

Chapter 13: “Snapped to Attention,” from *Summons to Berlin*

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Strange to say, though German was my first language, it is not my mother tongue. With me, my cherished *Oma* Rikka spoke exclusively in German, and so I retain many fond associations with the language. But she died when I was seven, and my parents mainly spoke English to me, so by the time I went to school, there could be no doubt my native tongue was English. Thus, though German has always sounded entirely familiar to me, it became a foreign language after my early childhood. When the 16 Wallstrasse case began, I could, given time, understand German correspondence regarding the matter, but I was not yet up to contending with *die Sprache* (the language) in meetings or in court.

The prospect of appearing in person at the LAROV (State Office for the Settlement of Unresolved Property Issues) motivated me to elevate my command of German. I was going to show those LAROV officials! I was not going to depend on interpreters or my attorneys when it came to language. And why *should* I permit a language barrier to stymie my understanding of the case, when in my childhood, German was spoken all around me?

As an undergraduate, overall, I did quite well academically but fell off a cliff when it came to a course in German Thought. I managed to finish reading Thomas Mann’s novel *Buddenbrooks*, but then something clicked in me—the wrong way—and I could not continue processing German Thought as a dutiful scholar. The professor’s drone bore into me until all I heard was her German accent. The class moved on to Mann’s *The Magic Mountain*, but I most certainly did not. I wound up with a failing grade, a disgraceful anti-achievement for Gerhard’s and Lotte’s daughter. A girlfriend later said to me, “You were something else. You were *really* provocative. You were determined to make that professor hate you.”

My next experience with German came when I was in my third year of medical school. Many Washington Heights neighborhoods at the time —1979—were still heavily populated by Jewish refugees from Hitler’s Europe.

I was in rotation on a neurology floor. An elderly man, recovering from a stroke, suddenly became agitated, crying and muttering in German while attempting to swing his legs to the ground. Unable to make his limbs go where he wanted, he felt pained and frustrated. An orderly caught the man before he fell. I was compelled to approach the patient. Taking his hand, I spoke to him in German. I am not sure who was more surprised: me, over my fluency, or the man, over being understood.

“You are in the hospital,” I explained. “You are being well taken care of.”

Lifting my hand to his lips, he kissed it. After a moment, I gently separated his hand from mine and left.

A few months later, as my mother lay dying at New York’s Lenox Hill Hospital, I postponed my surgery rotation to be by her side. I fell into speaking German with her as though it were the most natural thing in the world. We conversed in soothing whispers, completely unlike the harsh sounds I associated with her anger and all her disparagement of me.

Though I had stopped speaking German after my mother died, I realized that I needed the language again now, to help me navigate my way through the restitution case and its German lawyers. In preparation for my meeting with LAROV officials, I enrolled in a total immersion German program at Berlitz. Three instructors rotated in and out of a small classroom where I was ceaselessly bombarded with this language at once so familiar and so alien. For the last hour each day, two instructors joined me for in-depth discussions, *auf Deutsch* (in German), about history, politics, and film. Not only did I enjoy the learning experience, it left me feeling more confident about taking on the case.

Still—even though the plan was for my son, Ben to be away, having fun skiing—it was not easy for me to leave him, or my new psychiatric practice, to go challenge the LAROV’s contemptuous processing of our 16 Wallstrasse restitution case.

My plane landed in Berlin on January 29, 1997. My meeting with LAROV officials was scheduled for the next morning.

I had decided to stay in Charlottenburg rather than Mitte. On the way from my hotel to the office of the lawyer Herr von Trott, who was representing our family in the restitution case, I walked into the garden of the Käthe Kollwitz Museum on Fasanenstrasse. I have always felt a deep affinity for Kollwitz’s art, which to me conveys the heart-wrenching experience of separation and loss that—against my good sense—coincidentally was binding me to Berlin. Outside the museum stood a bronze sculpture of a mother tightly holding her children, expressing the transcendence of motherhood. I connected the emotions that this Kollwitz sculpture awoke within me to my relationship with Ben. Was I hugging him tightly enough? Or, by trying to make up to him what I had lacked and most yearned for in my own childhood, was I suffocating him?

Though somewhat skeptical about the supernatural, as I was leaving the Kollwitz Museum Garden, I suddenly felt as if my grandfather Jakob were nearby. *Opa Jakob*’s warm, enveloping aura benevolently accompanied me down the Berlin street, his conjured presence powerfully reassuring me.

Was it Jakob’s gentle being that nudged me inside a camera store close to von Trott’s office? *Something* made me enter the camera store and purchase an Olympus camera. The shopkeeper was good enough to load the camera with film at my request, and, on autopilot, I then placed it in my leather purse.

After I joined my lawyers, Dorothea von Hülsen and Clemens Lammek, we entered the Zoo Station of Berlin's S-Bahn train and rode east to the LAROV's offices. No conversation. I do not remember the stop where we got off, or the building housing the LAROV. My vista coming up out of the subway into the eastern part of Berlin was filled with block-gray concrete, visuals associated with the Communist era, as well as some newer construction.

Something I do remember is feeling a frisson of anticipation—excitement commingled with fear—as I hoped we would finally be able to make some progress in the case. Arriving on time—*pünktlich*—we entered a lackluster room lit by bright fluorescent overheads. The three LAROV judges awaiting us would ultimately decide the ownership of 16 Wallstrasse. They consisted of a middle-aged woman and two dour-looking men. I recall the woman as plain featured, colorless, unadorned, and seated behind a desk, with her male colleagues off to one side, also seated.

After introductory words were exchanged in German, one of the men said, continuing in German, “This case is very, very difficult. There’s a paucity of documentation for the period prior to the forced auction. And to be frank with you, we at the LAROV are inundated with cases much easier to deal with than yours.”

The second man jumped in. “We have questions about the *Grundbuch*,” he said. The *Grundbuch*, similar to a registry of deeds, would show the ownership history of the property. “It looks to us like in 1933, your grandfather took out a second mortgage on 16 Wallstrasse.”

I was shocked to have this German judge speaking to me this way, because 1933 was the year the Nazis seized power and started cracking down on Jews. The man paused before giving into himself. Seething with hostility, he muttered something to the effect of, “Your grandfather bled this building dry.”

Though infuriated, I calculated that my best move was to listen more and not interrupt. It would be almost impossible to convey in mere words how disgusted I was by what seemed a complete lack of empathy. I was there because my family’s world had been destroyed. But if I

stopped this LAROV bureaucrat midstream, I might not learn the full measure of his animosity, of his resentment at having to deal repeatedly with stories about Nazis stealing properties from Jews. I wanted to see how far he would go with his rancor, to learn the truth about him and possibly his indirect expressions of anti-Semitism.

Did this LAROV bureaucrat not understand the impression he was making? He looked away from me, out at some larger imagined audience. Then, he lashed out rhetorically: “How could this have been persecution? Your grandfather took money out from the building—and he *had* money.” He took a breath, as though he were warming up. “Perhaps,” he continued, “by the time of the forced auction, your grandfather had already bled the property dry for his own purposes. And so, while the auction was forced, that may have occurred more due to all his careless spending than to Nazi persecution.”

My God! Was this really happening? Was I *really* in an arbitration room in Berlin, having to suffer the egregious insult of this non-Jewish German specimen of my generation leaning in on his perverted conjecture that my grandfather’s downfall, the destruction of his property and life, which occurred at a height of Nazi legislation aimed at stripping rights and assets from Jews, was due solely to my grandfather being a bad businessman?

It was so very easy for this gentile German bureaucrat. What was the real cause of the forced auction? Let us see! Was it the Nazis’ anti-Semitism? No! *Surely*, it must have been that my grandfather was a shoddy businessman!

The woman, who thus far had remained silent, now appeared almost morbidly infected by her associate. She could not hold herself back. Excited, almost ecstatic, released from her role as a faceless judge, she chimed right in. “He must have exploited the mortgage to drain the building dry financially, leading to the forced auction.”

Looking at her rapturous face, I wondered whether she was any different from those women I could see in my mind’s eye, screaming for their Führer down in the street outside my

grandfather's building in 1936. At that point, could there be the least hope of this meeting changing anything for the better in my 16 Wallstrasse case? As though what the woman had said was not already chilling enough, she continued, "They all die when they get their property back."

Dumbstruck, I could hear her words reverberating in my head. I struggled to find my voice, then shouted, "My father is already dead!" Tears were now streaming down my cheeks.

This woman was the very face of the institution allegedly entrusted with righting a historic wrong, but she now appeared to me like a direct descendant of one of Kafka's most intimidatingly detestable characters. In a bizarre, unguarded moment, she confessed that German officialdom was dragging restitution out for such interminable stretches that its intended beneficiaries most often died before German officialdom permitted them access to its benefits.

The situation was precisely as von Trott had said at my first meeting with him at the Waldorf Astoria Hotel in New York. If we did not negotiate with the *Ariseurs* (Germans who confiscated Jewish property in a process known as Aryanization), we would win a first decision, but the case would then get dragged out endlessly in an appeals court. Therefore, before seeing any justice done in the case, most of us would die. I looked around at my lawyers and the two LAROV men, wanting to see if their faces at all registered the obscenity of the woman's words, but all of them were expressionless.

I grabbed my purse off the floor, whipped out my camera, and photographed the antagonistic LAROV judge. For a suspended second, the flash on my camera filled the room with a stunning light. I broke the silence. "I am going to show my family in the United States what you look like!" I shouted.

My action was, in some ways, childlike. What could it possibly matter to her that I would show my family how she looked? Yet I felt like Sally Fields as Norma Rae. With small satisfaction, I thought, *No more hiding behind twisted interpretations of restitution law for you!*

The flash had been a catalyst for silence, but the ensuing motionless quiet crackled with tension. Suddenly, a cacophony of German voices erupted. Totally still and all but ignored, I stood among these strangers, weeping. The judge scrambled to give me, of all damned things, vitamin C candies. I wept for how difficult my father's life had been, and for how pathetic this official was, staring at the candies in my palm as though willing them into my mouth so they might magically shut me up.

Von Hülsen motioned for me to sit down, which only irritated me more. I shook her off. My eyes traveled from the woman to the two men on the panel. No one would so much as meet my gaze. It was as though the entire German state's skill at remaining unaccountable was simply outpacing me.

Then there was a shift. Looking chastened, the woman mumbled, "I'll look very closely at the case and make it a priority." When I did not respond, she said, more loudly, "I will make this case a priority."

Robotically, the men stood up. Lammek and von Hülsen thanked her. She offered me an outstretched, limp hand while her eyes looked past me as though I had already left. Just before we closed the door behind us, I turned and asked this LAROV judge, "Do you know for certain that the Nazi flag was mass produced in 16 Wallstrasse?"

"Yes," she confessed.

So, it was not, as von Trott suggested, a "rumor." Was von Trott's suggestion of a rumor as insincere as it now seemed? "We weren't sure," our lawyers had insisted.

Rumors! How convenient. What an easy way out of knowing a fact, of slipping out of inherent responsibility through feigned uncertainty. Rumors! Like rumors of deportations east to explain the disappearance of Jewish neighbors and friends. Uncertainty and doubt—they made a horrific reality easier to ignore. Rumors! Saying that something is "only a rumor" can provide a means for human beings to shun responsibility, whether one is living under an authoritarian

regime or not. To live by facts means to take responsibility, to make reasoned and careful choices. To use rumors as an excuse to avoid thoughtful actions suggests either lying about the truth or accepting a passive, uninformed stance to avoid the consequences of knowing the facts. And in the context of that so-called rumor that Von Trott mentioned ever so casually, I very much wanted to know what the facts *were*—the truth, the whole truth, and nothing but the truth—regarding the Nazi flag having been mass produced inside 16 Wallstrasse.

Outside, I was prepared for Lammek to lambast me for photographing the LAROV judge. Instead, he beamed. “You were brilliant!” he exclaimed. “You have single-handedly turned the case around.”

Had Lammek not fully considered the *meaning* of these officials’ viciousness against my grandfather? Was he emotionlessly accepting it as a bullying legal strategy, just some routine business tactic to be used against Holocaust victims and their descendants? I replied, “What they were saying about my grandfather—given the *gesamt*, or total, known circumstances of Nazi anti-Semitism—was and is completely abhorrent.”

Waving his hand as though dismissing my expressed concern, he said, “I’m telling you! What you did was a stroke of genius.” He talked as though my behavior in snapping the photo had been a premeditated strategy rather than a spontaneous reaction. Would we always be at such cross-purposes?

It was liberating to be out of the stifling LAROV confines, in the crisp Berlin air with pale winter sunlight pushing through the clouds.

“May we take you back to your hotel?” Lammek asked, with von Hülsen seconding the motion.

“Thank you very much, but I don’t think so,” I responded, needing to walk alone in order to settle down.

Walking meant crossing Potsdamer Platz, bombed to rubble at the end of the war—and, in the 1990s, still an enormous construction site. I was going to have to navigate it carefully. Just three months before, Maestro Daniel Barenboim here conducted nineteen “dancing” construction cranes to the tune of Beethoven’s *Ode to Joy*, marking the completion of a new Daimler-Benz high-rise designed by the Italian architect Renzo Piano. My goal was to traverse the enormous construction pit and wind up at the champagne bar in *KaDeWe*, the Berlin equivalent to Harrod’s.

Once at the bar, I ordered a flute of champagne, then silently toasted myself. I was just *aching* to tell somebody what happened at the LAROV, but it was too early to call New York. And Kerstin, a friend who worked on my research with me in New York and now was a doctor in Berlin, was in class, so I took out a notebook, then wrote down every word I could remember from the meeting.

Still wishing there were somebody with whom to share the news of my victory, I looked around for a friendly American face, but the only other patrons at the champagne bar, several seats away, were two elderly German women, fur coats casually draped around their shoulders. When they saw me noticing them, they leaned in towards each other, their eyes still on me, and laughed.

Instantly, I hated them.

I did not need my friend Peter Stritzke to tell me these women yearned for the good old days. I moved my chair out of their view so I would not have to see their smug faces. The effects of another glass of champagne hardly helped my tiredness and did not ease the women’s nerve-jangling, lingering laughter in my ears. I summoned my grandfather Jakob to make them go away. I thanked him for his presence that morning, my unseen guardian angel, directing me to the camera store. A wave of melancholy passed through me. There were no apparitions to soothe me. My grandfather and my father were both dead.

Hours later, Kerstin helped me understand the impact of what I had done at the LAROV. We met at my hotel, where carefully and quietly, she told me, “One doesn’t behave that way in Germany. You can think what you want about German officials, but you don’t openly protest like that.”

Kerstin grew up in the communist East Germany, where decades of authoritarianism made the people wary of all government officials. They had perfected the art of keeping their thoughts to themselves, and especially comments critical of authority. That had long been Kerstin’s reality. It was a mandatory strategy for anybody living with the ever-present Stasi Secret Police. Growing up in 1960s America, I had the opposite experience. We questioned everything and everyone. Would I have been able to speak out about similar injustices were I born and raised in Germany? I fear I would not have been so brave.

We called Peter to tell him what had happened. The three of us agreed to reunite soon for a champagne toast.

Lammek and von Hülsen’s decision that I should appear before the LAROV officials had been good, but it took snapping that photo to galvanize those LAROV judges’ attention. When I reached Greg, my husband, on the phone, he reassured me. “Your instincts are correct, Joanne,” he said. “Taking the official’s picture embarrassed them all.”

I could not wait to get home and discuss what happened at the LAROV in more detail with my husband. When I returned via JFK to Katonah, in Westchester County, New York, Ben and the dogs came running out to greet me, while inside our home, Greg had a gorgeous flower arrangement awaiting along with a celebratory bottle of champagne. “I am *so* proud of you!” he said.

Later, we talked about what had gone on in Berlin. “There’s one reason, and one reason only,” I said, “that this judge decided to put our 16 Wallstrasse case at the top of the pile.” “Damage control!” Greg exclaimed.

“Exactly. I mean, if it had been a matter of principle, why did her previously expressed moral outrage over *Opa Jakob*’s alleged refinancing of the building precipitously vanish with a camera flash? With one photograph—poof! I blew a hole in any legal concerns she had.”

Because of his family’s Holocaust-era history, Greg was keenly interested in anything that involved obtaining some smidgen of justice for the victims. “Again, I’m so proud of you for what you did, Joanne,” he said. “You ripped the veil off her bureaucratic cover, exposing as null whichever principles she thought she was abiding by.”

My photograph had captured an indelible moment—the woman’s malignity was visible and memorialized. She could no longer be part of a completely faceless LAROV, and she was no longer impervious to accountability as a human being. One photograph put an end to all the LAROV judges’ bullying, at the very moment one of those judges casually confessed that the restitution process was so slow that by the time Jews got their property back, they would be dead or nearly so.

Any doubt that that analysis was wrong soon evaporated.

The LAROV woman called von Hülsen to “confirm” she would decide in our favor, but she wanted the negative of my photograph. Von Hülsen suggested I turn it over. “We should not irritate her,” my attorney advised. “It would be best if you cut out the negative and sent it to me.”

As a psychiatrist, I understood the LAROV judge’s motivations. The power of my photograph was its potential to expose her behavior and make her feel ashamed. Here it is essential to understand the crucial distinction that exists between the emotions of shame and guilt. Shame is characterized by fear of the consequences of being seen. Shame is general and impersonal; it is not a fear of being seen by a specific person or specific people, it is the fear of the consequences of being seen *at all*.

Guilt, by contrast, occurs within a relationship. One person feels guilty in front of another person or entity. A person who really *feels* guilty—and wants to restore the relationship they

have damaged—wishes to be seen as distressed by their guilt. That desire to be *seen* as feeling guilty, within the context of the guilty party’s desire to restore a relationship, constitutes remorse.

True reparation can follow only from remorse. Whereas a person who feels guilty might be motivated to restore a relationship, a person who feels shame is only motivated to save face. The LAROV judge I photographed was motivated to save face. What if she had felt no shame at all? Clearly many Nazi murderers, and all psychopaths, had no shame. The Judge acted out of shame after being photographed and decided she would prioritize the case. What if she were unfazed? I never even considered that.

At any rate, I had no intention of parting with my LAROV judge photo or the negative.

Sadly, by this point, von Hülsen’s suggestion that I take my leverage with the LAROV judge and throw it away could hardly surprise me. Because the Nazis’ progression from Aryanization to industrialized mass-murder was so overwhelming in its relentlessly savage inhumanity, I previously had—quite misguidedly—assumed that *Wiedergutmachung*, or “making good again,” might entail erring on the side of the Jewish victims. Yet all too often, there were stark differences between German officials’ publicly declared purposes in restitution and what they felt, viscerally, when nobody was watching.

My memory of arresting the judge’s attention by surprise-snapping her photo had me riding an emotional high for weeks, but then a letter from von Hülsen brought me crashing right back down to earth. There it was again, in von Hülsen’s letter: settle with Heim & Gerken, the descendants of the owners of our building after 1938, who claimed the building was theirs. And von Hülsen urged us to settle with them—the *Ariseurs*—before the LAROV decided in our favor.

Maddening! Despite having snapped the LAROV judges to attention, I had not (yet) at all moved them on the fundamental issue of justice here, namely, that Aryans should *not* profit off

of having stolen a building from my Jewish family. What von Hülsen was now urging me to do was the same thing von Trott wanted when I first met with him in the Waldorf Astoria.

Much more, though, was afoot in this German legal labyrinth. Von Trott and Lammek decreed that Lammek would compose a sample LAROV decision for the LAROV to consider. That draft would let the LAROV know our position and give Lammek an “in” for closer communications with them.

Towards the end of October, von Hülsen told me we should expect the LAROV soon to issue an “intended decision.” What was meant by that term? I soon found out that the “intended decision” meant that LAROV would not decide in our favor unless we first negotiated with the *Ariseurs*, Heim & Gerken. Von Hülsen added that I should return to Berlin “to engage in the matter as we discussed during your last visit.”

Did she mean that in Berlin, I should look up the 16 Wallstrasse superintendent, research the building’s tenants, or research the production of Nazi flags there? Or did she mean I should do all three things?

I stepped back a moment for some perspective. Why was any of this on *me*? Were lawyers not supposed to work for their clients? Why was I having to work for my attorney? And why was my attorney still pushing me to let the *Ariseurs* profit off this case? In my mind, letting the *Ariseurs* take money from 16 Wallstrasse would be tantamount to another robbery. Did the Germans working on restitution feel no remorse for the way my grandfather was abused by the Nazis? And did they feel no remorse whatsoever over attacking his memory for having refinanced a building he had *owned*?

It was now clear to me that minus my showing up in Berlin to serve as a living, breathing memorial, the paper-thin reckoning I was achieving would disintegrate completely. And so, reluctantly, I decided that in the upcoming year I would return to Berlin.

