

Placing the Irreplaceable – Restitution of Jewish Cultural Property. Negotiations, Historical Dimensions, Documentation

Veranstalter: Annual Conference of the Simon Dubnow Institute for Jewish History and Culture; in collaboration with the German Literature Archive Marbach

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Upon reading this year's conference title of the now *Leipzig Institute for Jewish History and Culture* I thought to myself how long my own research had been concerned with the pertinent, though arguably paradoxical, question it posed: how to replace the irreplaceable? I once proposed 'Restitution of Jewish Cultural Property' without the return of an object, but rather by way of what Charlotte Woodhead of Warwick University called „the remedy of narrative“. But how else might we replace the irreplaceable, I was left wondering? I resolved to travel to Leipzig and hear from a range of international scholars who, in their respective presentations alone, it proved, found a place for „Jewish memory, recognition and belonging in the twentieth century“.

In her 'Welcome Address,' YFAAT WEISS (Leipzig/Jerusalem) set out the committee's twofold motivation: „to share preliminary studies“ and „to widen the conversation to include Central and Eastern Europe“. Glancing over the conference programme, it appeared the conference had realised just that with three of the four panels presenting cases from Lithuania, Poland and Czechoslovakia respectively. Chair MARCEL LEPPER (Marbach) then introduced the keynote speaker, DAVID E. FISHMAN (New York), and the title of his talk: 'Who Inherits the Relics of Jerusalem? On the Retrieval, Disposition, and Restitution of Jewish Cultural Property from Vilna (Vilnius) after World War II.'

Fishman opened his talk by placing Vilna as „by no means obscure on the Jewish map,“ famed for its three repositories: the Strashun Library of the Vilna Jewish Community, the Yiddish Scientific Institute (YIVO), and the An-ski Museum. He then explained how, during the war, Vilna's Jewish collections

were „let's just call it looted“ by the Einsatzstab Reichsleiter Rosenberg (ERR), who employed a Jewish slave labour brigade, also known as the Paper Brigade, to segregate them. Only the brigade was comprised of Jewish intelligentsia who had, well, the intelligence and nerve to hide parts of the collection (which would have otherwise been destroyed or shipped to Frankfurt) upon their bodies and smuggle them into the Ghetto. Fishman then noted the „emotional investment“ with which, in the postwar period, those that survived the Holocaust tried to retrieve Jewish cultural property that had „since gained symbolic stature“. Quoting a diary entry, „I'm going back to Vilna to retrieve the papers and books we hid,“ Fishman described how restitution was, in their eyes, „taking it out of Lithuania“ and returning it to the Jewish people „who can actually read it“. Restitution efforts came up against „a full gamut of disposition-options“ however, which although „entertained and pursued,“ were left unresolved until 1989-1996 when, during and after the fall of the Soviet Union, questions about the legal and moral claims to ownership of Vilna's Jewish cultural treasures resurfaced, only to remain unanswered to this day.

The topic of YIVO was pursued in the first panel by BILHA SHILO (Hebrew University, Jerusalem) who provided 'Two Perspectives in the Restitution of its Collections' in her talk 'When YIVO was Defined by Territory'. Where the popular YIVO perspective is surely its achievement in the restoration of Jewish Cultural Property from Offenbach, she argued, the perhaps more unpopular YIVO perspective is its failure in the restitution of its collections found in Czechoslovakia. When I questioned Shilo regarding her use of a „success/failure“ binary, she explained how such language was necessary given the fact that „no one, not even in YIVO, knew about its failures until (she) wrote about them“. Failure was heretofore „an untold story“.

LARA LEMPERTIENÉ (Lithuania) then presented a paper entitled 'A Shattered Mirror: The Efforts of Reconstructing the Pre-War Jewish Life in Lithuania through Rediscovered Documents'. It soon became clear that Lempertiené's 'shattered mirror' was at once Lithuania's fragmented holdings of books

and documents with pre-war Jewish provenance. While many of them survived Nazi occupation and cultural plunder, they were nevertheless conserved in what Lempertiené described as a „haphazard“ fashion and in repositories that „acted as if they were unaware of their interconnectedness“. She thus concluded: „the documents are the same and should some day be reunited...and for the biggest international audience possible“.

The second panel shifted the focus to Poland. ŁUKASZ KRZYZANOWSKI (Berlin), in his paper 'Holocaust Survivors in Court: The Appropriation and Restitution of Jewish Property in the Early Post-War Years in Poland,' provided an overview of the administrative procedures and practices of the Polish postwar state who differentiated two categories of property: „deserted“ and „abandoned“. While the former applied to that which was once property of German citizens, organizations or indeed the state, the latter applied to that which was looted from Polish citizens by German institutions or private individuals. While Jewish property undeniably fell into the second bracket, the postwar state nevertheless „acted like the rightful owners,“ despite „remnants of pre-war Jewish communities returning“ to recover what was duly theirs, ELIZABETH GALLAS (Leipzig) noted.

NAWOJKA CIESLINSKA-LOBKOWICZ (Warsaw/Munich) then turned to present day Poland where, as an independent provenance researcher, she is not only met with closed doors, but is also deemed the opposition. Her paper 'Polish Comfortable *Desinteressement*' presented the case of the Jewish Historical Institute in Warsaw (ZIH), whose collection of 80,000 objects had never been catalogued, let alone researched with regards to provenance. Considering themselves the „rightful owners of the entire collection of Jewish cultural material,“ they perceive any restitution claim, however fair its solution, to be a threat. „In seventy years of the museum,“ she posed, „surely it should turn upon itself and reflect on its own history?“ But the ZIH is frankly disinterested, she concluded, or else „ashamed“ of the disorderly condition the collection has long been in.

ANDREA REHLING (Mainz) in her evening lecture 'Whose Heritage? UNESCO

Balancing between Restitution of Cultural Property and Common Heritage of Mankind,' examined how ownership of Jewish heritage has been, and continues to be, negotiated in the international arena by the way of two case studies. Case one presented the heirs of the holocaust victim Pierre Lévi and their claim to his suitcase that they discovered at the Paris Shoah Memorial Museum, to which it was on permanent loan from Auschwitz Birkenau State Museum. When restitution proved not viable, the heirs requested that the suitcase least not „repeat the journey that it had already made to Auschwitz“. It thus remained where they found it, as „an important relic of the Shoah“. Case two presented the Jewish Holocaust survivor Dina Gottliebowa, who claimed ownership of a series of watercolour portraits of fellow inmates she had painted while in Auschwitz under the instruction of Dr. Joseph Mengele. Gottliebowa was no longer recognized as the author to the paintings however, since „they were commissioned by an SS officer“ and now served as „material evidence of the Nazi Regime and its persecution of the Jews“. Both cases favoured the preservation of collective memory over individual compensation but, as WESLEY FISHER (New York) observed, they were both *Polish* cases and, „if there's anything we've learnt from today, Poland keeps hold of property“.

In the third panel YEHUDA DVORKIN (Jerusalem) shifted the perspective from Europe to the international arena with his paper 'Restitution of Cultural Property from Europe to Israel: The British Case'. He described how, after the war, proscriptive attitudes to objects changed to prescriptive when it became not about „quality but about quantity and how much they could salvage“. The question of where Jewish cultural property should go was met by three plausible answers: the USA, Britain or Israel. Property salvaged from the British zone one would have thought went to Britain, but Jerusalem was its chosen successor in an attempt to „counterbalance the emergent centre in North America“. The British „took pride in the fact that they supported the transfer of Judaica to Israel,“ Yehuda told me, where the Hebrew University was also known as the 'British University'.

ZACHARY M. BAKER (Palo Alto) then presented the North American perspective with his paper 'Setting the Stage: Preliminary Efforts by the Commission on European Jewish Cultural Reconstruction to Document Endangered Jewish Cultural Properties'. As early as 1944, he argued, refugee scholars led by Hannah Arendt and Adolf Kober, and under the supervision of Professor Salo W. Baron, compiled lists of Jewish Cultural Properties vulnerable to plunder in countries that had been occupied by the Axis powers. He proceeded to account „for the contingencies of events,“ questioning, „What if Colombia had picked someone other than Baron for the job?“ „Sure, the earth would have still turned on its axis,“ he jested, „but this pivotal figure would have been doing his thing elsewhere, and without necessarily the prestige and infrastructure,“ in other words the 'right conditions,' for restitution efforts to ensue.

Chair FRIDER VON AMMON (Leipzig) introduced CAROLINE JESSEN (Marbach) and the title of her lunchtime lecture: 'Asserting Ownership, Obscuring Provenance: Jewish Émigré Collections in Germany after 1945'. Jessen first described the impact of German language books in Israel during the 1930s and 1940s, when books and scholarly journals were considered „sought-after goods,“ due in part because German was then considered the lingua franca for the many German Jews that settled there. She then described the role of émigré collections from Israel for research in Germany when, in the postwar years, German auction houses, antiquarian booksellers and research libraries interacted with colleagues and clients in Israel. „If archives and rare books can be deemed cultural property, or even cultural heritage, then their reintegration into German public institutions has major implications on two levels,“ she argued. „German foundations have supported research libraries in Israel in their acquisition of scholarly German language literature while, at the same time, unique irreplaceable material resources migrated back to Germany and were bought by archives, museums, research institutes and libraries funded by these foundations.“ Jessen then concluded her talk with the rhetorical question, „Would it be correct to say that the product of research was sent

to Israel to acknowledge a symbolic new relevant *Auslandsgermanistik*, while sources for genuine research were moved to Germany as their natural-national habitat?“

In the fourth and final panel MATĚJ SPURNÝ (Jena/Prague) resumed the conversation of Eastern Europe with his paper 'Unwelcome Returnees, Reluctant Restitution: Jews and Their Property in Czechoslovakia after 1945,' wherein he described restitution there as „an inorganic and illogical procedure“. Under the national and illiberal character of the new post-war state, returning Jews were perceived as German, first and foremost, and forced to wear a white armband, in lieu of a yellow star. Their pre-war possessions were better yet Aryanised and restitution a far-flung reality.

ANNA KAWAŁKO (Jerusalem) continued the thread of Jewish persecution in post-war Czechoslovakia with her paper, 'Objects of Desire, Objects of Denial: On the Status of German-Jewish Cultural Property in Czechoslovakia after 1945'. Where the objects in question were German-Jewish book collections – consisting of 16,250 volumes of Jewish, Hebrew, Talmudic and Rabbinical texts – resettled to Czechoslovakia during the war, Kawałko described their discovery in a cemetery in the postwar years, „abandoned amongst the graves“. Despite interest from local, national and international institutions to recover the collections, they were ultimately divided between Prague and Jerusalem, only to fall into „oblivion“.

MICHAŁ BUŠEK (Prague) presented 'Restitution of Jewish Property in Post-War Czechoslovakia' in terms of statistics: „in total about 16,000 restitution claims were filed,“ he quoted, „only 3,000 of which were resolved“. 'Developments after 1948' referred to stagnation under the communist regime and 'Changes since 1989' to political developments since the Velvet Revolution. An important turning point was the introduction of Law No. 212 in 2000, concerning property related to the injustices of the Shoah but, like the Tezerin Declaration, it remains very much „on paper and does not so much play out in practice“.

YFAAT WEISS concluded the day with a poetic, but no less pressing, remark: „objects

are looking for their narrators“. I at once recalled Pierre Lévi's suitcase. In that moment I noticed how all the other thousands upon thousands of objects cited throughout the conference fell to, at least, my memory's „oblivion“. I could not place them.

Jewish Cultural Property, for the most part, remains in limbo: historical, legal or otherwise. Those properties that have been restituted are remembered today because of their respective places at the heart of very human stories. I remembered the suitcase because I remembered the journey to Auschwitz its heirs did not want it to repeat. I remembered the journey to Auschwitz that its original owner *could not* repeat.

„As survivors are dying out,“ WESLEY FISHER reiterated, „artifacts are taking on more importance.“ Placing the Irreplaceable, I concluded, was not only about restituting Jewish Cultural Property to its rightful owners (which now seems an evermore unlikely solution), but about recounting its journey with enough scholarly precision and human sentiment to invoke the Jewish people and a history the world must not forget.

Conference Overview:

Welcome Address

Yfaat Weiss (Leipzig/Jerusalem), Marcel Lepper (Marbach)

Keynote Lecture

Chair: Marcel Lepper (Marbach)

David E. Fishman (New York)

Who Inherits the Relics of Jerusalem? On the Retrieval, Disposition, and Restitution of Jewish Cultural Property from Vilna (Vilnius) After World War II

Panel 1: Dispersed and Fragmented Collections – Lithuania

Chair: David E. Fishman

Bilha Shilo (Jerusalem) When YIVO was defined by Territory: Two Perspectives on the Restitution of YIVO's Collections

Lara Lempertienė (Vilnius) A Shattered Mirror. The Efforts of Reconstructing the Pre-War Jewish Life in Lithuania through rediscovered Documents

Panel 2: Contested Ownership and Memory – Poland

Chair: Dietmar Müller (Leipzig)

Łukasz Krzyżanowski (Berlin) Holocaust Survivors in Court: The Appropriation and Restitution of Jewish Property in the Early Post-War Years in Poland

Nawojka Cieślińska-Lobkowitz (Warsaw/Munich) Polish Comfortable Desinteressement

Evening Lecture

Chair: Tanja Zimmermann (Leipzig)

Andrea Rehling (Mainz) Whose Heritage? UNESCO balancing between Restitution of Cultural Property and Common Heritage of Mankind

Panel 3: Locating the Treasures [U+2012] Postwar Jewish Restitution Initiatives

Chair: Elisabeth Gallas (Leipzig)

Yehuda Dvorkin (Jerusalem) Restitution of Cultural Property from Europe to Israel: The British Case

Zachary M. Baker (Stanford, CA) Setting the Stage: Preliminary Efforts by the Commission on European Jewish Cultural Reconstruction to document endangered Jewish Cultural Properties

Lecture

Chair: Frieder von Ammon (Leipzig)

Caroline Jessen (Marbach) Asserting Ownership, Obscuring Provenance. Jewish Émigré Collections in Germany after 1945

Panel 4: Nationalization and Reconstruction – Czechoslovakia

Chair: Jan Gerber (Leipzig)

Opening Statement: Matěj Spurný (Jena/Prague)

Anna Kawałko (Jerusalem) Objects of Desire, Objects of Denial. On the Status of German-Jewish Cultural Property in Czechoslovakia after 1945

Michal Bušek (Prague) Return of Jewish Property in the Post-War Czechoslovakia, Evolving After the Year 1948 and Changes Since 1989

Concluding Discussion

Chairs: Yfaat Weiss (Leipzig/Jerusalem), Elisabeth Gallas (Leipzig), Marcel Lepper (Marbach), David Fishman (New York), Wesley

Fisher (New York)

Tagungsbericht *Placing the Irreplaceable – Restitution of Jewish Cultural Property. Negotiations, Historical Dimensions, Documentation*. 16.11.2017–17.11.2017, Leipzig, in: H-Soz-Kult 01.03.2018.