



Christian Dirks. *„Die Verbrechen der anderen“: Auschwitz und der Auschwitz-Prozess der DDR. Das Verfahren gegen den KZ-Arzt Dr. Horst Fischer.* Paderborn: Ferdinand Schöningh Verlag, 2005. 408 pp. EUR 42.90, cloth, ISBN 978-3-506-71363-6.



Harald Schmid. *Antifaschismus und Judenverfolgung: Die „Reichskristallnacht“ als politischer Gedenktag in der DDR.* Hannah-Arendt-Institut für Totalitarismusforschung Berichte und Studien. Göttingen: V&R unipress, 2004. 153 pp. EUR 16.80, paper, ISBN 978-3-89971-146-2.



Jan Philipp Spannuth. *Rückerstattung Ost: Der Umgang der DDR mit dem „arisierten“ und enteignetem Eigentum der Juden und die Gestaltung der Rückerstattung im wiedervereinigten Deutschland.* Essen: Klartext Verlag, 2007. 255 pp. EUR 27.90, paper, ISBN 978-3-89861-656-0.



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In the decade after 1989, the German Democratic Republic's (self-)image as the "better Germany"—the negation of fascist Germany and the embodiment of the antifascist resistance—was vigorously contested. Scholars, politicians, intellectuals, and publicists critically scrutinized the GDR's

handling of the National Socialist past.[1] Deficiencies and blind spots in its treatment of victims of the Holocaust were exposed, as was its pragmatic integration of former Nazis. A new consensus held that, in contrast with its self-depiction, the GDR was by no means "better" than the Feder-

al Republic of Germany, which it had mercilessly attacked as the barely tamed continuation of fascist interests. Instead, the many shortcomings of West Germany's efforts to "come to terms" with the Nazi past now appeared as unfortunate bumps on the road to an honest, self-critical approach to German responsibility for Nazi genocide, while the GDR's mendacious antifascism, having amounted to little more than an instrument for regime legitimation, met its deserved end in 1989-90.[2]

By the turn of the millennium at the latest, researchers interested in more complex accounts identified deficiencies in the prevailing understanding. These included its primary focus on the 1940s and 1950s, its overwhelming focus on the communist regime, and its treatment of the GDR in isolation from (or at best in isolated comparison with) the Federal Republic.[3] Numerous questions remained: to what extent did the regime control and manipulate efforts to address (or ignore) the past? Were such efforts merely "instrumentalized" for political ends, or was there a genuine interest in facing up to (aspects of) Nazism and if so, where? Is it possible to speak of East German antifascisms beyond the official doctrine (which might conceivably have persisted after 1989)? To what extent did change occur over the decades? And what was the nature of the interaction of the two Germanys in this area--their *Beziehungsgeschichte*? A further question that is worth posing at the end of the second decade after 1989 concerns the possibility of moving beyond the predominantly judgmental post-Wende discourse to write the history of East German handling of the Nazi past, indeed the history of post-war Germany in general, without the highly normative and evaluative approach that dominated the scholarship of the 1990s. In addressing diverse dimensions of East Germany's handling of the legacies of Nazi persecution and genocide of the Jews, the three books under discussion sug-

gest ambiguous and complex answers to these questions.

The ostensible focus of Christian Dirks's well-written work is an examination of the East German counterpart to the famous and much-studied Frankfurt am Main "Auschwitz trial" of 1963-65. [4] Dirks treats the "GDR's Auschwitz trial" not only as a component of East German judicial history, but also as an aspect of East Germany's and West Germany's *Beziehungsgeschichte*. Yet these are not Dirks's only aims. He also seeks to contribute to research into Nazi perpetrators by examining the roles of SS doctors at Auschwitz, in particular that of the trial's defendant Horst Fischer, who served there from late 1942 and from 1943 as deputy chief SS doctor. Accordingly, the actual trial is addressed only in the final of three sections, which, although it spans about 140 pages, almost seems brief after nearly 200 pages of what might otherwise constitute background information, were it not for Dirks's ambitions with regard to perpetrator research.

The first section provides an overview of prosecutions of Nazi criminals by Soviet tribunals and East German courts between 1945 and 1955. It also discusses East Germany's propaganda campaigns against the Federal Republic in the 1950s and 1960s over its unmastered Nazi past and the compromised pasts of its elites. Drawing on extensive secondary literature, this section, like the whole book, is systematic and thorough. At times it seems excessively so, although some points that initially seem superfluous (such as somewhat confused references to Soviet internment camps) do fall into place eventually. Dirks might have taken a little more care with his use of contested terms such as "collective guilt" (p. 35), but he convincingly draws out the early and enduring "instrumentalization of prosecutions of Nazi crimes for the political-propagandistic goals of the rulers" in the Soviet Occupied Zone (SBZ) (p. 37), including their timing in conjunction with trials of similar crimes in the western zones, the absence of sys-

tematic prosecutions, and a preference for a small number of highly publicized trials. The discussion also suggests, more implicitly, the relative absence of prosecutions of crimes directly associated with the Holocaust. In discussing the SED's propaganda campaigns against the Federal Republic, Dirks stresses the basic accuracy of many of East Berlin's charges against Bonn, due to the fact that the denazified old "elites in the state, the economy, the academy, and the military were almost completely reinstated" in the 1950s (p. 55), in contrast to which the GDR claimed to have expunged fascism, root and branch.

Yet, as Dirks argues in his conclusion, "the only thing systematic about the criminal prosecution of Nazi crimes in the GDR was the consistent oversight of its own deficits in this area" (p. 330). As is well known, many former Nazis integrated themselves into East German society, with or without undergoing denazification. Fischer (1912-66) is an example. Dirks's second section addresses Fischer's path from petit bourgeois origins and early orphanhood in Dresden, via a medical degree at Berlin University and membership in the SS since late 1933, to Auschwitz. It also presents his avoidance of detection at war's end and his 1946 move to Spreenhagen in provincial Brandenburg, where he practiced as the local physician until his arrest in 1965. This section is perhaps the book's strongest; it provides a gripping account of one individual's path to becoming a professional killer, as well as a detailed examination of doctors' roles within the SS machinery of exploitation and extermination. That Dirks's account is so rich is due not least to extensive statements Fischer made in custody, Dirks's examination of which--combined with his utilization of existing literature, including that produced by prisoner-functionaries such as Hermann Langbein, who worked alongside Fischer--constitutes a significant contribution to the literature. Fischer's various activities and responsibilities at Auschwitz included combating typhus epidemics (among SS personnel and prisoners); undertaking

"selections" on the ramp at Birkenau and in the hospital at the Monowitz satellite camp run by the SS for IG Farben; conducting experiments on patients; supervising mass murder in the gas chambers; and overseeing the death march following the camp's evacuation. This section offers valuable insights into the power struggles both within the SS and between the SS and IG Farben at Auschwitz, as well as into the selection processes from the perspective of an SS doctor. Dirks also discusses Auschwitz's SS doctors' social and family life. While Fischer was clearly not one of the most brutal SS doctors or officers, he made no serious attempt to be transferred away from Auschwitz. Dirks's attribution to him of "a pronounced sense of injustice" while there (p. 186) comes somewhat as a surprise, partly because we never really get inside Fischer's head, despite his extensive subsequent testimony. Dirks's plausible final assessment is that Fischer was "no small cog within the National Socialist machinery of extermination, of which he became a part through a fatal mix of antisemitism, indifference, careerism, and enrichment" (p. 168).

Although several of his colleagues had faced trial, by the late 1940s Fischer believed he had evaded responsibility for his actions. Dirks stresses that such optimism was not unjustified, because Fischer's whereabouts were unknown to the authorities outside the GDR that were investigating him. Indeed, only Fischer's negative attitude toward the GDR and frequent visits to West Berlin attracted the attention of the district Stasi office in the early 1960s. In 1965, he was identified as the SS doctor about whom Stasi headquarters had, coincidentally, only recently registered incriminating material. His arrest was announced after a delay of several months, just as the second Frankfurt Auschwitz trial began. Such timing reflected East Berlin's desire to gain influence over and pursue a counter-trial to the proceedings in Frankfurt. After plans to transform the first Frankfurt trial into a "tribunal against IG Farben" and its successor companies failed (p. 224), Fisch-

er's arrest offered the East German authorities a welcome opportunity to highlight the company's role at Monowitz and more broadly in the development of Nazi policies of exploitation and extermination. In the context of West German and international debates about statutes of limitations for Nazi crimes, the GDR also sought to position itself as the only German state that was pursuing a rigorous course of justice against those responsible. Dirks highlights the Stasi's extensive planning for the trial, including instructions to the press about appropriate interpretations, selection of audience members, the development of an accompanying exhibit, and the instruction to execute Fischer. Dirks also discusses the role Fischer played in the Frankfurt trials, including the significance of his admissions in securing a verdict in the second trial. This section testifies to the importance of *Beziehungsgeschichte* for understanding both East and West German developments.

Dirks's discussion of Fischer's trial stresses that the indictment, expert witness testimony, and judgment were all directed against IG Farben as much as against Fischer, who was held responsible for the murder of seventy thousand people (almost one hundred a day, as the verdict observed). Dirks repeatedly notes that, propaganda aside, their descriptions of the history of Auschwitz in general and the role of IG Farben in particular largely accord with current historiography. The prosecution and prominent East German witnesses also sought to condemn the Federal Republic, which was even blamed for the embarrassing fact that such a major criminal had lived undetected in the GDR for two decades. Meanwhile, Fischer's defense, led by Wolfgang Vogel, had a difficult task in light of the overwhelming evidence and Fischer's extensive confession. The High Court of Justice accepted the prosecution's case--with the exception of the charge that Fischer had ordered the use of Zyklon B gas--and sentenced him to death. Dirks gives brief accounts of East and West German press coverage of the verdict, of the mainly sympathetic and occasionally antisemitic

responses of the local Spreenhagen population, of discussions of the trial within various East German institutions, and of Fischer's own remarkably contrite letters to his wife after his sentencing. Some of these subsections are rather descriptive, with chunks of reported speech, but they help to support Dirks's insistence that efforts to understand such trials must go beyond analyzing judgments and demonstrate the value of in-depth examinations of individual trials.

Dirks's discussion of the trial's conformity to the principles of the rule of law and its "show trial" character is less satisfying. On the one hand, his assessment that the trial formally conformed to rule-of-law principles--despite the predetermined verdict--is disconcerting. On the other hand, his claim that it had all the hallmarks of a show trial is unsatisfying. Three points--raised not least by Dirks's quotation of Stasi boss Erich Mielke to the effect that Fischer had to be brought to "feel required to give the world the opportunity to see the crimes of the fascists in their entire barbarity, heinousness, and hypocrisy" (p. 211)--warrant further consideration. First, Mielke's statement and Dirks's reference to Fischer's "preparation" by the Stasi (p. 333) suggest that Fischer's confession may have been extracted under duress, a point that does not otherwise feature in Dirks's account. Second, as Andreas Hilger has argued, such trials were less "show trials" than "demonstration trials," because the crimes (of Fischer and IG Farben) did not have to be invented. [5] Finally, despite the undeniably dominant role played by the regime's political aims, Mielke's statement suggests that Fischer's trial also served a more legitimate desire to expose Nazi crimes, which, to be sure, was only acted upon when opportune. Despite not fully addressing these points, Dirks's book is an important addition not only to the literature on the GDR's handling of the Nazi past and East-West German *Beziehungsgeschichte* in this area, but also to the study of Auschwitz and of doctors' roles in the Holocaust.

In contrast with Dirks's substantial investigation, Harald Schmid provides a single citation for the actual history of *Reichskristallnacht*. Schmid's study is an expanded version of a part of his dissertation on the pogrom's commemoration in the Federal Republic.[6] With laudable brevity, he presents the changing contexts, actors, and interpretations of the pogrom, from the KPD's immediate sympathetic response in 1938—with which Erich Honecker still sought to legitimize the GDR in the 1980s—through a commemorative demonstration of New Forum supporters in Leipzig on the night the Berlin Wall fell. With the exception of a single archival record, Schmid's sources are contemporary publications, from *Neues Deutschland* to Jewish community periodicals. Otherwise, he draws on already considerable literature on the situation of Jews and the handling of the Holocaust in the GDR, including some brief, older studies on his very topic. Schmid's study makes an exemplary effort at analyzing his subject within the changing contexts of the East-West conflict, the GDR's philosophy of history, its confrontation and competition with the Federal Republic, its policy toward Israel, and the state of its Jewish community. Indeed, Schmid synthesizes recent research on antifascism, highlighting its functions for the regime but also acknowledging that it cannot be reduced to these. He strikes a similarly nuanced note on the GDR's handling of the Holocaust, arguing that even if the latter was not taboo in the GDR, the fact that no specific sense of obligation towards its Jewish victims arose itself constituted "a damning indictment" of official antifascism (p. 17).

After two introductory chapters, the study proceeds chronologically. While the Nazis' Jewish victims were included, but received no special place in, Soviet zone commemorations of the Day of Remembrance for the Victims of Fascism, commemoration on and around November 9 was devoted primarily to celebrating the 1917 Russian and 1918 German revolutions, behind which the 1938 pogrom would remain secondary for

decades. Nevertheless, Jewish communities commemorated the pogrom, initially in league with, but soon as second fiddle to the Association of the Nazi Regime's Persecuted (VVN). Postwar anti-semitism and the prewar responsibility of bystanders were openly discussed in 1947 and 1948, even if only exceptional figures like Paul Merker placed antisemitism at the center of their understanding of fascism. Despite the Stalinization of the SED and the development of Soviet bloc anti-Zionism, Schmid shows that, in contrast to previous claims, the pogrom continued to be commemorated by Jewish communities and the VVN between 1949 and 1953, but that depictions of Jews' past persecution became increasingly "anonymous" (p. 36), while contemporary anti-Zionism and "anti-cosmopolitanism" led to the emigration of a third of the GDR's small Jewish community. By 1953, critical discussion of the roles of bystanders had disappeared, while newspaper coverage paid more attention to West Germany's alleged crypto-fascism than to the events of 1938. Attacks on the West (for which the anniversary often simply provided an occasion) increased in subsequent years, but the pogrom's twentieth anniversary signaled to GDR authorities that they were falling behind the Federal Republic, where prominent state representatives participated in commemoration, in contrast with the low-level CDU representatives who participated in the GDR.

Only beginning in 1963 did the pogrom's anniversary even begin to approach the significance of the GDR's major commemorative dates. Moreover, its commemoration now assumed certain characteristics that would remain largely intact until 1988: first and foremost, a pact between the regime and the leadership of the East German Jewish communities to exchange official attention from the former for political subordination and declarations of loyalty from the latter, but also the increasing activism of the Protestant churches. An anomaly occurred in 1967 with a unique attempt at joint commemoration of the 1918 revolution and the 1938 pogrom. Otherwise, a degree of ritu-

alization set in, as did a quantitative increase in commemorative events (to twenty-two events in fifteen East German cities in 1968 compared with seventy-five events in forty-four cities in the West). Schmid stresses that unlike the diverse civil society initiatives and coalitions responsible in the West, most events in the East were organized by Jewish communities, with state representatives as invited guests. Moreover, they had an affirmative rather than critical character, except where the Federal Republic was concerned. Difficult questions about past or present antisemitism, about bystanders or compensation, were absent. These characteristics persisted into the 1970s, threatened primarily by the dwindling Jewish population, which meant that only Berlin and Leipzig held ceremonies every year. The 1970s saw the beginning of a Jewish-Christian rapprochement, with representatives of the two religions participating in each other's ceremonies, and Protestant leaders reviving discussion of the complicity of the churches and the general population.

As Schmid argues, "the wall preventing deepened understanding of the system of the 'Third Reich' stood throughout the entire existence of the GDR, but increasing cracks emerged in the last decade and a half" (p. 78), a development he views in parallel with the broader differentiation of East German society and the SED's gradual loss of control. He interprets 1978 as a twofold turning point in the anniversary's commemoration, when a new record of forty-four events marked the pogrom's fortieth anniversary. On the one hand, for the first time *Neues Deutschland* granted the pogrom an identity separate from and comparable with, if still secondary to that of the 1918 revolution. Such prominence pointed to the careful planning by the state secretariat for churches, the SED Central Committee and the Stasi, not least with a view to direct competition with the West. On the other hand, Schmid demonstrates that alternative forms emerged, such as seminars and silent marches, organized by new actors: thirty

events were explicitly church-run, heralding the emergence of a "commemorative dissidence" (p. 100).

In part to maintain the impression of leadership and control, efforts at state planning and manipulation increased through to 1988, when more than 140 commemorative events took place in over sixty cities and towns, including a special sitting of the Volkskammer. Schmid concludes: "[a]ll in all a massively forced commemoration without parallel" (p. 115). New features in the late 1980s were more dialogue and competition across the German-German border, and the regime's increased interest in promoting its activities to the English-speaking world. Inevitably, increased official attention to the victims of Nazi persecution gave East German dissidents occasion to criticize contemporary problems such as xenophobia and neo-Nazism as well as the regime's own repressive character. In 1989, state actors were preoccupied with trying to cling to power, so the few commemorative activities were church-led or independent. The opening of the border on the evening of November 9 meant the end of commemorating the 1938 pogrom in the GDR.

Schmid's book provides a compact account of that history, which he conceives as part of a wider *Beziehungsgeschichte* with the Federal Republic over the legacy of the Nazi past. He rejects simplistic and deterministic interpretations, insisting, for example, that the inflationary commemoration in 1988 not be seen merely as instrumentalization. Like Dirks, Schmid acknowledges the correct content of much SED propaganda against the West. He also notes the biological or personal legitimacy of many East German leaders' antifascist positions. Yet, a "specifically East German" commemoration of *Reichskristallnacht* remains elusive (p. 133). Moreover, despite asking "what remains" (p. 135), Schmid does not look beyond 1989. These limitations can perhaps be attributed to his study's (undefined) focus on November 9 as a "political" day of commemoration. Although he

mentions the treatment of the Holocaust by individual East German historians and in GDR literature in general, he does not seek to provide a broader cultural history of the pogrom's reception in the GDR. For instance, he refers to a 1968 commemorative event featuring prominent East German authors, but instead of delving into their approaches, he merely recounts how *Neues Deutschland* reported the event. Indeed, we learn little of the content of alternative activities, which virtually disappear in Schmid's final analysis and comparison with the West: "In retrospect, commemoration in the SED dictatorship, which was always functionalized and directed by the state and allowed only limited room for maneuver for autonomous social memory, stands against the relatively autonomous, genuinely democratic West German development" (p. 135).

While Schmid's book does not look beyond 1989 and most of his East-West comparisons refer readers to his separate study of western commemoration of *Reichskristallnacht*, Jan Philipp Spannuth's dissertation on restitution of "Aryanized" property attempts a more comprehensive approach. By way of background, Spannuth provides a concise history of "Aryanization" between 1933 and 1945, differentiating three phases: first, 1933 to 1937, a period of seemingly "voluntary" sales resulting from anti-Jewish boycotts and the general political climate; second, 1937-1938 as a period of radicalization, at the end of which "Aryanization" by private parties was all but complete; finally, from 1939, a period in which the German Reich acquired the remaining property of Jews by virtue of their imposed denaturalization through emigration or deportation.

The core of Spannuth's study begins in its third chapter, with a reconstruction of the vigorous discussion about restitution in the SBZ, which was prompted in 1946 by a bill from British-occupied Hamburg. Spannuth demonstrates some support for restitution within the SED, but that property confiscated from "Nazi activists and war

criminals," indeed all state property, was always to be excluded. In early 1948 the SED Central Secretariat accepted a bill prepared by Merker and Helmut Lehmann that granted restitution to victims residing in Germany whose property had not been nationalized after 1945. Yet opposition—particularly from the Central Secretariat's legal department—defeated not only the more radical demands of SBZ Jewish communities, but also this modest proposal. Spannuth argues that such opposition was due less to budgetary concerns and the desire to integrate former Nazis than to anti-capitalist ideology tinged with antisemitism. He suggests, plausibly, that it constituted the logical continuation of tendencies apparent in the earlier debate about recognizing Jews as "victims of fascism," where the intention to exclude them because "they did not fight" (p. 64) had been modified for tactical reasons. Those reasons were no longer compelling in 1949, while objections to restoring private property were all the stronger during the accelerating construction of socialism. At times Spannuth seems torn between interpreting the invocation of anti-capitalist ideology as a mere fig-leaf and seeing it as a genuine objection to the restitution of private property. Either way, a 1949 Regulation for the Recognition, Provision and Compensation of the Nazis' Persecuted did not encompass restitution. Indeed, as Spannuth demonstrates, it was based not on a "bourgeois" notion of compensation for individual losses, but on a socialist understanding of welfare entitlements grounded in the generic fact of persecution.

Beyond these debates within the SED, several initiatives occurred elsewhere, particularly at the level of the *Länder*, most of which went nowhere. Spannuth shows the marginality of the Soviet authorities, whose sole achievement in this area was the restitution to Jewish communities of at least 122 communal properties—synagogues, cemeteries, schools, etc.—under its 1948 Order No. 82, which "returned" properties confiscated under the Nazis to political parties, mass organizations,

and religious organizations in the SBZ. This was the only official restitution measure for "Aryanized" property in the SBZ/GDR (with the exception of Thuringia, addressed below).

East German authorities nevertheless faced claims for the restitution of individual property, particularly that acquired by the German Reich and now in the hands of the GDR. According to Spannuth, local authorities occasionally acted on a sense of natural justice and re-entered returning Jewish owners' names in title registers. Such actions prompted Justice Minister Max Fechner to intervene with the aim of securing formerly Jewish property for the GDR. Against the opposition of some officials, properties seized by the Third Reich were prevented from being returned to their rightful Jewish owners, even where the latter were still on the title register. Some sporadic postwar restitutions were even reversed, with ownership passing, again, to the state. Only occasionally did the authorities ameliorate this scandalous situation by granting the rightful owners "privileges" such as occupancy. The victims' only avenue for redress--and only if they lived in the SBZ/GDR--was civil action, which produced mixed results in the few cases in the 1940s and early 50s. Meanwhile, private "Aryanizers" who were not expropriated after 1945 benefited just as the state did. Only a small number were criminally prosecuted, and postwar expropriations of "Nazi activists and war criminals" did not target "Aryanizers."

One of the strengths of Spannuth's book lies in his use of case studies that highlight the complexity of the subject matter and bring to life what might otherwise be a dry, legal topic. The first chapter presents the case of a Jewish hotelier on the island of Rügen who was able to re-acquire two of his "Aryanized" properties but could only administer, rather than re-acquire, his largest hotel because it had been sequestered by the Soviets. Having resumed his business, he was arrested in 1953 as part of "Aktion Rose," which expropriated

private gastronomic and other businesses on the Baltic coast. In his trial--which ended with a ten-year sentence for him--his persecution under the Nazis won him no sympathy; indeed, Spannuth shows how his postwar efforts to regain his property were held against him as indicating his failure to learn the lesson of fascism. His entire property was nationalized. After 1990, the Treuhandanstalt sold the various properties to private investors, with the proceeds divided among his descendants and the Conference on Jewish Material Claims against Germany (JCC).

In chapter 5, Spannuth presents two regional case studies that add further nuance and depth to his analysis. The first is the case of a 1945 restitution law in Thuringia, the first of its kind in Germany and the only example in the SBZ/GDR. Under the law, an Office for Compensation began an active search for "Aryanized" property and a Special Commissioner for the Administration of Formerly Jewish Property confiscated realty and firms, placed them under stewardship, and made changes to title registers. The law had numerous flaws, not least that the property of estates without heirs would fall to the Thuringian state, but some problems were resolved in favor of the victims. Spannuth estimates that most cases of "Aryanization" in Thuringia were registered and that approximately 60 percent ended in restitution. Approximately 300 properties (of 770 registered claims) were restored to their former owners, who mostly resided abroad. The situation with businesses was less positive, as postwar sequestrations could not be reversed. Yet even successful claimants faced problems if they were not GDR citizens, especially beginning in 1951, when the property of non-citizens was placed under state administration. As early as 1948, the SED indicated its interest not only in a quick end to the Thuringian arrangements, but also in acquiring the property seized under their aegis, and the law was repealed in 1952. Despite its demise and the fact that only those few victims who returned to the SBZ/GDR ultimately benefited, Spannuth right-

ly stresses that Thuringia provides a singular example of a serious German, rather than occupation-authority, initiative towards restitution, which shows, moreover, that the Soviet occupation authorities were not opposed to restitution.

The second regional case study is that of East Berlin. In 1946 the Allies established an office in Berlin to secure "Aryanized" Jewish property expropriated by the German Reich with a view to restitution. Following the city's division, the Soviet commandant created a similar office for the eastern sector, expanding its responsibilities to private property. Confiscations ended in August 1949 and confiscated property eventually fell under the control of the Berlin People's Housing Administration. By 1955, the city administration was confronted with claims from former owners, mainly "Aryanizers," and proposed to accede to them. According to the proposal, the original Jewish owners were either adequately compensated as Victims of Fascism if GDR citizens, or were undeserving "Israelite capitalists" if abroad (p. 141). The administration was satisfied that if the "Aryanizers" had been "active Nazis or war criminals," they would have been expropriated after the war. Despite concerns about a revival of the restitution question, in 1957 the GDR Finance Ministry approved the move, thus bowing indirectly to "popular" pressure, or rather, pressure from the "Aryanizers." The previous Jewish owners were not informed and the decision was not publicized. According to Spannuth, most of the properties were heavily burdened by debt, and it is unclear how many claims were made. Overall, he suggests, serious preparations were undertaken in Berlin in the 1940s for later restitution, but ultimately the East German state simply acquired a large amount of property, an outcome reinforced by the fact that the state automatically acquired property belonging to anyone who fled the country.

In chapter 6 Spannuth turns to the familiar history of the GDR's evasion, through to 1989, of

international pressure to compensate the victims of Nazism living abroad. Spannuth argues that insistence on the need to await a final peace treaty was both hypocritical (because the SED intended largely to uphold its refusal even then) and naive. Spannuth highlights the anti-Zionism and anti-semitism behind official positions on this question. Here, and throughout, he largely confirms the findings of Jeffrey Herf, Angelika Timm, and others, finding a fluid border between anti-Zionism and antisemitism even in the Office for the Legal Protection of the Property of the GDR, which administered much formerly Jewish property. However, Spannuth's account also indicates that suggestions that East German overtures to the JCC in the 1970s and 1980s were based merely on antisemitic assumptions about the power of the Jewish lobby in the United States overlook that both U.S. and JCC officials drew explicit connections between compensation and most-favored-nation status in the United States.

Ultimately, Spannuth suggests, a combination of "Marxist dogmatism," "material covetousness," and antisemitism explains the SED's refusal to meet the basic demands of the victims through to 1989 (p. 164). However, he rightly insists that some elements in various sections of the bureaucracy and the judiciary, at the *Länder* and local level and even in the upper echelons of the SED, favored a more sympathetic approach. Given such welcome differentiation, Spannuth's occasional references to a unitary "GDR" position or "GDR-rhetoric," rather than to the GDR government or the SED, are remarkably undifferentiated. His location of the end of the GDR in 1989 rather than 1990 is simply inaccurate.

In contrast with the GDR's commemorative culture(s), which, Schmid suggests, simply evaporated in 1990, the unfinished business of restitution became a major issue in that year. In chapter 8, Spannuth analyzes the positions of the governments led by Hans Modrow and de Mazière and the issue's treatment during and after the unifica-

tion process. Although the expressions of responsibility for the Nazi past by representatives of the new governments and the Volkskammer were new in tone and content, firm commitments were not forthcoming. Early negotiations over unification raised fears that property nationalized after 1945 might be privatized or restored without reference to its previous "Aryanization." Thanks largely to prompting by the JCC and the U.S. government; both East and West German authorities ensured that this did not occur. As is well known, the West German government's preference for restitution won out against the East German government's preference for compensation. Nevertheless, the GDR's only freely elected parliament and government adhered to the Treaty of Unification, including the appendaged property law that recognized property losses under the Third Reich as a basis for restitution claims. Spannuth goes on to discuss the details of restitution regulations and the practice of restitution in selected eastern states (again with useful examples), concluding that responsible offices conscientiously sought to do justice to difficult problems and to cast light on often dark and dubious expropriations. He also attempts a preliminary stock-taking based on data up to 1999 (which reflects the period of data collection for his dissertation, but seems old for a book published in 2007). In total, Spannuth estimates that the JCC and individuals made approximately 130,000 claims on a total value of approximately 10.5 billion Euros. The success rate, he estimates with considerable caution, approximated 19 percent for the JCC and 60 percent for private claims.

Spannuth's concluding diachronic comparison of post-GDR restitution with earlier efforts in the West is the least satisfying part of the book, for several reasons. First, he does not assess the quantitative "success" of western restitution relative to the regional Jewish population as he does elsewhere in the book, but merely points to the high total sums paid under Allied statutes and the Federal Restitution Law, which he does not sub-

ject to a comparative analysis with the figures for the eastern states after 1990. Second, his overall characterization of western restitution is dominated by the total sums of restitution and compensation achieved over the decades and by progressive judgments of the 1950s, and not by qualitative considerations, such as the significant social, bureaucratic, and judicial resistance to restitution in the 1940s and 1950s, which he dubs "silent sabotage" (p. 227). Third, the comparison mutates into a search for lessons learned by the 1990s from the earlier experiences and the broader history of facing up to the Nazi past in the West. Here, Spannuth notes qualitative improvements in the 1990s, which he attributes to the influence of those western experiences before 1990 and of western bureaucrats and judges thereafter. Certainly, western bureaucrats were primarily responsible for the Treaty of Unification and its accompanying legislation, but Spannuth effectively concedes that his own suggestion that those responsible for the subsequent development of restitution policy and practice were westerners is mere supposition. He overlooks support for restitution within the GDR (particularly in 1990) as well as the possibility that easterners might also have learned certain lessons, or that they simply applied and upheld the restitution law of the reunified country after 1990. Moreover, the claim that the Federal Republic had learned the lessons of its earlier restitution experience is weakened by the fact that the judgments Spannuth cites as evidence were not made until 1998 or 1999, which suggests that the lessons had not been well learned by 1990 and that a new set of experiences was required to tease them out. These shortcomings in the final chapter, attributable in part to the fact that Spannuth could not draw on the first monograph on western restitution, do not detract substantially from what is otherwise a systematic and nuanced study and a significant contribution to the literature on the handling of the Nazi past in the SBZ/GDR and reunified Germany. Like the

other books under discussion, it will likely be the standard work on its topic for some time.

What do these books say about the current state of research in light of the deficiencies and questions outlined at the beginning? First, they indicate that research has certainly moved beyond the 1940s and 1950s, with the books discussed here addressing the 1960s, the decades through 1989, or even the end of the first post-unification decade. Secondly, they confirm the strength of the SED regime's desire for a monopoly on, and the extent of its efforts to control, the interpretation of policies toward the past. They also provide much support for the view that the GDR failed to address the legacies of Nazism and especially the persecution of the Jews. Indeed, they identify not only the regime's pragmatic failure to punish major and minor Nazi criminals, to provide restitution to Jewish victims, and to reflect critically on the Nazi past, but also its own antisemitism and desire to hold on to "Aryanized" property. They offer substantial support to the damning interpretation outlined at the outset. However, third, all three books also suggest, if less emphatically, that a monolithic regime-centered interpretation is insufficient. To varying degrees, they indicate the existence of alternative, dissenting discourses or of internal nuances within the regime. Nevertheless, these remain marginal to the authors' overall interpretations. Such alternative views, like those from below, could be given more weight, as could their development after 1989. Fourth, in small ways, the three books also point to the substantive accuracy or the personal legitimacy of certain aspects even of official approaches to the past or its legacy, such as accounts of IG Farben's role at Auschwitz or the tainted pasts of Federal Republican elites, which are often overlooked in critiques of the regime's "instrumentalization" of the past. Fifth, although the authors make some effort to understand GDR policies and practices on their own terms, they still view the GDR from outside, from the perspective of the Federal Republic, which features not only as the most obvious and

necessary point of comparison, but often also as the authorial locus, as indicated by Schmid's references to "here" (meaning the FRG) and "there" (meaning the GDR). Sixth, they indicate that the challenge of *Beziehungsgeschichte* is being taken up, albeit unevenly. Considerable attention is paid to the impact of western developments on the East, but considerably less to influences in the other direction. Moreover, it is noteworthy that separate monographs have recently been published, in one case even by the same author, on the comparable subject in the West; synthetic studies of East and West are the exception. Finally, and perhaps unsurprisingly given the subject matter, moral and normative preoccupations remain and, although the books are by no means uncritical of developments there, the Federal Republic (of the late 1980s or later) still features as the interpretative and evaluative norm. In short, progress has been made, but we are still some way from historicization.

Notes

[1]. For a more recent rehearsal of the standard critique, see Manfred Agethen, Eckhard Jesse, and Ehrhardt Neubert, eds., *Der missbrauchte Antifaschismus: DDR-Staatsdoktrin und Lebenslüge der deutschen Linken* (Freiburg: Herder, 2002). For a critical discussion of post-Wende debate about East German antifascism, see Robert Erlinghagen, *Die Diskussion um den Begriff des Antifaschismus seit 1989/90* (Berlin: Argument Verlag, 1997). For a discussion of the handling of antifascism and related matters by federal politicians and their allied scholars in the context of "working through" the East German past, see Andrew H. Beattie, *Playing Politics with History: The Bundestag Inquiries into East Germany* (New York: Berghahn Books, 2008), 161-193.

[2]. For a more sophisticated version of this narrative, see Jeffrey Herf, "Legacies of Divided Memory and the Berlin Republic," in *Germany at Fifty-Five: Berlin ist nicht Bonn?*, ed. James Sper-

ling (Manchester: Manchester University Press, 2004), 83-111.

[3]. See Jürgen Danyel, "DDR-Antifaschismus: Rückblick auf zehn Jahre Diskussion, offene Fragen und Forschungsperspektiven," in *Vielstimmiges Schweigen: Neue Studien zum DDR-Antifaschismus*, eds. Annette Leo and Peter Reif-Spirek (Berlin: Metropol, 2001), 7-19.

[4]. See Alan Steinweis, "Review of Pendas, Devin O., *The Frankfurt Auschwitz Trial, 1963-1965: Genocide, History, and the Limits of the Law*," H-German, H-Net Reviews. December, 2006. URL: <http://www.h-net.org/reviews/showrev.php?id=12646>.

[5]. Andreas Hilger, "Die Gerechtigkeit nehme ihren Lauf? Die Bestrafung deutsche Kriegs- und Gewaltverbrecher in der Sowjetunion und der SBZ/DDR," in *Transnationale Vergangenheitspolitik: Der Umgang mit deutschen Kriegsverbrechern in Europa nach dem Zweiten Weltkrieg*, ed. Norbert Frei (Göttingen: Wallstein, 2006), 180-246, here p. 215.

[6]. Harald Schmid, *Erinnern an den "Tag der Schuld": Das Novemberpogrom von 1938 in der deutschen Geschichtspolitik* (Hamburg: Dölling & Galitz, 2001).

[7]. Jürgen Lillteicher, *Raub, Recht und Restitution: Die Rückerstattung jüdischen Eigentums in der frühen Bundesrepublik* (Göttingen: Wallstein Verlag, 2007). See Berthold Unfried, "Review of Lillteicher, Jürgen, *Raub, Recht und Restitution: Die Rückerstattung jüdischen Eigentums in der frühen Bundesrepublik* and Spannuth, Jan Philipp, *Rückerstattung Ost: Der Umgang der DDR mit dem 'arisierten' und enteigneten Eigentum der Juden und die Gestaltung der Rückerstattung im wiedervereinigten Deutschland*," H-Soz-u-Kult, H-Net Reviews. October, 2007. URL: <http://www.h-net.org/reviews/showrev.php?id=22008>.

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