

Open Forum

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“Forensic Restitution” and the Ownership of Memory at Sobibor Death Camp, Poland

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The notion of “Holocaust restitution” most often evokes associations with the process of financial repatriation, reversing the confiscation of priceless artworks from Jewish families, or amending the seizure of property or furniture from non-Jewish neighbours. Whilst each respective country sets their own rules or guidance of how to address this, the rules are much less clear for the returning of property robbed from the victims and later unearthed from the ground, and more specifically as a result of archaeological excavations. As such, there has been almost no scholarly research into the many ethical issues that this raises for relevant stakeholders (institutions, archaeologists, and relatives) involved in the discovery of biographical objects of murdered Holocaust victims. My ongoing research, therefore, seeks to address the deeply sensitive issue of memory ownership and material culture in such instances. My work introduces the term “forensic restitution” as a potential solution to this issue, whereby cultural objects uncovered through excavations are returned to an individual or community, rather than belonging to a nation state (Wilson 2024, p. 97).

1 Excavation and Commemoration

At the former site of Sobibor death camp in Eastern Poland, established as part of “Aktion Reinhard”, reliance on the discovery of material evidence has been crucial. Following the almost complete destruction of the camp in 1943 as a response to the mass prisoner uprising, the site remained neglected until the first phase of commemorations in the 1960s (Wilson 2023). Although a small museum opened in 1993, it closed shortly after. It is precisely this absence of memory and materiality which

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stimulated the “forensic return” to the site in the early 2000s via a decade long period of forensic archaeological excavations, as well as the decision of the Polish state to build a new museum and memorial. Although other smaller archaeological projects have been conducted on site, the largest excavations were led by Yoram Haimi, Wojciech Mazurek and Ivar Schute, resulting in the unearthing of numerous former camp features and tens of thousands of objects (Take 2024). Following the closure of the small museum in 2011, the Polish government initiated plans for a new museum and memorial at Sobibor as a branch of the Państwowe Muzeum na Majdanku (State Museum at Majdanek), which eventually dictated which areas of the site should be investigated before large-scale building work was to be completed. The museum eventually opened in October 2020, and the final memorial works finished in October 2023.

2 Biographical Objects and Ownership

Most exceptionally, a number of the artefacts uncovered during the phase of excavations at Sobibor have led to the revealing of victims’ biographies and locating of living relatives, the most publicised of which includes handmade metal name tags belonging to Dutch children. Aesthetically, they all appear primitive, as if they were made by the parents. The recovery of a tag belonging to eight-year old David “Deddie” Zak during the 2013 excavations was deeply moving for his cousin, Liesje Caransa de Hond, who survived the war in hiding and remembered their close relationship. A similar tag belonging to a six-year-old girl named Lea Judith de la Penha who was transported from Westerbork resulted in living relatives being located and informed of the find. A pendant belonging to Karoline Cohn, who had been deported from Frankfurt to Minsk before arriving at Sobibor, brought together family members from across the world, who had almost no idea about Karoline’s existence. However, whilst almost all of these biographical objects are now on display at the newly established exhibition at Sobibor, the rest are retained within the archives at Majdanek, and none are permitted to be returned to the victims’ relatives, much to their surprise. Indeed, the items’ ownership now falls under the jurisdiction of the Polish government’s 2003 parliamentary “Act on the protection and care of historical monuments”. Under Article 35, this Act states, that “objects that are archaeological monuments discovered, accidentally found or acquired as a result of archaeological research are the property of the State Treasury”, and that the transfer of archaeological artefacts to a museum or other organisational unit may take place if the unit provides their permanent storage, carrying out an inventory and appropriate conservation work, making these monuments available for scientific

purposes.¹ However, the Act also notes that, at the request of the director of a museum, archaeological artefacts on deposit in their collection may be transferred to another institution’s ownership on the basis of a decision of the provincial conservator of monuments.²

Having worked for some years as a researcher at the archaeological excavations at Sobibor, I have continued to communicate directly with the family members for whom biographical objects have been found in the ground, and whose voices are often neglected by the institution and more broadly within collective memory. While I relate to the perspective of the museum and curators following the wider movement towards authentic and individualised objects to tell the story of the Holocaust, I place the thoughts and experiences of the contacted living relatives at the centre of this debate. Inspired by wider anthropological debates of restitution amongst marginalised communities, and of the Holocaust specifically, I have conducted a number of interviews with these individuals to discuss the importance of the discovery for them, how this has affected their own familial identities, and their opinion on the fate of these objects (Wilson 2023). In my discussion with Deddie Zak’s cousin Leisje, for example, she informed me: “I am angry about their refusing. I am legally the owner of the name tag. It makes me angry because I cannot bear that something of my cousin stays in that terrible place where my family is murdered. Only because of rules”.³ Like many of the other relatives I spoke with, she does not want her cousin’s tag to remain at the place where he had no other personal connection beyond his murder. Indeed, these interviews have revealed that objects are a crucial part of identity formation, particularly where death and destruction are concerned. Therefore, I argue that the familial bonds established with artefacts cannot, and should not, be overlooked and, concerning Sobibor, these items are often the only tangible link that one might have left.

3 Familial Agency and “Forensic Restitution”

The current protocol for the relatives is to receive a replica. Yet, in several instances, the families have been asked to commission these themselves through the organisation of the State Museum at Majdanek, at a high cost. In some cases, external institutions have paid for the replicas, but there are still conditions that the item

1 “Ustawa z dnia 23 lipca 2003 r. o ochronie zabytków i opiece nad zabytkami” [“Act of 23 July 2003 on the protection and care of monuments”], Strona główna Sejmu Rzeczypospolitej Polskiej, Dz.U. 2003 nr 162 poz. 1568, ISAP – Internetowy System Aktów Prawnych.

2 Ibid.

3 Author’s own interview with Liesje Caransa de Hond, 27th August 2018.

should remain with the funder. Indeed, Caransa de Hond was the only relative to receive a replica directly from the State Museum at Majdanek, but this was part of an official ceremony held by the museum which Caransa de Hond attended under the assumption that she would receive the original. However, the replica was of poor quality, and a replacement was commissioned to be replaced by Westerbork Memorial in the Netherlands (Wilson 2023). In one such case, archaeologist Ivar Schute paid for a relative's replica at his own cost. Moreover, relatives who visit the object in person have not always been permitted to even *hold* the original; I travelled to Majdanek and Sobibor with the De la Penha family and they were asked to wear gloves. This lack of physical touch was also negatively impactful. In this case, the “meta-value” of authenticity and re-appropriation of witness objects’ is placed above the social and emotional needs of the victims’ relatives (Williams 2007, p. 29). Within the debate of restitution, then, I suggest that these items should be treated with the same respect or “sacralisation” as human remains would, in that they do not only serve as “extensions” or contact points for the missing bodies of their former owners, as exhumed from their place of death, but these artefacts also provide relatives with a chance to heal, connect and engage with their lost ancestors through personal reconciliation and the chance to secure them a final “resting place” outside of Sobibor (Wilson 2023).

The archaeologists do not necessarily agree with this perspective, and suggest that these objects should remain “*in situ*”, because this is the place where the victims were killed, and should remain where they are found also to tell the story of where they were discovered or uncovered. Yoram Haimi did agree, however, that the objects should be loaned to other institutions: “If we can show these artefacts, and the stories of Sobibor, then why not? They should make agreements with the museums they want to give to, and loan it. They should share these artefacts”.⁴ The most pressing issue for them concerning these finds is the way in which they have been utilised within the museum’s core exhibition, which has excluded archaeological information and room for further biographical information to be added. On display, the excavated objects are framed by the overarching aims of the main exhibition, which presents the objects as a “collective portrayal” of the victims (Kranz 2018, p. 9). Over 700 items are presented as part of this, and artefacts pertaining to the victims are housed within the same glass showcase as those that reflect the perpetrators and their methods of killing. Individual narratives are marginalised as a result, and additional forensic information concerning the location of the finds omitted, which arguably limits the impact of the objects on display. It may also frame or pre-define the “aura” or “power” of these personal items for the viewer.

4 Author’s interview with Yoram Haimi, 12 July 2023.

4 An Unresolved Issue

Ultimately, whilst a “top-down” or “black and white” approach has been applied to the ownership of these objects from the perspective of the Museum and the Polish state, as defined by decades old heritage laws, I suggest that this has continued to fragment the kind of reparative memory work that the “forensic restitution” of personal items could provide a family, who currently have no autonomy over their use or display (Thakkar 2020, 137–140). While I appreciate that these laws are difficult to change, and perhaps never will be changed, I contend that further dialogue is needed between the relevant stakeholders to avoid further damage. If the objects absolutely cannot be returned at this time, then greater collaboration with the family members is needed with regard to their display. As Lyons (2002, p. 116) writes: “As the physical evidence of individual and collective pasts, archaeological heritage is esteemed by communities that locate their historical identity in its material expressions [...] recent developments in the way communities attach value to the past have fomented a rash of acrimonious international disputes [...] compensation for victims of injustice and exploitation is now sought through the recuperation of property taken from them.”

It appears undeniable that the return of deeply symbolic objects would provide those affected with closure, healing, and a chance to pursue their own path of memorialisation. However, the wider notion of Holocaust restitution in Poland, including non-archaeological sites, has been problematic for many years (Stola 2007, 240–255). Thus, I agree with the suggestion of Yoram Haimi that this can, at least, be mediated within the Museum’s core exhibition, with greater integration of individual narratives and familial histories to accompany these “special items”. For the relatives, this case is not “black and white” – it is a *grey* area, and the issue has caused feelings of exclusion and a further subsuming of victims’ voices, echoing issues encountered with the commemoration of the site in the past. Consequently, a better process is needed for engaging descendent and familial communities with the archaeological finds at Sobibor. Indeed, the discussion should not be closed here.

Ultimately, whilst the notion of “forensic restitution” evokes similar sentiments to those raised by the ongoing issue of returning plundered items to Jewish families victimised during the Holocaust, it also reflects the wider appropriation of objects stolen by European colonizers, often referred to as “cultural restitution”, beginning in the late fifteenth century and lasting until the post-second world war period (Torpey 2006). Over the past half-century, the process of repatriating such objects, seized by force and looted as “war trophies” or a right of occupation, has reflected the

shift in societal values.⁵ Although almost no museum would accept such an object now, many institutions have resisted calls for repatriation, despite the “reparative” impact that this could have on a formerly colonized community. As such, one can draw parallels between this socio-political struggle and what is occurring at Sobibor, which my ongoing research aims to consider.

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Interviews

Author's interview with Yoram Haimi, 12 July 2023.

Author's own interview with Liesje Caransa de Hond, 27th August 2018.