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The Phantom Giant, the No-Key Gate, and the Beauty Salon of History

The German-Jewish Reparation Settlement and the Holocaust

Abstract

When, on 10 September 1952, the Federal Republic of Germany, the State of Israel, and the Conference on Jewish Material Claims Against Germany signed a reparations agreement in Luxembourg, this settlement was considered historic. Official publications from both sides portrayed it as a historic enterprise of tremendous scope, unprecedented in the history of international relations just as the extermination of the Jewish people by Nazi Germany was unprecedented in human history. The agreement was to play a crucial role for the education of the German people and as a historic precedent for the whole world. It set an example and contained a warning: crimes of genocide cannot go unpunished and the moral debt arising therefrom must be paid. However, what for a brief period of time was regarded as a momentous event in post-war history was promptly pushed to the margins of the historical stage. This article will explore why that happened. The discussion will raise another, even more challenging question: how might remembering the German-Jewish settlement affect, if at all, the study and memory of the Holocaust?

While the following pages will primarily explore the relationship between reparations, memory, and reconciliation, I will specifically focus on the so-called Luxembourg Agreement signed on 10 September 1952, between the Federal Republic of Germany, the State of Israel, and the Conference on Jewish Material Claims Against Germany, also known as the Claims Conference. It was the first time in history that representatives of a victim group agreed to meet emissaries of their former perpetrators in order to discuss redress. This very act of parleying invoked strong feelings on both sides. Many Jews in particular were concerned that negotiations and the acceptance of reparations from Germany would lead to forgiving and ultimately the forgetting of the Holocaust. The German term used to describe this act of reparations, *Wiedergutmachung* (making good again), did little to alleviate these qualms. Some, like the Iraqi-Israeli poet Ronny Someck, felt that this agreement turned the act of reparations into a "beauty salon of history", where even the most heinous atrocities could be made to appear good again.[1] In the following, I will argue that what might be considered as "negative feelings" towards the German-Jewish settlement eventually contributed to the rapprochement between Jews and Germans.

It is important to note that the German-Jewish settlement was never intended as a form of reconciliation. This was even acknowledged by outside observers, such as the first British ambassador to Israel, Francis E. Evans. In a report he sent to London shortly after the agreement was signed, he noted:

1 See Ronny Someck's famous poem "Tractors", Ronny Someck, accessed 5 October 2023, http://www.ronnysomeck.com/someck/audio/index.htm.

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> There is no attempt to gloss over "the unspeakable and criminal acts perpetrated against the Jewish people during the National Socialist regime of terror", but there is equally no suggestion that the German people as distinct from the National Socialist regime should bear any guilt for these crimes. Neither is there any implication that the moral wrong done to the Jewish people is in any way atoned for by the agreement, which is presented simply as an acceptance by the Federal Government of financial claims for material damages inflicted by its predecessors. The agreement therefore closes no accounts and opens no doors for future relations between Israel and Germany, though it may be perhaps regarded as unlatching a wicket gate through which communication could be effected if circumstances warrant.[2]

I propose conceiving Evans's wicket as a type of "No-Key Gate", as portrayed in Michael Ende's fantasy novel, *The Neverending Story*. In the book, the protagonist must pass through three magical doors to save the world; the final and most difficult of these portals only opens when the person does not desire to unlock it. This may seem paradoxical, but in the story the hero reaches the state by which he can open the keyless gate after passing through the previous Magic Mirror Gate that reveals one's true self. As a result, the protagonist loses his previous memories and sense of identity, thereby extinguishing any desire to transgress the "No-Key Gate". In a similar way, while reconciliation was never an official aim of the German-Jewish settlement, the implementation of the agreement required coordinated activities that inadvertently steered towards what might be termed as "relationship building". This involves a process whereby establishing, nurturing, and reinforcing positive interactions, trust, and rapport become essential for creating mutually beneficial and lasting relationships. Nonetheless, in contrast to Michael Ende's "No-Key Gate", in the German-Jewish case unlocking the multifaceted process of making amends did not involve memory loss – but quite the opposite.

Despite concerns that German payments would lead to forgetting the Holocaust, memories of the "unspeakable crimes which have been committed in the name of the German people" did not fade after the signing of the Luxembourg Agreement.[3] Instead, much like the "phantom giant" – a figure from another children's book by Michael Ende, *Jim Button and Luke the Engine Driver* – who appears larger from a distance but becomes smaller as one approaches, the significance of the Holocaust in public life has grown stronger as time has passed since the end of the war. In the ensuing discussion, I will propose that the German-Jewish settlement held a pivotal role in what manifests as a paradoxical phenomenon. In doing so, we will revisit the three literary motifs mentioned previously. The discussion will delve deeper into the German-Jewish settlement, scrutinising its relevance and significance at the juncture that it was signed, and navigate through the memory and amalgam of emotions tethered to what persists as an exceptionally sensitive chapter of post-Holocaust history. This exploration invites us to reflect on the historical, emotional, and memorial landscapes intertwined with the Holocaust, a period that continues to cast shadows upon contemporary narratives and political relations.

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2 Confidential letter from Francis E. Evans in the British Legation in Tel Aviv to the British Foreign Minister Anthony Eden, 22 September 1952, in The National Archives (TNA), FO 371/99802 [p. 42]. I am in debt to Daniel Siemens for giving me this reference.

3 The quotation is from Konrad Adenauer's famous Bundestag speech on the question of reparation to the Jewish people on 27 September 1951, quoted according to the translation in the JDC Archives, https://search.archives.jdc.org/notebook_ext.asp?item=2054163&site=ideaalm&lang=ENG&menu=1.

Unprecedented Claim for an Unprecedented Crime: The Making of the German-Jewish Settlement

The signing ceremony between the Federal Republic of Germany, the State of Israel, and the Claims Conference took place at eight in the morning in the Luxembourg City Hall. Severe security precautions were taken, especially out of fear of Jewish extremists. Details about the event were not made public and only a selected number of news agency correspondents were allowed to be present. They were notified an hour before the event started by a telephone call and summoned to a secret rendezvous place, from which they were taken by car to the City Hall. The Jewish delegations arrived early and needed to wait in a room where weddings were solemnised. Shortly before eight, they made their way to the Council Chamber where the signing was to take place. Waiting for them in the foyer of the venue was Chancellor Konrad Adenauer and his delegation. This was considered a gesture of respect to the Jewish delegations. Israel's Foreign Minister Moshe Sharett and Adenauer shock hands. According to one member of the Israeli delegation, Adenauer said to Sharett that he had been looking forward to the occasion with expectation and joy. Sharett replied that "for us, as well, this is a special day of great significance".[4] After the formal introductions, the three delegations moved to the Council Chamber for the signing act. Following the ceremonial protocol, the parties entered the room from separate doors, the Germans from one door and the two Jewish delegations from the other. There the press was waiting with a number of photographers. The men took their seats opposite each other at the long signing table, and without further ado the signing started. Adenauer and Sharett affixed their signatures to the agreement between Germany and Israel. Two protocols, one committing Germany to adopt an improved legislative programme for individual indemnifications and the other to pay four hundred million marks to the Claims Conference, were signed by the Chancellor and Nahum Goldmann, head of the Jewish Claims Conference. The agreement with Israel contained annexes, letters, and a schedule for deliveries of the various goods, which also needed to be signed.

The New York Times depicted the event "as the first officially amicable ceremony in almost two decades" between Jews and Germans. It further commentated that the ending of the negotiations was as bizarre as their beginning six months before.[5] The ceremony proceeded for thirteen minutes in total silence and there were no public handshakes or speeches. Pictures of the event documented the signing as a solemn act. One sees almost no smiling faces. The press was not aware that the delegations had met before, and because nothing was said and there was no visible physical contact or gestures of sympathy between the parties, reports of the event depicted it as a "strange meeting", a "stiff ceremony", with an icy atmosphere dominating the signing. Some newspapers even reported that, when a German delegate offered Sharett a pen, he refused the gesture. Sharett denied that this ever happened. It was Nahum Goldmann who came without a pen to the signing, Sharett said, and Walter Hallstein, at the time State Secretary at the Foreign Office, offered his to Goldmann. Goldmann tried once, twice, three times, and no ink flowed. Returning the pen, Goldmann allegedly said "Mr. State Secretary, the first item that you delivered to us

4 Felix Shinnar, בעול כורח ורגשות: יחסי ישראל-גרמניה 1951 1966 [Under the Burden of Duty and Emotions: German-Israeli Relations 1951–1966] (Tel Aviv: Schocken, 1967), 44.

5 Daniel Schorr, "Bonn Signs Pact with Israel for $822,000,000 Payment", *The New York Times*, 11 September 1952, 1.

is no good".[6] Hallstein was unable to appreciate the irony in the situation, apologising that the pen could sometimes be moody.

According to his memories, Adenauer recalled how deeply moved he was when sitting opposite Sharett and signing the agreement. He noted that, for the Federal Republic of Germany, this agreement was a political event on the same rank as the *Deutschlandvertrag* (the "Germany Treaty" that was signed with the Western Allies in May 1952, formally ending the occupation of West Germany and recognising its sovereignty), and the treaty establishing the European Defence Community that was also signed in May that year. These were significant steps for the reintegration of Germany in the family of nations. Adenauer considered 1952 to be the year when the Federal Republic gained its final independence. He also argued that, even if future history books only mentioned the German people's efforts to rectify the wrongs of the past towards the Jews in a single line, the settlement would still be a worthwhile undertaking for future generations.[7] Likewise, U.S. Secretary of State Dean Acheson welcomed the agreement, focussing mainly on its implications for Germany. In a special press statement on the day of the signing, he highlighted the significance of the first article of West Germany's constitution endorsing the dignity and inalienable rights of all people as the foundation of the Bundestag's *Wiedergutmachung* resolution of 27 September 1951. Acheson depicted this resolution as "a moving tribute to the determination of the German people that those rights shall not again be violated and to purge themselves of the wrongs inflicted on millions of innocent people", adding that "the agreements concluded today are material demonstrations of the resolve of the vast majority of the German people to make redress for the suffering of the Jews under the Nazis".[8]

After the signing, the heads of the three delegations retreated to a side room away from the press for a private conversation. Since Adenauer did not speak any other language, the conversation was in German. Not in Hitler's German, Moshe Sharett later remarked, but in the language of Goethe, a language they both learned before Hitler came to power. Adenauer assured Goldmann and Sharett that his government and the Bundestag were fully committed to the settlement. Given the augmenting pressure from Arab states and the opposition to the agreement within Adenauer's own coalition, Sharett considered this an important statement. Adenauer also expressed his hope that the settlement would be a steppingstone for a new relationship between Jews and Germans. Sharett and Goldmann extolled Adenauer's historic role in making the agreement. Yet, they reminded him that a deep chasm still lay between Jews and Germans and that it would take time and much more than martial *Wiedergutmachung* until the wounds created by the horrific Nazi crimes could be healed. In reality, they were well aware that most Jews felt that there could never be an atonement for the German moral guilt for the Holocaust.

As one Israeli newspaper put it, the experience of six thousand years of war had taught states to forget the crimes of war when signing the peace. Jews, however, who still remember the Jewish boycott of Spain after their expulsion in 1492, are not yet accustomed to such unemotional political notions.[9] Nevertheless, and on a very practical level, the "contract", as it was referred to in the official Israeli press release, clearly marked a beginning of German-Jewish exchange and relationship building.

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6 Inge Deutschkron, *Bonn and Jerusalem: The Strange Coalition* (Philadelphia: Chilton Book Company, 1970), 70.
7 Adenauer, *Erinnerungen 1953–1955* (Stuttgart: DVA, 1966), 155–159.
8 Found in Nachlass Blankenhorn, Bundesarchiv N 1351/14a, 50.
9 "In the Country", *Ha'olam Haze*, 16 April 1953, 7.

Depicting the signing as "a very significant point in Jewish history", *The London Jewish Chronicle* went so far as to anticipate that "the frigidity and aloofness which have characterised German-Jewish relations during recent years are almost certain to give place to something approaching normality".[10] For those present at the signing ceremony, there was nothing "normal" about the gathering in Luxemburg.

At some point Adenauer became personal, telling Goldmann and Sharett that the signing evoked in him memories of the time when the Nazis removed him from office as mayor of Cologne. He recalled how all his assets were then frozen. Short of cash, he was forced to sell valuables to support his family. In this precarious situation, a Jewish friend offered him financial assistance to keep his family afloat.[11] Sharett and Goldmann, from their side, steered the conversation to deal with broader issues, underpinning the wider significance of the German-Jewish settlement. They heeded the moral connotation of the treaty, referring to it as a momentous departure that was not achieved under duress, but in obedience to the call of moral responsibility.[12] Sharett said to the press that that "this act of reparations is imbued with historical significance". The settlement will play a crucial role for the education of the German people and as a historic precedent for the whole world, he stated. He further spoke about his feelings, conveying satisfaction and pride in an agreement that demonstrated Israel's moral power. Finally, Sharett expressed his personal, sincere appreciation towards Adenauer for taking this bold step towards *Wiedergutmachung*.[13]

The next day, on 11 September in New York City, the Claims Conference and the State of Israel signed the first ever official agreement between diaspora Jewish organisations and the State of Israel. These treaties were unique in the history of diplomacy. In contrast to conventional pacts between nation-states, the Luxembourg Agreement was between two states and a non-governmental organisation (NGO) representing "World Jewry". To a formalist, steeped in conventional international law, the notion of recognising diaspora Jews as a discrete political entity party to an international binding treaty, was, at the time, almost inconceivable. Although Israel instigated the creation of the Claims Conference, it reluctantly accepted the notion of Jewish organisations being represented as equal partners in *Ha-Shilumim* negotiations.[14] But the Germans did not take a strict legalistic approach. Seeking to reach an agreement with a rainbow of Jewish representatives, for them the State of Israel represented just a section of the Jewish world. And so, for the first time in modern history, representatives of a victim group agreed to participate in direct negotiations with emissaries of their former oppressors, in order to come to a resolution. By

10 "Luxembourg", *The Jewish Chronicle*, 11 September 1952, 16.

11 See Israeli Cabinet meeting from 14 September 1952, 8, and Adenauer, *Erinnerungen 1953–1955*, 157. The person Adenauer referred to was the Belgian-Jewish businessmen Dannie N. Heineman (1872–1962).

12 On this, see also Blankenhorn's report on the conversation, Nachlass Blankenhorn, Bundesarchiv N 1351/14a, 54–55.

13 Published as "The Political and Moral Significance of the Shilumim Agreement", in *Speaking Out: The Collected Speeches of Israel's First Foreign Minister 1952*, edited by Yaakov Sharett and Rina Sharett, 726–728. Tel Aviv: Moshe Sharett Heritage Society, 2021.

14 *"Ha-Shilumim"* (later shortened to *Shilumim*) was a Hebrew term specifically coined to denote the Israeli demand to rectify the past. The term could be translated simply as "the payments". However, its biblical origins also carried connotations of retribution or revenge, as referenced in Deuteronomy 32:35, in which the text interweaves vengeance with recompense. In this sense, *Ha-Shilumim* went beyond being viewed solely as a means of achieving justice and addressing historical wrongs. As such the concept of *Ha-Shilumim* had a more profound objective – to foster a sense of empowerment that enabled Jews to shape historical narratives and regain a sense of dignity that had been stripped away by past injustices. Interestingly, the term *"Shilumim"* is rooted in the Hebrew word *"shalem"* (שלם), which carries nuanced meanings that also include peace and wholeness. Despite its initial confrontational undertones, the term also implied a healing process and a forward-looking approach to the past.

reaching an agreement, a powerful precedent was set: nations should be held accountable for their actions and must not be allowed to victimise and despoil individuals and minority groups. Moreover, the agreement eroded the clear-cut divisions between the state and non-state actors, rendering the protection of human rights and resistance to oppressive regimes as an obligation of every individual, rather than just the responsibility of governments alone.[15]

After the agreement was signed, Israel regarded it as the first international acknowledgement of the connection between the State of Israel and the Jewish people. Indeed, David Ben-Gurion, Israel's first prime minister, noted that the German recognition did not oblige other countries, but for him it was an important precedent that would consolidate Israel's claim to be a state of all Jews. Furthermore, he and others exulted the strong partnership between Jewish organisations and the State of Israel, depicting it as an unprecedented manifestation of Jewish solidarity and unity. The fact that non-Zionist organisations worked along Zionist ones was regarded as a new beginning in the relationship between the State of Israel and the Jewish diaspora.

Another unusual feature of the treaty was that it was signed by two states that did not have diplomatic relations, and which during the signing did not consider establishing such relations even for the sake of effectively implementing their mutual contractual undertakings. Moreover, during the time of the Second World War, neither the State of Israel nor the Federal Republic of Germany had been established. Due to the events of the Holocaust, de facto, at least from Israel's perspective, the two entities were officially in a state of war. These were somewhat extraordinary circumstances, as from an international law point of view neither of the post-war German states were obliged to render amends to the State of Israel. In this respect, the Federal Republic of Germany opted to make a large-scale material gesture and so discharge the pressing moral obligation imposed by the Holocaust. This act denotes an acknowledgment of a moral duty that transcended legal obligations, stepping into a realm in which ethics and the remembrance of past wrongdoings shaped policymaking. As Sharett often pointed out, this was a novel occurrence in international relations. It established a precedent and sent a warning: genocide cannot be allowed to go unpunished and the moral debt arising therefrom must be paid.

Back in Tel Aviv, Chaim Yahil formulated the official Foreign Office position on the signing. He noted on that day that the long struggle of the State of Israel and the Jewish people for Shilumim (the Hebrew term used to depict German amends, meaning payments) ended in victory. Many opposed any contact with Germany, he wrote, anticipating that the talks would achieve nothing and fearing failure and humiliation. But the opposite happed. The Federal Republic of Germany admitted that "unspeakable criminal acts were perpetrated against the Jewish people during the National-Socialist regime of terror".[16] The agreement offered substantial support to the State of Israel and relief to many Holocaust survivors. In fact, the political and moral values of the settlement were presented as outweighing its concrete economic benefits. According to this, Israel was the country that managed to bring Germany to admit its responsibility for the Holocaust. For Ben-Gurion, this was an act of empowerment which should be depicted as an achievement of the State of Israel. In line with this, after the signing, Pinhas Lavon, then a minister without portfolio, declared

15 Regula Ludi, *Reparations for Nazi Victims in Postwar Europe* (Cambridge: Cambridge University Press, 2012), 113.

16 From the agreement which is available on United Nations Treaty Collection, accessed 5 October 2023, https://treaties.un.org/doc/Publication/UNTS/Volume%20162/volume-162-I-2137-English.pdf.

on Israeli radio that the agreement was a moral and political victory for Israel.[17] For the occasion, the Foreign Office even contemplated publishing a special book that would celebrate this accomplishment as a historically unique and groundbreaking state act.

While many feared that the German-Jewish settlement might involve forgiving and the forgetting of the Holocaust, the official Israeli and Jewish stance argued the opposite. Indeed, since 1952, we have observed the cultivation of a profound culture of remembrance, embracing a myriad of forms of expression and acknowledgment. This includes testimonies and memorials, as well as films, literature, meticulous research, and educational initiatives, all with the concerted aim of commemorating and honouring the victims of the Holocaust. Notably, however, the German-Jewish settlement seldom takes a prominent place in this collective effort to remember the Holocaust. An event once deemed a pivotal moment in post-war history soon found itself relegated to the sidelines of the historical stage. In the following section, I would like to explore why this happened and raise another no less challenging question of how remembering the German-Jewish settlement might, if at all, affect the study and memory of the Holocaust.

Neither History nor Memory: The German-Jewish Settlement and the Holocaust

Initially hailed as a momentous and empowering achievement, one that held the potential to stand as a turning point in both Jewish and global history, the German-Jewish settlement soon receded into the shadows of public consciousness. Both in West Germany and in Israel, the German-Jewish settlement became a political liability. Not only did it not help to win elections in both countries, but the threats of an Arab boycott and the possible wider implications of the agreement in international relations made it, so to speak, a political hot potato. Moreover, in an age dominated by the threat of global destruction, in the 1950s and 1960s it was Hiroshima and not Auschwitz that dominated the memory of the Second World War. Thus, in that period, the Cold War and the menace of nuclear destruction cast a cloak of forgetting over the Holocaust, diminishing the significance of the German-Jewish settlement.[18] On a more personal level, fostering this inclination were feelings of shame and guilt among both Jews and, later, educated Germans, who rejected the very notion of atonement for the horrific crimes of National Socialism.

The German-Jewish settlement paved the way for Holocaust survivors worldwide to seek and receive individual indemnity, acknowledging the profound personal suffering and loss they endured. For the survivors this support was of great material significance. Yet, to be eligible, claimants had to comply with a complicated, lengthy, and expensive procedure implemented by the German bureaucracy. On a psychological level, this process involved a re-enactment of the past, fixing a dependency relationship between victims and their former perpetrators. More broadly, it created a reality in which victimhood was codified and commodified, frequently eliciting feelings of dishonour and culpability for claiming compensation. Often, survivors

17 Both documents are in the Israel State Archives, ISA-mfa-UNInterOrg3-000qoow, 207, 256–260.
18 Ran Zwigenberg, *Hiroshima: The Origins of Global Memory Culture* (Cambridge: Cambridge University Press, 2014); Dan Diner, “Memory and Restitution: World War II as a Foundational Event in a Uniting Europe,” in *Restitution and Memory: Material Restoration in Europe*, eds. Dan Diner and Gotthart Wunberg (New York: Berghahn Books, 2007), 9–26.

whose claims were unsuccessful felt envy, and those who did not qualify for compensation under German laws but still considered themselves survivors were even more troubled. This process of turning suffering into damage turned survivors into claimants. The immediate response to this transformation was the suppression and repression of the whole affair. Research indicates that survivors were reluctant to speak publicly about their experiences in the first decade after the Holocaust. However, this does not mean that they did not share their experiences with others.

Indeed, many survivors gave their first detailed testimony in the form of individual compensation claims against Germany. The claims helped survivors to frame their experiences into a meaningful story and shaped the ways in which they remembered "the Holocaust" in ensuing years. Initially, these testimonies were considered to be private matters allied to financial demands which, for obvious reasons, survivor-claimants were reluctant to discuss openly. This changed in the 1960s, with the Eichmann trial and other major tribunals against Holocaust perpetrators. The court proceedings transformed the way in which survivors were perceived, turning them from claimants into witnesses. This transition led to a change in the discourse about their experiences from the damage caused by persecution to their suffering under National Socialism. This shift in discourse is significant and will be discussed further later on.

It quickly became apparent to West Germany that the 1952 German-Jewish settlement provided both moral and economic advantages. However, starting in the 1960s, a new generation of West Germans, who began to scrutinise and question the actions of their parents' generation during the Nazi era, grew increasingly uncomfortable with the concept of *Wiedergutmachung*. As a result, the German-Jewish settlement did not benefit from these cultural and societal shifts and was, at times, perceived as a calculated effort by Germany to lay to rest the dark shadows of its past without fully coming to terms with the grim realities of National Socialism and the Holocaust. Interestingly, even the men who played a key role in negotiating the German-Jewish settlement were seeking to remove the settlement from our collective memory.

At the end of October 1953, a special dinner in honour of Nahum Goldmann was held at the lavish King David Hotel in Jerusalem to celebrate the German-Jewish settlement. All of the who's who of Israeli politics and business at the time rallied to give tribute to Goldmann's remarkable contribution. The main speaker of the evening, David Ben-Gurion, used the occasion to celebrate the German-Jewish settlement as a political achievement without precedent. He said to Goldmann that the latter's outstanding quality was his Jewish universality. Ben-Gurion portrayed Goldmann as neither a German Jew nor an American Jew, "but a Jew with his roots deep in world civilisation and in the Jewish way, firmly linked to everything Jewish". In his reply, Goldmann referred to the German-Jewish settlement as a "moral triumph", admitting that no other single effort in his long political carrier had given him more satisfaction. Years later, he even claimed that Ben-Gurion spoke of the German-Jewish settlement as one of the two miracles that he had witnessed in his lifetime, the other being the creation of the State of Israel. Ben-Gurion presided over the second, while he, Goldmann, had done so over the first. Delineating these two events on the same level of historical significance, as one commentator noted, required a considerable display of personal vanity.[19] On that evening, however, Goldmann stated that he did

19 Nahum Goldmann, *Memories: The Autobiography of Nahum Goldmann* (London: Weidenfeld and Nicolson, 1969), 274. On this comment, see Michael Brecher, *Decisions in Israel's Foreign Policy* (London: Oxford University Press, 1974), 97.

not want to be known solely as "Mr. Shilumim" (Mr. Reparations). At the time, he considered joining Ben-Gurion's government and both he and Ben-Gurion knew that being closely associated with *Shilumim* could have negative consequences in Israeli politics, despite all efforts to present the Luxembourg Agreement as a significant historical turning point.

Felix Shinnar, co-head of the Israeli delegation in the talks with West Germany, warned at the beginning of 1953 against the danger of not taking a clear moral position on the question of German reparations. He feared that moral ambivalence would lead to a situation in which the State of Israel would receive German payments while most Jews still regarded Germans as abominable people. In such a case, Shinnar anticipated, the German-Jewish settlement would become a crime against the Jewish soul, conceived as a cynical act that poisoned the morals of future generations.[20] Shinnar was profoundly aware that Jewish anti-German feelings were beyond reproach. While he and others believed that there were "decent Germans" as well, they did not wish to go down in history as being responsible for evoking such strong resentment from so many Jews due to an agreement with Germany. Consequently, even the individuals colloquially referred to as the "shilumim men" chose to maintain a low profile regarding the matter, preferring it to remain absent from public discourse and scrutiny.

A fascinating dimension of this propensity is that the German-Jewish settlement did not fade into obscurity due to a lack of success or efficacy. Both sides viewed the 1952 agreement as a major accomplishment despite the difficulties. It not only provided tangible benefits to West Germany and the State of Israel, but also offered much-needed financial support to a great many Holocaust survivors. Moreover, in what follows I will advance the argument that the perceived "negative" emotions towards the Agreement transformed the German-Jewish settlement into a potent instrument for fostering relationship-building.

"Negative Emotions" and the German-Jewish Settlement

Research has not afforded much attention to the relationship between the 1952 German-Jewish settlement and the memory of the Holocaust. I propose that an inherent linkage exists between the alienation of the German-Jewish settlement from the study and collective memory of the Holocaust, and its effectiveness as a form of communicative action. According to Jürgen Habermas, when two or more people manage to coordinate their subjective interpretation of a situation and their plan of action by way of mutual agreement, they interact communicatively. For Habermas, coordinated activities established by communication are indispensable for maintaining a functioning social life. Seeing the German-Jewish settlement as an expression of communicative action provides valuable insights into the (dis)placement of the agreement within the history and commemoration of the Holocaust.

The German-Jewish settlement was a result of mutual deliberation that generated close cooperation between Germany, the State of Israel, and Jewish organisations and individuals around the world. These types of coordinated activities were grounded in a mutual understanding of the "immeasurable suffering brought upon the Jews" due to the "unspeakable criminal acts … perpetrated against the Jewish

20 The interview with Shinnar was published in the Israeli newspaper *Ha'Olam Haze*, 16 March 1973, 7.

people during the National-Socialist regime of terror".[21] The development of a shared narrative – at the hub of which stood the notion of Jewish suffering and the sinister nature of National Socialism – comprised a key element with which both sides came to form their collective identities after the Holocaust. For Habermas, however, the possibility of communicative action is grounded in rationality. The history of German-Jewish settlement was marked by practical considerations, pragmatic reasoning, realpolitik, and moral flexibility. That said, diverse political interests significantly contributed to obfuscating the German-Jewish settlement as an open communicative action. Additionally, potent emotions inhibited the perception of the settlement as a positive, transformative event. Underlining the debate over whether Jews should accept German amends was the tension between what was considered the right thing to do and what *felt* morally just. This tension between feeling and doing was never resolved, creating a strong sense of moral or perhaps emotional ambivalence towards the German-Jewish settlement, as Shinnar dreaded. A salient expression of this ambiguousness can be found in Efraim Kishon's (1924–2005) satire. In the midst of the debate over whether German films should be shown in Israel, Kishon published a short dialogue at the end of 1958, in which he admitted that anti-German sentiments made no sense:

maybe, I told an objective fellow citizen, but still I cannot stand German films in Israel. They make me sick.
One moment! The Austrian films too?
They too.
Well, you advocate the idea of nationalism.
No.
Do you know that Herzl spoke in German?
I know.
Is Goethe responsible for the actions of the Nazis?
Not responsible.
Do you admit that there were decent Germans, who sacrificed their lives to save Jews?
I admit it.
Do you know that Germany pays the *shlumim* and personal compensation punctually and fairly?
I know.
West Germany is one of the few countries that supports Israel in the international arena.
True.
We need their help, right?
Definitely need it.
Is it possible to hate an entire people forever?
Impossible.
If so, please tell me now your position on German films.
I cannot stand them. They make me sick.
Where's your logic?
Burned in Auschwitz.[22]

21 From Adenauer's Bundestag speech of 27 September 1951, and the introduction to the 1952 Luxembourg Agreement.
22 Ephraim Kishon, "It Makes no Sense," *Maariv*, 15 December 1958, 4.

When Kishon, himself a Holocaust survivor, wrote these lines, he did not imagine that less than twenty years later he would become the most popular Israeli writer in German-speaking countries. In the 1980s, he moved to a German-speaking canton in Switzerland, dividing his time between Germany, Switzerland, and Israel. How did Kishon come to terms with the tension between his aversion for everything German and the phenomenal success of the German translations of his writing? For some, this might appear as mere opportunism. Yet Kishon framed his fame in Germany and Austria as part of his desire for reckoning. He derived a deep sense of satisfaction from the fact that the people who were reading his books and waiting in line for his autograph could potentially be descendants of SS officers. In an interview at the beginning of the 1990s, he depicted the popularity of his books in Germany as his vengeance upon the Nazi henchmen. Seeing himself as an Israeli writer spending much of his time in German-speaking countries, Kishon conceived his successes there as "an act of conquest over Germans through the Hebrew language".[23] To be sure, the very notion of payback and revenge was inherent to the concept of *Shilumim*, frequently used to dissolve the tension between what seemed just and what felt right. This applied to *Shlumim* as a collective recompense to the State of Israel and the Jewish people as much as it did to survivors seeking personal redress.

So, if I suggested earlier that the German-Jewish settlement comprised a form of communicative action, I would now venture the argument that so-called "negative emotions" and the demand "not-to-forgive" and "not-to-forget" facilitated coordinated activities between Germans and Jews after the Holocaust. Like in Michael Ende's *Neverending Story*, where one can go through the magical No-Key Gate only by not wanting to trespass it, so the German-Jewish settlement facilitated rapprochement without the sides officially admitting or even aiming at relationship-building.

The Israeli philosopher Avishai Margalit's concept of the "politics of dignity" could, I believe, help us to gain better insight into this seemingly contradictive nature of the German-Jewish settlement. Margalit apprehends the politics of dignity not as positive, but rather as negative politics. He argues that this type of politics does not deal with the question of how to promote dignity in every human being by virtue of their being human, but rather it asks how to stop humiliation. According to this, by its very nature, the politics of dignity focusses on what some would conceive as "negative emotions". Underlining this approach is a principal distinction between dignity and honour. Within this framework, dignity is not positional and is inherently designed to be accorded to everybody as a common denominator of being human. Honour, on the other hand, if it is bestowed on everybody, honours nobody. This universal disposition of dignity raises the concern that the mere treatment of human beings as humans has very little positive content.[24] Thus, for Margalit, in order for the politics of dignity to promote respect and reciprocity between human beings, it should prioritise the negative, and convey tangible consequences.

It seems to me that this type of negative dialectics underlined the German-Jewish settlement as the politics of dignity. The demand for redress by Jewish individuals and organisations was not only based on the conviction that all humans deserve to be treated with dignity, but also on the specific experiences of persecution and victimisation suffered by Jews at the hands of the National Socialist regime. At the same time, West Germany's willingness to make reparations was motivated by the desire to restore its honour and reputation on the international stage. Framed as a reaction

23 Yaron London, *Kishon: Biographical dialog* (Tel Aviv: Maariv, 1993), 31.
24 Avishai Margalit, *The Ethics of Memory* (Cambridge, MA: Harvard University Press, 2002), 114–118.

to humiliation, so-called "negative emotions" such as revenge and resentment, shame and guilt, played a significant role in shaping German-Jewish relations following the Holocaust. Yet, while "negative emotions" helped to make the German-Jewish settlement an effective form of communicative action, they also disconnected the agreement from the study and memory of the Holocaust.

The Politics of Not-Forgiving and Not-Forgetting: Looking Back to the Future on the German-Jewish Settlement

One of the main arguments of those opposing the German-Jewish settlement was that it would suppress the memory of the Holocaust and promote the emergence of a new German problem. "The past", noted the philosopher and Holocaust survivor Vladimir Jankélévitch, "needs us to come together expressly to commemorate it because the past needs our memory". Fearing the "irresistible tide of forgetfulness" that would eventually overwhelm and protest against the work of extermination as well as against the oblivion that completed it, Jankélévitch called survivors not to claim compensation. "We don't want your money", he proclaimed, "your Marks horrify us, as does, even more so, your truly German intention of offering them to us."[25] Similar sentiments were expressed by Jankélévitch's contemporary, Jean Améry (1912–1978). In 1966, Améry gave a talk on the *Süddeutscher Rundfunk* (South German Radio) in which he described an encounter he had had in the late 1950s with a south German businessman. During the conversation, the businessman politely asked Améry if he was an "Israelite". The man then tried to convince Améry that there was no longer any race hatred in Germany. "The German people bear no grudge against the Jewish people", he said. As proof, he cited his government's magnanimous policy of reparations. Améry confessed that, in the presence of this man, whose mind was so at ease, he felt as distressed as if he was "Shylock, demanding his pound of flesh".[26] As I mentioned previously, the Iraqi-Israeli poet Ronny Someck more recently gave expression to this uneasiness with the notion of payments for past injustices, delineating such gestures as a "beauty salon of history" that could rehabilitate even a monstrous entity that committed the most horrific atrocities, thereby giving that entity a semblance of respectability. In his 1996 poem *Tractors*, he wrote:

The sons of Doctor Mengele sell tractors
On the road between Munich and Stuttgart,
Whoever buys them will plow the land,
Water a tree,
Paint his roof tiles red,
And during Oktoberfest will watch the band
March in the square like tin soldiers in a shop window.
In the beauty salon of history, they know how to comb a forelock
Even in the hair
Of a monster.

Such disdain notwithstanding – and despite the elaborate, often painful, efforts involved in lodging an indemnification claim – many survivors opted to seek amends from Germany, effectively "voting with their feet". In her recollections,

25 Vladimir Jankélévitch, "Should We Pardon Them?" *Critical Inquiry* 22, no. 3 (1996): 552–572.

26 Jean Améry, "Resentments", here from Jean Améry, *At the Mind's Limit: Contemplations by a Survivor on Auschwitz and its Realities* (Bloomington: Indiana University Press, 1980), 67.

Hadassah Rosensaft, a Holocaust survivor and one of the leaders of the Jewish displaced persons in the British occupation zone of Germany, confessed that initially she and her husband Yossel chose not to seek individual reparations from Germany. They felt that no amount of money could rectify their loss. They were conscious of how accepting such monies might be perceived. However, considering their public position, they were ultimately persuaded to submit a claim, serving as a model to other survivors who were in dire need of this support, thereby encouraging them to also pursue indemnification. Rosensaft then explained that they accepted redress not as compensation for their suffering or to cancel Germany's debt to the Jewish people, but "in the sense that the Germans should pay back at least a part of what they had stolen from us".[27] What is interesting about Rosensaft's comments is the very fact that she felt obliged to explain why she and her husband opted to claim compensation. It is unlikely that forgiveness played any role for those individuals who sought compensation from Germany. These claims were motivated by a strong sense of entitlement, alongside a desire for reckoning and vengeance.

While the survivors' claims were based on narratives of suffering, vulnerability and damage, the official memory culture during the 1950s sought to undermine the passive image of the Holocaust victim, promoting instead the commemoration of Jewish heroism and active resistance in times of extermination. This spirit of empowerment was retained by the Martyrs' and Heroes' Remembrance (Yad Vashem) Law 1953, as the title of the law suggested. Stories about Jewish powerlessness that informed the claiming of personal compensation simply did not coincide with the national effort to create a collective memory of the Holocaust based on ideas of Jewish heroism and perseverance. There was nothing heroic or uplifting about lodging an indemnification claim. Far from it: stories about suffering and distress in this context appeared solipsistic and opportunistic, if not as a mere means to make money. For the socialist-dominated Israeli society of the time, seeking personal indemnification was further conceived as an embodiment of an individualistic, money-oriented state of mind that conflicted with the collectivist ideals of the newly established Jewish polity. Nowhere else was this tension more pronounced than within the Kibbutzim movement, in which many Holocaust survivors were expected to relinquish their right to personal indemnity for the sake of the kibbutz.[28]

In order to reconcile the tension between these narratives, the experience of the individual survivor needed to be liberated from the context of the individual compensation claim and be assigned a national, if not a universal, meaning. The 1962 Eichmann trial presented such an opportunity. Research has indeed acknowledged the political context of this trial, pointing to a desire to unify Israeli society through a collective, all-encompassing, patriotic experience, thereby transforming the Eichmann prosecution into a national catharsis. In addition, the trial was also intended to rectify the historical portrayal of the Zionist leadership and the Mapai party's response to the Holocaust, which had become the subject of intense political attacks during the 1950s. The intention was to reshape narratives and perceptions surrounding Mapai's leadership actions, or lack thereof, during the Holocaust, and to deflect criticisms and allegations of inadequacy or indifference that were prevalent at the time. Finally, bringing one of the most prominent Nazi officials to Jerusalem gave the State of Israel a unique opportunity to shape the global memory of the Holocaust.

27 Hadassah Rosensaft, *Yesterday: My Story* (New York: The Holocaust Survivors' Memoirs Project, 2005), 129.
28 Ofer Borad, *Take the Stolen Money from the Hands of the Killer: The Kibbutz Movement and the Reparations Agreement, the Personal Compensation and the Restitution from Germany* (Ramat Ef'al: Yad Tabenḳin, 2015).

The Eichmann trial helped to suppress the Jewish preoccupation of the time with the question of collaboration, bringing the sinisterness of the perpetrators and the suffering of their Jewish victims to the fore. Facing one of the architects of the "Final Solution" marked the departure from the Martyrs' and Heroes' approach to the Holocaust. Instead, a new memory politics emerged, at the heart of which stood the suffering and the powerlessness of the victims of the Holocaust.

During the Eichmann trial and other tribunals that followed, survivors were called to give evidence against the Nazi perpetrators. This practice relocated their testimonies from the private chamber of lawyers to the public realm of the courtroom, turning the narrative of suffering from a means to obtain personal compensation to hard evidence and part of a collective effort to bring to justice those who had sought to exterminate the Jewish people. The trials marked a dramatic shift in the position of the survivors' testimonies, rendering them witnesses of genocide and their experiences part of a collective memory that was increasingly centred on the calamity of the victim. This new sensitivity towards the suffering of the Jewish victim consolidated feelings of entitlement to individual atonement, and perhaps even alleviated feelings of guilt and shame associated with such claims. On a collective level, the development of what we may call a "communicative Holocaust memory" that denounced the evil of the perpetrators and accentuated the suffering of the victims, helped to validate both the German proclivity to make redress and the Jewish preparedness to accept payments.

To be sure, there were Jewish voices, such as the senior Israeli diplomat Michael Amir (1896–1954), who called for putting the past behind and normalising the relationship with Germany. The British publisher and humanitarian Victor Gollancz (1893–1967) as well as the renowned philosopher Martin Buber (1878–1965) even pleaded for unconditional reconciliation between Jews and Germans. Nonetheless, most Jews rejected the very notion of forgiveness, and the German-Jewish settlement was never conceptualised or presented as part of a formal rapprochement process. Intellectuals like Jean Amréry, Valdimir Jankélévitch, and many others rejected forgiveness not because they believed it would undo past misdeeds, but because they feared that it could make such crimes excusable as if the transgressions had never occurred. They rebelled against the lapse of time, denying it the power of moral and legal absolution.

From our present-day perspective, forgiveness and reconciliation appear superior to harbouring alleged "negative emotions" of anger, resentment, and retribution. In fact, in more recent transnational justice processes, survivors are frequently expected to "move on" and not be "prisoners of the past", traumatised, self-preoccupied, resentful, and vindictive. Moreover, some commentators even speak of a recent surge of groups claims for reparations, as an enactment of "the collapse of the progressive, collectivist ideals of the first post-war decades and the rise of a more fragmented society … increasingly oriented towards the promotion of specific, individual and group rights".[29] The rise of "identity politics" is linked here to the rediscovery of historical injustices, posing new challenges for the universal concept of human rights that seeks to foster solidarity among all individuals regardless of their particular identities. According to this, the universal notion of human rights is imperilled when distinct social and ethnic groups leverage their unique cultural identities, his-

29 Duco Hellema, "The Marketisation of Historical Injustice," in *Facing the Past: Amending Historical Injustices through Instruments of Transitional Justice*, ed. Peter Malcontent (Cambridge: Cambridge University Press, 2016), 43–56, here 50.

torical experiences, and prior sufferings as foundations upon which to construct their demands for justice. Rather than seeking to be accepted as equal members of society, so this reproach goes, they demand recognition and protection based on their distinct sense of belonging. Even if identity politics might underpin the recent surge in group reparation claims, I personally do not perceive why this should obstruct efforts to redress historical wrongs. The intertwining of identity politics and collective historical experiences often acts as a potent driver for social and political change, advocating for justice and reparations that might, in part, alleviate the lingering impacts of historical misdeeds. This perspective appreciates the deep rootedness of historical grievances within the identities of communities and seeks to validate their quests for justice, even amidst the complexities and potential drawbacks inherent in navigating the realm of identity politics.[30]

When reckoning with a troubled past, societies and individuals must establish institutions and take painful decisions that foster forgetting as much as remembering. The German-Jewish settlement comprised a salient example of such a process. It marked the beginning of a new phase in the relationship between Jews and Germans as distinguishable, if not antagonistic, identities. In this context, the past played a crucial role in keeping the two tropes apart. Travelling in West Germany at the end of the 1950s, Améry reported that the Germans no longer had any hard feelings towards the Jews. He was thus concerned that *Wiedergutmachung* would lead to the oblivion of the Nazi past, which, as he noted, was already depicted in Germany as a mere *Betriebsunfall*, that is an operational mishap of German history, in which the broad masses of the German people had no part. But this form of memory did not prevail. Both in Germany, and most certainly in the Jewish world, the past was not ready to pass.

The fear that the German-Jewish settlement would encourage a culture of forgetting and forgiving propelled a collective effort to remember the Holocaust. In this way, a new "expressive order" was forged which, according to the sociologist Erwin Goffman, governs the flow of events, regardless of their magnitude, so that any expression emanating from them is in alignment with one's social persona, or "face", to utilise Goffman's terminology.[31] At the epicentre of this nascent "expressive order" was a profound empathy towards the victims of the Holocaust, which, in certain instances, eclipsed the boundaries separating past and present. This empathy was so intense that it transmuted memory into a virtual space of reckonings, where the victims' resentments and hostility towards Germany persisted, rendering a strange phenomenon similar to Michael Ende's "Herr Tur Tur der Scheinriese". That is, the significance of the Holocaust in public consciousness appears to amplify as time since the event itself passes, rendering memory a perpetually augmenting mirror reflecting the echoes of historical grievances and traumas.

One inevitable outcome of this development was that the controversial German-Jewish settlement was omitted from the history and memory of the Holocaust. Rapprochement was never part of the efforts to come to terms with the Holocaust. We can only speculate on how a more comprehensive and nuanced understanding of the German-Jewish settlement would influence the memory and study of the Holocaust as inherently linked events. A key question in this context is whether reconciliation

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30 Elazar Barkan and Alexander Karn, eds., *Taking Wrongs Seriously: Apologies and Reconciliation* (Stanford: Stanford University Press, 2006); Elazar Barkan, Consantin Goschler, and James E. Waller, eds., Historical Dialogue and the Prevention of Mass Atrocities (London: Routledge, 2020).

31 Ervin Goffman, *The Presentation of Self in Everyday Life* (New York: Knopf Doubleday Publishing Group, 1959).

after the Holocaust is possible. It is equally important to explore the broader ramifications of the German-Jewish settlement in the context of other efforts to rectify historical wrongs. This exploration can shed light on the complexities, challenges, and potential pathways for addressing and reconciling past injustices on a global scale. Indeed, in recent year there is a growing feeling among scholars that the notion of transitional justice is in a crisis. There is a deep sense of dismay with what is seen as protracted and ineffective transitional processes. In addition, some argue that, as a field of study, transitional justice is under-theorised and over-politicised.[32] This is not the place to discuss the complex issue of how societies should address state sponsored mass violence and historical wrongs. It is worth noting that the imprint of the German-Jewish settlement on the process of transitional justice is negligible. Its relevance in discussions on slavery or postcolonial demands for redress and, notably, within contexts of societies grappling with the consequences of expulsions and forced migrations, is minimal. This is most evident in the case of the Israeli-Palestinian conflict. While, to some, these observations might be self-evident, it bears emphasising that scholarship until recently has scarcely probed the manifold connotations of the German-Jewish settlement. By establishing preliminary markers for future inquiries, this article seeks to offer a modest yet meaningful contribution to this principal field of study.

32 Maja Davidovic, "Transform or Perish? The Crisis of Transitional Justice", *Conflict, Security & Development* 20, no. 2 (2020): 293–302. For a broader discussion, see Jacqueline Bhabha, Margareta Matache, and Caroline Elkins, eds., *Time for Reparations: A Global Perspective* (Philadelphia: University of Pennsylvania Press, 2021).

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