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Bernadetta Nitschke. *Vertreibung und Aussiedlung der deutschen BevÖ¶lkerung aus Polen 1945-1949.* MÖ¼nchen: Oldenbourg, 2003. 392 S.

Bernadetta Nitschke. *Vertreibung und Aussiedlung der deutschen Bevölkerung aus Polen 1945-1949.* München: Oldenbourg Wissenschaftsverlag, 2003. 392 S. EUR 34.80 (broschiert), ISBN 978-3-486-56687-1.

Niels von Redecker. *Die polnischen Vertreibungsdekrete und die offenen Vermögensfragen zwischen Deutschland und Polen.* Frankfurt am Main: Peter Lang, 2003. 129 S. EUR 24.80 (broschiert), ISBN 978-3-631-50624-0; ISBN 978-3-631-52869-3.

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Since the end of the Second World War, the German-Polish frontier has been definitively "settled" four times: by Allied fiat at the Potsdam conference in 1945 and subsequently in three Polish-German agreements, the first involving the German Democratic Republic (1950), the second the Federal Republic of Germany (1972), and the third a united Germany (1990). And yet the corollary of that massive transfer of territory–the expulsion and expropriation of millions of "ethnic German" inhabitants–appears to be generating more heated public debate today than ever before. The surge in German interest in the fate of the expellees can be seen as part of a general rehabilitation of the theme of German wartime suffering and victimization (as discussed on H-German last year in the special forum on Sebald's *A Natural History of Destruction* and Friedrich's *Der Brand*). Unlike the debate over the Allied bombing of German cities, however, which has largely remained an internal German discussion and produced only a faint echo in the United States or Great Britain (outside of Germanist circles, of course), the debate about the expulsions has engaged Polish cultural elites and, to a lesser extent, a broader Polish public, as much as their German counterparts. The high level of mutual investment in this history is both good news and bad news. With the expulsions playing such a pivotal role in so many personal and family histories on either side of the frontier, renewed scrutiny of the issue has sometimes stirred a probing, honest, and self-critical dialogue. But the revived prospect of property restitution claims by expellees has also spurred a reversion to adversarial discourses and entrenched rhetorical positions. The two books under review here provide a glimpse into these divergent tendencies.

Vertreibung und Aussiedlung der deutschen BevÃ¶lkerung aus Polen 1945 bis 1949, Bernadette Nitschke's solid monograph on the expulsions, suggests the progress that has already been made in moving to-

ward a common German-Polish historiography on the expulsions. Originally published in Poland in 1999, the book was translated into German with the financial support of the Robert Bosch Foundation and published as part of a series on the culture and history of the Germans in Eastern Europe. This action is symptomatic of a broader trend. Not only are a growing number of German and Polish studies being translated into the other language, but some of the most recent research on the expulsions has been pursued by collaborative teams of Polish and German scholars. One of the priorities for this new generation of research has been utilizing the full range of German and Polish archival resources to write an integrated account of the expulsions, and Nitschke's own study certainly draws on an imposing array of sources. The bulk of her material, not surprisingly, comes from central and provincial state archives in Poland, but she also makes good use of a range of state archival collections in Germany as well as Catholic and Protestant church archives in both countries. She discovers, and her text brings to light, a multiplicity of actors, from Catholic bishops to Soviet military commanders, who have distinctive institutional interests and ideological bearings and their own take on who should count as a "German" and who among this group should be deported. Some of the most striking voices in Nitschke's account emerge from a collection of memoirs from the archive of the Western Institute (*Instytut Zachodni*) in Poznan. Although these are almost all "Polish" witnesses to the expulsions, their subject positions are incredibly diverse: longtime Polish residents discussing their former German neighbors; expellees from Poland's lost eastern territories who took over the homes of German expellees; nationally ambiguous "autochthones" who stayed in Poland while friends and family members joined the German emigration. Given the scope of her book, very few of these voices become attached to fully developed characters, but Nitschke does try to give them all a sympathetic hearing.

The author is also careful to differentiate the various stages of population movement that I have been lumping together as "the expulsions." The first mass movement of German civilians in the eastern territories, a migration that Nitschke describes as a combination of spontaneous "flight" and organized "evacuation," lasted from summer 1944 through spring 1945 and was driven by fear of the advancing Soviet army. This dislocation involved several million people, of whom several hundred thousand died of cold or hunger or in Allied bombardment, though hundreds of thousands of others soon made their way back to the area. Nitschke reserves the designation "expulsion" (the German equivalent, *Vertreibung*, has a more visceral ring) to the so-called "wild" expulsions conducted by the Polish military and civilian authorities in summer 1945, before the population transfers were officially sanctioned by the Allies at the Potsdam conference. These actions gave way in spring 1946 to a series of larger, better organized, and less lethal "forced resettlements" which continued through 1947. A final major wave of resettlement resumed in 1948 and 1949. Nitschke's chosen terms for each phase seem judicious and appropriate. Though their bloodlessness might strike some as euphemistic, she does wisely avoid the misleading term "repatriation" that was used in many of the official sources. In any event, those interested in terminological hair-splitting will face a daunting challenge as debates become effectively bi- or trilingual, since each term in each language obviously has slightly different connotations.

Nitschke is as meticulous in her use of numbers as in her use of language. For each phase or resettlement, she discusses the range of figures that German and Polish historians have given for the number of people moved and then offers her own best estimates based on her reading of the archival and secondary sources. This quest for precision has severe limitations, of course. The figures that tend to have the most emotional resonance–like the total number of people who lost their lives in the expulsions or the total number of "Germans" left in Poland at any given point–are also the most difficult to estimate. Varying criteria for who should count as a "German" vs. a "Pole" or an "autochthone" result in wild swings in estimates of the German minority, and since these estimates are, in turn, used to estimate casualty figures, the latter are equally problematic. Yet despite these caveats, the dose of good old-fashioned social-scientific objectivity that Nitschke brings to her study is, I think, indispensable in a field in which the suspicion lingers that one's arguments can simply be extrapolated from the language in which one writes.

Another difficult issue for an author attempting to transcend national polemics is to frame the context and origins of the postwar resettlements. Do they follow naturally from the forced migrations of Nazi-era "population policy?" Is there a link to National Democratic visions of an ethnically homogeneous "Piast" Poland? Interestingly, Nitschke approaches the pre-history of the expulsions as primarily an outgrowth of the nation-state model championed in the West. Starting with their reluctant sanctioning of "population transfers" in the Balkans immediately before the First World War and between

Greece and Turkey in the early 1920s, the Western powers came to see forced migration as an acceptable means to achieve national homogeneity and ensure international order. This big-picture view makes sense, since the expulsion of Germans from the Oder-Neisse territories was hardly a local anomaly but rather part of a systematic effort, supported by the Allies, to sort out populations after the war. Nonetheless, given that Nitschke's actual research project involves a study of German and (especially) Polish actors, her concentration on Allied policymakers like Churchill in this introductory section seems disproportionate. In addition to providing such a global explanation for the trend toward forced migration, it would have been useful to sketch out a bit more thoroughly how visions of demographic homogeneity figured into the specific development of German and Polish national ideologies.

Die polnischen Vertreibungsdekrete und die offenen VermÃ¶gensfragen zwischen Deutschland und Polen by Niels von Redeker is a very different kind of book. Written by a lawyer and advertised as "a reference book for all those who want to form their own judgment about the ongoing validity [of the expulsion decrees]," it might better be described as a kind of legal pep talk for those who lost property in Poland in the 1940s and were considering ways to seek restitution. It certainly does not have the weight–either literal or metaphorical–that one would normally associate with a reference book. Fully half of the 129-page book is devoted to reproducing the text of those Polish decrees and laws from the period of the expulsions that remain in force. And the various parts of the author's own text were apparently slapped together without much editing, since the final section includes entire paragraphs that were already printed in an earlier section. Nonetheless, the book does provide some intriguing clues to the legal strategies that are likely to be pursued in coming years by individuals seeking property restitution in Poland.

Redecker opens the book with the mild revelation that the so-called "March Decree," the 1946 law that effectively expropriated all property left by relocated Germans, was actually superseded by a new property law passed in 1985. He uses this example to argue that a range of other laws from the period should also be revoked *ex nunc* (from this point forward), since they are 1) essentially irrelevant and unenforceable today; and 2) are in conflict with fundamental legal norms, both in Poland and in the EU. These are reasonable points on the whole, but he makes the latter claim too glibly, without really dealing with some of the trickier issues involved. He repeatedly states, for example, that any distinction based on citizenship constitutes "ethnic discrimination." One can certainly argue that such distinctions have the effect of producing ethnic discrimination or that they are intended to serve as proxies for ethnicity, but citizenship can not just be taken as synonymous with ethnicity. Another muddled critique is Redecker's contention that Polish laws that treat adherence to the German *Volkslisten* as an "abandonment of nationality" should be considered invalid because "ethnic Germans" who entered themselves on the *Volkslisten* were "confessing" their nationality, not renouncing it. By leaving unquestioned the basic premise that "abandonment of nationality" might be a legitimate punishable offense, Redecker suggests that a distinction should somehow be made between *real* "ethnic Germans" on the *Volkslisten*, who were simply declaring their nationality, and "ethnic Poles" on the *Volkslisten*, who presumably could be accurately charged with "abandoning" their nationality.

The author's primary interest, however, is not so much critiquing what remains of the legal basis for the expulsions but rather pointing out how much has already changed in Poland's legal environment and how many potential opportunities this opens up for former expellees. He notes, for example, that despite a widespread belief that land ownership by foreigners is still effectively banned in Poland, there are in fact no longer major obstacles to the acquisition of real estate by noncitizens. So former expellees can, strictly speaking, already return to their *Heimat*. Redecker also expresses optimism about pursuing property restitution claims in Polish courts. While these courts continue to reaffirm the validity of the laws governing expropriation, they have proved willing to overturn individual expropriations that did not fully conform to the intent and the provisions of those laws. One group of cases that would certainly seem to fall into this category involves German Jewish claimants whose property had been confiscated by the Nazi regime in the 1930s and then nationalized as German property after the war. While judgments on these cases have so far been mixed, Redecker argues that such claims are likely to make headway, especially in the context of Poland's entry into the European Union. This could, he suggests, serve as a wedge opening up broader challenges to the expulsion laws and successful restitution claims by non-Jews. Redecker quickly adds that German expellees, realizing that full restitution or compensation from the Polish state is unrealistic, would "be satisfied with symbolic compensation" (p. 55). Perhaps. But it is not difficult to imagine that a flood of

new restitution claims working their way through Polish courts, even claims with "symbolic compensation" in mind, could generate alarm and a nationalist backlash among a broad Polish public. Some mainstream Polish politicians, anticipating an onslaught of potentially more-than-symbolic claims from German expellees, have already been preemptively preparing their own calculations of damages that Poland suffered during German occupations. These are troubling developments. A comprehensive agreement between Germany and Poland (probably one in which Germany agrees to assume most or all financial obligations stemming from restitution claims) may soon be necessary to forestall a deterioration in bilateral relations.[1] Then again, the process of wrestling with the details of individual claims and individual life stories, even in a hotly adversarial legal context, might provide some surprisingly fruitful occasions for on-the-ground German-Polish dialogue.

Note

[1]. Pawel Lutomski, "The Debate about a Center against Expulsions: An Unexpected Crisis in German-Polish Relations?" *German Studies Review* 27, no. 3 (2004): pp. 449-468.

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