

German Historical Institute London

Bulletin

Volume XXXIV, No. 1

May 2012

CONTENTS

Special Theme

- Objects and Emotions: Loss and Acquisition of Jewish
Property (Andreas Gestrich and Daniel Wildmann) 4

Articles

- Emblems and Heirlooms. Restitution, Reparation, and the
Subjective Value of Chattels: A Legal Perspective
(Norman Palmer) 8
- Diasporic Home or Homelessness: The Museum and the
Circle of Lost and Found (Hanno Loewy) 41
- Family Files: Emotions and Stories of (Non-)Restitution
(Atina Grossmann) 59

Review Article

- Objects and Emotions Exhibited: Two Catalogues on *Raub und
Restitution* (Chloe Paver) 79

Book Reviews

- Frank Rexroth (ed.), *Beiträge zur Kulturgeschichte der Gelehrten
im späten Mittelalter* (Hannah Skoda) 88
- Thomas Brockmann, *Dynastie, Kaiseramt und Konfession: Politik
und Ordnungsvorstellungen Ferdinands II. im Dreißigjährigen
Krieg* (Peter H. Wilson) 94

(cont.)

Contents

Andrew C. Thompson, <i>George II: King and Elector</i> (Ulrich Niggemann)	98
Benno Gammerl, <i>Untertanen, Staatsbürger und Andere: Der Umgang mit ethnischer Heterogenität im Britischen Weltreich und im Habsburgerreich 1867–1918</i> (R. J. W. Evans)	102
Norbert Friedrich, Uwe Kaminsky, and Roland Löffler (eds.), <i>The Social Dimension of Christian Missions in the Middle East: Historical Studies of the Nineteenth and Twentieth Centuries</i> (Catriona Laing)	106
Anne Sudrow, <i>Der Schuh im Nationalsozialismus: Eine Produktgeschichte im deutsch–britisch–amerikanischen Vergleich</i> (Neil Gregor)	113
Dietmar Süß, <i>Tod aus der Luft: Kriegsgesellschaft und Luftkrieg in Deutschland und England</i> (Stefan Goebel)	118
Olaf Blaschke, <i>Verleger machen Geschichte: Buchhandel und Historiker seit 1945 im deutsch–britischen Vergleich</i> (Stephan Petzold)	123
Christian L. Glossner, <i>The Making of the German Post-War Economy: Political Communication and Public Reception of the Social Market Economy after World War Two</i> (Jan-Otmar Hesse)	126
Paul Betts, <i>Within Walls: Private Life in the German Democratic Republic</i> (Dorothee Wierling)	129
Janet Ward, <i>Post-Wall Berlin: Borders, Space and Identity</i> (Hanno Hochmuth)	132
Conference Reports	
Crime and Punishment: Criminal Justice in Modern Europe, 1870–1990 (Richard F. Wetzell)	136
The Dilemmas of International Humanitarian Aid in the Twentieth Century (Johannes Paulmann)	143
The Cold War: History, Memory, and Representation (Jula Danylow, Jasmin Heermann, Claudia Schumacher, Andreas Etges)	160
Staging Empire: New Perspectives on the 1911 Coronation Durbar and Imperial Assemblage (Justin Siefert)	165
The Fischer Controversy Fifty Years On (Annika Mombauer)	169
Medieval History Seminar (Jan-Hendryk de Boer)	176

Contents

Listening Spaces: Art Music and its Audiences in the Concert Hall and Beyond, c.1850–1945 (Neil Gregor)	180
Sport in Early Modern Culture (Amelie Rösinger and Angela Schattner)	185
Screen Culture and the Social Question: Poverty on Screen 1880–1914 (Lydia Jakobs)	191
Ninth Workshop on Early Modern Central European History (Linnéa Rowlatt)	197
Noticeboard	203
Library News	
Recent Acquisitions	210

**OBJECTS AND EMOTIONS:
LOSS AND ACQUISITION
OF JEWISH PROPERTY**

ANDREAS GESTRICH AND DANIEL WILDMANN

Over the past decade the history of emotions has established itself as a rapidly developing field of research. It is one of the theoretically most challenging approaches to history, and also highly controversial.¹ The expanding debate on the history of emotions and their importance in history has so far focused primarily on emotions in interpersonal relations and mass psychology. It has tended to ignore a related debate which has also recently given rise to intense academic discussion, namely, the new history of objects and material culture (*Objektkultur*). This field, closely linked to museum studies and the history of memory and memorialization, explores the multi-layered relations between individuals and objects,² including the emotional qualities some objects can acquire for people.

The idea of bringing these two debates together grew out of an anecdote recounted by Saul Friedländer at a workshop held at the Leo Baeck Institute in 2007 to mark the publication of the final volume of his trilogy on Nazi Germany and the Jews.³ Friedländer mentioned a family which had acquired bedding from the possessions of deported Jews. They were unable to use this bedding, however, and kept it locked away in a wardrobe. Now in the second generation,

¹ For introductory texts see e.g. Keith Oatley, *Emotions: A Brief History* (Oxford, 2004); Ute Frevert, 'Was haben Gefühle in der Geschichte zu suchen?', in ead. (ed.), *Geschichte der Gefühle*, special issue of *Geschichte und Gesellschaft*, 35 (2009), 183–208.

² Lorraine Daston (ed.), *Things that Talk: Object Lessons from Art and Science* (New York, 2004), 9–24; Gudrun M. König (ed.), *Alltagsdinge: Erkundungen der materiellen Kultur* (Tübingen, 2005); Judy Attfield, *Wild Things: The Material Culture of Everyday Life* (New York, 2000); Anke te Heesen and Petra Lutz (eds.), *Dingwelten: Das Museum als Erkenntnisort* (Cologne, 2005). See also the conference: 'Objects of Affection: Towards a Materiology of Emotions', Interdisciplinary Conference, 4–6 May 2012, Princeton University.

³ Saul Friedländer, *Nazi Germany and the Jews*, iii. *The Years of Extermination: A Plea for an Integrated History of the Holocaust* (New York, 2007).

they had been able neither to use it, nor give it away, nor destroy it. This bedding was at the centre of intense emotions which spanned and linked generations in the feeling of guilt, perhaps also of fear and sadness.

Conversations on this and similar narratives gave rise to the idea that a workshop⁴ on the different emotional qualities of and relation to such objects could add a valuable new dimension to the study of the loss and appropriation of Jewish property. It might also make interesting inroads into an aspect of the evolving field of the history of emotions that has not so far been prominent, namely, the emotional quality of and relation to material objects.

The organizers of the workshop were able to draw on the fact that over the past two decades a number of excellent local studies of the expropriation and Aryanization of Jewish property have increased our understanding not only of what happened, but also how it happened, and especially the parts which individuals, neighbours, former friends, party officials, local policemen, and so on played in the expropriation and appropriation of Jewish property. We were also able to draw on more recent, wider experience with individual and collective reactions and emotions in the context of the restitution and contested restitution of Jewish property over recent decades.⁵

We invited historians as well as colleagues from literary, museum, and film studies, European ethnology, and law to approach these problems and perspectives. The writer Gila Lustiger, who read and discussed the story of her grandmother's paperweight which

⁴ The workshop, entitled 'Objects and Emotions: Loss and Acquisition of Jewish Property', was co-organized by the German Historical Institute London and the Leo Baeck Institute and held at the GHIL on 26–7 July 2010. The full programme can be found on the GHIL's website <www.ghil.ac.uk> under Events and Conferences.

⁵ See also the two exhibition catalogues on this topic, reviewed below by Chloe Paver in this issue of the *GHIL Bulletin*: Inka Bertz and Michael Dorrman (eds.), *Raub und Restitution: Kulturgut aus jüdischem Besitz von 1933 bis heute* (Göttingen, 2008); and Alexandra Reininghaus (ed.), *Recollecting: Raub und Restitution* (Vienna, 2009). The famous legal case of Michel Levi-Leleu, whose father, Pierre Levi, was murdered at Auschwitz and who detected his father's suitcase in an exhibition of the Paris Memorial de la Shoah, also provides many insights into the emotional importance of objects in this context.

Objects and Emotions

forms part of her family novel *So sind wir*, was also invited.⁶ The workshop was very much exploratory in character. It was not intended as the basis for a volume of collected essays. There were some papers, however, which we thought could inspire further discussion. These are published in the organizers' respective journals, the *Leo Baeck Institute Yearbook* and the *German Historical Institute London Bulletin*. The first of the three papers assembled here deals with issues of emotions in legal restitution processes of Jewish possessions; the second looks at the life of such objects in museums; and the third is a personal account by a professional historian whose family was a victim of Nazi persecution and Aryanization policy.

In his article 'Emblems and Heirlooms. Restitution, Reparation, and the Subjective Value of Chattels: A Legal Perspective' Norman Palmer analyses the importance the law accords 'the unique subjective value of individual objects to specific claimants'. He approaches this topic first from a general perspective by looking at litigation surrounding personal chattels and then turns to Holocaust-related objects. In particular, Palmer draws on cases dealt with by the British Government's Spoliation Advisory Panel, which has a certain bias towards more valuable objects, especially looted art. Taking these cases and recommendations as a starting point, he is able to demonstrate the courts' increasing recognition of the emotional importance of objects to their former owners and their descendants.

In the second article, 'Diasporic Home or Homelessness: The Museum and the Circle of Lost and Found', Hanno Loewy reflects on the 'context of material memory, the trajectory of meanings, emotions, and affections attached to objects of everyday life'. He elaborates on a specific set of ambiguities which objects attain when they enter the space of the museum, namely, that between the sacred and the profane (museums take objects originally created for the purpose of religious cult and practice and make them profane); that between past and present (in objects we can perceive the physical presence of the past); and that between biography and history, when objects are taken out of the personal contexts in which they were created and used, and serve as examples for wider historical interpretations. Loewy exemplifies these ambiguities by tracing the history of various objects in the context of this analytical framework.

⁶ Gila Lustiger, *So sind wir: Ein Familienroman* (Berlin, 2005).

Objects and Emotions

The third article, by Atina Grossmann, presents a historian's reflections on her and her family's personal experiences with persecution, terror, and loss of life, chances, careers, and property, as well as their struggle for compensation and restitution. The article is an emotional one. This portrayal of the experience of bourgeois Berlin Jews highlights how hurt and frustrated those who narrowly escaped the Nazi extermination camps were by Germany's post-war bureaucracy defending the Aryanizers and their 'possessions', often by employing hair-splitting legalistic procedures with overtly anti-Semitic tendencies. It is therefore not only the immediate emotional value of the object itself, but also encounters in law suits, personal conversations, and correspondences that entangle victims, perpetrators, and their descendants in a shared, albeit antagonistic, relationship with such contested objects.

All three articles show, each in its specific way, how multi-layered is the topic of objects and emotions. This is especially obvious when one analyses, as Atina Grossmann does, how the emotional quality of such objects metamorphoses across generations. In any case, all three articles amply demonstrate that analysing the emotional relationship of victims and perpetrators with certain objects which bind them together is central to a better understanding of the complex fabric of German-Jewish relations before, during, and after the years of Nazi terror and legalized theft. The theoretical tools for a systematic analysis of these emotions are not yet well developed. The three articles presented here in many ways explore territory that has been ignored by the evolving field of history and theory of emotions. The sources they present and reflect on, however, leave no doubt that this is a field worthy of intensive interdisciplinary research.

ARTICLES

EMBLEMS AND HEIRLOOMS. RESTITUTION, REPARATION, AND THE SUBJECTIVE VALUE OF CHATTELS: A LEGAL PERSPECTIVE

NORMAN PALMER

People need to have a past, because it provides a sense of security, roots; it imparts self-worth, identity. We don't notice it when it is there, we consider it a matter of course, but it is not. Children continue to look throughout their lifetime for the father or mother they have never known simply because they need to know where they come from. They will go to any lengths. Adopted children travel back to the country where they were born. Where there is a past, there is a future.¹

Introduction: The Intangible Dimensions of Tangible Things

Tangible objects come in many guises. Some draw their value from subjective association alone. The plainest thing is precious when it has personal meaning. A letter or a photograph, a wedding ring, a child's tooth, even a seaside souvenir, can revive memories and inspire joy or grief. The loss of such an item can be bitterly mourned.

Such things rarely have commercial appeal. They seldom appear at auction or in museums. Nor do they possess that ineffable mys-

The author thanks Kate Hawken and Ji-Shuen Loong for editorial assistance in producing this article.

¹ J. P. Sigmond, 'Some Thoughts on the Importance of Cultural Heritage and the Protection of Cultural Goods', *Art, Antiquity and Law*, 10 (2005), 63–71, at 67, paraphrasing David Lowenthal, *The Past is a Foreign Country* (Cambridge, 1986).

tique that attaches to great art.² Their value lies in their subjective or symbolic resonance. They are cherished because they enshrine memories and form part of a person's identity or make-up. They may be the only surviving trace of a family's history. They may even sum up a whole life.

The vitality of such an object may be unknown to anyone other than the person who senses it. A fictional example is the child's sled 'Rosebud', the name of which was on Charles Foster Kane's lips as he died. The word recalled a childhood loss, still poignant to a dying man some sixty years on. Only he recalled the day when, as a child, he was parted from his family, and his plaything was taken from him. The secret of its meaning died with him. In that case, as in so many, a humdrum chattel represented a lost life and a lost world.

In no context, perhaps, can this symbolism be more potent or poignant than that of chattels owned by families scattered and ravaged by the Holocaust. In such a case the object may be the sole tangible reminder of a life irretrievably erased or scarred by murder, persecution, or displacement: 'a bridge back to a world destroyed.'³ It is hard to imagine a more poignant tale of symbolic association than that of the suitcase, discovered by Mr Michel Levi-Leleu in 2005

² The nature of art has engaged the attention of philosophers as well as jurists. Prominent critics in this regard are Immanuel Kant and Leo Tolstoy: see the latter's *What is Art?* trans. Richard Pevear and Larissa Volokhonsky (London, 1995). Professor Stephen Guest has suggested in 'The Value of Art', *Art, Antiquity and Law*, 7 (2002), 305–16, at 307 that the value of art 'is to be found in the value of its own existence, *independent* of its doing *anything* for us. We admire art *because* of this independent value, and so admire it as "art for art's sake". Looking at art this way introduces us to art's *austere* quality, through which we respect art, not for anything it "does" for us, but because understanding it properly requires understanding something of importance, perhaps great importance about the world. And so we say that we want to look at a painting by Van Gogh *because* it is wonderful, not that it is wonderful because we want to look at it. This way of looking at art borrows from the great German philosopher Kant, who not only asserted art's independent value, but took the point even further. The appreciation of art, he thought, was akin to moral appreciation and capable of expressing our highest aspirations.'

³ The phrase is that of Edward Serotta, 'Preserving Jewish Memory', *The Library of Rescued Memories: Pictures and Stories from the Centropa Interviews in the Czech Republic* (Vienna, 2009), 14–16, at 14.

Articles

at an exhibition at the Shoah Memorial Museum in Paris where it had arrived on loan from the collections of the Auschwitz-Birkenau State Museum in Oswiecim. He claimed that the suitcase had belonged to his father Pierre Levi, who was murdered at Auschwitz and whose name and address ('86 Boul, Villette, Paris Pierre Levi') were inscribed on a tag attached to the object. To many, the argument for restitution was compelling: principles of property, inheritance, tradition, and the redress of wrongdoing collectively appealed for the return of the thing to Pierre Levi's descendants. But even so graphic an instance of subjective association embodied more complex values. The Auschwitz-Birkenau Museum resisted the return to the family on the ground that the suitcase no longer symbolized the experience of a single family alone. It had taken on a new character as a metaphor of the panoply of wrongs committed against the Jewish population of Europe in the years 1933 to 1945. Thus interpreted, the suitcase had a part to play in the transcendent imperative to ensure that those evils were never forgotten.⁴

Of course the history or hinterland of an everyday thing may increase its monetary worth. Ordinary things intersect with great people or great events. We are accustomed to see inherently mundane articles achieve high prices because they once belonged to somebody famous or reflect some historic occasion. The 'royal or romantic' association of an item of jewellery, we are told, may great-

⁴ In the words of the Press Release, issued when the claim was settled in 2009: 'The International Auschwitz Council . . . contended that everything left from the camp should remain inviolate and integral . . . The suitcases belonging to people deported to Auschwitz are among the most priceless material testimony to the tragedy that occurred here. They constitute a small remainder of the property left behind by the victims of the gas chambers, and the names on some of them are among the few proofs of the death of specific individuals in Auschwitz . . . [T]he Auschwitz Museum . . . regards the suitcase as one of the rare objects symbolizing and representing the memory of the persons deported to the camp, and . . . wishes to express the deepest understanding of the emotions of the families of Shoah victims.' Under the settlement, the Auschwitz-Birkenau Museum decided to leave the suitcase in the Paris Shoah museum on a long-term basis. Mr Levi-Leleu's family, in turn, renounced its claims. See 'Settlement reached over Auschwitz Suitcases' in the News 2009 section of *Memorial and Museum: Auschwitz-Birkenau* <en.auschwitz.org/m/index.php?option=com_content&task>, accessed 28 Feb. 2012.

Emblems and Heirlooms

ly increase its desirability to investors and connoisseurs.⁵ Earlier this century, the bullet-pierced windscreen of the Austro-Daimler in which the Archduke Franz Ferdinand and his morganatic wife the Countess Sophie Chotek were murdered at Sarajevo was consigned for auction at an estimated 2,300 euros, though 'it probably sold for considerably more'.⁶ Objects associated with Adolf Hitler may be a macabre and tainted class of memorabilia, but the market for them is by no means stagnant.⁷

Converting celebrity value into money is an elusive enterprise. Such value can, however, be objectively verified, whether through competitive bidding at auction or other professional processes. By contrast, the more private and personal items that reflect a lost childhood or family may have no commercial worth at all, or at least none worth litigating over. In general, they are unlikely to find their way into a museum. Even if they do enter a museum their commercial worth remains low. Their value lies in their memories, and those memories may be secret.

One aim of this article is to evaluate the relative importance of such subjective association in the eyes of the law. The article considers the question both in the general context of personal property and through the specific prism of Holocaust-related objects. It seeks to inquire how far our approach to the restitution of Holocaust material reflects and respects the unique subjective value of individual objects to specific claimants, whether these are individuals, families, or nations.

General Litigation Surrounding Personal Chattels

Personal Objects: Does the Law Endow them with Special Value?

The common law of England is not a sentimental institution. One can cite numerous cases where judges have subordinated individual jus-

⁵ *Jabir v. H Jordan & Co* (unreported, 13 Dec. 2010) upheld by the Court of Appeal [2011] EWCA Civ 816.

⁶ Sigmond, 'Some Thoughts on the Importance of Cultural Heritage', 65.

⁷ For recent instances of proposed sales of such material, see 'Auction Row over Hitler Desk Set on which the Munich Pact was Signed', *Daily Telegraph*, 15 Nov. 2011; 'Hitler's Sheet to be Sold', *The Times*, 24 Nov. 2011.

Articles

tice to the relentless dictates of legal principle.⁸ But the law is not without compassion in the context of human relationships with chattels. For example, when granting compensation for the violation of a chattel (typically by theft, damage, or unlawful detention) modern courts sometimes pay regard to an individual's personal association with that chattel.⁹ Where damages are sought against the wrongdoer the sum awarded may thus exceed the market worth of the object.¹⁰

A recurrent medium for such awards is litigation over pet animals. Older case law was reluctant to award more than the objective value of a family pet. In Tasmania in 1927, for example, the Supreme Court awarded a mere £2 Australian for the loss of a pet cat that had been unlawfully shot by a neighbour.¹¹ Later authority seems more willing to accept that the owner's loss may include an element of quantifiable subjective value. In Canada, damages to reflect an owner's sentimental attachment to a cherished pet have been awarded against an airline through whose default one dog was killed and

⁸ e.g. Mr Justice Littledale in *Balme v Hutton* (1833) 9 Bing. 471 at 507: 'I think the hardship of a case ought not to form a principle on which the law should act. Society is so formed, that many people fill relations which appear to induce great hardships. If these hardships be of sufficient importance for the legislature to interfere, they will do so.' In the same case at 512 Mr Justice Park said: 'The hardship . . . can be no argument if the law be clear . . . the Court must be governed by the principles of law, and not by the hardship of any particular case.' See also, among numerous similar remarks, those of Mr Justice Patteson and Baron Alderson in *Garland v Carlisle* (1837) 4 Cl & Fin 693 at 740–1 and 747 respectively. These and other cases are discussed in Norman Palmer and Ruth Redmond-Cooper (eds.), *Taking it Personally: The Individual Liability of Museum Personnel* (Builth Wells: Institute of Art and Law, 2011).

⁹ Sometimes they will also inquire whether the violation was vindictive as opposed to inadvertent. This may affect liability and/or the damages awarded. For an early case see *Whittingham v Ideson* (1861) 8 Upp Can LJ 14; Norman Palmer and Anthony Hudson, 'Damages for Distress and Loss of Enjoyment in Claims involving Chattels', in Norman Palmer and Evan McKendrick (eds.), *Interests in Goods* (2nd edn. London, 1998), ch. 34, 867–95, at 882 n.98.

¹⁰ For a detailed older analysis of Commonwealth and US case law in this field, see *ibid.* ch. 34.

¹¹ *Davies v Bennison* [1927] Tas LR 52.

another severely injured,¹² or a boarding kennel that allowed a dog to escape, from which adventure it never returned.¹³ The latter case was cited with approval in a controversial recent decision in an English immigration appeal about an asylum seeker who relied on his acquisition of a cat in England as evidence that he had put down roots in England and developed a family life.¹⁴

Such awards remain rare and one should be wary of overstating them. Moreover, they are generally modest in quantum.¹⁵ But a comparable logic is reflected in cases about inanimate chattels. It has, for example, been held reasonable for the owner of a car to which the owner attached exceptional sentimental importance, and on which he had lavished exceptional attention over the period of his ownership, to spend a greater sum in reinstating the car to its former condition after it was negligently damaged than the amount of its resultant market value. Where the owner of a much-loved MG car named 'Mademoiselle Hortensia' spent a substantial sum in having the car repaired following its damage through the collapse of scaffolding, he was allowed to recover that sum against the scaffolding company whose negligence had led to the damage. The claim succeeded des-

¹² *Newell v Canadian Pacific Airlines Ltd* (1976) 14 OR (2d) 752; and see *Watt v Logan* (1945) 61 Sh Ct Rep 155 at 158.

¹³ *Ferguson and Hagans v Birchmount Boarding Kennels Ltd and Robert Jones and Bert Barrett* (2006) 79 OR 681; and see *Borza v Banner* (1975) 60 DLR (3d) 604; *Somerville v Malloy* [1999] OJ No 428.

¹⁴ Decision of Immigration Judge Mr J. R. Devittie at para 15: 'The evidence concerning the joint acquisition of Maya [the cat] by the appellant and his partner reinforces my conclusion on the strength and quality of family life that the appellant and his partner enjoy . . . The Canadian courts have moved away from the legal view that animals are merely chattels, to a recognition that they play an important part in the lives of their owners and that the loss of a pet has a significant impact on its owner.'

¹⁵ In other contexts the amount of an award for personal anguish caused by a defendant's wrongdoing can be substantial. A vivid example in the field of cultural property is the award of 80,000 NIS for the personal anguish caused to the scholar Elisha Qimron by the violation of his copyright and moral right relating to the defendants' publication of the 'Deciphered Text' produced from the Hidden Scrolls (or Dead Sea Scrolls): *Eisenman v Qimron; Shanks, Robinson and the Biblical Archaeological Society v Qimron* (29 Aug. 2000), a decision of the Supreme Court of Israel sitting as the Appellate Court for Civil Appeals.

Articles

pite the defendant's argument that the car was beyond economic repair and the proper result would have been to write the car off and allow the owner its market value immediately before the damage.¹⁶ Mr Justice Edmund Davies observed that the claimant had owned the car for thirteen years, had devoted himself to its care and maintenance over that time, and clearly believed that 'there was no other car like it'. These factors entitled the claimant to recover the greater cost of repairing the car, unless it was unreasonable for him to pursue that course as opposed to replacing it. The burden of proving that repair was an unreasonable option lay on the defendant and the defendant had not discharged it.¹⁷

Other cases are in line with this approach.¹⁸ The loss of a rosary through the defendant's want of due care resulted in damages to represent its sentimental value.¹⁹ The negligent loss of a long-standing stamp and glass collection built up almost from childhood led to an award of damages to represent the owner's distress and injured feelings.²⁰

Compared to the ravages suffered by Holocaust victims these cases may seem trivial, but that, in a sense, is the point. If the law is prepared to award damages for the personal hurt suffered through the loss of a treasured thing in conditions that fall infinitely short of the terrors of the Holocaust, it could hardly object in principle to a subjective measure of compensation for an owner whose whole family or way of life had been destroyed.

¹⁶ *O'Grady v Westminster Scaffolding* [1962] 2 Lloyd's Rep 238; Palmer and Hudson, 'Damages for Distress', 889-90. And see *Scobie v Wing* (1992) 2 WWR 514; Palmer and Hudson, 'Damages for Distress', 892-4.

¹⁷ As to the general requirement that damages founded on the cost of reinstatement (as opposed to diminution in value) must be reasonable in order to be recoverable, see *Ruxley Electronics and Construction Ltd v Forsyth* [1996] AC 344 (swimming pool) and the archive case of *Aerospace Publishing Ltd v Thames Water Utilities Ltd* [2007] EWCA Civ 3, below p. 17.

¹⁸ e.g. *Piper v Darling* (1940) 67 LL L Rep 419 at 423 per Mr Justice Langton (damages reflecting an 'element of sentiment and predilection' in regard to a negligently damaged yacht); Palmer and Hudson 'Damages for Distress', 877 n. 70.

¹⁹ *Zien v Queen* (1984) 20 DLR (4th) 283 at 294-5.

²⁰ *Graham v Voight* (1989) 95 FLR 146; and see Norman Palmer (ed.), *Palmer on Bailment* (3rd edn. London, 2009), para 37-046.

Emblems and Heirlooms

Again, however, such cases should be approached with caution. There are decisions on the other side of the line,²¹ though mainly of an older vintage.²² The leading case on damages for disappointment involved a claim for breach of contract,²³ and says nothing about the sort of liability that might arise, for example, in tort, where a defendant steals a chattel of sentimental value or, having acquired first possession of it in good faith, refuses to surrender it, in defiance of the owner's enduring title.

Specific Redelivery and Injunction

The principle of subjective association is not, however, entirely novel. As early as *Somerset v Cookson*²⁴ in 1735 we find the judge observing that it would be 'very hard' if somebody who came by an object of antiquity through trespass or other wrong 'should have it in his power to keep the thing paying only the intrinsic value'. In fact this was a case where recognition of the special value of a particular chattel found expression not in the form of an enhanced award of damages, but through the grant of a court order for delivery up of the object. It is well established that a person whose chattel has been wrongfully taken or detained may, at the court's discretion, obtain an order for the return of the chattel, rather than for the mere payment of damages, where financial compensation alone would be an inadequate remedy. Such inadequacy may be apparent where the chattel is unique, irreplaceable, or integral to some ancient family tradition. A vivid early example is *Pusey v Pusey*²⁵ in 1684, where the court ordered specific redelivery of the ancient horn by which the Pusey estates were held.

Heirlooms are a particularly compelling illustration of the sort of chattel that is likely to attract specific relief. Other ancient cases

²¹ As to cars see *Darbishire v Warran* [1963] 1 WLR 1067, distinguishing *O'Grady*. And see *Jennings v Wolfe* [1950] 3 DLR 442 (trophy bearskin); *Abbass v Hoyt's Moving and Storage Ltd* (1981) 47 NSR (2d) 648 (memorabilia).

²² For an extreme case see *Miner v Canadian Pacific Railway Co* (1911) 18 WLR 476; Palmer and Hudson 'Damages for Distress', 884.

²³ *Farley v Skinner* [2001] UKHL 49, [2002] 2 AC 732.

²⁴ (1735) 3 P Wms 390.

²⁵ (1684) 1 Vern 273.

Articles

involve successful claims for the return of family pictures²⁶ and a Roman altar.²⁷ There is, of course, every reason why the general principle should apply in similar manner to emotionally charged objects that were spoliated during the Holocaust, such as a painting given as a wedding present that counts as a 'childhood icon'.²⁸ Indeed the circumstances in which a Holocaust-related object became lost (such as murder, forced flight, or other persecution) may intensify the moral imperative that it shall be returned to the victim's family. If the Auschwitz suitcase had come into the possession of a private collector and Mr Levi-Leleu had established a valid legal claim, it seems unthinkable that a court would award him the mere economic value of the suitcase, in preference to an order for its return.

The thinking behind cases like *Somerset v Cookson* and *Pusey v Pusey* bears a family resemblance to a more recent decision on the equitable remedy of injunction.²⁹ In a recent dispute about the title to certain watches that once belonged to Sir Edmund Hillary, the children of his first wife (who had died in 1975) sought an injunction to restrain Sir Edmund's widow Lady Hillary from allowing them to be sold at auction. Lady Hillary had already consigned the watches to an auction house at Geneva and now argued that the balance of convenience favoured maintaining the status quo, allowing the sale to proceed, and granting the offspring damages in the event that title to the watches was ultimately shown to lie with them. An important strand in her defence was the presence of a term, in her contract with the auction house, that purported to oblige her to pay the auction house the commission that it would have earned (and its costs incurred to date) if the watches were withdrawn from sale. Having decided that the children had a strong arguable case for asserting title to the watches, Mr Justice Venning held that the injunction should lie. In his words:

²⁶ *Lady Arundell v Phipps* (1803) 13 Ves 95.

²⁷ *Somerset v Cookson* (1735) 3 P Wms 390.

²⁸ This term was applied to the von Kalckreuth painting *The Three Stages of Life* successfully claimed by Marietta and Ernest Granville while it was on loan to the Royal Academy from the Neue Pinakothek in Munich. See Norman Palmer, *Museums and the Holocaust* (Builth Wells: Institute of Art and Law, 2000), 19.

²⁹ *Hillary v Hillary* [2010] NZHC 1985 (12 Nov. 2010), HC Auckland.

Emblems and Heirlooms

As to the balance of convenience, certainly at least in relation to the Everest watch and Peter's watch, both have an intrinsic value in themselves to the family of Sir Edmund, which cannot be addressed by money. Damages would not be an adequate remedy. Those factors support the issue of an injunction.³⁰

Archives and Reinstatement

Even a corporation may, it seems, have a uniquely personal interest in tangible property of a cultural or historic nature that it has diligently accumulated, catalogued, and archived over its lifetime. The dispute in *Aerospace Publishing Ltd v Thames Water Utilities Ltd*³¹ was whether the proper redress available to the owner of an archive for the substantial destruction of the archive by flooding should take the form of a financial payment to represent the diminution in value of the archive or should rather consist of a sum of money to reflect the cost of reinstating the archive. Both in principle and in quantum these two measures of assessment were significantly disparate. Lord Justice Longmore³² acknowledged that this collection of historically significant material was a distinctive creation, distinguishable both from a mere assemblage of commercial goods and from a single marketable item of high cultural and economic worth:

[T]he present case is not a case of a readily marketable asset, nor yet of a unique chattel like a rare manuscript, a Picasso painting or a Stradivarius violin. In the first sort of case little difficulty will arise; reinstatement will not usually be appropriate as it would not be reasonable to reinstate if an article can be bought in by the claimant at a lower cost. In the case of a unique chattel it may be reasonable to reinstate but it will not be too difficult, by reference to past auction prices, to assess realistically a market value even though the chattel is itself unique. It will then be easy to compare figures for reinstatement and market value.

³⁰ Ibid. at para 17. Cf. *Tudberry v Sutton* (1998) 20 Qld Lawyer Reports 13 at 21 per Judge McGill QC.

³¹ [2007] EWCA Civ 3.

³² At paras 50–2.

Articles

Lord Justice Longmore then proceeded to explain the peculiar character of the archive and his sympathy for the arguments in favour of its reinstatement. In so doing he likened the archive to a human memory and described its construction as 'a labour both of love and dedication':

Plutarch . . . regarded the human memory as an archive. In a similar way the archive in the present case represents the companies' memory and, as such, is an asset whose value could in conventional parlance be described as 'priceless' and whose actual value can only be calculated with considerable difficulty . . . It was a labour both of love and dedication to build up and then catalogue the archive in the first place . . . If the archive of a famous and long-established art dealer such as the Fine Art Society Ltd or an auctioneer such as Christie's or Sotheby's were destroyed, it would be mealy-mouthed in the extreme to confine recovery to the re-sale value of individual items.

Claims by Nation-States

The philosophy of the family heirloom cases is, to some extent, matched by the modern judicial approach to claims by States for the return of looted national treasures, such as archives, art, and archaeological items. Here again the tendency is to favour an order for the return of a culturally outstanding object rather than damages. Where a foreign State can show that its domestic laws grant it a superior right of possession over undiscovered portable antiquities or other cultural objects unlawfully removed from its territory, the court will almost invariably grant to that State an order for specific restitution against the wrongful possessor. In two modern cases courts have appealed to the identity of the looted objects as 'keys to the ancient history' of the State to justify ordering their return.

In *Webb v Ireland and the Attorney General*³³ the outcome of such reasoning was to recognize that title to a hoard of valuable ninth-century ecclesiastical artefacts, found on land close to Derrynaflan Abbey, lay with the Republic of Ireland in preference to the finders,

³³ [1988] IR 353.

Emblems and Heirlooms

who were however rewarded for having declared the find. In *Government of the Islamic Republic of Iran v Barakat Galleries Ltd*³⁴ the question was whether certain provisions of Iranian law conferred on Iran the ownership of and the right of possession over antiquities that were allegedly buried on and illicitly excavated from Iranian territory. The Court replied in the affirmative. Citing the Chief Justice of Ireland in *Webb*, the Chief Justice Lord Phillips of Worth Matravers regarded it as 'universally accepted' that one of the most important national assets belonging to the people of a country consists of their heritage and of the objects that constitute 'the keys to their ancient history'; and that a necessary ingredient of sovereignty in a modern State was and should be the ownership by the State of discovered objects constituting antiquities of importance which had no known owner.

What may be true of nations may also be true of families and other communities or groups. They too may harbour a morally unanswerable need to possess the keys to their ancient history. While their entitlement may only rarely if ever be embodied in statutes, the moral demand that a family treasure be returned to that family may yet prove persuasive both within and beyond the courts. Victims of persecution whose loss has occurred through the gross violation of human rights, and for whom the contested object has a unique subjective value surpassing its mere economic worth and rendering it otherwise irreplaceable, might fairly expect an order for specific return rather than some monetary award.

Sale of Goods Cases: The Decree of Specific Performance

On occasions the commercial courts have dealt sensitively with the special interest that a collector may have in perfecting his or her acquisition of a distinctive object. Such cases involve no history of looting but a simple refusal to perform a contract. Sellers of cultural or historical objects sometimes change their minds between contract and delivery, forcing the disappointed buyer to seek redress at law. Whereas the normal remedy for a seller's failure to deliver, say, a washing machine or a cargo of salt will be a judgment for damages, the seller of a distinctive cultural object may be ordered to deliver the

³⁴ *Government of the Islamic Republic of Iran v Barakat Galleries Ltd* [2009] QB 22, [2007] EWCA Civ 1374.

Articles

exact thing. The normal mechanism to achieve this will be a decree of specific performance, justified on the ground that (as with the cases of wrongful detention of heirlooms) damages are an inadequate remedy. A serious collector may well have a sufficiently personal interest in a chattel to qualify for such an order.

A modern case in point is *Smythe v Thomas*,³⁵ where the seller had agreed to sell to a private collector a 1944 Wirraway Australian Warbird aircraft. The seller later refused to deliver the plane and the buyer sued. One of the questions before the court was whether the seller should be allowed to keep the plane and merely compensate the buyer in damages, paying him the difference between the value of the plane and the price that the buyer had agreed to pay, or should hand over the plane itself. Acting Justice Rein rejected the argument that the seller should be liable only in damages, saying 'in my view the nature of the subject of the bargain, which is not only a fine looking aircraft . . . but is a vintage and unusual item, leads me to conclude that the case is one in which . . . the relief of specific performance of the contract sought should be granted.' This case may be contrasted with an English decision over eighty years earlier, where a dealer who had bought Hepplewhite chairs for resale in his business was held entitled to damages from his seller who refused to deliver them, but failed to persuade the court to grant him an order of specific performance. In this case damages were an adequate remedy.³⁶

Holocaust-Related Objects

Is Money Ever a Sufficient Remedy?

The choice between monetary compensation and specific restitution raises a potentially delicate question for bodies that are appointed to hear claims for the return of Holocaust-related objects. In England such a body exists in the form of the Spoliation Advisory Panel. The Panel is empowered to recommend either the return of an object or the payment of a monetary sum, whether by way of compensation or *ex gratia* payment. Normally payments are recommended on *ex gratia*

³⁵ [2007] NSWSC 844.

³⁶ *Cohen v Roche* [1927] 1 KB 169.

terms, on the reasoning that the term 'compensation' should be confined to payments in respect of surviving legal rights and no legal right survives on the facts in question. It is not impossible that the Panel might be urged to take account, in deciding whether to recommend the return of the object or an *ex gratia* payment, of the nature of the original owner's relationship with the chattel. As we have seen, at common law the remedy of specific delivery is generally confined to cases where the owner's predominant subjective interest in the chattel means that damages would be an inadequate remedy. Claims relating to a merchant's trading stock might generally be expected to attract an award of damages rather than the remedy of enforced redelivery. But suppose that the dispossession occurred through the operation of racially discriminatory laws in Germany at the height of the Nazi era. The ethical demand, that such atrocities be redressed, may not be adequately fulfilled by an award of money even though the victim had acquired the chattel only in order to sell it. The mere payment of money may fall short of achieving full justice, however liberal the sum and however impersonal the victim's connection with the chattel.

Not all of the public pronouncements acknowledging the subjective value of chattels are from common law countries such as England and Australia, and not all are decisions of courts. In a determination made by the Dutch Restitution Committee in 2009, the question was whether the Committee should apply the presumption, authorized by its terms of reference, that transactions by which Jewish people disposed of precious objects of a private nature during the Nazi occupation were flawed by Holocaust-related oppression. The claim concerned certain objects that had been the property of Carl Van Lier, an Amsterdam dealer, and had since the War variously found their way into the collections of the Netherlands Institute for Cultural Heritage and the National Museum of Ethnology at Leiden. The Committee concluded that most of the objects that departed from Van Lier's stock had not been disposed of involuntarily through theft, confiscation, or coercive dealing, or any direct threat thereof. But in the single case of a hunting horn made of elephant ivory, the Committee took a different view. There was evidence that Van Lier attached personal value to the object and that it belonged to his private collection as opposed to his trading stock. Among the clues to this effect was a photographic family portrait in which Van Lier was

Articles

blowing the horn. This went to trigger the more lenient standards of proof applicable to private possessions and to justify the Committee's conclusion that Van Lier did not part with the horn willingly.

[T]he Committee feels that there is sufficient cause for another judgement with regard to one object, NK 396, an ivory hunting horn. In a family portrait of Van Lier from around 1930, he is blowing this horn. For the family, this photograph provides a salient image of their forefather and of an art object that was of unique value to him, thus giving the object an emotional value to the family.

Comparison Between the Dutch and the United Kingdom Spoliation Bodies

The Van Lier claim illustrates several differences between the Dutch Holocaust claims experience and that of the UK. One is the absence from the regulating terms of the Spoliation Advisory Panel of any formal dichotomy between commercial possessions ('trading stock') and private possessions, and of any presumption that a disposal of privately owned objects during the Nazi era was involuntary. A further point of contrast perhaps is the relative value and commercial appeal of objects claimed within the two countries. While much of the cultural material claimed in the Netherlands has been of high value, claims have also been made for a significant number of relatively everyday objects. This is consistent with the level of original takings by the Nazis and their satellites: we are told that many Dutch people owned at least one good painting or item of furniture sufficiently attractive to the predators to be filched.³⁷ It is therefore unsurprising that such objects should now be the subjects of claims. In the United Kingdom, which was never occupied or ransacked, claims are likely to be limited to things stolen on the Continent and brought into the country after the War. Once again, the main targets of such importation are likely to have been the higher-value objects, many of which will have since found their way into museums.

³⁷ Palmer, *Museums and the Holocaust*, 2-3, n. 8.

The Link Between Preservation and Value

Not all Holocaust-related objects, then, are intrinsically ordinary. Many of the paintings and other chattels claimed by Holocaust survivors or their descendants have a pronounced cultural or historical significance. The past decade has witnessed a sharp rise in the number of such claims. At the beginning of the present century the Blair government responded by establishing the Spoliation Advisory Panel. The task of the Panel was to advise the government on claims against publicly funded museums by Holocaust survivors and their families.

It comes as no surprise that most of the claims brought before the Panel have been for cultural objects of high financial value. At the risk of generalization, such objects may have stood a better chance of surviving the war because preserving them would have been a priority. There is also a better chance that the provenance of such objects will have been recorded and that their original owner will be identifiable. Such objects are more likely to be worth the cost of investing in legal advice and action. Where the law allows special redress against museums, in the shape of the Spoliation Advisory Panel and the Holocaust (Return of Cultural Objects) Act 2009, the benefits of such redress are naturally confined to those who claim objects desirable enough to have been acquired by museums.

The Spoliation Advisory Panel

The Minister for the Arts established the Spoliation Advisory Panel in June 2000 to consider claims against publicly funded museums by those who lost possession of cultural objects between the years 1933 and 1945. The Panel is entrusted with evaluating the moral quality as well as the legal force of individual claims. Paragraph 7(e) of its Terms of Reference requires the Panel to 'give due weight to the moral strength of the claimant's case' while Paragraph 7(g) requires the Panel to 'consider whether any moral obligation rests on the institution'. In the latter regard, the Panel must take into account 'in particular' the circumstances in which the object was acquired by the institution, and the institution's knowledge at that juncture of the object's provenance. The phrase 'in particular' admits of considerations other than the circumstances of a museum's acquisition, includ-

Articles

ing the basic proposition that the object was taken from the claimant without consent and in circumstances never since ratified. An innocent acquisition does not therefore necessarily denote a creditable retention. The institution may owe a moral obligation to return an object irrespective of any moral transgression on its part.

*A Survey of Claims before the Spoliation Advisory Panel*³⁸

Tate

The case of the painting *View of Hampton Court Palace* by Jan Griffier the Elder in the Tate Gallery, which was the subject of a report by the Panel in January 2001, is now well known. The children of a woman whose husband had been shot by the Nazis and who, in hiding from the Nazis in Belgium, was compelled to part with a treasured object in return for enough money to buy an apple and an egg, were awarded an *ex gratia* payment to reflect, with certain adjustments, the current market value of the work. This resolution was acceptable to the claimants and to the Tate Gallery, which was at that time debarred by law from disposing of Holocaust-related (and indeed other) objects vested in the Trustees as part of its collection. No less convenient to the Gallery was the Panel's further proposal that the payment be drawn from public funds and not from the Gallery's own resources. The award of money was supplemented by a recommendation that a commemorative notice be installed in the space adjacent to the painting, recalling the circumstances in which it was lost.

Among the significant features of the Griffier recommendation was the emphasis by the Panel on the public benefit derived from the Tate's forty-year possession of the work. This was regarded as relevant to two distinct questions: the identity of the payer of the *ex gratia* sum and the computation of the sum itself. On the first point, as we have seen, the Panel held that the payment should be made from general funds and not from the Tate's own resources. On the second

³⁸ In addition to the cases discussed below there are further reports from the Panel on claims involving the Courtauld Institute. See *Report of the Spoliation Advisory Panel on Eight Paintings in the Possession of the Samuel Courtauld Trust* (24 June 2009); *Report of the Spoliation Advisory Panel in respect of an Oil Sketch by Sir Peter Paul Rubens 'The Coronation of the Virgin', now in the Possession of the Samuel Courtauld Trust* (15 Dec. 2010).

point, the Panel held that the sum payable should include an amount for the past public enjoyment of the work in addition to its market value.

Between 2004 and 2009 the Panel reported on seven further claims for the restitution of objects in museums. In two of them—the Burrell and British Library claims—the Panel recommended the specific restitution of the work. Both recommendations were made despite the fact that a legal bar existed on the relinquishment of the work from the collection in which it resided. In the Burrell case the object was not eventually relinquished to the claimants while in the Benevento case it was.

Burrell

In 1936 a German Jewish family, who were shareholders in a prominent and reputable firm of art dealers, were subjected to a penal and discriminatory tax demand by a newly appointed tax inspector with Nazi sympathies. Being forced to sell their stock at very short notice, they consigned it to auction in Berlin. The sale arguably yielded normal market prices, but would never have occurred but for the victimization of the family. The receipts vanished immediately into the maw of the tax authorities. One senior member of the family, acutely distressed, had died of a stroke in a taxi after leaving an interview with the inspector. The rest of the family discharged the fictitious debt and fled to the United States.

One picture, thought at the time of the sale to be the work of Chardin but later discredited by Pierre Rosenberg, was knocked down to a dealer. The dealer re-sold it in Berlin shortly after the auction. The buyer was Sir William Burrell, the Scottish shipping magnate and a distinguished collector. Sir William took the work to Scotland and in 1944 he and Lady Burrell donated it, along with some eight thousand other works, to the Corporation of the City of Glasgow. The gift was made subject to an express prohibition (apparently contractual in nature) on any disposal from the collection. It denied to the donees any entitlement whatever to 'sell or donate or exchange' works from the collection.

The Panel noted the sizeable volume of works donated by Sir William and the difficult conditions under which the gift was executed. It exonerated the City of moral blame and accepted that the

Articles

Jewish family's legal title was now defunct, but held that the moral argument for redress had been amply established. Notwithstanding Sir William's embargo on disposal, the Panel recommended the return of the work to surviving members of the family. It took the view that it was arguable that the prohibition on disposal should not apply to an act of restitution in circumstances such as these, and it recommended that the City take legal advice on this question.

Contrary to the Panel's expectation, the legal advice received by the City of Glasgow did not recognize any liberty in the City to dispose of the painting in the circumstances or on the grounds stated by the Panel. In the event the parties agreed on an *ex gratia* payment, and the work remained with the City.

British Library

In 1946 a British army officer named Captain D. G. Ash offered to the British Museum a twelfth-century missal in Beneventan script. He said that he had bought it from a Naples bookseller while on active duty in 1944. In fact, the missal belonged to the Archdiocese of Benevento. It had been removed from Benevento in unidentified circumstances, not necessarily by Captain Ash. Dr Collins, the curator to whom the officer showed the missal, recommended that he investigate whether it was war loot. In 1947 the missal was offered for auction at Sotheby's in London and the Museum, having conducted no further independent investigation of its provenance, acquired it.

In a claim by the Archbishop, whose predecessor had first requested its return in 1978, the Panel concluded that on a balance of probabilities the missal was removed from the possession of the Archdiocese during or shortly after the hostilities that affected the region in 1944. It followed that the removal occurred within the time span (1933–45) stipulated in the Panel's terms of reference. The Panel further concluded that the Museum had paid insufficient regard to the prospect of unlawful removal when it acquired the work, and that the moral case for restitution was made out.

As with the Burrell claim, the Panel took the view that neither the admitted extinction of the Archdiocese's legal title by lapse of time, nor the existence of a legal bar to disposal (in this case, a statutory bar imposed by the British Library Act 1972) should inhibit it from recommending that the object be returned. The Panel proposed not only

(i) that the missal be returned, but also (ii) that the British Library Act 1972 be amended to make this possible, and (iii) that until such amendment was made the missal should be sent to Benevento on loan.³⁹

Both the terms of the preliminary loan to Benevento, and the form of the required statutory amendment to the British Library Act 1972, continued to be debated over a long period after the Panel's report. In the event the Missal did not finally return to Benevento until early in 2011. Meanwhile the subtle and delicate political considerations that bear upon any prospective amendment of UK national museum statutes had led the British Museum in another case to explore an alternative route to achieve the power to renounce objects from its collection.⁴⁰ The occasion for this development was a claim for the restitution of four Old Master drawings bought by the Museum in 1946. The Gestapo had in 1939 seized the drawings from Dr Feldmann, a Jewish lawyer in Brno in Czechoslovakia, who was later murdered by the Nazis. The Chancery Division of the High Court, though sympathetic to the claim and to the Museum's desire to honour it, held that the provision on which the Museum relied (section 27 of the Charities Act 1993) did not grant to the Museum any overriding power of relinquishment, such as to enable the Museum to disregard the prohibitions on disposal in the British Museum Act 1963.

Ashmolean

In 2000 descendants of the deceased Jewish banker Jakob Goldschmidt laid claim to a work by Mair von Landshut, *Portrait of a Young Girl in a Bow Window*, now held by the Ashmolean Museum. Goldschmidt had owned the painting in Germany before the Second World War. The Ashmolean had accepted it as a bequest from the estate of William Spooner in 1967, knowing at the time that it had belonged to Goldschmidt between the wars.

The inter-war history of the work was one of the matters in dispute. Following the economic crisis of 1929, Goldschmidt had been

³⁹ It will be seen from this claim that both the historical sweep and the material scope of the Panel's jurisdiction are wide. The victim was a religious institution, there was no direct element of racial persecution, and it is at least as likely that the work was removed by Allied as by Axis forces.

⁴⁰ See below.

Articles

obliged to commit many of his art objects towards the discharge of debts incurred on the collapse of the Danatbank, which he had founded. The relevant instruments of commitment were made first with the Danatbank itself and latterly with the Thyssen Iron and Steel Works. The Ashmolean contended that the von Landshut was among the committed works, and that its sale at auction in 1936, far from being an involuntary effect of Nazi policy and/or Goldschmidt's Jewish identity, followed from the agreement made by Goldschmidt in 1932 with the Thyssen organization, by which Thyssen were to manage Goldschmidt's debts. By the time of that sale, Goldschmidt himself had already (in 1933) departed for the USA.

The heirs alleged that Goldschmidt had continued to own the work until its sale in 1936, that it was not among the works secured towards the payment of his debts, that even if it was thus secured it had been secured only by a pledge, which did not transfer ownership to his creditors, that the sale of the object that was Goldschmidt's enduring property was a forced sale vitiated by material duress and/or the generally oppressive conditions afflicting Jews in Germany, and that those general conditions had prevented Goldschmidt from redeeming his financial position and discharging whatever debts (if any) the work had been sold to satisfy. On the strength of these assertions, the heirs argued that the proper moral outcome was the return of the work to them from the Ashmolean.

The Spoliation Advisory Panel rejected this analysis, holding in effect that the work was among those secured in favour of Goldschmidt's creditors, that the security executed by Goldschmidt gave to the creditors both ownership of the work and the right to sell it on default, that the sole occasion for the sale was the failure of Goldschmidt to discharge the secured debts by other means, and that both Goldschmidt's inability to redeem his finances and the consequent sale of the von Landshut were causally unconnected with and untainted by the generally oppressive conditions afflicting Jewish people in Germany over the period in question.

The Panel further held that the Ashmolean, having been aware on its acquisition that the work had once belonged to Goldschmidt, had reasonably and properly concluded that his cessation of ownership stemmed from general and personal financial crises. It followed that the Ashmolean could not be visited with any moral censure in respect of the manner of its acquisition, or indeed in respect of its

response to the claim: 'When the Painting was bequeathed to the Ashmolean in 1967 there was no reason to suspect that it could be the subject of a spoliation claim. It must also be remembered that the circumstances of the Danatbank's collapse and Goldschmidt's liabilities were internationally known and easy to reference. Thus it would have been natural to assume that the Painting had been sold in 1936 to meet Goldschmidt's debts.'⁴¹ The Panel accordingly recommended that no action be taken in response to the claim.

The Rothberger Porcelain Claims: British Museum and Fitzwilliam Museum

On the application of the claimant, Mrs Bertha Gutmann of New Jersey, and with the consent of the museums concerned, the Panel considered jointly two separate claims concerning porcelain items. The first item was held in the collection of the British Museum, and the second in the collection of the Fitzwilliam Museum. Both items had allegedly been taken by the Gestapo in 1938 from the claimant's uncle, Heinrich Rothberger, in a seizure substantiated by authoritative historical research published in 2003 on Mr Rothberger's art collection. Neither Museum disputed the claimant's assertion of entitlement to the items. The claimant was able to produce for the Panel a series of wills of family members that established her sole entitlement to the objects.

Identity of the British Museum item. The British Museum Curator of Pre-History and Europe advised the Panel that she considered it very likely that the piece in the museum collection was the piece owned by the claimant's uncle. Her opinion was based, among other factors, on the description of the object in a publication of the time, the rarity of the object, and the fact that no others similar to it had been traced to date. It was, in her view, also unlikely that the piece would have been disposed of before the Gestapo seized the collection. The piece had been presented to the British Museum by a member of staff in 1939 and, though it was not known how he acquired it, the Museum accepted that he might have seen it in Vienna and known the Rothberger collection. Accepting the curator's reasons, the Panel accepted

⁴¹ *Report of the Spoliation Advisory Panel in respect of a Painting held by the Ashmolean Museum in Oxford* (1 Mar. 2006), para 47.

Articles

that the Museum piece was the piece formerly owned by Mr Rothberger.

Identity of the Fitzwilliam item. The Director of the Fitzwilliam Museum advised the Panel that a former director had bequeathed the item to the Museum in 1960. The former director had bought it prior to October 1948, when it was valued by Sotheby's valuation at his home in Cambridgeshire, and stated by Sotheby's to be from the Rothberger Collection. The exact circumstances in which the donor acquired the item were unknown. While inconsistencies in the references to the Rothberger item and the Fitzwilliam item in the 1938 sale catalogue meant that the two items could not conclusively be said to be one and the same, the Panel concluded that it was likely that the Fitzwilliam item, having regard to its size, form, decoration, label, and Sotheby's statement, had indeed belonged to Rothberger. The Panel therefore accepted that the museum piece was formerly the property of, and had been taken from, Heinrich Rothberger.

The Panel went on to conclude that both museums now had unchallengeable legal title to the porcelain in their possession. The foundation for this view was that any once-existent claim was now time-barred under the Limitation Act 1939. Further, in the Panel's view the museums had acquired the objects in good faith. The British Museum had exercised acceptable museum practices characteristic of the era, whereas the Fitzwilliam Museum, while perhaps under a heavier obligation by the 1960s to inquire into provenance, was under-resourced and could not therefore be criticized for the measures and practices that it exercised at that time. The Panel further observed that, whereas any relinquishment of the British Museum piece was prohibited under the British Museum Act 1963, no similar statute prevented the Fitzwilliam Museum from relinquishing the item in its possession.

Having concluded that there was no claim at law, the Panel went on to consider the moral position. It acknowledged that the moral basis for each claim was substantial. As to the British Museum item, the Panel acknowledged that the claimant would ideally have preferred specific restitution, as she had sought for the Fitzwilliam piece. In the circumstances, however, it accepted that the preferable solution was to recommend (i) an *ex gratia* payment reflecting the contemporary value of the item as appraised by independent valuers, combined with (ii) a public acknowledgement of the item's prove-

Emblems and Heirlooms

nance, and of the goodwill of the successor to Mr Rothberger, in any future display or publication of the item. The Panel took account of three independent capital valuations, and of the likely insurance costs had the items remained with the claimant's family, in reaching a recommended valuation of £18,000. It further recommended that such payment be made by the state from central funds and not by the Museum. This recommendation was considered to conform to the general advice of the Lord Chancellor, and to reflect a fair solution, given that the tax paying public will be able to continue to study the item and derive benefit from it. In relation to the Fitzwilliam item, the Panel concluded that, while the piece was of considerable importance to the Museum's collection, the moral demands of specific restitution outweighed this consideration and that specific restitution should be made.

Some Observations on the Spoliation Advisory Committee Claims

The Subjective Element

While all of the foregoing items had an objective money value, some at least would also have been personally meaningful, not only to the original owners but to their descendants and family. Many were privately collected by connoisseurs, who might be expected to cherish such things for their own sake. Many were taken in barbarous and discriminatory conditions that cried aloud for atonement. All those objects that had belonged to private persons recalled a past way of life that had been irreversibly mutilated. Such circumstances would have intensified the moral impulse towards restitution in cases where the loss was attributable to Nazification. But none of the claimants sought any independent financial redress for the personal anguish that they suffered in consequence of their being deprived of the objects. This may have been because there was no reprehensible conduct by the particular respondent,⁴² though in principle that alone might not have been a barrier.⁴³

⁴² The one exception to this remark was the Benevento claim, and there the claimant was in effect (if not nominally) an institution.

⁴³ It will have been noted that the Panel is empowered to make money awards in place of the specific return of works. In the two cases where the Panel proposed a money award (Griffier/Tate and Rothberger/British Mu-

Articles

Power to Renounce

Statutory prohibitions on disposal have until recently dominated the claims brought against national museums. Apart from the Benevento missal and Fitzwilliam porcelain claims, there has been no single case in which return was recommended and return has actually yet taken place. In *Attorney-General v Trustees of the British Museum*,⁴⁴ the British Museum tried to avoid the need for legislative amendment by recruiting section 27 of the Charities Act 1993 to justify the return of works that the Museum felt morally obliged to return. The failure of this attempt left the route to restitution unresolved and intensified the demand for a clear source of authority by which national museums like the British Museum could relinquish Holocaust-related cultural objects when they considered the circumstances to justify the release. In due course the Government issued a consultation paper.⁴⁵ It was not, however, until four years after the *British Museum* case that the path was unblocked. This occurred through the enactment of the Holocaust (Return of Cultural Objects) Act 2009, examined below.

The claim in *Attorney-General v Trustees of the British Museum* involved four Old Master drawings taken by the Gestapo at Brno in March 1939 from the Czech lawyer and collector Dr Arthur Feldmann, who was imprisoned and subsequently murdered. All four drawings were later acquired by the British Museum: three by purchase and one by bequest. The Museum wished to return the drawings, contending that it had a moral obligation to do so. But its application on that ground to the Chancery Division of the High Court failed. The Vice-Chancellor held that the Charities Act could not be invoked to override the statutory prohibition on disposal.

The story did not end there. Following the decision of the High Court, the claimants moderated their claim to one for financial payment, and the parties jointly referred the claim to the Spoliation Advisory Panel, which upheld it. The drawings remained in the Mu-

seum), the claimants were willing to accede. It is a question whether the refusal of a claimant who is unwilling to accept money should conclude the matter and whether money can include a sum to represent distress. The Panel can also recommend commemorative and conciliatory action.

⁴⁴ [2005] EWHC 1089.

⁴⁵ *Restitution of Objects Spoliated in the Nazi Era: A Consultation Document* (July 2006).

seum, and Dr Feldmann's descendants received a recommended *ex gratia* sum of £175,000. This sum comprised a contemporary market valuation of £186,000 from which £11,000 was deducted to take account of potential insurance and sale costs that the claimants might reasonably have been expected to incur had they possessed the works and decided to sell them. The Panel further recommended that the sum be paid from central funds rather than by the British Museum.

Nor, as we have seen, did the story end with the settlement of the particular claim. Both the Feldmann case and that of the Benevento missal raised in sharp focus the inconvenience of those statutory fetters on disposal that inhibit a museum from adopting the morally imperative solution of relinquishing spoliated objects. The scope and content of legislative amendments designed to relax these fetters were in due course the subject of a consultation document published by the Department of Culture, Media and Sport.⁴⁶ At that time it was the apparent view of the DCMS that the statutory power of release recommended in the Benevento claim should be effected by separate and specific legislation, while the power to release objects in response to more 'mainstream' claims (such as Burrell or the British Museum) should be conferred by general legislation, but on terms circumscribed by some such phrase as 'in circumstances directly related to' or 'arising or resulting' from the actions of the Nazis, their collaborators or allies.⁴⁷ In fact, the outcome was a single piece of legislation, the Holocaust (Return of Cultural Objects) Act 2009.

The New Statutory Power to Transfer Objects from Collections

Summarized broadly, the Holocaust (Return of Cultural Objects) Act 2009 enables certain national institutions in the United Kingdom to release Holocaust-related objects from their collections, and to transfer those objects to claimants including Holocaust survivors or their descendants.⁴⁸ There had for some time been disquiet about the

⁴⁶ *Restitution of Objects Spoliated in the Nazi Era: A Consultation Document* (July 2006).

⁴⁷ *Ibid.* paras 3.1 to 3.24.

⁴⁸ By section 4(2) the Act extends to England and Wales, and Scotland. The heading to section 2 of the Act reads 'Power to return victims' property'.

Articles

British Museum's perceived inability to make restitution to the descendants of Dr Feldmann. In 2005, as we have observed, the Chancery Division of the High Court held that it was impermissible to override the constraints imposed by the British Museum Act by an appeal to section 27 of the Charities Act 1993.⁴⁹ It became clear to the government that new legislation was needed. As we have seen, a Consultation Paper seeking advice on the potential form of that legislation was published in 2006.⁵⁰

The new legislation is tightly drawn, both in regard to the institutions covered,⁵¹ and in regard to the material that might be relinquished. It is couched in discretionary terms and at no point mandates the return of any object. So much is plain from its long title, 'An Act to confer power to return certain cultural objects on grounds relating to events occurring during the Nazi era'. By section 2(1) of the Act, any institution to which the Act applies may transfer an object from its collections if two conditions are met. The first condition, imposed by section 2(2), is that the Advisory Panel has recommended the transfer. The second condition, imposed by section 2(3), is that the Secretary of State has approved the Advisory Panel's recommendation.⁵² The foregoing power does not affect, and thus cannot enable an institution to override, any trust or condition subject to which any object is held. So much is stipulated by section 2(6), which resembles in this regard the equivalent provision in section 47(4) of the Human Tissue Act 2004.

⁴⁹ *Attorney-General v Trustees of the British Museum* [2005] EWHC 1089 (Ch).

⁵⁰ Above, n. 45.

⁵¹ These are prescribed by section 1 of the Act, and include the Trustees of the British Museum, the Trustees of the Imperial War Museum, the Board of Trustees of the National Gallery, the Board of Trustees of the Wallace Collection, the Board of Trustees of the National Museums and Galleries on Merseyside, and the Board of Trustees of the National Museums of Scotland. This list is not exhaustive. By section 2(4) the Secretary of State may approve a recommendation for the transfer of an object from the collections of a Scottish body only with the consent of the Scottish Ministers. By section 2(5) 'Scottish body' means the Board of Trustees for the National Galleries of Scotland, the Trustees of the National Library of Scotland, and the Board of Trustees of the National Museums of Scotland.

⁵² The power conferred by section 2(1) 'is an additional power': section 2(7).

By section 3(1), the term ‘Advisory Panel’ means for the purposes of the Act a panel for the time being designated by the Secretary of State for those purposes. The Secretary of State may designate a panel for the purposes of this Act only if the panel’s functions consist of the consideration of claims which (a) are made in respect of objects, and (b) relate to events occurring during the Nazi era.

Aside from various provisions related to the coming into force of the Act,⁵³ the sole outstanding provision of the Act is the sunset clause contained in section 4(7). Under that provision, ‘This Act expires at the end of the period of 10 years beginning with the day on which it is passed’.

The fact that the Act authorizes an institution to transfer an object from ‘its’ collections indicates with reasonable clarity that relinquishment is authorized only where the object has formerly become the property of that institution. On this analysis there is conversely no statutory authority to relinquish where the institution is merely in possession of the object and does not own it. It can hardly be supposed that the Act empowers an institution to dispose of an object that is not its own property. If, therefore, there is any realistic prospect that a Holocaust-related object remains the property of some person other than the institution, the statutory enablement may not apply and the institution would need to take further advice before relinquishing that object. Of course, if the owner of the object is the claimant now seeking its transfer there would seem to be no pre-existing bar on its release by the institution to that party, and the Act is unnecessary to achieve that: the institution would simply be returning the object to the party who has legal title. Moreover, there are many cases (probably the majority) where, however deplorable the original deprivation, the institution is in fact the current owner. So much is clear from the substantial number of cases before the Spoliation Advisory Panel where the Panel has concluded, or the parties have conceded, that the victim’s original ownership is defunct.

⁵³ Section 4(3): ‘The preceding sections of this Act come into force on such day as the Secretary of State may by order appoint.’ By section 4(4): ‘An order may make different provision for different purposes.’ By section 4(5): ‘Before appointing a day for the coming into force of the preceding sections of this Act so far as they relate to Scottish bodies the Secretary of State must consult the Scottish Ministers.’ By section 4(6): ‘“Scottish body” has the meaning given by section 2(5).’

Articles

But in cases where there might exist other potential claimants, capable of asserting title, it might be imprudent of the institution to assume that it owns the object and that the Act itself justifies release to the immediate claimant. Such a situation might arise where family members are in disagreement (or have simply not been consulted) about the ownership and desired destination of the object.

Conclusion

The enlarged ability of national museums to relinquish Holocaust-related objects, introduced by the Holocaust (Return of Cultural Objects) Act 2009, gives statutory recognition to the value of a claimant's personal association with such an object. It impliedly acknowledges that sometimes only the restitution of the object (as compared, for example, to a money payment) is an appropriate response to the claimant's sense of personal loss.

The fact that some Holocaust-related objects are of minor economic value but substantial personal importance nonetheless suggests a need to reappraise certain conventional attitudes to the management of claims. Of course, one cannot tell how many minor-value objects are extant and identifiable, and concern about such items may prove to be disproportionate to the power of public or private agencies to do anything about them, or indeed to the cost of such action if it were in theory viable. But to an extent it may be the very flaws of the existing treatment that make such identification so difficult. Despite the tremendous economies and other advantages extended to claimants by the existence of the Spoliation Advisory Panel the existing regime patently favours those who claim high-value objects. There are few if any instances of claims to items of intense subjective value and high sentimental worth, or indeed of low economic value. Aside from the Rothberger porcelain award of £18,000 (for a single item) the lowest-value claim appears to have been for the Burrell-donated painting *Pâté de Jambon* valued by the Panel at £7,500. This valuation was reached only after the attribution of the work to Chardin had been discredited. While family emblematic status has occasionally been attributed to work claimed outside the Spoliation Panel (for example the von Kalckreuth 'childhood icon') the conscious ascription of such status remains rare. One looks in vain for

assertions of such status (and for claims for money payments to reflect personal distress at deprivation) in submissions before the Spoliation Advisory Panel. No doubt this is in part because a claim can be brought before the Panel only where the institution is in possession of the claimed work, and in those circumstances claimants are likely to demand the physical redelivery of the work itself. But there seems no reason in principle why a claim for compensation or an *ex gratia* payment to relieve personal distress might not be combined with a claim for specific restitution, or indeed advanced as an alternative.

This atmosphere of disadvantage to the small-scale victim may be reflected in other corners of our legal system. For example, there is an ingrained and justified judicial dislike of litigation that costs more than the value of its subject matter. A sense of proportion in such matters is part of the overriding principle that courts must do justice between the parties. A successful claimant might therefore fail to recover costs from the losing party where the matter at hand could reasonably and more economically have been referred to alternative dispute resolution. A typical expression of this view can be found in the judgment of Lord Justice Ward in *Tavoulares v Lau*,⁵⁴ where the warring parties had collectively expended £85,000 on a dispute over art works that were valued at a maximum of £23,500. Lord Justice Ward said:

This litigation fills me with despair . . . litigation must be fun if the parties are prepared to spend that much on a rollercoaster ride to judgment without pausing, either of them, to suggest that mediation would be a more sensible way to resolve their differences . . . I would have thought that there are very easy ways through mediation and a bit of common sense to resolve this matter and hopefully to resolve it quickly and without a further extraordinary waste of money.

Here again, however, one must beware of reducing this area of restitution to a simple matter of economics. While no litigant should be encouraged to take prodigal action in pursuing a claim for restitution, it seems fair to suggest that certain Holocaust-related objects are

⁵⁴ [2007] EWCA Civ 474.

Articles

so heavily charged with legitimate personal concerns, peculiar to the individual and divorced from their economic value, that it could be reasonable to pursue them through court action, even though the cost of such action exceeds their economic worth. A similar argument might be made about claims by indigenous peoples to recover ancestral remains or other relics having spiritual force. In many cases court action may be the only way to compel a museum or private possessor to pay serious attention to a claim. Indeed there is one instance where an English national museum has agreed to mediation only after being taken to court.⁵⁵ It would be unfortunate if the low economic value of the material claimed were to be invoked as a ground for denying costs to the successful claimant.

The emotional bond between a Holocaust victim and a chattel might suggest that an element of personal hurt could figure in a claim for damages based on the loss or destruction of the object. It is notable that almost every Holocaust-related claim in England has related to an existing chattel of which the claimant has (at least initially) sought specific restitution. There has been no claim for either compensation or an *ex gratia* payment based on the wrongful taking or violation of a chattel that no longer exists. Should such a claim arise, there is no reason in principle why it should not lead to redress founded in part on the claimant's subjective anguish. And if such redress could be awarded where the chattel is destroyed or irretrievably lost, it might also be awarded where the chattel continues to exist but is no longer in the possession of the particular defendant.⁵⁶ Such an award might occur where a museum knowingly returns a borrowed work to its lender in open defiance of a legitimate third party claim by a Holocaust survivor. The museum is liable to the third party in the tort of conversion,⁵⁷ but there can of course be no question of specific restitution. Payments might extend both to the market value of the chattel and the emotional suffering inflicted on

⁵⁵ *Tasmanian Aboriginal Centre v Natural History Museum* (2007).

⁵⁶ Such a claim could not be brought before the Spoliation Advisory Panel because the Panel's jurisdiction extends only to cultural objects '*now in the possession* of a UK national collection or in the possession of another UK museum or gallery established for the public benefit'. *Spoliation Advisory Panel, Constitution and Terms of Reference* (Revised, June 2000) para 3 (emphasis added).

⁵⁷ *Marcq v Christie Manson & Woods Ltd* [2004] QB 286.

Emblems and Heirlooms

the true owner in consequence of the chattel's being irretrievably lost. A similar result might be justified where the chattel has passed through the hands of successive buyers and re-sellers, all of whom have committed conversion but none of whom has the current possession of the chattel.

Some of these ideas may appear fanciful. To the extent that they relate to proceedings in court, they also turn on the precarious premise that the claimant retains the title to sue. In many instances that will not be true because the limitation period will have expired. It may be that in time a court will find ways of mitigating the effect of time bars on Holocaust-related claims, though that prospect is uncertain. Such matters aside, it would seem fair to take account of the power of personal association in the structuring and resolving of Holocaust claims.

It was Mr Bernstein in *Citizen Kane* who reminded us of the fortuitous nature of memory. Recalling a girl on the Jersey ferry, whom he had glimpsed for only a second some forty years earlier, he said that not a month had passed when he did not think of her.

A fellow will remember a lot of things you wouldn't think he'd remember. You take me. One day, back in 1896, I was crossing over to Jersey on the ferry. And as we pulled out, there was another ferry pulling in, and on it there was a girl waiting to get off. A white dress she had on. She was carrying a white parasol. I only saw her for one second. She didn't see me at all. But I'll bet a month hasn't gone by since that I haven't thought of that girl.⁵⁸

We do not always appreciate, at the time they occur, those experiences that will live in our thoughts. Nor can we foresee the memories that will last for as long as we live. Where so much of a person's past has vanished through conflict or extermination, the simple things which echo that past should be treated as precious, and graced by formal recognition. Law and government should share in that recognition.

⁵⁸ The speech was delivered by the great actor Everett Sloane, playing Bernstein. Mere reproduction of the text cannot do justice to the delivery.

Articles

NORMAN PALMER QC (Hon) CBE FSA is a barrister specializing in the cross-border restitution and lending of cultural objects. He is a member of the Spoliation Advisory Panel and from 2001 to 2011 chaired the Treasure Valuation Committee. He has acted as adviser and advocate in many law cases involving looted objects of art and antiquity, including the landmark decision of the English Court of Appeal in *Government of the Islamic Republic of Iran v Barakat Galleries Ltd* in 2007. His law practice includes writing loan and exhibition agreements for leading museums and advising governments on the drafting of laws relating to national cultural heritage. He is the Emeritus Professor of the Law of Art and Cultural Property at UCL and a Visiting Professor of Law at King's College London.

*DIASPORIC HOME OR HOMELESSNESS:
THE MUSEUM AND THE CIRCLE
OF LOST AND FOUND*

HANNO LOEWY

Curatorial practice in Jewish museums has to deal with objects of ambiguous or doubtful provenance. This article is not concerned with the great scandals of looted art on which the public debate repeatedly focuses, with restitution politics, or the fairground of the Judaica market and the passion and greed of collectors. There are others to tell the stories of those known or unknown pieces of art and their journey from the homes of their former Jewish owners to the headlines of today. In this article, I would like to reflect instead upon the context of material memory, the trajectory of meanings, emotions, and affections attached to objects of everyday life—artefacts that mostly have no financial value but sometimes possess a charged, multi-layered, emotional significance. For those of us working in museums and displaying material culture in a discourse called ‘exhibition’ that engages our visitors at all levels of cognition and emotion, this ambiguous significance is a particular challenge. It is the source of the museum’s strength compared to other cultural agencies and it is its subject, because these stories and trajectories are the very issue of any critical evaluation of material culture. They are the abyss of the curators’ morale because whatever we do is an appropriation of our own narrative strategies that are only possible because of the misappropriation of these objects from their original context, that is, the life of their owners. And with regard to the specific subject of our work, this is also a story of violence. The examples that will be discussed in the following attempt to express these challenges, at least implicitly, while leaving the subject for readers to reflect upon themselves.

To begin with, the context of the museum as a social space will be addressed, in particular, cultural and social history museums of which Jewish museums tend to be articulate and emblematic representatives. The second part of this article will concentrate on a number of mini case studies, in which a few categories of objects that curators have to deal with will be developed. I will conclude by exploring some examples of curatorial practice, both in the Hohen-

Articles

ems museum and in others that confront similar issues concerning contentious objects.

I The Museum as a Social Space

The museum, and especially the cultural and social history museum, is a particular kind of social space that includes not only exhibitions and collections, but also a complex set of social rituals, such as the welcome and farewell at the counter, and of spatial hotspots, where visitors interact and communicate with each other and with the museum's staff. It includes the shop and the cafeteria, both locations of physical consumption and pleasure, of communication and business, and the creation of new memorabilia that the visitor takes out of the institution. As soon as visitors enter the exhibition space they step into a specific environment that differs from that in which other forms of contemplative art and artistic narrative, such as music or film, theatre or literature, are consumed. It finds spectators and readers (in most exhibitions except for traditional art exhibitions visitors are both) not in a state of day-dreaming or hypnosis but as alert and awake as possible. The experience of visitors is all about decision-making: they decide how they will move through space, the angle from which they will observe what is offered, and how they will comment on it, communicating with other visitors, both those in their company and complete strangers. The mode of the exhibition, either expressly articulated or merely in its material substance, thus constantly creates ambiguity that could also be termed a kind of liminality in real and virtual space. Some of these ambiguities will be explored in the article that follows.

The Ambiguity of the Sacred and the Profane

The museum makes objects that were produced to be used in the context of cult and religious practice profane by presenting them in the secular context of a historical narrative or aesthetic experience. With the secularization of monasteries and churches that started in the eighteenth century, religious artefacts and works of art that had served the narrative of Christianity in the context of worship and ritual were taken into civil custody, and were turned into either 'cul-

Diasporic Home or Homelessness

tural heritage' or representations of the idea of artistic genius. At the same time, this profanation of the sacred was part of the creation of a new myth, the myth of the nation. And while works of ritual art became part of cultural heritage, the same process endowed the most profane objects of everyday life with the sacred aura of national culture, which in itself represented a mythification. Beginning with institutions like the Louvre in Paris as a result of the French Revolution in 1793,¹ the nineteenth-century museum became a kind of secular temple of the new myth of national culture and local folklore.² This development reached the fabric of Jewish identity-making with some delay around 1900.

The Ambiguity of Past and Presence

The museum exploits the aura of the 'original', that is, the physical presence of a past time. It plays on the fact that the physical continuity of the objects it exhibits bridges the gap of chronological time. Visitors are able to touch, or at least view, the physical substance of the past, an object that was touched in the same way (at least, that is the illusion they often enjoy) by those before them. Simultaneously, however, the museum alienates the objects from their own timeframe by transferring them into a contemporary setting of mixed media installations and display cases, transforming them into relics of a vanished life and turning them into something they had never been.

The Ambiguity of Master Narrative and Counter Narrative

The museum presents the objects in an order that follows a narrative which the museum, that is, its team of curators, creates. As curators we tell stories, our exhibitions follow storylines, and we always send

¹ For the history of the Louvre with regard to the process of secularization see Gottfried Fliedl (ed.), *Die Erfindung des Museums: Anfänge der bürgerlichen Museums-idee in der Französischen Revolution* (Vienna, 1996); id., 'Die Pyramide des Louvre: Welt als Museum', in Moritz Csáky and Peter Stachel (eds.), *Die Verortung von Gedächtnis* (Vienna, 2001), 303–33, at 306–7.

² Aleida Assmann, *Erinnerungsräume: Formen und Wandlungen des kulturellen Gedächtnisses* (Munich, 1999), 133 ff. On the museum as a space for rituals of initiation for the citizens of the new civil society see Carol Duncan, *Civilizing Rituals Inside Public Art Museums* (London, 1990).

Articles

visitors on a path that we have already laid out with our ideas. We read the exhibition like a text, following a linear order. But that is not what visitors actually do. They have learned to make up their own stories, implementing their own readings, observations, and expectations into the process. They do not always follow the order prescribed by the curators, but decide on their own moves within the exhibition space, based on many different factors that curators can never control completely, such as the sheer attraction of different objects and their subjective hierarchy in the eyes of visitors, the way in which visitors move and the potential of communicating with them (whether they are part of a group, a family, a couple, or are unrelated). And what we learn from them is that this is a creative process.

The Ambiguity between Biography and History

The objects that invite this contemplation on the part of visitors and inspire communication are attached to a particular biography. They are part of the way in which individuals interpret themselves, want to be seen, and want to be identified with. They are metaphors for belonging and separation. In short, they represent an attempt to construct identities, the material imprint of the self-imagination of other individuals (mostly long since passed away), examined by visitors to the museum. As exhibits, these objects are, in one way or another, taken away, taken out of context by the course of history, with or without consent, willingly or by force, transferred from being part of individual life into the realm of the collective creation of meaning. They are part of a process of dispossession that makes museums a matter of power, a contested territory.

For Jewish museums these ambiguities are especially challenging and sometimes productive. There is probably no institution that makes more sense of the term 'Jewish space'. Jewish museums represent a space that is not defined by Jewish tradition or a particular Jewish audience, but constitutes an arena of discourse about 'Jewish questions' conducted by Jews and non-Jews alike, a discourse that constitutes the 'Diaspora'.³

³ For discussion of the concept of 'Jewish space' see Diana Pinto, 'The Jewish Space in Europe', in Sandra H. Lustig and Ian Leveson (eds.), *Turning the Kaleidoscope: Perspectives on European Jewry* (Oxford, 2006), 179–86.

Jewish museums came into being around 1900, reflecting the ongoing process of the transformation of Judaism from a traditional religious way of life into predominantly a question of identity that was connected with several contradictory factors, such as cultural expressions, family traditions and bonds, national reconstruction, and even utopian political dreams.⁴ In the middle of this process of dissolving the fabric of traditional communities around the synagogues, beginning with rural communities, an urgent need emerged to find a new home for homeless objects and a site for the transformation of ritual objects into the subject of new rituals connected with the cultural temple of the museum. Unlike the kinds of national identity projects nineteenth-century cultural museums served all over Europe, the early Jewish museums in Vienna (1895), New York (1904), Prague (1906), Budapest (1909), Worms (1912), Berlin (1917), Frankfurt am Main (1922), Breslau (1927), and London (1932),⁵ to name only a few, created a kind of discourse that aimed to save a particular tradition as a universal cultural heritage in order to make it part of the process of assimilating and integrating Jews into their new 'homelands'.⁶ This was definitely not possible without creating a certain ambivalence between acculturation and nostalgia for a certain 'otherness', represented by the cultural artefacts.

Fifty years later, the same objects, so far as they still existed, seemed to be homeless in a much more radical way than the first founders of Jewish Museums (whether in Vienna, Vilnius, or New York) ever anticipated. With the unprecedented violence towards and extermination of European Jewry in the Shoah it was almost forgotten that

⁴ For discussion of the creation of Jewish museums around 1900 and later, see Felicitas Heimann-Jelinek and Wiebke Krohn, *Das erste Jüdische Museum* (Vienna, 2005); Felicitas Heimann-Jelinek (ed.), *Was übrig blieb: Das Museum jüdischer Altertümer in Frankfurt, 1922–1938* (Frankfurt am Main, 1988); ead., 'Eine Sammlung in Wien', in ead. (ed.), *Möcht' ich ein Österreicher sein: Judaica aus der Sammlung Eisenberger* (Vienna, 2000); Dirk Rupnow, *Täter—Gedächtnis—Opfer: Das 'Jüdische Zentralmuseum' in Prag 1942–1945* (Vienna, 2000).

⁵ Jens Hoppe, *Jüdische Geschichte und Kultur in Museen: Zur nichtjüdischen Museologie des Jüdischen in Deutschland* (Münster, 2002), 261 ff.

⁶ This is emphasized for Vienna's Jewish Museum by Klaus Hödl, 'Jüdische Identität und Museum: Das Wiener jüdische Museum im 19. Jahrhundert', *transversal: Zeitschrift des Centrums für Jüdische Studien*, 3/1 (2002), special issue: *Sammeln und Präsentieren: Konzeptionen des Jüdischen*, 47–67.

Articles

the traditional world we now seek to remember by contemplating its material heritage had already begun to change and dissolve long before. The Nazis did not only carry out exterminations; they also had their own ideas about preservation. They even created their own memory of the destruction of Jewish life in museums that celebrated the dispossession of Jewish material culture and its meaning as a triumph of the new 'chosen people' (the Germans), turning their obsession with Jews (that went far beyond anti-Semitism) into an obsession with collecting any trace of Jewish 'spiritual power'. The Nazis themselves thus created a highly ambiguous resource for any strategy of reappropriating this material culture after 1945.⁷

After the Shoah even the most minuscule trace of physical existence became precious and 'sacred' in the realms of another teleological perspective on history. Zionism, like other ideologies that dreamed of a historical turning point, aimed to put an end to diasporic Jewish history as we know it. From this perspective, the fragments of Jewish material life that survived the Shoah became relics of martyrdom, as a sacrifice of life meant the absolute end of the old Jewish world and the creation of a new one.

But the question once so rigidly answered by the most secular Zionist utopians only became more apparent: would Judaism as a religion be a matter of the past and the 'Sherit Hapleitah', the survivors in displaced persons camps, be magically transformed into the 'First of the First', the human resource on which the revival of a Jewish Nation in Israel would draw? Or would the 'Jewish state' take Judaism back to its own pagan roots by stepping behind the diasporic tradition of the prophets and resurrecting the old religion of the Temple? Or would the Jewish Diaspora finally re-emerge on the surface, with the museum as a kind of transitional field of preservation, experiment, and open discourse?

II *Object, Trajectory, and Emotion: Case Studies*

The four case studies that will be discussed here illustrate the variety of ambiguous trajectories that curators come across in their work. All

⁷ Dirk Rupnow, *Vernichten und Erinnern: Spuren nationalsozialistischer Gedächtnispolitik* (Göttingen, 2005). For the impact of this 'heritage' see also id., *Aporien des Gedenkens: Reflexionen über 'Holocaust' und Erinnerung* (Freiburg, 2006).

but the first are taken from curatorial practice in Hohenems, a little town on the Austrian–Swiss border, south of Lake Constance. For three centuries, beginning in 1617, a Jewish community lived there. Hohenems was once an imperial county and not part of Austria, making it the oldest continuously existing Jewish community inside Austria’s present-day borders. In the nineteenth century, about 600 Jews lived there, forming the centre of a network of Jewish marriage and business migration between southern Germany, Switzerland, Austria, and Italy. From there the incentive came to form Jewish communities in St Gallen, Innsbruck, and Merano. And for thirty years, from 1849 to 1878, the Jews in Hohenems formed their own political community, with their own mayor, in a market town with a growing textile industry, owned by Jewish entrepreneurs, and two main streets, Jews Lane and Christians Lane (probably the only street with that name in Europe).

From the end of the eighteenth century Jewish families from Hohenems migrated all over western Europe, to the USA and Turkey, and later to South America, Australia, and Palestine. After full legislative emancipation in Austria, Germany, and Switzerland in the 1860s, most of Hohenems’s Jewish families left for St Gallen, Zurich, Trieste, Merano, Vienna, Munich, Frankfurt, London, Florence, Rome, or Brussels. By 1938 there were just fifteen Jews left in the town. Long before the destruction of the community and the deportation of the last eight members still living in Hohenems in 1940, the Jews of Hohenems had created what is today still called, with some irony, the ‘Hohenems Diaspora’. In the 1970s gentiles in Hohenems, now a local community without Jews, started to entertain the idea of giving the memory of the once thriving Jewish community a home. There were, of course, very different motives for this initiative. From those who wanted to show the world that everything was better in Hohenems to those who had enough evidence for disillusionment, grounded in the obvious existence of anti-Semitism among the locals, from gentiles who longed for reconciliation to the descendants of Jewish families who wanted to reconnect with their past, a multilayered coalition brought a museum into being in 1991. Now this institution serves as a custodian or trustee of diverse and contradictory memories, stories, and artefacts that relate to Hohenems but clearly do not ‘belong’ there, constructed and contested narratives and artefacts that the museum does not possess but takes care of.

Articles

a) Our first case study concerns not museums but everyday life, not only property and restitution, real estate, art, and bank accounts, but the little artefacts that we often do not pay attention to at all—a heritage also present in many regular ‘German families’. These stories are about how we create meaning, belonging, and identities. A friend who worked as a psychodrama therapist once described vividly how he made people re-enact their relationships with their family members, relatives, friends, and others by reflecting on objects in their immediate environment, and making these objects ‘speak’. A client of his was suffering from a serious inability to concentrate on her work. While she was exploring these problems another anxiety that occupied her came to the fore: she felt the danger that she might convey these paralysing feelings of being blocked and stunned to her daughter. While focusing on her environment during the psychodrama process, a little box on her desk appeared in her story. She related that she kept a gold ring in the box, one that she had received as gift from her mother and a strong symbol of family tradition. While working on that story, the client realized that she should know more about this ring. In the end—and the story is so emblematic that recounting it becomes almost kitschy—she knew more about her family and guessed much more that she did not know and that her therapist was unable to help her with. Only research in the archives allowed her to discover more. She found out that the ring was a present to her mother from her father, who had been abroad around 1942, working in the German Ghetto Administration somewhere in the Baltic provinces. The gold ring was a symbol of the new well-being of the couple—both from lower-class families—and of their own family that they had started just before the war. For my friend’s client, the gold ring at first appeared to be merely a kind of memento of her mother, something that she would naturally pass on to her own daughter at some point.

What would happen if she decided to interrupt this material trajectory of complicity? She could sell the ring on the market to get rid of the physical memory and to transform it into the universal and innocent currency of money, something that would help her to let the memory vanish into the realm of pure ideas, into something without any physical substance, not something to be passed on as a symbolic gift. Or she could ‘return’ the ring by handing it over to an agency of material restitution (for example, the Claims Conference or the

Stiftung Zurückgeben), knowing that those who would profit from this gesture would probably not be the original owners or their heirs, but members of some sort of Jewish collective body, whose definition depended on its political agenda. Or thirdly, she could make the story itself part of a public act of compensation and give it to an institution like a museum, leaving it to them, that is, to 'us', to deal with. Or she could decide to pass it on to her daughter after all, now with the full weight of the fragments of historical knowledge she had acquired, creating a different kind of complicity that left the decision of how to make use of that knowledge to her children. I never heard how the story of the ring ended, whatever the 'end' of this story could be, and how its owner finally decided to settle her relationship with it.

There are, no doubt, literally thousands of objects like this around. In the files of any Ghetto or Camp Administration hundreds of official requests for rings, watches, necklaces, or whatever can be found, mostly from German policemen, soldiers, and civil servants, explicitly asking for Jewish property, to name only one of the careers of such items. Some of these objects found their way into museums, others remained in the everyday use of their subsequent owners, however they might have come into their possession.

b) The second case study is even more complex, because it is not about loot but about lost and rediscovered identities, a trajectory of objects that makes them a kind of Marrano, Jews who hide their heritage and pass as 'non-Jews'. In 2006 I met an old woman in Brussels, whose grandmother had been the last owner of one of the industrialists' mansions in the former Jewish quarter of Hohenems, coincidentally, the mansion that now houses the town's Jewish Museum. The story concerns several taboos that are carefully shared and passed on from generation to generation. It is also the story of a particularly attractive artefact, at least from the perspective of an exhibition curator. When this woman was still a child living in Belgium, she visited her grandmother in Hohenems, who lived in the old, gloomy mansion with its garden. Her grandmother had inherited the mansion from her parents. She had married in Antwerp, and returned to Hohenems in 1906, when her husband, a failed businessman and gambler, lost his money and committed suicide. Their son had finished boarding school and entered military service in Belgium, married his non-Jewish girlfriend, and become the father of a little girl. In

Articles

1936, when his mother had to pay off his gambling debts too, in order to prevent worse, she sold the mansion to a gentile physician in Hohenems and moved into a smaller apartment inside the same house. The aura of loss had thus been in the air before the Nazis took her to Vienna and then to Theresienstadt, her last journey.

For her granddaughter, the fascination of life in the villa as a child was summed up in a music box, resembling a large gramophone. When I met her in 2006, I was similarly fascinated with this masterpiece of home entertainment on display in her living room. A record on the turntable was waiting to perform 'Wiener Blut'. When she, and her father visited Hohenems again in about 1948, knowing that her grandmother would never return, they were given her grandmother's belongings, including the music box, which the gentile physician and his family had kept for her or her family throughout the war. But this trajectory of the objects is only one part of the story.

The woman I met was raised as a Christian, just as her children were raised as Christians. The Jewish part of the family that ended in the Holocaust is mixed with the bad luck of men who gambled and lost. Both the family's Jewish history and the memory of the bad luck of its men are passed over as a taboo. Nobody in the family talks about their Jewish heritage, yet everybody probably knows about it (as something not to mention). She carefully explained to us how ambivalent, even negative, she felt about the fact that the gloomy mansion of her childhood had become a museum and a public space, a place where the memory of her family (for fifty years the most successful Jewish family in Hohenems) had become a public issue. Yet when asked for an interview for a media installation in the museum, she told the whole story of her family, openly and at length, unhesitatingly accepting that the video would be used in public for the exhibition. But as a curator asking to borrow the music box for the exhibition, I ran up against a wall. The music box still had a life to live and a task to fulfil; it had to transfer the ambiguous tune of 'Wiener Blut' from generation to generation. The time to begin a new life in the museum had not yet come for this music box.

c) The third case is more humorous, even if it is humour on the edge of an abyss. Just a few months ago the son of the last cantor of Hohenems, Harry Weil jun. from Albuquerque, New Mexico, sent us a box in which we found his father's last *Lederhosen* (leather trousers)

Diasporic Home or Homelessness

(see Ill. 1). Harry Weil sen. was apparently quite a character. A passionate mountaineer who made his living selling insurance, he served his Jewish community as a cantor when the Hohenems community was already too small to host a regular service and was about to dissolve in the 1920s and 1930s. Weil founded workers' choirs and swing bands in the Vorarlberg region, married a Catholic, became a Communist and then a Trotskyite, fled to Switzerland in 1938 while his brother was killed in Dachau, and emigrated to Chicago in 1939. After the war he fought in vain for restitution as the Hohenems municipality considered that he had 'voluntarily' gone to Switzerland. Weil started a business importing Austrian cheese to the USA, which allowed him to stay in touch with the friends he still had in Hohenems and Vorarlberg. He returned there on a number of occasions on *Heimatreisen* (home journeys) and, finally, in 1970 for his funeral at the Jewish cemetery of Hohenems. To complete this complex image, he returned in an urn, although in principle cremation is strictly prohibited for Jews. Nothing is taboo in this family, but their stories are too numerous to be told here. In the meantime, Harry Weil jun. has received a ring of honour from the Hohenems municipality, awarded in a humble, somewhat inappropriate, but heartfelt cere-



Illustration 1. *Lederhosen*. By courtesy of Jewish Museum Hohenems.

Articles

mony. He returned to his family on the ranch in Albuquerque, only to stop by for a beer or two the following year.

So for this family, as for others, passing an object on to the museum is part of a controversial and ironic discourse of living a self-conscious diasporic life, using the museum as a kind of ironic focus of their own 'Hohenems Diaspora', as they put it, a Diaspora that functions through an osmotic family network, creating meaningful history with a twist, or rather, many twists. This, paradoxically, corresponds to a growing awareness of the way in which local people in Hohenems treat *their* memories of the Jewish presence. Harry Weil sen.'s *Lederhosen* found their way into our permanent display, along with the watch that Harry Weil kept after the First World War, engraved in memory of his service as a Tyrolean *Kaiserjäger*, fighting for Austria in the Dolomites.

d) The fourth object—two small brass stars, two centimetres wide—is the least spectacular and is also connected to the story of Harry Weil jun. in a way (see Ill. 2). In 2010, while working on an exhibition project entitled 'A Certain Jewish Something', we sent letters to local people and friends abroad, asking for 'their' Jewish 'something'. Without explaining who we were reaching out to in par-



Illustration 2. Brass stars. By courtesy of Jewish Museum Hohenems.

Diasporic Home or Homelessness

ticular, Jews and non-Jews alike, or what exactly we meant by 'a certain Jewish something', we asked people to go to Hohenems on a certain day in October 2010 and bring along the artefact of their choice and a text telling its story. They would be photographed with it, we explained, and recorded for a radio programme. Parts of this particular exhibition format, developed by Swiss writer and journalist Katarina Holländer, had already been successfully realized in Zurich, Augsburg, Frankfurt, and Munich, when we sent out our call. Many brought along their 'Jewish something' on that date. All the objects and their owners came from Hohenems itself, from the region between Zurich and Innsbruck, but also from as far afield as Rotterdam, Hamburg, Prague, and Frankfurt.

Horst, a man from Hohenems, brought along the little stars and their story. As a child (and a friend of the young Harry Weil jun.), he used to play around the old synagogue while living in the Rabbi's house (under the same roof as the Weil family until 1938), when the synagogue was looted by the Nazis. Everything inside vanished at that time. Ritual objects were melted down 'for the war effort', the Tora scrolls were taken away, the textiles destroyed, the furniture and decorations thrown out into the streets. The stars that Horst took away before they went missing were the only remnant of what had been inside the synagogue. For him they were two small stars (five points, not to be misunderstood), a small innocent piece of loot, a memento for himself. He kept them for a long time as a talisman, a lucky charm, and a memory of the world he had marvelled at when he was 6 years old. He kept the stars even when, much later, he became a member of the Board of the Jewish Museum. He never told anyone. The meaning of these objects definitely changed for him over time. What did they mean to him over the last twenty years, when the museum was in existence? Did he hesitate to give them back because he was shy about having 'robbed' them? Did he hesitate because he felt that he wanted to control his story himself and not pass it on into other hands?

III The Hidden Thread in the Jewish Museum?

When I started working on this article, I reviewed everything relating to the subject in our new permanent exhibition and found that, in

Articles

a way, the whole exhibition follows a thread that repeatedly asks a question about loss and recovery. It starts with a simple question in the staircase on the way up to the exhibition floors, asked by the daughter of an old Jewish family of innkeepers, born in 1897. In the 1980s the old woman from Hohenems still lived close to the Austrian border, in a small Swiss town called Widnau, where she had moved from Hohenems with her husband in 1936. When the museum's team went to interview her in 1987, she was wise and witty. She asked back: 'What do you want to create a Jewish museum in Vorarlberg with? People will have to bring stuff in the dark.' ('Mit was kann man in Vorarlberg ein jüdisches Museum einrichten? Da müssen die Leute ja im Dunkeln das Zeug bringen.') Even in old age, Jenny Landauer attentively observed what was going on in Vorarlberg, so close to her home. And she was still wondering where all the possessions from Jewish homes and the synagogue had disappeared to fifty years before.

From Jenny Landauer's quotation on the staircase, the thread goes up into the building's attic, now hosting the part of the permanent exhibition that presents the time between 1938 and today, explicitly addressing the subject of looting and trust. On their way through the museum, visitors come across all kind of allusions to the questions of who owns the material heritage, how it was lost, and how it was sometimes recovered. One example is the long list of objects looted from the synagogue, disguised as a formal protocol signed by the mayor and the chairman of the Jewish community, listing the Tora scrolls (26), Tora binders (440), Tora curtains, Crowns, Rimmonim, and even the bronze bust of Salomon Sulzer from the synagogue's staircase. Visitors also find the paper wrapping from a package that Jewish refugees cautiously deposited with a Bregenz innkeeper before they illegally made their way over the border into Switzerland. On the wrapping paper they had written: 'for officer Gr.', that is, Paul Grüninger, a Swiss police officer who in 1938 helped hundreds of refugees to get into Switzerland and to obtain papers enabling them to stay. He had also personally smuggled their belongings through the border controls on both sides until he was fired by the Swiss authorities and the last package, waiting for him in Bregenz, was confiscated by the Gestapo. The objects in the package were carefully listed on a document that was found, along with the wrapping of the package, in the Vorarlberg State Archives when this

exhibition was being researched. But the objects themselves are long gone, having found their way in the Nazi system of looting. What remained was the wrapping and the list of valuables. Ironically, these two things, at least, were kept almost exactly where they had once been left for the courageous police officer who never came back. The State Archive today is housed in a narrow street opposite the old inn, the Gasthaus Zehbäck, whose clientele around 1938 included outlaws of all kind, political resisters, smugglers, and prostitutes.

Some of the thousand or so Displaced Persons, survivors who went to live in Hohenems and Bregenz after the war and established an Orthodox community there, also turned to smuggling. Their stories of border-crossing businesses side-stepping the rules are too numerous to tell here. They also tried to encourage locals from Hohenems to cooperate in individual acts of restitution. Like Harry Weil sen., who lived in Bregenz some of the time after the war, they published appeals for the return of ritual and other objects that they needed for their own use in the synagogue. They promised confidentiality and anonymity. But apart from one Tora mantle that appeared in the dark of the morning in front of a house one day and some Menorahs for private use which were offered in exchange for hard currency, nothing turned up. Saul Hutterer, a Bobov Orthodox who headed the DP community until 1950, kept such a Menorah sold by someone in Hohenems for the rest of his life in Antwerp. It was a cheap little piece but obviously meant a great deal to him right up to the time of his death just two years ago.

The Hohenems exhibition ends with a puzzle, a display case filled with ritual silver objects from a synagogue along with a few less 'ritual' objects like a silver spoon and a pair of silver sugar tongs (see Ill. 3). The Tora crown and the Rimmonim are the kind of exhibits more traditionally oriented visitors desperately look for in the exhibition but do not find until they reach the last display case. In 2005 the local court in Bregenz informed us that they had found a cardboard box filled with dirty old silver objects in the evidence vault, the room where old exhibits (as they are also called in the language of the court) are kept. A professional valuer, probably a jeweller, had written on the box in 1955: 'Worthless (probably Jewish) church decoration.'

The court files have long since been thrown away, the valuer has disappeared from the scene, and there is no evidence in the archives

Articles



Illustration 3. Silver objects. By courtesy of Jewish Museum Hohenems.

or the newspapers of the time that would help us to identify the provenance of these objects. The hallmarks in the silver made it possible to identify when and where the objects were crafted. This trace led to the east, to the Ukraine, Poland, and Russia. But how did they get to Bregenz? The curators cannot give the visitors more than questions. Did a Nazi bring them back on his return from 'duties' in the east and try to sell them after the war? Did a refugee from 1938 leave this package in Bregenz? Did the objects belong to a Jewish DP after 1945 who was trying to smuggle them into Switzerland? Or did a non-Jewish DP from the Ukraine try to sell them in Vorarlberg? The story of lost and found remains open, and when visitors walk down the staircase of the museum and again see the witty old woman's remarks about bringing along stuff in the dark, different answers to this question have emerged into the light.⁸

Even more provokingly, the Jewish Museum in Vienna sent visitors to the 2005 exhibition *Jetzt ist er böse, der Tennenbaum* (Now he is angry, this Tennenbaum) off with a game to play. The playful exhi-

⁸ For more information on the Jewish Museum Hohenems's permanent exhibition see Hanno Loewy (ed.), *Home Diaspora: The Jewish Museum Hohenems* (Hohenems, 2008).

bition about Austria's way of dealing with the past after the war was full of games the visitors were asked to participate in. It ended with a kind of memory box, a giant version of a letter case full of worthless memorabilia. The label said: 'These knick-knacks were bought at the local flea market without checking their provenance. Feel free to take one with you as a souvenir.' The museum had to refill the box from time to time as the visitors felt free to enjoy the game.

On a more serious note, the core of the first permanent exhibition in Vienna, opened in 1995 and curated by Felicitas Heimann-Jelinek, asked who the material heritage belongs to, and whether it is possible to reconstruct the history of the Viennese Jews after 1945 through the substance of its own materiality. It did not present the objects themselves, nor did it construct a narrative that framed their presence in a traditional way. By making the fragmented traces of the past the subject of a holographic installation it relied on the illusion of three-dimensional images projected into a virtual space that only existed for the spectator. Twenty-one large glass panels formed a rectangle inside the exhibition space that people could enter in order to decipher the holograms. The technical nature of these holographic images meant that the image was incorporated into the foil between two glass plates in an endless multitude of repetitions that, only in the eyes of the visitor, formed a three-dimensional, haptic illusion, representing a desire to grasp the past and a desperate inability to do so. The images themselves were a carefully composed still life of artefacts brought together from different archives and museums all over the world, representing certain aspects of Jewish life, culture, and history in provocative and allusive combinations.⁹

While in Germany artists, scholars, and the public were engaged in a debate about negative memorials such as those created by Jochen

⁹ For discussion of the Viennese holograms see Reesa Greenberg, 'The Jewish Museum, Vienna: A Holographic Paradigm for History and the Holocaust', in Shelley Hornstein and Florence Jacobowitz (eds.), *Image and Remembrance: Representation and the Holocaust* (Bloomington, Ind., 2003), 235–50; Robin Ostow, 'Longing and Belonging—Home and Exile: The Jewish Museum in Vienna. An Anti-Heimat Museum? Or a Heimat Museum with an Accent?', in Klaus Hödl (ed.), *Der 'virtuelle Jude': Konstruktionen des Jüdischen* (Innsbruck, 2005), 71–82; Matti Bunzl, 'Of Holograms and Storage Areas: Modernity and Postmodernity at Vienna's Jewish Museum', *Cultural Anthropology*, 18/4 (2004), 435–68.

Articles

and Esther Gerz, Horst Hoheisel, and Micha Ullman in Hamburg, Berlin, Saarbrücken, and Kassel,¹⁰ a comparable discussion about the memory of the Holocaust in public space never took place in Austria. Instead, the Jewish Museum and its holograms became the focus of a permanent reflection of the possibility, ambiguity, and discomfort of exposing Jewish culture and history in a museum, forming a highly productive space of discourse.

The holograms are gone and this is not the place to discuss why and how that happened. But the questions they raised are still valid, even if the answers differ from those formulated fifteen years ago. Perhaps today they would relate more to our projections into the future than only into the past, to how our state of global migration is creating diasporas, and to identities in competition. The fact is that we are still collecting fragments and *Lumpen* (tatters), like the *Lumpensammler*, the collector Walter Benjamin imagined as his role model.

¹⁰ For the discussion of 'negative memorials' see James Young, *The Art of Memory* (Munich, 1994), the catalogue of the exhibition James Young curated for the Jewish Museum New York.

HANNO LOEWY, scholar of literature and film, and a curator and writer, has been Director of the Jewish Museum Hohenems since 2004. Before that he was the founding director of the Fritz Bauer Institute in Frankfurt am Main. His many publications include *So einfach war das: Jüdische Kindheiten und Jugend in Österreich, der Schweiz und Deutschland* (2004); (ed.), *Gerüchte über die Juden: Antisemitismus, Philosemitismus und aktuelle Verschwörungstheorien* (2005); with Michael Wuliger, *Shlock Shop: Die wunderbare Welt des jüdischen Kitschs* (2005); (ed.), *Home Diaspora: The Jewish Museum Hohenems* (2008); and ed. with Gerhard Milchram, *Hast Du meine Alpen gesehen? Eine jüdische Beziehungsgeschichte* (2009).

*FAMILY FILES:
EMOTIONS AND STORIES OF (NON-)RESTITUTION*

ATINA GROSSMANN

The intimate and inevitable connection between *Wiedergutmachung* and emotion has, in many ways, long been obvious. The battle within Israeli society over whether to accept a ‘blood money’ agreement with the Federal Republic of Germany was fierce and intensely bitter. The battle in living rooms and kitchens throughout the far-flung world of Jewish survivors and refugees over whether the potential gain of some unspecified material compensation was worth entering a *Papierkrieg* with a re-empowered German officialdom and the painful confrontation with memory and loss—as well as the necessary recognition of a sovereign Federal Republic—it would entail, was no less anguished.¹ And yet we are perhaps only now beginning to think, at least in an academic context, about the particular emotions aroused by claims for restitution or compensation for objects, in addition to the less literally tangible losses of freedom, health, and educational opportunity engendered by, in the language of restitution legislation, National Socialist religious, racial, and political persecution.² These meticulously constructed lists of porcelain services and silver tableware, Persian carpets, Singer sewing machines, curtains and books, velour-covered armchairs, oil paintings and lithographs, and, of course, real estate, were a key element of the complex, controversial and unwieldy process collectively and awkwardly known as *Wiedergutmachung*. Their fraught significance is only heightened, perhaps, by the fact that these ghostly reminders of a

As this article gives a historian’s personal account of her family’s and her own emotions in the context of researching the fate of her family members and their property, the editors have decided to preserve the personal quality of the spoken paper. The text is only slightly edited to produce more distanced language.

¹ On the bitter struggle in Israel see e.g. Tom Segev, *The Seventh Million: The Israelis and the Holocaust* (New York, 1991), 227–52.

² See e.g. Federal Ministry of Finance, *Compensation for National Socialist Injustice: Indemnification Provisions* (Berlin, 2011), 5.

Articles

devastated world and culture were generally specific to German Jews who could document such losses rather than the majority of East European Jewish victims of the Holocaust.

The extensive archival record of this restitution process for objects makes clear that an examination of emotional responses should consider not only the refugees and survivors themselves with all their jumbled, ambivalent feelings, but also the reactions, cloaked by references to legal paragraphs and statutes, of the various German officials, attorneys, and 'experts' of all sorts handling the claims, as well as the Aryanizers, who are often an important part of the 'conversation'. Moreover, we are also pressed to think about the emotions of the descendants retrieving the files, confronting their contents, and imagining what it meant for the claimants to engage in this process with German officials and, in some cases, also directly with the new owners of what had once been theirs.

Especially at the beginning, these exchanges in which victims had to re-define themselves as legal claimants in a society that had expelled and persecuted them and where, moreover, their interlocutors were not infrequently former persecutors, read as frustrating, painful, and bureaucratically grotesque legal and semantic battles, often suffused with anti-Semitism.³ To study them even now, decades later, provokes anger and a kind of disbelief. Inevitably, however, such investigations, at least in the case of bourgeois Berlin Jews such as my family, can also provoke fantasies about a grand and irretrievably destroyed 'lifestyle' (perhaps the word is appropriate here) that might have been.

Mixed Feelings: The Emotional Ambiguities of Fighting for Wiedergutmachungsgeld

I grew up in a family in which that strange and misleading term, *Wiedergutmachung*, was as much part of daily conversation as the weather, the international political situation, and the lack of good cafés and

³ Norbert Frei, José Brunner, and Constantin Goschler (eds.), *Die Praxis der Wiedergutmachung: Geschichte, Erfahrung und Wirkung in Deutschland und Israel* (Göttingen, 2009), 23 refers tellingly to a process by which *Verfolgte* (the victims of persecution) become *Antragssteller* (applicants).

coffee on New York's Upper West Side in the 1950s and 1960s.⁴ My father, who had practised law in Weimar Berlin, was a restitution lawyer (*Wiedergutmachungsanwalt*) and our living room was continually filled with middle-aged German-speaking friends and clients who came with their photos and their documents and their stories, on which I sometimes eavesdropped: this one had been a promising artist, that one a renowned biochemist, a doctor with a flourishing practice, a small storeowner, or a young student expelled from university. They came to plot, together with my father, the only realistic revenge, indeed, the only 'compensation' that could still be wrested from the catastrophe, namely, material restitution, money, with all the painful pangs of conscience (*Gewissensbisse*) and mixed feelings which that implied. I sensed that my father took a great measure of bitter pleasure in pulling as much money as he possibly could out of the young Bundesrepublik, and even at a very young age I was acutely aware of the sudden turn in my family's own fortunes in 1957, when the restitution money (*Wiedergutmachungsgeld*) for our own family and for my father's clients, and his commissions, started rolling in. My father embarked on his first journey back to Europe, and I still remember the smooth suede of the elegant leather handbags he brought back from Spain for my mother, and the aura of the Continent and some long-lost luxury entering our cramped New York apartment.

Something significant had definitely shifted for German Jewish refugees in New York. The fabled *Sommerfrische* (summer holiday) suddenly moved from small inns with a German-speaking clientele and hearty Central European cooking (some kosher, some not) in the rolling hill towns of the Catskills such as Tannersville and Fleischmanns to the authentic nostalgically remembered Alps and the grand hotels of Zermatt, Sils Maria, or Arosa. The final approval of restitution legislation by the Bundestag in 1956 marked the slow end of the German Jewish Catskills. And I could palpably, physically, sense the relief that washed through the Café Éclair, the Tip Toe Inn, the afternoon *Kaffeeklatsches* of the Yekke community in New York, as the money and the pensions began to arrive, bank accounts expanded,

⁴ For this see also Atina Grossmann, 'Versions of Home: German Jewish Refugee Papers Out of the Closet and Into the Archives', *New German Critique*, 90 (Fall 2003), 95–122.

Articles

and a certain sense of security, mixed always with the pain of irretrievable loss (of which I was less clearly aware), settled into refugee life. So it was with that background that I came years later to my own family's records, as a historian of post-war Germany researching encounters between defeated Germans and surviving Jews, and, of course, as a curious but wary participant observer (*Betroffene*). My examples of restitution cases come, therefore, from that hybrid place, so often viewed with suspicion by professional historians, between History with a capital H and memoir. I draw from fragments of the family archive, a move emotionally and intellectually both perilous and rewarding, and hence perhaps entirely appropriate for a discussion of the 'emotions' of restitution.

Emotional Entanglements: The Intergenerational Legacies of Loss and Appropriation of Jewish Property

The Grossmann family files begin with the early post-war period before the promulgation of the *Bundesentschädigungsgesetz* in 1956, covering the period starting with the first Allied restitution order, Military Law No. 59 for the *Rückerstattung feststellbarer Vermögensgegenstände an Opfer nationalsozialistischer Unterdrückungsmaßnahmen* (Restitution of Identifiable Property to Victims of Nazi Oppression) in the American zone on 10 November 1947 (adopted in the British zone in May 1949). They continue through the early 1950s after the Luxemburg Agreement of 1952, when survivors, particularly German Jews, were beginning to stake their claims to restitution of property and compensation for losses that could not in fact be 'made good' again. Their claims are part of the fraught early post-war and post-Holocaust encounters between Jews and Germans. During the occupation and 'DP' years from 1945 to 1948–9 and into the early 1950s in the Bundesrepublik, many cases were presented in actual face to face encounters with German officials. But as in the case of restitution claims submitted by German Jewish refugees now scattered throughout the globe, especially in the USA, Israel, and the United Kingdom, they were often also conducted by international airmail and mediated by lawyers on both sides of the Atlantic.

In this early stage of an ongoing process of encounter and negotiation between Germans and Jews after the defeat of the Third Reich,

in which all sides had to 'learn by doing',⁵ the files mostly tell stories of non-restitution. They reveal a young West Germany for the most part determined to evade the recent past, and apparently entirely immune to expressions of loss, anger, or even embittered resignation, at least on the part of the claimants.

The crumbling files of my family's first *Wiedergutmachungs* effort from 1949 to 1953, based on the particular reparations edict imposed on Berlin by the Allied *Kommandatura* on 26 July 1949 (Article 23, REO, *Rückerstattungsordnung*, Order for Restitution of Identifiable Property to Victims of Nazi Oppression) tell a story that is entirely typical of the bitter gulf of experience and memory that separated those who had once been fellow Berliners after 1945.⁶

It is the story of a Berlin hotel which, according to a brochure published for tourists coming to Berlin in the millennium year 2000–1, was 'purchased' by the grandfather of the present owner in 1938. After having been 'partially destroyed by the vicissitudes of the second World War', the hotel is said to have 'continued its pre-war history. . . . In a house which had been constructed in 1887 according to old-fashioned artisan tradition, the charm and solidity of the past century could be preserved.'⁷ In fact, the hotel's early post-war years were marked by a bitter battle between my father, whose parents had owned the building from 1913 to August 1938, and the then owners over that pre-war history, the sordid events of Aryanization, and the forced sale of Jewish property in Nazi Berlin.

My grandmother, Gertrud Grossmann, who had taken over the property after her husband's death in 1931, managed to elude her first deportation order for almost a year and a half, but in 1943, the 39th *Osttransport* deported her to Auschwitz where she was mur-

⁵ Frei, Brunner, and Goschler (eds.), *Die Praxis der Wiedergutmachung*, 12.

⁶ For a more detailed account of the story see Atina Grossmann, *Jews, Germans, and Allies: Close Encounters in Occupied Germany* (Princeton, 2007), 112–14, 309–10, nn. 88 and 89. See *Wiedergutmachungsamt*, Berlin, 2WGA 1490/50 (Walter Grossmann) and 2WGA 3253/50 (Franz and Hans S. Grossmann). All quotations in the following paragraphs come from these sources. See also Atina Grossmann, '“The survivors were few and the dead were many”': Jewish Identity and Memory in Occupied Berlin', in Marion Kaplan and Beate Meyer (eds.), *Jüdische Welten: Juden in Deutschland vom 18. Jahrhundert bis in die Gegenwart* (Göttingen, 2005), 317–35.

⁷ *Ibid.* 332.

Articles

dered. Gertrud's three sons survived. One was liberated at Mauthausen after having made it through two years in Auschwitz; another had settled as a doctor in Hartford, Connecticut; and the third, my father, had spent the war as an enemy alien interned by His Majesty's Government in British India. Now the two physicians were counting on their brother, the former Berlin lawyer, to use the reparations edict forced on Berlin by the Allied *Kommandatura* on 26 July 1949 to rescue what he could. While the new owners claimed that they had acquired the hotel by 'a completely apolitical and economically justified contract in which no coercion or pressure of any kind had been applied', my father's memories of the 1938 transactions, transcribed in the court papers, were furiously different from the their innocuous version. According to my father, the new owner

had repeatedly boasted of his good connections to the party . . . and that if my mother did not sell him the house on his terms, he would find ways and means to acquire it in any case. Considering the general lack of basic rights for Jews in Germany . . . my mother and I decided it was only prudent to accede to his threats.⁸

After a lengthy and bitter court battle, the *Wiedergutmachungskammer* (Restitution Court) of the Landgericht Berlin on 14 September 1953 finally ordered the hotelier to pay the heirs of Gertrud Grossmann the modest sum of DM 20,000. This was at the time less than \$5000; the Grossmanns had claimed a value of DM 110,000 to DM 125,000.⁹

⁸ Grossmann, *Jews, Germans, and Allies*, 114.

⁹ For discussion of similar unsatisfactory legal struggles around 'Aryanized' property, using similar language, see Ronald Webster, 'Jüdische Rückkehrer in der BRD nach 1945: Ihre Motive, ihre Erfahrungen', *Aschkenas: Zeitschrift für Geschichte und Kultur der Juden*, 5/1 (1995), 47–77. In fact, there were so many celebrations of fifty years of business ownership in 1988, half a century after the expropriation of Jewish property in Nazi Germany, that some localities embarrassedly asked their merchants to curtail their self-congratulatory advertising as it was a bit too obvious (*peinlich*), *ibid.* 72. As with so many issues concerning Jews in post-war occupied Germany, the situation in Berlin was unique in that a reparations edict had already been forced on Berlin by the Allied *Kommandatura* on 26 July 1949, well before the federal restitution programme was approved by the Bundestag in 1956. Article 23 REO, 'Restitution of Identifiable Property to Victims of Nazi Oppression

There is a small coda to this story which suggests how raw the emotions connected to the ownership of Aryanized property might still be. Shortly after a brief article about my research on this piece of German history appeared in one of the last issues of the German Jewish refugee weekly *Aufbau*,¹⁰ I received a letter from a grandson of the hotel's new owners. It is, I think, worth quoting from this letter (in the rather awkward English translation he helpfully appended):

I cannot comprehend the anachronistic relation between the afore mentioned acquisition and the work of a descendant of the purchaser, who is director of the hotel two generations later. I can see the point you are trying to make but it is unscientific (*unwissenschaftlich*) in my opinion. I must say, though, that the purpose of it all is totally mysterious to me (*völlig schleierhaft*). The accusation that you are making in your article is hitting someone who did not experience World War II (born in 1948) and thus cannot be held responsible for the crimes of this era. Nevertheless, like for every other human—at least in Germany—it is my duty [to] keep these events in mind, so that there will never be a repetition [and to] always be openminded and without prejudices when to comes to person's color of skin, religion, or nationality.¹¹

And then came a key point which suggested that he did indeed have his own very real material concerns about the 'purpose of it all'. 'Because of this, the whole issue of the *purchase* [*sic*] is settled in my mind', and then he added, ritualistically, 'regardless of the timeless criticism concerning the way Germans behaved toward Jewish fellow citizens (the proverbial *Mitbürger jüdischen Glaubens*)'.

from January 30, 1933 to May 8, 1945 on grounds of race, creed, nationality, or political beliefs' stated: 'Where . . . the affected property has undergone fundamental changes which have substantially enhanced its value the Restitution Chamber may order the delivery of an adequate substitute in lieu of restitution. It shall consider the value of the property at the time of the unjust deprivation and the rights and interests of the parties.'

¹⁰ *Aufbau*, 13 (July 2002), 13.

¹¹ Reference to this letter is also made in Grossmann, *Jews, Germans, and Allies*, 310, n. 89.

Articles

I never responded to this anxious missive, having already decided for myself that I was not willing to invest the resources of time, money, energy, and, indeed, emotion to wage the re-opened legal battle that the grandson/owner of the Hotel Astoria obviously feared, just as for a host of reasons that I have not fully unravelled, I did not manage to pursue the 'looted art' case urged upon me by a zealous German attorney in order to discover, retrieve, or receive compensation for the impressive art collection that an uncle, the architect Leo Nachtlicht, had auctioned, sold, lost, sometime between 1932 and 1943. I preferred to take my minor but nevertheless heartfelt revenge in historical research and publication and ensuring, among other things, that representatives of Jewish organizations no longer booked accommodation at the hotel, a point that became moot in 2009 when the family finally gave up the ghost (literally I would say) and sold out to a hotel chain.

Imagine my surprise, then, when I recently discovered during casual conversation that the son of this letter-writer, that is, the great-grandson of the Aryanizer (who had been mentioned in the letter as a budding student of history) had indeed become a historian of National Socialism *and*, this is the intriguing kicker, had apparently still complained about the shamelessness and *Unwissenschaftlichkeit* of my accusations.¹² This story underscores the premise that the question of the 'emotions of restitution' should surely be extended not only to the descendants of the victims—those of us who are reading the files and reflecting on the consequences of those proceedings, which did indeed have a very real impact on the course of our lives—but also to the heirs of the spoils.

¹² This story is, admittedly, based on hearsay but it is sufficiently telling that I mention it here, albeit with the warning adjective 'apparently'. The best known articulation of this conflict between ostensibly 'objective' history of the Third Reich and 'subjective', presumably more emotional and hence unreliable study, is probably the famous exchange between the Martin Broszat and Saul Friedländer. See their articles collected in Peter Baldwin (ed.), *Reworking the Past: Hitler, the Holocaust, and the Historians' Debate* (Boston, 1990).

*Objects, Emotions, and (Failed) Lernprozesse in
Post-War Restitution Cases*

It is worthwhile, therefore, to think a bit further about the barely suppressed emotions that reveal themselves to the attentive (and personally engaged) reader of these documents. Norbert Frei, José Brunner, and Constantin Goschler point out in their detailed edited study of the processes of *Wiedergutmachung*, especially between Germany and Israel, that in a strange but powerful way, it was precisely those difficult, often agonizing, restitution cases that provided, indeed forced, the major forum for a post-war encounter between German Jewish survivors and the country from which they had been expelled.¹³ This process unfolded sometimes in the direct form of a return to Germany in order to facilitate the processing of claims, and sometimes from afar, in letters, legal documents, and interactions (almost always distinctly unpleasant) with representatives of German consulates, including the dreaded (often Jewish) *Vertrauensärzte* and psychiatrists who adjudicated disability claims. Over time, with shifting politics, this *Praxis*, Frei, Brunner, and Goschler *et al.* persuasively argue, can be understood as 'ein[...] permanente[r] Lernprozess der daran beteiligten Gruppen und Gesellschaften' (a permanent learning process on the part of the groups and societies involved in it).¹⁴

Indeed, the German restitution bureaucrats, the lawyers for the Aryanizers, and all those on the receiving end of the claims, could have, had they been willing, learned a great deal about the lives of their former fellow citizens. As Leora Auslander has so wonderfully shown in her sensitive readings of French restitution claims, the files open up rich and poignant portraits of lives comfortably lived and then suddenly, traumatically disrupted.¹⁵ We find detailed CVs, often laboriously reconstructed without the help of the proper documents, lost in lifts (shipping containers) gone astray, in hasty flight through multiple destinations. Claimants submitted narrative *Lebensläufe* dutifully notarized (*Eidesstattliche Versicherung*), cataloguing—

¹³ Frei, Brunner, and Goschler (eds.), *Die Praxis der Wiedergutmachung*.

¹⁴ *Ibid.* 23.

¹⁵ Leora Auslander, 'Beyond Words', *American Historical Review*, 110/4 (2005), 1015–45.

Articles

with the proud defensiveness of those forced to prove what had once been self-evident—schooling, degrees, social position, truncated bright futures, as well as the hurdles to emigration, the difficulties of starting anew in old professions, and the fees and costs associated with new licences and degrees. They submitted lists of their curious transitional jobs (the proverbial German Jewish Fuller Brush salesman standing at our apartment back door remains a vivid figure), and painstaking comparisons of past and current (much) lower incomes. They received affidavits from friends and colleagues all over the new international refugee universe attesting to the veracity of the claims about a lost high standard of living. In my father's case, a former law partner now living in Buenos Aires attested on 15 January 1954 to the lost pleasures of Weimar bourgeois life with its taken-for-granted balance of work and leisure (certainly an object of envy for our hurried generation) and added, 'even though only 30 years old in 1933 he had already built up a successful practice that would surely have generated a growing income—had not 1933 intervened'.¹⁶

At the outset, however, this *Lernprozess* involved for the claimants, as I think my father's disposition suggests, a toxic mix of disappointment, frustration, fury, and confirmation of suspicions about the German refusal of responsibility. Particularly striking is the refugees' bitter sarcasm about the blatant injustice, the callous disregard of recent history, the grasping for bits of authority by newly re-empowered West German officials chagrined at having to deal with such unpleasant matters. The initial answers, certainly pre-1956, come carefully embellished with references to a multitude of legal paragraphs, concluding with a monotonous *nein, nein, nein* as claims were rejected. Current economic or professional difficulties described in these early claims were attributed to the obstacles imposed by emigration and destination nations (for example, in the case of Britain, internment as an enemy alien), rather than by Nazi persecution. The causal relation between the Nazi expulsion and the multiple losses and injuries of emigration, in contrast to those sustained while still in Germany, including the irony of incarcerating fleeing Jews as a potential fifth column of Nazi sympathizers, was simply denied, not recognized: 'nein, die Voraussetzungen sind . . . nicht gegeben (no, the conditions are . . . not met).'

¹⁶ Hans S. Grossmann file, 2WGA 3253/50.

In my father's case, an entirely logical if perhaps predictably quixotic effort to argue that had his passport not been marked by the clearly National Socialist addition of a 'J' and the added middle name of 'Israel', his plan to emigrate from a first refuge in Tehran to the USA via the Soviet Union and Japan would not have been derailed by the denial of a transit visa by a Japanese regime allied with Germany. Without that Nazi imposed 'racial' marking, he would not have been coerced into a risky journey through British India to catch a boat from Bombay to San Francisco, culminating in five years of entrapment in India, during which he lost, as the text with which I close this essay reflects, the remnants of his 'respectable' identity: his remaining savings; his affidavit and visa for the USA; his professional outfits and credentials; whatever possessions he had managed to transport from Berlin to Tehran during his first hasty flight after 1933; and his chance to start over in the USA half a decade earlier, as a younger, healthier, and less traumatized man.

Such reasoning, intelligible as it may seem to us, proved, of course, utterly unconvincing to German officials disinclined to take any responsibility for the wartime actions of their post-war occupiers. The Berlin *Wiedergutmachungsamt* in 1956 explicitly denied any connection between the 'aus rassistischen Gründen erfolgten Auswanderung des Antragsstellers im Jahre 1936 und dem Freiheitsschaden im Jahre 1941' (the applicant's emigration for racial reasons in 1936 and the loss of freedom in 1941).¹⁷ And these stories, it is useful to keep in mind, are those of former German citizens who, according to the text of the *Bundesentschädigungsgesetz* (BEG) belonged to the 'deutschen Sprach- und Kulturkreis' (German language and cultural sphere) and were, from the outset, privileged in their entitlement to compensation by comparison, for example, with stateless Eastern European Displaced Persons in Germany who could only press claims based on harm to health and 'loss of freedom'.¹⁸

It is important to recall, therefore, that for all the success story of *Wiedergutmachung*—and in many ways it is a story of a kind of justice finally rendered and of a carefully orchestrated encounter between perpetrators and victims—the early years reflect precisely the sheer 'deep-rooted, stubborn, and at times vicious refusal to face and come

¹⁷ WGA files, Hans S. Grossmann.

¹⁸ Frei, Brunner, and Goschler (eds.), *Die Praxis der Wiedergutmachung*, 26.

Articles

to terms with what really happened', as Hannah Arendt put it so brilliantly in her essay 'Visit to Germany' in 1950.¹⁹ They are a key part of what Jewish observers in the post-war years termed the 'enigma of irresponsibility'.²⁰

The responses by claimants came, as in my father's submissions, with fury wrapped in Prussian formality and seared by a knowing sarcasm. My maternal grandfather, who had survived in hiding in Berlin, was laconic in his retort to the Senator für Finanzen in West Berlin on 25 July 1953 which, using the very documents he had submitted in his initial claim, had established that the Oberfinanzpräsidium (OFP) files documenting my grandmother's deportation from the Große Hamburger Strasse ten years earlier clearly showed that, after all, he had no more possessions at that time. Accordingly, any additional claims would have to be buttressed by a precise accounting of each individual *entzogenen* (misappropriated) item. He was enjoined to describe and to prove 'wann, wo, auf welche Weise und durch welche Dienststelle des vormaligen Deutschen Reiches eine ungerechtfertigte Entziehung zugunsten eines der von mir zu vertretenden Rechtsträger erfolgt ist' (when, where, and how a misappropriation was made by which office of the former German Reich in favour of a legal entity which I am to represent). In the absence of such evidence, no compensation could be provided. So my grandfather tried again, consciously deploying the language of his tormentors: he had lived in a 'sogennannten herrschaftlichen Haushalt' (so-called grand household, the adjective 'so-called' adding a level of irony), buttressed by his wife's substantial dowry, with expensive décor, over 1,000 books (which a Friedenau bookseller had relieved him of for DM 30 when he moved to a *Judenhaus*), even a *Sportboot* (racing boat) that the impassioned *Turner* (gymnast) had anchored at the Spree Ruderklub Grünau rowing club, and a *Diplom* (certificate) as a fencer. The former 'illegal' (*U-Boot*), who unlike most German Jewish claimants had directly experienced the wartime Third Reich,

¹⁹ Hannah Arendt, *The Aftermath of Nazi Rule: Report from Germany* (1941). The German translation was published as *Besuch in Deutschland* (Berlin, 1993).

²⁰ Term used by American Jewish occupation official Moses Moskowitz, 'The Germans and the Jews. Postwar Report: The Enigma of German Irresponsibility', *Commentary*, 2 (July–Dec, 1946), 7–14. See also Hannah Arendt's similar reflections in her classic text, 'The Aftermath of Nazi Rule: Report from Germany', *Commentary*, 10 (Oct. 1950), 342–53.

wrote: 'Die Schuld des Nazireiches brauche ich wohl nicht erst nachzuweisen . . . Ich darf wohl annehmen, dass diese Angaben genügen' (I presume that I do not have to furnish proof of the Nazi Reich's guilt. . . I presume that I may take it that these details are sufficient). But of course they were not, the *Antrag* (application) was rejected again, and his request that the precious remaining photos of his *herrschaftlichen* quarters that he had submitted as 'proof' be returned to him was not fulfilled, as I discovered decades later when I retrieved (and I might add, against all regulations, absconded with) them from his *Wiedergutmachungsakte* in 2002.²¹

Interestingly, in the particular family files that I have examined, the most loving and pained detail, it seems, is provided for the more mundane, the more everyday objects, the 'modern' (an insistent emphasis) as well as 'luxurious' domestic objects, a double bed, an armchair upholstered in velour, a *Rauchtisch* (smoking table), rather than for the items that solicit bewildered gasps from me today: oil paintings by Otto Dix and Kokoschka, several ('original' it says in parentheses) drawings by Degas and Liebermann, as well as 'weitere Oelgemälde . . . kann ich mich nicht besinnen' (further oil paintings . . . I cannot recall) that had graced the elegant apartment of the architect Nachtlicht at Trautenaustraße 10, Berlin Wilmersdorf. One of the Nachtlicht daughters made this clear in her claim on behalf of her parents. With her well-known father dead (perhaps by suicide) shortly before his planned deportation and her mother killed at Auschwitz, she clearly mourned her sheet music and violin as much as the Bluethner grand piano and the valuable artwork. For her, a skilled musician now living the peculiar life of the European exile—privileged as white, but alien and disoriented as Jewish and a refugee—in southern Africa, those were for her the 'unersetzlichen Gegenstände' (irreplaceable objects).²²

²¹ Heinrich Busse file, 62WGA 2671/51.

²² WGA file 2671/51, Nachtlicht. The file includes an affidavit from an 'Aryan' neighbour who continued to visit the couple until the end in 1942, attesting to her own memories of the luxurious home, the last-minute move to a *Judenhaus* in the same street, the gradual forced sale or confiscation of the possessions, and the couple's progressive impoverishment. A relatively 'satisfactory' restitution settlement was finally reached on 10 Feb. 1959. Interestingly, in an indication of the long reach of 'emotions of restitution',

Articles

It is the private items that loom most vividly, quite in contrast to the values we set today—a circumstance that contributes in part to my confused discomfort with current efforts to research and claim ‘looted art’ so many decades later, so removed from the experiences of its owners or even their children. I understand the politics of holding the Aryanizers, and the German galleries and museums that still will not fully account for the provenance of their holdings responsible, but I am uncomfortable with distant relatives profiting potentially massively so long after the fact, and uncomfortable also with my own fantasies— ‘oh if only I had just one of those Degas or that Lovis Corinth’—about how my own life or that of my children, even further removed, could be, or could have been, transformed by sudden riches acquired and lost in such a different world.

Wiedergutmachung claims reveal or at least suggest the emotions of the now adult children who had escaped, buttressed by the eyewitness testimony of those who had been there and remembered. The daughter-in-law of another uncle attested that her husband was still so depressed by his inability to save his mother and brother that she had taken over the restitution process. She remembered helping her mother-in-law turn in valuable jewellery, diamond brooches, the very finest silver, and, in fact, added sketches of these objects, reconjured from memory in 1961. The two women had, she added, taken a taxi to the *Sammelstelle* (collection point) in the Jägerstrasse, the silver carried in two *Waschkörbe* (laundry baskets). The family maid, who still lived in Berlin and had submitted an earlier unsuccessful affidavit in October 1959, was most impressed by the family silver, really *edel* (high quality), she insisted, not mere *Hotelsilber* (hotel silver), some two *Zentner* (hundredweight) of butter and cheese knives, soup spoons, and a full fish service as well as jewellery. The *Sammelstelle*, she noted, still provided receipts, although those documents of confiscation and loss were also long since lost. In her recollection, however, the most valuable item, a glittering pearl necklace she valued at RM 16,000 had, in a desperate and defiant act of trying to maintain some resource that might buy some food or maybe a visa, not been

the current occupants of the apartment in the Trautenaustraße have initiated a *Stolperstein* commemoration for the Nachtlichts and some ninety other Jewish neighbours in the same street; the memorial ceremony with the laying of the stumbling stones, welcomed by some and determinedly ignored by other current residents of the street, is scheduled for 29 Apr. 2012.

handed over but hidden away; it was discovered later during a Gestapo raid. For that item there was no receipt. But all those receipts, even had they been preserved, would have proved useless, at least for the West Berlin authorities in the 1950s. These carefully reconstructed inventories of once secure and comfortable affluent lives, 'Tafelsilber für 24 Personen (komplett doppelt), Fischbestecke, Kuchengabeln, Teesiebe, Tortenheber, etc.' (silver cutlery for 24 people, full settings doubled, fish knives and forks, cake forks, tea strainers, cake servers, etc.) that had been duly confiscated and recorded could not be considered for compensation because the *Sammelstelle* collecting Jewish-owned goods in 1939 had been located in the Jägerstrasse which was now assigned to East Berlin, and the relevant regulations (*Rechtssprechung des Kammergerichts*) conveniently only applied to 'den örtlichen Bereich der heutigen Westsektoren Berlins' (the jurisdiction of Berlin's present-day Western sectors). The West Berlin authorities did not consider themselves responsible for compensating any objects that had been delivered to a site now behind the iron curtain.²³

Many claims which had been summarily and repeatedly rejected in the early years of the Federal Republic were finally resolved, more or less, in 1959. The *Lernprozess* began excruciatingly haltingly with encounters grounded in polarized memory and mutual suspicion. The history of this process remains unworked through, especially perhaps for the heirs of those who enriched themselves, or simply made their lives and homes more pleasant, more decorative, more 'modern', with Jewish goods and property, but also for those of us reading history—of everyday life, of material culture, of the post-war encounter between Jews and Germans—through the files of the *Wiedergutmachungsämter*.

The Wishlist: Fantasies Aroused by Lost Objects

And then there is another level of emotion that connects to that which cannot be restituted, which resists the—not to be cavalierly dismissed—monetary compensation offered by even belated *Wiedergutmachung*. These are the immaterial losses, the identities forever disrupted that could never be put back together again, even if some

²³ WGA Freudenthal file.

Articles

refugees, especially the younger ones, especially those, like many German Jews, who managed to arrive at their final destinations before the war and were able to acquire precious medical or legal licences, establish businesses, and identify with the Allies during the war, built new and often satisfying lives for themselves. Interestingly, however, these profound, intangible losses are often linked to the re-imagining, and then listing, of particular objects.

Indeed, digging further in the musty family archives, still unsorted and stored in my basement, I discovered another layer that speaks precisely to memories and fantasies aroused by lost objects or the lost lives such objects could represent. One particular find stopped me in my tracks, precisely because its poignant mix of the personal/idiosyncratic and the generalizable/'historical' speaks, it seems to me, directly to the emotional and intellectual difficulties of recruiting one's own family stories into the writing of what we think of as history.

In the cellar of my house in Long Island, still crowded with boxes of embarrassingly unpacked family memorabilia, still 'un-worked through after decades', in which I periodically try to make a dent, I happened upon a text, somewhere between a list and a poem, typed on blue airmail paper. The underlined heading read *Wunschtraum: Wish dream after 10 years Inner Asia, 5 years India, and 6 months Bombay*, and it had been composed by my father in Bombay after five years of internment by the British in the Himalayas, following five years as a refugee in Tehran, and then six months of living in limbo in Bombay. He had been freed from the camps, but, visa-and-asset-less, was still not free to leave India. His list of 'wish dreams' reflects the very specific desires of a quintessential Berlin Jew, a lawyer with a taste for the good life of what used to be called a 'salon Communist', nostalgic for the accoutrements of a bourgeois, European life long since left behind, living in a tropical world that was, as he always used to remember, with irony, no place for a Berlin lawyer. At the same time, it piercingly articulates the classic yearnings of a stateless refugee (and former prisoner) without a passport, without papers, living out of suitcases, speaking the patois of the uprooted, who has lost access to his own language or any elegant language, without money or property, condemned to idleness (except the busyness of trying to free oneself and find a place in the world), reduced, as he says, to writing applications pleading for a return to individual agency and political identity/citizenship.

The text tells us, it seems to me, so much about what it means to be free and not free, what we take for granted, and what becomes important when one has, as the refugees had, survived a war and a Holocaust, avoided the very worst, but lost so much of what constituted one's identity and those one had loved, while still maintaining, as so many refugees did, a sense of humour and a zest for life and new adventures. There is nostalgia here, but it is NOT the oft-cited homesickness for a world—for the vanished German Jewish life—that had clearly disappeared irrevocably and to which one could never ever go home again. Interestingly, there is also a kind of nostalgia for the early years of flight, for the exotic life in Iran, and, of course, for the romance with my mother, whom he is trying to convince, after five long years of separation (and all male existence), to relinquish her own free and adventurous life in Persia and join him in what he hopes will be a new beginning in the USA or, surprising for me to read, perhaps in Palestine.

The shock of recognition when I pulled out and read the typed blue aerogramme-style paper was profound: his voice vivid, suffused with the self-irony that seemed to sustain so many German Jews through their multiple emigration journeys. He expresses (in clearly gender and class inflected terms) the longing to escape the tropics back into 'culture' (never mind that that culture had turned incomprehensively barbaric). But he also, it seemed to me, channelled all the descriptions and analyses of refugee status that I had encountered in historical and theoretical texts (especially the classics by Hannah Arendt on statelessness and being a refugee); so many thoughts and fantasies tumbling out and mixed up in this one private text, the personal and the political inextricably intertwined. There are only hints of all that is unspoken, such as grief at not only the separation from but also the murder of loved ones (although acknowledged in other documents, including an extraordinary *Kaddish* he recited and recorded for the already defined six million victims at a service he led for fellow internees shortly after VE Day), as well as sexual longings and memories, alluded to but not directly articulated. He already knows a good deal, but certainly not everything, about the enormity of what has happened and what he has lost. He can, it appears, still imagine a reunion with lost family and friends; in 1946 in Bombay, such a possibility is not yet completely ruled out. I include some samples in the order in which they were typed, col-

Articles

lected under the heading, *Ich möchte wieder einmal* (I would like to once again).

Sleep at night under a woollen blanket
Go to the theatre
See only people dressed in European garb
See shows and go skiing
Live in a room furnished accorded to my own taste
See a green forest and a meadow
One day not have to talk about internment and release
Sit at the wheel of a car
Chat about the latest and not so latest events (*letzten und vorletzten Dinge*)
Read a good French book
Not only spend money, but also earn some
See once again all those with whom I now only exchange letters
Eat a good roast goose
Write a book about the last five years
Be able to unpack all my suitcases
Lie in a tiled bathtub
Have a 'Heimat' [with the scare quotation marks, and I felt somehow that here the term 'scare' applied]
Be able to master a foreign language perfectly
Express myself in a perfect German
Possess a bank account
Travel on a big ship
Be liberated from my chronic cough
Go hiking in the mountains
Not have every day be a Sunday (*nicht alle Tage Sonntag haben*)
Wear a woollen suit and a winter coat
Weigh 10 kg. less
Live without mosquitoes, cockroaches, and moths
Have someone sew on a button for me
Live in another city
Listen to a good symphony concert
Ride on an Arabian steed (memories of Iran)
Have a profession (*Beruf*)
Ride the subway/*U-Bahn*
Experience the difference between summer and winter
Be liberated from the attribute 'refugee'
See only people who are not in uniform
Own a gramophone with good records
Have guests
Be able to enjoy the anticipation of a vacation

Family Files

Know where I will find myself in 6 months
Not give reason to be pitied
Eat gooseberry tart with whipped cream
Not have to talk to anyone for 24 hours
Fly on an aeroplane and ride a motorcycle
Appear as a defence attorney
Put on a dinner jacket (*Smoking*)
Really celebrate my birthday (*feiern*)
Read Heinsche (and other) poetry aloud
Have a night lamp [the power to turn the light on and off at will]
Feel fresh and rested when I wake up in the morning, just once
Own a library
Not hear anything about Indian politics
Be able to correspond without airmail stamps
See happy people in my immediate environs
Take a walk (*Spaziergang*)
Be liberated from the diseases of playing cards (*Patience-Legen*)
Go out without sunglasses
Be required to leave for somewhere every morning at a particular time
Have all my cavities filled
Be 20 years younger
Take my meals at times agreeable to me
Spend a night alone in the moonlight
Not to have to live only from 'photos'
See a Raphael, Rembrandt, Renoir, Rodin in a museum
Tinker with a radio
Live without applications
Own a suit that fits
Travel to Switzerland
See the rest [meaning what???] of my family reunited
Much more, which will remain here and now unarticulated (*unausgesprochen*)

What do I make of such a text, suffused with yearning for objects as well as emotions, about an identity linked to those objects of bourgeois existence? It captures, I think, the sensibility of the refugee, the adventure of the Orient, the experience of the internee, the uncertainty of statelessness, the pain of longing. The historian's question, of course, is: does it tell a specific story that is also generalizable? And perhaps most confusingly, at the 'personal' level, how does this text match up with my memories of a man who did make it again to a museum, to a symphony, to custom-made suits, to light switches,

Articles

telephones, and a passport, even to practise as an attorney, but never managed to regain those twenty years, his health, his lost family, or his intact sense of bourgeois identity. And yet, the family archives also contain artefacts of the new life that did begin, the transformation of refugees and survivors into citizens of new homes. Particularly striking to me: a dinner menu, with pompous names for what seemed like dreadful British food, from one of my parents' final refugee crossings, representing that liminal state between being a stateless displaced person and a once-again regular passenger on an (albeit converted troopship) ocean liner, the *SS Aquitania*, which finally arrived in New York harbour on 5 February 1947.

These are topics that belong not only to the psychoanalysts, therapists, and fiction writers to whom they have been consigned. They need to be integrated into a new and evolving history of emotions which considers especially questions of intergenerational transmission and the fraught, mostly invisible, ways in which objects, tangible and remembered, still link the heirs of the looted and the looters.

ATINA GROSSMANN is Professor of Modern European and German History and Gender Studies at the Faculty of Humanities and Social Sciences at Cooper Union, New York. She has worked extensively on German-Jewish history in the post-war era. Her many publications include *Reforming Sex: The German Movement for Birth Control and Abortion Reform, 1920–1950* (1995), and *Jews, Germans, and Allies: Close Encounters in Occupied Germany* (2007), which was awarded the Fraenkel Prize in Contemporary History from the Wiener Library in London, the George L. Mosse Prize of the American Historical Association (2007), and selected as one of the best books of the year (2008) by H-Soz-u-Kult. Her current research focuses on transnational Jewish refugee stories, 'Soviet Central Asia, Iran, and India: Sites of Refuge and Relief for European Jews During World War II'.

REVIEW ARTICLE

OBJECTS AND EMOTIONS EXHIBITED: TWO CATALOGUES ON RAUB UND RESTITUTION

CHLOE PAVER

INKA BERTZ and MICHAEL DORRMANN for the Jüdisches Museum Berlin and the Jüdisches Museum Frankfurt am Main (eds.), *Raub und Restitution: Kulturgut aus jüdischem Besitz von 1933 bis heute*, exhibition catalogue (Göttingen: Wallstein Verlag, 2008), 326 pp. with 135 ill. ISBN 978 3 8353 0361 4. €24.90

ALEXANDRA REININGHAUS (ed.), *Recollecting: Raub und Restitution*, exhibition catalogue (Vienna: Passagen Verlag, 2009), 349 pp. ISBN 978 3 8516 5887 3. €34.45

These two impressive catalogues document exhibitions which investigated the systematic dispossession of German and Austrian Jews under National Socialism. The exhibitions from which the two catalogues have taken their respective titles focused on the theft or forced sale of art objects and other personal possessions such as books and furniture, that is, on the *Kulturgut* which has been the subject of the latest wave of restitution cases (as distinct from the properties, businesses, life savings, pensions, and insurance policies that were likewise stolen but whose restitution was generally dealt with, if at all, before 1989). As the shared wording 'Raub und Restitution' signals, both exhibitions were concerned not simply with the fact of the theft but with the fate of the objects and their owners, or their owners' surviving descendants, after 1945. The exhibition *Raub und Restitution* was organized jointly by the Jüdisches Museum Berlin and the Jüdisches Museum der Stadt Frankfurt am Main, and was shown at these two museums in 2008 and 2009 respectively. *Recollecting* was mounted by MAK, Austria's museum of the applied arts, in the winter of 2008–9.

How can we account for the coincidence of timing and titles in Berlin and Vienna? While the author of this review did not visit the

Review Article

exhibitions and is therefore reviewing the catalogues as books in their own right, she can briefly set them in the context of the many hundreds of German and Austrian exhibitions which, over the last ten to twenty years, have explored aspects of the National Socialist past and its legacies. Exhibitions about looted possessions form an interesting sub-category of this corpus.

Important exhibitions appeared in Austria in the wake of the restitution law of 1998 which obliged state-run museums to conduct thorough provenance research on their holdings. Conceptually, the most interesting of these exhibitions were *Inventarisiert* at the Austrian state furniture depot (exh. cat. Vienna, 2000) and *Jetzt ist er böse, der Tannenbaum* at the Jewish Museum Vienna (exh. cat. Vienna, 2005). *Inventarisiert* acknowledged the furniture depot's institutional responsibility for thefts from which it had profited by refusing to exhibit objects to which it now believed the depot had never had a moral right. Instead, a photographic installation kept the objects, many of them degraded by decades of use in state-owned properties, at a distance from the viewer. By thus breaching the normal contract between museum and visitor—the unspoken promise of access to objects—the exhibition aimed to promote reflection about rights of possession and the right to view. *Jetzt ist er böse, der Tannenbaum* ranged more widely across Austria's inadequate post-war responses to the Holocaust, but restitution, or the lack of it, was a central theme. The curators used parodies of children's games, in which visitors were invited to participate, to provide a sarcastic comment on the bureaucratic obstacles that were wilfully put in the way of those survivors or descendants who attempted to reclaim property in the immediate post-war decades. It is no surprise, then, that one of the two catalogues under review here represents a further—and more elaborate—Austrian attempt to tackle this topic in the museum.

Restitution activity was also revived in Germany in the wake of the Washington Declaration of 1998, though by means of a joint declaration of the *Bund* and the *Länder*, rather than by a change to the law. There has since been a whole series of local and regional exhibitions about the 'aryanization' process, testifying to the now well-established tendency to 'localize' the memory of National Socialist crime in Germany. This has included a series of exhibitions by university libraries (most recently at the universities of Leipzig and Göttingen) about looted books in their collections. The no-nonsense

term *Raub* was arguably established in 2002 by *Legalisierter Raub: Der Fiskus und die Ausplünderung der Juden in Hessen 1933–1945*, a regional exhibition mounted by the Fritz Bauer Institute. *Raub und Restitution*, the German exhibition catalogue reviewed here, brings similar research to a national audience.

Of the two catalogues under review, the German *Raub und Restitution* is the more conventional, offering a thorough historical documentation of the theft and restitution of cultural artefacts, with contributions by almost forty academics and museum professionals. The contents page presents the myriad contributions visually to the reader as a series of layers of information, while in the catalogue itself these are picked out in different coloured paper. The 'top' layer comprises what one might call 'meta-texts' on the exhibition: two general essays about the processes of theft and restitution, one by historian Dan Diner, and a series of interviews with people involved in current restitution activities (academics, art dealers, lawyers, and so on). These are interspersed between fifteen case studies of theft from individuals or institutions, detailing the often unsuccessful attempts to achieve restitution after 1945; and these, in turn, are interleaved with detailed historical analyses of institutions involved either in the theft or in national processes of restitution. While this layering may appear over-elaborate, it does make visible the underlying structuring principles of what might otherwise seem a loose collection of texts on diverse aspects of theft and restitution. The inclusion of interviews with academics and other experts is consistent with other recent attempts (for instance at the *Topographie des Terrors* exhibition in Berlin, opened in 2010) to present history as an ongoing process of dialogue between academics rather than as a set of agreed facts whose authority the visitor is invited to accept.

In their introduction to *Raub und Restitution*, the editors Inka Bertz and Michael Dorrman argue that their exhibition moves beyond a simplistic appeal to the viewer's admiration for notable stolen artworks, which they see as a characteristic of earlier (unspecified) exhibitions. Instead, they set out to document and analyse the looting processes, broadening the subject out from the few well-known cases of stolen paintings to include case studies of stolen books, archives, ceramics, and musical instruments as well as essays on theft and restitution in the occupied territories. The catalogue brings to light many lesser-known details: the competition between the RSHA and

Review Article

the Einsatzstab Reichsleiter Rosenberg for first access to lootable property in the occupied territories; the SD's practice of stealing libraries and archives, including Jewish libraries, in order to study how the 'enemy' thought; the role of the American Collecting Points in collating, cataloguing, and restituting or re-distributing art objects after 1945; and the international diplomacy involved in France's offer to return Russian documents that were in the possession of the French state to Russia in exchange for the return of stolen French archives.

One potential limitation of the documentary approach taken by the German exhibition is that the emotional consequences and legacies of dispossession are treated only peripherally. Nevertheless, emotion forms an interesting minor thread of the catalogue's argument: not, as one might expect, the emotion of the Jewish victims of dispossession (perhaps because their emotions were not recorded during the persecution; perhaps because it was felt they would have a distracting sentimentalizing effect), but rather the emotion of the non-Jewish German majority. In their introduction, Bertz and Dorrmann speak of the resentment aroused by restitution among the majority population. They express concern that cases such as the restitution of *Berliner Straßenszene* by Ernst Ludwig Kirchner in 2006 may revive a latent anti-Semitic notion that the *Kulturnation* is a more trustworthy custodian of art treasures than Jewish owners, for whom an art object supposedly has only commercial value. The Kirchner case, which becomes something of a leitmotiv in the catalogue, was clearly fresh enough in public memory at this time for the editors not to feel the need to spell out the story's ending: the sale of *Berliner Straßenszene* for over 30 million dollars. In one of ten interviews with professionals involved in restitution cases, the editors speak of the 'great emotionalism' that the case aroused in Germany; the interviewees are asked, directly or indirectly, what they think about the owners of restituted objects selling them on the open market, whether the descendants and their lawyers are only interested in money, or whether the descendants can really claim a link to the victims if they are only distant relatives. By taking seriously feelings of anger and loss felt by many in the non-Jewish majority as art works disappear from public possession and public view in Germany, the two Jewish museums that mounted *Raub und Restitution* evidently hope to guide public discussion towards a more reasoned understanding of the inevitable conflicts of feeling involved. Accordingly, the interviewees

generally counter the popular emotional responses in reasoned tones, citing legal, moral, and pragmatic arguments while also acknowledging the irreconcilability of opposing claims.

It would be misleading, however, to suggest that the two Jewish museums are attempting to close down the arguments by asking leading questions of their interviewees. In fact, the responses are unpredictable. Art dealer and auctioneer Henrik Hanstein expresses irritation at the way in which descendants fight for artworks only to then sell them, rather than valuing them as objects that had belonged to their parents and grandparents. This behaviour, he claims 'creates an atmosphere that is, in my view, not entirely conducive to solving the problem as a whole' (p. 55). Leo Hepner, a descendant who was able to retrieve a portrait of his grandfather and now accords it pride of place in his home, criticizes those who sell their restituted objects immediately, arguing that the objects should stay in the family for at least one generation before their owners are allowed to sell them. Interestingly, he regrets in particular that descendants have no emotional ties to the objects: 'Often the families do not even like the art, they feel no affinity with it. But we are talking about pictures that were collected by people who loved them, derived pleasure from them' (p. 111). One might counter that the lack of an emotional bond to the possessions of an older generation may be precisely a logical consequence of traumatic displacement, separation, and untimely bereavement; but the key point here is that by using the non-academic interview format the exhibition-makers leave the points of friction unresolved. At the same time, Leo Hepner's story, which is also dealt with in the final case history, may be said to offer the reader something of an emotional resolution in as much as he is a rare counter-example of a descendant who, rather than selling a painting that was restituted to him, paid for it, taking a pragmatic view that since he would have difficulty proving the details of his mother's claim to it, it made more sense to come to an arrangement with its owner.

The catalogue for the Viennese exhibition *Recollecting* has a similarly layered structure to its German counterpart, with different categories of information and commentary interleaved rather than being presented in blocks. Twenty case studies of theft or forced sale, picked out in red on the contents page, are interspersed between images and accounts of thirteen artworks (twelve of them commis-

Review Article

sioned for the exhibition), while fourteen academic essays provide a commentary on the issues raised by the exhibition. Like the German exhibition, *Recollecting* moves beyond the cliché of the spectacular stolen painting (though paintings are well represented) to encompass stolen books, enamel buttons, and even a car, while one essay, by Miriam Triendl-Zadoff and Niko Wahl, reminds us of the everyday objects such as sheets and cutlery that have largely become unidentifiable as 'aryanized' objects despite making up the majority of stolen goods. Compared with the German exhibition, the Austrian one shifts the emphasis from history to memory and—though this is by no means a given in Memory Studies—to emotions. In her introduction, the editor and curator Alexandra Reininghaus states explicitly that her aim was to explore the emotional legacies of the thefts, not for the original owner, but for the descendants: 'The main focus was . . . on the subjective and emotional significance of the restitution of artworks and everyday objects to the descendants of their former owners' (p. 11). The exhibition appears to have engaged with these emotions in two ways: by documenting interviews with owners or descendants through videos or quotations; and by inviting artists to approach the topic subjectively. Whether the artworks are really emotional or rather cerebral, criticizing Austria's inadequate reparations (too little too late, as one piece has it), is difficult to tell from the catalogue, but some involve an encounter and dialogue with descendants. Nevertheless, in the catalogue at least, the emotional component emerges more clearly from the written contributions.

Harald Welzer argues that objects have a 'mnemonic energy', but sees this as a double-edged sword: objects from the past can not only help fulfil an intention and desire to remember, but can also 'ambush' and 'burden' people. For Aleida Assmann, the objects with which we surround ourselves are not dead, that is, solely material, but rather 'the pulsing periphery of our person, intimate and alive in equal measure' (p. 149). Perhaps the most interesting contribution in this context is by historian Nicole L. Immler. She points out that—contrary to the impression created by this exhibition and its German counterpart—the restitution of objects is a rare exception and that the much more common 'solution' to cases of loss of property or of life chances is the award of financial compensation. She summarizes her work interviewing survivors and descendants about what financial compensation has meant to them. Although she records positive

examples in which compensation claims help families to re-activate family stories or to open up inter-generational dialogue, her examples are less up-beat and more complex than those in the *Raub und Restitution* catalogue. A cruel husband shows unwonted sympathy for his wife by supporting her compensation application, for instance. Some victims find it difficult to admit the need for compensation because it means revising the positive survival narrative they have constructed for themselves. And for one second-generation interviewee, applications for compensation payments are an opportunity to confront her mother over what she sees as the emotional scars that her mother inflicted on her as a child.

Although for the most part the focus is on the experiences of the survivors and descendants, Rudolf de Cillia and Ruth Wodak report on a research project which investigated, amongst other things, the attitudes of majority Austrians towards restitution. Outlining the results of a series of group discussions about restitution held in 1995 and then again in 2006, they show that opinions about restitution often follow a 'Yes, but . . .' model, in which the necessity of making reparations is acknowledged in principle, but financial compensation is rejected as unnecessary or unfair. Not surprisingly, Austria's counterpart to the restitution of Kirchner's *Berliner Straßenszene*, the case of Klimt's portrait *Adele Bloch-Bauer I*, plays a role in the exhibition. Perhaps precisely because the public emotions at its 'loss' (that is, its return to the exiled surviving descendant of its former owner) were much stronger than in the case of the Kirchner painting, it is not allowed to dominate here. Ferdinand Bloch-Bauer appears as one case study among many, but with the focus on his porcelain collection (some of which had been unjustly acquired by the MAK). Nevertheless, artist Ines Doujak tackles the subject head-on in her installation *Adele* (2008). A plain petticoat hangs discarded on a chair, surrounded by piles of postcards stamped with the words 'Ade, Adele'. These recall the posters distributed around Vienna in the months before the painting left Austria, whose slogan 'Ciao, Adele' encouraged the Viennese to take one last look at the painting. In this way, Doujak evokes the arguably manufactured 'mourning' for the painting in 2006. Whereas the exhibition makers of *Raub und Restitution* are prepared to engage with such public feelings, Doujak appears to reject their sentimentality outright: the postcards show 'Adele' not in Klimt's fabulous patterned dress and cloak but in the

Review Article

flesh-coloured slip and black boots, sitting prosaically on an office chair, while in an accompanying collage Adele's body is placed in an uncomfortable dialogue with the body of Emmy Göring.

Both catalogues are richly illustrated. Apart from images of the stolen objects and their original owners, *Raub und Restitution* contains intriguing images of documents unlikely to be known from elsewhere, such as the 1951 cartoon from a Jewish magazine entitled 'Mensch, ärgere dich nicht über die Wiedergutmachung!' (p. 33) or the 1955 Pan Am advert assuring customers travelling to Germany for their restitution claims that they will be served kosher food on board their flight (p. 255). *Recollecting* has the inestimable advantage over its German counterpart of showing images of the exhibition space. Between the commissioned artworks (mostly installations of one kind or another), stolen objects (or in some cases reproductions of them) are presented in display cases that imitate archive shelves, surrounded by contextualizing information. This draws attention away from their art or curiosity value and towards the process by which they were incorporated into museums and archives after 1945. The *Recollecting* catalogue also contains a series of photographs by Rainer Granahl showing some of the stolen objects in the spaces that currently house them: sometimes in museum storage facilities, far from their original domestic setting, sometimes restored to a very personal domestic setting—above a writing desk, on a bookshelf among post-war paperbacks—after years unjustly sequestered in a museum or archive. This implied movement between the home and the museum and back again is also a visual and conceptual motif in several of the commissioned artworks.

Although the academic work that will advance our knowledge of theft and restitution is likely to continue to be carried on outside the exhibition room and inside universities, these catalogues do more than simply draw this subject to the attention of a non-academic audience in a popular form. They attempt to bring different academic, professional, artistic, and public discourses into contact with one another, and *Recollecting*, in particular, acknowledges—more than previous Austrian exhibitions on the topic—the centrality of the emotional dimension in the loss of personal property and the fight for its return.

Objects and Emotions Exhibited

CHLOE PAVER is Senior Lecturer in German in the College of Humanities at the University of Exeter and is undertaking the first wide-ranging investigation of historical exhibitions about the National Socialist era, the GDR, and their legacies. Her many publications include *Refractions of the Third Reich in German and Austrian Fiction and Film* (2007) and *Memorialization in Germany since 1945* (2010, co-edited with Bill Niven).

BOOK REVIEWS

FRANK REXROTH (ed.), *Beiträge zur Kulturgeschichte der Gelehrten im späten Mittelalter, Vorträge und Forschungen, 73* (Ostfildern: Thorbecke, 2010), 343 pp. ISBN 978 3 7995 6873 9. €54.00

As Klaus van Eickels warns in his conclusion to this excellent and highly stimulating volume, there is always a danger of narcissism for academic historians writing about university history. This has not deterred generations of historians from tackling the subject, nor does it undermine the findings of this volume in any way, although it does lend a particularly interesting reflexive dimension to such writing. Traditionally, the historiography of medieval universities has tended to focus on the institutional dimensions of the development of higher education, or on the history of ideas in its intellectual sense. More recently, however, historians have turned to the social history of universities, investigating the social origins of their students and masters, the role universities played in wider society, and attitudes towards student misbehaviour and student power (an interest which actually dates back to the events of 1968). Two more recent projects, a network on medieval universities based at the University of Göttingen, and a joint project led by the universities of Ghent and Helsinki, exemplify this trend, and examine the interrelationships between the social configurations of universities and their cultural manifestations.

Herein lies the special appeal of this book, interrogating, as it does, what we mean by 'learned culture'. Rather than treat 'cultural history' in a vacuum, the volume examines the reciprocal relationship between this distinctive culture and its institutional and intellectual setting. And, perhaps most usefully, the volume never takes it for granted that such a culture existed, but rather examines ways in which it could be self-consciously constructed, as well as its myriad variations between different individuals, universities, regions, and so on. The essays ask how universities fitted into the wider world and interacted with their socio-economic and political contexts; what effects the special status of universities had on the individuals who

worked within them; and how a distinctively intellectual culture operated as a kind of cultural capital, à la Bourdieu. All this is summed up by Frank Rexroth's introductory question of whether a distinctive *Gelehrtenkultur* existed. More than this, though, the book takes on the challenge of thinking about the self-perception of intellectuals, asking whether they saw themselves as distinctive, and how this self-perception inevitably interacted with the labels imposed on them by others. The relationship between self-definition and externally imposed labels is bound to be a reciprocal one into which recent sociology has provided us with a variety of useful insights but which deserves further exploration.

Accordingly, the essays are explicit about their use of source material which often tells us more about the *representation* of intellectuals than about their actual preoccupations, and it is praiseworthy that all the contributions remain alert to the methodological difficulties implicit in this observation. If we are always dependent upon representations and stereotypes, how can we distinguish the effects of such labels? The collection of ten essays (not counting the very helpful introduction and conclusion by Rexroth and van Eickels respectively) addresses these broader questions from a variety of substantive and disciplinary angles, from the analysis of courtly literature by Klaus Ridder to the art historical approach of Andrea von Hülsen-Esch, the largely prosopographical approach of Wolfgang Eric Wagner, and the anthropologically informed account by Marian Füssel.

Many of the essays consider the question of intellectual culture by assessing the importance of networks of intellectuals in this period. In doing so, they draw implicitly on some of the ideas put forward by recent methodological developments in *histoire croisée* or *Verflechtungsgeschichte* with its focus on multiple modes and directions of exchange.¹ This proves to be a productive way of thinking about the relationship between identity as self-constructed, and identity as

¹ Michael Werner and Bénédicte Zimmermann, 'Beyond Comparison: *Histoire Croisée* and the Challenge of Reflexivity', *History and Theory*, 45 (2006), 30–50; Shalini Randeria, 'Geteilte Geschichte und verwobene Moderne', in Jörn Rüsen, Hanna Leitgeb, and Norbert Jegelka (eds.), *Zukunftsentwürfe: Ideen für eine Kultur der Veränderung* (Frankfurt am Main, 2000), 87–96; Jürgen Osterhammel, 'Transnationale Gesellschaftsgeschichte: Erweiterung oder Alternative?', *Geschichte und Gesellschaft*, 27 (2001), 464–79.

Book Reviews

dependent upon being seen to be part of a distinctive group. Nevertheless, the essays maintain a critical awareness of the contrasts between different universities (see especially van Eickels and Thomas Wetzstein) and networks are shown to have operated as much at individual and personal level as at institutional level. It is the interface between the two which forms the focus of Rainer Christoph Schwinges' examination of 'dynasties' of intellectuals in the later Middle Ages, providing useful insights into the role of personal preference and patterns of patronage. The question of celibacy occurs several times in the volume, and the increasing frequency of marriage amongst university men provides a new angle on networks, as Gadi Algazi demonstrates how the new families of these men could be used to shore up or develop networks themselves. The analysis here is helpfully sharpened by the introduction of a comparative dimension with Jewish and Muslim intellectuals.

These networks clearly brought with them a degree of social cachet, and the social status of intellectuals provides another recurrent theme, one treated with particular subtlety by Ridder in his essay. The relationship between a peculiarly intellectual form of status and the way in which this was mapped onto broader ideas of social hierarchy is explored here. Ridder demonstrates that knowledge was increasingly conceived of in terms which privileged its connections with a certain nobility of mind. Attention is also given to the precise mechanisms by which this status could be sustained and concretized, and the focus on rituals and their transformative potential by Füssel is particularly welcome in this respect. Alert to recent anthropological thinking on the value of rituals, he helpfully distinguishes them from mere ceremonial, and indicates the ways in which they could be used apparently to set intellectuals apart from the rest of society, but also, and perhaps more importantly, to mark out different ranks *within* the universities and transitions between those different levels. Rituals provide fertile ground for such analysis, dependent as they are on an audience able to seize upon shared meanings and conventions, and since they serve not only to consolidate hierarchies, but to exacerbate or visualize conflict. Von Hülsen-Esch's examination of manuscript depictions of students and intellectuals furthers the analysis by demonstrating the reliance of this particular group identity on distinctive clothing, which again depended on the shared knowledge of a code of visual representation by

Learned Culture in the Late Middle Ages

those who viewed both the manuscripts and the academics who dressed thus (the plates are very welcome here, though colour would have been useful given the evident importance of different coloured cloth).

Close attention to the subtle gradations of clothing worn by intellectuals indicates the extent to which these men were able to set themselves apart, but likewise draws attention to the minute distinctions which they made. These ensured that this was not an egalitarian community of knowledge, but a deeply stratified and hierarchical community. Indeed, whether discussed from the angle of patterns of patronage, family ties, rituals, or physical appearance, it is clear that these were networks not of equals, but of deliberately unequal relationships in which status was never a given, but something to be continually struggled for and negotiated. Moreover, the focus on representation in the contributions by Füssel and von Hülsen-Esch enables them to underline the complex relationship between the ways in which academics were represented, and their choices of self-representation. This is an aspect which deserves further exploration since labels were clearly consciously manipulated by their subjects, whether simply to be rejected, or in order to be more subtly exploited. The centrality of status to the construction of these networks focuses attention upon the cultural capital on which status depended, and, again, the strength of these essays lies in their refusal simply to take that cultural capital for granted. Jacques Verger's article provides an insight into the mechanisms by which capital could be generated by examining the books owned by notable intellectuals. He discovers a quasi-fetishization of books as physical objects: to own a certain number of books seems in itself to have been indicative of intellectual status and certainly gave one the appearance of profound scholarship. Harald Müller's consideration of the habitus of the Humanists provides another angle on the ways in which cultural capital could be generated through the practice of learning.

The essays repeatedly stress that this learned culture operated within an intellectual sphere, but also interacted with wider social forces, and defined itself in the context of those external currents. It is therefore useful to consider the relationship between learned culture and religious context, for example. Dorothea Weltecke points out that knowledge had always been regarded with ambivalence by religious authorities: it was clearly a key part of a religious outlook,

Book Reviews

and yet could be so self-perpetuating as to invoke the suspicion of those focused on piety and devotion for their own sakes. And, of course, in an institutional context, what might be termed the privatization of knowledge was extremely problematic from a religious perspective which argued that all knowledge was a gift from God. The question of celibacy of university scholars helps to illuminate this question, and in independent treatments by Algazi and Wolfgang Eric Wagner, the gradual erosion of the ideal of celibacy provides an opportunity to consider the relationship between religious life and precepts and the life of scholarship. Algazi's comparison with Jewish and Muslim practice proves extremely illuminating in this respect, and highlights the very complex relationship between the monkish life from which university conventions are so often assumed to have derived and practices within universities. In examining the practical effects of marriage on timetabling within universities, fees and salaries, communal living, and so on, both historians are able to demonstrate that, whilst there was a clear rationale to scholarly celibacy, a functionalist explanation should not be assumed. Rather, the answer lies in the self-perception of a community anxious to assert itself as distinctive.

Examination of the interaction between scholarly cultures and wider social trends also allows the volume to avoid giving the impression that universities or centres of learning were ivory towers, anxious to avoid contact with the real world. Particularly informative in this respect is the contribution by Thomas Wetzstein, who examines the case of medieval jurists, a group whose expertise was generated specifically to respond to shifting political circumstances whether in the ecclesiastical or secular world. Indeed, some much broader questions are raised here about shifting political circumstances in later medieval Europe, which meant that there was a greater need for various kinds of intellectual expertise. The question of whether the notion of experts as such emerged in the later Middle Ages provides food for further thought, and certainly indicates a vein of research for the integration of universities into the practical political needs of the period.

This indication of shifting needs, and the ways in which intellectuals could respond to them, is another strength of the volume. Rather than treating the later Middle Ages as a homogenous period, the essays address head-on the transitional nature of this period. The

importance of Humanism is repeatedly stressed, and the very different kind of intellectual identity assumed by this group is analysed. The relationship between learning and religion in particular is shown to have shifted, partly with the underplaying of the religious dimension by later Humanists (see Weltecke in particular), and the rather ambivalent relationship between Humanists and their immediate scholarly predecessors examined by Müller. The mechanisms through which knowledge was valued are shown by Verger to have operated very differently, as he compares the mendicants' suspicion of possessing too many books (or at least very problematic relationship with the materiality of books) with the Humanists' adoration of the physical objects. Even attitudes towards ritual are shown by Füssel to have changed, as the embracing of ritual display in the earlier part of the period became increasingly problematic and ambivalent in the later part, partly owing to Humanist critique.

Medieval intellectuals, and their primary home—the universities—emerge, then, from this volume, as profoundly concerned by their own identity and anxious to engage with a whole gamut of mechanisms by which it could be affirmed and manipulated. They are shown to have been alert to the ways in which they were represented by others, and sophisticated in their manipulation of those labels. But they do not emerge as idealized sites of some sort of egalitarian pursuit of knowledge and social mobility: rather, these were clearly identities predicated on increasingly stratified hierarchies, where conflict (and certainly repeated negotiation and adaptation) rather than consensus was often characteristic. In a period when historians in the UK are being increasingly encouraged to think about cooperation and consensus (see the latest thematic strands proposed by the AHRC), university networks would seem like a perfect topic; and yet this volume demonstrates that networks could be sites of debate and struggle. Nevertheless, all the essays *do* optimistically stress that learning itself was clearly valued, and for its own sake.

HANNAH SKODA is Fellow and Tutor at St John's College, University of Oxford. Her book on violence in later medieval France is forthcoming, and she is currently embarking on research on misbehaving students in the fifteenth century.

THOMAS BROCKMANN, *Dynastie, Kaiseramt und Konfession: Politik und Ordnungsvorstellungen Ferdinands II. im Dreißigjährigen Krieg*, Quellen und Forschungen aus dem Gebiet der Geschichte, NS 25 (Paderborn: Schönigh, 2011), 518 pp. ISBN 978 3 506 76727 1. €64.00

Ferdinand II is one of the most important figures in Central European history. His reign as Habsburg monarch and Holy Roman emperor (1619–37) coincided with the outbreak of the Thirty Years War; a conflict he did much to shape and prolong and which posed an existential crisis for his dynasty and faith. Perhaps given the complexity of these events, few historians have tackled even specific aspects, still less a full biography. Our view remains distorted by that of his enemies, who depicted him as a bigoted tyrant seeking an illegal ‘universal monarchy’ in alliance with his Spanish cousins. We are still waiting for a satisfactory biography, but Thomas Brockmann’s 2006 *Habilitation* at last provides a sophisticated and detailed analysis of Ferdinand’s motives and policies.

Brockmann’s overall argument is clear and well founded. Ferdinand constantly struggled to reconcile two potentially conflicting aims, both before his succession and subsequently. His first priority was to surmount the crisis posed by the Bohemian revolt beginning with the Defenestration of Prague in May 1618. At its heart, this meant stabilizing Habsburg rule weakened by two decades of costly war against the Turks and internecine succession struggles which left the dynasty bankrupt and vulnerable to pressure from the nobles in its many kingdoms and provinces. This situation suggested Ferdinand should neutralize the immediate threat and prevent the revolt from spreading. Yet the revolt also represented an opportunity for what Brockmann repeatedly calls a ‘roll back’ of gains previously made by Habsburg opponents, both in the hereditary lands and the Empire as a whole. Success depended on striking the right balance between securing stability and capitalizing on opportunity. Ferdinand wanted to improve his position relative to his opponents, but needed to avoid fuelling further conflicts he lacked the means to fight. As Brockmann shows, Ferdinand consistently narrowly misjudged the balance, always leaving just enough fires burning to re-ignite the war in the Empire.

Brockmann’s most important point emerges from his analysis of this dilemma. Ferdinand relied on his formal position as Habsburg

Ferdinand II

monarch and, after August 1619, as emperor to compensate for his inability to raise the resources needed to secure his aims by force alone. This places constitutional rights and their interpretation at the heart of the story, and goes a long way to explaining why all parties to the conflict related their policies to the imperial constitution and its various charters like the Peace of Augsburg of 1555. Perhaps more than for most early modern rulers, Ferdinand's authority depended on a façade of power sustained by the mantle of legitimacy. Brockmann's detailed analysis shows Ferdinand's overriding concern to stay within what he regarded as the correct interpretation of his constitutional powers, even if this meant foregoing desirable political opportunities presented by military victories. Religion fitted into this framework, rather than dominating it. Ferdinand exemplified the 'Catholic mainstream' (pp. 454-5) view of faith and policy. His outlook was decidedly Catholic and he did not see his imperial role as impartial mediator between the rival confessions. However, he rejected Providentialist thinking and was not prepared to be guided by theologians alone.

The analysis proceeds chronologically from the outbreak of the Bohemian revolt to the conclusion of the electoral congress at Regensburg in November 1630. Brockmann argues forcefully that Ferdinand did not thwart Matthias's efforts to defuse the Bohemian revolt through mediation, demonstrating that no one in Vienna believed the situation could be ended just by talking. The Bohemian crisis influenced how Ferdinand dealt with each subsequent problem. He strove to minimize the impression that his policies were dictated by religion, arguing instead that his opponents had wilfully misunderstood their constitutional rights. He did not hesitate to use force against them, but the scale and rapidity of his response was constrained both by inadequate fiscal and military means, and by the desire not to antagonize the Protestant German princes and other European powers. In contrast to enemies such as Frederick V of the Palatinate, Ferdinand remained pragmatic and made significant concessions to win allies or neutralize additional threats, such as that posed by the largely Protestant nobility in Hungary.

In an important corrective to the received view, Brockmann argues that Ferdinand did not seek to widen the conflict during the 1620s. Whether the real motor for such action was Bavaria is perhaps questionable, given that Dieter Albrecht and Michael Kaiser have

Book Reviews

emphasized how Duke Maximilian consistently waited for imperial sanction before committing himself, as well as opposing anything which might merge the Empire's troubles with Spain's various European conflicts. Nonetheless, Brockmann convincingly demonstrates Ferdinand's reluctance to use his early victories over Denmark in 1625–6 to recover the north German bishoprics which had been occupied by Lutheran princes since 1555. As the successes continued into 1627, both Ferdinand and Maximilian resolved independently to proceed to full restitution. Even then, the emperor remained concerned that he lacked sufficient legal basis for such an action. The genesis of the fatal Edict of Restitution is covered at considerable length, indicating that Ferdinand had to present it as a judicial verdict to avoid the impression that he was exceeding his constitutional powers by unilaterally rewriting the Peace of Augsburg.

Bavaria undoubtedly pushed Ferdinand into making the Edict a more stridently Catholic statement than he initially intended. Elsewhere, the emperor's policies ran counter to Bavarian desires, especially the plan to establish a permanent imperial naval and military presence in northern Germany in alliance with Spain. Whereas this followed temporary overconfidence, Ferdinand's intervention in northern Italy in 1628 was forced on him by Spain's precipitous action to impose a solution to the Mantuan succession crisis. The detailed discussion of this problem, together with the electoral congress which opened in Regensburg, underpins Brockmann's argument that Ferdinand's focus remained on the Empire and his hereditary lands. Intervention in Italy was dictated by his desire to uphold imperial rights there. He was quite prepared to incur Spain's displeasure if it enabled him to settle the Mantuan question and secure peace with France. Likewise, Ferdinand accepted the need to readjust the balance between him and the electors at Regensburg as the price of maintaining his authority as legitimate ruler. The importance attached by all participants to constitutional rights is revealed by Brockmann's analysis of Wallenstein's dismissal and the reform of the imperial army. Ferdinand had to sacrifice his plan to secure his son's election as successor in order to maintain the legitimacy of his own rule which required the participation of the electors and other imperial Estates. Yet constitutional propriety could work to his advantage. Bavaria was obliged to drop part of its programme because it tacitly accepted Ferdinand's arguments that its own polit-

ical and military autonomy lacked convincing foundation within imperial law.

There are further, more detailed insights on specific questions too numerous to cover here. However, some relatively important aspects of Ferdinand's policies are curiously absent. There is no discussion of Ferdinand's frequent pardons of prominent opponents, such as Christian of Anhalt, which drew considerable contemporary criticism, yet were clearly an important strategy and related to his sense of his position as emperor. Likewise, the lands and titles distributed at Regensburg in 1623 to Habsburg loyalists and other supporters are also omitted, though Brockmann does discuss Bavaria's acquisition of the electoral title and stresses how such rewards helped compensate for fiscal–military inadequacy. The role of advisors, such as Ferdinand's confessor Lamormaini, is covered with Brockmann concluding that, on all important questions, Ferdinand took the final decision himself. Nonetheless, the process of policy-making remains rather colourless and impersonal, as does the depiction of Ferdinand himself. The text is driven by an exhaustive analysis of memoranda and correspondence drawn from fourteen archives and backed by impressive reading of the secondary sources. While this establishes when and why key decisions were taken, it does not say much about the people involved or what it meant to them. Rather more fundamental is the exclusion of events before 1618 and after 1630. Ferdinand's policy after 1618 was clearly shaped by his previous experience as Archduke of Styria where his actions were already guided by the narrow legalism characterizing his rule as emperor. The decision to stop in 1630 does allow Brockmann to show how precarious Ferdinand's position remained despite the almost unbroken run of military success since 1620. However, it means we still lack proper coverage of his response to the Swedish invasion, Saxony's defection in 1631, and the flawed Peace of Prague which he bequeathed to his son and successor, Ferdinand III.

PETER H. WILSON is G. F. Grant Professor of History and History Director of Research at the University of Hull. His book *Europe's Tragedy: The Thirty Years War* won the Society for Military History's Distinguished Book Award in 2011. He is currently writing a general history of the Holy Roman Empire for Penguin and Harvard University Press.

ANDREW C. THOMPSON, *George II: King and Elector*, Yale English Monarchs Series (New Haven: Yale University Press, 2011), xii + 315 pp. ISBN 978 0 300 11892 6. £25.00 \$40.00

Although George II's reign (1727–60) was longer than that of any previous monarch in British history since Elizabeth I, he has not, so far, received much academic attention. It is only recently that some scholars have worked on a general reassessment of the Georgian monarchy.¹ The present book by Andrew C. Thompson, who has already demonstrated his expertise on British–Hanoverian relations,² is in line with these recent trends in the historiography of eighteenth-century Britain. The author is well prepared for such a task by virtue not only of his earlier book, but also of his impressive reading of German sources and secondary works, which is vital to any attempt of this sort. As he points out, much of the surviving archival material is preserved in the state archives in Hanover (pp. 2–3).

Thompson's interest is clearly focused on the field of (foreign) policy, but this book is not a narrow political biography in the classical sense. Although it has a political focus, it offers a full description of George's life from his birth in Hanover in 1683 to his death in 1760. It provides a well-written account of political conditions in Britain, Hanover, and Europe, and the various stations of George's life as electoral prince, Prince of Wales, Elector of Hanover, and King of Great Britain. It includes chapters on family and court life, and on tensions within the Hanoverian dynasty. Sometimes these insights into familial matters become somewhat lengthy, especially when they relate to mistresses and love affairs which tend to be anecdotal.

Yet Thompson demonstrates—and this is surely the strength of this book—the crucial role of the monarchy in eighteenth-century Britain. George II is depicted as an active monarch who worked hard to achieve his political aims. Thompson shows the monarch as a politician with firm control over most aspects of his own policies, especially in foreign affairs, where he was much more expert even than Robert Walpole, his prime minister. He also adjusted, as the author points out, to a variety of roles. For example, he was able to

¹ e.g. Hannah Smith, *Georgian Monarchy: Politics and Culture, 1714–1760* (Cambridge, 2006); Jeremy Black, *George II: Puppet of the Politicians?* (Exeter, 2007).

² Andrew C. Thompson, *Britain, Hanover and the Protestant Interest, 1688–1756* (Woodbridge, 2006).

George II: King and Elector

take on the persona of a *Landesvater* in Hanover and to conform to the totally different political system in Britain.

The book begins with an overview of the political events and processes that led to the Hanoverian succession. By the time of his father's coronation, George was already an electoral prince with political and military experience. In London, however, he was a 'king-in-waiting'. This and his connections with opposition groups during the 'Whig split' led to growing tensions with his father and to the separation of his household from the court. Thompson thoroughly analyses the conflict between George and his father, which was later repeated in the tensions between George and his own eldest son, Frederick. It is interesting (although already well known) to note that in both cases the political opposition centred on the respective Prince of Wales and his household, thereby creating a rival court. On his own accession, George was willing to replace some of the leading figures in the government, but in the end Walpole was successful in winning the trust of the new king, thus providing some kind of continuity. George's reign was dominated by the escalating conflict with Spain over the American colonies and growing tensions in Europe, especially over the Habsburg succession. The king's personal involvement in the battle of Dettingen (1743) was exploited by the government as a great victory won by George himself but, as Thompson shows, even this could not silence the opposition. Internal affairs were the other great theme of George's reign. Thompson dedicates large parts of his book to politics and the British political system, showing George's struggles with the opposition, which rallied to the household of Frederick Prince of Wales, and his engagement in foreign affairs. Problems with Spain, growing tensions with Austria leading to the *renversement des alliances* in 1756, and the Jacobite rebellion of 1745 are the subjects of the concluding chapters.

What is clearly demonstrated is that George II was by no means a weak monarch governed by his ministers, wife, and mistresses. Thompson criticizes this traditional narrative which, in his view, is part of a 'Whiggish' account founded on the idea of a developing ministerial executive becoming more and more independent of the Crown. This view, he suggests, overstates the role of the first prime minister, Robert Walpole, while that of the monarch is played down (p. 3). Thomson, however, establishes a different perspective on the relationship between George and his ministers, which also leads him

Book Reviews

to reassess the development of the executive, and especially the evolution of the cabinet as the main executive organ of government. Recent studies of British government in the eighteenth century have stressed the Glorious Revolution as the most important turning point in its development. From that time on, the traditional narrative claimed, Britain rapidly became a constitutional monarchy in which the monarch ceased to be the centre of political decision-making. Thompson, by contrast, argues that the most important changes occurred during the reign of George II, not because the monarch was weak, but because he took an active part in planning and implementing foreign policy. This meant that the monarch had to be in touch with his secretaries of state and other leading ministers, even during his frequent trips to his Hanoverian territories. A system of government able to execute the will of the king in his absence and the ability to keep up communications were therefore of vital importance (pp. 214–19).

Apart from international affairs and relations with Hanover, the second great theme of George's reign was his conflict with his eldest son, which is discussed several times in the book (for example, pp. 119–22). Frederick had been left in Hanover when George went to Britain in 1714, and the new Prince of Wales was taken to London only after the death of his grandfather. He thus grew up alienated from his parents. His increasing financial problems along with a rather small allowance led him to contact members of the opposition to seek parliamentary support against his father. His early death in 1751, however, left the opposition without a centre and caused George to make arrangements for a regency in case of his own demise during his grandson's minority (pp. 207–14).

Although George, in Thompson's account, was not governed by his wife or his mistresses, the position of Queen Caroline and, after the queen's death in 1737, of Lady Yarmouth, George's mistress brought over from Hanover, is by no means neglected. During her life, Caroline played many important roles. At first, while Princess of Wales, she had an important part in court life and ceremony because of the absence of a queen. Later she took on many aspects of politics in which George was less interested, for example, governing the Church of England (pp. 106–7). Thompson takes the affection between George and his consort seriously, thereby questioning the view that the king was emotionally cold (pp. 122–6).

George II: King and Elector

It is perhaps a weakness of biography as a genre that important developments in structures and systems have to be embedded in the chronological pattern of a personal life story. Thompson, however, manages to revise our view of crucial aspects of the British governmental system via the king's biography, for example, the development of the cabinet. Moreover, the typical problems of biographies are at least partly compensated for by an index that includes not only names and places, but also key terms. On the whole, Thompson's book is a well-written, full-scale biography of a largely underestimated king. It offers profound insights into the political system of the Hanoverian monarchy, and a plausible and well-argued reassessment of Britain's Hanoverian king, based on a wide range of source material from Britain and Germany. Thompson comes to the conclusion that Britain in 1760 was very different from Britain in 1727 or 1714, and that this change was in large measure due to the monarch himself.

ULRICH NIGGEMANN teaches early modern history at the University of Marburg. He specializes in the history of confessional minorities and migration, the representation of power, and the history of political ideas. Among his publications are *Immigrationspolitik zwischen Konflikt und Konsens: Die Hugenottenansiedlung in Deutschland und England (1681–1697)* (2008) and most recently (ed. with Kai Ruffing) *Antike als Modell in Nordamerika? Konstruktion und Verargumentierung, 1763–1809* (2011). Currently he is preparing a study of the memory of the Glorious Revolution in eighteenth-century Britain.

BENNO GAMMERL, *Untertanen, Staatsbürger und Andere: Der Umgang mit ethnischer Heterogenität im Britischen Weltreich und im Habsburgerreich 1867–1918*, Kritische Studien zur Geschichtswissenschaft, 189 (Göttingen: Vandenhoeck & Ruprecht, 2010), 400 pp. ISBN 978 3 525 37011 7. €57.00

This is a pioneering study, but a good deal narrower than its title might seem to suggest. It treats largely of official *Umgang* with 'subjects' and 'citizens' in the juridical sense, particularly with specific groups of them, in the British and Habsburg empires. Comparison of these two polities is suddenly coming into vogue, but still distinctly underdetermined in research terms. Thus Gammerl's perspectives are refreshing, but rather circumscribed; highly suggestive, but carrying limited explanatory power.

Gammerl presents three case studies, each juxtaposing territories from the two empires and exploring different interactive themes. The first set is Canada and Hungary, as a couple of 'dominions', both defined in constitutional respects by legislation of the same year, 1867, which had secured them a large measure of home rule. Alike these countries witnessed an increasingly ethnic interpretation of citizenship and a drive within their own boundaries for more integral allegiances, what the author engagingly identifies as 'staatsbürger-schaftsrechtliche Binnenhomogenisierungsprozesse'.

The second pairing, of Austria (in its Cisleithanian sense) and India, gives rise to a more extended comparison. Both these polities sought to implement top-down state-based criteria for citizenship, and to resist bottom-up ethnic-based demands. Yet each had to acknowledge the ethnic principle as its institutions of representative government emerged. In Austria this culminated in the so-called Moravian Compromise of 1905, which was paralleled in part for India by the Montagu–Chelmsford electoral reform of 1918–19. In the first case, national self-identification by the individual came to be replaced, or at least complemented, by objective rules; whereas India gradually moved to a proportional system for the protection of minorities. Austria evolved multiple linguistic categories as markers of ethnic difference, against the essentially binary system, European versus non-European, that developed in India. Austria's elaborate rules for scrutiny are set against the say-so of local officials in India.

The British and Habsburg Empires

Thirdly, British East Africa and Bosnia-Herzegovina are compared—two territories which shared an uncertain status in their respective imperial systems. Bosnians, as residents of a land jointly administered by Austria and Hungary, were placed in a position inferior to that of other citizens of the Monarchy; East Africa was not deemed a full British colony, so its natives had no legal rights at all. Officials in Bosnia-Herzegovina tried to cultivate forms of non-ethnic identification, that is, loyalty to the province as a whole; but this was increasingly recognized as an abortive quest, so a complicated curial suffrage evolved. In East Africa an electoral system eventually came into being in 1919 that confirmed the absolute gulf between Europeans and natives, with Indian settlers grudgingly accorded a limited stake.

A final expository section, on the United Kingdom itself, shows how fluid were its ground-rules for citizenship. The statist-territorial principle tended to prevail, along with the *ius soli*. However, some ethnic criteria came to be added, especially to restrict the rights of Jewish immigrants. By now some of Gammerl's connecting themes have emerged clearly. Thus evidently East European Jews were a point of reference for administrators in both empires. More unexpectedly, we discover that both developed their regulations for dealing with protected persons abroad from experience of claimants living in the territories of the Ottomans.

Contrasts are more marked, notably the opposition between the *Untertanen* and the *Staatsbürger* in Gammerl's title. British 'subjects', he finds, lacked a foundation of explicit legal equality, against Austrian 'citizens', a notion which incorporated the entire weight of the Josephinist state reform initiated over a hundred years earlier. Yet it was the British Empire that grew more hierarchical and centralist, at least by the end of the nineteenth century. And it was there that a series of deep and irresolvable clashes emerged, as differences of class and religion came to be perceived more and more in ethnic terms. Gammerl concludes that institutional racism marked the British Empire, whereas it operated only unofficially (mainly as anti-Semitism) in Austria-Hungary.

This is difficult ground. Gammerl does not want to be simplistic, and some of the distinctions may be terminological (he tends to apply the word *rassisch* only in extra-European contexts anyway). But he has an important claim to make:

Book Reviews

My findings clearly contradict received characterization of the British case as a shining example of liberality and of the Habsburg Empire as a *Völkerkerker* and bastion of authoritarian forms of rule . . . [T]he legal precepts which determined treatment of ethnic heterogeneity in the Austrian context, that is, neutrality and acknowledgement, rested neither on racial discrimination nor on ethnic exclusivity, and thus appear from today's perspective as it were more modern than the imperialistic logic decisive for the British case (pp. 317, 337).

Gammerl therefore sets himself firmly against recent commentators such as László Péter who, likewise constructing paradigms of a 'western' and an 'eastern' evolution, with Great Britain and Habsburg central Europe as their exemplars, have argued more or less the opposite. Of course, 'progress' can be a highly ambiguous concept: one case noted by Gammerl is how the mechanisms for extension of the suffrage to women might serve only to confirm ethnic prejudice.

There is a further large claim advanced through this book: that the years around 1900 were decisive, since they represented the beginning of the end for both—indeed all European—empires. The *Jahrhundertwende* inaugurated changes in attitude which, once espoused in the new arena of mass politics, would progressively undermine them. Gammerl links this above all to accelerating processes of migration and mobilization, which certainly tended both to promote ethnic identification and to subvert multinational states. The First World War, on this analysis, only exacerbated things further, though it would surely be unwise to underplay the significance of events in 1918–19, even for the British Empire.

What, we may wonder, were the criteria for Gammerl's choice of particular cases and comparisons? It might be thought that India, in its territorial and jurisdictional complexity, had more in common with the Old Reich than with Austria; or that Hungary, in its close proximity to the heartland, but its legal, cultural, and institutional distinctiveness from it, had more in common with Scotland or Ireland than with Canada. Evidently Gammerl has managed only a first sampling of attitudes within the *Weltreich* (even if India, indeed, always lay at the heart of them). And those attitudes were never uniform: he

himself points to some substantially divergent tendencies between subcontinent and dominions. The Habsburg Monarchy was a far smaller and, in global terms, simpler operation (it had, for instance, no equivalent to the Indian settlers in East Africa). There too, however, the categories employed can appear rough and ready. Whereas Gammerl recognizes a clear differentiation between Austria and Hungary for many salient purposes post-1867, there are also verdicts on 'Austria-Hungary' as a single entity that may at times elide this.

Gammerl does not offer us much insight into society as a whole, or into wider notions of nationality, beyond his world of legislation and administrative memoranda. It would have helped had he reflected more on the nature of the officialdoms involved in generating the evidence he has exploited, as individuals and as groups, along with their socio-cultural background and professional assumptions. One way in which he might have illuminated mental presuppositions would have been through some investigation of mutual perceptions, whether at the level of diplomatic contact or through the impressions of independent observers on one or other side of the fence, such as Henry Wickham Steed and Josef Redlich.

There is, however, already much to ponder in this careful and thoughtful study. Altogether Gammerl has followed some curious byways, as the primary sources dictated. *Inter alia* he investigates a Hungarian suffrage law which never became effective; protection for British nationals in Siam; the niceties of the status of Bosnians in other parts of the Monarchy; and obstacles to British naturalization that were rarely overcome, even for the United Kingdom (Karl Marx was refused on the ground that 'this man has not been loyal to his own King and Country', p. 226n.), let alone for East Africa, which admitted only one person in fifty years (p. 184). Such curiosities will hardly need to be revisited. The rest of the book, however, and its larger arguments, call out for critical evaluation. It is the great merit of Gammerl to have set some of the terms for real comparative analysis of his two empires.

R. J. W. EVANS is Regius Professor of History Emeritus at Oxford University. He has written extensively on the history of east-central Europe, his most recent book being *Austria, Hungary, and the Habsburgs: Central Europe, c.1683-1867* (2006). He is working on a history of modern Hungary, c.1750-1945.

NORBERT FRIEDRICH, UWE KAMINSKY, and ROLAND LÖFFLER (eds.), *The Social Dimension of Christian Missions in the Middle East: Historical Studies of the Nineteenth and Twentieth Centuries*, Missionsgeschichtliches Archiv, Studien der Berliner Gesellschaft für Missionsgeschichte, 16 (Stuttgart: Franz Steiner Verlag, 2010), 252 pp. ISBN 978 3 515 09656 0. €46.00

This collection of studies of nineteenth- and twentieth-century missions to the Middle East is a welcome addition to the field of missiological scholarship. It comprises a wide-ranging set of papers that consider the social dimension of Protestant and Catholic missions in the Middle East: what the blurb terms ‘the trademark’ of missions to Islam. The ‘social dimension’ refers to the educational, medical, social, and scientific work that was carried out by the missionary organizations. While it was not explicitly evangelistic it was deemed to be one of the most effective ways of teaching Christian beliefs and practices to non-believers. The various chapters trace the impact of the social dimension of missionary work on the communities and nations with which the missionary project was engaged—both the countries that sent them and the places to which they went. Palestine as a mission field has been described as ‘a market place of different groups looking for a presence in the Holy Land’. It is this marketplace of ideas, objectives, personalities, and institutions that is so deftly dealt with in this book. The book presents a feast of novel approaches and a number of the chapters begin by emphasizing the ‘newness’ of the topic addressed. Inter- or intra-denominational and national rivalries are highlighted in a number of contributions. There is repeated reference to the lack of ‘success’ in terms of conversions; this is presented as one of the distinguishing features of Middle East missions compared with other missionary milieus. The reader is called to go beyond the standard approaches to mission history and look at the same questions through different historiographical lenses. Underlying this is a challenge to consider how we *use* the study of mission.

This volume was published following an international conference on ‘The Social Dimension of Missions in the Orient’, which took place in Kaiserswerth, Düsseldorf in 2006. It comprises contributions by scholars who address the question from a number of different angles. Some focus on the reception of the missionary project by local popu-

lations; others tackle the impact of missions on the 'sending' country. Some papers examine inter- or intra-denominational disputes whilst others look at the question from the political angle. The papers are introduced by two overviews of the methodology and history of mission studies, which set the rest of the papers in context. Roland Löffler's chapter presents an introduction to the particular approach to mission studies found in this collection. Highlighting the rediscovery of mission history in its own right rather than as a by-product of imperial studies, anthropology, and social science, Löffler proposes that mission history itself has become a multi-disciplinary field of scholarship, an idea to which the diverse papers that follow testify. Löffler points to the 'new cultural approach' to history exemplified in these studies, which seek to examine practices, behaviour, and formative attitudes in a particular social group. His overview of German Protestant activities in Palestine in the nineteenth and early twentieth centuries shows the extent to which they can be seen as part of the formation of German Protestantism more widely, as he draws out the effect of the development of independent faith-based Protestant institutions on the German Protestant experience in both Europe and Palestine. Löffler applies a combined methodology of the 'history of mentality' and 'milieu theory' to frame his discussion of the German Protestant experience and show that it was the social dimension of mission that formed the reality 'on the ground'.

Heleen Murre-van den Berg's treatment of the study of Western missions in the Middle East is an ideal *tour d'horizon* of the whole field of scholarship. Her expertise in the topic is generously shared with the reader both through her account of the history of the subject and her detailed bibliography of the study of missions. As well as furnishing us with an overview, Murre-van den Berg touches on some key issues in the development of the field, which frame the other contributions. She tackles the questions that many may be inclined to ask: why has mission studies enjoyed this resurgence, and why the Middle East? For Murre-van den Berg the answer lies in the way that the subject touches on so many other disciplines and, as Michael Marten argues in his paper, illuminates the questions and challenges faced today. The contribution that missions made to issues of modernity in the Middle East, and the political developments of the nineteenth century that we glean from them, are invaluable for understanding the geopolitical fluctuations of the region

Book Reviews

today. Had our appetite for what follows not been sufficiently whetted, Murre-van den Berg underscores the newness of the specific approach that is presented in this book. Questions of reception and the impact of Middle East missionary work—both on the missionary country and its target population—have been largely overlooked, no doubt because of the lack of conversions compared with other parts of the world. But as Murre-van den Berg suggests and the rest of the book demonstrates, the ‘less tangible’ influences of the missionary purpose have much light to shed on our understanding of the subject as a whole.

Dominique Trimbur, Haim Goren, and Barbara Haider-Wilson address the question of Catholic activity in Palestine in the nineteenth and twentieth centuries. Trimbur traces the evidence of German and French scientific, cultural, and pedagogical values in the institutions of Palestine and Israel today back to the influence of Roman Catholic networks established in the middle of the nineteenth century. He offers a fascinating account of a century of rivalry between the French and German Catholic churches as each sought to maintain its position in the Holy Land, offering the reader a clear sense of the tensions—*inter muros* and *extra muros*—that dominated the period. Focusing on a few German Catholic missionaries whose work shaped the German Catholic presence in Palestine, Haim Goren gives a sense of the distinctive contribution of German Catholic activity, an area of scholarship hitherto neglected. The different kinds of missionary and other activity in which the German Catholic Church engaged in the Holy Land are discussed, such as the call in the late nineteenth century for German Catholic missions to focus initially on the need for tradesmen such as bakers, locksmiths, and carpenters. Goren gives the reader a sense of the multiplicity of approaches and engagements that occurred between the German Catholic Church and the Holy Land at this critical time. Barbara Haider-Wilson reminds us of the varied national interests that were competing for space and authority in Palestine up to the First World War. Looking at the Habsburg monarchy she introduces the reader to the ‘home mission abroad’. Her discussion presents the missionary country as itself the object of mission and explores how the social dimension of Christian work, which stimulated the ambitions of the Church, thrived off the phenomenon of ‘longing for Jerusalem’, whereby the significance of the Holy Places for the Catholic Church became a

mark of Catholic belief in general. The concern here was not with the evangelistic effort in Palestine, but rather with how the experience of the Holy Land could stimulate the life of the Church at home. The 'home mission' was developed in a number of ways: through pilgrimages that were made to the Holy Land and then written up and shared with congregations in Austria; through networks that were established between pilgrims who would share the experience of their spiritual journey with others; and through an active publishing industry, which issued magazines to inform and mobilize the public. In highlighting the different power-political considerations that were at play amongst the different crownlands of the Austrian and Austro-Hungarian 'Jerusalem' milieu, Haider-Wilson issues some timely challenges to the mission historian, including a call for a closer historiographical examination of Europe in research on mission history.

In her examination of the work of the Anglican Bishop Samuel Gobat, Charlotte van der Leest offers a clear and concise account of the factors that shaped and drove the social dimension of Protestant Evangelical work. Contrasting the approach of the Christian Mission Society adopted by Gobat with that of other Protestant and Catholic missions, she analyses the extent to which the 'social dimension' of the evangelical mission was centred on one of the four features which David Bebbington identified as defining late nineteenth-century evangelicalism: biblicism. This enabled the other features which Bebbington ascribes to an Evangelical understanding of 'true' Christian belief to flourish: crucicentrism, conversionism, and, to a lesser extent, activism. In her final paragraph, van der Leest refers to how unsuccessful Gobat's methods were in terms of numbers of actual converts. This leaves the reader with a question: how does van der Leest explain why thirty-seven Bible Schools yielded so little fruit?

Ruth Kark's and Shlomit Langboim's consideration of the formation of Jewish identity in the light of missionary activity in the Holy Land is well placed in the middle of the book, moving our attention to the impact of missions on community identity. This chapter presents the other side of mission: the reception and perception of mission by the so-called 'target' audiences. The role played by missionary organizations in the shaping of Jewish identity at the turn of the century is outlined and the social dimension of the missionary work remains most pertinent. Competition and rivalry are once again the

Book Reviews

theme, but this time it was expressed by the Jewish establishment vis-à-vis the work of the missionary societies. As missionaries opened hospitals, schools, and welfare services across the country, the Jewish establishment responded: schools were established, welfare and aid offered for free, and efficient hospitals opened. All of this contributed to shaping a stronger sense of identity amongst the Jewish population. Engaging with these questions not only alerts us to the impact of missions in local contexts (the history of mentalities in Löffler's method), but also enhances our understanding of the wider and longer term impact of their work and its social effect in shaping other institutions and identities.

Yaron Perry's and Michael Marten's research into the work of the Protestant missionary societies addresses medical missions to the Jews. Perry examines the Protestant London Jewish Society's (LJS) engagement with social missions through their medical work in Palestine. His comparison between the failures of the enterprise in Jerusalem and the more successful efforts of the LJS's hospital work in Safed relates the question of missionary and welfare 'success' to the social and economic climate of the target population. Marten gives a helpful account of the theological basis of Scottish missions in Palestine, several aspects of which also help to frame some of the other contributions. The sense that if it were possible to convert Jews in Palestine to Protestantism, conversions elsewhere would follow is presented as one reason for the Scottish Church's decision to go to Palestine. The theological justifications for this are fleshed out with an account of the prevailing evangelical priorities of the period. In a helpful turn Marten explores the question of why medical missions were so popular. A discussion of the methodology of mission study underscores Marten's paper. He concludes with a call for the 're-historicising' of missions in Palestine and exhorts his colleagues to address mission history through multiple lenses: 'mission history needs to see *all* the actors involved in the fusing of histories.' This, he suggests, happens through analyses of the social dimension of missions.

Jakob Eisler approaches the missionary question by looking at mission propaganda and film in European missionary efforts in Palestine. He discusses two films which, he argues, typify the German Christian missionary films of Palestine in the nineteenth century: the film of the Syrian Orphanage in Jerusalem and a film that

recorded the work of the Kaiserswerth deaconesses in the Holy Land. Both are reported to have been well received by parishes in Germany and played an important part in 'selling' the missionary project (although Eisler nuances this claim by referring to some negative criticisms and to a lack of substantial archival evidence in the case of the Kaiserswerth film). This article opens up a fascinating field of research, from which we can only hope to hear more. It would be interesting, for example, to ask how this kind of propaganda work by the churches ties in with the wider missionary effort, both at home and abroad.

With Christine Pschichholz's essay we change location and community studied. The question is addressed here through the experience of German Protestant communities in Turkey against the background of European migration under the Ottoman Empire. Pschichholz raises the pertinent question of the impact of social Protestantism on the development of German cultural and educational policy abroad in terms of the care of its own people. She invites the reader to look at the 'home missions abroad' question the other way around: where 'home' has travelled 'abroad' and Diaspora care becomes another avenue for exploring these questions.

The relationship between German Protestantism and the state of Israel is presented in Gerhard Gronauer's account of the various projects and engagements that characterized engagement between 1948 and 1967. Alongside the traditional missions to the Jews that continued to use salvific history and the perception of the Jews as the biblical people of God to justify the state of Israel, Gronauer identifies 'the "progressive" voices' (p. 214) that emerged after 1948 where the notion of the state of Israel as a sign of the end times is introduced. The German-Israeli reparations agreement of 1952 was another stage in the process, which was followed by the emergence of a touristic relationship between Germany and the state of Israel. Further 'official' visits stemmed from this new tourism. One of the points to emerge from Gronauer's work is that Protestantism helped the German Federal Government to open up to Israel as part of a process in which the reception of the state of Israel moved from being a primarily theological one to what Gronauer describes as the 'golden period' of pro-Israeli engagement within the Church, when Protestants became more willing to accept Israel as a consequence of the Shoah. These changes, Gronauer suggests, also opened the door for Jewish-

Book Reviews

Christian dialogue. Gronauer's knowledge of the subject in this period is extensive and covers an impressive number of bases.

Uwe Kaminsky's chapter on the contribution of the *Palaestinawerk* after the Second World War is a fitting conclusion to the book. His account of the creation of this organization, a loose and temporary association of the German boards, records the last in the line of German social missionary work in Palestine following the confiscation of German Protestant institutions by the British at the end of the war. The *Palaestinawerk* emerged out of negotiations between the state of Israel and the Lutheran World Federation over compensation and ownership of property. Through successful negotiations the organization oversaw the material rebuilding of German Protestant institutions in Palestine as well as the payment of compensation. It later gave rise to new Protestant initiatives in Palestine including hospital and educational work. The final piece in the reconstruction of German Protestant institutions was the establishment of a native church, the Evangelical Lutheran Church of Jordan, which was founded in 1957. The *Palaestinawerk* began to disband as the mission organizations integrated into the Protestant Church in Germany. In tying up the ends, Kaminsky subtly reminds the reader of some of the threads running through the book. Chief amongst these are the competition between the various missionary endeavours; the lack of any apparent concern among missionaries about the paucity of conversions; and the extent to which the social dimension of the work of these institutions shaped the nature of the missionary engagement with Palestine.

This book is a valuable addition to the history of missions and it heralds a new departure for this expanding field. Only with inter-disciplinary, trans-national, and trans-era studies such as the ones collected here can we begin, as Marten puts it, to see how mission history relates 'the *past* to the potential *presents* that there might have been, a way of perhaps appreciating the *futures* that there might now be' (p. 177).

CATRIONA LAING is a doctoral candidate at the Faculty of Divinity, University of Cambridge.

ANNE SUDROW, *Der Schuh im Nationalsozialismus: Eine Produktgeschichte im deutsch-britisch-amerikanischen Vergleich* (Göttingen: Wallstein Verlag, 2010), 876 pp. ISBN 978 3 8353 0793 3. €69.90

The 800-page book-of-a-German-Ph.D.-thesis on the history of footwear under review here is one of the most interesting things I can remember reading. This is not a sentence I ever imagined myself writing. Yet in this outstanding account of the history of the shoe in Germany between the 1920s and the 1950s the author succeeds not only in her ambition to place the study of material culture at the interstices of histories of both production and consumption, but also places it at the centre of histories of science, fashion, retail, semiotics, knowledge-transfer, globalization, violence, ritual, trade, transnationalism, regulation, and more. As if this were not a challenging enough undertaking, the German example is placed firmly within a comparative context. At regular intervals, the author draws in material on the British and American shoe industries to great effect. The author's grasp of the huge variety of historical and scholarly discourses needed to make sense of these various stories is remarkable. It is a phenomenal achievement.

At the start of the period under review, the culture of shoe-wearing was in a state of transition. Hitherto, shoes had been regarded solely as items of practical utility, as something to protect the feet and keep them warm. The use of footwear as an item of decoration and display was the preserve of very specific, mostly elite groups, such as the military. In rural areas, in particular, many people still did not wear them as a matter of habit. While patterns of shoe ownership naturally mapped at least partially onto patterns of wealth, however, this also reflected enduring beliefs about both health and propriety: many believed that walking bare-foot was better for one's health, and that shoes ought properly to be worn only to school and to church. How long a shoe would last was the most important criterion for a purchaser. Shoe and boot design changed little as a result; manufacturers produced comparatively large production runs of a limited range of designs; and the processes whereby the product was brought to market were also simple and comparatively stable.

At the same time, the 1920s saw the emergence of new patterns of demand and habits of consumption driven by fashion: all of a sudden, colour mattered. Advances in anatomical understanding also

Book Reviews

placed new demands on manufacturers to supply shoes in correct shapes and sizes. This led in the 1920s to a great proliferation of the range of models, shapes, and sizes a retailer needed to stock in order to keep his customers happy. In a later era manufacturers would learn to use these factors to their advantage, fostering a culture in which parents felt obliged to get their children's feet measured every six weeks and buy new shoes at the first minor signs of growth, and in which adult consumers could be encouraged to own several pairs of shoes and buy yet more, even when their existing ones were not worn out. Yet in the 1920s manufacturers and retailers regarded the growing complexity of the market and its increasing fickleness with a great deal more unease: how to cope with the need to supply the market with such massive variety of models in much smaller production runs whilst keeping costs down? What to do with all those bright blue shoes just made at great expense now that consumers had decided they simply must have this season's red instead? Combating such 'market imperfection' and remaining competitive was even more of a headache in the challenging economic environment of the 1920s and the Depression in particular, especially given the presence of vigorous competition from the Czechoslovakian firm Bat'a, which flooded the market with more cheaply produced footwear in this period.

Drawing on insights provided by the burgeoning rationalization and scientific management movement, manufacturers reacted in a number of ways. In the first place, the introduction of sizing norms made it possible to make some components of the shoe in larger volumes and thus more cost effectively. They also introduced new machine tools, leased from America, facilitating more cost-effective production. Machine-tool production also accelerated the experimentation with synthetic materials and thus served, at least in part, to displace the stitching and nailing of footwear by practices of moulding or gluing. Meanwhile, larger manufacturers built up retail chains that enabled them to distribute more cost-effective large production runs nationally, sending a few examples of each shoe or size to a large number of outlets simultaneously. This was the era in which household name footwear chains emerged, in Germany as in Britain. A nascent market research industry also emerged, with the support of the retailers, to try to understand and thus predict changing patterns of demand, in the hope that the wastefulness called forth by the fickle dictates of fashion could be reduced. The new machine

A History of the Shoe in National Socialism

tools gradually displaced older work methods, and thus placed old-style craft production under strain, with all the known political and social strains that caused; likewise, the new networks of distribution placed pressure on small retailers who struggled to compete. Nonetheless, the comparatively small production runs of each shoe model meant that a genuine mass production regime was never achieved in the shoe industry.

Two of the main obstacles to cost-reduction, mechanization, and a more efficient utilization of raw materials were the expense and variability of the hides used in traditional leather shoes. Many of these were also imported, which, given Germany's foreign exchange situation and the political imperatives of the Nazi regime, posed an additional challenge. Hitherto scholarship on the economic history of the Third Reich has tended to assume that the foreign exchange regime of the Four-Year-Plan, its drive for synthetic substitute materials, and its attempts to regulate various market vagaries ran counter to the interests of the consumer goods industries. However, as the author shows, the regime's encouragement of synthetic materials coincided with this particular industry's desire to use them, leading to significant advances in the use of substitute materials in footwear in the 1930s; similarly, the regime's fostering of rational consumption habits in the interests of autarky and national economic efficiency chimed with the desire of the industry to rein in consumer choice and limit its product palette. The production of shoes from pig leather and fish skin did not, in the long run, catch on, but the use of (synthetic) rubberized soles, for example, did. Here, in particular, the comparative dimension of the book comes into its own. For, as the author shows, processes which, seen within a purely national frame, might appear to be the product of adverse political regulation peculiar to the Third Reich, were similarly underway in the United States, if less so in Britain where the predilection for leather shoes remained strong.

At the same time, the author is careful not to allow her account of the presence of rationalizing, modernizing dynamics in this particular technical sphere to generate an image of a shoe industry making great strides towards efficiency in an environment sealed off from the violence of the Third Reich. In so far as the industry retained access to supplies of leather during the war, it was largely on the basis of plunder: Germans' supply of footwear, no less than their supply of

Book Reviews

iron ores, rested on industry's implication in the war of genocidal destruction in the East. This was not all. In pursuit of more scientific understanding of the durability of various synthetic shoe components, the industry connived in the establishment of a shoe-testing facility at Sachsenhausen concentration camp in 1940. An unaccounted for number of prisoners were forced to walk, march, or perform sporting exercises in shoes for hours on end, day after day, in a practice which claimed the lives of many, so exhausting and brutal was it. The shoes, meanwhile, were measured for their signs of wear and tear.

In the limited literature on this phenomenon, which mostly comes from survivor accounts, it has understandably been written about as a form of the pointless, ritualized torture which was one part of the dynamic of violence meted out by the SS. However, using materials from the various trade bodies, research institutes, and organs of self-regulation connected to the shoe industry the author demonstrates how private companies, scientists, and other researchers—including those working for the *Wehrmacht*—not only knew about the research, but made good use of the findings in their pursuit of more efficient product design and specification. Some of the findings made their way into standard industrial handbooks on shoe design in the 1950s, while the researchers concerned made good careers in the industry or its trade bodies. The broad outline of this trajectory is hardly surprising, in so far as we know all about similar histories from studies of Nazi medicine, but the author's account of the chains of agency, interest, and knowledge-transfer linking the commercial consumer sector of the economy to the murderousness of the concentration camps is exceptionally persuasive and hard-hitting. As if this were not enough, she then demonstrates how the photographed piles of shoes that have become such iconic signifiers of Nazi mass murder and thus of the imagined singularity of the regime were embedded in chains of recycling in which commercial shoe manufacturers and repairers were also directly implicated. In a sad irony, one of the companies most associated with this was Salamander, one of the Jewish-owned companies that had been 'Aryanized' before the war.

There is far more to this marvellous book than a short review can capture. Given its remarkable qualities it seems churlish to offer criticism. For a study focused on diverse aspects of rationalization in the 1920s and 1930s one might have expected some engagement with the

A History of the Shoe in National Socialism

pioneering works of Tilla Siegel, Thomas von Freyberg, and Carola Sachse, whose insights laid the ground for much of the work on which the author draws. Inevitably, there are sections in an 800-page book where the reader's spirits flag, and where one wonders whether some editing down might not have improved the readability of the book at little cost to the comprehensiveness of its argument. No self-respecting German Ph.D. monograph would spare its reader a fifty-page discussion of the state of research, *Fragestellung*, and methodology; a suitably earnest discussion of the definition of a shoe is also, of course, a must. Yet life is short, and the half-hour I devoted to mastering the different kinds of shoe polish available to consumers in the 1920s is a half-hour of my life that I will not get back.

On the other hand, scholarly monographs, like shoes, have their own product history—they can no more be seen as isolated objects, standing outside of time and space, than the things with laces that we wear on our feet. In that sense, any such critical remarks are as much a comment on the academic *habitus* that consistently produces such books as it is on the book itself. The culture of subsidy which permeates German scholarly publishing, combined with a scholarly environment which places such emphasis on thoroughness, can all too easily permit indulgence. Rather like the German manufacturers this book describes—ambivalent about their customers, and irritated by their habits—one often feels that German academic authors ought to take their readers a bit less for granted. Who knows, they might then, like those shoe manufacturers this book brings to life so superbly, even produce objects that can compete without subsidy in the marketplace.

NEIL GREGOR is Professor of History at the University of Southampton. His research interests range widely across twentieth-century German history, encompassing aspects of business history, social history, cultural history, literary studies, and historiography. Recent publications include *Haunted City: Nuremberg and the Nazi Past* (2008) and *How to Read Hitler* (2005).

DIETMAR SÜSS, *Tod aus der Luft: Kriegsgesellschaft und Luftkrieg in Deutschland und England* (Munich: Siedler, 2011), 717 pp. ISBN 978 3 88680 932 5. €29.99

Stumble into a German bookshop this autumn, and no doubt you will see Dietmar Süß's new book on the air war between 1940 and 1945 prominently displayed. This is no mean feat for a volume which grew out of a *Habilitation* thesis, a type of work that is not commonly known to be a page-turner. The publication of *Tod aus der Luft* is to be highly welcomed, not least because it breaks into a market that for too long has been dominated by popular accounts on the one hand and official histories on the other.¹ Süß's extraordinary book combines the virtues of both genres: delivered with great panache, it is also based on a scrupulous examination of archival records. Potential buyers of *Tod aus der Luft* can expect multiple 'two-in-one' deals: not only is this book both sophisticated and accessible, written by an academic historian with a background in journalism, it is also a stimulating synthesis of the social, political, and cultural history of war, and a thoughtful comparative study of Britain (or 'England', as Süß has it) and Germany in the era of the Second World War.

The success of any work of comparative history hinges ultimately on the choice of an appropriate *tertium comparationis*, for the units of comparison must be distinct and yet not too disparate to yield significant contrasts. Thus historians of this period have traditionally favoured juxtaposing Nazi Germany with other 'totalitarian' or 'fascist' regimes. A comparison between British and German societies during the Second World War is a much bolder, methodologically riskier undertaking, and one can think of at least two good reasons against such a bipartite project: firstly, and most fundamentally, that the different political regimes preclude any meaningful comparison, that the outcome of the analysis is a foregone conclusion; and, secondly, that the author is comparing apples with oranges, that the timing and intensity of the German Blitz on Britain and the British strategic air campaign against Germany were simply too different to yield any telling contrasts.

Süß is fully aware of the potential pitfalls of the comparative design of his book, and he resoundingly rejects both these objections.

¹ See Nicholas Stargardt, 'Victims of Bombing and Retaliation', *German Historical Institute London Bulletin*, 26/2 (2004), 56–70.

British and German Society during the Air War

At the centre of this comparative study are not the political systems (even though Süß has a great deal to say about their institutional structures) but the emergence of a *Kriegsmoral* (war morale) at the intersection of individual experiences and political mobilization. Moreover, this hefty tome is not meant to be a comprehensive account of the British and German bombing campaigns of the Second World War. Rather, the author's approach might be described as a history of the air war 'from below': one that is focused on the fear, experience, and memory (of people on the ground) of death and destruction. That said, the book spans an impressively wide range of topics, from pre-war anticipation to post-war commemoration, from administrative measures to theological discourses, from air-raid precautions to the disposal of corpses, and from political propaganda to private testimony.

The ways in which people lived through air raids were neither unfiltered nor immediate. Süß painstakingly dissects the administrative structures and air-raid precautions that framed personal experiences of the air war. Predictably enough, at this level of comparison, the contrasts between British democracy and Nazi dictatorship are most striking: the reordering of and bickering over responsibilities in Britain pale into insignificance when compared with the spiralling de-institutionalization and *Führerunmittelbarkeit* of decision-making in Germany. Even though the introduction of Regional Commissioners to oversee (and, if necessary, to overrule) county and borough councils amounted to a significant intervention in regional and local affairs, conflicts tended to be resolved in a consensual manner. Also the new coordinating body at national level, the Civil Defence Committee, did not, according to Süß, fundamentally depart from pre-war administrative practice.

While the new structures and procedures introduced in Britain at the beginning of the conflict remained more or less unchanged for the remainder of the war, German ones evolved in increasingly radical ways in the second half of the war. Führer decrees of March 1942 and December 1943—giving great leeway for interpretation (and the political ambitions of Joseph Goebbels)—led to the creation of an Inter-Ministerial Air War Damage Board and a Reich Inspectorate of Civil Defence Measures respectively. Control of both these special authorities gave Goebbels far-reaching powers at the home front, often bypassing the competences of ministers, *Gauleiter*, and municipi-

Book Reviews

pal authorities. The latter faced additional competition from local branches of the Nazi party and its welfare organization, the NSV, which tried to muscle in on support for bomb victims.

The comparison between administrative responses to the spectre and actuality of the war from the air produces interesting, but perhaps not altogether surprising contrasts. Most revealing is the author's intricate discussion of the social construction of a wartime community where we see both cultural convergences and national peculiarities. The notion of a People's War in Britain, he argues, was to some degree a response to the Nazi utopia of a *Volks-gemeinschaft*.² Both held out a social promise and relied on mechanisms of exclusion and inclusion, on punishments and rewards. Looters were seen as the ultimate threat to *Kriegsmoral* and became outcasts from the national collectives. Politically motivated amendments to the criminal law prescribed severe penalties for the offence. However, the Nazis came down much harder on looters, many of whom were sentenced to death by special courts. While the prosecution of looters paved the way for a complete erosion of the rule of law in Nazi Germany, the British state neither encroached on the autonomy of the judiciary nor dispensed with the statutory right of appeal. Significantly, British legal terminology had no equivalent to the *Volksschädling* that cast the criminal as the nation's 'vermin'.

Under the conditions of aerial bombardment, air-raid shelters became the incubators of the national community at risk. In both countries, access to the official shelters and bunkers was seen as a privilege that had to be earned through a display of virtues such as self-help, discipline, duty, and a readiness to make sacrifices. Aliens and particularly 'Jews' occupied a precarious position in these collective safe havens. A thorn in the side of many a Londoner, (German) Jews were blamed for the crowded conditions, the temporary eruptions of violence, and, more generally, the moral decay in the shelters. Anti-alien sentiments were, for instance, in evidence in the small bulletins edited by representatives of the shelter communities. However, the mere existence of these grass-roots organs is illustrative of the multivocality of the People's War and its bottom-up dynamics. Conformism and coercion played a much greater role in

² See also the conference report 'German Society in the Nazi Era: *Volks-gemeinschaft* between Ideological Projection and Social Practice', *German Historical Institute London Bulletin*, 32/2 (2010), 120–8.

British and German Society during the Air War

transforming the *Volksgemeinschaft* into a *Luftschutzgemeinschaft*, and yet it was initially the peer pressure of the *Hausgemeinschaft* rather than official regulations that kept the Jews out.

From the authorities' point of view, the mass deportations from the Reich resolved this issue. What is more, the deportations provided an opportunity for municipal authorities to strengthen morale at the urban home front in a material way, for the possessions the deported left behind were re-distributed to bombed-out *Volksgenossen*. German municipalities became first opportunistic profiteers and eventually active agents of repression. As the air raids intensified, local authorities came to rely on the slave labour of concentration camp inmates to clear up the rubble. In cooperation with the SS, a number of municipalities established satellite camps in the very heart of cities. Thus city centres became sites where urban society intersected with the camp system. The connections between the air war and Nazi racial policies were all too obvious for anyone who bothered to enquire about the source of bargain furniture, or who cared to observe that bunkers were built on the sites of former synagogues.

The bombs on German cities were 'a retribution for what was done to the Jews' (p. 272), according to the Protestant bishop of Württemberg, Theophil Wurm. While there was broad agreement among Catholic and Protestant churchmen alike that the havoc wreaked on German cities was part of a divine punishment, few were as explicit as Wurm about the actual sins committed. Instead they implored their flock to accept His judgment unquestioningly and to endure the ordeal. The air war or the churches' response to it did little to attract new followers, but at least it strengthened the faith of believers (a similar development could be observed in Britain during the Blitz). Süß points out that the churches' message allowed German Christians to reconcile an increasing alienation from National Socialism with a renewed commitment to the *Volksgemeinschaft*. Whereas the churches in Germany eschewed going beyond a merely theological interpretation of the air war, their British counterparts openly confronted its political and ethical implications. Here, Süß attaches much importance to the interventions made by the Anglican bishop of Chichester, George Bell, who emerged as a chief doubter of the strategic bombing campaign.

The People's War could accommodate nonconformist behaviour and critical voices—in stark contrast to the absolute project of the

Book Reviews

Volksgemeinschaft. Nevertheless, Süß concludes that 'the pressure of ritualized collectivization and the imposition of norms of social behaviour are characteristics of both dictatorship and democracy, of the politics of war morale in "total war" '(p. 580). The construction of a *Kriegsmoral* became *the* central preoccupation of both societies during the air war. This book offers an intriguing exploration of the comparative method; the author's discussion of British society during the Blitz throws many aspects of the German experience of the air war into much sharper relief (and vice versa). This monograph is a must for those interested not only in the comparative history of Britain and Germany but also the socio-cultural and political history of modern warfare. Covering two countries in equal depth and sophistication, this excellent book should also appeal to British readers very much accustomed to the idea of 'buy one, get one free'.

STEFAN GOEBEL is Senior Lecturer in Modern British History at the University of Kent at Canterbury. His publications include *The Great War and Medieval Memory: War, Remembrance and Medievalism in Britain and Germany, 1914–1940* (2007) and, as co-editor, *Cities into Battlefields: Metropolitan Scenarios, Experiences and Commemorations of Total War* (2011). He is currently working on a comparative study of Coventry and Dresden in the aftermath of the Second World War.