

Chapter 5

The German Declaration, September 1951

Senior officials at the IMFA believed that the Western powers, the US chief among them, could aid in the advancement and success of the German-Israeli channel. They could do so in two key ways. First, they could apply pressure to the Bonn government to acquiesce to the Israeli demand regarding the issuance of a formal declaration on the subjects of the Holocaust and material compensation to the Jews. As noted, this was the Israeli precondition for the opening of negotiations between the two states. At the end of June 1951, Eban presented the request to the US High Commissioner in the FRG, John McCloy,¹ and about a month later Israeli diplomats had the chance to discuss the issue with Jeffrey Lewis.² The Americans' response was positive: they promised to press Bonn to deliver the declaration.³ And indeed, McCloy broached this matter with Chancellor Adenauer on several occasions.⁴ The second line of action the IMFA officials wanted the powers to undertake was to express public support for the principle of reparations. Such an announcement on behalf of the West, these officials believed, would very much strengthen the Israeli cause in future negotiations with the Germans.⁵ Nevertheless, some voices in the foreign service opposed this idea. The Israeli embassy in Washington argued that the powers would refuse to show their support for the Israeli claim, mainly to avoid ruffling feathers in the Arab world, and to keep public opinion in Germany on their side. Israel's efforts in this regard would be in vain and would result in the postponement of progress via the German channel.⁶ A similar caution was sounded from Rosenne's office.⁷ These warnings must have convinced enough people at the IMFA, since the matter was quickly dropped from Israel's agenda.

While this diplomatic activity was taking place, the IMFA also took internal-organizational step aimed at optimizing its efficacy in managing the reparations

1 ISA, MFA 2543/5, G. Avner to E. Livneh, July 7, 1951.

2 DEPI, Vol. 6, Document 292, Meeting: E. Herlitz, M. Keren – G. Lewis, July 26, 1951; USNA, DoS, RG 59, CDF (1950–1954), 262.84A41/7-2051, Israeli Note on Reparations and our Reply, July 20, 1951.

3 ISA, MFA 2417/3, G. Avner to E. Herlitz, August 15, 1951.

4 UKNA, FO 371/93455, British Legation in Tel Aviv to Foreign Office, September 17, 1951.

5 ISA, MFA 344/15, G. Avner to D. Horowitz, August 9, 1951.

6 ISA, MFA 344/15, M. Keren to F. Shinnar, August 14, 1951.

7 ISA, MFA 344/15, Y. Tekoah to S. Rosenne, July 31, 1951.

issue. On August 1, 1951, Felix Eliezer Shinnar was appointed to the position of “Foreign Ministry Counsel on Israeli Claims”.⁸ His role was to “coordinate all matters relating to Israel’s reparations claim from Germany and handle them.”⁹ The necessity of creating such a position was pointed out by IMFA officials, who bemoaned the lack of a central body that would oversee activity pertaining to the reparations issue.¹⁰

The main piece of business on Shinnar’s desk over his first weeks in office, as well as the desks of all the other Israeli officials involved in the reparations matter, was the question of the German declaration. A dramatic development in this respect took place in the second half of July. Noah Barou, chairman of the European Executive of the World Jewish Congress, met with Herbert Blankenhorn and asked him directly about West Germany’s plans concerning the said declaration. The inquiry is likely to have been linked with Israel’s own maneuvers in this regard. Blankenhorn surprised his interlocutor by announcing that Bonn would be making such a public declaration in the near future.¹¹ It is possible that the Americans’ involvement made an impact on the Germans’ decision. At the end of the discussion the two agreed to hold a second meeting wherein Barou would receive a written draft of the declaration. This meeting took place a few days later, and the draft was given to Barou as promised.¹² He immediately sent it to Nahum Goldmann, acting president of the World Jewish Congress and chairman of the American wing of the Jewish Agency’s Executive.¹³ He, in turn, directed the document to the desk of Foreign Minister Sharett, whence it was distributed among senior IMFA staff. It would seem that the draft left a less-than-favorable impression on its readers.¹⁴ Goldmann, for one, was disappointed by the fact that the declaration did not explicitly touch on the matter of reparations. He added a paragraph on the subject to the

8 From fall 1949 to early 1951 Shinnar had served as financial advisor at the Israeli Legation in London.

9 ISA, MFA 181/1, W. Eytan to M. Sharett, July 8, 1951.

10 ISA, MFA 344/15, Re: Shilumim, June 22, 1951; ISA, MFA 344/21, G. Rafael to W. Eytan, July 10, 1951.

11 Behind the scenes in Bonn, at the time, the leadership was intensely focused on the subject of the declaration. President Theodor Heuss made a public statement at the end of July, saying that Chancellor Adenauer was seriously considering issuing an official declaration on the subject of compensation. Jelinek, *Deutschland und Israel*, 109; Geller, *Jews in Post-Holocaust Germany*, 223. See also: De Vita, *Israelpolitik*, 22.

12 See in this context: Lustick, “Negotiating Truth,” 58.

13 ISA, MFA 344/15, Abridged Summary from the Meeting on the Subject of *Shilumim*, August 12, 1951; Rosensaft, “The Early History,” 24–25.

14 ISA, MFA 2417/3, G. Avner to W. Eytan, August 4, 1951.

document and asked Barou to deliver the amended draft to Blankenhorn.¹⁵ Barou complied and Blankenhorn presented the correction to Chancellor Adenauer, who agreed to the inclusion of Goldmann's paragraph. It is important to note that Goldmann's actions – his revision of the declaration draft and the recruitment of Barou as a go-between – were carried out with the knowledge and approval of Foreign Minister Sharett.¹⁶

The IMFA wished to make sure that Bonn was indeed working to change the wording of the declaration. Avner instructed the embassy in Washington to petition the Americans to make sure that the text of the German declaration reached Israel's eyes before its publication, so that Jerusalem could "negotiate any slight changes [with Bonn] in order to render the declaration satisfactory." To be found satisfactory, the declaration had to contain the following three items, as detailed in Avner's April 6 letter to Fischer: an acknowledgement of the horrific criminal act perpetrated against the Jewish people by the German people during the Third Reich period and its denunciation; a vow that such appalling events would never reproduce themselves on German soil; and an agreement to issue material compensation to the Jewish people, including reparations. Anything less, warned Avner, would be "in jeopardy of missing the target" – i.e. legitimizing Israeli-German negotiations in the eyes of the Jewish public – and "arousing vociferous criticism in the Jewish Diaspora and in Israel." In such a scenario, "the Government of Israel could not enter into negotiations even if it wanted to."¹⁷

The embassy in Washington, however, had reservations about Avner's proposal. In their view, there was danger inherent in "any attempt to influence the formulation of Adenauer's declaration in advance." "Imagine," wrote the counselor at the embassy Moshe Keren to Avner, "if the declaration should be received with particularly scathing criticism by the Israeli and international press and Israel's government should have to admit it was aware of its contents in advance and gave it its seal of approval." It would cause a veritable public and parliamentary uproar in Israel, the scope and outcome of which was unforeseeable.¹⁸ Avner, however, dismissed the warning. Israel, he maintained, would admit that it gave its seal of approval "only to those changes that we [. . .] manage to insert into the declaration."¹⁹ Shinnar, as part of his new function, followed the above

15 ISA, MFA 344/15, Abridged Summary from the Meeting on the Subject of *Shilumim*, August 12, 1951.

16 ISA, MFA 2539/2, E. Livneh to G. Avner, August 26, 1951.

17 ISA, MFA 2417/3, G. Avner to E. Herlitz, August 15, 1951.

18 ISA, MFA 2543/6, M. Keren to G. Avner, September 7, 1951.

19 ISA, MFA 2543/6, G. Avner to M. Keren, September 21, 1951.

exchange and endorsed Avner's position.²⁰ He suggested that it would be unwise to rely on Washington alone, and that it would be best to contact Adenauer directly, through Israel's consul in Munich, Livneh, in order to influence the content of the declaration.²¹ Avner, on his part, proposed recruiting two Jewish figures to this end: Bundestag member Jakob Altmaier and High Commissioner McCloy's deputy, Benjamin Buttenwieser.²² At the same time, he contacted the Foreign Ministry in London and asked for its assistance in Israel's efforts to obtain a declaration that was "as forthcoming as possible" from the West Germans.²³

While Israel toiled to obtain the text of the declaration, it came to light that Blankenhorn had transferred an amended draft to Goldmann through Barou toward mid-September.²⁴ Goldmann hastened to make additional changes to the draft and sent it off to Bonn.²⁵ The Israelis were satisfied with this turn of events, even while reiterating their request to view the final version and to retain the right of final approval before the public announcement.²⁶ Over the next fortnight, the declaration draft went back and forth between German and Jewish hands. Goldmann, Barou, and Altmaier, as well as the IMFA staff who set eyes on the draft mainly through the mediation of the aforementioned threesome, made sure to amend it so as to make it compliant with Israel's demands. The Germans examined the proposed changes with great attention, accepting some and rejecting others.²⁷ On September 24, upon the arrival of yet another draft from Bonn, Jerusalem came to the conclusion, not without some minor disappointment, that this version was "the best of what is possible to get."²⁸

On September 26, the Israeli government held a special deliberation on the subject of the upcoming German declaration. In the absence of Foreign Minister Sharett, who was sojourning abroad, Prime Minister Ben-Gurion stepped up to lead the discussion. The shroud of secrecy cast over the West German-Israeli talks from mid-March remained in effect and, therefore, the ministers knew nothing of the diplomatic game of tag that had taken place around the declaration draft.

20 ISA, MFA 2539/2, F. Shinnar to E. Herlitz, September 12, 1951.

21 ISA, MFA 344/15, Shilumim, September 13, 1951.

22 ISA, MFA 2539/2, G. Avner to E. Livneh, September 10, 1951.

23 UKNA, FO 371/93455, British Legation in Tel Aviv to Foreign Office, September 17, 1951.

24 According to Blankenhorn, he met with Barou "at least a dozen times" while working on the declaration draft. Deutschkron, *Bonn and Jerusalem*, 31.

25 ISA, MFA 344/20, N. Goldmann to M. Sharett, September 14, 1951.

26 ISA, MFA 2539/2, F. Shinnar to E. Livneh, September 12, 1951.

27 ISA, MFA 2539/2, E. Livneh to G. Avner and F. Shinnar, September 20, 1951; ISA, MFA 2543/6, M. Fischer to W. Eytan, September 21, 1951; Hansen, *Aus dem Schatten der Katastrophe*, 123–125; Avihar, "Awakening," 73.

28 ISA, MFA 2539/2, G. Avner to E. Livneh, September 24, 1951.

“We have news,” Ben-Gurion informed those present, “that the head of the West German government, Dr. Adenauer, is about to make a declaration about the relations between the [. . .] German people and the Jewish people.” The Ministry of Foreign Affairs, he added laconically, has received the text of the planned declaration. The full content of the draft was then read out loud to the ministers, in a Hebrew translation. The IMFA, Ben-Gurion continued after the reading, has already prepared a proposed response to the German declaration, which has been sent to Israel’s diplomatic missions around the world. The response was also communicated to the ministers.

We shall discuss the two documents presented by Ben-Gurion in detail further on, however, for the purposes of assessing the government’s stance on the German channel, it is worthwhile for now to pause on one specific element contained in both. The Chancellor’s declaration made a proposal to Israel and world Jewry to open direct and official negotiations on the subject of compensation. The IMFA’s response, while refraining from addressing this invitation directly, did not reject it out of hand. In other words, Israel was about to publicly announce to the international community that the possibility of direct and official negotiations between itself and West Germany on the question of reparations was not off the table, as far as the Jewish state was concerned. This would, by all accounts, be a momentous historic event. The German channel, embarked upon only six months earlier, was beginning to show the first glimmers of a light at the end of the tunnel. The majority of the cabinet ministers found no objection with the proposed response, and therein gave their de facto approbation to the prospect of pursuing direct German-Israeli negotiations (an attitude already on display at the July 18 cabinet meeting).²⁹ The only members to voice any kind of reservations were two ministers from the religious-Orthodox camp. Their concerns were heard but not heeded, and the cabinet approved the IMFA’s proposed response.³⁰

On September 27, 1951, Chancellor Adenauer went before the Bundestag plenum and made his declaration.³¹ Its first half was dedicated to the Bonn government’s efforts, both legal and educational, to prevent the recurrence of the Holocaust. Immediately after it followed the paragraph that was supposed to contain Bonn’s recognition of the heinous crime perpetrated by the German people

²⁹ See Chapter 4.

³⁰ ISA, Meeting of the Cabinet, September 26, 1951, 2–8.

³¹ Before its public proclamation, the Chancellor showed the declaration to representatives of the leading factions of the parliament. He likewise made sure to get president Heuss’s approval. Zweig, *German Reparations and the Jewish World*, 14. On September 26, one day before the historic speech, the Bonn government unanimously approved the final text of the declaration. Hansen, *Aus dem Schatten der Katastrophe*, 125; Geller, *Jews in Post-Holocaust Germany*, 226.

against the Jewish people and its denunciation. Those listening in Jerusalem expected to hear harsh and explicit words to this effect, yet their anticipation proved to be in vain. “The overwhelming majority of the German people,” determined the Chancellor, “detested the crimes perpetrated against the Jews and had no part in them.” Not only that, but “many” Germans had risked their lives to come to the aid of their Jewish fellow citizens. From this narrative, one could surmise that two separate, if not conflicting, entities had existed during the Third Reich period: the Nazi regime (which persecuted the Jews) and the German nation (which did not participate in the atrocities).³²

Nevertheless, “unspeakable crimes were committed in the name of the German nation” and they “necessitate the moral and material compensation” of the Jewish people. In this regard, the Chancellor mentioned the two existing categories of compensation: indemnification and restitution of property. On both these counts, he reminded his listeners, “first steps have been taken,” though “very much remains to be done.” The government, he clarified, will work toward improving the existing legislation in the field of indemnification and forge ahead with its activities in the field of restitution. When it came to the third category, that of reparations, the Chancellor employed rather vague language: “The Federal Government is prepared, jointly with representatives of the Jewish people and of the State of Israel, which has absorbed so many homeless Jewish refugees, to bring about a solution of the problem of material compensation.” One can see this sentence as knowingly hinting at the subject of reparations due to the Chancellor’s

³² Having perused the final text of the declaration on the eve of its public pronouncement, Prime Minister Ben-Gurion wrote in his diary that Adenauer “will speak neither of guilt nor of responsibility.” BGA, BGD, September 25, 1951. Foreign Minister Sharett voiced similar words in the Israeli Parliament. KM, Vol. 10, November 4, 1951, 278. The German scholar Frank Stern determined in this context that the declaration carried no “sense of guilt” and did not constitute a taking of responsibility. Stern, *Im Anfang war Auschwitz*, 325. Likewise, Ian Lustick argues that the declaration “seem to offer very little in the way of acknowledged [historical] truth.” Lustick, “Negotiating Truth,” 58. A similar insight is expressed by Markus A. Weingardt, who qualifies the declaration as “very weak” in terms of its historical content. Weingardt, *Deutsche Israel und Nahostpolitik*, 80. See also: Ferdinand and Wild, “. . . Not by the German People.” Some scholars, on the other hand, chose to emphasize the positive sides of the declaration. Thus, for example, Nava Lowenheim argues that the Chancellor’s pronouncement was the first time West Germany expressed apology (for its war crimes) and was therefore groundbreaking. Lowenheim, “A Hunted Past,” 533. According to Anson Rabinbach the declaration was an important milestone in terms of recognizing that the Holocaust of European Jewry was unique among the other atrocities perpetrated by the Third Reich. Rabinbach, “The Jewish Question,” 168. Ruth Amir claimed that, from the historical perspective, Adenauer’s declaration marked the beginning of progress toward conciliation in Israeli/Jewish-German relations. Amir, *Who is afraid of Historical Redress?*, 74.

use of the same expression – “the absorption of Jewish refugees” – that had been employed in Israel’s March 12, 1951 diplomatic missive to the powers to justify its reparations claim and rationalize its scope. One could also argue that, in light of the fact that Israel had raised only one claim for compensation – the reparations claim – the mention of “problem of material compensation” in reference to Israel could really only have referred to this claim. Still, it was impossible to view the Chancellor’s words as a clear-cut announcement or admission of Israel’s right to reparations. In fact, all Adenauer did was invite Israel and the Jews of the Diaspora to come to the negotiating table in order to discuss the various categories of compensation, which may or may not include the question of reparations. At the end of his speech, the Chancellor signaled to the Jewish-Israeli parties that they must not expect too large an amount, since Bonn’s payment capacity was limited due to “the bitter necessity of having to care for the innumerable [German] victims of the war and having to maintain the [German] refugees and expellees.”³³

A representative of the Jewish Agency present at the Bundestag at the moment of the declaration reported that the parliamentary plenum had been packed wall-to-wall. Adenauer pronounced his words in a voice filled with emotion and the audience stopped him multiple times with thunderous applause.³⁴ All factions, including those on the right side of the German political spectrum, approved the Chancellor’s announcement and the meeting came to a close with all those present standing for a solemn moment of silence to honor the memory of the victims of the Holocaust.³⁵

The declaration got a positive reception outside of Germany as well. The *Washington Post* proclaimed the Chancellor’s speech to be “the best thing to come out of Germany since 1933,” while the *Manchester Guardian* claimed this signaled a change of direction for the German people.³⁶ Similarly-minded reactions were printed in several press outlets around the world.³⁷

Israel, however, found it difficult to applaud Adenauer. Having analyzed it thoroughly, IMFA staff came to an obvious conclusion: the declaration fully met only one out of Israel’s three fundamental demands – the vow to do everything in Germany’s power to prevent a second Holocaust. The admission and denunciation of the German people’s crime against the Jews were lacking at best, while the pledge to pay reparations was stated too vaguely to be considered as such.

33 AIG, Document 13, Declaration by the West German Chancellor before the Parliament in Bonn on 27 September 1951 Concerning Restitution, Indemnification and Reparations.

34 ISA, MFA 2539/2, E. Livneh to F. Shinnar, September 27, 1951.

35 For the reactions of the different factions see: Vogel, *The German Path to Israel*, 33–35.

36 Buettner, “Germany’s Middle East Policy,” 121.

37 Balabkins, *West German Reparations*, 91.

Shabtai Rosenne was the first to maintain that the declaration was “rather nebulous,” especially when it came to reparations.³⁸ His colleague, Yaacov Robinson, turned Rosenne’s attention to the fact that the declaration was not categorically addressed to Israel (and therefore was not unequivocally addressing its reparations claim).³⁹ In the West European Division of the IMFA, officials similarly determined that “the declaration contains no explicit commitment to the payment of reparations.”⁴⁰ Among the few who opposed this viewpoint was Consul Livneh.⁴¹ He was, first and foremost, content to hear West Germany declare itself “ready to accept the responsibility for the actions of the Reich and to reach a positive [compensation] settlement.”⁴² He also gave considerable thought to the German word *Wiedergutmachung*, which translates literally to “make good again” or, more applicably in our context, amend – by way of material compensation, among other things – a wrong done unto others.⁴³ The Chancellor employed this word every time he touched upon the issue of material compensation in his declaration. Some among the IMFA staff claimed that Adenauer had in fact limited the literal meaning of the word to refer only to the existing two categories of compensation: indemnification and restitution. Livneh, on the other hand, argued that this word “must be interpreted in its broadest sense,” as “encompassing all the fields of compensation of the victims of the Nazi regime,” including reparations.⁴⁴

A few hours after Adenauer had made his declaration, the Israeli government published its response. Jerusalem expressed its satisfaction regarding Bonn’s initiatives to uproot Nazi trends and attitudes from among the German nation. According to its impression, the West German government “unreservedly acknowledges that unspeakable crimes were committed in the name of the German people,” and recognizes that the nature of these crimes “implies an obligation to make moral and material reparations, both individually and collectively.” The response ended with a statement that “the government of Israel will study the German Chancellor’s declaration and will in due course make its attitude known.” The implication was that Israel would announce its official position vis-à-vis the Chancellor’s invitation

38 ISA, MFA 1809/1, S. Rosenne to Y. Robinson, October 1, 1951.

39 ISA, MFA 1809/1, S. Rosenne to F. Shinnar and E. Livneh, October 29, 1951.

40 ISA, MFA 1809/1, West European Division to a Series of Addressees, October 12, 1951.

41 His opinion was apparently shared by several Israeli diplomats abroad. Trimbur, *De la Shoah à la Réconciliation?*, 42–43.

42 ISA, MFA 1809/1, E. Livneh to G. Avner and F. Shinnar, November 21, 1951.

43 See in this context: Frohn, “Introduction,” 2.

44 ISA, MFA 1809/1, E. Livneh to West European Division, October 19, 1951. Adler-Rudel held a similar position. CZA, S43/240, S. Adler-Rudel to B. Locker and L. Eshkol, September 28, 1951.

to inaugurate Israeli-Jewish-German negotiations on the matter of compensation. One may rightfully ask why this position was not included in the present announcement. It would appear that the two co-captains, Ben-Gurion and Sharett, wished to see how the German declaration would be received by Israeli public opinion and political circles before they ruled in favor of direct negotiations.⁴⁵

When we compare the government response prepared by the IMFA on the eve of the Chancellor's speech and the reactions of IMFA officials once the declaration was made public, we notice a significant disparity in content. According to the official response, Bonn had fully acquiesced to all three of Israel's demands, the one pertaining to reparations chief among them. Yet, as we have seen, this was far from the actual opinion that prevailed at the Ministry once Adenauer had made his announcement. Based on the sources at our disposal, this discrepancy was the result of last minute changes to the declaration text. The IMFA had prepared Israel's official response based on the draft received from Bonn on the 24th of the month, or thereabouts. The Israelis had found this version of the declaration acceptable, albeit not fully satisfactory. The Germans had even gone so far as to promise an additional amendment of the paragraph on the subject of reparations, one that would adhere more closely to Israel's specifications. However, two days before the Chancellor spoke before the Bundestag a new version – "much worse than its predecessor" – had arrived. Avner, who had received the text from the minister in Paris, Fischer, suggested that Livneh contact Adenauer immediately and ask him to revert to the previous draft. Yet the new version remained unchanged and became the final text of the public declaration.⁴⁶ For some reason, the IMFA neglected to alter the Israeli response accordingly and it too remained unchanged, irrelevant as it was to two out of the three points raised by Jerusalem.⁴⁷

Nonetheless, the leadership in Jerusalem could let out a satisfied sigh of relief. Israel's demand for a public and official German declaration that would address the horrors of the Holocaust, as well as the issue of material compensation had been achieved. It was a significant achievement for Ben-Gurion and Sharett, as well as for the IMFA, the latter having pushed for the settlement of the

45 AIG, Document 14, Statement by Israel Government Spokesman of 27 September 1951 Following Upon the Declaration of the West German Chancellor.

46 ISA, MFA 2417/3, G. Avner to G., September 25, 1951.

47 Director-general of the IMFA, Walter Eytan, tried to excuse Israel's irrelevant response to Sharett, who was sojourning in New York at the time. "The latest draft revisions," he wrote, "were unknown to me. We were therefore unpleasantly surprised when we got the text from Paris." ISA, MFA 2330/2, W. Eytan to M. Sharett, September 28, 1951.

compensation question via direct negotiations for some time. However, as stated previously, the declaration failed to satisfy all of Israel's demands in full, most notably with regard to the matter of reparations. The circumstances, therefore, were still not ripe for the Israeli leadership to approach the negotiations table. For that to happen, it would require a tangible German guarantee to pay reparations, which is what the IMFA would strive to obtain over the following weeks.