> On November 28th 2006, the *Verkhovna Rada* (Parliament of Ukraine) had passed a Law defining the Holodomor as a deliberate Act of Genocide, a method to ethnically cleanse Ukrainians from the territories of Ukraine.

<sup>16</sup> Both groups have restricted rights.

<sup>17</sup> Quoted by Immigration and Refugee Board of Canada,

<http://www.irb-cisr.gc.ca/en/research/rir/?action=record.viewrec&gotorec=440951>.

<sup>18</sup> Group Classification on National ID Cards as a Factor in Genocide and Ethnic Cleansing, paper presented on November 15, 2001 to the Seminar Series of the Yale University Genocide Studies Program, <http://www.preventgenocide.org/prevent/removing-facilitating-factors/IDcards/>.

movement. Threat of confiscation of the ID card is an additional means of control.” Finally the third degree is deportation, expulsion, forced relocation, massacres, ethnic cleansing, and genocide. In this event, classification on ID Cards becomes “central in selection of the targeted population group. Issuing and enforcing use of the ID cards is one segment of a destruction process. Persons who select or control a group prior to death contribute as much to their destruction as the immediate killers”.

Irena’s story then reminds us of the terrible risks entailed by any group classification. The yellow Star of David – forced on Jewish clothing during the Shoah – and “J” stamp on ID documents are the obscene symbols of what people identification could produce when it becomes “*a segment of a destruction process*”. Yet identification does not necessarily entail classification.

“Personal identity” means two separate concepts, namely that an individual belongs to some categories and that she is distinguished by other persons and understood as one. In other words, there are two different aspects involved in personal recognition, 1) distinguishing between individuals, and 2) distinguishing between sets of people. The latter is likely to be the real issue. Dictatorships of any kind and totalitarian regimes have always ruled by categorizing people and by creating different classes of subjects. When rulers want their subject to humiliate herself or her fellows, they create categories of people or exploit existing categories. This is for many reasons; from a psychological point of view it is easier to induce cruelty against groups which are somehow abstract entities, rather than against single, identified, individuals<sup>19</sup>; from social and political points of view this allows a process known as “pseudospeciation” to be produced.

Pseudospeciation is a process which turns social and cultural differences into biological diversities. It promotes cooperation within social groups, overpowering the selfish interests of individuals in favour of collective interests, yet it also inhibits cooperation between groups, and it fosters conflict and mistrust. Erik Erikson, the great child psychoanalyst known for his studies on child’s identity, was the first to use this term. He lamented that pseudospeciation produces atrocities and brutality. “What is at stake here – wrote Erikson – is nothing less than the realization of the fact and the obligation of man’s specieshood. Great religious leaders have attempted to break through the resistances against this awareness, but their churches have tended to join rather than shun man’s deep-seated conviction that some providence has made his tribe and race or class, caste, or religion “naturally” superior to others. This seems to be part of a psychosocial evolution by which he has developed into pseudo-species ... for man is not only apt to lose all sense of species, but also to turn on another subgroup with a ferocity generally alien to the ‘social’ animal world”<sup>20</sup>. Raids, concentration camps, mass deportations and executions, which have caused the most horrible manslaughters, are all acts based on pseudospeciation, which requires that people are sorted out according to some shared attributes (e.g., skin colour, cultural or religious belonging, nationality, physical disabilities, social class, location, and so on).

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<sup>19</sup> This is probably one of the reasons why prisoners in extermination camps are so often anonymized, say, to make it psychologically easier for their torturers to persecute them.

<sup>20</sup> Erikson E.R, 1964, *Insight and responsibility*. New York: Norton, p.66.

## Rights and Identity

We are all victims of the illusory belief that personal identification per se threatens basic liberties, and infringes our private sphere. People are concerned that large scale systems for personal identification can turn democratic states into police states. Of course one can be legitimately worried about giving too much power to governments, but this is a general issue that does not directly concern personal identification. To be sure, any process of personal identification implies that individuals are recognized subjects of rights and obligations, and this could be seen as a limitation of individual liberty. Yet there would be no rights, no liberty, without personal identities.

It was the French Revolution that first affirmed the indivisible unity of citizenship right and individual recognition. Universal rights and individual identity became two sides of the same coin. Absolutist regimes worked through social intermediaries, while the new revolutionary, democratic, order was based on a direct, unmediated, relationship to the citizen. The French citizen became an unmarked individual who was no longer a member of a group but just an inhabitant of the French nation. The *citoyen* was not a member of a community, a manor, a church, or a guild. It did not matter if he was a man or a woman, black or white, Jewish or Christian, Roman Catholic or Lutheran, he was just a citizen<sup>21</sup>. The Declaration of Rights of Man and Citizen, approved by the National Assembly of France, on August 26, 1789, stated that “Men are born and remain free and equal in rights” and on August 4, 1794, five years after the Revolution, France also enacted the first law in the West that fixed together birth certificate, citizenship, and personal identity.

One can claim her rights, including the right to be left alone, and the right to refuse to be identified, only if she is an identifiable subject, if she has a public identity. Even if one is identified only for being unjustly arrested, this still means that there are some rules to be respected. Personal identification always implies a sort of respect for the law (of course a law can be horrible, but this is a different issue) because it implicitly affirms the principle of personal responsibility. This is evident also in Irena’s story. Irena’s identity was not cancelled by Nazis, because she was not ultimately a Jew but Polish. She was condemned to be executed but she escaped and could hide herself under a false identity. Could a Jewish person have done just the same? The answer is no, because Jews had not only to hide their personal identity, but also their group identity. In other words, Irena was persecuted according to any rule of law – although the law was obscene and unjust – she was not denied her citizen’s rights, while these rights were simply cancelled for Jewish people.

In ancient Greece, slaves were called “faceless”, *aprosopon*. The word that in Greek designates the face, *prosopon*, is also at the origin of the Latin word *persona*, person. The person is thus an individual with a face, this is to say, out of metaphor, that one becomes a person when she is identifiable. In modern terms, one could say that you are who your papers say you are. Take away those papers and you have no claimable

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<sup>21</sup> There is, however, an important debate among scholars as to what extent all categories were really included in the Declaration. See for instance S.M. Singham, 1994, “Betwixt Cattle and Men: Jews, Blacks, and Women and the Declaration of the Rights of Man,” in Dale Van Kley, ed., *The French Idea of Freedom: The Old Regime and the Declaration of Rights of 1789*, Stanford UP.

rights<sup>22</sup>. No political, civil and social right can be enforced on anonymous people. This was one of the main worries that probably drove Irena to protect the identities of the rescued children. Say, the need to preserve children's identities was also the expression of the need to protect their citizens' rights against Nazi barbarity. We now have to face a similar challenge on a global scale. The contemporary world is confronted with a huge mass of people with weak or absent identities. Most developing countries have weak and unreliable documents and the poorer in these countries do not have even those unreliable documents. In 2000 the UNICEF has calculated that 50 million babies (41% of births worldwide) were not registered at birth and thus without any identity document. Pakistan, Bangladesh and Nepal have not yet made child registration at birth mandatory notwithstanding the pressures of the international community. In what jars could we protect the identity of children dispersed by tsunami or displaced by one of the countless local wars in Africa? How could we protect their basic rights not to be trafficked, abused, and sold?

### The Pages of Testimony

There was however, also another, deeper reason why Irena struggled to preserve identities of Jewish children. Not only because there would be no rights without personal identities, but also because there would not be family ties without names. We would lose our deepest roots without our names because they are more than simply identifiers. Names have to do with our inner humanity. It is not by chance that according to the Bible the first task that God gave to Adam (*Genesis 2:19*) was to name all species of creation.

The reader of the *Iliad* probably remembers the famous episode when *Diomed* encounters *Glaucus* on the battle-field and *Diomed* asks him who he is. *Glaucus*, a young warrior without any hope of surviving the fight against the noble and powerful *Diomed*, answers "Why ask me of my lineage? Men come and go as leaves year by year upon the trees. Those of autumn the wind sheds upon the ground, but when spring returns the forest buds forth with fresh vines. Even so is it with the generations of mankind, the new spring up as the old are passing away. If, then, you would learn my descent, it is one that is well known to many. There is a city in the heart of Argos ...". There is in *Glaucus*' words the harrowing consciousness that nothing is permanent and that even the pride of belonging to a noble lineage is probably an illusion. Yet, for one of those reversals that are the secret of great poetry, this melancholic poem to human caducity becomes a compassionate praise of all humankind. *Diomed* was once hosted by *Glaucus*' family and when the expert warrior recognizes it, he gives up crossing his sword with the young man, who had his life saved by his name.

Names crystallize history and stories, they are symbols that remind us that each one of us is the point of arrival of generations of men who lived, dreamt, loved, suffered, and deluded themselves before us. Names hold human history and are the hallmark of culture on the natural, merely biological, flow of human generations. They are what

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<sup>22</sup> Ironically enough, the Greek definition for slaves was echoed a few years ago by the French controversial legislation on aliens, called *sans-papiers* (the paperless), who originate primarily from poor African nations.

link humans both vertically – through generations – and horizontally – across families and communities. Without their names Jewish children rescued by Irena would have been deprived of their cultural identity, they would have become those naked bodies of which Agamben, the Italian philosopher, speaks<sup>23</sup>. This was what Nazi persecutors tried to achieve by erasing identities in concentration camp inmates<sup>24</sup>.

There is then a profound lesson to be learned by the fact that Irena's name is now carved for ever – at least for that “ever” allowed by human caducity – on a plaque adjacent to one of the 2000 trees, symbols of the renewal of life, that have been planted on *Har Hazikaron*, the Mount of Remembrance, in Jerusalem. On the same mount, in the *Hall of Names*, there are the “Pages of Testimony”, symbolic gravestones, which record names and biographical data of millions of Shoa victims, as submitted by family members and friends, as a way for “remembering them not as anonymous numbers but as individual human beings”<sup>25</sup>.

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<sup>23</sup> Agamben G, 2004, “No To Bio-Political Tattooing.” From: La Monde, 10 January 2004. Retrieved From [www.infoshop.org/Inews/Stories.php?Story=04/01/17/2017978](http://www.infoshop.org/Inews/Stories.php?Story=04/01/17/2017978)> Accessed 20 November 2004.

<sup>24</sup> Erasing names and using anonymous codes for people recognition has always been an important instrument for dehumanizing people. In late *ancien regime* France, for example, those sentenced to hard labor were marked on the upper arm with ‘TF’ (for travaux forcés), with a life sentence being signified through the letter P (en perpétuité). UK offenders were sometimes branded on the thumb (with a ‘T’ for theft, ‘F’ for felon or ‘M’ for murder). In Primo Levi's memoir, *The Drowned and the Saved*, he describes the tattoo as a “pure offense”, as a hallmark by which “slaves are branded and cattle sent to slaughter” (Levi, 1989:119). Yet few know that in the Nazi regime the larger group of compulsory tattooed people was not made up by prisoners but the *Waffen-SS*. All members of the *Waffen-SS* were required to have a tattoo on their left arm verifying their blood group. This included also any of the high ranking officers. Officially the purpose of the tattoo was to be able to perform a blood transfusion at the front to save a wounded man's life. Yet the coincidence (the tattoo in gothic lettering was about 7 mm in length and was placed on the underside of the left arm, about 20 cm up from the elbow) is very suggestive: both *untermensche* and *ubermenschen* were hallmarked by Nazi regime. One could compare this event with a famous quotation from Hitler's *Mein Kampf* in which he saw the “great thing” of his movement in the fact that sixty thousand men “*have outwardly become almost a unit, that actually these members are uniform not only in ideas, but that even the facial expression is almost the same. Look at these laughing eyes, this fanatical enthusiasm and you will discover ... how a hundred thousand men in a movement become a single type*” ([http://www.tomeraider.com/ebooks/nonfiction/history/mein\\_kampf\\_the\\_struggle\\_ebook--BK382.php](http://www.tomeraider.com/ebooks/nonfiction/history/mein_kampf_the_struggle_ebook--BK382.php)).

<sup>25</sup> [http://www1.yadvashem.org/about\\_yad/index\\_about\\_yad.html](http://www1.yadvashem.org/about_yad/index_about_yad.html).

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