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Book published: "Aryanization and Restitution. The Restitution of Jewish Property in Germany and Austria after 1945 and 1989"

Book published: "Raub, Recht und Restitution Die Rückerstattung jüdischen Eigentums in der frühen Bundesrepublik "

The Restitution of Jewish Property in West Germany. The Experience of Persecution, Politics and the German "Rechtsstaat" 1945 - 1969

The "Aryanization" of Jewish property during the regime of the National Socialists (NS) in Germany was doubtlessly one of the most massive instances of property transfer in modern German history. After 1945, the task of compensation was faced with special challenges due to the fact that a large number of different actors had participated in the non-uniform, almost anarchic process of dispossession and confiscation. The attempt to reverse the material consequences of that gigantic spree of plunder that later spread from Germany to the occupied territories spawned a multitude of complex problems. On the one hand, there were limits to such a program owing to the restricted financial means available in a proper lawful procedure. On the other hand, property was to be restituted in a society whose members had been heavily implicated before 1945 in NS crimes of violence and "Aryanization." It was therefore likely that the German authorities dealing with this project would come up with an interpretation of the immediate past quite different from that of the perpetrators.

How was restitution to be implemented? How large should the program be? Who was entitled to such compensation? What was to be the decisive criterion: actual damage or the degree of destitution and need of the victims? Should there be indemnification to individual victims or to the collective bodies which represented them? Should the compensation paid out remain in Germany or could these sums be transferred abroad?

Who was to be responsible for control and monitoring, and who was to pay for the administrative expenses?

Largely thanks to the Western Allies, particularly the Americans, a program of restitution designed to do justice to the unusual character of the injustices perpetrated was ultimately implemented and pressed forward with. This also entailed radical solutions for which the German side had little liking.

The restitution program forced upon Post-war Germany has been a site of severe conflicts between the restitutors, i.e. those who had to return the stolen or very cheaply bought property (the federal state and private people) and the restitutees, i.e. the former victims of National Socialist persecution. But it also has been a field of struggle between the West German authorities, the allies and the relevant Jewish organisations. Even amongst Jews restitution caused severe frictions. Between those who had fled into exile, those who had built up professional organisations in the United States during the war and those who eventually returned to Germany to rebuild their own existences or survived the Holocaust in Germany, the opinions of how a just restitution should look like varied considerably.

This sphere of conflict allows an inside view into how NS injustices were adjudged in proceedings before the restitution courts (the micro perspective) as well as in the area of restitution policy (the macro perspective). Restitution has a distinct character from other fields of the "Wiedergutmachung", because seemingly harmless private people had to give back their profits and their loot in kind they have made by participating in the overall persecution of Jews in Germany during the Nazi era. In contrast to that the indemnification program, which addressed corporal and psychological damages, was paid out of the state budget. Persons who had to give back what they had cheaply bought or simply stolen, regardless of whether this meant the jeopardising of their bare existence, spoke out openly about their role in Nazi Germany. This was one of the rare occasions of direct confrontation with the past in the 1950s, which were generally declared as the years of silence.

This specific character makes restitution a crucial part of the overall history of Post-war Germany and the young Federal Republic of Germany and its efforts to confront the Nazi past. Furthermore, Germany and its restitution history can also be seen as an example of how post-dictatorial societies are able to cope with their heritage.