

Redefining Reparations

Wassenaar 1952 and the Global Politics
of Repair

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Introduction

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Introduction

Wassenaar, 1952: Redefining Reparations

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Figure 0.1 Kasteel Oud-Wassenaar, where the negotiations between West German, Israeli, and Claims Conference representatives took place in 1952. Credit: Digitaal Fotoarchief Gemeente Wassenaar, Phototechnical Service Police Wassenaar, N. 02271.

To the unsuspecting guests of the *Kasteel Oud-Wassenaar* luxury hotel, the morning of Friday March 21, 1952, seemed like any other. The “old countesses and a few honeymooners”¹ strolling around the grounds of the villa did not realize that the men they saw in the park outside the hotel, or the ones seemingly casually reading the newspaper in the lobby, were in fact plainclothes policemen. Nor did they know that the premises of the villa, including the

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extensive, leafy garden grounds, were being carefully monitored.² That morning, representatives of the State of Israel, the Claims Conference,³ and of the Federal Republic of Germany were going to meet in official capacity to start a kind of dialogue that had no historical precedent – the first international meeting ever to negotiate reparation, compensation, and indemnification measures in the aftermath of mass human rights violations and genocide – the Holocaust.⁴ “We [the negotiators] were not permitted to go out [of the villa] except under the protection of the Dutch secret service”, negotiator Maurice Boukstein later recalled.⁵

The gathering of March 21, 1952, in Wassenaar was to be the first official meeting between state (German, Israeli) and non-state (Claims Conference) actors seeking redress for a transnational group of victims and survivors to be held in the aftermath of the Holocaust.⁶ For both the morning and afternoon sessions, the Germans had agreed that they would await the Israeli and Claims Conference delegations in the room designated for the negotiations: a narrow and elongated room located on the first floor of the villa. Israeli and Claims Conference representatives would find the German representatives waiting for them inside as they walked into the room. It was deemed important that the men entering the room could keep distance without coming too close to each other. The physical remove, the real and symbolic distance between the Germans and those sitting opposite to them at the negotiating table was to be felt and maintained at all times.⁷ No contact outside the formal negotiations was allowed. There were going to be no handshakes. And it was also agreed that, in the morning session, the Israelis would be the ones to enter the room last, but to speak first. It was they who would officially open the negotiations – and start a round of talks that many back home found fundamentally unacceptable and unfathomable.⁸

It was not at all self-evident at that time that the negotiations would proceed in relative safety, nor that they would conclude with the signing of an agreement that to the present day is considered to be “the historical referent for most reparation programs”, in the words of the former United Nations Special Rapporteur on Truth, Justice, and Reparations, Pablo De Greiff.⁹ In the immediate post-war, post-Holocaust period, very little suggested that Germany would eventually become a, or *the*, “model” regarding reparations that it is often considered to be today. It is worth recalling that in Germany around that time the majority of those asked about their opinion on whether the country should pay reparations to Israel and to the Jewish victims of National Socialism responded negatively.¹⁰ Furthermore, the prospect of holding direct negotiations with Germany had been met with widespread protests in Israel.

Just a few weeks before the beginning of the negotiations, violent demonstrations had ground the proceedings of the *Knesset* (the Israeli parliament) to a halt as Israeli MPs inside were discussing the possibility of entering into direct negotiations with the Germans on compensation and reparation measures in the aftermath of the Holocaust. Many in the Arab world, for vastly different reasons, were also deeply concerned about the upcoming talks and

their possible consequences. Egyptian diplomat Mohamed Ali Sadek Bey, for one, rushed to the office of German Ambassador Karl Du Mont in The Hague on the first working day after the beginning of the negotiations. He stressed that the Arab League, representing the interests of the Palestinians who had fled their homes in the wake of the 1948/1949 Arab-Israeli War, had every intention of becoming a partial recipient of any reparation sum that was going to be agreed upon between Germany and Israel.¹¹

Initially scheduled to last only one month, the negotiations ended up taking five times longer than anticipated.¹² After overcoming important differences between the negotiating parties, which brought the negotiations to a breaking point just a few weeks after they had started, they eventually concluded with the signing of an agreement between the Federal Republic of Germany and Israel on September 10, 1952, in Luxembourg – which consequently is today known as the Luxembourg Agreement.¹³

“Whereas unspeakable criminal acts were perpetrated against the Jewish people during the National-Socialist régime of terror”, the text of the agreement begins. By signing it, Germany committed to paying Israel a total of three billion German marks over twelve years (amounting to about \$7 billion today).¹⁴ The agreement stipulated that reparations to Israel were to be paid as goods in kind, in the form of commodities including ferrous and nonferrous metals, as well as steel, chemical and agricultural products. It also allocated an additional 450 million German marks to the Claims Conference for disbursement to individuals. The first protocol appended to the agreement, which formed an integral part thereof, pointed to the need to implement measures aimed at the “improvement of the existing legislation” on restitution and compensation in the territory of the Federal Republic.¹⁵

The final amount of the agreement with Israel had been stipulated on the basis of a commitment to meeting the costs necessary to resettle survivors. This was the result of a deliberate and tactical political framing, which in part intended to avoid the always inappropriate reference to payable costs associated with the lives of those murdered in the Holocaust – to avoid, in short, the “blood money” accusation, which was prominent in Israel and beyond among those who opposed the talks at that time.¹⁶ Connecting the question of reparations to the costs of resettling refugees also allowed the Israeli delegation to refer to the sums that the German government had allocated to the costs of resettling German refugees from the East (the *Heimatvertriebene*).¹⁷

Those negotiations were followed by more rounds of talks and negotiations over reparations, compensation, and restitution measures in the aftermath of the Holocaust. Yet, at that time, their outcome remained up for debate up to the last days. Nor did it end there. Instead, “negotiating after negotiations” on reparations with victim representatives became a recurrent feature of contemporary German political history.¹⁸ Over the years, the *Bundestag*, West Germany’s parliament, gradually passed successive laws widening the scope of who could be considered eligible for reparation, restitution, and compensation measures.¹⁹ Seven decades after the signing of the Luxembourg Agreement, in

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2022 alone, the Claims Conference managed to distribute direct compensation to over 260,000 Holocaust survivors across 83 countries.²⁰ While the original agreement foresaw that reparation payments would last for 12 years, the measures have been gradually expanded. To the degree that, since 1952, the Federal Republic of Germany has distributed over 77.8 billion euros to compensate for crimes perpetrated under the National Socialist dictatorship, in what is the world's largest and longest lasting reparations program.²¹ This volume seeks to re-examine that program in novel ways.

Redefining Reparations

Redefining Reparations highlights that the emergence of different ways of understanding reparative measures after the Holocaust was an open, dynamic, and contested process – one that still echoes, in different ways, around the world today. The volume includes contributions from both established and emerging scholars from different fields, including history, rhetoric, transitional justice, political science, anthropology, and law, as they trace the emergence of varying ways to conceptualize and implement reparative measures in the aftermath of the Holocaust, as well as their later resonance – in both positive and negative terms – across time and space.

Crucial to our analysis are three key elements. First, questions of actorness and agency, which are necessary to understanding the perspectives of those who redefined reparation, restitution, and compensation in the aftermath of the Holocaust. Second, issues pertaining to whether and how these translated into new meanings and practices in relation to existing legal and political categories. Third, from a broader perspective, the analysis of what impact such redefinitions have had across time and space. These three themes – actors and agency, meanings and practices, echoes and resonances – form the core parts of this volume. They are addressed by scholars across a variety of perspectives, who trace the gradual, open, and contested emergence of new and different ways to conceptualize repair in the aftermath of genocide.

The volume's chronological scope encompasses the decades that preceded 1952, because the political and legal discussions that led to those negotiations predated the post-war period.²² Later decades feature too, because a further objective of this volume is to question why, and how, groups across a variety of geographical and political standpoints have referred to the 1952 negotiations and agreement as a significant precedent when making their own case(s) for reparations. While ambitious, such a multi- and interdisciplinary scope is crucial to reflect, and encourage exchange between, diverse bodies of scholarship that have engaged with the history, politics, and legacy of those negotiations over the past seven decades.

Notwithstanding all their different registers and angles, all the contributors to this volume agree that the Wassenaar negotiations were a fundamental, if fraught, turning point in the history of German-Jewish-Israeli relations after the Holocaust. And that they paved the way for different modes of thinking

about reparations in the wake of genocide and gross human rights abuse, contributing to a way of understanding repair in the wake of mass victimization that combined pre- and post-war ideas and practices concerning restitution, compensation, indemnification, and reparations.²³

Wassenaar features in the title of this book as the often-forgotten location of those negotiations, in the spring of 1952. Yet, the term also encompasses and symbolizes at least two key features of those negotiations – their high level of vulnerability and their open-endedness. Reckoning with these two aspects helps to avoid a facile teleological reading of the negotiations and their aftermath. Significantly, Wassenaar had not been the original choice of venue.²⁴ Rather, it became the location of those talks because of “matters of security”, after it became clear that holding the negotiations in Brussels, which had originally been considered as the possible location of the negotiations, was going to be too risky.²⁵ Beyond the specific point of the exact location of the negotiations, however, their being conducted with the understanding that the safety of the negotiations was in jeopardy is an important element of this history. Two letter bombs, sent shortly after the talks had begun both to the negotiators in the Netherlands and to the German Chancellor in Germany, as well as other incidents outlined by Gideon Reuveni in his contribution to this volume, sent a strong message. They underscored that the security precautions in place were not just the result of paranoia – rather, they were grounded in a sound understanding of the tensions surrounding the negotiations, from a variety of angles.²⁶

Yet Wassenaar in this volume also symbolizes the open-ended nature of those negotiations.²⁷ On the day when the negotiators first sat at opposite sides of the table on the first floor of the villa, nobody could know for sure how the talks were going to go, and what kind of agreements – if any – they would result in. As the Israeli head of the negotiation Giora Josephthal put it in a letter to his wife, written after the first week of the negotiations: “There is no way of knowing what will result from this”.²⁸

What Reparations?

This volume focuses on several fundamental questions: What was new about the negotiations that took place in Wassenaar? To what extent did the Wassenaar negotiations deviate from existing practices and norms related to the field of reparations after conflicts and mass violence? How did the principles and practices developed at Wassenaar influence subsequent attempts to deal with the consequences of gross human rights violations at the discursive, legal, and institutional levels? And, more broadly: Should Wassenaar be seen as a precursor to later reparation programs for victims of gross human rights violations?

By the time the 1952 negotiations began, reparations had long been a feature of post-conflict arrangements. Traditionally, reparations for war damage or civilian harm had been negotiated at the end of wars between the victors, who would make demands, and the vanquished, who were left with no choice

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but to pay them. Examples from the ancient world vary widely, but they consistently point to the existence of monetary or equivalent arrangements that would sanction the end of the hostilities and the transition to peace.²⁹

Writing between 27 and 9 BCE, Roman historian Livy in his *Ab Urbe Condita* mentioned the heavy payments that Rome imposed on Carthage in the wake of the First and Second Punic Wars.³⁰ “Carthaginian Peace” was also the metaphor that British economist John Maynard Keynes later used to describe the payments imposed on Germany with the Treaty of Versailles, “for causing all the loss and damage” resulting from the First World War.³¹ That treaty, in fact, based the claim for German reparations on German “war guilt”³² rather than on the right of the victor, as had previously been the case. The Versailles peace treaty was also innovative in how it included the question of civilian damages in explicit terms and considered civilians injured parties.³³ But the terms of the Treaty of Versailles were perceived as an utter injustice in Germany at that time. And they were going to haunt the German collective memory about the negative consequences of paying reparations for a long time to come.

The reparations negotiated in Wassenaar were of a very different kind, however.³⁴ Some of the aspects that rendered those talks markedly different from earlier reparations negotiations are frequently emphasized and still deserve repeating here.³⁵ First, the agreement that resulted from the negotiations was signed by the representatives of two states that had not existed at the time when the atrocities took place – the Federal Republic of Germany, officially established in 1949, and Israel, which declared its independence in May 1948. Second, the fact that representatives of a non-governmental organization and of a national entity – the Claims Conference and Israel, respectively – negotiated with the representatives of the Federal Republic of Germany, was unprecedented. For the first time, in Wassenaar state actors negotiated alongside non-state actors seeking redress for a transnational group of victims and survivors. Third, in contrast with what had happened at Versailles, the Federal Republic of Germany was not held legally responsible to pay. Germany’s presence at the negotiating table did not arise out of a legal obligation; it was a choice, dictated by political will.

For the fundamental development of ideas, norms, and practices concerning reparations, however, another aspect is perhaps even more significant: For the first time, it was not the victor of a military conflict who sat opposite the loser. Rather, representatives of the victims and survivors of a genocide sat opposite the representatives of the perpetrators. This aspect, which refers to the specific situation of the Federal Republic of Germany at the beginning of the 1950s, is often neglected. The fact that Germany was both the instigator, and the loser, of a world war was undoubtedly an important condition for these negotiations to take place in the first place. But the setting at Wassenaar was also fundamentally different from that of previous post-war reparation negotiations.

Crucially, the Wassenaar negotiations did not take place in a vacuum.³⁶ The London Debt Conference was taking place at roughly the same time to

negotiate the total amount of Germany's external debt it had accumulated leading up to the Second World War and in its aftermath.³⁷ The fact that the Federal Republic of Germany, as the self-proclaimed legal successor to the German Reich, had to negotiate simultaneously with numerous other states about war reparations as well as commercial debts was both an advantage and a disadvantage for the Wassenaar negotiations. On the one hand, the Federal Republic found itself in an undisputed debtor position. On the other hand, the Jewish claims thus competed with numerous other claims. In this context, the recognition of the uniqueness of the damage suffered by the Jewish people was less self-evident in the early 1950s than it may seem to us today. "Contrary to conventional wisdom", as human rights historian Samuel Moyn has stated, "there was no widespread Holocaust consciousness in the postwar era".³⁸

As specialists know well, there were different terms to refer to the subject and result of the negotiations in 1952 – and their meaning differed in different languages. This, too, matters if one is to understand what kind of redefinition(s) of reparations took place at, and after, Wassenaar. The German side soon started referring to the subject of the talk as *Wiedergutmachung* – a word composed of three words, in fact, whose literal meaning reveals an ambition to "make good again" – one that has repeatedly been attacked as offensive and inappropriate. "I never liked the word *Wiedergutmachung*", Holocaust survivor Hans Frankenthal put it, expressing the feelings of many.³⁹ But the word was not new. It had long and traditionally signified paying back for debt and, among others, it had been the term used also in the official German translation in the Versailles Peace Treaty.⁴⁰ By contrast, the Israeli delegation used a Hebrew word – *Shilumim* – that did not have any connotations of making good again. As for English – the language used by the Claims Conference delegates and also by the Israelis, at least when the negotiations first began – the word "reparations" was soon discarded. In March 1951, in their (second) memorandum on the topic, Israel's note stated that "a crime of such vast and fearful dimension [such as the Holocaust] *cannot be expiated by any measure of material reparations*".⁴¹ This was because "no indemnity, however large, can make good the loss of human life and cultural values or atone for the suffering and the agonies of the men, women and children put to death by every inhuman device". Yet, the memorandum also emphasized: "The dead cannot be revived. Their torment cannot be undone. This much, however, can be demanded: that the German people be required to restore the stolen Jewish property and to pay for the rehabilitation of those who survived".

US High Commissioner for Germany John J. McCloy had specifically advised against calling the Jewish and Israeli demands "reparations".⁴² Not only would new reparations demands have found little political support at the time, he thought, but using this term also risked portraying Israel and the Claims Conference delegates as one creditor among many others. This was precisely the negotiating strategy of the banker Hermann Joseph Abs, who headed the German delegation to the London Debt Conference and who had great influence over German Chancellor Konrad Adenauer.⁴³ It is for that

reasons that the negotiators at Wassenaar did not speak of reparations, but of *Wiedergutmachung*, *Shilumim*, and, to use the language of the agreement, “restitution, compensation, or other redress for National-Socialist wrongs”.⁴⁴

Nevertheless, the press, many anglophone diplomats, the public at large at that time, and much of the scholarship ever since, have referred to the topic of those negotiations as reparations – as the works of Balabkins, Sagi, Zweig, Blumenthal, Slyomovics, Tovy, and Siemens and Ludi, among others, indicate.⁴⁵ The initial use, and then deliberate avoidance, of the term “reparations” in the 1952 negotiations is an important element to consider in order to understand the context of the negotiations: How was it possible at all, that such negotiations could take place, and conclude with an unprecedented agreement? What effects did this have both for the future of German-Jewish relations and for the global development of reparation claims after genocidal violence more broadly?

Examining, Idealizing, Attacking the Negotiations: An Overview

Until now, experts have rarely engaged in an exchange on this subject cutting across disciplinary boundaries.⁴⁶ This is surprising if one takes into account that references to, and studies of, the Luxembourg Agreement and of the reparations program that followed in its wake have proliferated across a variety of bodies of literature. In fact, at least three thematic strands of scholarship have engaged with the 1952 negotiations and the agreement that resulted from them over the past seven decades: analyses of the negotiations and the agreement, including economic examinations of their impact; works of political scientists and historians of foreign relations zooming in on the negotiations and agreement in the wider context of the making of German-Israeli relations; and, especially from the early 2000s, works on transitional justice and reparative politics.⁴⁷

Between the 1950s and the mid-1980s, early works examining the agreement were complemented by the memoirs and studies published of those who had, in various ways, been involved in, or followed very closely, the negotiations.⁴⁸ This early strand of publications on the topic frequently emphasized notions of morality – as alluded to in the title of Kurt Richard Grossmann’s work: *Germany’s Moral Debt*.⁴⁹ Nicholas Balabkins, who examined the economic dimensions of the agreement, noted how the reparations to Israel and the Claims Conference in the 1950s had served as part of the “moral rearmament” of the Federal Republic after the Second World War and the Holocaust.⁵⁰ Nana Sagi, in her crucial contribution to the field, recognized that elements of political expediency influenced the German decision to pay reparations. Yet, Sagi too stressed that the agreement had “moral” significance, proving that (West) Germany “was ready, at least up to a point, to atone for the past”.⁵¹

During the Cold War years, propaganda materials emanating from the countries of the former Soviet bloc framed the question of German reparations to Israel as a deal between big monopolists in West Germany and Israel. Attacks along these lines, with minor variations, recurred in the wake of

virtually every round of fighting between Israel and the Arab states, and at other moments of tension in the Middle East.⁵²

References to the Luxembourg Agreement and the topic of German reparations to Israel and the Claims Conference in this period also increasingly featured in the publications and propaganda material of Holocaust denialists, who by the 1970s formed a transnational network – one that is still going strong today. Their discrediting of the reparations agreement was based on a misconstruction of what the agreement foresaw and of the grounds on which it had been negotiated. Some alleged that the sum Germany paid to Israel was “calculated on the basis of about 6,000,000 dead”, thus implying a connection between a high death toll and a correspondingly high financial reward.⁵³ This sort of claim is without any base. The amount paid to Israel was related to the costs of resettling Jewish refugees from Germany and previously German-controlled countries and Holocaust survivors in the post-war years. But this kind of allegation is telling. Broadly speaking, denialists attacked the agreement by using it to discredit Israel and by employing, or implicitly alluding to, toxic and long-standing anti-Semitic stereotypes associating Jews and money.⁵⁴

Among scholars, access to newly available archival materials over the course of the 1980s and 1990s led to a careful re-examination of the history of the Luxembourg Agreement and the negotiations that led to it. Experts now placed greater emphasis on the pragmatic considerations and political compromises that had been crucial – from all sides – to arrive at the signing of the agreement.⁵⁵ Journalists, historians, and political scientists examining the treaty, including the negotiations that preceded it, as well as its aftereffects, often referred to it in the context of analyses of the making of the “special” bilateral relationship between Germany and Israel, to use Lily Gardner Feldman’s term, which still resonates in public discourse today.⁵⁶

The end of the Cold War, and the opening of the archives in the former Soviet bloc, led to crucial publications uncovering thus far unexplored aspects of the question.⁵⁷ Yet, the end of the Cold War had another critical consequence: the reinstatement of private property in the countries that had been behind the Iron Curtain, which, in turn, led to new demands for restitution and compensation. The 1990s also witnessed the emergence of (successful) litigation in United States courts on behalf of Holocaust survivors for the restitution of moneys held in Swiss bank accounts since the war.⁵⁸ Soon, litigation was also pursued also against banks in other countries, as well as claims for life insurance plans, and for compensation for slave and forced labor from German and other private corporations. The “perceived success” of these litigation cases, as Michael Bazylar highlighted, led other victim groups to file claims modeled upon these suits. Among others, these included claims against US-based corporations that, according to the claimants, had profited from the slave labor of African Americans. It also later inspired representatives of Ovaherero and Nama communities to file similar – but ultimately unsuccessful – lawsuits in the United States for reparations claims against Germany.⁵⁹

In this period, “the global character of Holocaust litigation stimulated interest in the transnational dimension of reparations”, as Regula Ludi and Daniel Siemens explain.⁶⁰ Yet, given such momentous developments, in the context of research on the history, politics and practice of German compensation for Nazi victims, the events of 1952 gradually moved to the periphery of historical scholarly inquiry.⁶¹

The immediate post-Cold War period also witnessed the onset of the transitional justice era. Recent transitional justice works date back its origins to 1945,⁶² and recent works on German history now routinely employ transitional justice terminology to make sense of post-1945 developments.⁶³ Yet, it was especially with the attempts to deal with the aftermath of the dictatorial experience in Latin America in the 1980s; to prosecute those involved in the genocides in the former Yugoslavia and Rwanda at the international criminal tribunals formed in 1993 and 1995, respectively, and to confront the legacy of the apartheid regime by setting up of the Truth and Reconciliation Commission in South Africa in 1994, that the international community placed new emphasis on the potential of reparative measures in the aftermath of collective atrocities. In 1998, the inclusion of a Trust Fund “for the benefit of victims of crimes within the jurisdiction of the Court, and of the families of such victims” in the context of the creation of the International Criminal Court and the signing of the Rome Statute, further testified to the increasing emphasis on reparative measures for victims.⁶⁴

From the 2000s onward, new scholarship on reparative politics stressed the relevance of the case of the German-Jewish-Israeli negotiations of 1952, the agreement that concluded them, and the reparations program that followed from it. Sociologist John Torpey emphasized that Holocaust-related reparation claims represented “the prototype of all reparations politics”.⁶⁵ In her work on political apologies, MIT political scientist Melissa Nobles wrote that “German reparations after World War II to the state of Israel and surviving Jews are probably the most well-known and serve, in their wake, as an exemplar of successful reparations”.⁶⁶ For transitional justice scholar Ruti Teitel those reparations “changed forever the concept of reparations”, while Elazar Barkan highlighted the 1952 negotiations as a prime example of his theory of reparations as negotiated history.⁶⁷ The case featured in Jeffrey Olick’s influential study on the “politics of regret”, and the German reparations program established in the aftermath of the Holocaust feature prominently in the *Oxford Handbook of Reparations* edited in 2006 by Pablo De Greiff.⁶⁸ In a way, the negotiations held at Wassenaar in 1952 became a sort of mythical point of reference – the Luxembourg Agreement became proof that even from an absolute historical low it was again possible for representatives of victims and perpetrators of genocide to negotiate reparations with each other. Whether the Wassenaar negotiations are a convincing example of this, however, remains questionable.

Mentions of the German reparative model are not confined to the academic community – and this is something that has become particularly evident in

recent years. When discussion of reparations come up in other parts of the globe, direct and indirect mentions of the Wassenaar negotiations and the subsequent compensation programs it propelled are frequent. Activists pushing to discuss reparations to deal with the aftermath of widespread atrocities linked to historic injustice, including slavery and colonialism, have long been referring to the German-Jewish-Israeli reparations as a precedent – a positive or negative one, depending on the circumstances. As Harvard human rights scholar Jacqueline Bhabha noted, “the German program establishing wide-ranging reparation payments following the Holocaust” constitutes “a precedent” which is relevant for “many” – and it is important to point out that on the issue of reparations for historical wrongs the dividing line between scholarship and activism has often been porous.⁶⁹

The reparations negotiated at Wassenaar have not only served as a positive, but sometimes also as a negative, point of reference. As an example of the mention of 1952 as a positive point of reference, in 2014, writer and activist Ta-Nehisi Coates reasoned that the German-Jewish-Israeli experience could be relevant to put contemporary events into perspective. “In 1952”, he wrote in a piece arguing for reparations to deal with the legacy of slavery in the United States, “when West Germany began the process of making amends for the Holocaust, it did so under conditions that should be instructive to us”.⁷⁰ Coates was not the first to draw parallels between the African American case for reparations and the German-Jewish-Israeli reparations programs.⁷¹ Nor was he going to be the last. In her book, tellingly titled *Learning from the Germans*, philosopher Susan Neiman made a related point, drawing parallels between the current debate on reparations in the United States, and the debate that played out in Germany in the early 1950s.⁷² The contribution of Roy Brooks to this volume explores the history of how and why the German-Jewish-Israeli reparations agreement negotiated at Wassenaar in 1952 has frequently come up in the – still ongoing – debate concerning reparations in the United States.

Groups arguing for reparations for the descendants of Ovaherero and Nama people, exterminated between 1904 and 1908 in what was then German South West Africa – today’s Namibia – also drew a connection between their quest for reparations and the negotiations held in Wassenaar between West Germany, Israel, and the Claims Conference – but in order to express a different point about their own case for reparations.⁷³ In 2021, after months of talks with their Namibian counterparts, officials of the Federal Republic of Germany recognized the violence perpetrated in German South West Africa as a genocide. On that occasion, the federal government asked “Namibia and the descendants of the victims for forgiveness”, offering to pay 1.1 billion euros to finance “reconstruction and development” projects.⁷⁴ The announcement of the German offer was met with outrage from representatives of the Ovaherero and Nama communities, who countered that they did not recognize the process as having been fair given that they had not been included in the negotiations. In an interview with the *Namibian Sun*, late Paramount Chief of the Ovaherero People and former Namibian Deputy Minister of Justice Vekuii Rukoro

pointed out that by sitting down with Israeli representatives as well as with the members of the non-governmental Claims Conference organization, the German government had “created the precedent to sit with nonstate, non-sovereign entities”, and questioned why that had not happened with the representatives of the Ovaherero and Nama people. The explanation, as he saw it, was “because they were white Europeans, and we are black Africans”.⁷⁵ Historical analysis can also help to question the false analogies that underlie such bitter comparisons. The point here is less about the highly politically charged question of the comparability of different historical genocides than it is about the extent to which the actual victims of such genocides were actually involved in the negotiations.

As historians familiar with the events of 1952, reading the news coming in from contexts as diverse as Namibia and the United States, we were struck by the vastly different references to the same historical event across very different times and places. Did and do the Wassenaar talks constitute a relevant precedent for other groups claiming reparations in the aftermath of mass victimization? Rather than striving for a clear-cut yes or no answer, it seems more appropriate to speak of a paradox: Wassenaar seems to set a precedent – but one without any possible successors. The reparations negotiated there have been, and continue to be, cited as a model when it comes to demanding reparations in other cases of genocide and mass violence – a positive or negative one, depending on the circumstances, and perspectives of those drawing the parallel.⁷⁶ The “reparative imagination”, to use the expression employed by Linda Kinstler in her contribution to this volume, is unfolding in multiple directions today.

Of Actors, Meanings, and Resonances across the Globe: Structure of the Book

Redefining Reparations argues that the negotiations that took place in Wassenaar fundamentally altered discourses, norms, and practices concerning reparations for mass crimes, promoting a further shift in perspective from the rights of the victors to the rights of the victims. But it also recognizes that those negotiations were not conducted with the goal of setting a precedent for how other states and victimized groups could pursue justice. The negotiators were constrained by the time and sensitivity of their task, by the budgets available to them, and by the political climate and historical context of that time. They also considerably, albeit gradually, contributed to expanding political and legal practices concerning reparations. And much, to this day, has remained in flux in this field.

Redefining Reparations is structured along three paths, which thematize questions pertaining to the actors involved (or not) in the talks and their respective agency and subjectivity; issues relating to the meanings and practices of repair over the course of the twentieth century; and the many echoes

and resonances of that unique historical encounter across times, places, and cultures.

First, questions of *agency* and *actorness* feature here because, integral to the redefinition of reparation, were those who took part in it. Those sitting at the opposite sides of the negotiating table, responding to, sometimes disagreeing with, the politicians and representatives by whom they had been sent to Wassenaar in the first place, contributed to shaping, further down the line, new meanings, and practices in the field of reparations. Part I of the book therefore contextualizes who was, and who was not, present at Wassenaar. Who drove redefinitions of reparations and which factors – in domestic and international politics – made such redefinitions possible? Contributors to Part I of the volume, *Actors and Agency*, tackle this question in different ways. Ronald Zweig, Gideon Reuveni, and Kathrin Bachleitner critically examine the interests, discourses, and political strategies employed at the time by the negotiating actors involved, namely, the Claims Conference, Israel, and the Federal Republic of Germany, respectively. Questions of agency and actorness are situated at the intersection of history and politics, and the authors draw upon their expertise in both international history and international relations theory to reassess the negotiations, including how and why they came about in the way that they did. The fact that those negotiations took place at all, Kathrin Bachleitner underscores, seems to run counter to many widely held assumptions concerning interests and power in international relations. The contribution of Gideon Reuveni shows that asking who was *not* in Wassenaar is an equally generative question.

Questions pertaining to absence and silence are in many ways complementary to questions of presence and voice. Subsuming the various contributions in the first part of the book is a question thematized by Ido de Haan in his chapter, and whose relevance features in the subsequent sections also: Who is called to represent, and negotiate on behalf of, victims and perpetrators? In matters pertaining to the politics of repair, a crucial question to examine the negotiations of 1952, and beyond, is: Who is speaking on behalf of whom?

Instead, the shared and divergent *meanings* and *practices* pertaining reparations measures – as they changed in the run-up to, and aftermath of, the negotiations – represent the core issues of Part II of the volume. Contributors grapple with the question of how the developments in Wassenaar related to practices concerning restitution, reparation, and indemnification which existed at that time, and which have developed since. Linda Kinstler illustrates the fundamental changes that occurred in the “reparative imagination” of that time, especially in contrast to developments that had unfolded in the first half of the twentieth century, with the Chorzów Factory case (Germany v Poland). Wouter Veraart questions the extent to which the Wassenaar negotiations influenced, and were influenced by, developments in the laws and regulations pertaining to restitution as they materialized in the post-war era in Western Europe – including in the Netherlands, where the negotiations took place. What follows is Luke Moffett’s contribution, which examines the relevance of

the Wassenaar negotiations in order to reflect on contemporary obstacles to implementing reparations in post-conflict settings, from a transitional justice perspective.⁷⁷ Part II closes with a powerful autoethnographically informed account of how three generations of women in the family of anthropologist Susan Slyomovics dealt with the dilemma of whether or not to file for compensation from Germany in the aftermath of the Holocaust, at different stages of their lives.

Complex factors, clashing interests, and contingent decisions shaped the negotiations of 1952, and this affected both their immediate and enduring legacy. Part III focuses on the numerous *echoes* or *resonances* of that unique historical encounter across generations, countries, scholarly fields, and reparations-related debates up to the present day. It engages with other events and groups that have, in different ways, pointed to the German-Jewish-Israeli reparations of 1952 albeit referring to the aftermath of conflict, colonial genocidal violence, expulsion, and slavery. A contribution by Nicole Immler opens the third part of the volume by questioning the very idea of Germany having set a standard, or model, for reparation practices at all. She does so both by drawing on extensive oral history interviews with Holocaust survivors and by reflecting on contemporary debates taking place in the fields of transitional justice and postcolonial studies. Michael Fischbach's chapter deals with the history of the Arab attempts to oppose the 1952 negotiations between Germany and Israel, and tracing the efforts of Arab and United Nations officials taking place around the same time to make the case for reparations for Palestinian refugees of the first Arab-Israeli War.⁷⁸ Henning Melber's chapter follows suit by analyzing the references to 1952 made by Ovaherero and Nama representatives.⁷⁹ Roy Brooks's contribution closes the volume by explaining why and how – despite everything – it is still possible and helpful to refer to the history of 1952, and beyond, to understand the pivotal questions underlying the politics of repair, making specific reference to the echoes of those reparations negotiations in the debates taking place in the United States concerning reparations for African Americans.

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How did the delegates, back in the early 1950s, go about “repairing the impossible”?⁸⁰ The present volume takes the Wassenaar negotiations as a starting point to investigate the course, and aftermath, of that unique encounter to negotiate reparations. It unpacks the extent to which a redefinition of the norms and practices of repair took place at that time, and it explores the unintended consequences of that process. Although things today look remarkably different from how they did in 1952, the events of seven decades ago might provide insights for understanding the underlying dynamics and tensions that characterize the making of reparation programs in the aftermath of genocide. Key questions faced by the negotiators in 1952 – Reparations for whom? For what purposes? Negotiated by whom? To be delivered how? – have since resurfaced, periodically, as the international legal theory and practice concerning reparations expanded.⁸¹

Conventional wisdom casts those early negotiations as a success – and understandably so. Germany did honor its payments and went above and beyond what it had agreed upon. Germany’s emphasis on the importance of confronting the past, both nationally and internationally, has largely characterized the country’s post-war history. But those negotiations took place in a fraught political context – one that was characterized, at the local, transnational and international level by serious tensions and conflicting interpretations about how to deal with the recent past. *Redefining Reparations* strives to shed light on the multifaceted dynamics at play before, during, and after the 1952 negotiations, allowing the readers to appreciate the historical events within their complexity and highlight key points of contention from a variety of perspectives, paving the way for more conversations to come.

Notes

- 1 Josephthal, *The Responsible Attitude. The Life and Opinions of Giora Josephthal* (New York: Schocken, 1966), 146.
- 2 For details about the security arrangements *in loco* see L. De Vita, “Dutch Hospitality: The 1952 German- Jewish-Israeli Negotiations amid Post-Holocaust and Post-Imperial Tensions”, *BMGN – Low Countries Historical Review* 137, 2 (2022): 4–29.
- 3 The Conference on Jewish Material Claims against Germany is an organization created in 1951 by the representatives of numerous Jewish organizations to pursue material compensation for Holocaust survivors. On its history see Ronald Zweig, *German Reparations and the Jewish World: A History of the Claims Conference* (Boulder, CO: Westview Press, 1987) – now in its third edition; Marilyn Henry, *Confronting the Perpetrators: History of the Claims Conference* (London: Vallentine Mitchell, 2007); Rachel Blumenthal, *Right to Reparations: The Claims Conference and Holocaust Survivors, 1951–1964* (Lanham: Lexington Books, 2021).
- 4 We use the words reparation, restitution, compensation, and indemnification to speak of the measures that were negotiated at, and in the aftermath of, the negotiations at Wassenaar. The term, as we explain in this introduction, has repeatedly changed in meaning. For a recent definition, see the United Nations General Assembly Resolution 60/147: “Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law”, December 15, 2005. Available at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-and-guidelines-right-remedy-and-reparation>(accessed December 12, 2023).
- 5 Oral History Division (OHD), Avraham Harman Institute of Contemporary Jewry, Hebrew University of Jerusalem, Nana Sagi’s interview with Morris Boukstein, June 28, 1971, 10.
- 6 In this volume we employ the term Holocaust to indicate the state-sponsored persecution and genocide of millions of European Jews and are cognizant of the fact that the word was not in current use at that time.
- 7 Dan Diner, *Rituelle Distanz, Israels deutsche Frage* (Munich: Deutsche Verlags-Anstalt, 2015).
- 8 Jacob Tovy, *Israel and the Question of Reparations from Germany: Post-Holocaust Reckonings (1949–1953)* (Berlin and Boston: De Gruyter Oldenbourg, 2023); Tom Segev, *The Seventh Million: The Israelis and the Holocaust* (New York: Hill and Wang, 1993).

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- 9 Pablo De Greiff (ed.) *The Handbook of Reparations* (New York: Oxford University Press, 2006).
- 10 Elisabeth Noelle and Erich Peter Neumann, *The Germans: Public Opinion Polls 1947–1966* (Allensbach: Verlag für Demoskopie, 1967), 188.
- 11 *Akten zur Auswärtigen Politik der Bundesrepublik Deutschland 1952*, Doc. 84, Du Mont (The Hague) to the Foreign Office, March 24, 1952. Lorena De Vita, *Israelpolitik: German-Israeli Relations 1949–1969* (Manchester: Manchester University Press, 2020).
- 12 Albeit dated, Nana Sagi’s work remains a cornerstone in the field. N. Sagi, *German Reparations: A History of the Negotiations* (Jerusalem: The Magnes Press, 1980). For a recent study focusing on the role of the Claims Conference, see Rachel Blumenthal, *Right to Reparations: The Claims Conference and Holocaust Survivors, 1951–1964* (Lanham: Lexington Books, 2021).
- 13 United Nations Treaty Collection (UNTC), No. 2137, “Israel and the Federal Republic of Germany. Agreement (with schedule, annexes, exchanges of letters and protocols). Signed at Luxembourg, on 10 September 1952”. Available at: <https://treaties.un.org/doc/Publication/UNTS/Volume%20162/volume-162-I-2137-English.pdf> (accessed December 12, 2023). For an assessment of the agreement, see Adam Tooze, “Reassessing the Moral Economy of Post-War Reconstruction: The Terms of the West German Settlement in 1952”, *Past & Present* 210, 6 (2011): 47–70.
- 14 Referring to the Federal Republic of Germany (West Germany) in this case, and throughout most of the volume. For context about developments taking place at the same time in the German Democratic Republic (East Germany), see Angelika Timm, *Hammer, Zirkel, Davidstern: das gestörte Verhältnis der DDR zu Zionismus und Staat Israel* (Bonn: Bouvier, 1997); Jeffrey Herf, *Divided Memory: The Nazi Past in the two Germanys* (Cambridge: Harvard University Press, 1997).
- 15 UNTC 2137, Protocol 1, 270.
- 16 See e.g. N. Lorch (ed.), *Major Knesset Debates, 1948–1981*, Vol. 3, “Reparations from Germany, Sitting 28, 7–9 January 1952” (Lanham: University Press of America, 1993), 703ff. For an explanation of how the original reparations claim based on “historical-economic grounds” was supplanted by a “contemporary-economic dimension”, see Tovy, *Israel and the Question of Reparations*, 333.
- 17 About 12 million Germans who had lived to the east of Germany’s current border with Poland (the Oder-Neiße line) fled or were expelled between 1944 and 1948. Those who resettled in the territory which later became the Federal Republic of Germany came to be known as *Heimatvertriebene* (literally, those expelled from their homelands) and formed a significant political and social lobby in post-war West Germany. The state supported their economic integration in the FRG. Michael L. Hughes, *Shouldering the Burdens of Defeat. West Germany and the Reconstruction of Social Justice* (Chapel Hill: University of North Carolina Press, 1999), 131ff; Regula Ludi, *Reparations for Nazi Victims in Postwar Europe* (Cambridge: Cambridge University Press, 2012), 80ff.
- 18 Carole Fink, “Negotiating after Negotiations: Nahum Goldmann, West Germany, and the Origins of the 1980 Hardship Fund”, *Jahrbuch des Simon-Dubnow Instituts* 16 (2016): 287–305; Karen Heilig, “From the Luxembourg Agreement to Today: Representing a People”, *Berkley Journal of International Law* 20,1 (2002): 176–196.
- 19 Important overviews include: Hans Günter Hockerts, “Wiedergutmachung in Deutschland: Eine historische Bilanz 1945–2000”, *Vierteljahreshefte für Zeitgeschichte* 49,2 (2001): 167–213; Constantin Goschler, *Schuld und Schulden: die Politik der Wiedergutmachung für NS-Verfolgte seit 1945* (Göttingen: Wallstein, 2013 [2005]); and José Brunner, Norbert Frei, and Constantin Goschler (eds.), *Die Globalisierung der Wiedergutmachung: Politik, Moral, Moralpolitik* (Göttingen: Wallstein, 2013).

- 20 Claims Conference, “1951–2021, 70 Years of Pursuing Justice for Holocaust Survivors”. Available at: <https://forms.claimscon.org/chronology/70th-anniversary-web.pdf> (accessed January 30, 2024).
- 21 Bundesministerium der Finanzen, “Wiedergutmachung. Regelungen zur Entschädigung von NS-Unrecht”, 2023. Available at: https://bundesfinanzministerium.de/Content/DE/Downloads/Broschueren_Bestellservice/2018-03-05-entschaedigung-ns-unrecht.pdf?__blob=publicationFile&v=22 (accessed December 12, 2023).
- 22 For an engagement with reparations in a (much) earlier historical period, see René Koekoek, “Rethinking the History of Reparations for Historical Injustices: An Early Modern Perspective”, *Journal of Modern History* 96, no. 2 (2024): 253–290.
- 23 For a recent, historically-informed take, see R. Ludi and D. Siemens, “Reparations and the Historiography of the Holocaust – An Entangled History”, *Journal of Modern European History* 21,3 (2023): 286–293.
- 24 Preparations were under way in Belgium to welcome the negotiators, but the location was changed at the last minute out of security considerations.
- 25 See e.g. various documents at: Archives de l’État en Belgique (AEB), Correspondance Politique, (CP) 12.867; Nationaal Archief Den Haag (NANL), 2.05.117 inv. nr. 20788.
- 26 On the parcel to Adenauer, Henning Sietz, *Attentat auf Adenauer: die geheime Geschichte eines politischen Anschlags* (Berlin: Siedler, 2003). On the explosive envelopes in The Hague, see De Vita, “Dutch Hospitality”, 4–29.
- 27 These talks would have been complex, ground-breaking, and difficult, regardless of the location in which they were conducted, of course. But the evidence available in Dutch national and local archives also poignantly illustrates the intricate nexus between the local and global dimensions of the negotiations.
- 28 Josephthal, *The Responsible Attitude*, 146.
- 29 Alexander Gillespie, *A History of the Laws of War: The Customs and Laws of War with Regards to Civilians in Times of Conflict* (Oxford: Hart, 2011).
- 30 Livy, *Ab Urbe Condita*, edited by John Briscoe and Simon Hornblower (Cambridge: Cambridge University Press, 2020), Book 30, Chapter 44.
- 31 As per Art. 231 of the Treaty of Versailles. Available at: https://www.census.gov/history/pdf/treaty_of_versailles-112018.pdf (accessed January 21, 2022). Scholars have long debated whether, and to what extent, the Treaty of Versailles made for a punitive peace against Germany. For the most prominent support of this view see John Maynard Keynes’ *The Economic Consequences of the Peace* (Cham: Palgrave Macmillan, 2019 [1919]); for a robust refutation see Sally Marks, “The Myths of Reparations”, *Central European History* 11,3 (1978): 231–255. For a holistic reassessment, see Patricia Clavin, Giancarlo Corsetti, Maurice Obstfeld, and Adam Tooze (eds.) *Keynes’ Economic Consequences of the Peace after 100 years: Polemics and Policy* (Cambridge: Cambridge University Press, 2023).
- 32 In using the term ‘war guilt’, we are referring to the way in which Art. 231 of the Treaty of Versailles is usually referred to in the historiography. See Annika Mombauer, “Guilt or Responsibility? The Hundred Year Debate on the Origins of World War I”, *Central European History* 48,4 (2015): 541–564.
- 33 Jörg Fisch, *Reparationen nach dem Zweiten Weltkrieg* (Munich: C. H. Beck, 1992), 19–23; Leonard Gomes, *German Reparations 1919–1932. A Historical Survey* (New York: Palgrave Macmillan, 2010), 8, 26–28. See also Zara Steiner, *The Lights that Failed: European International History 1919–1933* (Oxford: Oxford University Press, 2005) esp. Part I; Patrick O. Cohrs, *The New Atlantic Order: The Transformation of International Politics, 1860–1933* (Cambridge: Cambridge University Press, 2022), 788ff.
- 34 Also because, unlike many other precedents, they did not form part of peace agreement negotiations. Shavana Musa, *Victim Reparation under the Ius Post Bellum: An Historical and Normative Perspective* (Cambridge: Cambridge University Press, 2019).

- 35 For a compelling overview see Ariel Colonomos and Andrea Armstrong, “German Reparations to the Jews after World War II: A Turning Point in the History of Reparations” in De Greiff (ed.) *The Handbook of Reparations*, 390–419.
- 36 Ludi, *Reparations for Nazi Victims*.
- 37 Ursula Rombeck-Jaschinski, *Das Londoner Schuldenabkommen: Die Regelung der deutschen Auslandsschulden nach dem Zweiten Weltkrieg* (Munich: De Gruyter, 2005).
- 38 Samuel Moyn, *The Last Utopia: Human Rights in History* (Cambridge: Belknap, 2010), 17.
- 39 Hans Frankenthal, *The Unwelcome One: Returning Home from Auschwitz* (Evanston: Northwestern University Press, 2002).
- 40 *Friedensvertrag von Versailles*, June 28, 1919, available at: <http://www.documentarchiv.de/wr/vv01.html> (accessed December 12, 2023).
- 41 Emphasis added. State of Israel, *Documents on the Foreign Policy of Israel*, Vol. 1952, Doc. 5, Israel note to the Four Occupying Powers concerning reparations, March 12, 1951.
- 42 CJH, YIVO-Archive, RG 347, AJC-Records, GEN-10, b. 282, Jacob Blaustein to Abba Eban, July 23, 1951.
- 43 Lothar Gall, *Der Bankier Hermann Josef Abs: Eine Biographie* (Munich: Beck, 2005).
- 44 Israel and the Federal Republic of Germany. Agreement (with schedule, annexes, exchanges of letters and protocols). Signed at Luxembourg, on September 10, 1952. Available at: <https://treaties.un.org/doc/Publication/UNTS/Volume%20162/volume-162-I-2137-English.pdf> (accessed December 12, 2023).
- 45 Nicholas Balabkins, *West German Reparations to Israel* (New Brunswick: Rutgers University Press, 1971); Sagi, *German Reparations*; Zweig, *German Reparations*; Blumenthal, *Right to Reparations*; Susan Slyomovics, *How to Accept German Reparations* (Philadelphia: University of Pennsylvania Press, 2014); Tovy, *Israel and the Question of Reparations*; Ludi and Siemens, “Reparations and the Historiography of the Holocaust”. For an example drawing from diplomatic correspondence, see e.g. *Foreign Relations of the United States (FRUS) 1952–1954*, Volume IX: The Near and Middle East, Doc. 480: “The Secretary of State to the Office of the United States High Commissioner for Germany at Bonn”, 6 September 1952. See also Benjamin B. Ferencz, “Conscience as an Instrument of National Policy”, *Human Rights* 8,3 (1979–1980): 42–44.
- 46 There are, of course, exceptions. Important ones include: Jon Miller and Rahul Kumar (eds.) *Reparations: Interdisciplinary Inquiries* (Oxford: Oxford University Press, 2007), which, however, does not deal with the reparations negotiated between German, Israeli, and Claims Conference representatives; Dan Diner and Gotthard Wunberg (eds.), *Restitution and Memory: Material Restoration in Europe* (New York: Berghahn Books, 2007), which deals with a later period; Norman Goda (ed.) *Rethinking Holocaust Justice: Essays Across Disciplines* (New York: Berghahn Books, 2017), which includes important contributions on restitution but devotes most chapters to retributive justice measures; and Carla Ferstman and Mariana Goetz (eds.), *Reparations for Victims of Genocide, War Crimes and Crimes Against Humanity. Systems in Place and Systems in the Making*, 2nd rev. ed. (Leiden: Brill, 2020), esp. Part 2.
- 47 The Wassenaar negotiations themselves have not been the focus of much historical analysis, although Dan Diner’s micro-historical study of the communicative dynamics and social interactions in Wassenaar serves as a notable exception here, providing an important impetus for examining the fundamental question of the difficulties of diplomatic negotiations between representatives of perpetrators and victims in the aftermath of genocide, which raises questions that also play an important role in this volume. Diner, *Rituelle Distanz*.

- 48 See, Felix Shinnar, *Bericht eines Beauftragten: die deutsch-israelischen Beziehungen 1951–1966* (Tübingen: Wunderlich, 1967); Nehemiah Robinson, *Ten Years of German Indemnification* (New York: Conference on Jewish Material Claims Against Germany, 1964); Otto Küster, *Erfahrungen in der deutschen Wiedergutmachung* (Tübingen: Mohr, 1967) for examples drawing upon the negotiators' experiences; memoirs of key politicians of that time of course also cover important aspects, a.o. Konrad Adenauer, *Erinnerungen* (Frankfurt a. M.: Fischer, 1965–1968); Nahum Goldmann, *The Autobiography of Nahum Goldmann: Sixty Years of Jewish Life* (New York: Holt, Rinehart and Winston, 1969).
- 49 Kurt Richard Grossmann, *Germany's Moral Debt: The German-Israeli Agreement* (Washington, DC: Public Affairs Press, 1954).
- 50 Nicholas Balabkins, *West German Reparations to Israel* (New Brunswick: Rutgers University Press, 1971).
- 51 Sagi, *German Reparations*, 203.
- 52 De Vita, *Israelpolitik*; Jeffrey Herf, *Undeclared Wars with Israel: East Germany and the West German Far Left, 1967–1989* (Cambridge: Cambridge University Press, 2015); Robert Wistrich (ed.) *The Left Against Zion: Communism, Israel, and the Middle East* (London: Vallentine, 1979).
- 53 Quote from Paul Rassinier, *Debunking the Genocide Myth: A Study of the Nazi Concentration Camps and the Alleged Extermination of European Jewry* (Los Angeles: Noontide Press, 1978) cited in Deborah Lipstadt, *Denying the Holocaust: The Growing Assault on Truth and Memory* (New York: Plume, 1994), 55–56. For another prominent example see also Richard Evans, *Telling Lies about Hitler: The Holocaust, History and the David Irving Trial* (London, Verso, 2002), esp. 142–144.
- 54 Walter Laqueur, *The Changing Face of Antisemitism: From Ancient Times to the Present Day* (Oxford: Oxford University Press, 2008).
- 55 Zweig, *German Reparations*; Yeshayahu Jelinek, *Zwischen Moral und Realpolitik. deutsch-israelische Beziehungen 1945–1965. Eine Dokumentensammlung* (Gerlingen: Bleicher, 1997); Niels Hansen, *Aus dem Schatten der Katastrophe. Deutsch-Israelische Beziehungen in der Ära Konrad Adenauer und David Ben Gurion. Ein dokumentierter Bericht* (Düsseldorf: Droste, 2002).
- 56 Lily Gardner Feldman, *The Special Relationship Between West Germany and Israel* (Boston: Allen & Unwin, 1984). For an example of the role this plays in public discourse, see for example the event “Verantwortung weitertragen, weiter Verantwortung tragen”, Jewish Museum Berlin, September 15, 2022. Bundesministerium der Finanzen, “Gedenkjahr der Wiedergutmachung, 2022”, available at: https://www.bundesfinanzministerium.de/Monatsberichte/2022/12/Inhalte/Kapitel-3-Analysen/3-1-gedenkjahr-wiedergutmachung-pdf.pdf?__blob=publicationFile&v=6 (accessed: January 30, 2024). For a very different take on the bilateral relationship between Israel and the Federal Republic of Germany, see Daniel Marwecki, *Germany and Israel: Whitewashing and State-building* (London: Hurst, 2020).
- 57 E.g. Timm, *Hammer, Zirkel, Davidstern*, esp. 51ff.
- 58 Liora Bilsky, *The Holocaust, Corporations, and the Law: Unfinished Business* (Ann Arbor: University of Michigan Press, 2017).
- 59 *The Guardian*, March 16, 2017, “Descendants of Namibia genocide victims seek reparations in New York”, <https://www.theguardian.com/world/2017/mar/16/namibia-genocide-reparations-case-germany-new-york> [Last Accessed January 29, 2024]. The first lawsuit was filed in 2001. See Michael J. Bazyler, *Holocaust, Genocide, and the Law: A Quest for Justice in a Post-Holocaust World* (New York: Oxford University Press 2016), 169–170.
- 60 Ludi and Siemens, “Reparations and the Historiography of the Holocaust”, 287.
- 61 Constantin Goschler, *Schuld und Schulden. Die Politik der Wiedergutmachung für NS-Verfolgte seit 1945* (Göttingen: Wallstein, 2013 [2005]); Norbert Frei, José Brunner,

- and Constantin Goschler (eds.), *Die Praxis der Wiedergutmachung: Geschichte, Erfahrung und Wirkung in Deutschland und Israel* (Göttingen: Wallstein 2009); José Brunner, Constantin Goschler, and Norbert Frei (eds.): *Die Globalisierung der Wiedergutmachung. Politik, Moral, Moralpolitik* (Göttingen: Wallstein 2013); Hockerts, “Wiedergutmachung in Deutschland”; Ludi, *Reparations for Nazi Victims*.
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- 63 See e.g. Mary Fulbrook, *Reckonings: Legacies of Nazi Persecution and the Quest for Justice* (New York: Oxford University Press, 2020), esp. ch. 8, ‘Transitional Justice’; Devin O. Pendas, *Democracy, Nazi Trials and Transitional Justice in Germany, 1945–1950* (Cambridge: Cambridge University Press, 2020).
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- 66 Melissa Nobles, *The Politics of Official Apologies* (New York: Cambridge University Press, 2008), 142.
- 67 Ruti Teitel, *Transitional Justice* (Oxford: Oxford University Press, 2000), 123; Elazar Barkan, *The Guilt of Nations: Restitution and Negotiating Historical Injustice* (Baltimore: Johns Hopkins University Press, 2000).
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- 75 *The Namibian Sun*, “The Evening Review”, June 8, 2021. Available at: <https://www.youtube.com/watch?v=8R5b8JI6sOI> (accessed: December 12, 2023).
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