

**Negotiating German Identity –
On the Complex Encounters Between Central and Eastern European
Holocaust Survivors and German Postwar Legal Categories**

*Dr. Iris Nachum, The Hebrew University of Jerusalem
Prof. José Brunner, Tel Aviv University*

Research Assistant: Asaf Doron

In the aftermath of the Holocaust, World War II, and the flight and expulsion of Eastern Europe's German population after 1944–45, the Federal Republic legislated a number of laws that imposed material obligations upon the new state, such as indemnification for those persecuted by the Nazi regime and the equalization of burdens for displaced Germans. At a later stage, Holocaust survivors from Central or Eastern Europe were also accorded a special status as claimants for German social insurance benefits. However, the right to apply for reparations, equalization payments or social insurance benefits depended on the applicants' German identity. For cases in which applicants could not prove German citizenship, German legislation provided cultural and linguistic criteria according to which "Germanness" was to be verified. Thus, German legislature postulated the existence of an ethnically well-defined German lifeworld in Central and Eastern Europe, to which Jews were assumed to belong, too, as well as the traditional idea of a German "cultural nation." The result was an extensive body of legislation, court decisions, and practical guidelines establishing the German affiliation criteria that Jewish Holocaust survivors—in addition to displaced Germans—had to meet in order to claim reparation, equalization of burden payments, or social insurance benefits.

We study the complex encounters between Jewish Holocaust Survivors from Central and Eastern Europe claiming payments according to these three German laws and the legal categories of "Germanness" into which these Holocaust survivors had to fit in order to file claims. Thus, we examine how three postwar German laws constructed German identity, what legal and

administrative practices derived from them, and how Jewish claimants responded to these legal norms and practices. We explore the discrepancies, strategies and controversies that came into play in the complex encounters between Jewish applicants and German administrative institutions. In particular, we focus on the clash between the multilayered and multilingual life-worlds typical of the Jewish communities in Central and Eastern Europe before the war, and the straightjacket of reductionist German legal categories that the Federal Republic imposed on Jewish Holocaust survivors after the war.

Since a considerable number of Jewish Holocaust survivors had found a new home in Israel after the war, the largest group of Holocaust survivors filing claims under the three relevant laws resided there. Hence, our study focuses primarily on applications for German indemnification, equalization of burden payments and social security filed in and from Israel, starting in the 1950s—when the legal framework for reparation and equalization payments was created by the Federal Republic—and ending in the early 2000s, when social security claims were administered.