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Why Any Memory and Justice Rather than None at All? Comparative Reflections on West Germany after the Holocaust and the United States after the Civil War

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Historians of postwar Germany have written many books documenting the extent of avoidance and silence regarding the Holocaust in postwar West and East Germany. Given the degree of support for the Nazi regime up to its very end, we also ought to ask why any memory and justice, rather than none at all, took place. After all, in a society of seventy million people, the Nazi Party in May 1945 had a membership of eight million. Moreover, despite horrendous amounts of battlefield deaths—1.5 million from January to May 1945 alone—the German armies fought to the very bitter end.¹ Who would have been surprised if memory and justice in West Germany after Nazism had replicated the pattern of the American South after the Civil War or looked more like postwar Japan? In fact, despite very serious shortcomings and failures, memory was more vivid and justice more present in the Occupation era and then over time in the Federal

Republic of Germany than it was in the Jim Crow South as well as in postwar Japan or in Russia after Communism, South Africa after apartheid or Argentina and Chile after the dictators.

The West German tradition of “coming to terms with the Nazi past” was due to conjuncture of the following four factors. First, Allied unconditional victory destroyed the Nazi party and left its ideology of racial supremacy in shambles; second, Allied occupation policies assured that Nazism would not revive and that the truth about the crimes of the Nazi regime would be revealed in extensive postwar trials for war crimes and crimes against humanity; third, the occupying powers also made it possible for the previously defeated anti- and non-Nazi traditions of German politics to reemerge. These reemerging political actors were decisive in founding a postwar tradition of memory for a mixture of pragmatic and ethical reasons; fourth, West Germany’s need to restore good relations with the many countries in Europe that Nazi Germany had invaded, to become a member in good standing of the Western Alliance and to convince the world that a new and different Germany had emerged gave impetus to memory and justice regarding crimes against the Jews. There is no other regime in modern history in which all of these factors existed to foster memory and justice about the past. However inadequate the West German record was, it remains the exception that proves a rule: following most of the episodes of criminal dictatorship, injustice and genocide in Europe and elsewhere, the rule has been even less public memory or trial and punishment than was the case in postwar West Germany.² Indeed, despite its antifascist declarations the ability of East Germany to repress and then marginalize discussion of the Holocaust and to place itself quickly among history’s victims has been more typical than the West German tradition of *Vergangenheitsbewältigung*.

It is useful to begin by recalling some contrasts between America after the Civil War and western Germany after World War II. I will turn soon to the failures and shortcomings but consider for a moment the following. In the year after the defeat of Nazi Germany, Nazi leaders and many second rank figures as well were either on trial, in prison, outside the country or keeping to themselves whatever Nazi views they clung. Between 1945 and 1949 in the three Western zones of occupation, Allied occupation trials found 5,025 people guilty of war crimes and crimes against humanity. 806 others were condemned to death, and 486 of the death sentences were carried out. A few prominent anti-Nazi politicians began to make speeches urging the sullen and bitter nation to reflect on past crimes as path to a better future. By 1947, Kurt Schumacher, the political leader of the Social Democratic Party called for financial restitution for Jewish survivors of Nazi criminality. His conservative counterpart, Konrad Adenauer, offered gloomy retrospectives on how widespread support for National Socialism had been, and the future President of the Federal Republic, Theodor Heuss, urged his fellow citizens to remember the crimes of the past in order to establish a democracy on a foundation of truth.³ In 1951, the West German government agreed to pay financial restitution to the state of Israel and to Jewish survivors around the world. In November 1952, standing at a memorial in Bergen-Belsen, Heuss stood next to Nahum Goldmann, the president of the World Jewish Congress, and reflecting on the crimes of the Nazi era declared that “no one will lift this shame from us.”

As David Blight and others have reminded us, things were different in the United States after the Civil War. In 1865 Walt Whitman articulated a depoliticized memory of the war with appeals for “reconciliation” between North and South that left unmentioned its racial dimensions and the importance of the destruction of slavery. General Robert E. Lee in his farewell to his

troops, assured them that their cause had been righteous. In May 1865, before any trials or reckoning with the realities of slavery had taken place, President Andrew Johnson offered provisions of amnesty and pardon for soldiers who had fought for the South and were willing to take a loyalty oath to the Union. No one was brought to stand trial to face the then unheard of accusation of massive violation of human rights. Though Reconstruction governments tried to insure black political rights, every one of the governors of the Southern states appointed by President Andrew Johnson opposed voting rights for blacks. In 1866 the Ku Klux Klan was founded. One scholar has estimated that the Klan committed four hundred lynchings across the South between 1868 and 1871 alone. It also engaged in “selective political assassinations” that destroyed the Republican Party in the South and made independent black political and economic life impossible.⁴ By 1875, white Democrats in the South had gained in control of all but three Southern states on a program of white supremacy.

Finally, in February 1877, the Congress eliminated funds to support continued federal military presence in the South. The era of attempted Reconstruction and efforts to insure that victory on the battlefield would lead to equality for ex-slaves had been defeated. The “Compromise of 1877” under President Rutherford B. Hayes left the South alone to deal with governance and race relations. In Blight’s words, “a reconciliationist vision mixed with racism stood triumphant, ushering the emancipationist vision of the Civil War into an increasingly blurred past.” Democracy in the Southern states emerged based on a majority of whites that used legal and extra-legal means to disenfranchise blacks. The era of Jim Crow began. The devolution of democracy to the white South coincided with the absence of justice, both for wrongs committed in the past and in the ongoing injustice of the emerging system of legally sanctioned

segregation and denial of political and human rights to blacks. All of this was accompanied by an apologetic and false memory of slavery and of the causes and purposes of the Civil War.⁵

Frederick Douglass's efforts to recall the true meaning of the Civil War found few echoes in the center of the American political establishment. Fifty years after Lincoln's Emancipation Proclamation, President Woodrow Wilson attended a ceremony of reconciliation between soldiers of the North and South and declared the Civil War the "quarrel forgotten."⁶ In 1915, the appearance of D.W. Griffith's *The Birth of a Nation* spread the myths and distortions of racist memory to depict the Civil War as a noble cause on both sides, Reconstruction as directed by crazed radicals and sex-crazed blacks and the Ku Klux Klan as a group of noble heroes defending white Southern women against the threat of rapes by renegade black soldiers. In the decades after the Civil War, Douglass remained the lonely voice of black memory. It took about a century for a truthful account of slavery and the causes of and purposes of the Civil War to enter the mainstream of American scholarship, public consciousness and national memory.

American memory after the Civil War sets a low standard, yet it is one that stimulates these reflections on what did *not* happen in Germany after 1945. The single most important--and I still think taken-for-granted--development that failed to occur was a revival of Nazism as a major element in postwar West German politics. The eight million members of the Nazi Party as of May 1945 did not simply disappear, nor did they change their ideas overnight. But the Allies dissolved the Nazi Party and did not allow any other party advocating anti-Semitism, racism and militarism. The Allies prevented any political leader who might describe the cause of the Third Reich as "righteous" from attaining national prominence in the occupation years. A new variant of Nazi anti-Semitic legislation was not installed, nor was violence against Jews tolerated or

encouraged by government authorities. During the four years of Occupation in the Western zones, the Allied powers balanced a desire for a revival of German politics with a bias in favor of German politicians with clear anti- or at least non-Nazi credentials. Finally, in contrast to the South after slavery, the trials of the four years of occupation presented the basic facts about the criminal actions of the Nazi regime. Thereafter anyone who sought to call them into question was immediately recognized as a Nazi sympathizer and thus consigned either to no or a marginal role in German politics. Many postwar West German politicians were loathe to discuss Nazi era crimes or declared a variety of premature amnesties. Yet after the Nuremberg and successor trials, no one in the mainstream of West German politics denied that such crimes had taken place and were committed by the Nazi regime. Holocaust denial was made a crime. Even the most vigorous challenge to the West German tradition of memory during the *Historikersstreit* of the mid 1980s did not involve claims of Holocaust denial but rather that such crimes were not unique to Germany. Such efforts to diminish or relativize the burden of guilt, however misguided, did not usually extend to disputing the well established facts of Nazi era crimes.

The West German tradition of memory was rooted in indigenous, previously repressed but then revived, political currents, most importantly German Social Democracy. While there were white Southerners who opposed slavery and racism, they were a distinct minority that lacked protection from the continuing terrorism of the Klan. In West Germany, the Social Democratic Party emerged as a plausible candidate for winning a national election. Kurt Schumacher, who was released in poor health from a Nazi concentration camp in 1944, represented “the other Germany” which had always opposed Nazism. He, along with the conservative Konrad Adenauer, were the dominant political figures of the immediate postwar era

until Schumacher's death in 1952. His speeches of the postwar months and years were the beginnings of West German critical reflection on the Nazi past. In a speech to the second National Party Congress of the Social Democratic Party in Nuremberg on June 29, 1947, he became the first of Germany's postwar leaders to publicly support German restitution payments to Jewish survivors. "Comrades, we are astounded to see that today the part of humanity which was most persecuted by the Third Reich receives so little help and understanding from the world outside. I don't want to talk about the political fighters against the Third Reich. Rather, let's talk for once about the part of humanity which, due to the frightfulness of the blows it received, became the symbol of all of the suffering [inflicted by the Nazis.] Let us talk for once about the Jews in Germany and the world." He concluded that it was "the task of the Social Democratic Party in Germany to speak out and to state that the Third Reich made the attempt to exterminate Jewish life in Europe. *The German people are obligated to make restitution and compensation.*"⁷ Fighting anti-Semitism and support for restitution were, he continued, a logical extension of the principle of equality for all. Schumacher's support for restitution, his left-of-center politics, and his emphatic opposition to East German Communism led to an invitation from the American Federation of Labor and the Jewish Labor Committee to speak in New York and San Francisco in 1947. He was the first German politician to be invited to the United States after 1945. In his address to the AFL in San Francisco on October 14, 1947, he said that in light of "the disgraceful and barbaric excesses of the Third Reich" the German Social Democratic Party "declares that *the German people have the duty of making reparations to and compensating the Jewish people.*" The Party demanded punishment of all who participated in the persecutions, prohibition of anti-Semitic propaganda, preservation of human rights for all. He continued that "Social Democracy

opposes racist anti-Semitism with the same determination and relentlessness with which it rejects totalitarianism.”⁸ Where Frederick Douglass had few friends in high places to share his concerns, the tiny Jewish remnant and their allies could point to Schumacher, and other Social Democratic politicians, notably the mayor of West Berlin Ernst Reuter, the leader of the SPD parliamentary faction Carlo Schmid, and a younger, then less well known Willy Brandt.

The second primary founder of West Germany’s traditions of public reckoning with the Nazi past was the liberal journalist, politician and then President of the Federal Republic, Theodor Heuss. The national and international resonance of Heuss’s speeches from 1949 to 1959 stemmed from a peculiar office he occupied in the West German political system, that of the Federal President. Elected by the parliament, not the popular vote, the *Bundespräsident* has no direct political power. Rather the impact of the office lies in the capacity of its occupant to articulate themes, often about moral or political issues that might transcend political party, like the memory of the Nazi past. Heuss seized the opportunity offered by such a pulpit in speeches of the late 1940s to mid 1950s, to urge his fellow West Germans, especially the young generation, to remember the crimes of the Nazi past. In editorials in the *Rhein Neckar-Zeitung* during the occupation era, Heuss called for clear memory of the Nazi past and its crimes and urged his readers to pay close attention to the trials in Nuremberg and elsewhere. He stressed that after 1945 there would be no second “stab in the back legend” as had emerged after World War I, that the Germans had no one to blame for the disaster that had enveloped them but the Nazis and those, including the military leadership, who went along with them. In eloquent speeches at German universities he appealed to students to redefine the meaning of courage and patriotism. Now these terms applied to displaying the courage to face the truth about a criminal past. The

young generation, he said, had a patriotic responsibility to find the truth about the past and convey it. It was not to put the past behind or to forget it. A new democracy had to be based on honest confrontation with past misdeeds.

In November 1952 Heuss participated at a memorial ceremony at Bergen-Belsen with Nahum Goldman. Merely appearing in such a public forum with a leader of a major Jewish organization made a statement. (I don't recall a photo of an American President standing next to Frederick Douglass at a commemorative ceremony to remind the country about the true meaning of the Civil War.) Yet in Bergen-Belsen, Heuss listened as Goldman—a kind of German analogue to Douglass at that moment—recalled in great detail “the millions who found their tragic end in Auschwitz, Treblinka, Dachau and in Warsaw and Vilna and Bialystok and in countless other places.”⁹ Goldmann brought the memory of the Holocaust into a postwar German national commemorative ceremony with unprecedented clarity. While the Germans might want to forget the past, the Jews would not and could not forget. While the East German Communist government was launching a purge of Jews and their non-Jewish supporters, Goldmann broke the constraints of Cold War thinking by pointing to the geography of German crime in what was then “behind the iron curtain” in Eastern Europe. In addressing the particular disaster that was inflicted on the Jews, Goldmann also struck universalist themes. “Hitler,” he said, “did not only exterminate six million Jews. He destroyed six million human beings.” In so doing, his blend of particular and universal, humanist themes was a distinctively German-Jewish statement.

Heuss's speech in Bergen-Belsen became known by its famous refrain, “No one will lift this shame from us.” It was the most extensive public reflection to come from a leading official of the West German government about the crimes of the Nazi era, and was broadcast on radio,

reported in the press and reprinted by the government's press office. "Whoever speaks here as a German," he said, "must have the inner freedom to face the full horror of the crimes that Germans committed here. Whoever would seek to gloss over, make little of, or diminish the depth of these crimes, or even to justify them with reference to any sort of use of so-called reason of state would only be insolent and impudent. Whatever the Germans might do, "the Jews will never forget, they cannot ever forget, what was done to them. The Germans must not and cannot ever forget what human beings from their own people did in these years so rich in shame." He said that an "honorable feeling for one's country" which requires that "everyone place himself or herself in its history" was not composed of comforting myths, efforts to change the subject by pointing to the misdeeds of others or simple denial. The shame for these events would never be lifted above all because the Germans themselves understood that Nazism was a departure from the civilized morality that was also a part of German history. The moral imperative to recall the crimes of the Nazi era was not a burden imposed by occupiers and victors but one that flowed from the better traditions of a once more existing "other Germany."¹⁰

In a speech in Berlin in 1954, Heuss praised the German conspirators who attempted to assassinate Hitler on July 20, 1944, this at a time when there were significant parts of the population who called Stauffenberg and his colleagues traitors. He called them, with Luther's famous pamphlet in mind, "the Christian nobility of the German nation" who, "with full knowledge of the danger to their own lives broke with the state of murderous evil" and sought "to save the fatherland from destruction." He denounced the notion of "unconditional obedience" that led the military leadership to follow Hitler to the end, stressed the importance of individual conscience and thanked the participants in the July 20, 1944 plot for the legacy they left to the

nation. “Their blood washed away from the bespattered German name the shame that Hitler forced upon the Germans.”¹¹

Heuss said these things at a time when many of his fellow West Germans still viewed the conspirators of July 1944 as traitors. In his view, what they did and the memory of their actions created a foundation for a different and better Germany. Pushed too far, this evocation of German resistance could itself become a postwar myth.¹² Yet Heuss had not said that many, certainly not most, Germans had engaged in resistance. Most indeed had not. Hence collective shame was the appropriate emotional and political response. However eloquent, Theodor Heuss was a cautious man. Certainly Frederick Douglass would have been ecstatic to have a leading American national politician in the Heussian mold make blunt speeches about slavery and racism. As *Bundespräsident*, Heuss did not push for a renewal of trials for Nazi era crimes in the decade of the 1950s when memories were fresh, more witnesses were still alive, and unpunished perpetrators were managing to live out their lives in more or less comfortable obscurity. That initiative came from local and state district attorneys.¹³ Instead we remember him as a civilized, eloquent and distinctly minority voice of an era--the Adenauer era--that was marked more by a mixture of financial restitution to survivors, premature amnesty, widespread silence about the past, and the beginnings of semi-sovereign democratic politics as well as a paucity of judicial reckoning.

There is a point of comparison between the South after the Civil War and West Germany after Nazism. It concerns the tension between democratization and justice. If a majority, as in the South, or a critical electoral minority, as in West Germany, was racist or antisemitic, politicians seeking to win elections needed to weigh the demands of electoral success against the claims of

memory of past injustice. The more sovereignty that devolved onto the white majority in the South, the less justice and accurate memory there was. Similarly, the rapid devolution of more sovereignty onto West German voters after 1949 brought with it less justice, less memory, fewer trials and more calls for amnesty and “finally” silence about the Nazi past. Indeed, a clear memory of past injustice in both cases would, to differing degrees, have required a thwarting of majority sentiment in favor of the black minority in the South and in favor of the Jews and other victims of the Nazi regime.

The postwar political career of Konrad Adenauer, the West German Chancellor from 1949 to 1963 illustrated these tensions between democratization, memory and justice. The Nazis drove him out of the Mayor’s office Cologne in 1933. He spent the Nazi years in “inner immigration” supported by wealthy friends and a Catholic monastery. He was briefly arrested by the Gestapo in 1944 but had avoided direct contact with anti-Nazi resistance groups. In his speeches of the occupation era, he delivered devastating judgments of Nazi totalitarianism. He believed Nazism had deep roots in German authoritarian traditions. The Germans had to return to “the West,” to its religious faith, belief in individual rights and to friendship with France, the United States and Britain. His complacent view of Christianity and view of Nazism as a form of atheism and paganism led him to call for a religious revival but also to denounce anti-Semitism. Adenauer was a true conservative, one with a low opinion of much of humanity and a particularly low opinion of the political judgments of his fellow Germans during the Nazi period. The Germans needed to change but change would not happen overnight. Adenauer’s pessimism about the Germans reinforced his inclination to say as little as possible about the crimes of the Nazi era. His focus was firmly on the present and future and on avoiding doing anything that

would cause the voting base of former but hopefully disillusioned Nazis from abandoning the Christian Democratic Union. His own inclinations to put the past behind merged with the desires of these voters. His voters voted for his anti-communism, his support for integration with the West, commitment to traditional middle-class morality and to the mixture of state and market called the social market economy. These were the dominant issues that facilitated one victory after another over the Social Democrats whom he denounced as Marxists and whose commitment to rearmament and the Western Alliance he doubted. Yet some part of his voter base was supporting him because they appreciated his public silence about the recent past, his eagerness to democratize through integration of former Nazis and his opposition to timely trial and punishment of those Nazi perpetrators who had managed to escape notice during the years of Allied occupation. As in the American South, the more sovereignty that was offered to the Federal Republic of Germany in its first years, the less memory and less justice there was.

Adenauer was not alone. As Thomas Schwartz indicated over a decade ago, conservative politicians (unfortunately also including Heuss on occasion) were joined by leaders of the Catholic and Protestant churches in pleading with American High Commissioner John J. McCloy to pardon or offer amnesty to people who had been convicted of war crimes and crimes against humanity by Allied courts after the war. Their pleas for mercy and forgiveness led a disgusted and exasperated McCloy to write that such requests ignored the horrendous crimes of which the defendants had been convicted.¹⁴ As Norbert Frei has recently pointed out, the pressure to grant premature amnesty affected all political parties. In May of 1951, the West German parliament with support from the Social Democrats as well, passed Article 131. It stipulated that 150,000 persons who had been members of the armed forces and civil service at the end of World War II

but had lost their positions during the Allied occupation were again legally entitled to pensions and possible re-employment in their former jobs. The parliament also ended investigations of former Nazis in government bureaucracies and supported rehiring those who had been excluded from jobs in the public sector due to denazification proceedings during the occupation era. Politicians and journalists spoke of “the right to political error” and extended it to former officials of the Nazi regime who were either disillusioned, opportunists or both.¹⁵

The result was a predictable set of scandals. The most long-running among them was the fact that Adenauer insisted on choosing Hans Globke as his Chief of Staff in the Chancellor’s office. Globke was a lawyer, a high ranking official in the Interior Ministry of Nazi Germany and participant in writing parts of the Nuremberg race laws. His presence in close proximity to the Chancellor sent a message to other former Nazi officials that, unless they had been directly involved in the murder, there was a place for them in the new democracy, assuming they would abandon their past views and support the new democratic institutions.

The reintegration of former Nazi official in the Foreign Ministry became a major scandal in 1951. In September of that year, the French High Commissioner reported that 62 of the 100 members of the diplomatic core, the institution which sought to convince foreigners that a new and different Germany had emerged, had received ratings of complicity from denazification courts. Forty-three were former members of the SS, and seventeen were former officials of the *Sicherheitsdienst* or the Gestapo.¹⁶ Faced with a parliamentary investigation led by the Social Democrats, Adenauer argued that the expertise of these former officials of the Third Reich was indispensable for rebuilding the Foreign Office. His Social Democratic opponents pointed out that such compromised persons in these offices damaged West Germany’s efforts to foster trust

and confidence abroad. Adenauer was not swayed. All this sniffing around for Nazis would, he feared, only stoke the fires of nationalist indignation and resentment, foster the emergence of one or more anti-democratic parties to the right of the Christian Democrats, perhaps push Germany out of its much needed anchor in the Western Alliance and frighten the rest of Europe with the specter of a Nazi revival. Again, his fully realistic and pessimistic view of how deeply implicated important segments of German society had been in the Third Reich led him to counsel that it was best not to investigate the past too carefully for surely much would be found that would anger his potential voting base.

During the occupation years, the American occupation authorities carried out extensive surveys that probed German political views. The findings were grim. An OMGUS (Office of Military Government United States) survey of March 1947 summarized the results of surveys of the previous two years as follows: “four in ten Germans are so strongly imbued with anti-Semitism that it is very doubtful that they would object to actions against Jews...Less than two in ten could probably be counted on to resist such behavior.”¹⁷ Richard and Anna Merritt, in their analysis of the OMGUS survey results for the whole four-year occupation period, concluded that roughly 15 percent to 18 percent of the adult population remained unreconstructed Nazis. During the occupation years, between 47 percent and 55 percent of the Germans thought National Socialism was a good idea badly carried out. In March 1948, another American survey indicated in 1946 to 1948, between 55 percent and 65 percent of Germans subscribed to the view that “some races of people are more fit to rule than others.” The Merritts wrote that as of 1947, “it was not difficult to demonstrate the persistence in postwar Germany of perspectives closely associated with National Socialist ideology.” Fifteen percent of respondents in the American

zone were willing to suppress left-wing parties; 18 percent thought a dictator was important for a strong nation; 29 percent favored censorship of publications critical of the government; and 33 percent felt Jews should not have the same rights as others. The analysts thought about one sixth of the population still had explicitly Nazi views. The main finding of the 1947 report was that while most Germans had come to accept democracy, a significant minority was still deeply infused with anti-democratic, authoritarian and anti-Semitic views. As sovereignty devolved to West Germany after 1949, that significant minority was able to vote and influence electoral outcomes. Given that the two major parties could count on almost half the electorate and that the German system was a parliamentary one, the votes of small groups of voters could swing elections one way or the other. In effect, a small group determined to avoid an honest confrontation with the past could make silence about it a price for gaining its vote. This, in fact, is what right-wing voters expected of Adenauer.

It is in this climate of justice delayed and denied as well as Adenauer's silence about the Nazi past that the surprising preeminence of the restitution issue in the early years should be understood. It also reflected the human needs of the survivors of the Holocaust as well as the narrow political limits set on facing the Nazi past in Germany. In the absence of trials and a more thorough housecleaning of compromised elites, it bore more weight of coming to terms with the past than it could or should bear. It was easier for politicians to offer financial restitution than to dispense justice or purge compromised elites. That said, there was considerable resistance even to restitution in Adenauer's own cabinet. The impulse to move on the issue came from the Israeli government. In March 1951 it sent a note to the four occupying powers concerning the moral imperative of restitution from West Germany and East Germany. The approximately 3,000-word

statement recalled the genocide of European Jewry in graphic detail and called for reparations of \$1.5 billion, a figure arrived at based on the cost of resettling 500,000 European emigrants in Israel. The Israeli text asserted that “the establishment of equal status for Germany in the community of nations is unthinkable as long as this fundamental measure of restitution has not been met.”¹⁸ Neither the Soviet Union, the occupying power, nor the East German Communist government responded to the Israeli note. Over the next half century up to its end in 1989, the German Democratic Republic paid not a pfennig in restitution to Jewish survivors or to the state of Israel. On the contrary, it denounced financial restitution by West Germany as a clever capitalist scheme to purchase respectability and divert attention from the supposed persistence of fascism in Bonn.

After lengthy negotiations with the Israelis, Chancellor Adenauer replied in the West German parliament on September 27, 1951. The key passage included language and turns of phrase that captured the distinctive justification of restitution supported by his government.

“The government of the Federal Republic of Germany, and with it the great majority of the German people, are aware of the immeasurable suffering brought to the Jews in Germany and in the occupied territories in the era of National Socialism. In an overwhelming majority, the German people abhorred the crimes committed against the Jews and did not participate in them. During the period of National Socialism there were many Germans, acting on the basis of religious belief, the call of conscience, and shame at the disgrace of Germany’s name, who at their own risk were willing to assist their Jewish fellow citizens. In the name of the German people, however, unspeakable crimes were committed which require moral and material restitution (*Wiedergutmachung*). These crimes concern damage to individuals as well as to Jewish property whose owners are no longer alive. The first steps have been taken on this level. A great deal remains to be done. The government of the Federal Republic of Germany will support the rapid conclusion of a law regarding restitution and its just implementation. A portion of identifiable Jewish property is to be returned. Further restitution will follow.”¹⁹

Adenauer never wavered from this acknowledgment of the burdens placed on West Germany by the crimes of the Nazi past. However, he also never abandoned its troubling circumlocutions and dubious historical assertions. While the vast majority of Germans had not participated in these crimes, it was not clear that this same vast majority “abhorred” them. Most were simply indifferent. During the Nazi period, in fact, there were not “many Germans” who risked their lives to save others. In place of the use of active verbs, proper nouns and names of the by then infamous actual perpetrators, he spoke of “suffering brought” to the Jews in Germany and Europe without specifying who it was who brought it. His use of the phrase “in the name of the German people” suggested that some odd group mistakenly claiming to represent the Germans had been responsible, a circumlocution that differed from his postwar views that National Socialism had spread to broad segments of the German population. Both aspects of this 1951 statement remained enduring features of the mainstream West German conservative mode of facing the Nazi past. It combined frank acknowledgment of the facts of Nazi criminality and acceptance of the burdens they demanded of a successor German government along with efforts to mitigate this burden with a plethora of passive verbs, criminals who went unnamed and a rosy view of what “the vast majority” of Germans had thought about the Nazi regime’s anti-Jewish policies and actions.

During the negotiations over restitution, it was the Social Democratic Party that most emphatically favored the policy. Adenauer’s own party was distinctly unenthusiastic, no one more so than his stingy and right wing Justice Minister, Thomas Dehler. By May 1952, Franz Böhm and Otto Kuster, Adenauer’s negotiators were so angered with the delays that Adenauer was creating in coming to an agreement with Israel that they resigned. Adenauer urged them to

reconsider. They did so if the Chancellor would agree to their terms. He did and on September 10, 1952 the Luxembourg Agreement was signed. Böhm, both in parliament and in the press, was a harsh critic of delays and denial. In January 1955 he spoke with irony about the atmosphere in which the restitution agreement was reached. “No one will admit his guilt for National Socialism, for the Nazi rise to power, or for the terror of the Third Reich.” As no one was guilty of any persecution, “where is it written that persons not guilty of a wrong should make restitution?”²⁰

Adenauer’s arguments in favor of restitution included a mixture of appeals to “the noblest moral obligations of the German people,” and arguments to the Christian Democratic Union leadership that rejection of restitution would be “a foreign policy catastrophe of the first order” which would impair West Germany’s ability to receive foreign credits. “Now as before, the power of the Jews in the economic sphere is extraordinarily strong” so that reconciliation was “an essential requirement for the Federal Republic.” So while declaring himself opposed to anti-Semitism, he sought support from his own party by resorting to a standard myth about Jewish power. In 1952, the political power of Jews in the United States was minor and its impact on whether or not West Germany would be incorporated into the Western Alliance was nil. Yet Adenauer told his fellow Christian Democrats that rejection of restitution might endanger West Germany’s chances to enter the European Defense Community. “Agreement with the Jews is an absolute moral, political, and economic necessity.”²¹ Restitution, he argued, was the price to be paid for West German entry into the Western Alliance.

On March 18, 1953 the West German parliament ratified the Luxembourg restitution agreement. It’s strongest support came from the Social Democrats, who unanimously voted in

favor. Adenauer's 106 of the CDU-CSU (Christian Social Union)-FDP (Free Democrats) voted yes. The only no votes came from the 13 members of the German Communist Party. Eighty-six members from the CSU, FDP and German Party (*Deutsche Partei*) voted to abstain. From 1953 to 1965, West Germany delivered to Israel goods such as ships, machine tools, trains, autos and infrastructure assistance which amounted to between 10 and 15 percent of Israeli imports.

Financial restitution to Jewish survivors in Israel and around the world totaled 124 billion marks by 1995.

Adenauer's political accomplishments were considerable. West Germany was, in fact, integrated into the Western alliance. Adenauer, who was 69 when he became West German Chancellor in 1949, had not fundamentally changed the views he had held when he was mayor of Cologne in the 1920s. Yet the changes in the world around him brought him, and his Western-oriented conservatism, from the periphery of German conservatism to its center. Adenauer's ascendancy brought with it the preeminence for the first time in modern German history of a conservatism no longer antagonistic to France, Britain and the United States, and the despised "West" denounced by the anti-democratic right after World War I. His West German conservatism rejected nationalism and militarism and embraced liberal democracy. His firm rejection of anti-Semitism and support for restitution was also a break with past conservative prejudices. All of this was made easier by the Cold War and the preeminence of anticommunism over efforts to focus on the Nazi past. West integration was a profoundly ambivalent process, bringing with it a more worldly understanding of the democracies, including the United States. It was also an opening to focus attention on the Communist dictatorships in Moscow and Eastern Europe. While Schumacher and his Social Democratic successors managed to focus both on the

Nazi crimes of the past as well as the oppression of the Communist regimes, it was always a difficult balancing act. If the West German voters were most afraid of the Communists, they gave their votes to the parties in which anticommunism as well as a desire to put the past behind were most pronounced, that is the conservative parties. In this fierce opposition to the Soviet Union, it would not be surprising if West Germans detected some echoes of the mentality of the Nazi years. Adenauer's anticommunism had nothing to do with Hitler's, but for voters in the 1950s looking at election posters showing the red menace facing German womanhood, this may have been a fine distinction.

In West Germany in the 1950s, full employment and economic recovery diminished the appeal of the paranoid conspiracy theories of Nazi era anti-Semitism. Ironically it was in the Communist bloc that conspiratorial thinking and paranoia made a big comeback. Time does not permit a full discussion of the Communist "anti-cosmopolitan campaign" of 1952-53, yet it is important to note that it associated efforts to recall the Holocaust or offer restitution to Jewish survivors with a plot to destroy Communism in Europe waged by international capitalism, American imperialism, wealthy Jews and the state of Israel. Amazingly, the campaign repeated elements of the propaganda of wartime Nazism, according to which a vast international Jewish conspiracy was threatening to exterminate Germany and the Germans.²²

As a result of this repression, by winter 1952-53, the Jewish leaders and their allies in East Germany who had hoped the Communists would continue wartime solidarity were either in jail or had fled to the West. This East German episode was one of bizarre and striking continuity of traditional European anti-Semitism repackaged in Marxist-Leninist terms. This kind of anti-Semitism, paranoid, conspiratorial, state-sponsored, threatening, was not a component of West

German government and politics. This is another, perhaps a bit taken for granted, discontinuity in the transition from the Nazi era to that of the Federal Republic.

As is well known, West German memory and discussion of the Holocaust and the crimes of the Nazi era has expanded greatly since the 1960s. With the implementation of Brandt's *neue Ostpolitik*, the Federal Republic had to confront the memory of Nazi Germany's racist war of extermination on the Eastern Front. Reconciliation with France was relatively easy. The Nazis killed comparatively few French citizens. The severity of the German occupation of France paled in comparison to Nazi racist occupation policies in Eastern Europe and the Soviet Union. Diplomatic recognition and with Poland, the other countries of Eastern Europe as well as the Soviet Union was different. Here, foreign policy demands required a more frank acknowledgment of what Willy Brandt called "the hell" on earth that Nazi Germany had inflicted on the peoples of Eastern Front. Brandt's now-famous gesture of falling to his knees in 1970 at the memorial to the Jews of the Warsaw Ghetto captured what Heuss had in mind almost two decades previously: the meaning of honor and patriotism for an important component of the West German establishment was now inseparable from an attempt at an honest confrontation with the Second World War and the Holocaust. It was both the morally right thing to do and morality, in this case, was reinforced by the desire for a successful policy toward Eastern Europe.

So much has been written about Bitburg, the *Historikersstreit* and Richard von Weizsäcker's speech of May 8, 1985 that I mention them here only to point out that the most important effort to bring about a reconciliation between Americans and West Germans since 1945 that rested on an effort to assume that even SS members had been victims of Nazism was an abysmal failure. Helmut Kohl, who went on to be a strong supporter of the memorial in Berlin

to the murdered Jews of Europe, erred in thinking reconciliation could take place by symbolically assuming that the close relations between the United States and West Germany during the Cold War meant that an American President should honor the graves of veterans of the German army in World War II. Such a reconciliation was not to be. By 1985, the memory of the Holocaust had become too much part of West German political culture, too much part of the process by which the society had turned away from the Nazi past to be displaced by the conservative euphoria that followed in the wake of victory in the battle of the euromissiles in 1983. Moreover, and again contrary to expectations, Western victory in the Cold War and the end of East Germany and Communism in Europe did not lead to “at last” to silence about the crimes of the Nazi era. Instead, the fiftieth anniversary of the end of World War II witnessed an ongoing debate about the memory of the Holocaust. In 1999 the Bundestag overwhelmingly voted to build a memorial to the murdered Jews of Europe in the new capital city, Berlin. In the spring of 2005, the open wound of the Holocaust became a permanent fixture of the landscape of the government district.

Conclusion

In a comparative history of memory following injustice and mass murder, the American experience is remarkable for how little of value was learned and how little was done to advance the cause for which the Civil War was fought. It is the most significant case in modern history of myth-making and distortion of the past. Perhaps this has as much to do with a general acceptance of racism directed at blacks in Europe and the United States in the 19th century as well as the absence in the American “solid south” of alternatives to the dominant white racist consensus. If

we place the United States after 1865 in global perspective, we look in vain for any outside pressure in favor of the memory Frederick Douglass hoped for. America's geographical and political isolation from world affairs meant that no foreign power was making a confrontation with the racist past a precondition of diplomatic ties with the United States. In contrast to West Germany after 1949, the United States after the Civil War experienced no international pressure to deal with its racist past or end legally sanctioned inequality in the South. Indeed, in all of the cases of unjust or criminal regimes in modern history that were brought down by civil war or through domestic upheaval without foreign intervention, the forces of the old order have proven powerful enough to postpone or delay a reckoning that compares with the Allied occupations of Germany and Japan after World War II.

In West Germany, for all the shortcomings of the Adenauer era, nothing like the levels of reconstituted racism and Jim Crow in the American South emerged. The tradition-bound Communists did recycle anti-Semitic arguments, but as critical as one ought to be of the second German dictatorship, its legitimacy did not rest on anti-Semitism nearly as much as the political success of the Democratic Party in the post Civil War South rested on white supremacy. German unification, embedded as it was in international agreements and with a unified nation still in the Western alliance, did not usher in "at last" a new era of amnesia or selective memory. Yes, there was a flurry of nationalist sentiment and a renewed willingness to talk about German suffering during World War II, but the memory of the Holocaust remained a constitutive element for the political establishment. The Social Democratic-Green coalition passed legislation which eliminated the racial dimensions of German citizenship law. When all is said and done, Germany is the only country in the world that has built a monument to recall the most horrific crimes

committed by a German government and has placed that memorial in plain sight of the millions of tourists and citizens who visit the major government buildings in the capital city. The contrast between Germany a half century after the Holocaust and the United States in 1915 is a glaring one.

If Germany and the United States after the Civil War are a kind of limit cases on the continuum, then the messy, unsatisfactory fits and starts to get at the truth that one finds in Argentina, Chile, Poland, the Czech Republic South Africa, and perhaps now post-Saddam Iraq are more typical. Most dictatorships do not end as the Nazi regime did, with total defeat, the destruction of the previous regime and four years of foreign occupation. Most wars end and most dictatorships fall in far less total ways than the end of World War II in Europe. The norm in modern history is some midpoint between the racist resurgence of the American South and the *comparatively* extensive confrontation with the Nazi past in West Germany. West German distinctiveness emerged from a conjuncture that has not been repeated. The conjuncture was composed of the consequences of total defeat and harsh occupation, the presence of previously existing anti-Nazi and pro-democratic traditions, and the belief on the part of West German leaders that, like it or not, the ability of the country to be reintegrated into European and world politics demanded some minimal gestures towards confronting Nazi-era criminality. In the American South, the occupation was not harsh and was quickly undone. Anti-racist traditions were feeble. American political leaders in the half century before World War I did not face any consequential criticism from abroad that bothered them about our country's legacies of slavery and racism.

Yet, as the West German example illustrates, even when all the conditions exist for a greater confrontation with a criminal past, the interests of those who have much to hide can prevent or postpone an honest public and judicial reckoning. As the cases of Japan, post-fascist Italy, Argentina, Chile, South Africa, Russia and Eastern after Communism, Serbia and Croatia after the Balkan wars, and Iraq after the regime of Saddam Hussein indicate, the norm of memory after injustice is one of avoidance, delay and myth. The power of the old order lives on, especially when the regime has not been overthrown from without. West Germany possessed all of the factors that make for clear and vivid memory and judicial reckoning. That it fell as far short as it did recalls a truth about modern dictatorships which is as important as it is often neglected: they leave behind in their wake significant numbers of people with a strong interest in preventing clear memory and historical truth from seeing the light of day. When one compares the debacle of American Reconstruction with the Allied occupation of Germany from 1945 to 1949, the importance of the difference in the measures taken in those four oft-criticized years is clear. The Allied occupation of Germany was essential for presenting important beginnings of an accurate picture of the criminal past and this presentation was crucial for the emergence, identity and stability of West German democracy. Had the Allied occupation of Germany been as feckless as Andrew Johnson's disastrous policies towards the South, perhaps there would have been far more talk of Nazism's lost cause and hints that the Jews would pay for the damage the Nazis said they inflicted on Germany. Had the Allied occupation continued past 1949, the reckoning with the past might have continued. As lacking the Adenauer era was in confrontations with the Nazi past and as great the number of persons with blood on their hands

who managed to elude justice, West Germany's memory of the Nazi era in the half-century after 1945 remains unique in international, comparative perspective.²³

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1. On German battlefield losses see Rüdiger Övermann, *Deutsche militärische Verluste im zweiten Weltkrieg* (Munich: R. Oldenbourg, 1999)
 2. See Jeffrey Herf, "Multiple Restorations vs. the Solid South: Continuities and Discontinuities in Germany after 1945 and the American South after 1865," and other essays in Norbert Finzsch and Jürgen Martschukat, eds. *Different Restorations: Reconstruction and "Wiederaufbau" in the United States and Germany: 1865-1945-1989* (Providence, R.I.: Berghahn Books, 1996), pp. 48-86. Also see Wolfgang Schivelbusch, *The Culture of Defeat: On National Trauma, Mourning and Recovery* (New York: Metropolitan Books, 2001).
 3. See Jeffrey Herf, *Divided Memory: The Nazi Past in the Two Germanys* (Cambridge, Mass.: Harvard University Press, 1997), pp. 201-267.
 4. David Blight, *Race and Reunion: The Civil War in American Memory* (Cambridge, Mass: Harvard University Press, 2001), pp. 22-23, 38-39, 44-45, 112-114,
 5. *Ibid.*, pp. 131 and 138.
 6. *Ibid.*, pp. 395, 6-12, 384-385.
 7. Cited in Herf, *Divided Memory*, p. 253. Also see Kurt Schumacher, "29.6.1947: Grundsatzreferat Schumachers auf dem Nürnberger Parteitag der SPD: 'Deutschland und Europa,'" in Willy Albrecht, *Kurt Schumacher: Reden-Schriften-Korrespondenzen, 1945-1952* (Berlin: J.H.W. Dietz, 1985), p. 508-509.
 8. Cited in Herf, *Divided Memory*, p. 259. Also see Kurt Schumacher, "14.10.1947: Rede Schumachers auf dem Jahreskongreß der AFL in San Francisco," in Albrecht, *Kurt Schumacher*, p. 562.
 9. Nahum Goldmann, cited by Herf, *Divided Memory*, pp. 318-319; also Nahum Goldmann, speech at Bergen-Belsen, November 30, 1952, Bundesarchiv Koblenz, NL Theodor Heuss B122 2082, p. 1.
 10. Theodor Heuss, cited by Herf, *Divided Memory*, pp. 321-325; Theodor Heuss, "Dies Scham nimmt uns niemand ab!" *Bulletin des Presse-und Informationsamtes der Bundesregierung*, December 2, 1942, pp. 1655-56.
 11. Cited by Herf, *Divided Memory*, p. 328; Theodor Heuss, "Vom Recht zum Widerstand-Dank und Bekenntnis," in Martin Vogt, ed., *theodor Heuss: Politiker und Publizist* (Tübingen: Wunderlich, 1984), pp. 430-441.
 12. On this see Tony Judt, Jan Gross and Istvan Deak, eds. *The Politics of Retribution in Europe: World War II and its Aftermath* (Princeton: Princeton University Press, 2000).
 13. See Rebecca Wittmann, *Beyond Justice: The Auschwitz Trial* (Cambridge, Mass: Harvard University Press, 2005).
 14. Thomas Schwartz, *America's Germany: John J. McCloy and the Federal Republic of Germany* (Cambridge, Mass.: Harvard University Press, 1991).
 15. On these issues see Norbert Frei, *Adenauer's Germany and the Nazi Past*, pp. 69-100; and Jörg Friedrich, *Die kalte Amnestie: NS Täter in der Bundesrepublik* (Frankfurt am Main: Fischer Taschenbuch Verlag, 1984), pp. 272-281.
 16. See Herf, *Divided Memory*, pp. 291-292. Also see Hans-Jürgen Döscher, *Verschworene Gesellschaft. Das Auswärtige Amt unter Adenauer zwischen Neubeginn und Kontinuität* (Berlin: Akademie Verlag, 1995); and Ulrich Brochhagen, *Nach Nürnberg. Vergangenheitsbewältigung und Westintegration in der Ära Adenauer* (Hamburg: Junius, 1994).
 17. OMGUS, "Opinion Survey Section, Report no. 49 (March 3, 1947), NARA rg. 260, 5/233-3/5, cited by Frank Stern, *Im Anfang war Auschwitz: Antisemitismus und Philosemitismus im deutschen Nachkrieg* (Göttingen: Bleicher Verlag, 1991), p. 126.
 18. Cited by Herf, *Divided Memory*, p. 281.

19. Cited by Herf, *Divided Memory*, p. 282.

20. *Ibid.*, p. 285.

21. Konrad Adenauer, "6. September 1952: Ansprach vor dem Bundesparteiausschuß der CDU in Bonn (*Bundeshaus*)," in Schwarz, *Konrad Adenauer: Reden*, pp. 266-267.

22. Forthcoming, Jeffrey Herf, *The Jewish Enemy: Nazi Propaganda during World War II and the Holocaust* (Cambridge, Mass.: Harvard University Press, 2006). Also see Jeffrey Herf, "'The Jewish War': Goebbels and the Antisemitic Campaigns of the Nazi Propaganda Ministry," *Holocaust and Genocide Studies*, vol. 19, No. 1, Spring 2005, pp. 51-80.

23. An additional issue goes beyond this paper, namely the status of international norms, organizations and law regarding memory and justice state sponsored crime. It is apparent though that the international society of the mid-nineteenth century was not inclined to put pressure on the United States after 1865. The occupations of Germany and Japan and the postwar trials were a turning point in this regard. There is a history of international politics, norms, law and organizations which also needs to be taken into account.