

PROPERTY OF JEWISH GREEKS IN CONTEXT OF THE HOLOCAUST: Legal Status, German Occupation and Post War, Restitution and Memory*

*Short Scientific Article/
Kraći naučni članak*

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The Greek Constitution, since the founding of the State, recognized only Greeks–Hellenes. Full emancipation, civil rights and full freedom of Religion and its practice were enshrined and guaranteed. No Anti–Judaic laws were ever legislated, even during the German occupation 1941–1944. The Holocaust left property owned by Jews orphaned. The puppet government during occupation entrusted these properties to the meseggiouhoi [trustees]. De jure Aryanization was never legislated. Two days before liberation of Athens (12 October 1944), Prime Minister Rallis passed a law heralding the return of the properties to their rightful owners. Post war legislation, unique universally, restituted all properties to their owners and, in cases of heirless properties, the State did not exercise its constitutional right of acquisition but, instead, endowed with these properties a newly created entity (OPAIE) whose purpose was and still is to aid the remaining Jewish Greeks.

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Key words: Jewish Greeks, restitution, Greece, law, Holocaust, German occupation, history, politics, memory

*N*EXT YEAR, 2015 WE WILL COMMEMORATE 70 years after the end of WWII. It is amazing how the consequences of the wartime period still remain of major concern to the society and government of Greece especially under the worst financial crisis my country ever met the last six decades.

German reparations and the so called “Forced loan” that was signed in March 1942 (Γκοτζαμάνης 1954, 23–24) and stipulated that Greece was to make a monthly part-payment of 1,5 billion drachmas for both the Italian and German armies, are today the most hot issues that come again and again for discussion into the Greek Parliament. In the postwar years subsequent Greek Governments have defended the view that Axis commitment to pay back the remaining amounts of the wartime credits was legally binding. To date, there has been no change in this position. Part of those reparations are related to looted art from museums and archaeological sites, as well of Greek Jewish heritage, which is exactly our issue today.

But let me start with a brief presentation on some fundamental legal aspects of Greek Constitutions going back in 1830 when was founded the Modern Greek State under the Treaties of London. From the beginning, the 3d Protocol of the Treaties¹ ascertained full emancipation for all citizens of Greece irrespective of their religious beliefs. This tenet enshrined in all Constitutions and coupled with the fundamental clause of the initial and all succeeding Greek Constitutions, according to which Greeks as being equal under the law, enjoyed the same civil

1 “The Plenipotentiaries of Great Britain and Russia appreciated the justice of this demand; and it was decided that the Catholic religion should enjoy in the new State the free and public exercise of its worship, that its property should be guaranteed to it, that its bishops should be maintained in the integrity of the functions, rights, and privileges, which they have enjoyed under the protection of the Kings of France, and that, lastly, agreeably to the same principle, the properties belonging to the ancient French Missions, or French Establishments, shall be recognized and respected.

The Plenipotentiaries of the three Allied Courts being desirous moreover of giving to Greece a new proof of the benevolent anxiety of their Sovereigns respecting it, and of preserving that country from the calamities which the rivalry of the religions therein professed might excite, agreed that all the subjects of the new State, whatever may be their religion, shall be admissible to all public employments, functions, and honours, and be treated on the footing of a perfect equality, without regard to difference of creed, in all their relations, religious, civil, or political.” (House of Commons 1830, 316)

rights.² Moreover, no artificial majorities or minorities or other groups were recognized as such.

In full contradiction to those principles, the notion of Jewish properties as such (and not plain Greek) was imposed, for the first time ever, in a dictatorial way by the invader and subsequent occupier of Greece, in April 1941, the German Reich

At this point I wish to clarify that I define the term Jewish Property to include not only individual movable and immovable property but also all holdings of Jewish institutions in Greece (including e.g. Ritual artifacts, archives, libraries, etc). Jewish Property is the sum total of what constitutes the lost, destroyed, or looted Heritage that defines this community.

As it is known, Greece was invaded by the Axis forces on April 6, 1941. The Germans divided the country into 3 occupation zones: The Bulgarian one comprising Eastern Macedonia and Thrace, the Italian one comprising the bulk of mainland Greece and some islands but not Thessaloniki, and, finally, the German one which also later, following the September 1943 Italian armistice, comprised the former Italian zone.

The harsh famine that hit the Greek populace at large, especially during the winter months of 1941–1942, forced many to barter their movable and immovable belongings literally for a “piece of bread” in order to feed their families and try to survive. Christian Greeks and Jewish Greeks were on the same boat on that. The post war Greek Governments tried to remedy the onerous property losses due to sales under duress. Thus, with the Constitutive Directive 114 of March 29, 1946 (Constitutive Directive 114/1946)³ they restituted small properties sold under duress to their previous owners and put a freeze to the selling of any other property acquired during the occupation. Compulsory Law 1323 of 25 November, 1949 (Compulsory Law 1323/1949) addressed the issue and offered remedy with the requirement for the buyer to compensate the initial seller with a sum up to a percentage of the correct market value of the property.

² See, for example, the Provisional Constitution of Epidavros (in Greek) from 1822: (<http://norfid.files.wordpress.com/2010/11/nomos-epidauroou-proswrinon-politeuma-ths-ellados-b-e8nikh-suneleusis-astros-1823.pdf>)

³ All Laws, Directives, Presidential decrees etc are freely accessible (Article 7, Law 3861/2010 for Transparency in Public Administration) at the Website of the Hellenic Government Gazette: (www.et.gr).

The first instance of abandoned properties belonging to Jewish Greeks in the German occupied zone occurred with the forced deportations of the Jews of Thessaloniki, starting on March 15, 1943, to Auschwitz – Birkenau Death Camps. However, the German appointed Greek Government, even though under duress by the occupiers and some local greedy collaborators, never passed any so-called Aryanization Laws; Nonetheless Jews had to leave all their belongings behind. A few months later, Law 205 was published in the Government Gazette in June 1, 1943 (Occupation Law 205/1943). The Law created the *Service of Administration of Jewish Properties* [YDIP]. This service would transfer and delegate the use and occupation of “abandoned” Jewish properties to the, so called, *μεσεγγυούχοι* – *meseggiouhoi* [trustees]. I emphasize here that outright ownership was never transferred or bestowed. Understandably, there were instances of some trustees, of dubious aspirations, benefiting from this type of property acquisition. Another law, Law 1180 of February 12, 1944 with title “On the mode [method] of administration of the possessed Jewish properties” added some more details (Occupation Law 1180/1944). This law provided that Central YDIP answerable directly to the Minister of Economics.

It is interesting to note that both Laws were passed during the premiership of the last occupation Premier Ioannis Rallis. Also, they anteceded the deportations of the Jews of Thessaloniki and preceded those of the Jews of Athens (April 1944) and from other cities and locals of Greece with sizable Jewish populations.

But liberation time was approaching fast. As the German Reich was retreating in all fronts, final defeat was looming in the horizon. Thus, just two days before the liberation of Athens (October 12, 1944), on October 10, Rallis passed Law 1977 (Occupation Law 1977/1944) comprising a single article with which it annulled Law 1180 and modified the purpose of YDIP to that of a Service destined to restitute all properties to their rightful owners. Even if Rallis, sensing that retribution was imminent, tried to make amends with his past actions, this latish measure was not sufficient enough. Eventually, he was tried for treason after the war.

October 12, 1944 was a bright day and one of boundless joy in Athens (Thessaloniki had to wait till October 30). The free Greek Government under the Prime Ministership of George Papandreou (Γεώργιος Παπανδρέου) makes it its foremost priority that of rectification of the injustices and onerous usurpation of property of its citizens of Jewish religious affiliation by the occupation authorities and the collaborative governments. It promulgates Law No. 2 on October 27, 1944 (Law

2/1944) which, in plain and clear wording, states that all properties belonging originally to Jews are to be remitted and restored to their rightful owners. Just look how the correspondent of *The Jewish Exponent* (*The Jewish Exponent*, 27 October 1944, 16) duly reports this moving decision in an article published on the same day the Law appeared in the Government Gazette and titled *Full Rights Restored Jews In Greece; Jewish Councils Revived in Athens, Salonica*.

In May 23, 1945 Compulsory Law 337 was definitely passed (Compulsory Law 337/1945). This Law “remedied” Law 2 by also annulling (occupation) Law 205. *The Jewish Exponent* duly reports on August 31 that *Greece to Prosecute Thieves of Jewish Property* (*The Jewish Exponent*, 31 August 1945, 14). The same paper reported on September 7 that the American Jewish Conference communicated to Greek Ambassador Kimon Diamantopoulos (Κίμων Διαμαντόπουλος) in Washington, the gratitude of American Jewry for this humanitarian action (*The Jewish Exponent*, 7 September 1945, 2). Further, Compulsory Law 808 of December 31, 1945, amongst other directives, ordered the immediate return, by the trustees, of Jewish properties to their rightful owners or their inheritors (Compulsory Law 808/1945).

In less than a month, on January 22, 1946 the Government enacted Compulsory Law 846 of January 22, 1946 with which the State annulled its own right of inheritance of heirless properties for the case of Jewish ones (Compulsory Law 846/1946). Those properties and their proceeds were to be used for the *care – relief and rehabilitation of the Jews of Greece*. In a few days time, on February 8th a New York Times article appeared titled *Greek Aid to Jews Seen as Precedent Government Action to Devote unclaimed property for relief is cited here* (New York Times, 8 February 1946, 15).

Alas, Greece, in the mean time was engulfed in fratricidal Civil War that would last till the summer of 1949. This fact, coupled with the ravaged state that found her after liberation, shows that, even amongst all those hardships and hurdles, the well being and restitution of its Jewish citizens was of paramount importance. Thus, an article that appeared in the *Chicago Daily Tribune*, on February 22, dutifully reports the resolve of the Greek Government, however adding that entrenched interests of those that usurped Jewish properties were determined to fight the government, with all means, for their “rights” that is to keep the spoils (*Chicago Daily Tribune*, 22 February 1949, 9).

The above is corroborated also in *Report of the Anglo-American Committee of Enquiry regarding the problems of European Jewry and Palestine* of April 20, 71

1946 which states, and I quote, that “Fundamentally, there is no anti-Semitism. Practically all Jewish property was confiscated, however, and though legislation directed to restitution has been enacted, the process will inevitably be difficult and may complicate relations between Jews and the surrounding population” (PRO 30/78/30; *The New York Times*, 1 May 1946,15). Furthermore, a *New York Times* article on January 31, 1948, titled *Unclaimed Property sought for Jews*, stated that “recent Greek legislation should serve as a model to be used in every country once occupied by the Nazis” (*New York Times*, 31 January 1948).

The State and justice triumphed; with a Ministerial Decree 230037/1064, issued on September 28, 1948 (Ministerial Decree 230037/1064/1948), it was ordered that all trustees submit an account of administration within two months with severe penalties to be meted if they refused or ignored the order. Finally, on March 29, 1949, the Royal Decree (Royal Decree/1949) for the Establishment of the Organization for the Relief and Rehabilitation of the Israelites of Greece (OPAIE) was signed, and all heirless immovable and movable property originally belonging to Jewish Greeks was passed to this organization. *The Jewish Exponent* on April 1, 1949, duly reported the fact taking pains to announce that the President of the American Jewish Committee cabled his appreciation the Greek Prime Minister (*The Jewish Exponent*, 1 April 1949, 2).

This effectively concluded domestic restitution, the first country to do so in Europe and the only one to forgo heirless properties. But the State went even further. In its codified Law 2961/2001 for inheritance it extends indefinitely the validity of *ketoubot* [Jewish nuptial agreements] for all Jews that perished during the War and left no heirs. And, with Law 3943/2011 it compensated with ten million Euros the Jewish Community of Thessaloniki for part of the land of the destroyed Jewish Cemetery.

Ladies and gentlemen, in concluding allow me a personal remark: To restitute one’s property even among hardships and dramatic financial cuts is less. The major for a government or state is to restitute the memory of its Jewish victims. In doing so, Greece has been involved very actively from the very beginning to all Conferences since 1998 first in London and Washington and then in Stockholm and Vilnius. A member of the International Holocaust Remembrance Alliance⁴,

72 ⁴ About Holocaust remembrance, see: (<http://www.holocaustremembrance.com/>).

the International Tracing Service – Bad Arolsen⁵, and the European Shoah Legacy Institute⁶ has developed so far significant steps in teaching the Holocaust and promoting research in that field. New publications, films and scholar competitions are among latest news that excite profoundly the young generation. Moreover, Law 3218/2004 established on January 27th as the Day to Honor and Remember the Jewish Greek Heroes and Victims of the Holocaust. In Athens, Thessaloniki and several other big cities every year are organized commemorative events, attended by religious, political (at the highest level), academic and other personalities, as well as diplomatic representatives. Foreign guests and survivors also participate in those ceremonies.

Yet, following the terms of a bilateral Greek-Polish Agreement, Greece is ready to establish a permanent Greek exhibition at the Auschwitz State Museum in Poland. We also have reached the final point, after many years of arduous negotiations, for the repatriation of the Jewish Communal archives looted by the Nazis. These were found by the Soviet Forces in Germany and taken to Moscow as war trophy. Meanwhile, very recently, as a result of negotiations held in Warsaw we succeeded to repatriate a big number of (70) artifacts belonging to Greek Jews perished in Auschwitz.

Last, but not least since vigilance is a continuous process, I should add that the passing of a stringent Anti-Racist Law is imminent⁷ and that the State has vigorously chased and prosecuted members of the Golden Dawn party for their racially prejudiced actions, including their denial of the Holocaust. After all, for us, Greeks, racism was never particularly attractive. Since the Athens of Pericles, the ideals of democracy, dialogue and respect for dignity of the individual have ever been non-negotiable principles of our people.

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6 (<http://shoahlegacy.org/>)

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Rezime:

**IMOVINA GRČKIH JEVREJA U KONTEKSTU HOLOKAUSTA:
Legalni status, nemačka okupacija i posleratni period, restitucija
i sećanje**

Nemačka reparacija i „iznuđeni zajam” iz 1942. i danas su među aktuelnim temama za diskusiju u grčkom Parlamentu. Od posleratnog perioda do danas grčka Vlada je zastupala stav da sile Osovine vrate ratne kredite. Osniva-

njem moderne grčke države 1830. nakon Londonske konferencije garantovana je puna emancipacija za sve građane Grčke, bez obzira na njihove veroispovesti. Nasuprot tome tretirana je „jevrejska imovina” kao zbir onoga što je izgubljeno, uništeno ili opljačkano nasleđe koje definiše ovu zajednicu. Oštra glad koja je pogodila grčku stanovništvo u celini, posebno tokom zimskih meseci 1941–1942, primorala je mnoge da rasprodaju svoju pokretnu i nepokretnu imovinu za „komad hleba”, što je posleratna grčka vlada pokušala da ispravi 1946. godine delimičnom restitucijom oduzete imovine prethodnim vlasnicima i onemogućavanjem prodaje bilo koje imovine stečene tokom okupacije. Iako su od 1943. krenule prisilne deportacije Jevreja iz Soluna u logor Aušvic, grčka vlada ni pod pritiskom okupatora nikada nije donela „Arijanske zakone”; Zakon 205 iz 1943. Stvorio je *Službu za administraciju jevrejske imovine* (YDIP) koja će delegirati preuzimanje „napuštene” jevrejske imovine poverenicima. Pred samo oslobođenje Atine 1944, premijer Ralis pokušao je da se iskupi donošenjem Zakona 1977. kojim se vraća sva imovina zakonitim vlasnicima. Nakon oslobođenja, slobodnoj vladi premijera Jorgosa Papandreua prioritet je bio ispravljanje velike nepravde donošenjem Zakona br. 2 1944. Direktiva za ovo stigla je i iz Amerike, a početkom 1946. država je zvanično izgubila pravo nasleđivanja imovine bez naslednika. Usledio je građanski rat u Grčkoj. Država i pravda trijumfovale su 29. marta 1949. potpisivanjem Kraljevskog dekreta o osnivanju Organizacije za pomoć i rehabilitaciju Izrailja Grčke (OPAIE) čime je sva nepokretna i pokretna imovina bez izvornih naslednika pripadala jevrejskim Grcima u ovoj organizaciji. Ovim je okončana domaća restitucija, a Grčka je prva zemlja koja je to učinila u Evropi i odrekla se imovine bez naslednika. Grčka je bila član organizacija za sećanje žrtava Holokausta, a 27. januar proglašen za dan sećanja na jevrejske heroje i žrtve. Konačno, Grčka je spremna da napravi trajnu izložbu u muzeju Aušvic, postignuta je repatrijacija jevrejskih arhiva koje su opljačkali nacisti i sankcionisane su sve akcije antisemitizma.

Ključne reči: grčki Jevreji, restitucija, Grčka, Holokaust, nemačka okupacija, istorija, politika, sećanje

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BELATED JUSTICE – EXPERIENCES WITH RESTITUTION IN AUSTRIA

*Preliminary paper/
Prethodno saopštenje*

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During the last two decades Austria has avowed a shared moral responsibility for the participation in National Socialist atrocities. The process of re-evaluation is still ongoing. The National Fund of the Republic of Austria for victims of National Socialism (est. 1995), the General Settlement Fund for Victims of National Socialism (est. 2001) and the Fund for the Restoration of Jewish Cemeteries in Austria (est. 2011) are responsible for restitution and commemoration. The National Fund is dedicated to the recognition and commemoration of victims of Austrian origin. It supports needy survivors and has disbursed 175 million Euros as compensation for seized tenancy rights. It is sponsoring projects conveying historical awareness and is involved in the restitution of looted art and the renewal of the Austrian exhibition at Auschwitz. The General Settlement Fund awards ex gratia payments in order to close the gaps in previous restitution and compensation measures. It has disbursed 211.5 million US Dollars. An independent Arbitration Panel decides on In Rem Restitution of publicly owned assets. It has so far issued 93 recommendations for restitution. The discussion on historical responsibility started late in Austria, but progress made has shown that an evaluation of the past can start a healing process for society.

Key words: restitution, Austria, National Socialism, Holocaust, commemoration, immovable and movable property, Findbuch

*L*IKE MANY OTHER EUROPEAN COUNTRIES, A few years ago, Austria also began to face up to the more difficult chapters of her recent history. Efforts to finally undertake an honest appraisal of these initiated a learning curve profiting Austrian society in a wide variety of ways. In a Europe which is becoming ever more closely intertwined, a mutual exchange of experiences makes sense and is important. Jointly reflecting on our interwoven histories and being willing to learn from past injustices can, without doubt, bring the people of Europe even closer together. I believe that an active evaluation of the past has the power to contribute to a strong – national and European – identity. It can play a vital role in the growth of a shared European narrative. With this in mind, I can only welcome the idea of this conference.

In Austria, I have been heading three Funds responsible for restitution and commemoration for over 18 years: The National Fund of the Republic of Austria for victims of National Socialism, the General Settlement Fund for Victims of National Socialism and the Fund for the Restoration of Jewish Cemeteries in Austria. These three funds are administratively linked – their operations are subject to the supervision of one Board of Trustees chaired by the President of the National Council, Barbara Prammer are led by one Secretary General and.

A common mission of the Funds is to “combat the historical amnesia” in Austria. Of course, the confrontation with the National Socialist past has often not been easy. I would like to begin with a look back through history: Austria has been dealing with the issue of restitution since the end of World War II – but in the early years, the reconstruction of a country in ruins was of primary importance. Although in 1946 and 1947 numerous legal transactions carried out under the Nazis were annulled and several Restitution Acts were adopted and enforced, due to gaps and deficiencies many problems remained unsolved.

Austria relied on the Moscow Declaration of October 1943 in which the Allies stated that

Austria was “the first free country to fall victim to Hitlerite aggression” (O’Connor 2012, 230).

As a country officially occupied by Nazi Germany and liberated by the Allies, post-war Austria could, as a consequence, not be held legally responsible for the criminal acts carried out by the Nazi regime on Austrian territory – a regime which was supported by many Austrian citizens. For decades, the so-created victims

paradigm prevented society to deal with its past. As a consequence, it took the country a long time to assume responsibility for the dark sides of its past.

It is only during the last two decades that the political landscape has started to change: In 1991, the Austrian Federal Chancellor Franz Vranitzky's avowal of a shared moral responsibility for the participation of so many Austrians in National Socialist atrocities marked a watershed and led to a more refined view of historical events. It was a long and difficult process of re-evaluation – a process which is still ongoing.

One important step towards restitution was the establishment of the *Austrian Historical*

Commission in 1998. The Commission carried out thorough research on property seizure under National Socialism, on restitution and its deficiencies after 1945.

In 2000, the *Austrian Fund for Reconciliation, Peace and Cooperation* was established. It disbursed the voluntary payments made by the Republic of Austria to victims of Nazi slave labor – in total some 132,000 men and women from all over the world. Austria has – together with 46 other signatory countries of the 2009 *Terezín Declaration* (WJRO 2009)– actively participated in the elaboration of the 2010 Restitution Guidelines (WJRO 2010) and has since made further progress in the field of restitution.

One of the first expressions of this new historical awareness was the creation of the *National Fund of the Republic of Austria for Victims of National Socialism* in 1995. The National Fund was the first organization in Austria explicitly dedicated to the recognition and active commemoration of the victims of the National Socialist regime. Today, the Fund is an important partner in international efforts to come to terms with the Holocaust.

We offer material assistance as well as personal recognition, expressed through a symbolic “gesture” payment of around 5,000 Euros. Since 1995, we have distributed over 150 million Euros to nearly 30,000 persons who today live in more than 75 countries around the world. Additionally, the National Fund has also disbursed over 175 million Euros as compensation for seized tenancy rights since 2001; the undisbursed residue is dedicated to programs benefitting the victims of National Socialism. Behind every single payment stands a person who has suffered. We remain aware that no payment, regardless of the amount, can ever compensate

for this immeasurable suffering. Payments can only ever be a symbolic expression of regret and respect.

I would like to point out that the payments are made to persons of Austrian origin who suffered injustice under National Socialism – regardless of their nationality or their residence today. The National Fund has several further tasks: Since 1998, when the *Federal Law on the Return of Works of Art from the Austrian Federal Museums and Collections/ Rückgabe von Kunstgegenständen aus den Österreichischen Bundesmuseen und Sammlungen (Bundesgesetzblatt für die Republik Österreich 181/1998)* was passed (which is also the basis for provenance research carried out in institutions such as the National Library), the Fund has been involved in the restitution of looted art: The Fund's online art database enables the search for looted objects decades after their seizure. The proceeds from heirless "looted art" are used to benefit the victims of National Socialism. The Fund is coordinating the renewal of the Austrian exhibition at Auschwitz. The National Fund supports needy Holocaust survivors from Austria all over the world.

The conveyance of historical awareness is an essential part of our mission – one of our main tasks is sponsoring projects which build a bridge from the past to the present: So far, the National Fund has sponsored around 1,200 projects with around 22 million Euros (as at: October 2013) We lay a strong focus on school projects which educate the young. The National Fund also publishes the life stories of Holocaust survivors – on our website as well as in anthologies which are used in schools throughout Austria.

It is important to transfer the lessons from the past into the future.

In the years following the establishment of the National Fund, discussions on the issue of restitution took place in neighboring countries, and class action lawsuits were filed against Austrian companies in American courts. As a result, Austria also sought an acceptable solution to provide compensation for assets plundered during the Nazi regime.

Experience has taught us that a society sometimes requires external impetus, perhaps in the form of political pressure or public attention, to initiate or accelerate processes of reflection.

In 2001, after protracted negotiations conducted between the governments of the United States and the Republic of Austria and representatives from various victims' organizations, Austria signed the Washington Agreement, which was intended to close the gaps and deficiencies in previous restitution and compensation

measures. Two outcomes of this Agreement were the establishment of the General Settlement Fund in 2001 and the establishment of the Fund for the Restoration of Jewish Cemeteries in Austria in 2011. The General Settlement Fund was endowed with 210 million US Dollars. Persons affected by the National Socialist property confiscation as well as their legal successors were entitled to file applications. When the filing period ended in May 2003, 20,702 applications had reached the Fund.

The General Settlement Fund offers two forms of compensation: An independent Arbitration Panel decides on applications for *In Rem* Restitution of publicly owned assets, above all real estate. Possible objects of restitution are real estate – in the case of Jewish communal organizations also movable property – that had been seized from its owners during the National Socialist period. The Arbitration Panel can recommend an *actual restitution* of such property.

An independent Claims Committee decides on applications for monetary compensation in ten different categories of losses:

1. Liquidated businesses;
2. Immovable property;
3. Bank accounts;
4. Stocks/Securities;
5. Debentures;
6. Mortgage claims;
7. Moveable property;
8. Insurance policies;
9. Occupational and educational losses and
10. Other losses and damages.

In comparison to other national or international compensation measures, according to which only a few categories of assets could be claimed or the compensation took place in the form of a lump sum payment, the remit to make individual payments for damages in so many categories is far more complex.

The disbursement of the funds required an elaborate procedure – close cooperation between lawyers and historians, high levels of dedication, a creative approach and the use of specially developed procedural software, which has proved to be very helpful. In 2005, at its peak, the General Settlement Fund had a staff of over 140.

When processing the 160,000 individual claims, the principle of equality was paramount – we were striving for maximum efficiency in processing the applications as well as for transparency in the various procedural stages. It is understood that – more than 60 years after the war – we cannot expect the survivors to be in the possession of all documents relating to their families' losses. I remember: When I was appointed Secretary General in 1995, I had talks with then-President of the National Council Heinz Fischer (1938), today Austria's Federal President. He asked me what I would need most to get the Fund up and running. I asked him for three things: I would have to travel to find and meet with survivors; I would need enough staff to listen to them, and I would need historians, taking up the often very arduous and meticulous historical research in various archives, finding out the circumstances of persecution.

As a result, over the years, we have obtained copies of over 75,000 different documents

proving persecution and losses. One byproduct of this historical research is the *Findbuch* – an online database we have launched which facilitates the search for files on Nazi property seizures and on post-war restitution and compensation measures that are held in Austrian archives. The *Findbuch* is a useful tool for historical and other academic researchers. Its publication is also in line with an emerging international trend to digitally record and provide access to archive material surrounding National Socialism on an international scale. It also helps survivors from Austria and their descendants find links to their families' history. As such, the *Findbuch*¹ is one of the most comprehensive collections of data in Austria on this subject. All compensation payments rendered by the General Settlement Fund are calculated according to the extent of the determined losses and are disbursed on a *pro rata* basis.

Despite these efforts, we have to acknowledge the fact that only a fraction of the losses suffered can be compensated with the Funds available. In total, the General Settlement Fund has so far disbursed 211.5 million US Dollars – including additional funds provided by the Austrian government – to 20,700 people.

The Arbitration Panel has so far decided on 1,334 of over 2,000 applications received, including 93 recommendations for an in rem restitution (as at: September, 2013). Roughly estimated, the total value of the real estate recommended for

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restitution comes to around 42 million Euros. Only time will tell whether these restitution measures were successful. It is up to historians and society of the future to assess the worth our efforts. I would like to end with some personal thoughts, which result from 18 years in the field of compensation. The great Austrian writer Ingeborg Bachmann (1926–1973) once said: “History teaches many lessons but finds no pupils”. This was true in the years after the war, when many people wished to draw a line under the dark sides of the country’s past because the need to suppress memories was still too powerful. But in recent years – also due to a change of generations – many people in Austria as well as other European societies have opened their minds to a new understanding: History is a continuum and the past continues to have an effect on the present. It is only by learning from the past that we can pave the way to a better future. This means, society as a whole must assume responsibility for the deeds of the past and develop a conscious awareness of its own history. All citizens, regardless of their generation, must share this responsibility – this is an important social and political challenge. One conclusion I would draw from our experiences in the field of restitution in Austria is this: Even though the discussion on historical responsibility started very late in our country, progress made in recent years has shown that it is never too late to take action to come to terms with history. This discussion may not be easy but it can start a healing process for the whole society.

Payments alone cannot achieve justice. But – as the Austrian Ambassador to the United

States, Peter Moser once put it: “Restitution must take place before wounds can be healed.” (See also Moser 2002)

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Rezime:

ZAKASNELA PRAVDA – ISKUSTVA SA RESTITUCIJOM U AUSTRIJI

U Austriji postoje tri povezana fonda odgovorna za restituciju i komemoraciju: Nacionalni fond Republike Austrije za žrtve nacionalsocijalizma, Generalni fond za žrtve nacionalsocijalizma i Fond za obnovu jevrejskih groblja u Austriji. Austrija se oslanjala na Moskovsku deklaraciju iz 1943, prema kojoj je ona prva slobodna zemlja koja je postala žrtva na hitlerovske agresije. Kao zemlja koju je okupirala nacistička Nemačka, a oslobodili su je saveznici, posleratna Austrija mogla je da ne bude pravno odgovorna za krivična dela nacističkog režima na austrijskoj teritoriji. U poslednje dve decenije svest o političkoj odgovornosti počela je da se menja: tek je 1991. austrijski savezni kancelar Franc Vranicki priznao moralnu odgovornost za učešće toliko Austrijanaca u nacističkim zločinima. Važan korak ka restituciji jeste uspostavljanje Austrijske istorijske komisije 1998. godine i Austrijskog fonda za pomirenje, mir i saradnju 2000. Izvršene su dobrovoljne uplate Republike Austrije žrtvama nacističkog robovskog rada. Austrija je potpisala Terezin deklaraciju 2009. i aktivno je učestvovala u izradi Smernica za restituciju 2010. Nacionalni fond Republike Austrije za žrtve nacionalsocijalizma osnovan je 1995. kao prva organizacija u Austriji isključivo posvećena prepoznavanju i aktivnoj komemoraciji žrtava nacionalsocijalizma. Od 1995. godine 150 miliona evra isplaćeno je na ime 30.000 osoba koje danas žive u više od 75 zemalja širom sveta, kao

i preko 175 miliona evra od 2001. kao naknada za oduzeta stanarskih prava; ostatak novca posvećen je programima posvećenim žrtvama nacionalsocijalizma. Uplate mogu samo biti simbolični izraz žaljenja i poštovanja bez obzira na nacionalnost ili mesto boravka žrtava danas. Od 1998. godine, kada je donet Savezni zakon o povratku dela iz austrijskih saveznih muzeja i zbirki, Fond je bio uključen u proces restitucije ukradenih umetničkih dela, a ujedno koordinira obnavljanjem austrijske izložbe u Aušvicu. Do sada je sponzorisano oko 1.200 projekata sa oko 22 miliona evra. Nacionalni fond takođe utiče na podizanje svesti o žrtvama Holokausta u školama. Godine 2001. Austrija je potpisala Vašingtonski sporazum namenjen za prevazilaženje nedostataka u prethodnim povraćajima i merama obeštećenja. Dva ishoda ovog sporazuma bila su osnivanje Fonda za žrtve nacionalsocijalizma u 2001. i osnivanje Fonda za obnovu jevrejskih groblja u Austriji 2011. godine. Mogući oblici restitucije su vraćanje oduzete nekretnine. Arbitražna komisija odlučuje na osnovu poslatih prijavi i formiranih kriterijuma o prioritetima. Kao rezultat detaljnog istorijskog istraživanja arhiva dobili smo kopije preko 75.000 različitih dokumenata koji dokazuju progon i gubitke, i formirana je 'Findbuch' – elektronska baza sa datotekama nacističke zaplene imovine, veoma korisna za istraživače. Time se omogućava potomcima žrtava da pronađu podatke o istoriji svojih porodica. Do sada je ukupno isplaćeno 211,5 miliona dolara za 20.700 ljudi. Budućnost će proceniti vrednost ovih napora, iako je bolje preuzeti društvenu odgovornost za postupke ikad, nego nikad.

Ključne reči: Austrija, restitucija, nacionalsocijalizam, Holokaust, pokretna i nepokretna imovina, komemoracija, 'Findbuch'

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