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Master's Thesis

**Germany's Reconciliation Process**  
Political Agency towards an Ideal-type of Reconciliation

July 2017

Seoul National University  
Graduate School of International Studies  
International Studies  
Benedikt Büchel

**Germany's Reconciliation Process**  
Political Agency towards an Ideal-type of Reconciliation

**독일의 화해 과정**  
이상적 형태의 화해를 위한 정치적 행위자

지도교수 송지연

이 논문을 국제학 석사학위논문으로 제출함

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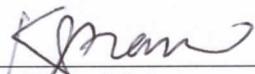
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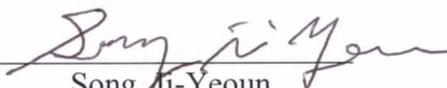
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## 국문초록

### 독일의 화해 과정

#### 이상적 형태의 화해를 위한 정치적 행위자

이름: 뷔헬 베네딕트

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어떻게 독일은 서독 최초로 집권한 보수 정당이 나치즘의 희생국가들과 “결론점”에 도달하는 것을 목표로 했음에도 불구하고 이 국가들과 화해가 가능했을까? 이에 관한 선행 연구는 크게 세 갈래로 나뉘어진다: 문화, 구조 그리고 행위자의 측면이 그것이다. 본 논문에서는 마지막 분야인 행위자의 측면을 독일에서 화해를 위한 정치적 담화를 이끌어낸 지식인들의 역할로 그 범주를 넓히고자 한다. 또한 독일의 정치적 행위자가 이상적인 형태의 화해를 어떻게 이끌어냈는지에 대해서 연구하고자 한다. 본 연구에 따르면, 독일이 나치즘의 희생국가와 화해하고 관계를 회복할 수 있었던 이유는 정부의 기회주의적인 정책에 반대할 뿐만 아니라 규범적 범위를 설립하고 지지하는 데 힘을 실은 정치적 행위자, 특히 지식인과 연방 대통령이 있었기 때문이다.

주요어: 화해, 정치적 행위자, 지식인, 독일

학번: 2014-24252

## **Abstract**

### **Germany's Reconciliation Process**

Political Agency towards an Ideal-type of Reconciliation

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Why could Germany reconcile its relations with the countries that were victims of Nazism, even after the first elected conservative government of West Germany pursued policies that aimed at drawing a 'finish line'? Previous explanations can be divided into three groups: cultural, structural, and agency. In this thesis, I develop the latter explanation by extending the category of political agents to intellectuals who have greatly contributed to the political discourse on reconciliation in Germany. Moreover, I examine whether Germany's political agents have pushed towards reconciliation that resembles an ideal-type. Based on this examination, I argue that the Germany could reconcile its relations with the countries that were victims of Nazism because it always had political agents, especially intellectuals and Federal Presidents, who not only opposed opportunistic policies of the government, but also helped to establish and uphold a normative boundary.

**Keywords:** *Reconciliation, Political Agency, Intellectuals, Germany*

**Student ID:** 2014-24252

## **I. Introduction**

In March 2015, German Chancellor Angela Merkel visited Japan in preparation for the 41<sup>st</sup> G-7 summit in Bavaria in June. Although Second World War reconciliation was not among the priorities to be discussed, the press media mostly focused on Merkel's remarks on the issue. In a public lecture given at the headquarters of the liberal Asahi Shimbun newspaper, Merkel said that Germany's rehabilitation to the international community was possible because the country came to terms with the past and its victims were willing to accept these efforts.

With the end of the Second World War, the development of a human rights regime and the increasing interdependence between countries, the issue of reconciliation has become an important part of international politics. Nevertheless, diplomatic relations between some states are particularly affected by their shared history. The most prominent examples are the relations of World War II belligerents Germany and Japan with their respective neighbors. While Germany has been recognized as a positive example of a nation coming to terms with its past during the last 70 years after its surrender, Japan has often been criticized for its historical revisionism.

Beginning with the establishment of an independent government in 1949, Germany has gradually reconciled broken relations: first with France, then with the new state of Israel and eventually during a period of cooled down tension in the Cold War with Poland and the Czech Republic. Political leaders from those states have since then regularly visited Germany and vice versa to strengthen bilateral and multilateral ties.

Moreover, in 2014 Germany has become the most positively viewed country in the world according to the BBC World Service Poll. Among the former victims of Germany's war atrocities, only nine percent of the British, eleven percent of French and 38 percent of Israeli respondents still have a negative view towards the country (see GlobeScan/PIPA, 2014).

Japanese politicians have, to the contrary, often had diplomatic feuds with their Korean and Chinese counterparts. Furthermore, Japan is mainly negatively evaluated by its former victims. While only Indonesian respondents have mostly positive feelings towards Japan, 79 percent of South Koreans and 90 percent of Chinese respondents have negative views (see *Ibid.*).

However, there have also been times in which Japan's relations with both Korea and China improved significantly. The Japan-China relationship flourished especially in the 1970s when the U.S. rapprochement with China brought some remarkable changes in the Cold War order. These changes created a political environment in which both countries could normalize their relations in 1972. Moreover, after six more years of continuous negotiations they eventually signed a treaty of peace and friendship. The same year, Vice-Minister Deng Xiaoping became the first Chinese state leader to visit Japan. In 1979, Japan's Prime Minister Ohira also accepted an invitation to China. His visit included the delivery of the first package of Official Development Assistance worth 330.9 billion yen. However, the good relations did not last for long.

The Japan-Korea relationship has followed quite a different pattern. Since normalization in 1965, it did not experience a single high point, but has instead shown steady progress (see Park, 2009: 247). After South Korea's democratic transition, both countries increased their cooperation in 1998, when Korean President Kim Dae Jung and Japanese Prime Minister Obuchi signed a Joint Declaration on 'A New Japan-Republic of Korea Partnership towards the Twenty-first Century' (see MOFA, 1998). This great momentum led to the first ever co-hosted FIFA World Cup in 2002. Besides these important political cornerstones, there has also been a gradual increase in economic exchange. Trade between Japan to Korean grew by more than 20 percent in the last two decades (see United Nations).<sup>1</sup> Furthermore, there have been more and more tourists visiting the other country. While Japan welcomed about 740,000 Koreans in 1990, the number had increased to about 5 million annually by 2016 (see Japan Tourism Marketing Co., 2016).<sup>2</sup>

Despite the existence of such positive trends, there have also been frictions between the three major East Asian countries. Given the fierce disputes about the Yasukuni Shrine, the making of history textbooks, the comfort women and territorial rights, Japan, Korea and China seem far from being in a state of reconciled relations.

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<sup>1</sup> UN COMTRADE DATA: Exports from Japan to Korea have increased from 17,4 billion US Dollar in 1990 to 56,5 billion US Dollar in 2013 (21.7%) and imports from Korea to Japan have increased from 11,7 billion US Dollar in 1990 to 35,8 billion US Dollar in 2013 (20.5%). Trade with China has also significantly increased (exports by 42.5% from 1995 to 2013 and imports by 34.6% from 2000 to 2013)

<sup>2</sup> The same holds true for Chinese visitors. They increased from about 106,000 in 1990 to 6.4 million in 2016.

Puzzled by the distinctiveness of both the German and Japanese cases of reconciliation, scholars have tried to find reasons for why Germany could reconcile its relations with the nations on which it inflicted war atrocities whereas Japan still has ongoing disputes with both Korea and China. This thesis advances from their insights and sheds new light on the question. It particularly asks why Germany could reconcile even though the first elected conservative government of West Germany pursued policies that aimed at drawing a ‘finish line’.

Previous studies on Germany’s and Japan’s post-war reconciliation processes can be divided into three groups given their object of analysis. Studies in the first group emphasize cultural resources to explain why one but not the other country could arrive at a state of reconciled relations with its former victims. Studies in the dominant second group focus instead on whether reconciliation was facilitated by such structural conditions as international institutions, national interests, a shared understanding of the past, or a combination of those.

However, studies in both of these groups have limitations. While cultural explanations struggle with counterexamples and ongoing historical animosities, structural explanations have difficulties making sense of changes in states’ political will to reconcile under constant structural conditions. Moreover, structural conditions alone do not guarantee lasting peace. Scholars in the third group try to overcome this problem by looking at two variables. Assuming that structural conditions are necessary but not sufficient if political agents do take advantage of

them (see Bar-Tal/Bennink, 2004: 16f, Bar-Siman-Tov, 2000: 237), they analyze how political leaders and various parts of the civil society have worked towards reconciliation.

In this thesis, I will develop this agency explanation by extending the category of political agents to intellectuals who greatly contributed to the political discourse on reconciliation. I think this is important because they not only influence domestic public opinion and their country's reputation abroad but also help to show a more balanced representation of society. Moreover, I will examine whether Germany's political agents pushed towards a reconciliation that resembles an ideal-type. I think it is worth considering this moral dimension because reconciliation is an ongoing process in which today's people continue to make normative judgments and have strong beliefs about how political agents have come to terms with the past (see Bar-Tal/Bennink, 2004: 12; Crocker, 1999: 43). Without a deep cognitive change in most of the members of both societies in question, there cannot be reconciliation (see Bar-Siman-Tov, 2000: 237). Therefore, it seems the only approach that can explain why Germany's reconciliation could be sustained all this time.

Why have political scientists then rarely paid attention to this moral dimension of reconciliation? To find an answer to this question one must look back in the history of the social sciences. From Machiavelli to the positivist movement of the late nineteenth century, there has been a clear split between the 'descriptive' and 'empirical' discipline of political science and the 'normative' discipline of political

philosophy (see Mansfield, 2001: 6). Modern political scientists “agree on facts as opposed to values” (see Ibid.). They have replaced words such as ‘good’, ‘just’, and ‘noble’ with words such as ‘utility’ or ‘preference’ (see Ibid. 4). While modern political science seeks for agreement [e.g. cooperation], political theory seeks for the best regime [e.g. an ideal-type of reconciliation] (see Ibid. 6).

This thesis is divided into two chapters. The first chapter provides the theoretical background. It will give an overview of three groups of explanations for why Germany could reconcile and introduce the analytical framework that is used to answer this question. The thesis will refer to Jacques Derrida’s concept of forgiveness to define an ideal-type of reconciliation.<sup>3</sup> The definition will be based on Derrida’s identification of two central qualities of forgiving, namely *finality* and *conditionality*.

The second chapter will chronologically look at Germany’s reconciliation process. It will examine whether its political agents have pushed towards a reconciliation that resembles an ideal-type. This will be done by asking two questions that are each derived from one of the two central qualities of forgiving that Derrida identifies. First, have Germany’s political agents advocated for ending the reconciliation process [*finality*]? And second, have their motives come from moral conviction or political opportunism [*conditionality*]?

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<sup>3</sup> Even though Derrida inquires forgiveness from the perspective of the victim and not the perpetrator, and points out that “forgiveness should never amount to a therapy of reconciliation”, his ideas help to understand the obstacles to de facto political reconciliation.

This thesis does not offer a complete theory of how a state can reconcile its relations with the countries on which it inflicted war atrocities. Its goal is instead to supplement previous explanations. Although there have been many political agents that contributed to the political discourse on reconciliation in Germany, I will focus on those who stood out. Since reconciliation is a process, details on certain time periods have been left out intentionally for the sake of finding general patterns and trends. In addition, it is beyond the scope of this thesis to analyze East German attempts at reconciliation, and therefore is limited to focusing on West Germany in the years prior to reunification.

## **II. The Analytical Framework**

### **1. Prior Explanations to German and Japanese Reconciliation**

#### **1-1. Cultural Explanations**

##### **1-1-1. Shame – Guilt Culture**

After the Japanese Emperor Hirohito announced Japanese surrender on the 15<sup>th</sup> of August 1945, the Supreme Commander of the Allied Powers [SCAP] Douglas MacArthur soon began the occupation of Japan. As Japan was believed to be the most alien enemy the Americans had ever fought in a war, SCAP heavily relied on a team of researchers who were working for the U.S. Office of War Information to lead the occupied country. Among these researchers was the famous cultural anthropologist Ruth Benedict.

One explanation that has been given for why Germany but not Japan reconciled with the countries on which it inflicted war atrocities refers to Benedict's well-known work on the distinction between 'Western guilt' and 'Japanese shame' culture (see Benedict, 1969). She argues that in dealing with moral questions, the Japanese are led by a feeling of shame while Western cultures are heavily influenced by a concept of guilt (see Ibid. 222, 224). Cultures in which a sense of guilt is dominant tend to have absolute moral standards (see Ibid. 222). Shame cultures, on the other hand, are likely to follow a relativistic morality (see Ibid. 222f.; Dower, 1999: 219). How one acts in a situation is therefore determined by the anticipated judgment of the public (see Benedict, 1969: 224). Consequently, shame cannot be relieved by oneself but only by another person's act of

forgiving one's act. She writes that "[w]here shame is the major sanction, a man does not experience relief when he makes his fault public even to the confessor." (Ibid. 223) However, this does not apply to the concept of guilt. Originating from the Christian tradition (see Ibid. 224), guilt can be relieved by self-confession and public atonement (see Ibid. 223). Benedict's findings, therefore, seem to imply that Germans actively apologized because they had an incentive to do so while Japanese have not yet addressed their wrongdoing thinking that they cannot do much about it themselves.

Although Benedict's cultural research has been taken up, there are quite a few reasons for why it should not be referred to in this context (see Hein, 2010: 156). At first, Benedict never aimed to point at cultural barriers to reconciliation when she wrote her inquiry. This point becomes evident when she mentions that shame is felt as "[a] failure to follow [one's] explicit signpost of good behavior, a failure to balance obligations or to foresee contingencies. [...] Shame, they say, is the root of virtue. A man who is sensitive to it will carry out all the rules of good behavior." (Ibid. 224). Benedict understands shame not as an obstacle but rather as a good instinct that helps one to make a prior judgment about what is right and wrong in any given situation. Moreover, decades later, Buruma observed many Japanese people who for him used the word shame in the same semantic way as Westerners used the word guilt (see Buruma, 2009: 128).

Besides this linguistic observation, there is further evidence that makes one question whether Benedict's conceptual shame-guilt distinction can explain Germany's and Japan's apologetic behavior. Even if one assumes that the majority of Germans broadly

accepted their guilt, whereas most Japanese thought that militarists deceived them, the explanatory power of such a guilt-based comparison has diminished over time. While some of the offenders might have felt a feeling of guilt, it can hardly be attributed to later generations who were not themselves involved in the war and had not committed any atrocities. Later generations therefore certainly did not act out of a feeling of guilt but rather out of responsibility.

Another problem with the here assessed guilt-shame distinction is that there have been significant exceptions (see *Ibid.* 116). After all, there have been many German offenders who rigorously denied their personal guilt.<sup>4</sup> Moreover, Japan had several postwar Prime Ministers, namely Yoshida Shigeru, Katayama Tetsu, Hatoyama Ichiro, Ohira Masayoshi and Aso Taro, who were Christians and therefore should have been as sensitive to the concept of guilt as many Westerners. However, none of them made extraordinary attempts to apologize for Japan's war atrocities. The Christian Prime Minister Ohira, to the contrary, even visited the Yasukuni Shrine that has Class A war criminals enshrined (see Tipton, 2002: 197). Moreover, a much more persuasive critique against an attempt to generalize guilt as the decisive moral category for whether one apologizes or not stems from the Vatican's complicity in the Ethiopian Genocide during the Italian Fascist occupation between 1935 and 1941. Although many Vatican officials who served under the leadership of Pope Pius XI supported Mussolini in his systematic mass extermination

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<sup>4</sup> Adolf Eichmann might be the most famous one. On trial, he argued that he had acted out of duty to obey the orders of his superiors. Furthermore, right after the Allied occupation ended in Germany, the Adenauer government immediately passed bills that granted amnesty to many offenders.

campaign in Ethiopia, the Roman Catholic Church itself has never officially apologized for its passive support (see GoPetition, 2008).

### **1-1-2. Retrospective – Future-orientated**

Akiko Hashimoto also opposes the shame-guilt dichotomy. She points out that both emotions are neither distinct nor exclusively felt by people from one or the other culture (see Hashimoto, 1999: 6). This rebuttal does, however, not prevent her from referring to another cultural explanation for why Germany but not Japan could achieve a moral recovery. She argues that confronting and examining one's actions has always been a feasible method to recover dignity in the western world, whereas Japanese do not find new dignity by emphasizing on the past but instead by making a promise to the future (see Ibid. 10).

This promise can indeed be discovered in the rhetoric of the Abe government. In the statement for the 70<sup>th</sup> anniversary of the end of Second World War and in a speech to the U.S. Congress, Abe remarked that Japan has not only continuously given a forward-looking pledge to be a peace-loving nation but also aimed at proactively showing it (see MOFA, 2015; see Kantei 2015). However, such an orientation is much more goal-oriented than culturally dependent. Right after the war, the German Adenauer government also primarily directed its policies towards the present and future.

### **1-1-3. Aggressor – Victim Perceptions**

On the 6<sup>th</sup> of August 1945, the United States made use of the most destructive weapon to be used in warfare when dropping an atomic bomb on Hiroshima. Never

before had more people died instantly. Three days later the U.S. also targeted Nagasaki with the rationale that this would save millions of lives by avoiding an invasion from the ground and force Japan to unconditionally surrender (see Miscamble, 2011: 117). While it can be seriously questioned that the dropping of the atomic bombs caused Japan's surrender (see Hoyt, 1989: 420), it has been uncontested that these tragic events have since shaped the Japanese people's memory of the war.

Scholars such as Fujiwara and Buruma point out that these nuclear attacks have become a symbol of Japanese victimhood after the war (see Fujiwara 2002: 6; Buruma 2009: 104). Together with the firebombing of forty-six other Japanese cities that even killed a much higher number of civilians, they have inflicted an incredible amount of suffering on the Japanese people. Horvat has seen this as a partial explanation for why most Japanese people have not addressed their own wrongdoings (see Horvat, 2004: 143). Moreover, Berger has argued that the Japanese people's feeling of victimhood and their collective amnesia are both based on two separate sources. What he calls 'dual victimization' in this context stems on the one hand from a shared feeling of having been a victim of U.S. and foreign imperial power in general, and on the other hand from the belief that Japan's public was deceived by a group of militarists (see Berger, 1999: 192). Although this feeling of victimhood was a potential motive for blinding out personal responsibility for the war, SCAP did not take any steps to counter this way of thinking. A report of the U.S. Psychological Warfare Division [PWD] makes this clear by stating that "[t]he Japanese are honest, frugal, industrious, and patriotic... They personally have

contributed their full measure to the war effort and fulfilled their obligation to the Emperor. All their effort is to no avail because their military leaders betrayed them. The people are not to blame for their suffering... The military clique has practiced false indoctrination” (Orr, 2001: 16).

The victimhood explanation seems, even more, plausible when compared to Germany, which never experienced the destruction of atomic bombs. Moreover, the German people were treated much differently from the Japanese during the occupation. The Allied forces did not think of them as victims of the Nazi leadership. They, to the contrary, believed that Nazism was firmly established within society. Right after the German defeat, the PWD of the Supreme Headquarters Allied Expeditionary Force thus ran a campaign to re-educate German people with slogans like “This is your fault”, by broadcasting documentary movies such as “Death Mills” about the horror of the Holocaust (see Olick, 2005: 98f.) and by demanding people to walk through the concentration camps themselves. All these efforts were made to achieve the Military Government’s basic objective of establishing a common sense of collective guilt for the war atrocities in Germany.<sup>5</sup>

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<sup>5</sup> The Directive to Commander-in-Chief of United States Forces of Occupation Regarding the Military Government of Germany (JCS 1067) states under paragraph 4a “It should be brought home to the Germans that Germany's ruthless warfare and the fanatical Nazi resistance have destroyed the German economy and made chaos and suffering inevitable and that the Germans cannot escape responsibility for what they have brought upon themselves.” (U.S. Diplomatic Mission to Germany, 1945)

However, the American treatment of the Japanese people was quite different. SCAP was not only much less interested in re-educating the Japanese people but also in the Japanese military's war atrocities in general. This disinterest was especially the case in regards to such crimes that were committed against other Asian people (see Drea, 2006: 3). Another big difference in how researchers addressed Japan's and Germany's wartime past stemmed from the fact that there has always been relatively less preserved evidence of Japan's war aggression (see Ibid. 9). This lack of evidence is mostly due to the late arrival of the Allied occupation forces on the 28<sup>th</sup> of August after the Japanese had already surrendered on the 15<sup>th</sup>. The thirteen days between these two events gave the Japanese leaders enough time to destroy many secret documents that contained information about the conduct of the war (see Yang, 2006: 23f.).

Although this massive contrast between the two countries in regards to a victim-aggressor dichotomy has existed, it can hardly explain why Japan has not yet fully reconciled relations with Korea and Japan. Hein points out that the suffering of so many Japanese citizens "should however not serve as an excuse for negating [their] own war responsibility or confusing causes and consequences" (Hein, 2010: 154). As with the shame-guilt distinction, one big problem with such an explanation is that the perception of victimhood and aggression must necessarily vary over time. While past generations that experienced the war might have mainly thought of themselves as victims, the people that were born in the aftermath of the war could only come to have a constructed view of history. Depending on what history and from whom they learned, the postwar generation was either more or less inclined towards reconciliation.

Since the end of the war, the politicization of historical memory has been especially prevalent in Japan (see Seaton, 2007: 35f.). The constant changes in how and by whom the Japanese war aggressions were addressed reveals this fact. A depiction of the changing interpretations between progressives and revisionist concerning the war atrocities that were committed by the Japanese military in Nanjing shows that while there was an awareness of these atrocities due to the ongoing International Military Tribunal for the Far East and the work of progressive journalists, scholars, teachers and artists in the 70s, this was obscured when reactionary forces came back to full power in the 80s (see Yoshida, 2008: 21ff.). The idea of victimhood began then to emerge as an argument utilized by a group of strong nationalists. They tried to persuade public opinion by accusing Chinese of distorting history to make Japan pay higher war reparations (see Fujiwara 2002: 7).

Moreover, even the feeling of being a victim of the nuclear bombs has not always been equally strong during the Japanese postwar period. Fujiwara emphasizes that the nuclear attacks were not much talked about after the end of the war because the U.S. occupation forces highly censored such a narrative (see Ibid. 6). It took until the mid-50s when the U.S. conducted an atomic test in the Bikini Atolls which affected a Japanese fishing vessel to come up again. The 1954 original Godzilla movie also sent a clear warning against the use of destructive nuclear power (see Ibid.). Both events mostly led to the formation of a strong pacifist, anti-nuclear movement. Unlike than the nationalists, the leftist did not aim at obliterating the responsibility for war aggression.

## **1-2. Structural Explanations**

### **1-2-1. International Institutions**

Overcoming the old paradigm of overestimating the uniqueness of cultural resources there have been several attempts to shift the focus on how structural conditions have shaped the outcome of Germany's and Japan's reconciliation process. After the end of Second World War, the European countries were quick to establish international institutions that would help to prevent future conflict. In 1951, the Treaty of Paris marked the foundation of the European Coal and Steel Community which would become the predecessor of the European Union. It was signed by the inner six continental powers France, West Germany, Italy, Belgium, the Netherlands, and Luxembourg and aimed at abolishing economic competition for coal and steel – two resources that were critical for waging war. Within the next 60 years until the Lisbon Treaty in 2007, the European states concluded ten more treaties which reinforced the economic and social integration of the continent. Besides these arrangements, the establishment of the North Atlantic Treaty Organization [NATO] also guaranteed regional security cooperation.

Looking at East and Southeast Asia, there has not been such a continuous and enlarged regional integration. The first step towards a better regional framework was made in 1967 when the Association of Southeast Asian Nations [ASEAN] emerged. A group of smaller Southeast Asian states realized that they had more political leverage on the international stage if they would jointly work together. However, it took until the Asian Financial Crisis of 1997 to reveal the economic interdependence of ASEAN with that East Asian countries Korea, China and Japan. These three joined to form a community

known as ASEAN+3. Given the absence of equivalents to the European Parliament and the International Court of Justice in The Hague, Horvat argues that the East Asian countries have not yet reconciled because they comparatively lack proper forums to address the conflictual issues (see Horvat, 2004: 138ff.).

### **1-2-2. National Interests**

The second structure-based argument to reconciliation focuses on the primary national interests of a state. Lind argues that “[r]econciliation requires that countries stop perceiving one another as a threat.” (Lind, 2008: 4). However, the success of reconciling relations does not depend on active contrition such as apologies and other contrite gestures (see *Ibid.* 3). To support her argument, Lind points out that while the British and Americans successfully reconciled with West Germany without apologizing for the horrors of the firebomb attacks, Japan and the United States also formed a strategic alliance despite the fact that neither of the two countries’ heads of state had expressed remorse for Hiroshima or Pearl Harbor (see *Ibid.* 3; *Ibid.* 180f.).

Moreover, she emphasizes that besides some remembering which is necessary (see *Ibid.* 186), active contrition such as apologies often result in a backlash which makes the relationship worse than before (see *Ibid.* 4). This is because of the dynamics of domestic politics in which conservatives deny contrition “for either ideological or purely opportunistic reasons.” (see *Ibid.* 184). Lind suggests that such apology backlashes were foremost absent in the Franco-German and US-Japan case due to their post-war strategic situation (see *Ibid.* 181; *Ibid.* 183). The primary national interests of the conservatives,

namely unification, rearmament, and integration into the West, would not have been possible if they would have advocated for historical revisionism (see *Ibid.*). However, the same reasoning could also be applied in the case of Japan's conservative politicians who want to achieve constitutional change and rearmament to become a 'normal' country (see Mochizuki, Glaser et. al., 2009: 353). But regardless of the existence of these national interests that are similar to the ones Germany had, there have been many apology backlashes in Japan. Furthermore, it must be recognized that national interests are subjective and constantly changing (see Boulding, 1978: 59). Yinan He also indicates that common strategic interests do not by themselves bring about reconciliation (see He, 2009: 1). This is shown by the reconciliation process between Japan and China in the 1970s that culminated in the normalization of the relations and the signing of the 'Treaty of Peace and Friendship'. Although both countries made big efforts during the United States' rapprochement with China, the good relations during the years of the *détente* did not endure and lead to deep reconciliation, but instead led to a cool down after some years (see *Ibid.* 174ff.).

### **1-2-3. Shared Understanding of the Past**

More recently there have been some scholars who point at the constructed German and Japanese memories of the war as the problem to reconciliation. Rather than working together to bring about a common understanding of history, the Japanese, Korean and Chinese government have, other than Germany, France and Poland, continuously politicized and distorted the historical memory (see Buruma 2009; He 2009,

Horvat, 2004). The absence of a such a shared understanding of the war history has since then become a great obstacle to reconciliation in East Asia.

Horvat points out that there might be three reasons for why these East Asian countries have not found a common historical foundation: first, there has been much difficulty in asserting the facts because of a lack of academic work on the war history in East Asia; second, there has been a history education for students in China and the two Koreas that has not backed off from creating a public antipathy towards Japan; and third, the political elite in these countries have benefited from politicizing the disputed history (see Horvat, 2004: 143f).

Buruma has also researched a variety of issues that have been central to the politicization of history and how it is memorized in Germany and Japan. His comparison includes important places, events and symbols such as Auschwitz, Hiroshima and Nanjing, the Nuremberg and Tokyo Trial, the commemoration through monuments and museums and the creation of history textbooks. Although Buruma points out that one can find similar patterns in dealing with the war responsibility in both the German and Japanese society, he concludes that the circumstances have led to different reconciliation outcomes (see Buruma, 2009: xv).

The imperfect dealing with the past can mainly be seen by looking at monuments and the history textbook controversy. Other than German memorials, Japanese monuments mostly commemorate their own war dead. The most famous among them is Yasukuni Shrine which is the center of fierce disagreement because it has fourteen Class A war

criminals enshrined. Nevertheless, it has many times been officially visited by various Japanese Prime Ministers. In agreement with Horvat, Buruma hence also argues that Japan's inability to reconcile stems from politicizing and polarizing the views on history (see Ibid. xiii). He finds a reason for the diverging views on history in the fact that Japan did not experience a clear cut after the end of the war (see Ibid. xii). During the Allied occupation, there was rather an increasing political struggle between constitutional pacifist and revisionists. After the end of the Cold War, however, the leftist ideas got weaker, whereas revisionist views not only prevailed but were eventually, up to this point, strongly embedded in the political discourse.

Another approach that follows a similar idea can be found in Yinan He's book 'The Search for Reconciliation'. She argues that countries can only achieve reconciliation if they reconcile their national memories first (see He, 2009: 1). By comparing changes in four case studies of the German-Polish and Japanese-Sino relations at different time periods, He concludes that a theory which focuses on 'national mythmaking' can better explain the relationship between the countries than a realist theory which only focuses on national interests (see Ibid. 289ff.).

Conrad's concept of entangled histories is an attempt to combine structural realist and constructivist elements. He argues that "[i]nterpretations of the past [...] do not originate and develop within one country but rather must be understood as the product of the connection and exchange between different discourses and practices." (Conrad, 2003: 86). After the surrender, both the German and Japanese memories of the war were first

pre-structured by their reference to the United States (see Ibid. 87). Conrad points to several examples that profoundly influenced the memory production. The examples include the Nuremberg and Tokyo Trial, the individual denazification and ongoing prosecution in West Germany versus the exemption of the emperor and no follow-up trials in Japan (see Ibid. 88). However, while West German historiography was gradually influenced by the US and East German perspective, Japanese historiography kept its singular orientation towards the United States (see Ibid. 91.). Therefore, it must be considered that Asian countries have for a long time not contributed to Japan's historicization when one thinks about the yet unfulfilled reconciliation in East Asia.

Cha takes a similar approach in arguing that although historical animosity is the foremost factor in determining the reconciliation process between South Korea and Japan material factors can alter this framework and bring about cooperation (see Cha, 2003: 39). Moreover, he identifies three lessons drawn by Funabashi that are important to his argument: (a) that reconciliation is a process, (b) that the reconciling states cultivate democracy, and (c) that they have strong political leadership (see Ibid.). The last point leads us to the third type of explanation of why Germany could reconcile its relations with the countries that were victims of Nazism.

### **1-3. Political Agency Explanations**

#### **1-3-1. Political Leaders**

Bold leadership plays an important role in the reconciliation process (see Funabashi, 2003: 17). Herf's study about the politics of memory in the two Germany's

provides a good example. He shows that while conservatives and liberals were divided on the issue, there were political leaders who urged to public to come to terms with the past (see Herf, 1997: 394). Moreover, Friend's books on the French-German relations also offer an analysis of the political leaders' efforts to reconcile. In his studies, Friend points out that the special relationships between the four consecutive pairs of leaders of the two countries, De Gaulle-Adenauer, Pompidou-Brandt, Giscard-Schmidt, and Mitterand-Kohl, had a significant impact on the reconciliation process (see Friend, 1991: 56; Friend, 2001: 6, 60f.).

### **1-3-2. Political Leaders and Civil Society**

Ku explains reconciliation instead by looking at the combination of political leaders and NGOs. Hypnotizing that reconciliation is only possible if both political agents simultaneously work towards its realization, he develops an analytical framework that illustrates four scenarios. First, one in which reconciliation is likely because there is strong joint leadership to reconcile, on the one hand, and NGOs promoting this efforts on the other hand; second, one in which only partial reconciliation is likely because the strong joint leadership to reconcile is diminished by nationalistic NGOs; third, one in which only latent reconciliation can be achieved because reconciliation-promoting NGO's cannot compensate for weak joint leadership; and fourth, one in which there is no reconciliation because neither of the two political agents have any interest in its realization (see Ku, 2008: 11ff.).

Moreover, Feldman makes an attempt to bring these various approaches together by developing a model for reconciliation that looks at four variables including leadership, institutions, history and the international context. She argues that Germany could reconcile with the countries that were victims of Nazism because it has developed a foreign policy that was driven by both morality and realism and focused on reconciliation as its cornerstone (see Feldman, 2012: 68).

## 2. Defining an Ideal-Type of Reconciliation

To understand why some countries are in a state of reconciliation with the countries that were victims of their war atrocities whereas others are not, one first has to ask what reconciliation means? What is the context in which the word is usually used? A look at the dictionary shows that the word 'reconciliation' is a name given to a particular action. Reconciliation is the act that brings two objects together which were opposing each other. It can include intangible objects such as views, beliefs, theories and narratives or tangible objects such as individuals and groups (see Oxford English Dictionary).

The latter of these two categories includes reconciliation in the political context. It addresses conflicts in which states have become adversaries by committing wrongdoings against each other. Its goal is to reestablish a relationship of peaceful coexistence and recognition that was in place before it had been broken. What is necessary to achieve such a state of reconciled relations depends to a considerable degree on the quality and scope of the wrongdoing which led to the adversarial relationship. Reconciling after

wrongdoing such as economic exploitation is therefore different from reconciling after war or genocide. The greater the harm is that one inflicts on the other, the more difficult it will be to reconcile relations. However, in the absence of objective measures, it is up to people's normative judgment to decide whether the other's effort to reconcile is appropriate or not. Hence, beliefs and emotions are important (see Auerbach, 2004: 152; Bar-Tal/Bennink, 2004: 12; Bar-Siman-Tov, 2000: 237).

Reconciling opposing perceptions and adversary relations requires time. Reconciliation is a process (see Funabashi, 2003: 17) and one in which both parties have to change their identity so that it can accommodate the other (see Kelman, 2007: 78). Bar-Tal, Bennink and Auerbach define it as a psychological process in which the majority of citizens has to change their motivations, goals, beliefs, attitudes and emotions towards the other (see Bar-Tal/Bennink, 2004: 17, Auerbach, 2004: 152). Crocker lists eight goals that a society should achieve when coming to terms with the past. These include speaking truth, providing public platforms for victims, accountability and punishment, complying with the rule of law, compensating victims, institutional reform and long-term development, public deliberation, and reconciliation. Moreover, he divides the reconciliation process into three gradual stages that lead from simple coexistence ['thin'] to mutual respect and from there eventually to reconciliation as forgiveness which includes a shared comprehensive vision ['thick'] (Crocker, 1999: 60f.).

Chun provides a definition that is slightly different from Crocker's in that it distinguishes various political actions that have to be taken at each stage (see Chun, 2015: 319-22).

She calls the first stage ‘procedural reconciliation’. Its accomplishment involves (a) the signing of a peace treaty or agreement, (b) the recognition of states and establishment of diplomatic ties, and (c) the normalization of comprehensive relations. The second stage is called ‘material reconciliation’. It includes (a) the establishment of an economic partnership and foreign aid, (b) reparations and claims after a war and (c) post-war compensation. The final third stage is ‘ideational reconciliation’. It follows as a result of (a) civil and cultural exchange and (b) commemoration and acknowledgment in the form of monuments and more decisively through official apologies. Radzik and Murphy also point out that the political reconciliation process requires certain forms of acknowledgment. They identify nine concrete actions: (1) apologies, (2) memorials, (3) amnesties, (4) trials and punishment, (5) lustration, (6) reparations, (7) truth-telling, (8) forgiveness and (9) participation in deliberative processes (see Radzik/Murphy, 2015).

Radzik’s and Murphy’s first six mentioned forms of acknowledgment, Crocker’s first two stages, and, in part, even Chun’s ideational reconciliation belong all to the field of institutional politics. However, such political measures often only aim at building necessity-based cooperation. In its most extreme form, one can assume a situation in which adversary states cooperate because they share a common threat. In such a quest for survival, they have an immediate need to reconcile their interests. However, in such a case in which there is a conditional necessity to cooperate, it cannot be said that they have truly reconciled their relations. States can cooperate without having reconciled relations, but such a relationship has the potential to erupt again once the conditions for their cooperation fades. Reconciliation can only be sustained permanently if the political

agents have come to terms with the past. Any analysis must therefore consider the moral dimension of reconciliation to understand better why some states are in a state of reconciled relations whereas others are not (see Auerbach, 2014: 153).

While it cannot be denied that all the proposed political measures and actions are appropriate to enhance the possibility of achieving cooperation and to show a political will to reconcile, they undermine reconciliation once they are understood as a sufficient exchange for the committed wrongdoings (see Auerbach, 2004: 162). The acknowledgment of the past wrongdoings must be unconditional instead, and the political agents who acknowledge must explicitly renounce the seeking of finality to bring about reconciliation. This idea can be found in Derrida's concept of forgiveness. Derrida notes that there has been a tendency towards the globalization of forgiveness, since the end of Second World War and the prosecution of crimes against humanity. Examples include the 'Truth and Reconciliation Commissions' of South Africa and Chile, the Japanese Prime Ministers apologizing to Korean and Chinese people for the war atrocities or the German Chancellor kneeling down in front of the monument to the Warsaw Ghetto Uprising. They show that forgiveness is not anymore only asked for by individuals, but also entire communities, sovereigns, and heads of state (see Derrida, 2001: 28). It has become an essential part within a genuine reconciliation process (see Auerbach, 2004: 157).

However, in the political context, forgiveness is most often deprived of its proper meaning. In many cases, it is based on political calculation. The reorientation of political

leaders and the negotiations with their counterparts are determined by political opportunism. Derrida argues that this conditional logic goes against the true meaning of forgiveness. He points out that such a way of forgiving, which seeks finality and includes an exchange between political reorientation and reparations, on the one hand, and forgiveness on the other hand, is anything but ideal (see Derrida, 2001: 31f.). The two central qualities of forgiving, namely *finality* and *conditionality* will be used to formulate two questions against which the measures and actions of political agents will be examined. First, have they advocated for ending the reconciliation process [*finality*]? And second, have their motives come from moral conviction or political opportunism [*conditionality*]?

**Table 1:** The two central qualities of forgiving used to define an ideal-type of reconciliation

Two Central Qualities of Forgiving	Meaning
Finality [F]	'Finish line' vs. normative boundary over
Conditionality [C]	Political opportunism vs. moral conviction

### **III. A 'Finish Line' for a Functioning Democracy**

#### **1. The Office of Military Government, United States (1945-1949)**

##### **1-1. The Question of German Guilt**

Today, scholars often see Germany as an ideal-type of reconciliation (see Feldman, 2012: 12). However, it took some time until this positive assessment could be drawn. Although the German people found themselves in great distress after the end of World War II and far from being ready to reflect what horror just had happened, there were already some intellectuals who reminded the public of the need to come to terms with the past.

Among them was Karl Jaspers, the famous professor of Philosophy in Heidelberg, who had been forced to retire in 1937 due to his opposition against collaborating with the Nazis and his wife being Jewish. These circumstances and the fact that Jaspers did not abandon his country during the thirteen years of the Third Reich, gave him the moral authority to raise his voice and speak in favor of a cultural and political renewal of Germany (see Clark, 2002: 197). While Jaspers had thought that intellectuals should not engage in political activity before the Nazis came into power (see Ibid. 198), he entirely changed his position in 1945. From then on, he believed that culture must play a public, political role (see Ibid. 201). Moreover, Jaspers thought that German intellectuals should not remain in their ivory towers (see Ibid. 202). His new active engagement with politics

made him “the most recognized and the most important intellectual in the western zones of occupation” (Ibid. 197) between 1945 and 1948.

Jaspers soon turned his rhetoric into action. When the Heidelberg University was reopened in 1945, he not only advocated the denazification of the academic field (see Grund, 1990: 70) but together with three of his colleagues also founded the journal ‘The Transformation’ [Die Wandlung] that should address a wide audience outside the university and provide the thought for how Germany could achieve a cultural and political renewal (see Clark, 2002: 208f.). Reading its preface, we can get an idea of how difficult this undertaking was: “We have lost almost everything: state, economy, certain conditions of our physical human being, and even worse than this: the values and norms which bind us, the moral dignity, the united self-consciousness as a people.” (Ibid. 201).

The first pillar of the proclaimed cultural and political renewal of Germany was the restructuring of the universities and the re-education of the public. In these matters, Jaspers effort was greatly supported by Thomas Emmet, an officer in the Counter Intelligence Corps, and Edward Yarnell Hartshorne, the leading re-education official in the American Zone of Occupation (see Ibid. 204). Moreover, his role as an active mediator between the West German academics and the occupation authorities was further strengthened when he was permitted to be one of the thirteen members of the ‘Committee for the Reconstruction of the University’ (see Ibid.).

The second pillar included a series of lectures that aimed to promote a moral change. The series was later published as a book under the name ‘The Question of German Guilt’

[Die Schuldfrage] (see Ibid. 209). In these lectures, Jaspers pointed out that Germans had to clearly understand their guilt. Although it could not be ignored what the world was thinking about Germany, it was more important that the German people showed truthfulness to themselves to restore their moral dignity (see Jaspers, 2000: 22). Arguing that the discussion of 'the German guilt' had often been distorted by generalization and inaccuracy, Jaspers differentiated four levels of guilt: (1) criminal; (2) political; (3) moral; (4) metaphysical (see Ibid. 22; 25f.).

Making this distinction, he concluded that while only few German people bore criminal guilt, all full-aged citizens were politically guilty because it had been their responsibility to decide how to be governed (see Ibid. 25). Besides affirming the political liability of every citizen, Jaspers opposed the idea that there was a *collective* moral and metaphysical guilt (see Ibid. 35f.). However, this did not stop him from reminding people that *individual* moral and metaphysical would not cease but be part of a lifelong process. Jaspers anticipated that it was this constant sense of moral guilt within the conscience which should come to be the fundamental trait of every German's self-consciousness (see Ibid. 111). The renewal had to start from there (see Clark, 2002: 211).

Although to Jaspers' disappointment his lectures on 'The Question of the German Guilt' did not receive much positive response within and outside the university in West Germany (see Ibid. 211ff.), they helped him to achieve wide recognition abroad (see Clark, 2006: 67). A year after he had given them, Jaspers became Germany's first

representative at the 'Recontres International', a festival that brought together Europe's most important intellectuals (see *Ibid.*).

In 1947, Jaspers received another honor when he was awarded the prestigious Goethe Prize of the city of Frankfurt. In his acceptance speech, he again raised the question of how Germany could come to terms with its past (see *Ibid.*). In doing so, Jaspers did not shy away from demanding a critical examination of the works of Goethe who is the icon of German culture (see Saner, 2004: 151f.). His warning words showed that he was still uncertain as to whether the German public was able to undergo a renewal (see Clark, 2006: 71). His growing pessimism, the wish to focus on his work, and personal circumstances soon led to the decision to leave West Germany for Switzerland (see *Ibid.* 71f.). This move brought Jaspers not only harsh criticism from the press that accused him of being a traitor, but also from some of his friends and colleagues (see *Ibid.* 72).

In the following year, he again gained a lot of negative attention when his article 'Revolt against Goethe' that was based on his acceptance speech was published by the West German newspaper 'Welt am Sonntag'. Because the well-known German literary scholar, Ernst Robert Curtius mistakenly believed that Jaspers was about to write a whole book criticizing Goethe, he responded with a polemic attack on him (see *Ibid.* 73). Being provided such an opportunity, Curtius also criticized Jaspers work on the German guilt and his emigration to Switzerland (see Clark, 2002: 217). After his response had first been published in the Swiss newspaper 'Die Tat', it likewise appeared in the West German newspaper 'Die Zeit' four weeks later. This started a big public controversy (see

Saner, 2004: 151f.). While most scholars supported Curtius' attack on Jaspers, there was a group of seven professors of the University of Heidelberg who defended him with articles in the newspapers 'Die Zeit' and 'Rhein-Neckar Zeitung' (see Ibid. 162). The fact that the year 1949 marked the 200<sup>th</sup> anniversary of Goethe's birth added some tension to the debate. One reader's comment in the "Die Zeit" newspaper shows that the public was quite aroused. It reads: "It might be of interest to you that Curtius' article has led to great excitement among the nationalist middle-class. Finally, someone who rebuffed Jaspers. You know the guy who wrote on 'The Question of German Guilt' and praises the Allies – and yes, the guy who then left Germany for Switzerland." (Saner, 2004: 163; translation by author).<sup>6</sup> The negative responses against his support for a cultural and political renewal made him soon realize that it would require time until his message resonated with most Germans and especially the politicians (see Clark, 2002: 218f.). In 1966, Jaspers wrote in an article in 'Der Spiegel', which was and continues to be one of Germany's most popular weekly news magazines, that coming to terms with the past would require generations (see Ibid. 221).

Despite the harsh opposition against Jaspers' work, it was the first cornerstone in the reconciliation process because Jaspers not only emphasized that Germany had to come to terms with its past, but also set a moral foundation for such an endeavor. Neither the

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<sup>6</sup> The part is from a letter from Jaspers to Hans Heinrich Schaeder on the 18th of May 1949. „Es wird sie interessieren, dass der Aufsatz von Curtius in bürgerlich-nationalistischen Kreisen wahre Begeisterungstürme entfacht hat: ‚Endlich hat es einer dem Jaspers gegeben. Sie wissen doch: der mit der Schuldfrage und der so vor den Alliierten liebbedient ...‘ Ja und der dann in die Schweiz ging.“

emigration to Switzerland nor the personal attacks stopped him from critically shaping the political discourse. With the return of many Nazis to various posts in politics and academia it became more important than ever that German intellectuals actively opposed drawing a ‘finish line’. In the first years after the end of the Second World War, there was, however, not yet a dominant line of thought among German intellectuals They argued for and against drawing a ‘finish line’. And, they did so based on their moral conviction.

The following chart summarizes a general tendency during the first period after the end of World War II [1945-1949] in which West Germany was governed by the Office of Military Government of the United States. It gives an answer on two questions: Have Germany’s political agents advocated for ending the reconciliation process, yes or no? [Finality] Have their motives come from moral conviction or political opportunism? [Conditionality]

**Table 2:** “F” and “C” in regards to German intellectuals and politicians between 1945 and 1949

	<b>Finality [F]</b>	<b>Conditionality [C]</b>
<b>German intellectuals</b>	Yes & No	Moral conviction
<b>German politicians</b>	-	-

## 2. The Adenauer Era (1949-63)

### 2-1. Denazification Revised

During the first two postwar decades, the West German government under Konrad Adenauer mostly pursued policies that aimed at overcoming the twelve atrocious years of Nazi domination (see Frei, 1996: 8). Adenauer followed a line of argument that sought to justify less memory and justice to achieve a functioning democracy (see Herf, 1997: 267). From 1949 to 1953, the Bundestag quickly passed three bills that revised parts of the legislation which had been introduced by the Allied forces and aimed at the denazification of West German politics and society. The legislative revision included the first amnesty law of 1949, the '131 Law' of 1951, and a second amnesty law of 1954.<sup>7</sup> The first amnesty law granted amnesty to every person who had committed a crime before the 15<sup>th</sup> September of 1949 which was subject to a penalty of up to six months' prison or one year of probation. The law affected about 800,000 people of whom some had been charged with homicide (see Frei, 1996: 18). The '131 Law' aimed at the occupational rehabilitation of 300,000 public servants from whom many were former Nazi officials including members of the Secret State Police of Nazi Germany [Gestapo] (see Ibid. 19).

However, this change in legislation did not go unnoticed. After the '131 Law' had passed, the Foreign Ministry was soon publicly criticized for its continuous personnel policy.

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<sup>7</sup> The '131 Law' was a "Law Regulating the Legal Status of Persons Falling under Article 131 of the Basic Law"

On 24<sup>th</sup> of October 1951, the Bundestag, therefore, agreed to establish an investigation committee (see PP, 1951: [170] 7035). When the committee reported its findings to the Bundestag in the following year, there was a heated debate about how to deal with the issue and the past in general. The discussion apparently unveiled the political sentiment at that time. Although the committee remarked that many new personnel files were in a poor condition which made the investigation difficult, it nevertheless unanimously concluded that at least four Foreign Ministry officials were deeply involved in the Nazi regime and thus significantly harmed the West German reputation abroad (see PP, 1952: [234] 10720f.). Adenauer tried to downplay the committee's conclusion by emphasizing that neither the Allied forces nor any other country has voiced a single misgiving (see Ibid. 10723f.). Moreover, it was not the work of the officials at the Ministry but the press and its inciting articles that had harmed foreign relation (see Ibid. 10723). He then went on to defend the Ministry by pointing out in which difficult situation it had been restructured and that there had been a desperate need for qualified and experienced personnel. (see Ibid. 10724f.). However, Fritz Erler, a member of the Social Democrats (SPD), criticized Adenauer for his reasoning. He argued that the employment of former Nazi officials in such a delicate position was not acceptable under any condition (see Ibid. 10728f.). Moreover, he directly attacked the Chancellor by highlighting that he was the one who had been in charge of selecting the Foreign Ministry's personnel (see Ibid. 10730). Adenauer responded to the attack with a statement that showed both his pragmatism and his limited willingness to come to terms with the past. He said that all the 'Nazi-sniffing' should stop because once started there would be no end (see Ibid.

10736). Erler replied that he did not want to support a general suspicion, but that the Bundestag had to establish principles which did not allow the restoration of Nazi ideological institutions (see Ibid. 10748).

But, given the high general consent towards the reintegration of vast areas of the society, politics did not significantly change in the following years (see Frei, 1996: 397). Adenauer's pragmatic thinking was, to the contrary, further manifested by passing the second amnesty law in 1954. It remitted all penalties that were related to the time of the regime breakdown between 1<sup>st</sup> October 1944 to 31<sup>st</sup> July 1945. Moreover, it granted amnesty to all persons that had illegally concealed their past activities. From 1949 to 1953 all political parties equally viewed the revision of the denazification as a cornerstone for the reconstruction of the West German nation-state and its political system. They showed a high amount of opportunism in securing public support (see Ibid. 398). Moreover, Adenauer was willing to accept any demand from the right-wing to achieve his political goals of integration into the Western world and the rearmament of the military (see Ibid. 402). "He had no desire to play the role of the avenging angel or national moralist." (Herf, 1997: 220). Although the grand coalition of Christian Democrats [CDU/CSU] and the Social Democrats [SPD] was under heavy pressure from the right-wing German Party [DP], the Free Democrats [FDP] and the All-German Bloc/League of Expellees and Deprived of Rights [BHE] (see Frei, 1996: 398), they could manage to block the most extreme claims by referring to West Germany's reputation abroad (see Ibid. 399). While the Social Democrats occasionally expressed some discomfort with the political decision (see Ibid. 398), the Allied forces closely

monitored the political environment (see Ibid. 400). Given the large extent to which German society had accepted and supported the Nazi regime, it seemed necessary to stabilize the new democracy by reintegrating many people who had willingly followed the wrong ideology. However, the important question was where to draw the normative boundary. Several right-wing attempts to justify the Nazi regime show that such a boundary was not only very low, but mostly reactionarily drawn (see Ibid. 307).

The first serious attempt was made by parliamentarian Wolfgang Hedler. On 26<sup>th</sup> October 1949, the former member of the National Socialist German Workers' Party [NSDAP] held a speech which included strong right-wing ideology (see Ibid. 309). When the press reported on the incident and demanded to take away his mandate, the Bundestag soon started investigations. Hedler was accused of offenses against Jewish people, the Resistance, and the social peace. However, the judges in the trial of whom two were also former NSDAP members intentionally focused on the second and most severe offense because it seemed that none of the witnesses could prove it (see Ibid. 311). As a result of inconclusive evidence, Hedler was acquitted of any charge. While the verdict caused indignation in the press which reassured the Allied forces, it was mostly defended by the government. The Federal Minister of Justice substantiated that the judges had been objective (see Ibid. 315). Only within the SPD was there was some disagreement. Consequently, the party proposed two laws that should help the jurisdiction to more dissociate the new democracy from the previous regime. However, both proposals failed to secure a majority. The trial showed that a normative boundary was not yet existent (see Ibid. 320).

The second serious challenge came from the Socialist Reich Party [SRP] which acted as a successor party of the NSDAP. Since spring 1950, the party increasingly mobilized people in the northern parts of West Germany. Given the upcoming state elections, various state governments tried to enact measures to stop SRP's rise. However, bans on talking and speaking against members did not bring about the desired consequences. The national government, to the contrary, did not react much before September when it decided that all delegates who violated the democratic constitutional order should be removed from public office. A document written in the cabinet meeting revealed that the targeted delegates and organizations came foremost from the left, whereas the SRP was only ranked 11<sup>th</sup>. Fritz Dorls, the head of the party, nevertheless, threatened legal action against the government. Being uncertain about the legal situation, the Federal Minister of Justice invited Dorls to his office and gave him a platform to explain himself. But as the second state election in Lower Saxony neared, the SRP rhetoric to attract voters became more and more similar to former NSDAP propaganda. Moreover, the intelligence service reported to the government that the party had already about 6,000 members. As a result, CDU/DP and SPD took the threat more seriously. They began to campaign strongly against the SRP. While Adenauer now spoke in favor for a legal prohibition according to article 9.2 of the constitution,<sup>8</sup> the Bundestag headed by the floor leaders of DP, CDU/DP and FDP could not agree on what to do (see Ibid. 337). The state election increased the tension. The SRP could promptly win eleven percent of

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<sup>8</sup> Article 9,2 of the German constitution talks about the prohibition of associations that act against the constitutional order.

the votes whereas Adenauer's CDU and the DP clearly lost against the SPD (see Tagesschau: 1951). The heavy press coverage of the result alarmed the Allied forces. High Commissioner John McCloy asked Adenauer to act decisively against the right-wing trend and remarked that he would intervene if necessary (see Ibid. 339). Assuming that this could happen, the Chancellor had already filed a lawsuit at the Federal Constitutional Court day before the meeting (see Ibid. 340). Moreover, Interior Minister Robert Lehr pressed private charges against the popular deputy chair of the SRP Ernst Otto Remer (see Ibid. 347). Remer had reviled the '20 July Plot' resistance and blamed them for treason. The trial against Remer was intensively covered by the press and became an important normative act (see Ibid. 348). This was mostly due to the dedicated work of the Jewish state prosecutor Fritz Bauer who would become one of the most active advocates in reviewing the Nazi crimes. He not only convinced the judges to convict Remer to three months of imprisonment but also established the idea that Nazi Germany had been an illegitimate state (see Ibid.). With this first juridical defeat, the SRP slowly fell apart during the next months. In October 1952, its ambitions were finally crushed when the Federal Constitutional Court delivered the verdict which classified the party as unconstitutional and abolished all its parliamentary seats (see Ibid. 357). The judges argued that the SRP was on one hand a threat to free democracy due to its glorification of past and on the other hand violated human rights by showing strong anti-Semitism (see Ibid. 358).

However, what mattered most to the government was not the content of the verdict, but its meaning for foreign relations (see Ibid. 359). It was more interested in West

Germany's reputation than in coming to terms with the past. To this point, the government had not yet set an unequivocal normative boundary, but had rather pursued opportunistic policies which were clearly intended to draw a 'finish line' to strengthen the domestic legitimacy of the government. This was mostly due to the fact that "German political leaders learned that support for denazification and speaking out clearly and extensively about the crimes of the Nazi era antagonized a significant bloc of voters, who could and did make the difference in close national elections. The lesson was that one could speak openly about the Nazi past or win national elections, but not both." (Herf, 1997: 203). Adenauer's agenda of establishing a functioning democracy at any price can be understood because the government did not yet face the necessary structural conditions that allowed coming to terms with the past but instead had to bring them about.

## **2-2. Prosecution Revised**

In the final years of Second World War, the Allied forces had already raised the question of how to deal rightfully with the Nazi legacy after the surrender. At the Moscow Conference in 1943, Roosevelt, Churchill, and Stalin had met to sign a declaration on the issue. It stated that all Germans should be either punished on the spot by the countries in which they had committed crimes or if the location could not be traced by a joint effort of the Allies. While victorious nations agreed that the Nazi atrocities could not be accounted as conventional war crimes, they were first in discordance with each other about the right degree of penalty. After difficult negotiations during the London Conference in August 1945, this disagreement could, however,

finally be resolved (see Pendas, 2013: 15). The result was manifested in the London Charter which included three categories of crimes to address the sheer monstrosity of the German conduct of war, namely war crimes, crimes against peace and crimes against humanity. The document functioned not only as a legal basis for the Nuremberg Trials that started on the 29<sup>th</sup> October 1945, but also for all the trials held in Germany after the 20<sup>th</sup> December 1945. Besides the denazification and reeducation programs, the Americans viewed trials as the last important pillar to guarantee Germany's future reorientation (see Ibid. 16).

However, the Nuremberg Trial already showed that the reorientation would become a complicated undertaking. Both lawyers and the public strongly criticized it for two reasons. First, they argued that the jurisdiction lacked objectivity because it only allowed judges from the victorious nations and second, that it followed an ex post facto principle in applying the new 'crime against humanity' category (see Ibid. 17). Given the strong opposition and the continuation of Nazi lawyers in office, the German courts did not show many initiatives to prosecute perpetrators (see Ibid. 18). Consequently, they immediately changed back to using the German criminal law once the high commissioners were under enough pressure to relax the established legal framework gradually. From 1950 to 1955, the Allied forces reversed not only major laws<sup>9</sup> but also overturned previous judgments against Nazi officers. Moreover, the last act of revision followed in 1956. On May 30<sup>th</sup>, the Bundestag decided to abolish the legal category of

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<sup>9</sup> Control Council Law No. 10 and No. 13 and Law A-37.

crimes against humanity, its ex post facto principle, and its sentence of capital punishment (see Ibid. 19). The revision had significant consequences. Statistics reveal that prosecutions immensely decreased after 1949. While German courts convicted 1,819 persons in 1948 and 1,523 in 1949, the numbers declined to 809 in 1950, 259 in 1951 and only 21 in 1955 (see Ibid. 20).

### **2-3. Material Reparations to Israel**

In 1949, the World Jewish Congress [WJC] which functioned as the diplomatic representation of all Jewish people made a first call upon the new German Bundestag to accept its moral and political responsibility for the Nazi atrocities and to come up with voluntary reparations. At the end of the following year, Prime Minister David Ben Gurion, Foreign Minister Moshe Sharett, and the director general of the Finance Ministry David Horowitz also agreed that it would be necessary for the development of the new State of Israel to demand reparations from West Germany (see Rosensaft M./Rosensaft J., 2001: 23). However, they were also aware that approaching West Germany was a highly sensitive and hence difficult issue. On the 12<sup>th</sup> of March of 1951, the Israeli Government, therefore, sent a note to the Allied forces that included a claim for 1.5 billion US dollars (see Ibid. 21). Although the Western Allies expressed their understanding for such a claim, they made clear that the Israeli leadership could not expect them to take any proactive actions, but should instead directly contact the West German government (see Ibid. 22). However, US High Commissioner McCloy pointed

out that West Germany's reaction would prove whether they had seriously changed their character (see Engert, 2016: 35).

As the indirect attempt via the Allied forces nevertheless failed, there was no other chance than arranging a secret meeting. When an Israeli delegation and Adenauer met in Paris to discuss reparations, the Israelis pointed out that German-Israeli interaction was only possible if the West German government would fulfil two prerequisites: "it had to (a) issue a formal acknowledgment of Germany's crimes against the Jewish people; and (b) agree that any reparations would be in line with Israel's claim" (see Rosensaft M./Rosensaft J., 2001: 23). The WJC, in the person of Dr. Noah Barou who was chairman of the European Executive branch, also independently demanded that Adenauer should make an official statement in the Bundestag. It had to include Germany's will to both take responsibility for the Holocaust and make material reparations (see Ibid. 24). Agreeing to persuade Adenauer in this matter, Herbert Blankenhorn, who was one of the closest advisers of the Chancellor, consequently prepared a draft for such a statement. However, after his proposal had been edited by Dr. Nahum Goldmann, the chairman of the WJC, Adenauer decided to write it himself excluding much of the emotionally charged language (see Ibid. 25).

Adenauer's statement on the 27<sup>th</sup> September 1951 should have been a disappointment since it excused most German people from sharing any responsibility for the Holocaust and tried to reduce the guilt by pointing at Germany's own victims (see Engert, 2016: 36). Although the Israeli Parliament must have been unsatisfied with the speech, it did

not publicly reject it but instead stressed that the reparations were in no way a rapprochement (see Ibid. 37). However, before any serious negotiations could take place, both sides wanted the other to concede on particular issues. While Adenauer asked the Israeli leadership to decide one single representative that would speak for the Jewish people Dr. Goldmann requested the German Chancellor to once more clearly state in a written letter that the State of Israel was morally entitled to claim reparations from Germany (see Adenauer, 1980: 137f.).

On the 20<sup>th</sup> of March 1952, negotiations started in Wassenaar. The small town in the Netherlands was chosen because the Israeli leadership feared assaults from Jewish right-wing organizations; and an assassination attempt on Adenauer a week later showed the high political tension around the event. The Israeli public was highly concerned about the treaty. Many people were torn between a feeling of great disgust about negotiating with Germans and the need to accept the 'blood money' (see P. G., 1954: 266). In Germany, the public was, to the contrary, quite indifferent about the issue. Most Germans did not feel any shame, guilt or remorse (see Ibid. 265).

Given this environment, the beginning of the negotiations was quite arduous. The German negotiators first tried to stress their country's capacity to pay was limited by the claims of other creditors. At the same time, a German delegation was also negotiating in London to clarify and reduce its overall foreign debt (see Ibid. 262). Being angry about this evasive move, the Israeli Government soon stopped the negotiations and, more surprisingly, two German negotiators resigned from their position. Professor Böhm, who

was one of the two, went so far as to say that German government did not intend to stick to its word (see *Ibid.* 263). Adenauer thus understood that he could only be successful in acquiring moral prestige by making an earnest effort (see *Ibid.*). In his memoirs, the German Chancellor later emphasized Germany's great economic and political dependence on the Western Allies. He explained that the negotiations with the State in Israel and those in London were highly intertwined. In case that one failed, the other would also be condemned to failure. However, Germany could only revive its economy and hence be able to pay its debts if the London Conference ended successfully (see Adenauer, 1980, 141). After a second and third round of negotiations about the reparations, the Israeli and German negotiators eventually achieved an agreement, and Adenauer and Sharett signed the treaty in Luxembourg on the 27<sup>th</sup> September 1952.

In the last step, the treaty had to be ratified by the German Bundestag. Before the motion was passed, the Arab League tried to threaten the government with a boycott of German products since they opposed a powerful State of Israel. But unimpressed with the Arab claims, Adenauer made clear that Germany would neither change their neutrality nor send arms but regard the reparations as moral and humanitarian measures (see P. G., 1954: 269). In his biography, Adenauer stated that it would have been shameful and morally unacceptable to give in under such pressure (see Adenauer, 1980: 155). On the 18<sup>th</sup> of March 1953, the day of the ratification, the Chancellor and some members of the Bundestag once more emphasized Germany's moral duty in the parliamentary session

(see Weingardt, 2002: 92). Since there was almost no delegate who disagreed on this essential point, the German Bundestag finally voted in favor of the treaty.<sup>10</sup>

#### **2-4. Speaking about the Nazi Crimes**

While most politicians were reluctant to speak about the Nazi crimes during the Adenauer era because they were afraid that it would harm their chance to be elected and to establish a solid democracy, there were a few that raised the issue (see Herf, 1997: 226). One of the important figures was Theodor Heuss, a political journalist and politician, who would become the first president of West Germany in 1949.

Heuss was politically active for most of his life. Before 1933, he had been among the Germans who foresaw the danger the Nazis posed. In 1932, as a lecturer at the ‘German Academy for Politics’ [Deutsche Hochschule für Politik] in Berlin, he published a critical study on Hitler and National Socialism.<sup>11</sup> In this study, Heuss not only explained how Hitler destroyed German democracy, but also attacked Nazi racial ideology (see Herf, 1997: 227f.).

While Heuss had been silenced for most of the thirteen years of the Third Reich due to his outspoken criticism of the Nazis, he immediately returned to politics after the war (see Ibid. 230). From the beginning, Heuss went against popular opinion: first, he reminded the public of the need to think about the moral consequences of the Nazi crimes

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<sup>10</sup> There were 239 members of the Bundestag who voted for and 35 against it, with 86 abstentions (Ibid.).

<sup>11</sup> ‘Hitler’s Path: A Historical-Political Study of National Socialism’ [Hitlers Weg: Eine historisch-politische Studie über den Nationalsozialismus].

(see Ibid. 232); second, he argued against Adenauer for the punishment of middle-level Nazi party functionaries (see Ibid.); and third, he actively spoke in favor of the Resistance, when many Germans accused them of treason (see Ibid. 233). Heuss' positions convinced the occupation authorities not only to appoint him as the first Minister of Education of the state of Baden-Württemberg, but also to grant him the right to publish the 'Rhein Neckar Zeitung' that would serve as a medium for democratic thought and the reeducation of the public (see Ibid. 235).

Moreover, in 1948, he became one of the founding fathers and the first leader of the FDP. In August of the following year, the new party right away won 11.9 percent of the vote in the first election of the German Bundestag. Forming a coalition government with the winning CDU/CSU that made Adenauer chancellor of West Germany, Heuss was elected as president two months later. Although the FDP had campaigned under the slogan of drawing a 'finish line' and to end denazification (see Merseburger, 2007: 128), the new president was one of the few politicians who did not follow this agenda, but used his new role to emphasize that Germans should not forget about Nazi crimes (see Schmalzer, 2012: 38). It was this theme that Heuss would repeat in many statements to come. On the Day of National Reflection in 1950, he again urged the public to remember the 'total catastrophe' (see Herf, 1997: 315). In 1952, Heuss became the first German representative to join Jewish survivors in commemorating the victims of the Holocaust at the concentration camp Bergen-Belsen. In his speech, he offered "the most extensive public reflection to come from a leading official of the West German government regarding the crimes of the Nazi era." (Ibid. 321). While being president, Heuss always

looked outside the political circles and was often in contact with German and German-Jewish intellectuals including Theodor Adorno and Max Horkheimer (see Ibid. 315). With his non-partisan behavior, he defined the office of president as one that should morally lead by example and not represent popular mood (Ibid. 329). American historian Jeffrey Herf states that “Theodor Heuss’ singular accomplishment as Bundespräsident was to make the memory of the crimes of the Nazi era a constitutive element of national political memory. Freed from electoral considerations, he made the office of Bundespräsident into a political center of national memory and liberal conscience.” (Ibid. 312). In 2014, the German Constitutional Court indirectly paid tribute to his legacy when it reinforced that the Federal President’s role is to be the moral authority of the state (see Bundespräsident, 2014).

## **2-5. What Does Coming to Terms with the Past Mean?**

In 1959, the ‘Frankfurt School’ changed its focus toward the question of how to come to terms with the past (see Albrecht, 1999a: 212). From 1959 onwards, Max Horkheimer closely worked with the American Jewish Committee [AJC] on changing civic education in Germany (see Albrecht, 1999b: 413). One important pillar of the cooperation was to establish exchange programs to the U.S: for professors, teachers and school textbook experts (see Ibid. 414; 423). Between 1960 and 1971, 22 trips to the United States took place (see Ibid. 423). Although there are some factors that make the evaluation of these exchanges difficult [(a) individual and social pressure to make them a success, (b) a changing perception of the U.S. in the 60s, (c) a strong financial incentive

for positive documentation, and (d) no control group (see Ibid. 425f.)), they had a great impact on school education (see Ibid. 441).

Moreover, in the fall of that year, the philosopher, sociologist and intellectual, Theodor Adorno, gave a lecture for the German Coordinating-Council for Christian-Jewish cooperation. He spoke on the topic of what it meant to come to terms with the past; a phrase which was used in the German public to refer to the political discourse on reconciliation and how to deal with the Nazi past. Adorno's thoughts soon received a great deal of attention since they described what became a reality just a month later when there was a wave of anti-Semitic vandalism. In his lecture, Adorno argued that fascism was still alive in Germany at that point because there were more serious efforts to draw a 'finish line' than there were to come to terms with the past. He drew this conclusion from all the bad arguments that were made in public. Adorno stressed that people should be ashamed to make arguments about numbers. For example, that there were only five instead of six million victims or to set the bombing of Dresden off against Auschwitz. Moreover, it was also ignorant to either claim that a tragedy of this scope could not have happened without the victims at least giving some cause or to weaken one's responsibility by reasoning that the victorious Allied forces were to blame for allowing Hitler to take power.

Adorno thought that this widespread tendency to overcome the national guilt by partly denying or weakening what had happened during the thirteen years of the Nazi terror regime served an opportunistic purpose. The government believed that the suppression

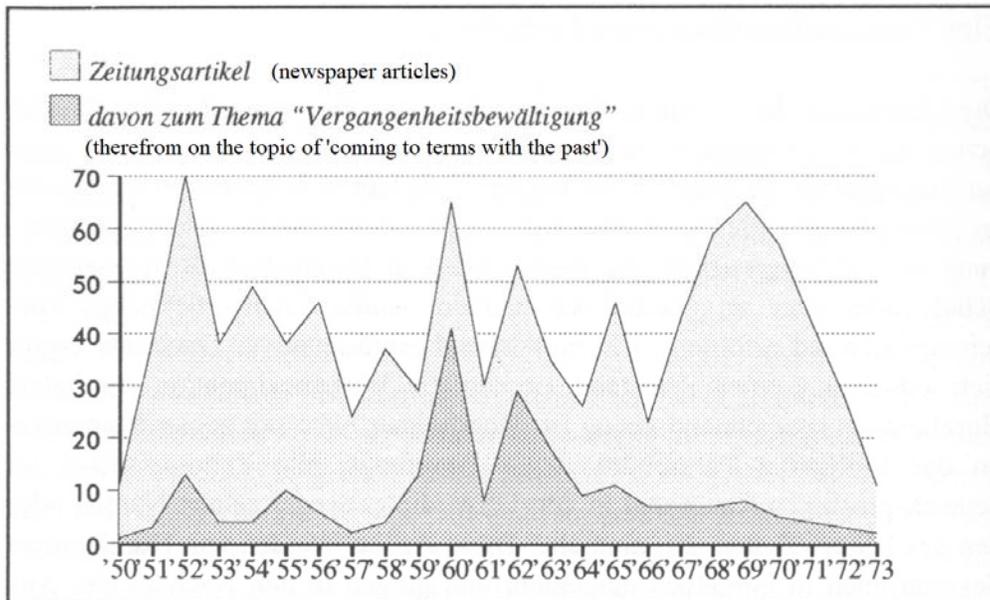
of the historical memory was necessary to realize the future development of the German state. What should be done instead, according to Adorno, was to work carefully through the past until the true causes which led to the Nazi regime could be identified. Moreover, the discourse had to counteract a culture of forgetting by encouraging people to critically self-reflect.

Adorno was one of the most active and important intellectuals in post-war Germany. After his lecture at the German Coordinating-Council for Christian-Jewish and his participation at another seminar on antisemitism that was organized by the 'Friedrich-Ebert Stiftung', he established himself as a distinguished expert on the question of how to come to terms with the past (see Ibid. 213f.; 225, 235). Since then, the topic got much more attention and he was frequently invited when it was discussed (see Ibid. 213.) Moreover, his lecture marked a turning-point in the country's reconciliation process because it provided the essential criticism against the way the Adenauer government had tried to draw a 'finish line' (see Schneider, 2011: 161). Considering the important dichotomy of memory and forgetting, it highly influenced the future political discourse on reconciliation and since then became the foundation of every past- and reconciliation-related policy (see Ibid. 162). From 1957 to 1960, the number of papers published on the Nazi regime and the way it should be taught increased from 1.9 to 10 percent, and in the journal 'history in science and education' [Geschichte in Wissenschaft und Unterricht] even from 12.2 to 33.3 percent (see Schildt, 2003: 324). Through the strategic use of mass media and the large interest of journalists in the topic (see Albrecht, 1999a: 225, 245f.), Adorno finally helped to transform the way Germany was dealing with its past

by changing the focus of the reconciliation process from being opportunistic to normative in character (see Ibid. 447). The following tables show the great presence of the Frankfurt School and especially Adorno.

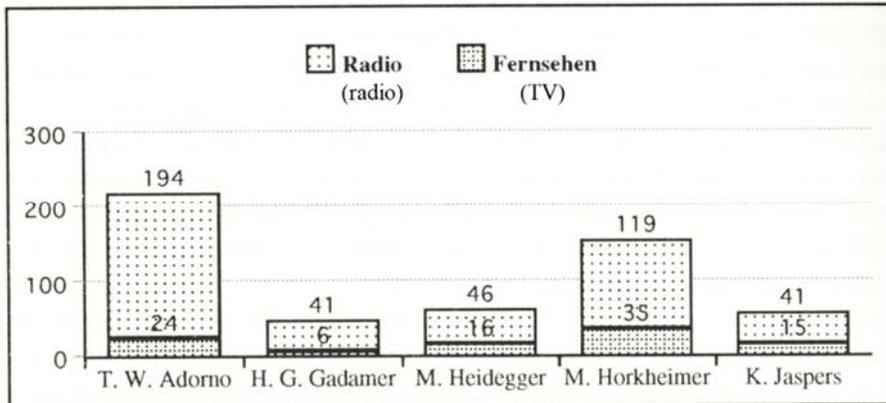
**Table 3:** Newspaper articles about the 'Frankfurt School' Zeit' 1950-1973

(Albrecht, 1999a: 206).

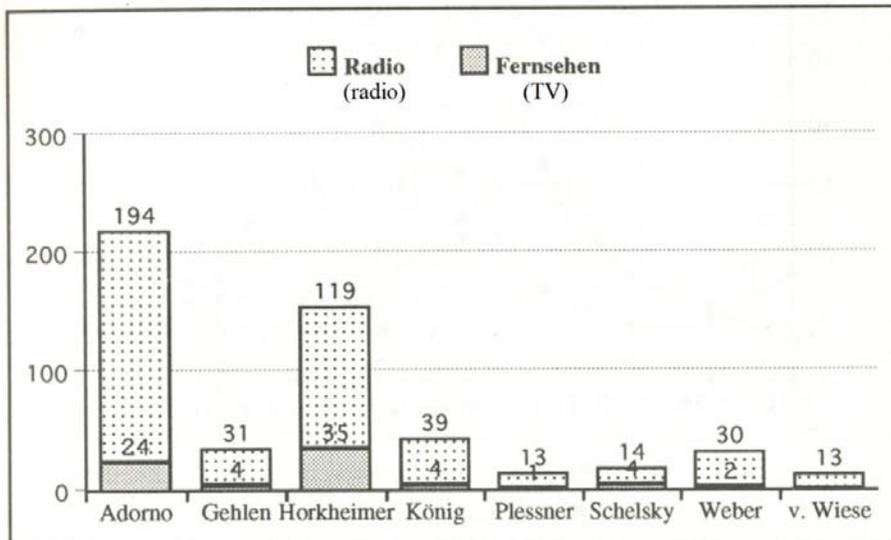


**Table 4:** Appearances in radio and TV shows about philosophy 1945-1990

(Albrecht, 1999a: 228).



**Table 5:** Appearances in radio and TV shows about sociology 1945-1990 (Ibid. 229).



## **2-6. The Slow Awakening**

From 1958 to 1965, several events took place that brought about an increased nationwide sensibility towards the past. The ‘Ulmer Einsatzgruppen’ trial in 1958 marked its beginning. Being initiated by a private person, it accused ten members of a Nazi task force who had killed more than 5000 Jews and 700 Russian prisoners of war at the Lithuanian-German border (see Bundesgerichtshof, 1962). Unfolding the monstrosity of the Nazi atrocities, the trial was an important step towards coming to terms with the past as it resulted in the establishment of the Central Office of the State Justice Administrations for the Investigation of National Socialist Crimes (see Steinbacher, 2010: 414). The Ludwigsburg Center rapidly turned around the sloppy prosecution of the mid-50s. In 1959, it already investigated 400 cases. Moreover, within the next seven years, the number rapidly increased to 6,372 (see Pendas, 2013: 24).

There was also a second event that drew massive domestic and international attention and made the idea of the ‘unresolved past’ [unbewältigte Vergangenheit] the most discussed topic happened during the last days of 1959 (see Albrecht, 1999b: 393). On Christmas Eve, two members of the right-wing German Party [DP] vandalized the newly reconstructed Cologne Synagogue with a swastika and race baiting slogans against Jews (see Sträter, 2009). Over the next several weeks, it was followed up by a series of anti-Semitic acts of vandalism all over Germany and abroad. As a consequence, various members of the German Bundestag expressed their strong disgust. Adenauer addressed the topic in a radio speech that was directed at the domestic and international audience. Reinforcing his personal struggle against the Nazis, he assured that today’s Germany

strongly opposed anti-Semitism. He also promised that the government and its institutions would make an utmost effort to convict the offenders (see Adenauer, 2014). At the same time, Adenauer put forward the thesis that the vandalism was a planned campaign by Soviet intelligence agencies to harm West Germany's reputation (see Albrecht, 1999b: 394). A few politicians and especially the German intellectuals, however, strongly opposed this thesis and argued that the incident showed the failure of the government to come to terms with the past (see Ibid. 394f.) Among the politicians was Willy Brandt, who was back then the Mayor of Berlin. He decisively denounced anti-Semitic behavior. Brandt said that Germans should be ashamed that there were still people who challenged all the committed atrocities of which none had yet been righteously addressed (see Sträter, 2009). While many intellectuals published papers, books and teaching materials as a reaction against the swastika-daubs (see Albrecht, 1999b: 395f.), the Bavarian broadcasting service showed multiple TV programs about the Nazi past that were well-received by a wide audience (see Ibid. 235).

The next important event was the Eichmann Trial in Jerusalem in 1961. It was the first time that a high Nazi official was brought before an Israeli judge. The accused Adolf Eichmann had worked at the Reich Security Main Office. There he had been in charge of the deportation of Jews to concentration camps all over Europe. The trial was massively covered by the press and highly emotional since many survivors offered detailed testimonies. Moreover, it was famously commented on by Hannah Arendt, a well-known German-born intellectual. She wrote a series of articles for *The New Yorker* that received much attention and were quite controversial in Israel. Having the Nazi

atrocities at the forefront of the world news further increased the German public's attention towards the past. Surveys from the 'German Institute for Public Survey' [Deutsches Institut für Volksumfragen] and the 'Institute for Opinion Poll Allensbach' [Institut für Demoskopie Allensbach] showed that more than 83 percent of the population took notice of the trial (see Pendas, 2013: 271).

The last event of enormous scope was the Frankfurt Auschwitz Trial which began at the end of 1963 and lasted for 20 months. It accused former members of the SS command of the Auschwitz concentration camp and focused on the Holocaust. Since the event had great political implications, it received worldwide attention and immense coverage in the media (see Ibid. 270). But while the 183 court sittings were attended by more than 20,000 visitors of whom many were students, they were not intensively followed by the general public. To the contrary, most people, especially those aged 35 to 45, came to have a negative attitude towards the prosecution of past crimes (see Ibid. 272). Arguing that such efforts would not only be a waste of money, but also hurt the German reputation abroad, they were supportive of drawing a 'finish line' (see Ibid.). Although it was to be hoped that the trial would serve an educative purpose, it turned out to give a rather complicated, ambiguous and often contested account of the past (see Ibid. 267). However, despite this questionable depiction and the general public's apathy, it nevertheless marked an important point in Germany's postwar history (see Ibid. 269). By creating certain images of the Nazi past and stimulating a broad political and intellectual discourse on the question of justice, the trial greatly shaped the reconciliation process and the country's memory culture (see Ibid.).

**Table 6:** “F” and “C” in regards to German intellectuals and politicians between 1949 and 1963

	<b>Finality [F]</b>	<b>Conditionality [C]</b>
<b>German intellectuals</b>	No	Moral conviction
<b>German politicians</b>	Yes & No	Political opportunism & Moral conviction

## **IV. Establishing and Upholding a Normative Boundary**

### **1. From Erhard to Kiesinger (1963-69)**

#### **1-1. Questioning the Statute of Limitation**

The year 1965 saw one of the most outstanding political debates in the German parliamentary history. It revolved around the question whether the Nazi atrocities should expire by limitation or not. The German Penal Code of 1871 had, to this point, placed a twenty-year limitation on the prosecution of any murder. With the end of the war dated to the 8<sup>th</sup> of May 1945, it was therefore soon impossible to convict anyone who had been involved in committing the Nazi atrocities. Five years before, on the 8<sup>th</sup> May 1960, the limitation had already affected crimes of manslaughter, assault, and battery resulting in death. At that time, the Social Democrat's request for an amendment had been rejected by a large majority in the Parliament. In 1965, things did not look much different at first. The government was still convinced that an extension of the statute was unconstitutional and thus not possible to realize. However, this time, there was considerable pressure from abroad. The idea that the West German government was acting out of pure opportunism due to concerns about the upcoming fall election made Jewish officials try to create a sentiment of opposition in the international public (see Hindenburg, 2007: 83). They strongly stressed that Germany should not succumb to the idea that material reparations were a sufficient moral act (see *Ibid.*). As a response, the newly elected Chancellor Ludwig Erhard, for the first time, made an attempt to appease foreign governments by asking them to submit evidence against potential Nazi perpetrators so

that they could be charged before the limitation took effect. However, this proactive initiative did not have much of a comforting impact. The increasing international attention rather made the German Foreign Office worry about whether the U.S. would hold on to its commitment to unification (see Ibid. 84). Moreover, there were also heated discussions in the West German press since the still-ongoing Auschwitz Trial promoted public awareness of the controversial issue. It was this environment that helped the Social Democrats to make a motion which eventually led to one of the most important West German parliamentary debates in regard to the reconciliation process on the 10<sup>th</sup> of March 1965 (see Ibid. 83).

Previous to the parliamentary session, the cabinet had decided not to express any opinion about how to vote for the extension of the limitation bill. It had rather made clear that every member of the Bundestag should leave it to his or her own conscience on how to answer the question. Federal Minister of Justice Ewald Bucher [FDP] who opened the floor for the debate once more reinforced this principle. While countering some of the heavy criticism from abroad, he pointed out that the victims of the Nazi atrocities had certainly a right to be heard in this matter. However, they should nevertheless consider the jurisdictional difficulties that came along with changing the constitution; a rejection of the amendment would neither aim at protecting the Nazi criminals nor at invoking a culture of forgetting but only at defending the rule of law. It was this thought that should become the main argument of the delegates who opposed an extension.

The second speaker and CDU/CSU delegate, Ernst Benda, instead strongly pleaded for the abolishment of the statute of limitation. He first refuted the press's assertion that foreign pressure had led to a situation in which the decision-making process would now become an opportunistic political and not, as it should have been, a voluntary moral act; Benda emphasized that the petitioners who were against the press' claim only be pressured by their own conviction (see PP, 1965: [170] 8520). He then put forward the major argument for an extension by saying that a sense of justice would be corrupted if the Nazi mass murder remained unpunished (see Ibid. 8524). The passionately arguing delegate tried to strengthen his position by referring to a plea from 76 professors of criminal justice and state law who confirmed that an extension would not harm the constitution (see Ibid. 8522). By what he highlighted as the essence of his speech, Benda concluded by quoting the words of Holocaust Memorial in Jerusalem: "Seeking to forget makes exile all the longer; the secret of redemption lies in remembrance." (Ibid. 8526).

Martin Hirsch, Adolf Arndt and Gerhard Jahn who were all SPD delegates, strongly agreed with Benda's words. While Hirsch and Arndt also remarked that it was not a question of denazification or collective guilt which both rejected (see Ibid. 8527, 8552), the last two delegates further stressed the moral quality of the issue (see Ibid. 8538, 8552). However, there was still speakers who disagreed with the motion. Rainer Barzel and Hans-Joachim von Merkatz, both CDU/CSU, pointed out that the Nazi terror regime had shown the terrible consequences of special legislation (see Ibid. 8531, 8565). As most delegates were persuaded by the importance of an extension, the Bundestag decided to move the start of the twenty-year limitation to the 1<sup>st</sup> of January 1950, a few days later.

The additional five years were seen as a good compromise to give more time for the ongoing prosecutions. What was so remarkable about the debate, had been emphasized by Karl Jaspers in a 'Spiegel' interview with Rudolf Augstein a day before the parliamentary session. Jaspers hoped that the members of the Bundestag would not only be strongly opposed to political opportunism but also argue in a way that helped to create a moral-political consciousness in the public. Moreover, he praised that the delegates seemed not to agree along party lines, but based on having the same moral conviction (see Augstein, 1965: 60f.). When the issue was once more discussed four years later, there was again a majority of parliamentarians that voted for removing the statute of limitation in regards to Nazi atrocities.

### **1-2. Education After Auschwitz**

In 1966, Adorno once more actively influenced the ongoing political discourse on reconciliation and how to come to terms with the past. In a radio lecture, he reflected on the question of how people should be educated after Auschwitz, the place synonymous with the entirety of Nazi crimes. As human nature has always been capable of 'uncivilized' behavior, Adorno argued that only the right education could prevent Auschwitz from happening again. He thus formulated several principles which should be essential to both early childhood and general education. In line with his critical theory, Adorno pointed out that attempts at such education had to turn to the subject because the options for changing social and political conditions were very limited. Moreover, he thought that one must focus on the perpetrators' motives and not on a list of eternal

values or positive qualities of the victims. Any education was only meaningful if it taught and encouraged critical self-reflection.

Adorno's ideas have profoundly influenced various parts of the society. In the 60s, Adorno's regular radio lectures had a great impact on civic education in West Germany. Moreover, he was a defining member of the expert committee on the sociology of education who worked on reforming civic education (see Albrecht, 1999b: 404). The German student movement also referred to his ideas to criticize not only fascism but particularly the way in which the previous government had tried to come to terms with the past (see Kraushaar, 2002). This was of great significance, since many students carefully investigated the Nazi past of any member of the elite, including their own mentors (see Albrecht, 1999a: 216). Besides his influence on the civil society, Adorno also had a big impact on politicians and the state (see Albrecht, Behrmann et. al., 1999: 13f.). On the 27<sup>th</sup> of January 1999, which marked the first state ceremony during the 50<sup>th</sup> anniversary of West Germany, he was several times quoted by the President of the Bundestag in his commemoration speech for the victims of the Nazi regime. Moreover, Adorno also significantly changed social pedagogy in Germany. Since then, his ideas have become the primary philosophical reference for students of the subject (see Seel/Hanke, 2015: 98).

**Table 7:** “F” and “C” in regards to German intellectuals and politicians between 1963 and 1969

	<b>Finality [F]</b>	<b>Conditionality [C]</b>
<b>German intellectuals</b>	No	Moral conviction
<b>German politicians</b>	No	Moral conviction

## 2. The Social Democrat Era – Brandt & Schmidt (1969-82)

### 2-1. The New ‘Ostpolitik’

Until the beginning of the 70s, the structural conditions of the Cold War were a major obstacle to the improvement of Polish-German relations. While West Germany belonged to the Western bloc, Poland was part of the Eastern bloc. Moreover, the German division was at the heart of this bipolar world. It made Germany’s diplomacy significantly more difficult. From 1955, it was based on the ‘Hallstein-Doctrine’ which predefined that West Germany would not establish diplomatic relations with states that recognized the German Democratic Republic. However, the West German federal election in 1969 marked a turning point in Germany’s relations with Eastern countries. After 40 years, the Social Democrats were back in political power. Although the party could only win the second highest number of votes behind the Christian Democrats, they for the first time succeeded in forming a coalition with the Free Democrats by overcoming programmatic differences (see Turner, 1987: 146f.). One important factor that brought both parties together was their shared political line regarding foreign policy (see Ibid. 148). This policy consisted of two key elements. First, the adherence to the NATO alliance and multinational institutions to remain firmly integrated into the West; and second, a progressive orientation towards the East

[Ostpolitik] that differed fundamentally from the one of previous the governments (see Ibid.). After assuming power, the new Foreign Ministry made rapid diplomatic efforts that soon led to the abolishment of the ‘Hallenstein Doctrine’ and the conclusion of a non-aggression pact with the Soviet Union in 1970. The so-called Treaty of Moscow covered the renouncement of any use of force to claim the other state’s territory and the full recognition of the existing borders between the two Germanys and between Poland and the German Democratic Republic (see Ibid. 150). Only a few months later, this treaty made possible what had not been possible before. The West German social-liberal coalition would then significantly improve relations with Poland by signing the Treaty of Warsaw that included most importantly the inviolability of the Oder-Neisse Line for all times.

## **2-2. Brandt’s Genuflection**

The 7<sup>th</sup> of December was not only historical due to the conclusion of the treaty, but also because Brandt symbolically knelt down in front of the memorial for the 13,000 Jewish victims of the Warsaw Ghetto Uprising. Since then, his gesture has become an icon of Germany’s postwar history (see Giesen, 2004: 131) and of reconciliation in general. Moreover, scholars agree that it has been of great moral significance to how Germany is coming to terms with its past (see Wolffsohn/Brechenmacher, 2010: 4f). During the next days, the photo of Brandt’s genuflection appeared on the front covers of many Western newspapers (see Drath, 2005: 46). The media all highlighted the importance of the event. In the first edition of 1971, the TIME magazine even announced

that they selected Brandt as the 'Person of the Year'. The editors explained their choice by saying that Brandt was a great innovator of his time since he became "the first West German politician willing to accept the full consequences of defeat in World War II" (Time Magazine Editors, 1971: 1). The same year, Brandt was also awarded the Nobel Peace Prize. In the Award Ceremony Speech, Aase Lionæs, the President of the Nobel Committee pointed out that the German Chancellor's gesture in front of the Jewish memorial had demonstrated his will to "bury hatred and seek reconciliation" (Lionæs, 1971).

However, the reception was quite different in the Eastern world, and especially in Poland. This becomes clearer when looking at the background of Brandt's Poland trip. The formal procedure did initially only include a visit to the Tomb of the Unknown Soldier, but Brandt strongly insisted on putting down a wreath at the Warsaw Ghetto Uprising monument as well. After some negotiations, the Polish government reluctantly accommodated his wish at the last minute. A visit there did not fit into their interpretation of history which emphasized that the Polish and Soviet citizens and not the Jewish were the main victims of the Nazi terror. Therefore, it was also much less organized than the visit to the Tomb of the Unknown Soldier. While the wreath-laying ceremony at this place was accompanied by the guards of honor and about 2,000 Warsaw citizens, the corresponding ceremony was only attended by 300 to 400 spectators at Jewish monument. Given this context, Brandt's genuflection must have been a further provocation. Therefore, Polish newspapers only printed edited photos of the event on which one could not see that the German Chancellor was kneeling (see Gnauck: 2010).

In West Germany, there were also many negative reactions. A few days after the event, 'Der Spiegel' magazine raised the question whether the gesture was seen as appropriate or exaggerated. A survey of 500 West German citizens showed that 41 percent thought it was appropriate, whereas 48 percent disagreed. Among the 30 to 49 aged people, there were even 54 percent who viewed Brandt's genuflection as an exaggeration (see Spiegel, 1970: 27). The chief editor of the 'Bild am Sonntag' which is the largest-selling West German national Sunday newspaper cynically commented that Catholics know that one would only kneel before God (see Behrens, 2010: 17). Moreover, very harsh criticism came from displaced Germans and the CDU/CSU opposition (see Urban, 2006: 172). The loss of territory and Brandt's submissive gesture were both scandalous to them. As if this would not have been enough, some delegates of the SPD and FDP even defected. This change in the Bundestag significantly threatened the ratification of the Warsaw Treaty. Since the social-liberal coalition was only leading by a small margin and a few FDP defected, the CDU placed a constructive vote of no-confidence to enforce a change in government (see Turner, 1987: 155). The Conservative Party argued that the Ostpolitik was a betrayal of the Constitution that included the goal of reunification. But even though the opposition theoretically controlled a majority of seats in the Bundestag after several defections, the motion failed by two votes. As the government's victory revealed that there was also a lack of unity within the CDU, Brandt rapidly pushed for another vote on the Eastern treaties. The treaties finally passed both in the Bundestag and in the Bundesrat because the opposition leadership feared a split within its own party (see Ibid. 157).

Moreover, opinions in Israel were also two-minded. While the Israeli media praised Brandt's gesture, the political reaction was very modest (see Engert, 2016: 39). Since the beginning of the Cold War and the SPD's rise to power, German-Israel relations cooled noticeably. Many leftists of the '68-generation' inside and outside of the party stridently questioned the State of Israel's right to exist and harshly criticized its imperial policies. Given the bad relationship at the time, Klaus Harpprecht, a friend and advisor to Brandt, had recommended that the Chancellor make a public gesture (see Wolffsohn/Brechenmacher, 2010: 9). Insisting on visiting the Jewish monument in Warsaw shows that Brandt wanted to send a message. However, he did not plan what would happen at the memorial. Brandt wrote later in his biography that the genuflection was spontaneous (see Brandt, 1994: 214). It was not a calculated political move, but a normative action. The gesture did neither significantly improve relations with Israel since the government there was more interested in practical policies that guaranteed the state's survival than in politics of memory (see Wolffsohn/Brechenmacher, 2010: 10f.) nor did it have any other positive political impact at that time (see Kießling, 2006: 2). The genuflection was, to the contrary, politically risky because it severely threatened the new Ostpolitik. Brandt, who had resisted the Nazis, did not give way to the pressure, but followed his moral conviction.

His successor Helmut Schmidt unwaveringly followed up what had been accomplished by the social-liberal coalition. Schmidt's first major step forward in the Polish-German relations came at the Helsinki Accords in 1975 in which the FRG played an active role. The conference had a great impact on relations with Poland because the Oder-Neisse

Line was further reconfirmed when the United States, the Soviet Union and all European states except Albania, signed a universal declaration that first and foremost guaranteed sovereignty, inviolability of frontiers and territorial integrity of all countries. The next step was taken after Schmidt had won the formal parliamentary elections of 1976. Officially elected, he soon went to Poland for a five-day diplomatic visit in November 1977. The focus of Schmidt's extensive diplomatic trip was clearly placed on his speech at the former Auschwitz concentration camp. Having been the first German chancellor who visited Auschwitz, he emphasized that the West German delegation had come to this place to remind itself that there cannot be a future without coming to terms with the past; and that politics was more than a struggle for power and interests, that it demanded a strong moral foundation (see Schmidt, 1977: 45).

**Table 8:** "F" and "C" in regards to German intellectuals and politicians between 1969 and 1982

	<b>Finality [F]</b>	<b>Conditionality [C]</b>
<b>German intellectuals</b>	No	Moral conviction
<b>German politicians</b>	No	Moral conviction

### 3. The Helmut Kohl Era (1982-1998)

#### **3-1. A New Politics of Historical Memory**

After a split in the social-liberal coalition and a non-confidence vote against Schmidt in October 1982, the CDU/CSU came back to power under the leadership of Helmut Kohl. The political change marked the return to a conservative agenda that would not only stand in the tradition of Adenauer, but also represent its continuation. It included the strengthening of the North Atlantic Alliance, the formation of a new German national identity and the quest for normalization. These national interests were all meant to be achieved by a 'politics with history' [Geschichtspolitik] that promoted a revised historical consciousness. At the end of the 70s, the subject of history had become increasingly important to both parties. While the Kohl Government and some intellectuals who were close to the party wanted to debunk social liberalism by apologetically praising the 50s under Adenauer (see Wolfrum, 1999: 74), the Social Democrats at the same time established a 'History Commission' to strengthen their identity and to challenge such a biased interpretation of the past (see Kailitz, 2008: 18). This form of institutional opposition seemed even more necessary since Kohl's first government declaration already indicated possible areas of dispute, namely the planned construction of two new national museums: the House of the History of the Federal Republic of Germany in Bonn and the German Historical Museum in Berlin (see Kohl, 1982). Moreover, in a conference lecture for historians on the fiftieth anniversary of Hitler's appointment to Reich's Chancellor, philosopher Hermann Lübbe argued that the German government's attempt to overcome the past had been necessary since the

domestic reconciliation enabled the survival of the nation and the stability of its post-war democracy (see Schildt, 2013).

Besides such defensive arguments and the domestic debate about the building of the museums, there were, however, two other controversies that caught much international attention. The first controversy involved Kohl's trip to Israel in 1984. After German-Israel relations had been at a low point when the previous Chancellor Helmut Schmidt made an attempt to sell German Leopard II tanks to Saudi-Arabia, the visit would mark a new beginning (see Weingardt, 2002: 306). However, such hopes were soon dampened by an interview that Kohl gave before the trip. In this interview, Kohl for the first time used the phrase 'mercy of the late birth' to explain that he represented a generation of Germans who did not bear any guilt for the Holocaust. He also noted that one could not expect the German government to acquiesce every time Israeli politics was concerned (see *Ibid.*). During the visit to Israel, expectations further lowered when Kohl used the same phrase in a much-criticized speech to the Knesset and his spokesman and advisor Peter Boenisch mentioned at the Ben Gurion Airport that Jews should not always confront Germans with Auschwitz (see Wyman/Rosenzweig, 1996: 432).

The second controversy was caused by Kohl's and Reagan's joint visit to the Bitburg Military Cemetery in celebration of the 40<sup>th</sup> anniversary of the end of Second World War in 1985. Before the plan had been announced, it was revealed that both governments had finally canceled a commemoration at the concentration camp in Dachau because they wanted to focus on the common future rather than on the past. The situation then got

even worse when the news massively reported that former SS men and no Americans were buried there (see Fischer/Lorenz, 2007: 248). These important details drew heavy criticism from Jewish organizations in the United States. Reagan's apology that the German soldiers were also victims of the Nazi terror could not decrease the tension. During the ceremony for the Congressional Medal of Achievement in the White House, the awarded Jewish writer Elie Wiesel pleaded for Reagan to stand by the actual victims (see Jensen, 2007: 64). In Germany, Kohl's remarks to the Knesset in Israel and the Bitburg controversy were followed by many critical responses from leftist politicians and intellectuals who were afraid that there might be a new mentality to rewrite the past and put an end to the reconciliation process.

### **3-2. Weizsäcker's Commemoration Speech**

Only three days after Kohl and Reagan had visited the Bitburg Military Cemetery, Federal President Richard Weizsäcker presented an entirely different view of the past. On the 8<sup>th</sup> of May 1985, in an official state ceremony, he appeared in the Bundestag to commemorate the fortieth anniversary of the end of Second World War by giving a far-reaching speech. It received an overwhelming reception at home and abroad. The Israeli ambassador who had been invited to the Bundestag said later that the speech had been one of the greatest moments in Germany's history since it talked to all victims and people involved in the atrocities (see Hammerstein/Hofmann, 2015). The manuscript of the speech was translated into thirteen languages and printed two million times (see *Ibid.*). Newspaper from all over the world reported about the event. The New York Times

published a lengthy article stating that “Weizsacker’s Bundestag speech had a cathartic impact.”, “In pitting himself against [...] revisionist uses of history, Richard von Weizsacker has been forced to confront the moral ambiguities that cloud his own family's past.” (see Markham<sup>1985</sup>). One institutional factor that made it easier for him to be so sincere is that the German constitution sets the Federal President outside the three branches of power. He is not subject to popular elections or bound to party politics, but is seen as a moral authority of the state (see Bundespräsident, 2014). Weizsäcker could therefore present a much more objective view of the past. The speech had two central themes: truth in remembering and focusing on the victims (see Bruner, 2002: 20).

First, Weizsäcker emphasized that the 8th of May 1945 was not the day of Germany’s defeat but the day of its liberation from the Nazi terror. Moreover, he pointed out that “[Germans] need and have the strength to look truth straight in the eye – without embellishment and without distortion.”; “all of us, whether guilty or not, whether old or young, must accept the past. We are all affected by its consequences and liable for it.” Second, he commemorated all victims of the Nazi terror: “In particular, the six million Jews who were killed in concentration camps, the citizens of the Soviet Union and Poland, German soldiers, Sinti and Roma, homosexuals, mentally ill, people who died because of their religion, political beliefs or as part of the German resistance – among them military personnel, clerics, trade unionists and communists – and such that rather accepted death than involvement in the Nazi terror.” (see Weizsäcker, 1985).

Although the speech had the following passage “[a]long the road to disaster Hitler became the driving force...” in which the Federal President sounded like the revisionists, its core message greatly increased Germany’s reputation abroad and established a new domestic consensus among all political parties (see Hammerstein/Hofmann, 2015). Today, the part that commemorated all victims can be found on a plaque at ‘Neue Wache’ which is the central memorial for the victims of war and dictatorship (see Ibid.). Weizsäcker’s speech was another important cornerstone in a decade in which the German people had “finally started to debate openly its perpetration of the genocide of European Jewry and the nation’s responsibility for the atrocities.” (Engert, 2016: 40).

### **3-3. The ‘Historikerstreit’**

The question of how to deal with the past had been influencing German politics since the end of the Allied occupation in 1949. While one or the other contrasting position was dominant at different times, the ‘Historikerstreit’ marked the pinnacle of the political and intellectual discourse about the history of memory. It started in June 1986 with an article from the historian Ernst Nolte that was published in the conservative ‘FAZ’ newspaper. In the article ‘A Past That Won’t Pass Away’ Nolte argued that Nazism and the Jewish genocide should not be viewed as a singularity, but as similar to the preceding mass murder of the Bolsheviks (see Borowsky, 2005: 64). Moreover, he pointed out that a singular focus on ‘Auschwitz’ in Germany’s history would distract from other facts concerning the Nazi regime (see Ibid.). Nolte’s article that understated the Holocaust marked a departure from what had been viewed as a non-debatable

position before (see Eley, 1988: 175). It was thus soon followed by a critic from Jürgen Habermas that was published in the liberal 'Die Zeit' newspaper. In the article, Habermas attacked the politicians and intellectuals who supported an apologetic and whitewashing tendency in contemporary German history (see Ibid. 179). The sociologist and philosopher who was a student of Adorno and Horkheimer was greatly worried since he regarded the opening of the Federal German Republic to Western political culture – the greatest intellectual achievement of the Germany's post-war period – as being threatened by such a revisionist movement (see Borowsky, 2005: 68).

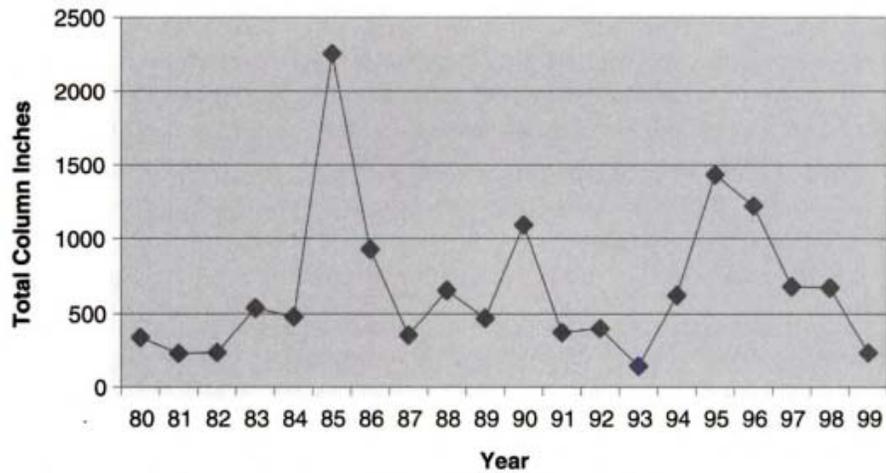
Habermas' response started a much bigger debate in which an increasing number of intellectuals aligned on both sides. Nolte was supported by many historians among them Andreas Hillgruber, Michael Stürmer, Klaus Hildebrand, Hagen Schulze and Thomas Nipperdey together with 'FAZ' publicist and Hitler-biographer Joachim Fest. Habermas on the other side was endorsed by the historians Eberhard Jäckel, Heinrich August Winkler, Hans Mommsen, Wolfgang Mommsen, Jürgen Kocka and Martin Broszat as well as Kurt Sontheimer, Richard Löwenthal and 'Der Spiegel' publicist Rudolf Augstein (see Ibid. 69). The two camps can be divided into right-wing and left-wing democratic intellectuals who at that time defined the interpretative culture in Germany (see Kailitz, 2009: 286). However, the left-wing democrats were clearly dominant: First, as they are generally overrepresented in academia and journalism; second, since the right-wing democrats had no such undisputed intellectual leader of the likes of Habermas; and third, because their apologetic argument put them in a defensive position (see Ibid. 288f.).

Although most participants in the ‘Historikerstreit’ were historians, it was after all a political debate about how to deal with the past (see Borowsky, 2005: 76). The debate had three characteristics that revealed its political orientation: First, Hillgruber and Stürmer were closely affiliated with the CDU, the latter as advisor to Chancellor Kohl. Second, the debate was led in newspapers such as the ‘FAZ’, the ‘Die Zeit’, the ‘Spiegel’, the ‘Rheinische Merkur’ and the ‘Frankfurter Rundschau’ and not in academic journals (see Ibid. 69). And third, it showed similarities with a political campaign since the participants used persuasion strategies such as ideologization, personalization, ritualization, and politicization (see Kailitz, 2009: 285). After a year of intense discussion with 136 single contributions in the press (see Eley, 1988: 177), Habermas eventually won the debate against Nolte (see Kailitz, 2009: 288).

The left-wing democratic intellectuals had finally drawn a normative boundary which made ‘Auschwitz’ the central topic of German history (see Ibid. 292). This hegemonic interpretation was manifested when Philipp Jenninger gave a commemoration speech on the fiftieth anniversary of the ‘Night of Broken Glass’ in 1988. The President of the Bundestag’s address was viewed as an inappropriate justification for the Nazi regime since he used vocabulary associated with the regime and did not show any sympathy for the victims (see Bruner, 2002: 25). Therefore, Jenninger was heavily attacked by the domestic media. They treated his speech as a great scandal and forced him to resign because he went beyond the normative boundary that had been set by left-wing intellectuals in the ‘Historikerstreit’ (see Kailitz, 2009: 289). History had shown that the more time that passed since the Nazi terror regime came to an end, the more heavily it

was discussed in Germany (see Ibid. 290). The ‘Die Zeit’ statistic shows that the coverage was especially high during the ‘Historikerstreit’ year.

**Table 9:** Coverage of the Nazi past in ‘Die Zeit’ 1980-1999 (Art, 2006: 63).



**Table 10:** “F” and “C” in regards to German intellectuals and politicians between 1982 and 1998

	<b>Finality [F]</b>	<b>Conditionality [C]</b>
<b>German intellectuals</b>	No	Moral conviction
<b>German politicians</b>	Yes & No	Political opportunism & Moral conviction

## 4. The New Millennium – From Schröder to Merkel (1998~)

### 4-1. Depoliticizing Reconciliation

In February 2000, Johannes Rau became the first Federal President to apologize for the Holocaust in the Knesset. Before Rau made the diplomatic trip to Israel, there was a controversy about whether it was acceptable to use the German language for his address to the Knesset. Some parliamentarians were so angry about the decision that they decided to boycott the speech (see Engert, 2016: 44). However, after the Federal President already apologized in the first paragraph for speaking in his native language, many parliamentarians returned to their seats (see Ibid.). Moreover, Avraham Burg, a member of the Knesset remarked in an interview that “language is not important, but who is speaking, and Rau has been known for years as a best friend of Israel” (BBC News, 2000). Rau’s speech, in which he first asked for forgiveness not only for what Germans had done but also for himself, for his generation, for the sake of the children and their children’s children; underlined two important points: first, that “there can be no life without memory”<sup>12</sup>; and second, that the “German-Israel relations would always be of a special kind”<sup>13</sup> (Rau, 2000; translation by author). It received a big applause and was seen as a great example of how to come to terms with the past because Rau had genuinely highlighted the German state’s responsibility for all time (see Ibid. 45).

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<sup>12</sup> „Es gibt kein Leben ohne Erinnerung“

<sup>13</sup> „Das Verhältnis zwischen unseren Ländern wird für immer ein besonderes sein.“

In January 2005, Horst Köhler became the second Federal President to ask for forgiveness in the Knesset. A handful of legislators did again protest Köhler's use of the German language. Therefore, the Federal President made an attempt to appease the opposition by beginning his address in Hebrew. Israeli newspapers stated that this was a big surprise to many listeners (see Israel National News, 2005; Israel Today, 2005). Moreover, Reuven Rivlin who was the Knesset speaker welcomed him by saying that he was "a real friend and a courageous man" (BBC News, 2005). In his speech, Köhler renewed previous Federal President Rau's statement and emphasized not only that Germany's national identity would include taking collective responsibility for the Shoah but also that "German politics will adhere to the irrevocable maxim of guaranteeing that Israel can live without fear and terror in the State of Israel"<sup>14</sup> (see Köhler, 2005; translation by author).

The 8<sup>th</sup> of May 2015, the seventieth anniversary of the end of Second World War, was another cornerstone in the reconciliation process. It marked the first time in the history of Germany that the commemoration speech was not given by either the Federal President or the Chancellor. The person who was chosen to address the Bundestag was instead the historian Prof. Dr. Heinrich August Winkler. After the Federal President had spoken in the Knesset in 2000 and 2015, Winkler's nomination to speak was another sign that the reconciliation process has been continuously depoliticized not providing any opportunity for political opportunism. The fact that Winkler was one of the liberal

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<sup>14</sup> „Dass Israel in international anerkannten Grenzen und frei von Angst und Terror leben kann, ist unumstößliche Maxime deutscher Politik.“

historians who supported Habermas in the ‘Historikerstreit’ must be another indication of Germany’s position on the history of memory. Therefore, it came as no surprise that the historian once more strongly emphasized that Germans would not allow the drawing of a ‘finish line’ in this regard (see Winkler, 2015).

**Table 11:** “F” and “C” in regards to German intellectuals and politicians from 1998~

	<b>Finality</b>	<b>Conditionality</b>
<b>German intellectuals</b>	No	Moral conviction
<b>German politicians</b>	No	Moral conviction

## V. Conclusion

Germany's reconciliation process can be divided into two longer periods. The first period lasted from 1945 to 1963 and was defined by Konrad Adenauer's pragmatic political agenda of establishing a functioning democracy. Since this goal was not compatible with a policy of denazification, Adenauer many times tried to draw a 'finish line'. At the same time, there were some politicians and intellectuals like Theodor Heuss and Karl Jaspers who fought for a cultural and political renewal of Germany. However, under the given circumstances their voices were mostly marginal. But together with the American pressure in the background, they were strong enough to oppose a 'finish line'.

In the 60s, the environment slowly began to change in favor of an agenda of coming to terms with the past. During this period, the intellectuals of the Frankfurt School, especially Theodor Adorno, played a big role. When the Social Democrats came to power under Willy Brandt, they could therefore take important steps towards reconciliation. While Brandt's genuflection in front of the memorial for the 13,000 Jewish victims of the Warsaw Ghetto Uprising was a symbolic highlight, the 'Historikerstreit' in the late 80s marked the pinnacle of political and intellectual discourse about the history of memory. After a year of intense debate, the left-wing democratic intellectuals had finally established a normative boundary in regards to coming to terms with the past. This boundary has been upheld ever since.

In this thesis, I have developed the agency explanation by extending the category of political agents to intellectuals who have greatly contributed to the political

discourse on reconciliation in Germany. By examining Germany’s reconciliation process against an ideal-type of reconciliation, I have found out that there have always been political agents in Germany who not only opposed opportunistic policies of various governments but also helped to constitute a normative boundary. Among these political agents two groups stand out because they all followed their moral conviction: first, intellectuals such as Jaspers, Adorno, Habermas, and Winker, and second, Federal Presidents such as Heuss, Weizsäcker, Rau, and Köhler. The following chart shows that there has always been an opposition against opportunistic policies that aimed at drawing a ‘finish line’.

**Table 12: [F]** Have Germany’s political agents advocated for ending the reconciliation process?

	<b>German intellectuals</b>	<b>German politicians</b>
<b>1945-49</b>	<i>Yes &amp; No</i>	-
<b>1949-63</b>	No	<i>Yes &amp; No</i>
<b>1963-66</b>	No	No
<b>1966-82</b>	No	No
<b>1982-98</b>	No	<i>Yes &amp; No</i>
<b>1998~</b>	No	No

**Table 13:** [C] Have their motives come from moral conviction or political opportunism?

	<b>German intellectuals</b>	<b>German politicians</b>
<b>1945-49</b>	Moral conviction	-
<b>1949-63</b>	Moral conviction	<i>Political opportunism &amp; Moral conviction</i>
<b>1963-66</b>	Moral conviction	Moral conviction
<b>1966-82</b>	Moral conviction	Moral conviction
<b>1982-98</b>	Moral conviction	<i>Political opportunism &amp; Moral conviction</i>
<b>1998~</b>	Moral conviction	Moral conviction

What implications can be drawn for other reconciliation processes? I think this thesis has shown that it is important to overcome a way of thinking among politicians which is based on conditionality and finality. Reconciliation cannot be achieved through forging a final agreement. It rather must be understood as an ongoing process of establishing and upholding a normative boundary. The thesis suggests that this can be done if political opportunism is opposed and kept in check by politically-engaged intellectuals - something that is especially difficult in times in which most of the public sphere seems to have disappeared and elites are distrusted.

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