

## Open Forum

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# Robbery, Restitution, and Remembrance in Germany

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**Abstract:** The essay draws a panorama of the current state of the Holocaust compensation and provenance research in Germany. It discusses the German politic of “Wiedergutmachung”, the recent cases of restitution, the public debate about commemoration and the challenges when it comes to restituting objects robbed 80 years ago. On the one hand, Germany – especially with regards to restitution measures up to the 1960s – is used as a role model in the international discourse on restitution issues. On the other hand, there is also a history of critique accompanying the German “Wiedergutmachungspolitik”. The essay argues that future research should analytically separate the different levels of the history of compensation: the official German discourse and wording of commemoration politics, the history of actual payments, the research and remembrance done by institutions like universities or memorials, and the initiatives of survivor organizations and civil society. They follow their own agendas and often are contradictory.

**Keywords:** German Wiedergutmachung; restitution; compensation; Shilumim; Claims Conference; provenance research

In 2022, Germany proclaimed a “Year of Remembrance for the Wiedergutmachung”.<sup>1</sup> The occasion was the 70th anniversary of the 1952 Luxembourg Agreement on compensation payments between Israel, the Claims Conference, and West-Germany.

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1 Ministry of Finance Germany. 2022. “Gedenkjahr der Wiedergutmachung 2022.” <https://www.bundesfinanzministerium.de/Monatsberichte/2022/12/Inhalte/Kapitel-3-Analysen/3-1-gedenkjahr-wiedergutmachung.html> (accessed January 30, 2024). All videos accessed on January 30, 2024. Thanks to Andrea Kirchner for the comments.

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Amongst other cultural initiatives, the German Ministry of Finance together with the Claims Conference supported the production of a documentary. The resulting film *Reckonings*, directed by Roberta Grossman became the very first documentary on these historical negotiations. It was introduced at the International Conference *70 Years of Holocaust Compensation and Restitution* at the Museum of the Jewish People in Tel Aviv in November 2022.<sup>2</sup> Its producer, Karen Heilig, explained that it was for the benefit of the film that it was made by an independent filmmaker. Grossman's biggest challenge would have been to weave two different narratives – that of the Claims Conference and the German Government – into one story.<sup>3</sup>

At the same conference, the German Finance Ministry presented the work on the *Themenportal Wiedergutmachung*,<sup>4</sup> whose prototype it launched in the year of the “Wiedergutmachung”. The project is promising new insights concerning the voices of the survivors but also in the area of provenance research. Managed by the German Federal Archives, its aim is to make all files relating to restitution proceedings uniformly and digitally accessible. What remains ambivalent is the decision to continue using the term “Wiedergutmachung”, being well-aware of its widespread critique and of the fact that the Claims Conference from its founding onwards rejected it. Israel and the Claims Conference used the Hebrew term “Shilumim”, which means payments, and in a biblical meaning “recompense allied with vengeance” (Michman 2017, 201; Claims Conference 2021, 5) instead of reconciliation and forgiveness. The introductory speakers of the above-mentioned Conference continued to repeat that argument in the opening session.<sup>5</sup> The term and the question of its framing reappears on the Finance Ministry's *Themenportal*, in an explanatory video with a moderator answering the question “Please explain, Lars: What's Wiedergutmachung?”.<sup>6</sup> Asking what it can look like 80 years after the liberation, the speaker is highlighting a shift from payments for survivors to cultural and anti-discrimination initiatives, especially against antisemitism. By “Wiedergutmachung” the ministry summarizes all measures through which those persecuted by National

2 ANU. Museum of the Jewish People, Tel Aviv University. “70 Years of Holocaust Compensation and Restitution – International Conference”. 2022 Nov 14–16. Organized by the Goldstein-Goren Diaspora Research Center, The Conference on Jewish Material Claims Against Germany (Claims Conference) and Yad Vashem. [https://en-humanities.tau.ac.il/events/en\\_70\\_Years\\_of\\_Holocaust\\_Compensation\\_and\\_Restitution\\_International\\_Conference](https://en-humanities.tau.ac.il/events/en_70_Years_of_Holocaust_Compensation_and_Restitution_International_Conference).

3 Ibid. Heilig, Karen. 4:59:30. Grossman, R., dir. *Reckonings. The First Reparations*. 2023. Go2Films In Association with the Claims Conference/BMF. <https://reckoningsfilm.org/>.

4 Archivportal-D. “Themenportal Wiedergutmachung nationalsozialistischen Unrechts.” *Deutsche Digitale Bibliothek*. <https://www.archivportal-d.de/themenportale/wiedergutmachung>.

5 See footnote 2.

6 Ministry of Finance Germany. “Erklär doch mal, Lars: Wiedergutmachung”. [https://www.bundesfinanzministerium.de/Content/DE/Video/Einfach\\_erklaert/wiedergutmachung/wiedergutmachung.html](https://www.bundesfinanzministerium.de/Content/DE/Video/Einfach_erklaert/wiedergutmachung/wiedergutmachung.html).

Socialism were compensated: from restitution to compensation to immaterial reparation, e.g. in the legal area. Especially since the proclaimed “transformation of the Wiedergutmachung”, Germany also subsumes memory and educational politics under the term. The ministry, for example, understands the provision of the files at the *Themenportal* itself as part of this transformed “Wiedergutmachung”.<sup>7</sup>

The question, though, what should happen if the survivors died, is not exactly new. As is known, already in the 1940s, the question arose for organizations like the Jewish Restitution Successor Organizations to whom the stolen property should be returned to when the victims had been murdered. But of course, these questions encounter new challenges decades later, in the times of the “Globalization of the Wiedergutmachung” (Brunner, Goschler, and Frei 2013). Today, many initiatives and official institutions in Germany think about the complications when it comes to restituting objects robbed approximately 80 years ago. They emerged especially in the aftermath of the Washington Conference on Holocaust Era Assets held in 1998. In a joint statement following the Washington Conference, Germany committed itself to ensuring in public institutions such as museums, archives and libraries, that looted cultural property is sought and returned to its former owners or their heirs or seeking a “just and fair solution.”<sup>8</sup> Today, in many cultural institutions, provenience research seems to be well-established.<sup>9</sup> The *German Lost Art Foundation*, founded in 2015, is the central institution for issues relating to looted cultural property. Its core projects are the *Proveana database for provenance research* and the *Lost Art Database* for searching and reporting cultural property.<sup>10</sup>

But when it comes to private collections, there are still many unanswered questions due to the lack of guidelines for private collections. When around 1500 works of art collected by Cornelius Gurlitt, the son of one of Hitler’s official art dealers, Hildebrand Gurlitt, were found in his Munich apartment in 2012, the case

7 Ibid. Also see footnote 1.

8 German Lost Art Foundation. “Erklärfilm: Was sind faire und gerechte Lösungen?”. <https://kulturgutverluste.de/kontexte/ns-raubgut>. And: “Declaration by the Federal Government, the federal states and the municipal umbrella organizations on the tracing and restitution of cultural property seized as a result of Nazi persecution, in particular Jewish property (Joint Declaration)”. Dec 9, 1999. Berlin. In Die Beauftragten der Bundesregierung für Kultur und Medien. 2019. *Handreichung*. 12. <https://kulturgutverluste.de/sites/default/files/2023-04/Handreichung.pdf>.

9 E.g. Universitätsbibliothek Frankfurt. 2022. “Stolperseiten”. Digital Exhibition. <http://stolperseiten.studiumdigitale.uni-frankfurt.de/>. Jewish Museum Frankfurt. <https://www.juedischesmuseum.de/sammlung/judaica/detail/woher-kommen-die-objekte-der-judaica-sammlung/>. Schiffahrtsmuseum Germany. Provenance Research. <https://www.dsm.museum/forschung/wissenschaftsteam/uebersiedlungsgut-beschlagnahmt-in-bremer-haefen>.

10 Proveana. Datenbank Provenienzforschung, <https://www.proveana.de/de/start>, Lost Art-Datenbank, <https://www.lostart.de/de/start>.

attracted a great deal of public attention. Until now there have been restitutions in about 14 cases.<sup>11</sup>

In the last decades, there has also been a rise of initiatives from civil society concerning the topic of robbery and restitution. Just to mention a few of them: initiated by the Speer heiress Hilde Schramm, Jewish and non-Jewish women set up the *Zurückgeben* foundation in 1995 for people who want to return items and inheritances regardless of laws and deadlines.<sup>12</sup> In 2000, several provenance researchers founded the *Provenance Research Working Group*, which has become a central exchange platform for researchers from different disciplines.<sup>13</sup> In September 2023, the first memorial commemorating the mass robbery of European Jews was inaugurated in Bremen. Initiated by a journalist, it was unveiled vis-à-vis the new German headquarter of the Kuehne + Nagel Group, one of the largest logistics companies worldwide. In the Nazi era, it owed its decisive growth to clearing out appartements after their Jewish residents have been deported and murdered. Until today it denies its role in the NS-regime.<sup>14</sup> The memorial shows an empty room with silhouettes of furniture and other looted items on the walls. The message it sends is closely interwoven with questions about the long-lasting effects of ownership relations after mass murder as well as the challenges of restituting objects stolen decades ago. Large parts of the German population, but also their collaborators and accomplices, robbed the Jewish population in Europe of everything: jobs and homes, movable and immovable goods, clothing and everyday objects, right down to the last belongings that people carried with them when they were murdered. The Nazi state distributed looted furniture to Germans and directed trains full of looted goods across Europe. Logistic companies, like Kuehne + Nagel, trustees, and auctioneers made high profits from the transportation and administration of the booty. Neighbors looted the belongings of the deported from the abandoned apartments or bought their household goods at public auctions.<sup>15</sup> As a result, the property of the millions of persecuted, murdered and expelled Jews circulated throughout Europe

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11 German Lost Art Foundation. “Explanatory Video on the Gurlitt Art Trove”. <https://kulturgutverluste.de/kontexte/ns-raubgut>.

12 Since the history of objects or valuables is often not possible to reconstruct, the foundations also shifted toward cultural initiatives. The aim is to promote Jewish women artists and scientists. *Stiftung Zurückgeben*. <https://www.stiftung-zurueckgeben.de/warum-und-wie-wir-entstanden-sind/>.

13 Arbeitskreis Provenienzforschung e.V. *Deutsches Historisches Museum*. <https://www.arbeitskreis-provenienzforschung.org/>.

14 Bleyl, Henning. Sep 9, 2023. “Vier Quadratmeter Wahrheit”. *TAZ*. <https://taz.de/Arisierung-Mahnmal-in-Bremen/!5956447/>. Henning Bleyl initiated the memorial in 2015 and developed the project together with Evin Oettingshausen. See also Beermann-Schön 2020.

15 Filmmuseum München. April 14, 2022. Discussion: “Die Versteigerer. Profiteure des Holocaust” (Germany 2018), with Jan N. Lorenzen, Carolin Lange, Regina Prinz, Claudia Engelhardt (<https://vimeo.com/698954630>).

and accumulated in Germany. In the midst of war-related scarcity, there was a “sudden” abundance of things and properties. Accordingly, many people furnished their homes with the household goods and furniture of the dead, ate from their plates, slept in their bed linen, played their musical instruments, wore their clothes, shoes, glasses or jewelry, hung up their pictures, enjoyed their works of art, and gave their children the toys of the murdered children.<sup>16</sup> The robbery was preceded by an antisemitic consensus, which included the still circulating antisemitic narrative that “the Jews” were rich and that they took this supposed wealth from “national property”. According to this logic, the state and the non-Jewish population were not stealing but “taking back” this property. This narrative outlasted the liberation, evident in the sluggish processing of applications for compensation and in the existence of organizations like the “Rückerstattungsgeschädigten”, a German monster of a word, in the 1950s, demanding “Restitution” for the profiteers of “Aryanization” since they had to return the stolen property (Anthony 2021, 217–227; Lillteicher 2007, 135–143, 563). The memorial as well as the *Stiftung Zurückgeben* remember these lasting changes in ownership relations on the level of everyday items as well as of the continuity of the wealth of certain companies.

As these examples show, despite the decades-long history of restitution, the ownership structure continues to be shaped by the past, at least in some parts. After all, the question of where all the looted assets went, who profited from forced labor and stolen values has still not yet been fully revealed. In a recent documentary about “the super-rich” in Germany, a wealth advisor answered the question as to why “the rich in Germany are particularly shy”, that some heirs “feel uncomfortable” since their wealth is “compromised” because their ancestors “maintained or even created a fortune” in the Third Reich.<sup>17</sup> In other cases, it is also an open secret, but the profiting families managed not to take responsibility, like the Quandt family, an industrial family, that profited enormously from forced labor and the war economy.<sup>18</sup> The Quandts did pay into the *Stiftung Erinnerung, Verantwortung und Zukunft*

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16 Ibid. See also Rajak, Michael, and Zvi Rajak. 1956. “The Destruction of Glubokie (Hlybokaye, Belarus). Memorial Book of Glebokie”. *Yizkor Book Project, JewishGen. The Global Home for Jewish Genealogy*.150. <https://www.jewishgen.org/yizkor/hlybokaye/hlybokaye.html>.

17 Von Bechtolsheim, Christian (Focam AG). 2019. In Opitz, F., dir. *Ganz oben – Die diskrete Welt der Superreichen*. Arte Deutschland. Jan 22, 2019. 8:25.

18 Friedler, E., dir. *Das Schweigen der Quandts*. Sep 30, 2007. ARD Das Erste. Hasel, E. June 16, 2019. “Familie Quandt: Im langen Schatten der Tradition”. *Stiftung EVZ*. <https://www.zukunft-braucht-erinnerung.de/familie-quandt-im-langen-schatten-der-tradition/>. Another current case of at least personal continuity is the prehistory of the arm company *Heckler & Koch*, see Winter, C. 2023. “Säuberungssache Edmund Heckler: Angestaubte Täterdiskurse und ein Betriebsleiter als ‘Mitläufer’.” *Das HASAG Puzzle. Forschungsblog zu nationalsozialistischer Unternehmenskultur, Zwangsarbeit und Judenmord*. <https://hasagpuzzle.hypotheses.org/4023>.

for forced labor, which was supposed to provide symbolic compensation in the form of a one-off cash payment, of a “voluntary humanitarian benefit”.<sup>19</sup> Germany and German companies had agreed on compensation from the end of the 1990s only after lawsuits from the USA, in order to have legal certainty against further cases. But the Quandts did not listen to the actual survivors and their demands.<sup>20</sup>

Concerning the everyday items, what is known about art collections probably also applies to many other, more durable objects. These are still in circulation today. In comparison to works of art, everyday objects in particular are neither known, nor signed, and their origin can hardly be traced 80 years after the crimes. However, they were and are often of considerable value to survivors and descendants (Waligórska and Sorkina 2022, 1, 7, 9, 12–13).<sup>21</sup> Consequently, the issue of restitution still matters in the private sphere, when the question arises as to how the antiquarian furniture or silver cutlery actually came into the family’s possession, who originally owned the family-run business and how long the grandparents have lived in their house.

The restitution of property is yet another history. The most recent and perhaps the final case of property restitution is that of a house in Brandenburg, former East Germany, which has recently found its way into the media.<sup>22</sup> The property was taken in 1939 due to the “Verordnung über den Einsatz des jüdischen Vermögens” by the great grandfather of the current resident, now an 83-year-old woman. The actual owners, Alice Donat and Helene Lindenbaum, who had led a rest home for Jewish orphans there, were killed in Auschwitz in 1943. After 1989, the Claims Conference applied for restitution. It took the German bureaucracy until 2015 to decide on the restitution of the house. The residents sued against the court order and today the trial is still proceeding. “These are Aryanized properties and the grandchildren or great-grandchildren have made themselves comfortable in them”,<sup>23</sup> commented Roman Haller of the Claims Conference rightly on the case. He had survived the Holocaust as a baby.

Attempting to sum up this panorama of Holocaust compensation and provenance research in Germany, the final focus should be on the discursive level:

On the one hand, Germany – especially with regards to restitution measures up to the 1960s – is used as a role model in the international discourse on restitution issues. For the first time compensation was achieved for individuals, not just for a

<sup>19</sup> Foundation Stiftung EVZ. Erinnerung, Verantwortung, Zukunft. <https://www.stiftung-evz.de/wer-wir-sind/geschichte/gruendungsgeschichte/>.

<sup>20</sup> See Footnote 18.

<sup>21</sup> See also Adler, S. 05.10.2021. “Enteigneter jüdischer Besitz. Kontaminiertes Erbe”. *Deutschlandfunk*. <https://www.deutschlandfunkkultur.de/enteigneter-juedischer-besitz-kontaminiertes-erbe-100.html>.

<sup>22</sup> Mingels, G. January 27, 2024. “Die Erbsünde”. *Der Spiegel*, Nr. 5, 42–47.

<sup>23</sup> Haller, R. In *ibid.* 47.

state. Holocaust reparations against the backdrop of the rising concept of transitional justice served as a model for other cases of reparations, especially in post-colonial debates, where they were negotiated under the focus on victims of colonial violence.<sup>24</sup> These debates are also part of the *Historikerstreit 2.0*, in which the status of the Holocaust and colonial crimes in German remembrance cultures is disputed (Friedländer, Frei, Steinbacher, and Diner 2022).

On the other hand, there is also a history of critique accompanying the German “Wiedergutmachungspolitik”, thinking about the buzzwords “Wiedergutmachungsweltmeister”<sup>25</sup> or “Versöhnungstheater” of the publicist Max Czollek: instead of taking real responsibility in form of actual compensation, restitution, or conviction for murder, the politics of the past have increasingly relied on symbolic actions and a culture of remembrance since the 1970s (Czollek 2023, 13).

It should not go unmentioned at this point, too, that the largest association of former Nazi persecutees in Germany, the VVN, which throughout its existence campaigned for the expansion of compensation legislation to “forgotten” groups of victims and supported the victims with the oftentimes complicated applications, was observed by the German *Verfassungsschutz* until 2020 – a relic from the Cold War that is unparalleled in any other European country.<sup>26</sup>

Following up on these considerations, further research should analytically separate the different levels of the history of compensation, although they are, of course, inextricably linked: the official German discourse and wording of commemoration politics, the history of actual payments, the research and remembrance done by institutions like universities or memorials, and the initiatives of survivor organizations and civil society. Closely interwoven, they follow their own agendas and are often contradictory. To return to the beginning: of course, this also applies to future evaluations of the “Year of Remembrance for the Wiedergutmachung” of 2022 as well as to an all-encompassing history of compensation.

24 Goschler, Constantin. 2022. “Some Reflections on the Historiography of Holocaust Reparations and the Future of Reparations for Genocides”. See the video in footnote 2. 01:32, 01:55–01:57.

25 Brunner, José. 2022. Respondent to Constantin Goschler. See the video in footnote 2. 02:16:31.

26 Pressemitteilung: Finanzamt rudert zurück – VVN-BdA ab 2019 wieder gemeinnützig! Mar 24, 2021. *Vereinigung der Verfolgten des Naziregimes – Bund der Antifaschistinnen und Antifaschisten (VVN-BdA e. V.)*. <https://vvn-bda.de/finanzamt-rudert-zurueck-vvn-bda-ab-2019-wieder-gemeinnuetzig/>. Only recently, Sylvia Gingold of the VVN, whose parents Peter and Ettie Gingold were Jewish communists who were active in the resistance against National Socialism, was going to the Federal Constitutional Court because the *Verfassungsschutz* was still observing her. Küster, S., Ex-Lehrerin, Friedensaktivistin, Antifaschistin *Ist diese Rentnerin aus Kassel eine Gefahr für den Staat?*. Feb 5, 2024. Hessenschau. Hessischer Rundfunk. <https://www.hessenschau.de/gesellschaft/ex-lehrerin-friedensaktivistin-antifaschistin-ist-sylvia-gingold-aus-kassel-eine-gefahr-fuer-den-staat-v1,sylvia-gingold-bundesverfassungsgericht-100.html>. See the interview in this video with the historian Rigoll, D. 02:05.

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