

Iris Nachum, "'Coming to Terms with the Nazi Past?': The West German Compensation Policy in the Long 1950s". In: *Studies in Jewish History and Culture*, Vol. 70 (Leiden: Brill, 2022), pp. 11-24.

### **"Coming to Terms with the Nazi Past"? The West German Compensation Policy in the Long 1950s**

Iris Nachum

The period under the chancellorship of Konrad Adenauer (1949–1963)—the “long 1950s”—has attracted much attention in German historiography during recent years.<sup>1</sup> Most historians describe it as an era of remarkable transition, as Germany emerged from being a country in ruins to a prosperous state. They agree that during Adenauer’s years in power the Federal Republic of Germany (FRG) gained social stability, developed parliamentary democracy, and underwent economic growth. Moreover, they emphasize Adenauer’s strong anti-communism and the establishment of close relations with the West, especially the United States and France.<sup>2</sup> In short, there is broad historiographic consensus on many aspects of Adenauer’s chancellorship.

However, when it comes to Germany’s coping with its Nazi past—a process commonly termed in German as *Vergangenheitsbewältigung* (“coming to terms with the past”)—historians disagree.<sup>3</sup> Some maintain that already in the 1950s West German society dealt with the Nazi dictatorship in an honest and effective way, and learned the proper lessons from it. From their perspective, the measures that the Adenauer government took toward compensation for victims of Nazi persecution provide striking evidence for their position.<sup>4</sup> Robert Moeller, who is otherwise

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<sup>1</sup> The research leading to these results has received funding from the European Research Council (ERC) under the European Union’s Seventh Framework Programme (FP7/2007-2013) / ERC Grant Agreement Number 340124: “JudgingHistories: Experience, Judgement, and Representation of World War II in an Age of Globalization.” The Principal Investigator was Professor Dan Diner. I would like to thank the participants of the symposium “Confronting the Past in Post-World War II West Germany,” organized by the Israeli Inter-University Academic Partnership in Russian and East European Studies, Tel Aviv University, March 2018, for their comments on an earlier version of my argument. I would also like to thank the two anonymous reviewers for their helpful feedback.

<sup>2</sup> Joost Kleuters, *Reunification in West German Party Politics from Westbindung to Ostpolitik* (New York: Palgrave Macmillan, 2012); Mark E. Spicka, *Selling the Economic Miracle: Economic Reconstruction and Politics in West Germany, 1949–1957* (New York: Berghahn Books, 2007); Ronald Granieri, *The Ambivalent Alliance: Konrad Adenauer, the CDU/CSU, and the West, 1949–1966* (New York: Berghahn Books, 2003).

<sup>3</sup> On the historiographic debate regarding *Vergangenheitsbewältigung*, see Gavriel D. Rosenfeld, *Munich and Memory: Architecture, Monuments, and the Legacy of the Third Reich* (Berkeley: University of California Press, 2000), 2–4.

<sup>4</sup> In this article, compensation refers to the following: “(1) restitution of assets stolen or expropriated from the individual; (2) compensation for injury in the course of one’s personal life, such as the loss of freedom, health, professional advancement, and other matters; (3) special regulations, particularly in the areas of public service and social security; (4) juridical rehabilitation ...; [and] (5) consideration of international treaties” regarding the compensation of non-German victims of Nazi persecution. Hans Günter Hockerts, “*Wiedergutmachung* in Germany: Balancing Historical Accounts 1945-2000,” in *Restitution and Memory: Material Restoration in Europe*, ed. Dan Diner and Gotthart Wunberg (New York: Berghahn Books, 2007), 323–381, here 325. My article deals with the connection between

critical of *Vergangenheitsbewältigung*, points to this supposedly strong connection between the compensation policy adopted in those years and West Germany's dealing with its Nazi history: "Adenauer's pursuit of reparations for Israel and programs to provide compensation for some of those persecuted by the Nazi state defined a crucial public policy arena in which West Germans did account, at least in part, for the crimes of National Socialism."<sup>5</sup>

Other historians, however, reject this hypothesis of a significant confrontation with Nazism in the FRG during the immediate postwar period. In their view, West Germans instead avoided facing guilt for the Holocaust. Moreover, West German society at that time was principally concerned not with compensation for victims of the Nazi regime, but with compensation for Germans whose suffering had begun at the end of the war, primarily ethnic Germans who had fled or been expelled from Eastern and Central Europe. Ultimately, West German solidarity was with German victims, not with victims of the Germans.<sup>6</sup>

The aim of this article is to question this dichotomous discourse about West Germany's "coming to terms with the past" in the long 1950s. By focusing on West German indemnification payments to both persecutees of Nazism and ethnic German expellees, I will suggest a third, composite position in this scholarly debate. Therefore, in the first section of this article I will discuss some reparation measures taken in the Adenauer era to remedy expulsion-related material damages as well as Nazi wrongs. In the subsequent two sections, I will show how historians use the compensation issue to bolster their positions in the dispute on West Germany's dealing with its Nazi past in the immediate postwar years. And finally, in the last section I will offer an alternative approach to this debate.

## **1. West German Compensation Measures in the 1950s**

At the end of World War II, members of the ethnic German minority of twelve million people were either forced out of Central and Eastern Europe or chose to flee from the advancing Red Army. The main reasons for this ethnic cleansing were twofold. First, the Allied forces and the local governments of Central and Eastern Europe aimed to create ethnically homogeneous nation-states to avoid ethnic conflicts in this region once and for all. Second, given how many ethnic Germans in the region had supported Nazi Germany's conquest of peoples and lands, the expulsion was intended to punish ethnic Germans as a group for the war crimes and crimes against humanity committed by Nazi Germany in the East.<sup>7</sup> Some eight million expellees found refuge in Western Germany. Due to the expulsion, they had often needed to leave all their belongings behind and hence lost everything they

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*Wiedergutmachung* and *Vergangenheitsbewältigung*—compensation and coming to terms with the past—during the Adenauer era. On this connection in subsequent decades, see Constantin Goschler, "Konjunkturen politischer Moral: Die lange Dauer der 'Wiedergutmachung' und das politische Bild des 'Opfers,'" in *Bürgersinn mit Weltgefühl: Politische Moral und solidarischer Protest in den sechziger und siebziger Jahren*, ed. Habbo Knoch (Göttingen: Wallstein, 2007), 138–156.

<sup>5</sup> Robert G. Moeller, *War Stories: The Search for a Usable Past in the Federal Republic of Germany* (Berkeley: University of California Press, 2001), 16.

<sup>6</sup> Gilad Margalit, *Guilt, Suffering, and Memory: Germany Remembers Its Dead of World War II* (Bloomington: Indiana University Press, 2010), 99.

<sup>7</sup> Matthew Frank, *Expelling the Germans: British Opinion and Post-1945 Population Transfer in Context* (Oxford: Oxford University Press, 2008).

possessed.<sup>8</sup> The general perception in Germany was that the expellees' economic hardship needed to be addressed. For this reason, in August 1952 the West German legislature enacted the Equalization of Burdens Law (*Lastenausgleichsgesetz*).<sup>9</sup>

One of the main purposes of the Equalization of Burdens Law was to compensate for the material damage that many ethnic German expellees had suffered. Compensation was primarily for lost household goods, but it was also for the loss of real estate and business assets.<sup>10</sup> The idea was that the compensation money would help the expellees integrate into West German society, at least at the material level. The Equalization of Burdens Law was financed by special taxes on West German citizens whose property and possessions had survived the war undamaged. The law was thus an outstanding act of solidarity aimed at creating—as its name says—material equalization between Germans who had suffered material losses due to war and expulsion and the remainder of the German population.<sup>11</sup> In fact, thanks to the law many ethnic German expellees gained the financial ability to start a new existence in the FRG.

As legislation aimed at forming a new postwar legal and social order in West Germany, the Equalization of Burdens Law was related in both time and content to the Reparations Agreement between Israel and the FRG, signed on September 10, 1952.<sup>12</sup> Just as the Equalization of Burdens Law promoted the integration of ethnic German expellees into West German society, the benefits that the Adenauer government provided to Israel under the so-called Luxembourg Agreement helped to integrate half a million Holocaust survivors into the Jewish state.<sup>13</sup> In addition to benefits for Israel, West Germany also consented in the agreement to provide payments to the Conference on Jewish Material Claims Against Germany (Claims Conference) for the rehabilitation of individual Holocaust survivors and for collective projects such as the reconstruction of Jewish communities. As it turned out, the Luxembourg Agreement was not the end but the beginning of many rounds of negotiations between Germany and the Claims Conference. In fact, since the

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<sup>8</sup> Michael Schwartz, "Assimilation versus Incorporation: Expellee Integration Policies in East and West Germany after 1945," in *Vertriebene and Pieds-Noirs in Postwar Germany and France: Comparative Perspectives*, ed. Manuel Borutta and Jan C. Jansen (Basingstoke, UK: Palgrave Macmillan, 2016), 73–94.

<sup>9</sup> On the Equalization of Burdens Law, see Michael L. Hughes, *Shouldering the Burdens of Defeat: West Germany and the Reconstruction of Social Justice* (Chapel Hill: University of North Carolina Press, 1999).

<sup>10</sup> Lutz Wiegand, "Gesamtwirtschaftliche Aspekte des Lastenausgleichs," in *Rechnung für Hitlers Krieg: Aspekte und Probleme des Lastenausgleichs*, ed. Paul Erker (Heidelberg: Regionalkultur, 2004), 63–79.

<sup>11</sup> Hughes, *Shouldering the Burdens of Defeat*, 38–42.

<sup>12</sup> The signatories to the agreement were representatives of the State of Israel; the Conference on Jewish Material Claims Against Germany (Claims Conference), which represented the interests of the Jewish victims of Nazism outside Israel; and the FRG as legal successor state to the German Reich. On the Luxembourg Agreement, see Marilyn Henry, "Fifty Years of Holocaust Compensation," *American Jewish Year Book* 102 (2002): 3–84; Nana Sagi, *German Reparations: A History of the Negotiations* (Jerusalem: Magnes Press, 1986).

<sup>13</sup> Iris Nachum, "Epilog der 'Arisierung': Der Lastenausgleich neu betrachtet," in *Ein Paradigma der Moderne: Jüdische Geschichte in Schlüsselbegriffen*, ed. Arndt Engelhardt, Lutz Fiedler, Elisabeth Gallas, Natasha Gordinsky, and Philipp Graf (Göttingen: Vandenhoeck & Ruprecht, 2016), 57–78, here 62. On the effects of the Luxembourg Agreement on the Israeli economy, see Yeshayahu A. Jelinek, "Implementing the Luxembourg Agreement: The Purchasing Mission and the Israeli Economy," *Journal of Israeli History: Politics, Society, Culture* 18, no. 2–3 (1997): 191–209.

agreement was signed in 1952, the two parties have engaged in ongoing dialogue over the expansion of Holocaust reparation measures.<sup>14</sup>

While the Luxembourg Agreement established “external compensation” for the State of Israel and the Claims Conference, a series of West German laws starting in 1953 regulated “internal compensation” for Germans who had suffered damage to their lives, health, freedom, possessions, or professional careers as a result of Nazi persecution.<sup>15</sup> As it turned out, indemnification did not apply equally to all Holocaust survivors. Indeed, victims of the same event received different compensation payments (if at all), depending not only on the character and duration of Nazi persecution, but also on their citizenship, descent, and place of residence before and after the war.<sup>16</sup> The reason for this is that the Adenauer administration believed that its responsibility applied mainly to its own citizens and former citizens as well as to people of German descent. Furthermore, West German Holocaust compensation legislation was based on the territorial principle, according to which only Germans or persons with a geographical connection to Germany were qualified to claim compensation.<sup>17</sup> As a result, Holocaust survivors with a German background were compensated for a wider range of losses and damages and received higher indemnification payments than foreign victims, who were often left empty-handed. To fill this lacuna, the Adenauer administration entered into multilateral negotiations with several West European states, leading to the signing of eleven “global agreements” (*Globalabkommen*) between 1959 and 1964. Under these agreements, the FRG consented to provide indemnification payments to victims of the Nazi regime who were from certain West European states and not eligible under West German Holocaust compensation legislation.<sup>18</sup>

In short, in the years 1952–1953, the West German government passed two sets of compensation laws for two different groups of Germans: one group consisted of war-damaged Germans, especially ethnic Germans who had been expelled or had fled from Central and Eastern Europe at the end of the war, and the other consisted of German persecutees of Nazism. As the next sections will show, these intriguing indemnification laws are often the yardstick by which historians assess the success or failure of West German society’s dealing with its Nazi history in the long 1950s.

## **2. Holocaust Compensation as “Coming to Terms with the Past”?**

From the perspective of those historians who argue that West Germany had already managed to come to terms with its Nazi past in the 1950s, the mere implementation

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<sup>14</sup> Ronald W. Zweig, *German Reparations and the Jewish World: A History of the Claims Conference* (London: Routledge, 2001 [1987]).

<sup>15</sup> Constantin Goschler, *Wiedergutmachung: Westdeutschland und die Verfolgten des Nationalsozialismus (1945–1954)* (Munich: Oldenbourg, 1992), 286–305.

<sup>16</sup> Marilyn Henry, *Confronting the Perpetrators: A History of the Claims Conference* (London: Vallentine Mitchell, 2007), 30.

<sup>17</sup> Hans Günter Hockerts, “Die Entschädigung für NS-Verfolgte in West und Osteuropa: Eine einführende Skizze,” in *Grenzen der Wiedergutmachung: Die Entschädigung für NS-Verfolgte in West- und Osteuropa 1945–2000*, ed. Hans Günter Hockerts, Claudia Moisel, and Tobias Winstel (Göttingen: Wallstein, 2007), 7–58, here 19.

<sup>18</sup> The states were France, the Netherlands, Belgium, Luxembourg, Greece, Great Britain, Denmark, Norway, Italy, Sweden, Switzerland, and Austria. Susanna Schrafstetter, “Diplomacy of *Wiedergutmachung*: Memory, the Cold War, and the Western European Victims of Nazism, 1956–1964,” *Holocaust and Genocide Studies* 17, no. 3 (2003): 459–479.

of compensation measures for Holocaust survivors validates their position.<sup>19</sup> Indeed, from their rather optimistic point of view, the numerous Holocaust indemnification programs that the Adenauer government voluntarily designed constituted a genuine response to Nazi wrongs, demonstrated that the German people admitted their guilt and responsibility for the Holocaust, and indicated the democratization of West German society. These historians stress the fact that the West German Parliament passed the Luxembourg Agreement and the first federal Holocaust compensation law by a majority in 1953.<sup>20</sup> In addition, they insist that Germany's atonement for the Holocaust proved to be a model for many other countries that would later accept responsibility for historical crimes. No less important, the indemnification measures provided opportunities for West Germans to learn about the Nazi dictatorship, as compensation required them to determine who would be entitled to indemnification and for what kind of suffering.<sup>21</sup>

A representative of this optimistic approach is Manfred Kittel, who concludes in his 1993 book: "The history of the young German Federal Republic had proved to be one single effort to come to terms with the Nazi past, both conceptually and in material terms. Thus, any history of West Germany in the Adenauer era should begin with the sentence: In the beginning was 'Vergangenheitsbewältigung.'"<sup>22</sup> Kittel's statement that West German society in the Adenauer era was dedicated to compensation for Nazi persecution and to accounting for Nazi wrongs may sound exaggerated. However, there is some truth in Kittel's opinion, especially if we compare the postwar situation in West Germany to the one in the other two successor states of the Third Reich, namely East Germany and Austria. In contrast to West Germany, the German Democratic Republic (GDR) denied any obligation to meet the compensation demands of the Claims Conference. It saw itself as the vanguard of socialism and as fundamentally anti-fascist. It claimed that its leadership had fought against the Nazis and that it therefore had no moral obligation to pay reparations to Holocaust survivors. Following the collapse of the GDR in 1989, the Claims Conference entered into negotiations with a reunited Germany, which agreed to pay East Germany's share of the compensation.<sup>23</sup> Austria, too, initially refused the indemnification demands of the Claims Conference. Until the early 1990s, it argued

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<sup>19</sup> Rosenfeld, *Munich and Memory*, 3.

<sup>20</sup> Cf. Hermann Kurthen, "Antisemitism and Xenophobia in United Germany: How the Burden of the Past Affects the Present," in *Antisemitism and Xenophobia in Germany after Unification*, ed. Hermann Kurthen, Werner Bergmann, and Rainer Erb (New York: Oxford University Press, 1997), 39–87, here 43.

<sup>21</sup> Thus, for example, according to Jutta Vergau, "material restitution" was a "level of action" in the process of "dealing with the Nazi dictatorship in divided Germany." Jutta Vergau, *Aufarbeitung von Vergangenheit vor und nach 1989: Eine Analyse des Umgangs mit den historischen Hypotheken totalitärer Diktaturen in Deutschland* (Marburg: Tectum, 2000), 71; cf. Manfred Kittel, *Nach Nürnberg und Tokio: "Vergangenheitsbewältigung" in Japan und Westdeutschland 1945 bis 1968* (Munich: Oldenbourg, 2004), 89; Deborah Sturman: "Germany's Reexamination of Its Past through the Lens of the Holocaust Litigation," in *Holocaust Restitution: The Litigation and Its Legacy*, ed. Michael J. Bazyler and Roger P. Alford (New York: New York University Press, 2007), 215–225, here 224.

<sup>22</sup> Manfred Kittel, *Die Legende von der "Zweiten Schuld": Vergangenheitsbewältigung in der Ära Adenauer* (Berlin: Ullstein, 1993), 387.

<sup>23</sup> For a comparison of how the FRG and the GDR dealt with compensation and faced the Nazi past, see Constantin Goschler, "Wiedergutmachung als Vergangenheitsbewältigung," *Bohemia: Zeitschrift für Geschichte und Kultur der böhmischen Länder* 34 (1993): 295–304.

that it was the first victim of Hitler's aggressive foreign policy, and that it was Germany's, not Austria's, responsibility to pay compensation to Austrian victims of Nazism. Although it took several steps toward restitution and reparation over the decades, it was only in the early 2000s that the Austrian government ratified a substantial Holocaust indemnification agreement.<sup>24</sup> For this reason, from the 1950s to the present day people in Austria's Jewish community praise West Germany for having done much more to come to terms with the Nazi past and for having enacted comprehensive compensation laws much earlier than Austria.<sup>25</sup> In short, a comparative analysis of the attitudes toward Holocaust indemnification in West Germany, Austria, and East Germany seems to confirm the view that in the 1950s West German society and the West German government sought to address the Nazi dictatorship in a serious way.

### 3. "Policy for the Past"

By contrast, several historians are doubtful that West German society and politics in the Adenauer years aimed at truly coming to terms with the Nazi past. In Norbert Frei's view, for instance, those years were not marked by a critical confrontation with the German guilt for the war and the Holocaust. Rather, the political elite pursued a "policy for the past," a twofold policy of "amnestying and integrating former supporters of the Third Reich on the one hand and completing a normative separation from Nazism on the other."<sup>26</sup> West Germany did not concern itself with the interests of the victims of Nazi persecution but of those Germans whose suffering had not begun until the war's end, especially the ethnic German expellees.<sup>27</sup> Unsurprisingly, Kittel rejects Frei's analysis. In his opinion, Frei has not "properly" assessed the efforts of the Adenauer era to implement Holocaust compensation measures and, for that reason, has arrived at an "extremely one-sided judgment" about West Germany's coming to terms with the Nazi past in the long 1950s.<sup>28</sup>

Conversely, historians who support Frei's view often emphasize the competition between the victims of Germans and the German victims. Essentially, they argue that when the persecutees of Nazism competed with ethnic German expellees for financial support and compensation from the West German state, as a rule the latter were favored.<sup>29</sup> This is all the more remarkable given that, before

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<sup>24</sup> On Austria's compensation policy, see Hannah Lessing and Fiorentina Azizi, "Austria Confronts Her Past," in *Holocaust Restitution: The Litigation and Its Legacy*, ed. Michael J. Bazzyler and Roger P. Alford (New York: New York University Press, 2007), 226–238.

<sup>25</sup> Cf. Nicole L. Immler, "Gefühltes (Un-)Recht im Familiengedächtnis: Zum Aspekt der 'Generation' in der Entschädigungspolitik," in *Drei Generationen: Shoah und Nationalsozialismus im Familiengedächtnis*, ed. Martha Keil and Philipp Mettauer (Innsbruck: Studien, 2016), 101–138, here 125–126.

<sup>26</sup> Norbert Frei, *Adenauer's Germany and the Nazi Past: The Politics of Amnesty and Integration* (New York: Columbia University Press, 2002), 303.

<sup>27</sup> *Ibid.*, 4.

<sup>28</sup> Kittel, *Nach Nürnberg und Tokio*, 89, n. 50.

<sup>29</sup> Wulf Kansteiner, *In Pursuit of German Memory: History, Television, and Politics after Auschwitz* (Athens: Ohio University Press, 2006); Regula Ludi, *Reparations for Nazi Victims in Postwar Europe* (Cambridge: Cambridge University Press, 2002), 101–104; cf. Robert G. Moeller, "Deutsche Opfer, Opfer der Deutschen. Kriegsgefangene, Vertriebene, NS-Verfolgte: Opferausgleich als Identitätspolitik," in *Nachkrieg in Deutschland*, ed. Klaus Naumann (Hamburg: HIS, 2001), 29–58.

their expulsion, ethnic Germans had been among the principal profiteers from Nazi plunder and mass murder in Central and Eastern Europe.<sup>30</sup> Nevertheless, the expellees were often granted preferential treatment in West Germany. Indeed, the numbers seem to speak for themselves: by 2000, West Germany had paid 100 billion Deutschmarks for Holocaust reparations and 140 billion Deutschmarks for the equalization of burdens.<sup>31</sup> When the issue was compensation payments under the Equalization of Burdens Law, West German decision-makers displayed “generosity”<sup>32</sup> and enthusiasm,<sup>33</sup> in stark contrast with their treatment of Holocaust claimants, who were occasionally denied reparations for damages to freedom “simply because they could not certify their captivity in one specific camp for a few months in 1943 or 1944.”<sup>34</sup> Preferential treatment for expellees over Holocaust survivors also involved a certain element of political calculation: for the political elite, the votes of millions of expellees were much more important than the support of Holocaust survivors, most of whom were living abroad.<sup>35</sup>

Moreover, several contemporary surveys seem to substantiate the claim that in the 1950s West Germans were much more sympathetic to the material demands of the expellees than those of Holocaust survivors. In a survey from 1951, “68 percent of respondents agreed that Jews and other groups should be helped, but 17 percent of those assigned Jews the smallest amount, and 49 percent thought the Jews deserved the same as other groups; 21 percent rejected any reparation to Jews altogether. To the question of which group had the biggest claim, respondents ranked Jews in last place, behind war widows and orphans, the bombed out, and expellees. Altogether, only 11 percent of the population approved of the final negotiated agreement for more than three billion marks.”<sup>36</sup> In addition, a survey from December 1952 “revealed that 54 percent of West Germans felt neither guilty for what was done to the Jews during the Third Reich nor responsible for compensating these wrongs.”<sup>37</sup>

It is important to note that, initially, the West German public did not accept the ethnic German expellees at all, perceiving them as unwelcome foreigners. However, during the 1950s the public came to view them as victimized people and as fellow nationals in need, who were worthy of solidarity and financial support. This remarkable change in attitude was a way for West Germans to strengthen their self-image as a nation of victims and, at the same time, distance themselves from the responsibility for the Holocaust.<sup>38</sup> By weighing the sufferings experienced by ethnic

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<sup>30</sup> Doris L. Bergen, “Tenuousness and Tenacity: The Volksdeutschen of Eastern Europe, World War II, and the Holocaust,” in *The “Heimat” Abroad: The Boundaries of Germanness*, ed. Krista O’Donnell, Renate Bridenthal, and Nancy Reagin (Ann Arbor: University of Michigan Press, 2005), 267–286, here 271–272.

<sup>31</sup> Ludi, *Reparations for Nazi Victims*, 104.

<sup>32</sup> *Ibid.*, 101.

<sup>33</sup> Kansteiner, *In Pursuit of German Memory*, 200.

<sup>34</sup> Ludi, *Reparations for Nazi Victims*, 126.

<sup>35</sup> Frei, *Adenauer’s Germany and the Nazi Past*, 4.

<sup>36</sup> Jeffrey K. Olick, *The Politics of Regret: On Collective Memory and Historical Responsibility* (New York: Routledge, 2007), 95.

<sup>37</sup> *Ibid.*

<sup>38</sup> Iris Nachum and Sagi Schaefer, “The Semantics of Political Integration: Public Debates about the Term ‘Expellees’ in Post-War Western Germany,” *Contemporary European History* 27, no. 1 (2018): 42–58.

German expellees against the Holocaust, West German society convinced itself that Germans had “endured as much as the Jews, if not more,” and that they therefore had no reason to be held accountable for Nazi wrongs.<sup>39</sup> And so, “in the public memory of the 1950s, only a handful of Germans appeared as perpetrators, the overwhelming majority were victims, and no one was both: guilt and innocence were mutually exclusive categories.”<sup>40</sup>

In short, those historians who doubt that West German society sought to face the legacy of Nazism in the immediate postwar period argue that Adenauer’s policy of Holocaust compensation was implemented against the will of the German population and came about only at the insistence of Jewish advocacy groups and as a result of the occasional pressure put on him by the Allies.<sup>41</sup> According to these historians, Adenauer adopted and promoted this policy in order to advance international recognition for the FRG and its integration into the West.<sup>42</sup> As Jürgen Lillteicher has shown, even the West German officials assigned to deal with the restitution of Jewish property often had very negative views about the compensation program. And nothing changed in this regard when, in the 1960s, a more critical stance spread among younger West Germans regarding the Nazi past of their parents’ and grandparents’ generations.<sup>43</sup>

To sum up, when assessing West Germany’s “coming to terms with the past” in the long 1950s, historians follow a schematic binarism of success versus failure. In this dichotomous discourse, compensation serves as a yardstick. Those who advocate the view that West Germans successfully—that is, honestly and self-critically—confronted their Nazi history usually cite compensation payments to victims of Nazi persecution. However, those who are convinced that West Germans failed to confront their Nazi past in the Adenauer era point to the preferential treatment of ethnic German expellees and to the alleged generous compensation payments they received under the Equalization of Burdens Law. This discourse assumes the existence of political tension between ethnic German expellees and Holocaust survivors—a tension that is reflected in an alleged antagonism between compensation for the Holocaust and compensation for the expulsion.

#### **4. Associating Compensation for the Holocaust with Compensation for Expulsion**

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<sup>39</sup> Margalit, *Guilt, Suffering, and Memory*, 54.

<sup>40</sup> Moeller, *War Stories*, 13.

<sup>41</sup> Cf. Jürgen Lillteicher, “West Germany and the Restitution of Jewish Property in Europe,” in *Robbery and Restitution: The Conflict over Jewish Property in Europe*, ed. Martin Dean, Constantin Gschler, and Philipp Ther (New York: Berghahn Books, 2007), 99–112, here 108–109. Referring to the 1950s and 1960s in West Germany, the philosopher Susan Neiman notices: “Reparations [for the Holocaust] had been paid, but they were not accompanied by any process of *Vergangenheitsaufarbeitung* [working off the Nazi past]. Former Nazis held powerful positions in government, the justice system, the diplomatic service, the schools.” Susan Neiman, *Learning from the Germans: Race and the Memory of Evil* (New York: Farrar, Straus and Giroux, 2019), 309–310.

<sup>42</sup> Ariel Colonomos and Andrea Armstrong, “German Reparations to the Jews after World War II: A Turning Point in the History of Reparations,” in *The Handbook of Reparations*, ed. Pablo de Greiff (Oxford: Oxford University Press, 2006), 390–419, here 395.

<sup>43</sup> Jürgen Lillteicher, “West Germany and Compensation for National Socialist Expropriation: The Restitution of Jewish Property, 1947–1964,” in *Coping with the Nazi Past: West German Debates on Nazism and Generational Conflict, 1955–1975*, ed. Philipp Gassert and Alan E. Steinweis (New York: Berghahn Books, 2006), 79–95.



As mentioned above, I want to question the dichotomous historiographical discourse on West Germany's coming to terms with its Nazi past. In my opinion, this process was a multifaceted phenomenon, in which two seemingly divergent developments were at work: West Germany in the Adenauer era implemented extraordinary compensation measures for persecutees of Nazism, and thereby acknowledged its responsibility for the Holocaust. At the same time, however, it utilized the fate of ethnic German expellees to promote the argument that Germans had suffered from the war and its aftermath no less than others, and that, in doing so, it relativized its culpability for the Holocaust. Against this background, the starting point of my reasoning is not the perceived tension between Holocaust survivors and ethnic German expellees and their competition over compensation, but rather the complex intertwining of indemnification for the Holocaust and for the expulsion.

This intertwining began with the negotiations between the FRG and the Claims Conference in 1952. The Claims Conference demanded that Holocaust survivors from Central and Eastern Europe who were living in the West be compensated for material losses under the future German legislation for persecutees of Nazism.<sup>44</sup> Because this legislation was to be based on the territorial principle and because most Holocaust survivors from Central and Eastern Europe were neither German citizens nor of German descent and because they had no territorial relation to Germany, the German negotiating team rejected the Claims Conference's demand.<sup>45</sup> In response, the Claims Conference emphasized that a significant portion of ethnic German expellees had not been German citizens before the war, nor had many of them had a geographical connection to Germany either, and yet they could claim compensation under a West German law, the Equalization of Burdens Law. In other words, the Claims Conference sought to avoid a situation in which Holocaust survivors from Central and Eastern Europe who came to live in the West would obtain less compensation for material losses than ethnic German expellees—their former neighbors, so to speak—could expect to receive under the law.<sup>46</sup>

After tough negotiations, the German delegation proposed "some type of compensation" for the persecutees under the Equalization of Burdens Law.<sup>47</sup> Although the law had been designed for a totally different group, namely ethnic German expellees, the German negotiators agreed to apply the law to those Holocaust survivors from Central and Eastern Europe residing in the West who possessed a German background. The Claims Conference reacted positively to this "compromise."<sup>48</sup> After all, claiming reparation for material losses under this law was better than nothing, especially given that thousands of penniless Holocaust survivors from Eastern and Central Europe urgently needed financial assistance to reconstruct their lives. However, as it turned out, many Jewish claimants from Central and

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<sup>44</sup> Iris Nachum, "Reconstructing Life after the Holocaust: The *Lastenausgleichsgesetz* and the Jewish Struggle for Compensation," *Leo Baeck Institute Year Book* 58, no. 1 (2013): 53–67.

<sup>45</sup> The Central Archives for the History of the Jewish People (hereafter: CAHJP), Claims Conference (hereafter: CC) 8125, report no. 8, Moses A. Leavitt to CC-Presidium, July 26, 1952; CAHJP, CC7040, minutes of plenary session, June 30, 1952.

<sup>46</sup> Henry, *Confronting the Perpetrators*, 37.

<sup>47</sup> CAHJP, CC7042, minutes of meeting, July 9, 1952.

<sup>48</sup> Leo Baeck Institute Archives, Council of Jews from Germany Collection (AR 5890), series II: CC, box 5, folder 11, report, Frederick Goldschmidt to the Council for the Protection of the Rights and Interests of Jews from Germany, September 1, 1952.

Eastern Europe had no German background. They could not prove their belonging to the German minority in interwar Central and Eastern Europe and, hence, were left empty-handed under this law.<sup>49</sup> But this did not apply to all Jewish claimants: German-speaking Jews from German-speaking territories in Poland and Czechoslovakia had the best chance of successfully pursuing their compensation claims under the Equalization of Burdens Law.<sup>50</sup> Thus, in the end, the law provided compensation to some Holocaust survivors who otherwise would have been left with little or no support at all.<sup>51</sup> At least in their case, the indemnification legislation for ethnic German expellees proved beneficial.

## 5. Conclusion

To conclude, there is substance to the argument that ethnic German expellees received preferential compensation treatment over the victims of Nazism in the Adenauer era—and that the West German public's sympathy and solidarity lay with the expellees, not with the Holocaust survivors. In the face of this climate of opinion during the long 1950s, every official step toward recognizing the suffering of victims of the Nazi regime presupposed an even greater step forward for the benefit of the expellees.<sup>52</sup> However, I do not conclude that Holocaust survivors lost out to the expellees. On the contrary, as the negotiations between the FRG and the Claims Conference show, it was *precisely* the Equalization of Burdens legislation for ethnic German expellees that made it possible for thousands of Jewish Holocaust survivors to obtain compensation payments.<sup>53</sup> I thus agree with Nicholas Balabkins that West German indemnification for Holocaust survivors and reparations to Israel “would have been politically impossible without large-scale compensation to millions of Germans who had lost property during World War II.”<sup>54</sup> Adenauer's policy of compensation to ethnic German expellees was a precondition for “external compensation.” For this reason, I would characterize West Germany's “coming to terms with the Nazi past” in the long 1950s as neither a success nor a failure. Rather, West Germans “walked a fine line”<sup>55</sup> between compensation for the Holocaust and compensation for the expulsion, between recognition of Jewish victims of the Holocaust and their solidarity with ethnic German expellees, between wishing to ignore the Nazi past and accepting collective responsibility for it.

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<sup>49</sup> Nachum, “Reconstructing Life after the Holocaust.”

<sup>50</sup> Israel State Archives, LAG, 2698/4, 80.2.2.198, Ernst Katzenstein to Saul Kagan, December 18, 1968.

<sup>51</sup> CAHJP, CC8125, report no. 8, Moses A. Leavitt to CC-Presidium, July 26, 1952.

<sup>52</sup> Atina Grossmann, “The Goldhagen Effect: Memory, Repetition, and Responsibility in the New Germany,” in *The “Goldhagen Effect”: History, Memory, Nazism – Facing the German Past*, ed. Geoff Eley (Ann Arbor: University of Michigan Press, 2003), 89–129, here 95.

<sup>53</sup> Cf. Goschler, *Wiedergutmachung*, 278.

<sup>54</sup> Nicholas Balabkins, *West German Reparations to Israel* (New Brunswick, NJ: Rutgers University Press, 1971), 194.

<sup>55</sup> Kurthen, “Antisemitism and Xenophobia,” 40.