



Cultural Restitution and National Reconstruction: The Jewish Case after WWII. Harman
Institute of Contemporary Jewry / Faculty of Humanities / Franz Rosenzweig Minerva
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Property rights are a fundamental element of legal order. Cf. Dan Diner, *Restitution. Über die Suche des Eigentums nach seinem Eigentümer*, in: *Raub und Restitution. Kulturgut aus jüdischem Besitz von 1933 bis heute*, Berlin [et. al.] 2008, pp. 16-28, esp. p. 16. The genocide of Jews in Europe had been preceded and accompanied by looting and theft of Jewish property in Nazi-Germany and the countries occupied by Germany. Seized property was integrated into German institutions and private collections or dispersed throughout Europe. After the end of World War II, Allied soldiers found many heirless Jewish book collections and cultural artifacts, and with the help of Jewish organizations and individuals transferred them mainly to Jewish institutions in Israel and the USA. The conference explored private initiatives that were undertaken to rescue collections during the 1930s as well as collective efforts during the second half of the 1940s to locate and repatriate heirless cultural artifacts to Jewish successor organizations in Great Britain, the United States and Mandate Palestine/Israel.

Restitution has, beyond its financial significance, a highly symbolical meaning that is tied to its legal function. The conference, which was organized by the *Harman Institute of Contemporary Jewry*, the *Faculty of Humanities*, and the *Franz Rosenzweig Minerva Research Center* at the Hebrew University of Jerusalem as part of the *Daat Hamakom* research initiative, aimed to reveal the strong bonds between cultural property, legal justice, memory, and identity. The interrelation of these concepts was a guiding theme of the conference

and pointed to the significance of cultural restitution as a key factor for the restoration of legal justice after World War II.

In her opening address, YFAAT WEISS (Jerusalem) discussed the postwar transfer of Jewish book collections from Europe to Israel. She quoted Gershom Scholem, who vigorously advocated this relocation, since Jerusalem was *the spiritual heir* to those Jewish institutions that had been destroyed in Europe. It was partly due to intra-Jewish relations and the political setting of the Cold War, that the *Jewish Cultural Reconstruction* initiative succeeded in transferring the major part of Jewish cultural property to trustees in the US and Israel. But Weiss also stressed the special role of Jerusalem as a *sanctified destination* for book collections, which were valued as sacred substitutes for those Jews who had been murdered in Europe. The City's status during the late 1940s underlines this notion of sacredness: When the Hebrew University's committee for the *Otzrot HaGolah* (Treasures of the Diaspora) was established, Jerusalem was still under British administration; and in 1948, neither the Jewish holy sites in the Old City nor the Hebrew University of Jerusalem and the Jewish National and University Library formed an integral part of Jerusalem's political map. Nevertheless the city was evidently recognized as a central place for the cultural and legal reconstruction of Jewish life. In the light of this, Yfaat Weiss emphasized the pertinence of the conference topic as an initiative devoted to research on the profane and sacred functions of religion and place.

The first panel was opened by STEFAN LITT (Jerusalem). It addressed early efforts to rescue private Jewish libraries from Nazi Germany. STEFANIE MAHRER (Basel/Jerusalem) addressed the transfer of Salman Schocken's collections from Germany to Israel in 1935. The businessman and publisher Schocken did manage to rescue his collection of rare Hebrew books and incunabula as well as an extensive German literature collection, and even continued to acquire books in Germany after his emigration to Mandate Palestine. Mahrer focused on the complex administrative apparatus and maneuvers necessary to facilitate a safe transfer of more than 160 boxes of old and used books to Jerusalem. She then stressed the scholarly and symbolic relevance of the Schocken library against the background of the destruction of Jewish libraries in Europe. The discussion addressed the sale of Karl Wolfskehl's rare book collection from Schocken's library via auction houses in Europe in the 1970s as well as missed chances to keep the library intact in Israel. As Mahrer underlined, these facts involve a different set of questions and do not affect the significance of the library's rescue from forced destruction in Nazi Germany. BEN BARKOW (London) described the journey of the Wiener library from Amsterdam to London in 1939. Its changing functions are tied to the biography of its founder Alfred Wiener, who had started to collect anti-Semitic propaganda and Nazi publications even before 1933. The Wiener Library which was founded as the *Jewish Central Information Office* by Wiener and David Cohen in 1934, meticulously collected evidence of National Socialist policies and crimes. After its successful transfer to London, the library served the British authorities during the war, provided evidence for legal proceedings against war criminals after 1945, and became, finally, a reference collection for historical research. Barkow also addressed plans to transfer the entire collections of the Wiener Library from London to Israel and the resulting outcome of two autonomous collections with differing collecting policies.

These presentations were followed by a keynote lecture by DOV SCHIDORSKY (Jerusalem). As the chair of this session, NATAN SZNAIDER (Tel Aviv), stressed, Schidorsky's research on the restitution of Nazi looted Jewish collections had disclosed the particular role of books as agents of cultural memory in European Jewish history after 1945. Schidorsky's lecture provided a survey of the history of Jewish cultural restitution and set the course for the following discussions by addressing the various layers of meanings of those Jewish book collections that were dispersed throughout postwar Eu-

rope. Quoting Hannah Arendt's remark on the *Handgreiflichkeit des Ungreifbaren*, Schidorsky stressed the significance of books as *footprints*, traces of their owners beyond their metaphorical or metonymic signification as a portable homeland. Schidorsky as well as Sznaider pointed to Hannah Arendt's central involvement in the work of the *JCR*. For Arendt, the preservation of Jewish cultural property ensured the continuity of Jewish culture and history. It confronted *the fear [â] of becoming an abstract ghost like the man without a shadow*. Hannah Arendt, *Creating a Cultural Atmosphere* (1947), in: idem, *The Jewish Writings*, edited by Jerome Kohn and Ron H. Feldman, New York 2007 pp. 298-302, p. 298. Her insistence on political action resonated in the Jewish initiatives of the *JCR* and *Otzrot HaGolah*. This has been analyzed meticulously in a recently published study by Elisabeth Gallas. Elisabeth Gallas, *Das Leichenhaus der BÄ¼cher. Kulturrestitution und jÄ¼disches Geschichtedenken nach 1945*, GÄ¼ttingen/Bristol, Conn. 2013.

Session III was moderated by ELI LEDERHENDLER (Jerusalem) and addressed American initiatives to implement procedures for the restitution of looted Jewish cultural property. In her lecture, DANA HERMAN (Cincinnati) pointed to the efforts of the attorney and public servant Max Lowenthal, an advisor to Lucius D. Clay, to mediate between the American government and Jewish agencies in Europe, Mandate Palestine/Israel, and the USA. As she stressed, Lowenthal's *work behind the scenes* in the procedures prompting the American recognition of an international Jewish trusteeship of heirless Jewish cultural property was so humble and quiet that his diplomatic role has been underestimated. ELISABETH GALLAS (Jerusalem) dealt with the efforts of the *JCR* to rescue heirless Jewish collections and cultural artifacts that had been looted and, after the war, collected by the American Military Government. The *JCR* succeeded to be recognized as the legal trustee for all heirless Jewish property found in the American Zone of Germany. While Gallas carefully traced the differing conceptions of a future Jewish cultural life in Europe and the conflicts this created among members of the *JCR* and members of the Jewish communities and institutions in Germany, she stressed the importance of the establishment of a legal body that was recognized as collective heir to the Jews who had been murdered in Europe. Gallas asserted the significance of the concept of ownership as part of a legal discourse for the re-constitution of a rightful situation after the genocide of European Jews. *JCR* changed the legal status of cultural property by introducing the idea of ethnic provenance into international law.

The discussion was set off by remarks from the audience that questioned the conference participants' alleged romanticization of Jewish book love and the fetishizing of the book as an object. Conflicts centered on the emphasis put on the symbolic meaning of books in general as well as on their central status in Jewish culture. Participants stressed that a purely sociological perspective fails to recognize the sacred character Arendt and others explicitly ascribed to Jewish cultural property in Europe after the war. According to this argument, such a perspective might run the danger of ignoring the various functions of authenticity and the value attached to it in debates on cultural property.

Session IV, chaired by GUY PESSACH (Jerusalem), analyzed the restitution of Jewish book collections after the collapse of communism in the European countries under Soviet influence. ANNA KAWALKO (Jerusalem) drew attention to the fate of the library of the *Jewish Theological Seminary of Breslau*, which had been confiscated by the Gestapo in 1938. Kawalko focused on the dispersal of the library's valuable Saraval Collection, which contained rare manuscripts and incunabula that were brought to Prague at the end of the war. When the collection was restituted to the Jewish Community of Wrocław in 2004, this was celebrated by many as a return of the collection to Poland. The collection's transfer to its place of origin was a restitution to the same latitude and clearly marks the limits that time and space set for any rightful restitution. Kawalko pointed out the pertinence of a digital reconstruction of the library of the *Jewish Theological Seminary*: such a non-material reconstruction marks the non-place of the JTS-library. MARKUS KIRCHHOFF (Leipzig) gave a general review of provenance research in Germany since the 1990s. He stressed the renewed public interest in restitution as well as the persistent lack of institutional funds for provenance research and the recent establishment of academic programs in the field of provenance research. In the discussion, Dov Schidorsky pointed to the relevance of promoting provenance research in collections, which had been rescued and brought to Israel after 1945. He added that little is known about the destination and fate of many books that had been brought to Israel within the framework of the JCR. Furthermore, the discussion attended to the unique qualities of the history of restitution of Jewish cultural property after 1945 and underlined the necessity of further comparative research on acts of restitution governed by ethnic considerations.

In his concluding remarks, DAN DINER (Jerusalem) focused on the correlation between property, legal jus-

tice, and memory. Diner interpreted the reconstitution of Jewry in public law after 1945 as the political-theological moment of its reconstruction. Alluding to Kantorowicz's *The King's Two Bodies* Ernst Kantorowicz, *The King's Two Bodies. A Study in Mediaeval Political Theology*, Princeton 1957. and its distinction between the physical, mortal person and the elevated signification of the king, he took up Dov Schidorsky's remarks on the symbolic qualities of books in Jewish History and emphasized their special meaning as the collective body of Jewry. The zealous confiscation and looting of Jewish book collections after 1933 signified for Diner the establishment of a trophy. In this imagery, the salvage and restitution of book collections to Jewish institutions in the US and Israel becomes palpable as an act of collective reconstruction, that is as a re-establishment of Jewry as a body in international public law. Diner described the growing public and academic interest in questions of looted, dislocated cultural property as an effect and the collapse of communism in the former Soviet countries, since only after 1989/1990 did questions of ownership and private property surface again in these countries with things searching for their owner and evoking a memory that had been shut down during the years of the cold war.

The conference highlighted the strong correlation between cultural property, memory, authenticity and identity. By gathering three generations of scholars to participate in an interdisciplinary exchange, the conference provides a direction for further research in this field. Moreover, its papers will certainly contribute to a new, multilayered conceptual framework for ongoing public discussions of cultural property and its restitution.

Conference Overview:

Greetings

Reuven Amitai, Uzi Rebhun, Yfaat Weiss (Jerusalem)

Session I:

Chair: Stefan Litt (Jerusalem)

Stefanie Mahrer (Basel/Jerusalem), Much more than just another private collection – The Rescue of Jewish Books in the 1930s

Ben Barkow (London), From Amsterdam to London: The Journey of the Wiener Library

Session II:

Chair: Natan Sznajder (Tel Aviv)

Dov Schidorsky (Jerusalem), Books as Agents of Cultural Memory: Hannah Arendt's Rescuing of Jewish Cul-

ture Goods after the Holocaust

Session III:

Chair: Eli Lederhendler (Jerusalem)

Dana Herman (Cincinnati), Heirless Jewish Cultural Property: The American Government's Policy After World War II

Elisabeth Gallas (Jerusalem), Saving the Remnants of Jewish Culture - American and Jewish Restitution Initiatives in Post War Germany

Session IV:

Chair: Guy Pessach (Jerusalem)

Anna Kawalko (Jerusalem), Between Breslau and Wroclaw: Disputing the Saraval Collection after World War II

Markus Kirchhoff (Leipzig), Questioning Provenances of Jewish Lost Books in Germany since the 1990s

Concluding Remarks

Dan Diner (Jerusalem)

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