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# ‘Seeking Justice, Not Charity’. Medical Experiment Victims’ Struggle with Purposefully Inadequate Compensation

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**Abstract:** Germany’s initial *Wiedergutmachung* process did little good for survivors of Nazi medical experiments who struggled with uniquely devastating circumstances. Unable to navigate the nascent post-war compensation bureaucracy, many were left with shockingly little financial assistance, or none at all. That was even the case for one of the victims, Haim Nahon, who had the leadership of the primary restitution agency personally fighting on his behalf. Despite the focus of the Conference on Jewish Material Claims Against Germany on communal relief and rehabilitation and not on individual compensation, Nahon’s plight was taken up by Benjamin Ferencz, Saul Kagan and other senior figures involved in *Wiedergutmachung*. Yet even their direct involvement in early compensation efforts, documented in this article in granular first-person accounts, could do little to help Nahon’s case. Nahon’s failed attempts to obtain “adequate” post-war compensation from Germany’s Ministry of Finance offer an unsettling case study of how willfully limited interpretations of the initial 1951 restitution fund had a lifelong cost for survivors of Nazi medical experiments.

**Keywords:** Auschwitz-Birkenau; castration; Claims Conference; compensation/*Wiedergutmachung*; German Ministry of Finance; Holocaust; Nazi medical experiments

## 1 Introduction

An estimated 4000 Jewish men and women were subjected to medical experiments by Nazi doctors, nearly a quarter of them in the infamous Block 10 of Auschwitz (Weinberger 2020, 133). The experiments were for the most part scientific in nature,

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contrary to their description as “pseudo-science” during the Nuremberg Medical Trial and by post-war German compensation officials.

Auschwitz emerged as a central laboratory with an unending supply of human subjects in late 1942. A wide array of medical experiments was performed. Racial considerations were increasingly given priority, leading to the implementation of reproductive experiments on Jewish inmates (Weinberger 2007, 2009; Weindling 2014; Weindling et al. 2016).

The main doctors were Dr. Carl Clauberg, who conducted intrauterine sterilization experiments; Dr. Eduard Wirths, who focused on precancerous growths in the uterus (Weinberger 2007, 2009, 2020); and most relevant for this study, Dr. Horst Schumann, who experimented with X-ray sterilization.

The use of X-rays as a method of sterilization gained acceptance in the German Reich in 1936. But while early implementation focused mostly on therapeutic interventions (Loewenau 2012, 95), Schumann employed the procedure to further Nazi research into racially motivated mass sterilization.

Schumann was trained as neither a radiologist nor a gynecologist. He was handpicked by Viktor Brack, an official in the Führer’s Chancellery and early proponent of racial sterilization. To achieve Brack’s stated aim of rendering 2–3 million of Europe’s 10 million Jews infertile, scientific experiments were needed to establish the most efficient and cost-effective sterilization method. Brack’s preferred method centered around a two-lamp X-ray installation that could sterilize 150 to 200 people a day. According to his calculations, 20 such installations could render 3000 to 4000 people sterile daily (Weindling 2014, 140).<sup>1</sup>

Based on approval Brack had secured in August 1942, sterilization experiments commenced that November. The experiments lasted for a year, through November 1943, at which point Schumann concentrated on evaluating the irradiated testicles and ovaries, and compiled a final report (Weindling 2014, 140).

Schumann tested the effectiveness of X-rays in achieving long-term sterility by applying various irradiation strengths and by changing the duration of the X-rays. Most of Schumann’s victims were young slave laborers, among them Haim Nahon and many other Greek Jews. After the initial X-ray victims were immediately sent back to their barracks and required to work the next day, regardless of the physical and psychological harm they had endured. Survivors of X-ray sterilizations recalled that their genitalia skin had reddened, with many of them experiencing a sense of internal burning as well as deep wounds that oozed pus (Weinberger 2007, 193–197; Weindling 2014, 141).

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1 NO-205, Viktor Brack letter to Heinrich Himmler concerning the X-ray sterilization proposal, June 23, 1942, Medical Case – United States of America vs. Karl Brandt et al., accessed April 17, 2024, <https://nuremberg.law.harvard.edu/transcripts/1-transcript-for-nmt-1-medical-case?seq=553&q=204>.

To test the efficiency of the X-rays, prior to castration surgery, some of Schumann's victims, among them Haim Nahon, were subjected to painful and psychologically degrading semen tests. Victims' prostates were forcefully stimulated by an inserted piece of wood or pipe to extract sperm for evaluation (Weinberger 2007, 197–200).

After a period of time victims were selected to surgically remove their testicles. The left testicle was usually removed first, followed by the right one. Because a mirror was placed above the surgical area during the operation, the victims could see exactly what was being removed. After successful removal, the testicle was placed in a jar containing formalin and sent for analysis to the forensic medicine department of the University of Breslau, where Schumann spent time in the spring of 1944 (Weindling 2014, 142).

Schumann himself performed only a handful of surgeries, instead using prisoner doctors to handle the task. Initially the performing surgeon was Maximilian Samuel, a German Jewish gynecologist from Cologne. After Samuel was executed in the fall of 1943 (Siegel 2014, 464; Weinberger 2007, 271), other surgeons, primarily non-Jewish Poles, performed the task. The most eager and skillful among them was Władysław Dering, with Jan Grabczyński,<sup>2</sup> Zbigniew Sobieszczanski and sometimes Zenon Lawski also performing surgeries (Weindling 2014, 143–145).

A sense of the increased pace at which these surgeons performed castrations can be gleaned from the surviving pages of Auschwitz's surgical register. Between October 16, and December 15, 1943, for example, a total of 190 operations were performed on 136 male prisoners. On December 16, 1943, however, in just one day, 90 operations were conducted (Weindling 2014, 142).

By early 1944, Schumann had concluded that surgical castration, at 7 min, was more rapid and reliable than X-ray sterilization (Weindling 2014, p. 145). So, X-ray sterilization experiments were put to an end.

## 2 Haim Nahon<sup>3</sup>

Haim Marco Nahon was born on September 2, 1926, in the small Greek town of Xhanti, but moved to Dhidkomotikon (current day Didymoteicho) close to the

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<sup>2</sup> "Registry of surgeries of the surgical ward (Block 21) of the Auschwitz camp inmate hospital," June 30, 1943 – November 11, 1943, Arolsen Archives, accessed October 31, 2023, [https://collections.arolsen-archives.org/en/search/topic/1-1-2-1\\_2206003?s=block21](https://collections.arolsen-archives.org/en/search/topic/1-1-2-1_2206003?s=block21).

<sup>3</sup> The extensive records upon which this article is built include holdings at Germany's Political Archive of the Federal Foreign Office (PA), the Central Archives for the History of the Jewish People in Jerusalem (CAHJP), and oral history repositories.

Turkish border. He lived with his father, Dr. Marco Nahon, a general practitioner, his mother Sara Fresco and his little sister Estela on King George Street Nr. 2, which also housed his paternal grandparents.<sup>4</sup>

Nahon was a student (Nahon 1989, 17) when Axis troops invaded Greece in April 1941 (Bowman 2009, 40). Germany occupied a region with a Jewish population of nearly 72,000,<sup>5</sup> an area including western Macedonia, eastern Thrace along the Greco-Turkish border, the environs of Athens, western Crete, and the Greek islands in the north Aegean Sea close to Turkey. The majority of the area's pre-war population, roughly 50,000, resided in Salonika<sup>6</sup> (Browning 2012, 1844).

On February 6, 1943, SS-*Hauptsturmführer* Alois Brunner was ordered to Salonika. Under his leadership, the destruction of Salonika's Jews took only five weeks, stretching from exclusion and ghettoization (Browning 2012, 845) to deportations to extermination camps (Bowman 2009, 65–66). Many of the Jews who were initially held in the Salonika ghetto were eventually deported to Auschwitz, including Nahon and his family (Browning 2012, 847).

Nahon and his family were transported to the Salonika ghetto on May 3, 1943, a journey that took six days (Nahon 1989, 30). Seven days later, Nahon and his family were sent to Auschwitz.<sup>7</sup>

Upon arrival, Nahon and his father were separated from his mother and sister. Nahon recalled that “whoever had a child at hand” was selected for the gas, including his mother.<sup>8</sup> In between father and son, was Nahon's grandfather, Haim. But “they took him out,”<sup>9</sup> as he was unlikely to be a satisfactory slave laborer in Auschwitz given his age.

“It is May 16, 1943,” Marco Nahon would later recall. “We have reached the end of our journey.... I lose sight of my wife and little girl in the crowd. I will never see them again” (Nahon 1989, 36).

After a few initial quarantine days, Marco and Haim were sent to Block 27 in Birkenau (Nahon 1989, 36).

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4 Haim Nahon, interview by Brad Zarlin, *United States Holocaust Memorial Museum (USHMM)*, Audio, April 30, 2012, <https://collections.ushmm.org/search/catalog/irn701444>.

5 “Greece,” *Holocaust Encyclopedia*, USHMM, accessed May 10, 2023, <https://encyclopedia.ushmm.org/content/en/article/greece>.

6 Thessaloniké (pre 1940), Salonika (1941–1944; Besatzungszone Salonika-Ägäis), Thessaloniki (post 1945). The article will refer to the city as Salonika, reflecting Haim Nahon's description.

7 Haim Nahon recalled in his 2012 USHMM interview, that he had only stayed one night in Salonika before he was transported to Auschwitz.

8 Nahon, *USHMM*.

9 Ibid.

Haim Nahon was soon selected for use as a human subject for medical experiments. In his memoirs,<sup>10</sup> Dr. Nahon describes how Haim Nahon was selected:

In a deathly silence, the *Blockältester*<sup>11</sup> announces, ‘We want two young fellows of sixteen to come forward. After writing down their numbers he asks for two boys of seventeen then two of eighteen, etc. until he has compiled a list of fifty young men. Nobody knows what is happening... Then one day, two weeks or so later, they are taken to a laboratory where an electric current is passed through their genital organs: they are sterilized. From that day onward the *Kommando* of the Fifty is called ‘The *Kommando* of the Sterilized.’ Later a large number of these young men are transferred to Auschwitz, where they undergo surgery. During the first operation one testicle is removed; a month later, the second one also. In this way German scholars perform their experiments (Nahon 1989, 53–54).

Six decades later, Haim Nahon remembered being told his *Kommando* – later referred to as the “*Eierkommando*,”<sup>12</sup> colloquial German for the “Balls Brigade” – would be tasked with light work.

“We had no idea what that meant,” he recalled. “And of course we were up for lighter work.”<sup>13</sup>

Once selected for medical experiment performed by Dr. Horst Schumann (Kłodziński 2022; Weinberger 2009) Nahon and others had to endure the unspeakable.

“We had to put our naked testicle in the front of some kind of machine,” Nahon recalled. “And behind that they had a high electric current and then they said we were sterile.”<sup>14</sup>

After several weeks, Nahon was again selected and brought to a special room where he was forced to masturbate.

“It was not easy, but I was young... in the small glasses, they got the sperm,”<sup>15</sup> Nahon recounted. “After I don’t know how many days from the semen collection, I was taken to the hospital again for an operation. The operation was to remove the testicles, and they took both of my testicles.”<sup>16</sup>

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10 Marco Nahon’s manuscript, filled with highly exact detail, is among the very earliest Holocaust memoirs. Dr. Nahon began writing his memoirs the day after he was liberated from Dachau by the U. S. Army, and completed his recollections less than three months later, while still located in the Dachau subcamp of Augsburg.

11 *Blockältester* refers to a concentration camp inmate appointed to be the leader of a barrack.

12 Haim Nahon, interview by the author, Audio, August 15, 2005.

13 Ibid.

14 Nahon, *USHMM*.

15 Ibid.

16 Ibid.

The castration surgeries took place in Block 21 of Auschwitz, the *Krankenblock*. No general anesthesia was applied; only a needle was inserted into Nahon's back to temporarily numb the lower part of his body: "After the injection in the spine, in the back, to relieve the pain, they took one testicle out."<sup>17</sup>

"It is unbelievable," Nahon said decades later, "but there was no way you could do anything. Nobody could do nothing."<sup>18</sup>

According to the index of surgeries of Auschwitz, Nahon was first selected for the removal of his left testicle on July 2, 1943, carrying surgery number 17060. The surgery was performed by Dr. Wladyslaw Dering, a Polish physician who worked as Dr. Schumann's assistant in Auschwitz (The British Medical Journal 1964; Weinberger 2009).<sup>19</sup>

On November 1, 1943, the second surgery was performed. This time Jan Grabczyński (prisoner number 83864) was the performing surgeon and Nahon's surgery carried the number 19.320. The diagnosis was simply given as "*casus explorativus*," or "experimental case."<sup>20</sup>

"After a few months, I went through the second procedure," Nahon recounted. "They took the right testicle. Then recuperation for a few days. Then I remained in Auschwitz till the evacuation of the camp."<sup>21</sup>

On January 25, 1945, Nahon was transferred to the Mauthausen concentration camp along the Danube River in Austria, then onward to Melk. A transport then brought him to Ebensee, where he was liberated by American troops on May 6, 1945.<sup>22</sup> Nahon eventually made his way back to his hometown in northern Greece and found his father, who had been liberated from Dachau on April 29, 1945.<sup>23</sup>

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<sup>17</sup> Nahon, interview by the author.

<sup>18</sup> Nahon, *USHMM*.

<sup>19</sup> Much information on Dr. Wladyslaw Dering's surgeries and other atrocities is known following the libel case that Dr. Dering himself brought against the author Leon Uris. Wladyslaw Dering vs. Leon Uris, trial transcripts, April–May 1964. Leon Uris Paper, 1939–1999, Manuscript Collection MS-04780, vol. 1–3, Harry Ransom Research Center, University of Texas; see also: Leon Uris, 1959–1964, Rabbi Herbert A. Friedman Collection, 1930–2004, box 56, folder 4, American Jewish Archives.

<sup>20</sup> "Registry of surgeries of the surgical ward (Block 21) of the Auschwitz camp inmate hospital," June 30, 1943 – November 11, 1943, Arolsen Archives, accessed October 31, 2023, [https://collections.arolsen-archives.org/en/search/topic/1-1-2-1\\_2206003?s=block21](https://collections.arolsen-archives.org/en/search/topic/1-1-2-1_2206003?s=block21).

<sup>21</sup> Nahon, interview by the author.

<sup>22</sup> *Häftlings-Personal-Karte* (prisoner "personnel" card), *Mauthausen*, AMM Y 44, Museum and Memorial Ebensee concentration camp.

<sup>23</sup> Nahon, *Birkenau*, 116.

### 3 The 1951 *Härtefonds* (Hardship Fund)

On July 26, 1951, the German government officially acknowledged its moral obligation to compensate victims of Nazi medical experiments when it established the *Härtefonds*.<sup>24</sup>

The establishment of the *Härtefonds* was a historically significant development. It preceded all other federal compensation programs administered by the BMF (*Bundesfinanzministerium*, Finance Ministry), including the benchmark 1956 *Bundesentschädigungsgesetz* (Federal Indemnification Law).<sup>25</sup> It even preceded by several months the establishment of the organization representing Jewish survivors in compensation and restitution negotiations with the German government, the Conference on Jewish Material Claims Against Germany.

Germany's decision to establish the *Härtefonds* was due overwhelmingly to international political pressure during the previous year, primarily through the United Nations (Baumann 2009, 104). In May 1950, the UN's Commission on the Status of Women, supported by the French organization *Association des Déportées et Internées Résistantes* (the National Association of Former Deportees and Internees of the Resistance, ADIR),<sup>26</sup> highlighted the issue of victims of medical experiments.<sup>27</sup> On July 14, 1950, at its 388<sup>th</sup> plenary meeting, the UN's Economic and Social Council ratified Declaration 305 (XI) referencing the plight of concentration camp victims, in particular victims of "scientific medical experiments."<sup>28</sup> In response, on September 6, 1950, German Finance Minister Fritz Schäffer declared the government's commitment to provide financial assistance to victims of medical experiments, but only if they were faced with considerable hardship.<sup>29</sup> The term "considerable hardship," as

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24 *Beschluss der Bundesregierung über die Entschädigung überlebender Opfer von pseudo-medizinischen Versuchen* (Federal Government Resolution on Compensation for Surviving Victims of Pseudo-Medical Experiments), July 26, 1951, B 136/1153, Bl. 28–41, 52, Federal Archives Germany (BArch).

25 *Bundesgesetz zur Entschädigung für Opfer der nationalsozialistischen Verfolgung* (Federal Law on Compensation for Victims of National Socialist Persecution), June 29, 1956, BGBl. 1956 I, 559–596.

26 *Association des Déportées et Internées Résistantes* (ADIR), was created in November 1945 as an association of women who had been imprisoned during the war or deported because of their commitment to the Resistance.

27 "Information concerning the situation of women who were subjected to so-called scientific experiments in the Nazi concentration camps" (Chapter XIII), 1950–1951, AA B10-ABT.2/1663, PA; see also: United Nations Commission on the Status of Women, Report of the Fourth Session (May 8–9, 1950), Economic and Social Council. Official Records, Fifth Year: Eleventh Session, Supplement No. 6, Lake Success, New York, accessed April 21, 2023, <https://digitallibrary.un.org/>.

28 *Entschädigung von Opfern von Menschenversuchen im KZ* (Compensation for Victims of Human Experiments in Concentration Camps), 1950–1951, AA B10-ABT.2/1663, 9–10, PA.

29 *Ibid*, 16.

well as the oft-used “effective help,” was intentionally left open to interpretation, allowing the Ministries to deliberately not fulfill “wishes” as noted in an exchange between the Finance and Foreign Ministry on July 13, 1953 (Baumann 2009, 58).

In February 1951, the UN published a report titled “Plight of Survivors of Concentration Camps: Progress Report by the Secretary General.”<sup>30</sup> The report examined the position of victims of scientific experiments under German legislation and concluded that there was no special provision in their favor, consequently “inviting” German authorities to enact new and more adequate legislation.<sup>31</sup>

In May 1951, a meeting was held among representatives of Germany’s Interior, Justice and Finance Ministries; John Humphrey, director of the UN’s Human Rights Division; and Egon Schwelb, who had served as the division’s assistant director. It was during that meeting that a draft cabinet decision was presented<sup>32</sup> that would, two months later, lead to the establishment of the *Härtefonds*.<sup>33</sup>

The *Härtefonds* was the first German federal compensation program. Decisions on eligibility were made by an interministerial committee comprised of representatives of the Finance, Interior, Justice, Labor and Foreign Office Ministries, as well as official physicians sanctioned by the Interior and Labor Ministries. Claimants to the *Härtefonds* living abroad, who were the majority, applied with their respective *Auslandsvertretung* (foreign representation).<sup>34</sup> The application was collected by the Foreign Office and then transferred to the BMF, which ultimately made the decision (Baumann 2009, 69–70).

Once the application was filed, medical opinions were solicited from experts attesting to the correlation of the current physical impairment(s) with the experiment(s) following a medical examination of the claimant. If eligible for payment, which in addition also required financial hardship, the severity of the medical experiment was weighed in terms of his or her loss of income and compensated accordingly (Baumann 2009, 65).<sup>35</sup>

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<sup>30</sup> Ibid, 89ff.

<sup>31</sup> Ibid, 96, 102.

<sup>32</sup> Report on a meeting between members of the Finance, Justice, and the Interior Ministry on May 29, 1951. Ibid, 251ff.

<sup>33</sup> Ibid, 96, 271.

<sup>34</sup> 93–94 % of all applicants were living abroad. Letter from Dr. Ernst Katzenstein, Germany’s Claims Conference representative, to Saul Kagan, December 9/10, 1957, CC/10172, 52–58, CAHJP. [Saul Kagan served as the Claims Conference’s “Secretary” until 1961. Between 1962 and 1975 he held the title “Special Consultant,” followed by “Treasurer” and later until his retirement he served as the organization’s “Executive Vice President.”].

<sup>35</sup> ADIR Memorandum, CC/10172, 38–51, CAHJP.



By January 1952, the UN pleaded with the German government to be more generous in its dealings with this particular group of victims.<sup>36</sup> Yet at the very first interministerial meeting on May 8, 1952, the BMF acknowledged that “although in the discussion all sides emphasized the desire to handle the regulation as generously as possible, most cases will probably be decided in the negative,” arguing that most applicants will not meet the restrictive conditions required by the cabinet decision. Having been a victim of a medical experiment was on its own not enough.<sup>37</sup> Only a short while later, the UN reported that it had received many complaints addressing the inadequacy of the payments, reasons for rejections, methods of examination, and delays in acknowledging liability.<sup>38</sup>

*Compensation Money distributed by the 1951 Härtefonds*<sup>39</sup>

Amount paid	From	To
Sterilization	DM 2000	DM 5000
Castration	DM 12,000	DM 20,000
Intense phlegmon experiments	DM 20,000	DM 25,000
Bone and muscle experiments	DM 20,000	DM 25,000
Typhus experiments	DM 2000	DM 10,000
High altitude experiments	DM 6000	DM 8000
Hormone experiments	–	DM 4000
Freezing experiments	DM 3000	DM 15,000

Most sterilization victims received single payments of DM 2000–3000,<sup>40</sup> that is if the sterilization was considered experimental. Castration experiment victims received a greater figure, ranging between DM 12,000 and DM 20,000. The interministerial committee heavily based its decision-making on the findings of the Nuremberg Medical Trial, and accordingly only considered a limited number of medical experiments as legitimate cases for compensation.<sup>41</sup>

36 *Entschädigung* (Compensation), 1952–1956, AA B10-ABT.2/1664, 7, PA.  
37 *Ibid.*, pp. 119–121.  
38 ADIR Memorandum, CC/10172, 38–51, CAHJP.  
39 Graph-Compensation Money distributed by the 1951 *Härtefonds*, © Claims Conference 2023. [*Tätigkeitsbericht vom* (activity report from) 27.11.1957, B126/61084, BArch. The same breakdown was sent to Kagan from Katzenstein, December 10, 1957, CC/10172, 54, CAHJP.].  
40 *Ibid.*  
41 German compensation officials frequently referred to the 15 medical experiments referenced at the Nuremberg Medical Trial in 1947 as proven and therefore compensable experiments. Additional experiments, such as Dr. Mengele’s twin experiments, were not considered. For more information, see: Ruth Jolanda Weinberger, “The Negative Ramifications of the Nuremberg Medical Trial on Compensation Payments for Victims of Medical Experiments,” Symposium “*The Nuremberg Doctors’ Trial and the Nuremberg Code at 75: History, Legacy and Medical Crimes. Prosecution and Litigation*

## 4 Haim Nahon's Post-War Struggle to Obtain "Adequate" Compensation

On February 12, 1952, Nahon, while still living in Greece, filed his first application with the BMF, via the help of the UN. After receipt of the application on April 22, 1952, the UN transmitted his claim to the BMF. A month later, on May 23, 1952, the BMF forwarded Nahon's application to the German Consulate General in Athens with a request to verify his information.<sup>42</sup>

The German Consulate took up the case and responded to the BMF on July 12, 1952, noting that Nahon had filed his claim based on his being castrated in Auschwitz.

"As a result of this treatment," the German Consulate General in Athens found, "in addition to physical weakness, he suffers from mental depression, which makes it impossible for him to lead a normal life and to be intellectually active.... The findings made by the Consulate have shown that the applicant's statements about his physical injuries correspond to the facts and that they are causally related to the treatment he received in the Auschwitz concentration camp. There is no possibility of a cure."<sup>43</sup>

The letter further noted that Nahon was required to undergo regular medical treatment consisting of hormone injections (Teston) and, from time to time, subcutaneous infusion of neo-hombreol tablets.<sup>44</sup>

The Consulate also noted that Nahon was faced with considerable financial hardship, a prerequisite for inclusion in the 1951 *Härtefonds*.

"Today he makes his living as a small cloth peddler with a monthly income of 500,000 drachmas = 140 DM, thereby earning just enough to cover the basic necessities, while being faced with additional high expenses due to his compromised health," the German Consulate in Athens added. "According to our findings, Nahon was emasculated, causing not only severe physical but also psychological damage."

Haim Nahon, the Consulate concluded, was not only entitled to compensation, he was also entitled to every effort being made to avoid any unnecessary delays or costs, and to an examination by an Athens medical officer.<sup>45</sup>

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*Today*," Panel II – The Legacy of the Trial and Coe in Material Claims and Medical Ethics, Cedars Sinai, November 17, 2022, accessed October 31, 2023, [https://players.brightcove.net/5588818555001/HkkyQg5UM\\_default/index.html?videoId=6317308909112](https://players.brightcove.net/5588818555001/HkkyQg5UM_default/index.html?videoId=6317308909112).

<sup>42</sup> Letter from BMF to German Consulate General Athens, May 23, 1952, AA B 81-REF 501/V2/952, PA.

<sup>43</sup> Letter from BMF to Foreign Ministry, November 26, 1952, AA B 81-REF 501/V2/952, PA.

<sup>44</sup> *Fürsorgeantrag des Haim Nahon als überlebendes Opfer von Menschenversuchen* (Welfare application of Haim Nahon as a surviving victim of human experimentation), July 12, 1952, AA B 81-REF 501/V2/952, PA.

<sup>45</sup> Ibid.

The letter was received by the BMF in July 1952. Four months later, on November 26, 1952, the BMF informed the Foreign Ministry that Nahon's case was discussed by the interministerial committee in November, at which they decided to withhold his application arguing that "there is no doubt that the castration of Nahon is a cruelty. However, the cabinet decision of July 26, 1951, does not include such cruelties, but medical experiments."<sup>46</sup> The BMF added that if the interministerial committee were to expand the *Härtefonds* to survivors of atrocities such as those committed against Nahon, the number of applications would swell extraordinarily.

The BMF did add, however, that Nahon's case might still be regarded as a medical experiment given "the first treatment with electricity for the purpose of sterilization and also the removal of a testicle."<sup>47</sup>

Accordingly, the interministerial committee announced that additional material would need to be collected to fully assess Nahon's application. Therefore a final decision ought not be expected by February or March of the following year: "It is assumed that by that time most of the present applications for compensation as surviving victims of human experimentation will have been settled and that it will be possible to overlook the extent to which a positive decision, to which the Committee is not averse, would create a precedent."<sup>48</sup> The letter was to be conveyed to Mr. Nahon via the Consulate in Athens.<sup>49</sup>

On December 11, 1952, the Greek embassy in Bonn intervened on behalf of Nahon, stressing that his disabilities were a result of the experiments, and that he had complied with all requirements.<sup>50</sup>

The German Foreign Ministry's response followed several weeks later. Nahon's case, the foreign ministry noted, might have been just "cruelty," and therefore did not constitute a medical experiment.<sup>51</sup>

Nahon's case was hardly the only one to be rejected on such grounds. Consulates and embassies from Amsterdam to Montreal likewise expressed criticism of decisions made by the BMF (Baumann 2009, 25, 189).<sup>52</sup>

Faced yet again with international criticism, the BMF reversed course and announced in a circular of February 2, 1953, that some sterilizations were regarded as

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<sup>46</sup> Letter from BMF to Foreign Ministry, November 26, 1952, AA B 81-REF 501/V2/952, PA.

<sup>47</sup> Ibid.

<sup>48</sup> Ibid.

<sup>49</sup> Ibid.

<sup>50</sup> Letter from Royal Embassy of Greece to the Foreign Ministry, December 11, 1952, AA B 81-REF 501/V2/952, PA.

<sup>51</sup> Letter from Foreign Ministry to Royal Embassy of Greece, December 23, 1952, AA B 81-REF 501/V2/952, PA.

<sup>52</sup> See for example letter exchanges between the General Consulates in Amsterdam, New York and Montreal, AA B 81/147, PA.

medical experiments and could therefore be compensated (Baumann 2009, 193).<sup>53</sup> The official recognition of Dr. Horst Schumann's X-ray sterilizations as a compensable medical experiment only followed during the course of his arraignment and court proceedings in 1968 (Baumann 2009, 89).<sup>54</sup> But well before that belated official recognition, Nahon and other victims of Schumann received a payment through the *Härtefonds*. In Nahon's case, almost half a year after the BMF rejected his claim on May 5, 1953, he received DM 14,000.<sup>55</sup>

On October 27, 1955, Nahon received a subsequent payment of DM 4000, which raised his total compensation to DM 18,000 DM, or about \$4285.<sup>56</sup> Though it afforded Nahon just enough to cover his basic necessities, as the German Consulate in Athens had noted in 1952, Nahon being approved for even that amount of compensation was in itself noteworthy. By 1955, the rejection rate among men was roughly 40 %, and among women around 20 %.<sup>57</sup>

The few recipients, including Nahon, were largely excluded from other German compensation programs, most prominently the *Bundesentschädigungsgesetz* (Federal Indemnification Law, BEG), although none were informed of the latter. Most claimants were simply asked if they preferred an immediate one-time payment or pension, with the majority answering that they would prefer or need (Henry 2002, 4) immediate help. Subsequent attempts, including by the Claims Conference<sup>58</sup> for additional financial support or pension payments were often rebuffed,<sup>59</sup> with German officials arguing that even if pensions were financially feasible, they would require constant supervision of the health and income conditions of the beneficiary, something seen as quite unrealistic.<sup>60</sup>

In September 1956, Haim Nahon and his father moved to the United States. Burdened by financial hardship and medical bills, on June 25, 1957, he appealed to the BMF for supplementary support to meet the costs of his ongoing medical treatment.

Two months later, on August 20, 1957, Georg Blessin, the BMF's undersecretary and a member of the interministerial committee (Baumann 2009, 136), rejected any

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53 Letter from Katzenstein to Kagan, December 9, 1957, CC/10172, 58–59, CAHHJP; see also: Circular, February 2, 1953, B 126/12553, BArch.

54 Aide-Memoire from January 15, 1968, AA B 81/630, PA.

55 Letter from BMF to Foreign Ministry, May 5, 1953, AA B 81-REF 501/V2/952, PA.

56 Letter from BMF to Nahon, October 27, 1955, CC/10171, 80, CAHJP.

57 ADIR Memorandum, CC/10172, 38–51, CAHJP.

58 Letters from Benjamin Ferencz, Germany's first Claims Conference representative to Katzenstein, February 1–6, 1961, CC/10173, 32–34, CAHJP.

59 Letter from Katzenstein to Nehemia Robinson, May 7, 1958, CC/10172, 23, CAHJP.

60 Letters from Katzenstein to Kagan, December 10–11, 1957, CC/10172, 36, 52–53, CAHJP.

further German responsibility and advised Nahon to turn to the Claims Conference for additional help.<sup>61</sup>

## 5 The Attempted Intervention of the Claims Conference

It is here where Haim Nahon's story stands apart from the countless other victims of Nazi medical experiments who were unable to secure a basic amount of justice. Like few others, Nahon gained the attention of the top leadership of the Claims Conference.

On February 20, 1958, Dr. Nahon laid out his son's claim to the Claims Conference for the first time.<sup>62</sup>

William Bein, who was then the Claims Conference's director for special programs, was absent when the correspondence arrived. Dr. Nahon's letter soon found its way to Saul Kagan, the organization's secretary, who in turn contacted Dr. Ernst Katzenstein, Germany's Claims Conference representative.<sup>63</sup>

In his letter to Dr. Katzenstein, Saul Kagan expressed displeasure at the way Nahon's claim had been handled, in particular by *Ministerialrat* Blessin referring Nahon to the Claims Conference knowing full well that the organization was not in a position to distribute monies to individual Holocaust survivors.

Kagan added that "should you conclude that it is hopeless to obtain additional help for Nahon from the Ministry of Finance under their medical experiment program, I will try to see what can be done here to possibly help in the economic rehabilitation of this unfortunate young man so that he can at least meet his personal and medical needs."<sup>64</sup>

On March 6, 1958, Katzenstein responded to Kagan by informing him that during his meeting with the BMF, he was assured that Nahon had the right to apply for additional grants, but he would first need to prove that he had used up all his previous money for the benefit of his health. If, however, he used part of the money to cover travel expenses, given his move from Greece to the United States, that would make his claim ineligible. In addition, proof of the above in the form of medical records, medical certificates and the like had to be submitted.<sup>65</sup>

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61 Letter from Georg Blessin to Nahon, August 20, 1957, CC/10171, 77–78, CAHJP.

62 Letter from Dr. Nahon to Bein, February 20, 1958, CC/10171, 75–76, CAHJP.

63 Letter from Kagan to Katzenstein, February 26, 1958, CC/10172, 72, CAHJP.

64 Ibid.

65 Letter from Katzenstein to Kagan, March 6, 1958, CC/10171, 70, CAHJP.

Consequently, Bein addressed Dr. Nahon on April 14, 1958, informing him of Katzenstein's visit to the BMF.

"We would suggest that you should file a request for additional funds," Bein wrote to Dr. Nahon, "emphasizing that you and your family moved to the United States for the purpose of finding more effective treatment possibilities for your much-suffered son."<sup>66</sup>

On May 1, 1958, Dr. Nahon sent another letter to the Claims Conference voicing his displeasure with the information he had received: "I will fight, I am fighting today, I will fight tomorrow, until my death, with all means possible."<sup>67</sup> However, he also stated that "my hope and my son's hope is in you, the Conference, and I do hope you will realize the dramatic situation of my child and its dire consequences for the entire family."<sup>68</sup>

Enclosed in the letter was Nahon's additional appeal to the BMF. In his draft letter, Nahon noted that the DM 18,000 previously granted to him were insufficient considering the amount of medication and medical treatment he needed to carry on with his life, and that future medical payments were simply beyond his means.

Following Dr. Nahon's request, the Claims Conference not only translated Nahon's letter from French into German, but also edited its content.

"After reviewing my particularly tragic case," the revised letter read, "I am sure you will come to the conclusion that the sum of DM 18,000 granted to me by your ministry in 1953, is in no way sufficient, all the more so since I have already spent the total amount on doctors and medicines which I need on an ongoing basis for my shattered health – a consequence of the inhuman surgical interventions in Auschwitz.... It should be obvious that the high expenses for medical treatment and medicines, which I will need all my life to keep my health somehow in balance, which was destroyed by the Nazis, are out of all proportion to my means."<sup>69</sup>

He ended the letter by asking for a "lifelong pension, retroactively, for the physical and mental injustice done to me."<sup>70</sup>

In support of his claim, Haim Nahon attached a doctor's certificate from Dr. A.E. Rakoff, dated May 21, 1958.<sup>71</sup>

On July 7, 1958, Kagan contacted Katzenstein to inform him that Nahon's letter was sent to the BMF.

"I wish to recommend that this case be given special attention in order that it receives proper consideration," Kagan wrote. "I believe that you will find upon

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<sup>66</sup> Letter from Bein to Dr. Nahon, April 14, 1958, CC/10171, 69, CAHJP.

<sup>67</sup> Translated letter from Dr. Nahon to Bein, May 1, 1958, CC/10171, 64, CAHJP.

<sup>68</sup> *Ibid.*, 64–65.

<sup>69</sup> Letter from Nahon to BMF, in French, May 1, 1958, CC/0171, 63, CAHJP.

<sup>70</sup> Letter from Nahon to BMF, May 15, 1958, CC/10171, 58, CAHJP.

<sup>71</sup> Medical certificate by Dr. A.E. Rakoff, May 21, 1958, CC/10171, 60, CAHJP.

examination of the record that this is one of the most cruel consequences of medical experiments which will require apparently a lifetime of medical treatment just to prevent further deterioration.”<sup>72</sup>

Katzenstein responded to Kagan two days later. After noting that he had already reached out to the BMF, Katzenstein cautioned that while the representative agreed to a meeting, the response given was that he did not see a way to grant additional payment for Mr. Nahon’s application of May 15, 1958.<sup>73</sup>

Without an answer in hand, Bein contacted Kagan on October 13, 1958, for an update. Four days later, Katzenstein responded directly to Bein by noting that “if Mr. Nahon will present medical bills showing that he has to be under constant treatment as result of the medical experiments and setting out the costs involved which prove that the grant made by the Federal Ministry of Finance is insufficient to cover those costs, an additional grant can be made to him. Such an additional grant is, however, conditioned upon proof of the insufficiency of the payments so far made to him. The official in charge in the Federal Ministry of Finance to whom I talked today told me that to the best of his knowledge no such evidence had so far been submitted.”

Katzenstein added that the BMF representative had noted that “another ground for an additional grant would be provided for, if on medical examination it would be established that an additional ailment was existent which at the time of the last medical examination had not been diagnosed and which was all the result of the medical experiment.”<sup>74</sup>

Put differently and following Katzenstein’s report from his talks with BMF representatives, the fact that Nahon was irreversibly castrated, and suffered physical and psychological consequences, was not reason enough to grant him an additional payment. Only in the event of another physical ailment that had manifested itself within the last six years, would he be eligible for another one-time payment, not to speak of a pension.

On November 12, 1958, Haim Nahon was notified in writing that he had already received the maximum grant allowable and that any additional amount would not be possible.<sup>75</sup>

Despite the finality of the decision, the Claims Conference leadership continued to press Haim Nahon’s case.

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<sup>72</sup> Letter from Kagan to Katzenstein, July 7, 1958, CC/10171, 51, CAHJP.

<sup>73</sup> Letter from Katzenstein to Kagan, July 9, 1958, CC/10171, 50, CAHJP.

<sup>74</sup> Letter from Katzenstein to Bein, October 17, 1958, CC/10171, 46, CAHJP.

<sup>75</sup> Translation of rejection letter, November 12, 1958, CC/10171, 42, CAHJP. (In a letter from Dr. Nahon to Bein, he asked for the assistance of the Claims Conference in translating the letter, since “nobody knows German in our family...” December 9, 1958, CC/10171, 40, CAHJP.).

Norman Cousin, who had no small measure of fame as the editor-in-chief of the *Saturday Review*, had successfully raised political and social awareness in 1958/9 for the plight of Polish medical experiment victims. So Bein contacted Cousins on March 13, 1959, though he made sure to note at the top of his letter that he was writing in a personal capacity, and not as an official representative of the Claims Conference.

"I followed with great interest and admiration your efforts... to provide similar aid to a group of Polish women, victims of criminal Nazi medical experiments," Bein wrote Cousins. "Encouraged by your interest in constructive help to innocent sufferer, I wish to bring to your attention the case of a young man known to me who is the victim of such Nazi medical experiments and is in great need of moral, physical, material and medical rehabilitation.... At present Mr. Nahon is living the life of a hunted beast, desperate, without any hope."<sup>76</sup>

On April 16, 1959, Bein contacted Cousins a second time to inquire if his previous letter had been received.<sup>77</sup> Several weeks later Cousin responded: "The case of your friend Mr. Nahon is indeed one which requires special attention."<sup>78</sup>

While Bein was corresponding with Cousins, Dr. Nahon was reaching out to the United Jewish Appeal (UJA) in Philadelphia and solicited the help of Edward Ginsburg. In a letter to Bein on May 4, 1959, Ginsburg replied that he had "asked Senator Joseph S Clark of Pennsylvania to intervene on behalf of Haim Nahon. He contacted the State Department and has agreed to ask the *Consul General* at Bonn to make inquiries concerning the victim's claim against the German Federal Republic.... I might add that my part in this matter is gratuitous and motivated by an acute awareness of the monstrous wrong done [to] the victims.... It is difficult to classify this type of victim since in no other wars going as far back as Ghengis Khan have similar cases been recorded."<sup>79</sup>

Four days later, Bein responded to Ginsburg.

"I can assure you that we are as deeply distressed over Mr. Nahon's suffering as you are. As you know, Dr. Nahon seeks the formal recognition by the German authorities of their obligation to indemnify his son for what was done to him.... It is our fervent hope that a way will be found to secure for Mr. Nahon additional payments by the German authorities so as to, at least, facilitate the cost of medical care which he requires. Those of us who have followed closely the untold human tragedies resulting from Nazi persecution are deeply conscious of the fact that there is no sum of money which can adequately compensate for the injuries and sufferings."

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<sup>76</sup> Letter from Bein to Cousins, March 13, 1959, CC/10171, 35–36, CAHJP.

<sup>77</sup> Letter from Bein to Cousins, April 16, 1959, CC/10171, 31, CAHJP.

<sup>78</sup> Letter from Cousins to Bein, May 1, 1959, CC/10171, 30, CAHJP.

<sup>79</sup> Letter from Ginsburg to Bein, May 4, 1959, CC/10173, 127, CAHJP.



To attest to his efforts, Bein enclosed a copy of the letter he had received from Norman Cousins just a few weeks earlier.<sup>80</sup>

Concurrent with Cousins's advocacy and Ginsburg's engagement, Katzenstein made personal inquiries at the BMF. In a letter to Kagan dated July 7, 1959, Katzenstein noted that Nahon might still be able to receive an additional payment if he could submit proof that he had used the DM 18,000 for improvement of his health, in particular for hormonal injections.<sup>81</sup>

There are no documents attesting to the fact that Nahon was able to submit the required documentation, or if such documentation was submitted, or why it was deemed to be insufficient. What is known is that despite Cousins and Ginsburg's involvement, and despite Bein, Kagan and Katzenstein's personal commitment to helping Nahon, no application for further support was ever approved.

The rejection of his appeal could not have come as much of a surprise to Haim Nahon, given the BMF's stated sense at the time that the problem of medical experiment claims would soon lose "any relevancy."<sup>82</sup> But it never lost relevancy for Haim Nahon's father, even as the next decade arrived.

On June 22, 1960,<sup>83</sup> the criteria for the *Härtefonds* were amended to include victims from Eastern Europe. About a third of all applicants had been excluded from the *Härtefonds* because of their nationality or residence,<sup>84</sup> a result of a decision at the first interministerial meeting in 1952 to not process applications from victims residing in Eastern Europe because of logistical and administrative issues.<sup>85</sup>

The driving force behind the *Härtefonds* amendment was Caroline Ferriday, who was acting on behalf of ADIR.<sup>86</sup> Standing together with her were Norman Cousins, as well as Benjamin Ferencz, who had been hired by ADIR to negotiate with

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80 Letter from Bein to Ginsburg, May 8, 1959, CC/10173, 128, CAHJP.

81 Letter from Katzenstein to Kagan, July 7, 1959, CC/10171, 27, CAHJP.

82 Letter from Kagan to Katzenstein, May 4, 1959, CC/10173, 31, CAHJP.

83 *Beschluss der Bundesregierung über die Ausweitung der Entschädigung auf überlebende Opfer von pseudo-medizinischen Versuchen in Staaten ohne diplomatische Beziehungen zur Bundesrepublik Deutschland* (Resolution of the Federal Government on the Extension of Compensation to Surviving Victims of Pseudo-Medical Experiments in States without Diplomatic Relations with the Federal Republic of Germany), June 22, 1960, B 136/58687, Bl. 22–32, BArch.

84 Austrian and East European victims of medical experiments were not included in the 1951 *Härtefonds*.

85 *Aktenvermerk* (memo), 8 May 1952, AA B10-ABT.2/1664 [1952–1956], 119–121, PA; William Metz, *Vermerk*, July 11958, CC/10172, 21–22, CAHJP.

86 In March 1958, ADIR released a report entitled "Assistance to Victims of Nazi Medical Experiments." CC/10170, 2, CAHJP.

the German government and build a public pressure campaign<sup>87</sup> to expand the program.<sup>88</sup>

Once the *Härtefonds* criteria were amended, the International Committee of the Red Cross – as a neutral agency that could help overcome the East-West divide prevalent in post-war Europe – was chosen to process claims.<sup>89</sup>

Although the compensation parameters were not supposed to change,<sup>90</sup> the ICRC insisted that DM 25,000 be set as the minimum amount, with an additional DM 40,000 dispensed in certain cases. Faced with the organization's threat to withdraw from its role as intermediary, the German government agreed to its conditions.<sup>91</sup>

The payments dispensed by the ICRC were not only far greater than those given by the BMF, they also reflected a more liberal view of what kind of experiments qualified for compensation in the first place.<sup>92</sup> In the end, Germany agreed to additional global settlements with several East European countries, considering this the most beneficial solution.<sup>93</sup>

Victims of medical experiments who resided in the West were not granted any additional financial compensation by the amendment to the *Härtefonds*, as it dealt only with survivors in the East. But that geographic distinction did not prevent Dr. Nahon from once again reaching out to Bein.

In a letter dated November 18, 1961, Nahon mentioned seeing a television news report about Germany allocating an additional \$1 million for victims of medical experiments. Dr. Nahon asked Bein if he knew “anything new about this question.” He further asked if Bein could “recommend me a good lawyer prepared to bring our case in a court.”<sup>94</sup>

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<sup>87</sup> For an overview of articles published to increase public pressure on Germany, see CC/10173, 52ff, CAHJP. The Claims Conference in turn made sure to distribute such articles to the appropriate officials in charge in Germany. CC/10173, 141, CAHJP.

<sup>88</sup> B 136/58687, Bl. 34–41, BArch.

<sup>89</sup> *Beschluss der Bundesregierung* (Decision of the Federal Government), November 23, 1960, B 136/58687, Bl. 34–41, BArch; *Kabinetttvorlagen re Leistungen für Opfer von Menschenversuchen in Staaten, mit denen die Bundesrepublik keine diplomatischen Beziehungen unterhält* (Cabinet Bills on Benefits for Victims of Human Experiments in Countries with which the Federal Republic of Germany has no Diplomatic Relations), June 16, 1960, B 136/58687, Bl. 22–32, BArch.

<sup>90</sup> *Beschluss*, June 22, 1960, B 136/58687, Bl. 22–32, BArch.

<sup>92</sup> *Beschluss*, April 7, 1961, B 136/58687, Bl. 42–47, 50, 52, BArch.

<sup>92</sup> On November 7, 1962, Katzenstein noted in a letter to Robinson that the BMF provided the ICRC “with a blank power of attorney,” which resulted in the average payments of DM 32,000, whereas “for all the so-called ‘Westfälle’ (residents in West European countries), only DM 6000 had been paid on average.” CC/10173, 4, CAHJP.

<sup>93</sup> Letter from Katzenstein to Kagan, August 12, 1970, CC/10174, 15–16, CAHJP.

<sup>94</sup> Letter from Dr. Nahon to Bein, November 18, 1961, CC/10171, 25–26, CAHJP.

On November 21, 1961, Bein responded to Dr. Nahon, impressing him that the \$1 million grant was set aside for Polish women who had been used as medical experiment victims in Ravensbrück, and therefore was not applicable to his son. But he added that Germany had reached an agreement with Greece that allowed some Greek victims to receive compensation.<sup>95</sup>

"I inquired and was informed that your son may have a chance to receive compensation for future medical and other expenses if you would apply to the German authorities under the provisions of the Hardship fund,"<sup>96</sup> Bein recommended.

Concurrently to Bein and Dr. Nahon's correspondence, and in response to the amendment to the *Härtefonds* criteria, Kagan and Ferencz strategized about the plight of victims of medical experiments and the case of Nahon in particular. On November 24, 1961, they asked Bein to convey the following suggested steps: Nahon ought to contact the German Consul General in Philadelphia or the Legal Aid Society by presenting his claim that an experiment victim in the United States should receive at least as much as one in Poland, to point out that he still has continuing expenses, and to ask the consul to forward his application to Germany.<sup>97</sup>

Bein in turn contacted Dr. Nahon on December 1, 1961, and laid out the steps recommended by Kagan and Ferencz.

"In making your application, you should press for a grant which should not be less than experiment victims of Poland received, namely from DM 25,000 to 40,000 (German authorities may want to deduct what has already been received by your son to date)," Bein wrote, before adding: "I am writing to you privately and will be glad to pursue the matter (underlining by William Bein)."<sup>98</sup>

Dr. Nahon replied the very next day. Although grateful for Bein's suggestion to reapply to the German authorities, he admitted moral exasperation with the situation: "What my son is seeking is not charity, but justice."<sup>99</sup>

Four days later, Dr. Nahon wrote again to Bein to express not exasperation, but despair.

"I have not been able to reach a satisfactory solution to my son's problem,"<sup>100</sup> Dr. Nahon declared, enclosing a draft version of the letter he had sent to the BMF.

The draft letter pleaded once again with German authorities to consider a favorable outcome.

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<sup>95</sup> The global agreement between Germany and Greece was signed on March 18, 1960 and published in Germany's *Bundesgesetzblatt* (BGBl. II) in 1961.

<sup>96</sup> Letter from Bein to Dr. Nahon, November 21, 1961, CC/10171, 22, CAHJP.

<sup>97</sup> Memorandum from Caroline Goldstein to Bein, November 24, 1961, CC/10171, 21, CAHJP.

<sup>98</sup> Letter from Bein to Dr. Nahon, December 1, 1961, CC/10171, 20, CAHJP.

<sup>99</sup> Letter from Dr. Nahon to Bein, December 2, 1961, CC/10171, 19, CAHJP.

<sup>100</sup> Letter from Dr. Nahon to Bein, December 6, 1961, CC/10171, 16–17, CAHJP.

“I beg your Excellency to allow me once again to appeal to your sentiments of humanity and justice and reconsider my case,” Haim Nahon wrote to the BMF. “Your Excellency, I am still and will continue to have expensive medical treatment during all my life, and I am entitled for that reason to receive more than the sum granted to the Polish victims of experiments.”<sup>101</sup>

A month later, on January 14, 1962, Bein discussed Haim Nahon’s situation with Ferencz and subsequently forwarded him a copy of the draft letter to the BMF for his review.

“Would you be so kind and draft an application to the German authorities, and let me have instructions for Mr. Nahon how he should proceed,” Bein wrote Ferencz.<sup>102</sup>

Ferencz responded on January 17, 1962. While noting that there was little the Claims Conference could do to influence the situation, Ferencz advised involving the Consulate and making them aware of Nahon’s dire situation, as he is “morally entitled to compensation and desperately in need of it.”<sup>103</sup> Ferencz also suggested addressing the inequity between payments to victims residing in the West and the payments to Polish victims. And he additionally recommended involving the ICRC as well as the UN Human Rights Commission.

“Unfortunately, there are many (perhaps a few thousand) cases where medical experiment victims have received less than 25,000 DM and no eligibility under the BEG,” Ferencz noted. “There are many others who have emigrated like Mr. Nahon and cannot turn to their country for additional aid... What is really required is a massive propaganda campaign coupled with an onslaught in Bonn and at least dozens of actual cases. Unfortunately, I don’t know who is going to do it – and I don’t think anybody will. But we can try what I’ve indicated and hope for the best.”<sup>104</sup>

A week later, Bein conveyed the information to Dr. Nahon.<sup>105</sup> On March 5, 1962, Dr. Nahon visited the office to discuss his son’s situation with Bein in person. It is unclear from the archival records if Nahon was able to gather the necessary documentation to submit another claim to the German Ministry of Finance. What is clear, however, is that Haim Nahon did not receive any supplementary payments.

The sentiments of unequal treatment that Dr. Nahon expressed to Bein were soon validated by official statistics.<sup>106</sup> On December 19, 1962, Katzenstein reported that “whereas the average amount paid to the Western victims was somewhat over

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**101** Draft letter from Nahon to BMF via the German Consul General in Philadelphia, December 1961, CC/10171, 15, CAHJP.

**102** Letter from Bein to Ferencz, January 15, 1962, CC/10171, 12, CAHJP.

**103** Letter from Ferencz to Bein, January 17, 1962, CC/10171, 8–9, CAHJP.

**104** Ibid.

**105** Letter from Bein to Dr. Nahon, January 24, 1962, CC/10171, 6–7, CAHJP.

**106** Letter from Robinson to Katzenstein, December 10, 1962, CC/10173, 3–4, CAHJP.

6000 Deutschmarks, five times this amount was paid to the Eastern victims, namely, over 30,000 Deutschmarks on average.”<sup>107</sup> And in the years that followed, the rejection rate for applications from the West remained around 40 %, while only 2 % of applicants from the East were rejected.<sup>108</sup>

In June 1965, Dr. Nahon reached out to the Claims Conference one last time.

“I like to think you have not forgotten me,” he wrote Bein. “I am the Greek doctor who in the past came to meet you several times in order to discuss the case of my unfortunate son.”<sup>109</sup>

But by that time, “due to cessation of activities of the Conference,” Bein was no longer on the job.<sup>110</sup>

## 6 Conclusions

On February 13, 2002, 40 years after his father’s last correspondence with the Claims Conference, Haim Nahon filed an application with Germany’s Fund for Victims of Medical Experiments and Other Injuries. Applications to the fund from Jewish claimants were administered by the Claims Conference.<sup>111</sup>

“Can you or your organization help me?” he wrote the Claims Conference. “I’m getting old, and I haven’t seen nothing yet.”<sup>112</sup>

Five decades after the first attempts by him and his father to secure financial help in dealing with the lifelong effects of the medical experiments he had been subjected to – five decades of being neglected, rejected and uncared for, five decades of receiving little to no official recognition for the immeasurable suffering he had endured – Haim Nahon’s claim was approved without objection. He was awarded \$8600.

The relatively quick and unbureaucratic processing and approval of Nahon’s claim was in line with the official paradigm shift in Germany toward taking responsibility for the aging victims of the Holocaust. By the turn of the millennium, the validity of claims like Nahon’s was beyond question, a noteworthy turnaround

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**107** Letter from Katzenstein to Robinson, November 7, 1962, CC/10173, 1, CAHJP.

**108** Letter from Katzenstein to Kagan, August 12, 1970, CC/10174, 15–16, CAHJP.

**109** Letter from Dr. Nahon to Bein, June 2, 1965, CC/10171, 4, CAHJP.

**110** By 1965, the Claims Conference had finished distributing monies from the Luxembourg Accords and significantly reduced its operations. Letter from Ernest H. Weismann, Comptroller, to Dr. Nahon, June 8, 1965, CC/10171, 3, CAHJP.

**111** “Fund for Victims of Medical Experiments and Other Injuries,” Closed Programs, Claims Conference, <https://www.claimscon.org/about/history/closed-programs/medical-experiments/>.

**112** Haim Nahon application to the Fund for Victims of Medical Experiments and Other Injuries, February 13, 2002.

from the BMF's initial bureaucratic obstinacy toward the first compensation claims. The historical circumstances surround Nazi medical experiments, their declared scientific purpose and execution, and the incalculable physical and emotional distress they caused, all had been accepted fact by the time Nahon applied to the medical experiments fund.

But these significant societal shifts notwithstanding, the payment Nahon received can only be seen for what it really was: a symbolic payment, far too late and far too little.

Haim Nahon passed away on January 5, 2017, at the age of 90.

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**Supplementary Material:** This article contains supplementary material (<https://doi.org/10.1515/eehs-2023-0042>).