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Oskar Schindler and the Creation of the Commission for the Righteous at Yad Vashem

Schindler's arrival in Israel

Most people interested in the Oskar Schindler story know that he was awarded the title of Righteous Among the Nations by Yad Vashem for his role in saving over a thousand Jews during the Holocaust. Less known is that when Schindler first arrived in Israel in April 1962 to plant a tree at Yad Vashem, an acrimonious debate erupted between a large group of his former Jewish workers, who hailed him as their rescuer, and several others who accused him of robbing them of their businesses. According to the latter group, Schindler had established himself by force as the owner of an enamelware factory in the Kraków region of Poland.

It was a joyous, thunderous, and almost delirious outburst, not witnessed before at Lydda (currently Ben Gurion) airport outside of Tel Aviv, on April 28, 1962 as several hundred Holocaust survivors and their families welcomed their savior – the first German to be hailed as a rescuer of Jews. He had been invited by his former beneficiaries to come from Germany to be honored in an official ceremony during the commemoration of Holocaust Remembrance Day on May 1st and to plant a tree bearing his name in the newly inaugurated Avenue of the Righteous at Yad Vashem, Israel's national Holocaust memorial. Together with 12 other invitees, also rescuers of Jews from various countries, Schindler was to be greeted by the country's Foreign Minister Golda Meir, who was slated to attend the ceremony, and later by Israel's president Yitzhak Ben Zvi. Schindler's story stood out from those of the other honored guests by the sheer scope of his rescue exploits, stretching close to five years, and the large number of individuals he saved. The man's background was somewhat confounding: He had been a card-carrying Nazi in good standing, though not necessarily a believer in the Nazi ideology.



Oskar Schindler greeted by *Schindlerjuden*, Tel Aviv 1962
picture alliance / dpa

Furthermore, he had started his mercurial career not as a rescuer of Jews, but as a pleasure seeker and self-serving entrepreneur who sought to benefit from the cheap labor afforded by Jews in Nazi-occupied Poland. The horrors of the Holocaust that he witnessed transformed him into a humanitarian who henceforth had rescued the largest number of Jews during the war – done singlehandedly over a long period with attendant risks to himself.

Even before Oskar Schindler landed in Israel, a storm had erupted over his behavior during the initial phase of the occupation in Poland, particularly the years of 1939–1941. Subsequently, an irksome fog of uncertainty marred the joyous occasion of his visit. His arrival in Kraków in October 1939, soon after the German

invasion of Poland, was all but inspiring. He was looking to benefit from his services in the *Abwehr* – the German military intelligence – during the pre-war years. Born in Zwittau (today Svitavy) in 1908, an ethnic German but a Czech citizen after 1918, Schindler had spied for Germany during the events in the 1930s leading up to the German takeover of the Sudeten region resulting from the Munich Pact of September 1938. Afterwards, he reportedly also spied in Poland in preparation for the German invasion. He was sure to be compensated in Kraków, a city he had visited and that captivated him with its unique beauty and charm. Schindler hoped to get involved with the city's industrial installations, now in the hands of the Germans, in order to make easy profits and finance the playboy lifestyle he desired. This led him to take over a factory called Rekord by force. The firm producing enamel kitchenware was in the process of being liquidated when the war broke out and was partly owned by Nathan Wurzel, while its retail wholesale outlet for the factory's products in the heart of Kraków was owned by Samuel Wiener.

After the war, in 1955, Nathan Wurzel and Julius Wiener, Samuel's son, learned that Schindler was living in Argentina and was receiving financial support from the Jewish Joint Distribution Committee. Wurzel and Wiener then planned to initiate legal proceedings to charge Schindler with theft for the forcible takeover of their businesses in Kraków and explored hiring a lawyer for this purpose. Nothing came of this, but once Julius Wiener learned in late 1961 of plans by the *Schindlerjuden* (affectionately so self-dubbed by the man's many beneficiaries) to have their rescuer honored in Israel with a tree planting at Yad Vashem on Holocaust Remembrance Day, he petitioned head of Yad Vashem Dr. Aryeh Leon Kubovy to deny Schindler such an honor.

Wiener and Wurzel's accusations

Wiener repeated the claim that on October 15, 1939 – three weeks after Poland's capitulation to the Germans – Oskar Schindler had stormed into his father Samuel Wiener's kitchenware wholesale store on 4 Krakowska Street in Kraków and berated Samuel, telling him to get used to life under German control while proudly displaying the Swastika pin on his coat lapel. He then forced Samuel to turn over the store and cash register to Schindler's girlfriend, accusing the elderly Wiener of

dishonest dealings; he then had him taken to the newly opened German trusteeship office to sign a certain document and further humiliated him by (according to Julius Wiener) forcing him to kiss a photo of Hitler on the wall. Several days later, when Julius Wiener came to plead his father's innocence, Schindler had several German policemen brought in to give Wiener a severe beating and warned him not to return to the store, or else he would be sent to a place from which no one returned. Strangely, after this horrifying behavior, Schindler continued paying the Wieners monthly salaries for two months, after which the payments ceased. Even more surprising, Julius Wiener profited from Schindler's aid years later, as he was one of his beneficiaries at his plant in Brännlitz, although Schindler was probably not aware that Wiener had been added to the list of beneficiaries; this list had been drawn up primarily by others. A woman employee who had worked at the Wiener wholesale outlet also backed up Wiener's claim that he was robbed of his business.

Nathan Wurzel added another serious charge – also of being robbed by Schindler, but in 1941, of the defunct Rekord enamelware factory that was going through bankruptcy at the start of the war. It appears that Wurzel had a stake in the firm's machinery, and he charged that in mid-1941, Schindler had either Gestapo or SS men come to rough up Wurzel in order to force him to sign a statement. This document, according to Wurzel, facilitated Schindler's full takeover of the enamelware factory, instead of his position theretofore as a paid trustee of the German trusteeship authority (*Treuhandstelle*) of confiscated Jewish property. Wurzel, who until then worked at the firm, was physically thrown out, threatened, and told never to show his face there again.¹

Wurzel's charge was riddled with inconsistencies and was not as clear-cut as Wiener's, but it nevertheless presented an image of Schindler as an unscrupulous carpetbagger that contrasted sharply with the one presented by the man's many beneficiaries, although they encountered Schindler at a later period. Most of the individuals who met him at the Tel Aviv airport had been added to his workforce in late 1944 and others no earlier than 1942; they therefore found it hard to contradict the evidence presented by Wiener and Wurzel, which related to the 1939–1941 period. Were there two sides to Schindler's personality? The compassionate one,

1 See full statements by Julius Wiener and Nathan Wurzel in the Oskar Schindler file at Yad Vashem's Righteous Among the Nations Department, YVA M31/20.

who went out of his way and risked his own safety to save his Jewish workers, and the other – the man who brooked no interference with those who stood in his way and utilized physical violence to achieve self-gratifying ends? The spectacle of a German accused of unspeakable behavior toward Jews during the Holocaust while also being honored with the planting of a tree at Yad Vashem could not have come at a more inauspicious moment. The tree planting ceremony was to be just a few weeks before the execution of another German: the arch-criminal and SS officer Adolf Eichmann, whose litany of crimes sent shivers down the spines of Israelis. He was apprehended at his hideout in Argentina, sentenced to death by an Israeli court, and hanged on June 1, 1962.²

The World Jewish Congress

The Schindler conundrum would not have arisen had Yad Vashem avoided precipitously inaugurating a grove at the memorial's main entrance to honor non-Jewish rescuers of Jews from the Nazis. These distinctions were based on selected testimonies from survivors, but not necessarily from all witnesses related to each case or with any prior verification of every story by reputable historians of the period. The Schindler affair also happened to coincide with another event that Yad Vashem felt was undermining its status as the sole national organization to represent Holocaust-related issues before the public at large. About eight months before Schindler's arrival in Israel, in August 1961, the World Jewish Congress (WJC), headed by the well-known Jewish public figure Nahum Goldmann, decided to upstage Yad Vashem in honoring non-Jewish rescuers of Jews, popularly dubbed "Righteous Gentiles." As the chilling narration of crimes in the trial of Adolf Eichmann ended, the WJC was meeting in Switzerland to celebrate the 25th anniversary of its founding. Nahum Goldmann used the occasion to announce the launch of a Righteous Gentiles project. Although the concept of Righteous Among the Nations was inserted in the 1953 Knesset (Israeli parliament) law that created the Yad Vashem memorial, the organization heads had

2 Deborah Lipstadt, *The Eichmann Trial* (New York: Nextbook/Schocken, 2011); Hannah Arendt, *Eichmann in Jerusalem: a Report on the Banality of Evil* (New York: Penguin, 2006).

delayed for many years before actually launching the program. The WJC now seized the opportunity to jump ahead of Yad Vashem and honor non-Jews who saved Jews from the Nazis.

The WJC announcement was followed by the creation of an International Council for the Righteous Gentiles with offices in Tel Aviv, headed by a Dr. L. Bernstein. This office went ahead with publishing a brochure relating the stories of rescuers from ten different European countries and including words from the President of Israel Yitzhak Ben-Zvi, Knesset speaker Kadish Luz, and other public figures, including philosopher Martin Buber, Foreign Minister Golda Meir, Education and Culture Minister Abba Eban, and Nahum Goldmann. A list of 400 rescuers had been prepared by a newly created council that announced its first meeting in Israel on November 7, 1962. A booklet from October 1962 included stories of Raoul Wallenberg and other known rescuers of Jews, but strangely none of Oskar Schindler.

The WJC's encroachment on an arena that Yad Vashem considered its sole prerogative led the institution's head, Aryeh Kubovy, to decide to inaugurate – on the next Holocaust Memorial Day, which fell on May 1, 1962 – a walkway lined with trees in a highly visible space and named Avenue of the Righteous Among the Nations. Its construction would be based on information already available to Yad Vashem. This was to take place in a highly symbolic ceremony, with about a dozen rescuers from various countries in attendance to plant trees in their names. To add national prestige to this event, it was to be attended by government officials, including Foreign Minister Golda Meir. This is how Yad Vashem agreed to the request of the *Schindlerjuden* to invite Oskar Schindler to this very visible ceremony, which then led to the Wiener and Wurzel's concurrent request in opposition to Schindler's national commendation.

Ceremony and banquet

When Julius Wiener reportedly threatened that he would also be there to create a public scandal should Schindler receive this honor from Yad Vashem, it was decided to postpone the Schindler tree planting to a later date. As an excuse, it was reported that Schindler was down with a severe cold and would not attend

the official ceremony with the other rescuers. Five days later, he was brought to Yad Vashem and planted a tree bearing his name in a private ceremony, but the event was also attended by some of his beneficiaries. Schindler's absence during the May 1st ceremony surprised many, and to counter any concerns, the Schindler survivors celebrated their rescuer a day after in the presence of many of his beneficiaries at the Dan Hotel in Tel Aviv. May 2nd also coincided with a story appearing the same day in *Haaretz* and Wiener's accusation that Schindler was a full-fledged Nazi who saved Jews to create an alibi for himself when he realized that Germany was likely to lose the war.

At the banquet that evening in Schindler's honor, a dozen of his beneficiaries recounted his extraordinary feats of rescue that mostly took place during the Brünnlitz period, starting in late 1944 and lasting until the war's end. Yitzhak Stern, considered Schindler's closest confidant, had met him in Kraków in October/November 1939, but for an unknown reason never worked for Schindler in the enamelware factory in Kraków. In fact, when the ghetto was eliminated in March 1943, Stern went with thousands of others to the nearby Plaszów camp, headed by the infamous SS commander Amon Göth, whose sport was indiscriminately shooting Jewish slave laborers from his villa veranda. Stern worked as an administrator for this brutal official while keeping in touch with Schindler during the latter's frequent visits to Plaszów and interactions with Göth. Stern only joined Schindler's team in October 1944, when he was added to the list of those going to the new plant in Brünnlitz.

On this festive evening at the banquet, Stern effusively praised Schindler, ending his long oration with the proclamation: "My brothers, in the Hebrew language, there are three definitions of three stages: a man, a person, and a human being. I think there should be an additional one: 'Schindler.'"³ These words were met with thunderous applause. Dr. Moshe Bejski, a circuit court justice (later nominated to the Supreme Court), also met Schindler during the Brünnlitz period. Praising the man who saved 1200 Jews, Bejski wondered what had prompted Schindler to act with "such patience and perseverance to carry all our problems, and solve them, when the solution of each single one involved risking his own life.

3 Moshe Bejski, "Oskar Schindler and Schindler's List, Introduction," in: *Yad Vashem Studies*, 24, 1994, pp. 317–348, here: p. 330.

And I ask myself why did he do all that? The answer: I can only attribute all this to Schindler's personality." He then recounted how everyone in Plaszów dreamed of being added to the Schindler list – although the list was drawn up, incidentally, not by Schindler and Stern, as erroneously portrayed in Spielberg's film, but by others in Plaszów, including the notorious Marcel Goldberg. Bejski insisted upon Schindler's uniqueness as "the first German since the beginning of the war of whom I was not afraid: on the contrary... Whenever a German passed through the plant, there was much to-do: anyone who wasn't working pretended he was. But when Schindler entered the plant, nobody cared to even pretend... Whenever he entered the plant, everyone expected him to stop by him. It so happened that whenever he stopped, he always forgot a package of cigarettes there, and in those days, even a cigarette butt was of great value... Always the humanitarian in him stands out."

Notably, Schindler stayed with his wards until the end. "He did not leave us until 10 minutes past midnight on May 8, 1945 (the date of the German surrender), after the SS guard had left first, and the armistice was already in force." Bejski ended his oration with a joyous exclamation: "What a great day this is for all of us today, when after seventeen years we can again shake your hand, Mr. Schindler, and say to you: We have not forgotten a thing you and your wife have done for us, nor shall we ever forget as long as we live."⁴ Interestingly, the *Schindlerjuden* did not insist at this point that Schindler's wife, Emilie (then separated from her husband), be honored by Yad Vashem despite their words of adoration in gratitude for her tireless efforts providing food and medication during the Brünnlitz phase.

Schindler's response was less effusive and even restrained. He began by reminding his adulating audience, "I came to Poland for business purposes, and not for the rescue of Jews." He did not elaborate that doing "business" with reference to conquered Poland meant exacting huge profits with the help of slave labor. Schindler continued: "But I happened to meet Jews, I was not a *nebbakh* (Yiddish for feeble and helpless) then. I worked and earned a lot. But I had always had Jewish friends." He did not explain what motivated him to save these Jews. In fact, he reminded his attentive audience, "It was not hard for me to escape with my

4 Ibid., pp. 325–330.

fortune, but I stayed with you until the end. When the end of the war came, I was left with much less than I had possessed before. I kept my promise.”⁵

A few days later, Oskar Schindler flew back to Germany, but the Schindler debate continued in the Hebrew press. The journalist, poet, and iconic figure Nathan Alterman, in a prominent article in the Hebrew daily *Davar*, wrote that the significance of the Schindler phenomenon is that it points an accusing finger at other Germans. Unlike Schindler, who acted in the open, other Germans could have done a lot more to prevent the murder of Jews, but they instead remained passive and indifferent. Schindler was an example of what an individual person, himself an early participant in that terrible system, could do to save lives if he or she so chose. Others, sadly, did not follow his example.

Schindler's story

Schindler's background involved a series of twists and turns, and he had a flair for adventure and a penchant for dangerous endeavors. Born in 1908 in Zwittau, Moravia, then part of the Austro-Hungarian Empire (after 1918, part of Czechoslovakia and today, Svitavy in the Czech Republic), Oskar Schindler was known as a *bon vivant*. After the Nazi assumption of power in Germany, Schindler decided to work for the German military intelligence, the *Abwehr*, and became a professional spy. In September 1939, soon after the German occupation of Poland, Schindler appeared in Kraków, a city he knew well from before, to cash in his dividends with the *Abwehr* and choose a confiscated firm as a paid trustee for the occupation authorities. His choice was the Rekord enamelware company, which, on the eve of war, was experiencing bankruptcy. Preferring to purchase the firm rather than manage it as a paid trustee, he changed its name to DEF (*Deutsche Emailwarenfabrik*). The company manufactured enamel products such as mess kits and kitchenware, but also shell casings. Its location in the Zabłocie area in the Podgórze district, close to the Jewish ghetto established by the Nazis, facilitated the use of Jewish labor in ever growing numbers and thus ensured their temporary survival.

5 Ibid., p. 343.

When the Germans began liquidating the Kraków ghetto in early 1943 and transferring many Jews to the newly created Plaszów labor camp, noted for the brutality of its commander Amon Göth, Schindler utilized his good relations with high German officials in the Armaments Ministry to allow him to set up a so-called affiliate of the Plaszów camp on his factory grounds for the ostensible purpose of increasing production. In truth, the purpose was to avoid the horrors inflicted on his expanded Jewish labor force of 900 when they returned to that notorious camp after a day of labor in Schindler's factory. He consequently had special barracks built for his workers on company grounds. In late 1943, he traveled to Budapest to meet with Dr. Rudolf Kasztner, who headed a rescue organization there, and report to them on the liquidation of Polish Jewry. On this occasion, Kasztner agreed to help funnel monies to Plaszów camp inmates and also arranged for pictures of the camp to be smuggled out to Hungary – both highly risky ventures for Schindler.

In October 1944, with the approach of the Russian army, Schindler was able to talk his way into being allowed to re-establish his (at that point defunct) enamelware company as an armament factory in Brünnlitz (Moravia). In a rescue operation of Jews unparalleled in Nazi-occupied Europe, he was able to take along some 1100 Jewish workers from Plaszów camp to his relocated factory. Some 800 men arrived in Brünnlitz via the Gross-Rosen concentration camp and some 300 women after a harrowing several weeks in Auschwitz. In Brünnlitz, the 1100 Jews were given the best possible treatment under the circumstances (food, medical care, and religious accommodations). When Schindler was informed that a train with evacuated Jewish detainees from the Auschwitz-affiliate Gollerschau camp was stranded in nearby Zwittau in the sub-zero weather of January 1945, he received permission to have the passengers transferred to his newly established factory. His workers had to force open the ice-sealed wagon doors and remove some 100 frozen and skeletal-looking Jewish men and women who were then swiftly taken to the Brünnlitz factory and nursed back to health, an undertaking to which his wife Emilie was devoted. A dozen or so of the corpses found in the train were buried with proper Jewish rites in a plot that Schindler purchased. Schindler stayed on with his 1200 Jewish workers to the very end of the war, May 8, 1945, and supplied them with additional food, clothing, and even weapons in case they needed it to defend themselves against desperate, marauding SS units.

Creation of the Righteous Commission

Returning to Schindler's visit to Israel: The bitter public controversy surrounding his tree planting in 1962 led Yad Vashem to avoid, at all costs, another slanderous debate on honoring rescuers of Jews. This was to be accomplished by the creating of an independent commission, chaired by Supreme Court Justice Moshe Landau, the man who had presided over the recently concluded Eichmann trial. Such a commission would be tasked with deciding, based on self-established criteria, who was qualified to bear the Righteous title and be allowed to plant a tree at Yad Vashem.

Landau's commission began its first meeting on February 2, 1963. By then, Yad Vashem and the WJC had reached a working compromise on the issue of who would be in charge of the Righteous Among the Nations program. It was agreed that Yad Vashem was to be the sole organ authorized to decide on the merits of each rescue act and the awarding of the Righteous title, whereas the WJC would be responsible for the financial assistance to those Righteous in need. The dispute between the two organizations was settled. On the solemn occasion of the Commission's opening session, Yad Vashem's executive head Aryeh Kubovy admitted that the creation of this unit was prompted by the Schindler scandal. In his words, "One of the commission's purposes is to avoid a repeat of such incidents." The Commission then proceeded by awarding the Righteous title, *ex post facto*, to over a dozen non-Jewish rescuers of Jews who had already planted trees in the Yad Vashem Avenue of the Righteous before the Commission's creation.

The Commission debates Schindler

However, when the Commission took up the Schindler case on July 16, 1963, a full year after he had already planted a tree at Yad Vashem, it was clear from the beginning that this would not be resolved in a single session. In fact, it took four turbulent meetings to come up with a resolution that still left some of the original twelve committee members dissatisfied.⁶ A situation arose that already risked

6 The content of the Commission debate on Schindler is based on the Righteous Commission Protocol for Oskar Schindler (YVA 31.2/20) for the dates July 16, 1963; September 3, 1963; November 26, 1963; and December 24, 1963.



The Commission for the Designation of the Righteous, 1963,
Justice Moshe Landau 3rd from the left | *Yad Vashem Archives*

hampering the Commission's work in the first year of its existence. Dr. Kubovy and Justice Landau, the two dominant members in the body, stood in opposition, with Kubovy in favor of Schindler's recognition as a Righteous and Landau against it. Kubovy was emphatic from the start: "If this person is not worthy of the title of Righteous Among the Nations, who then is?" Landau retorted that he had a different perspective on the matter and asked that Julius Wiener be allowed to state his case before the Commission. "We don't issue a ruling, when there is an opposing view, without hearing it."⁷ Landau's opinion prevailed, and a sub-commission was nominated to listen to Wiener's presentation of the case against Schindler.

The controversy focused on what occurred when Oscar Schindler took over two Jewish-owned firms. According to two of his detractors, he forced his ownership of the defunct business *Rekord* in the Zabłocie district of Kraków, where

7 Author translation from Hebrew. Protocol of Commission for the Designation of the Righteous, November 26, 1963, in Oskar Schindler file (YVA 31.2/20).

Nathan Wurzel had a stake, and a wholesale kitchen retail outlet on Krakowska Street in Kraków, owned by the Wiener family. Nathan Wurzel and Julius Wiener reappeared to testify how he employed deceptive means and physical abuse to force the two to sign over their businesses to him. In a paradoxical twist, three years later in 1944, Wiener was one of the 1200 on Schindler's list in the Brünnlitz phase of his rescue work. However, Wiener claimed that his name was added to the list without Schindler's knowledge. The sub-commission also heard from a former bookkeeper from the Wiener firm, and she portrayed Schindler in a positive light and contradicted Wiener on certain points. The sub-commission concluded that Schindler was worthy of the Righteous honor.

However, Commission chairman Justice Landau remained adamant that Schindler's despoiling of Wiener's property was irreparable harm incongruous with the Righteous title. The forceful takeover of Wurzel's enamelware factory and the physical abuse this man suffered in the process further pointed to Schindler's unscrupulous past. The problem, in Landau's words, was that we have the rescue of hundreds of Jews on the one hand, and on the other – robbery and Nazi-style behavior against them. "Should we place the theft against the merit? Does this cancel out the merit? In my viewpoint, we are not here to make points whether by his rescue he atoned for his boorish behavior and theft. For the question before us is whether a person with such a charge against him should bear this title? ... To me the picture is clear," Landau stated as he laid out Schindler's ineligibility for the honor. Gideon Hausner, the former prosecutor at the Eichmann trial, cautioned during these debates: "There was no black and white in those days; not in the gentile, nor in the Jewish world."⁸

On November 26, 1963, the Commission met for the crucial decision regarding the Schindler case. This took place after the sub-commission listened to an account of Schindler's beneficial acts from a delegation comprising his former wards, including Justice Moshe Bejski, who was to join the Commission three years later. The sub-commission head, Reuven Shatkay, felt that despite Schindler's questionable practices during his early years in Kraków, his good deeds in helping over a thousand Jews more than compensated for his earlier behavior. Landau then informed the Commission that he stood firmly in his objection to Schindler's recognition.

Instead, he suggested sending a letter consisting of two parts to Schindler: the first outlining the man's beneficial acts towards his Jewish workers and the second specifying Wurzel and Wiener's charges against him. The letter would state that the Commission was not the proper forum to clarify these accusations, and therefore the Commission would leave this item open for further clarification.

Landau then added that, in his opinion, the Righteous title was to be awarded only to a person "who is wholly good, and who acted from pure motivations and without any accusations against him," a surprising hardline principle that not even Landau himself followed when evaluating other cases under consideration for the Righteous title. Kubovy took up the gauntlet and challenged this highly moral criterion. "The implication of such a decision is that we don't recognize persons who repented. Such a position is in conflict with Jewish tradition." He continued by warning that "the law did not impose on this commission to find perfect righteous persons but defined the Righteous as gentiles 'who risked their life to save Jews'" – nothing more than that. Commission member Rabbi David Kahana agreed with this assessment, adding that Schindler's rescue of such a large number of Jews clearly was an act of repentance for his previous immoral behavior. "I have not yet met, other than Wallenberg, a person who saved so many Jews without any compensation."⁹ Kahana closed with a Talmudic quote: "Where repentant persons stand, the fully Righteous persons cannot stand [next to them]." Hausner again reminded the assembled that one cannot judge persons during the Holocaust by behavioral standards under normal circumstances. Clearly, Schindler's rescue acts were based on pure considerations, not because he needed an alibi for the post-war period – an alibi for what? He was not an SS man, and not part of the Nazi infrastructure in Poland.

Landau's bombshell

Based on the viewpoints expressed, the tally in the Commission appeared to be five in favor, four against, and several abstentions. It was time for a final vote. At this point, Landau dropped a bombshell. He would, he stated, acknowledge the Commission's majority decision. "But, since for me this matter raises very difficult

9 Ibid.

questions, I would have to consider afterwards my position in the commission, if a decision were to be adopted in opposition to mine.”¹⁰ It was a clear and direct threat of resignation from the Commission.

The Commission sat silently, stunned by this threat from the prestigious Supreme Court justice, who two years earlier had presided over the sensational trial of Adolf Eichmann. Quickly, the two main proponents of Schindler’s recognition switched positions, with both Kubovy and Hausner stating that the proper functioning of the Commission was of greater importance than the decision on the Schindler case. Both urged the Commission to accept Landau’s proposal of a letter to Schindler, but suggested only outlining his merits and not listing the charges from his two accusers. This would remain classified and not be displayed for public consumption. The Commission took a recess to reflect on this. At a later session, the Commission modified its previous position and decided to send to Schindler the two letters, as originally proposed by Landau: one outlining his many merits and the other briefly stating the case of his accusers, but without the Commission taking sides. It was also decided to inform the *Schindlerjuden* of the nature of the charges against Schindler in order to mitigate their shock at the non-recognition of their legendary rescuer.¹¹

The two letters sent by the Commission to Schindler read as follows. Letter one: “On the basis of many testimonies presented before it, the Yad Vashem Commission for the Designation of the Righteous has established that Oskar Schindler performed great deeds in the rescue of Jews during the Holocaust years in Europe. These include, one must note, his efforts to treat humanely the workers in his plant in Zabłocie, and move their Jews from Plaszów in order to save them from death; the release of some 700 men and about 300 women from Plaszów camp on the eve of its final liquidation and their transfer to Brännlitz – of women who had already been brought to Auschwitz; the rescue of about 100 Jews, remnants of Gollerschau camp, from sealed train wagons, and their restoration to life with dedicated care given to them by Mr. Schindler and his wife; constant care for the health of the Jews in his factories, by distributing extra food, medicine and medical care; decent treatment of these Jews and unceasing efforts to ease their plight; and concern to

10 Ibid.

11 Righteous Commission Protocols, November 26, 1963, and December 24, 1963.

bring the dead Jews to a Jewish burial. These humanitarian deeds Schindler performed at continued risk to his life that hovered over him as a rescuer of Jews. For all this, he earned the deep gratitude of hundreds of Jews that were saved thanks to his efforts, and he merits the thanks of the entire Jewish people.”

Letter two reads: “Claims against Mr. Oskar Schindler were brought before the Commission by Julius Wiener and Nathan Wurzel of property theft and violence carried out against them and the father of Mr. Julius Wiener. The Commission is not able to arrive at conclusions on these charges without a full clarification of the facts between Wiener and Wurzel and Mr. Schindler – a clarification that the Commission is not able to undertake.”¹²

Thus ended the acrimonious debate that brought such tension to the Commission and momentarily threatened to unsettle it shortly after its birth.¹³ The Commission could now continue to discuss and determine, in a less tense and agitated atmosphere, the less convoluted cases of rescue. The tree planted by Schindler remained in place, with the public at large unaware that the man had never been formally awarded the Righteous title. In the early 1970s, with the Schindler survivor Justice Moshe Bejski having replaced Landau as the Commission head (Bejski had by then become a Supreme Court judge), a tree planting certificate was sent to Schindler. Bejski did not push for full recognition while Schindler was still alive, for reasons left unexplained.¹⁴ Throughout this time, Schindler’s Jewish beneficiaries did not forget their rescuer, and over the years, they collected money to help him out whenever he was in financial difficulties – a recurrent situation, right until his death. As were his final wishes, his body was brought to Jerusalem in 1974 for burial in the Latin cemetery on Mt. Zion.

12 Author’s translation from Hebrew. Protocol of Commission for the Designation of the Righteous, December 24, 1963, in Oskar Schindler file (YVA 31.2/20).

13 Many years later, in May 2000, during a private conversation with Justice Landau (since then retired) on Oskar Schindler, he told me that he had since changed his mind, and today he would have voted in favor of Schindler. He did not elaborate on the reason for his opposite stance 36 years before.

14 In 1964, Dr. Kubovy urged Mr. Gosch of MGM to choose another candidate for a film on the Righteous rather than Oskar Schindler. Kubovy had earlier favored Schindler’s recognition but did not wish to rekindle the debate that had divided the Commission. Righteous Commission Protocols, November 10, 1964.

Spielberg's film

The story, however, did not end there. In 1993, when movie producer and director Steven Spielberg brought Schindler's wife Emilie to Jerusalem for the final sequence of his Schindler film, I informed Commission head Justice Bejski that some of the *Schindlerjuden* had come to see me asking for her recognition while they were not even aware that Oskar Schindler himself had never been formally recognized. In December of that year, Bejski was tasked with explaining to a surprised Commission (whose members, with one solitary exception, were not on the panel thirty years before) what went wrong with the earlier Schindler debate, although his message did not come through clearly. It was then decided to award the late Oskar Schindler a full recognition and also add the name of his distraught wife, Emilie, who claimed that without her support and urging, her unfaithful husband would never have achieved anything in the rescue of so many Jews. That, of course, remains a moot point.

Possible motivations

It is significant that a man could undergo such a tremendous transformation: saving so many lives when he was once someone who – by his own admission – arrived in Poland merely to enrich himself quickly by exploiting the vast reservoir of cheap Jewish labor available under German rule and who at first impressed the Jews he met in Kraków in 1939 as no different from the other German civilian administrators in the occupied country. Schindler became the single largest German rescuer of Jews, constantly risking his life and freedom for the sake of “his” Jews. For a man previously known for his hedonism, desire for profit, and lack of regard for the needs of others, he ended the war a penniless individual who was looked after by his former Jewish charges.

Perhaps the clue to this metamorphosis is his profound horror at the immensity of the Final Solution, to which he constantly bore witness, and the effect this had on his behavior. He stated: “I hated the brutality, the sadism and the insanity of Nazism. I just couldn't stand by and see people destroyed. I did what I could, what I had to do, what my conscience told me I must do. That's all there is to it.



Dr. Mordecai Paldiel with
Justice Moshe Landau, 2000

Really, nothing more.”¹⁵ The man’s true character and his motivations are still a mystery to his many beneficiaries. What remains unquestionable is that Oskar Schindler single-handedly (at a later period, with the aid of his wife) saved more Jews, particularly, over a period of several years than any other rescuer – whatever the motivations. 1200 Jews owe their lives to this remarkable person.¹⁶

In conclusion, a debate that originated with the question of whether a certain German qualified for the title of Righteous Among the Nations led to the creation of a Commission that was authorized to establish criteria for this honor. These criteria, including the basic one of “risk to one’s life” when extending aid to Jews, are still applicable today and have led to close to 28,000 men and women being awarded the Righteous title by January 1, 2021.

15 Bejski, “Oskar Schindler and Schindler’s List”, p. 343.

16 Yad Vashem archives, YVA 31.2/20-Schindler. There were, of course, others who assisted him in that vast rescue operation, but he bore the ultimate responsibility before the Nazi authorities, for better or worse. See also some of the other studies on Oskar Schindler, such as: David M. Crowe, *Oskar Schindler* (Cambridge, MA.: Westview, 2004); Mietek Pemper, *The Road to Rescue: The Untold Story of Schindler’s List* (New York: David Dollemayer-Other Press, 2008); and Thomas Keneally, *Schindler’s List* (New York: Simon & Schuster, 1982). Also, the socio-psychological explanation is explored in: Luitgard Wundheiler, “Oskar Schindler’s Moral Development During the Holocaust,” ed. E. Midlarsky and L. Baron, *Altruism & Prosocial Behavior*, Humboldt Journal of Social Relations, 13, no. 1 & 2 (1986), pp. 333–356.