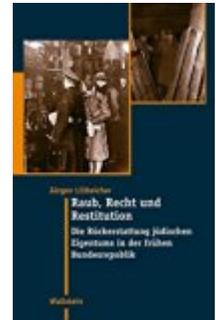


Jürgen Lillteicher. *Raub, Recht und Restitution: Die Rückerstattung jüdischen Eigentums in der frühen Bundesrepublik.* Göttingen: Wallstein Verlag, 2007. 559 pp. ISBN 978-3-8353-0134-4.



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Who owns the property that Jews were forced to sell under value during Nazi rule or which was confiscated from them? The controversies accompanying recent transfers of famous art work to the heirs of their former Jewish owners show that more than six decades after the end of World War II, there is still no consensus as to whether and how the former ownership should be restored. This suggests that the idea of restitution is not deeply rooted in the collective conscience of Germans, argues Jürgen Lillteicher in his new monograph. Lillteicher opens his book with a description of the outcry following the return of Ernst Ludwig Kirchner's famous painting "Berliner Straßenszene" (1913), which for many years had held a prominent place in Berlin's Brücke Museum before finally being transferred to a descendant of its former owner, Alfred Hess, in 2006. Hess's widow had been forced to part with the painting seventy years earlier. The Berlin senate had not been able to provide sufficient proof that the sale in 1936 had been voluntary and fair, and therefore acted according to the legal guidelines.

Despite this having been a restitution case in which international guidelines had been followed according to the textbook, the Berlin senate was fiercely attacked by prominent political figures and important institutions in the art world for its alleged "dilettantism" and "pre-emptive" moral behavior, which critics claimed had led to the unwarranted loss of a major artistic and financial asset. These arguments in turn elicited sharp criticism of the Zentralrat der Juden in Deutschland, which had emphasized the moral obligation of restitution. This episode tellingly illustrates that the past is interpreted in a different light, according to the position between the poles of morals and money, between which the respective sets of interests inevitably find themselves torn. Therefore, Lillteicher points out, the analysis of how restitution was dealt with can offer valuable insights into the mentality of West German postwar society and its relationship with the Nazi past.

Raub, Recht und Restitution builds on Lillteicher's previous work, including his unpublished

Ph.D. thesis and a collection of essays on the role of German companies in the Third Reich that he edited in 2006. It provides a detailed description of the legal and political framework, the successes and shortcomings of restitution in the Federal Republic of Germany from 1945 to 1971. But its real value and interest lie in the inclusion of the perspectives of both the beneficiaries and the victims of "Aryanization" through the study of six specific cases. Alternating between the macro level of policy and law making and the micro level of individual circumstance, Lillteicher examines how the restitution policy was implemented in and outside the courtroom.

Lillteicher's book offers an in-depth analysis of the strategies of the claimants and their representatives on the one hand and the defendants and their often high-ranking political allies on the other hand. In contrast to compensation measures, which were collectively paid for by taxpayers, restitution policy forced beneficiaries of Nazi persecution policy to return their acquisitions. In many cases this requirement led to encounters between them and the dispossessed Jews at court. This was the only occasion in the history of West Germany in which so many individuals had to account systematically for their behavior under the National Socialist rule.

Lillteicher follows a rough chronological order and, at each step, takes into account the various states, individuals, parties, and organizations that shaped the legal and political process. After the end of the war, the Allies passed several military laws that enabled the persecuted and dispossessed to reclaim their property or seek compensation. This decision was groundbreaking; never before had a state been forced to recompense or provide restitution to previously persecuted groups. Lillteicher shows how compensation and restitution were initially an Allied project, which was then adopted by the Konrad Adenauer government as a necessary pledge. The return of privately owned property to former owners or to

Jewish organizations remained highly unpopular with the West German population. Those who had been victims of "Aryanisation" or had had to sell their property under value could make claims directed against the current owners, whether private individuals or the state. Yet, as Lillteicher describes, restitution was essentially practiced as a bureaucratic measure which left little room for understanding the complex circumstances of persecution, individual suffering, and expropriation connected to individual cases, reducing them instead to schematic formulas. The lengthy legal procedures thus did not take into account the symbolic value of the lost property and often yielded disappointing results.

The early 1950s saw intense negotiations between West Germans, Israel, and Jewish interest groups, such as the Conference for Jewish Material Claims against Germany, with conflicts both between those who represented the perpetrators and those who represented the victims, but also within the sphere of Jewish organizations torn between collective and individual interests. In 1957 the legal framework for restitution was reformed. However, the Cold War thwarted hopes for achieving real justice. While in theory, all Jews whose property had been transferred to the western part of Germany by the Nazis could make claims, only those whose countries had diplomatic relations with the Federal Republic of Germany could actually receive payments. This effectively meant the exclusion of eastern European Jews. A policy shift took place in the 1960s when, among other things, the Eichmann trial in Jerusalem brought the Holocaust onto TV screens and into people's consciences. More money was subsequently made available for restitution, but no systemic changes were made.

Lillteicher describes restitution as a contested process throughout; it brought up all sorts of questions about the personal and collective responsibility for the Holocaust, yet it did not lead to an intensive societal discussion of the subject.

According to Lillteicher, restitution efforts were made to satisfy Allied demands and the dominant interpretation of the Nazi past remained largely unchallenged.

The combination of well-chosen case studies and clear-cut reasoning makes Lillteicher's book a relevant, readable addition to the fast-growing field of the history of restitution in postwar Europe. It also contributes interesting insights into the wider question of how the legacy of the Third Reich was dealt with in West Germany.

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