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“Restitution for National Socialist Injustice”: Article by *Oberregierungsrat* Ernst Heller in *Die Neue Zeitung* (March 19, 1949)

In the immediate postwar period, the public was still open to demands for restitution for Nazi victims, but public opinion changed over time. Personal losses brought about by the death of family members, Allied bombings, or expulsions were reckoned against Nazi crimes, and victim compensation payments that were perceived as overly generous became the target of growing criticism, as did alleged abuses of existing regulations. In a newspaper article from March 1949, Stuttgart *Oberregierungsrat* Ernst Heller addressed public criticism head on and emphasized the state’s obligation to pay compensation to the surviving victims of National Socialism. He also made clear that material restitution could never make up for the actual persecution these victims had suffered. At the same time, however, he came out in favor of the by now customary bureaucratic review of each individual case. As part of the process, compensation claimants had to demonstrate that they had been persecuted on political, racial, or religious grounds. The review process excluded certain groups of concentration camp inmates – namely criminals – from support payments. Moreover, support was granted only in cases of economic hardship, which made it more like a welfare benefit than restitution in the true sense. For this reason, many Nazi victims also had reservations about the system.

Restitution for National Socialist Injustice

Stuttgart, March 19, 1949

This description of the extent and nature of the restitution to victims of National Socialism should serve to clear up many misconceptions.

Approximately 100,000 people living in the U.S. zone were persecuted and harmed during National Socialist rule in Germany for political, racial, or religious reasons. But not everyone who calls himself a victim of political persecution is justified in doing so. The term “victim of political persecution” has been much abused. The concentration camps included, alongside victims of political or racial persecution, many professional criminals and other asocial elements as well. The latter inmates, in particular, were much better at coping with camp life and its hardships and privations than politicians and journalists. Thus, proportionally speaking, more asocials survived than victims of political persecution. Moreover, it would appear that in the weeks leading up to the collapse, an especially large number of politicians perished in the concentration camps.

The officers of the occupying power that took over the concentration camps, in their ignorance of the diverse composition of the liberated camp inmates, gave everyone the same identification card. The abuses perpetrated in the immediate postwar period by asocials with these ID cards harmed the reputation of the politically persecuted. Today, one still hears disparaging remarks about the politically persecuted on public transportation and in restaurants. Those who utter these remarks have no idea that they are actually talking about asocial concentration camp inmates who, with the help of a concentration camp ID card, have unjustly arrogated to themselves the privileges of the politically persecuted.

Black and white sheep

The careful work of the restitution offices has gradually succeeded in separating the black sheep from the white. Today, one can assume that, with the exception of the occasional error, everyone looked after by the restitution offices is someone who was politically, racially, or religiously persecuted.

The restitution offices look after all those who were sentenced to jail and prison terms or taken to a concentration camp for political reasons;
those who were persecuted for racial reasons (Jews and Gypsies), even if they were spared from camp imprisonment because they were in a so-called privileged mixed marriage to an “Aryan” woman but suffered other harm from persecution;
émigrés who left Germany after 1933 to escape racial or political persecution and have now returned;
mixed breeds [*Mischlinge*], that is, the progeny of mixed Jewish-Aryan or Gypsy marriages, who were expelled from school, excluded from university, or otherwise decisively impeded in their advancement;
persons who, for political or racial reasons or because of their membership in a Freemason lodge, were dismissed from civil service jobs or removed for other political reasons;
surviving members of families whose breadwinner fell victim to political persecution or died in the concentration camps or the gas chambers of Auschwitz. The persecuted include, alongside the members of leftist parties, also the victims of the July 20, 1944 plot and their surviving family members.

Care for the persecuted consists not only of monetary benefits. The persecuted also enjoy special protection against dismissal under the labor laws and preference in housing. Several states in the U.S. zone gave the persecuted hundreds of room furnishings that were made on the basis of a state contract; they gave them radios and ration cards for shoes and textiles in the period before the currency reform. Cash grants were given to help them develop a livelihood, to bridge a momentary economic crisis, or to continue an education interrupted by the persecution.

All of these grants are low and are awarded only in cases of demonstrated need. Surviving family members receive regular pensions, but given the condition of the state’s finances, these pensions provide no more than a modest subsistence. In addition, medical care is given to those who can demonstrate that their health suffered from the persecution. A series of homes,

also for children who suffered in concentration camps alongside their parents, are maintained or financially supported by the restitution offices.

All of these subsidies are granted only after careful examination of the political past and the economic situation of the applicant.

For the U.S. zone, a new law on the restitution of National Socialist injustice has been adopted by the *Länderrat*, though it has not yet been confirmed by the military government. This new law provides compensation payments to victims of persecution in the U.S. zone independent of economic need. They are to receive 150 DM for each month of incarceration. Property damages are to be paid out over the next few years at a ratio of 1 DM for each 10 RM.

Hope for a speedy conclusion

With the disbursement of these payments on the basis of the new law, restitution is to be concluded as quickly as the scarce state funds allow. That will still leave the task of caring for surviving family members and for those who were rendered unfit to work as a result of persecution.

But compensation by the restitution offices cannot completely make up for what has happened. No one can give a wife back the husband who died in the gas chambers, give children back their parents. The time spent in a concentration camp or prisons is irretrievably lost. The impediments in education, the time spent outside of one's real profession during years of emigration cannot be restored. One can only bandage wounds, the scars will remain.

Source: Ernst Heller, "Gutmachung nationalsozialistischen Unrechts" ["Restitution for National Socialist Injustice"], *Die Neue Zeitung*, March 19, 1949; reprinted in Udo Wengst, *Geschichte der Sozialpolitik in Deutschland*, Bd. 2/2: 1945-1949: *Die Zeit der Besatzungszonen. Sozialpolitik zwischen Kriegsende und der Gründung zweier deutscher Staaten. Dokumente* [The History of Social Policy in Germany, vol. 2/2: 1945-1949. The Era of the Occupation Zones. Social Policy between the End of the War and the Founding of Two German States. Documents]. Baden-Baden: Nomos, 2001, no. 253, pp. 571-73.

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