

Editorial

Borbala Klacsmann* and Viktoriia Soloshenko

Lost, Looted, Unpaid: Holocaust Restitution and Historical Injustice – Editorial Introduction

<https://doi.org/10.1515/eehs-2025-0004>

Published online May 26, 2025

2025 marks the 80th anniversary of the end of the Second World War and the anti-Jewish persecution throughout Europe – and thus, the beginning of a new type of suffering for the survivors. The long history of the Holocaust did not come to an end with the liberation of the inmates of concentration camps, death marches, and centers for slave labor, but it cast its shadow on the lives of tens of thousands of survivors for decades – often even until their death.

At the end of the war, millions of displaced, deported, and resettled people started to make their journey home, among them those Jews who had been subjected to the inhumane treatment and circumstances created by the Nazis and their collaborators. Many hoped to find their family members and a cozy home – or else wanted to make a welcoming environment for their returning loved ones. And what they found were empty, looted houses, houses where non-Jewish neighbors had moved in and appropriated the movables, hostile non-Jews, and the absence of family members who had been mercilessly killed.

The struggle for restitution and compensation started immediately at the war's end – in some cases even before that, as soon as the survivors managed to get back home. However, this process was hindered by several actors and issues. In Central and Eastern Europe, antisemitic sentiments were still strong, and survivors'

Correction note: In paragraph 1 on page 9, the phrase “several Holocaust survivors” was mistakenly used; it should read “many Holocaust survivors.” Please find the corrected sentence below: “After 1989, the situation changed: in post-socialist countries, complex restitution and compensation programs were initiated after the democratic transition – however, by this time, many Holocaust survivors had passed away.”

***Corresponding author: Borbala Klacsmann**, University College Dublin, Dublin, Ireland,

E-mail: bklacsmann@gmail.com. <https://orcid.org/0000-0003-2913-3264>

Viktoriia Soloshenko, The State Institution “Institute of World History of the National Academy of Sciences of Ukraine”, Kyiv, Ukraine. <https://orcid.org/0000-0002-7096-9859>

endeavors to get back their property fueled pogroms (Cichopek-Gajraj 2014, 114–145; Peto 2009, 240–253). After a brutal war, the urgent need to reestablish collapsed or seriously damaged national economies overwrote the needs and demands of pauperized Holocaust survivors; besides, politicians considered the support of those non-Jewish masses that profited from Jewish property more important than fair and just restitution. Within a few years, the Iron Curtain descended upon these countries, and even if there were any feeble attempts at restituting confiscated or looted property, those were completely abolished. Moreover, many of the survivors belonging to the middle classes lost their property again during the nationalizations (Dombi 2020; Oltean 2009).

The Allied forces occupied and divided Germany, and East Germany shared the fate of Central and Eastern European countries. However, soon West Germany had to take responsibility for the Holocaust: in 1947, the American military government passed Military Law No. 59, which prescribed the restitution of property taken away for reasons of race, religion, nationality, political opposition, or ideology, after the Nazi party came to power in 1933 (Property Control 1949). First, this was seen as arbitrary, and West German politicians tried to circumvent or reduce the scale of the planned restitution. Later on, though, they realized that paying restitution was a prerequisite for partial sovereignty and thus it was the state's interest (Lillteicher 2007, 101–103).

The first German restitution and compensation programs were unified and regulated in the 1950s by a series of federal laws followed by numerous new compensation schemes – some extended even to survivors living in Central and Eastern Europe. First, the *Bundesentschädigungsgesetz* (1953), which had standardized the earlier local restitution laws, was extended to non-German Jews who had emigrated to West Germany after 1953 (Roth 1997, 745). After the deadline for the applications had passed, the government created three funds to provide a monthly pension for applicants from Western European countries and non-Jewish applicants who had been persecuted due to their “race” (Küpper 1997, 388).

In 1952, the West German government started negotiations with Israel and the Claims Conference, resulting in the Luxembourg Agreement. The FRG agreed to provide goods and provisions for Israel up to DM 3 billion (Bazylar 2016, 158), and to transfer DM 450 million to the Claims Conference (Taylor, Schneider, and Kagan 2009, 105). Between 1959 and 1964, the FRG made agreements with twelve West and South European countries about paying lump sums to local Holocaust survivors. In the 1960s, one-time compensations were paid to the victims of medical experiments living in Yugoslavia, Poland, Hungary, and Romania (Küpper 1997, 389).

Generally speaking, survivors living in Western European countries had a better chance of restitution of their property and of receiving compensation, as state socialism did not interrupt the legal processes, and given that they had diplomatic relations with West Germany, they received German compensation earlier than

their counterparts in the socialist countries. However, even there, these processes had their shortcomings (Doorslaer 2007; Veraart 2016).

After 1989, the situation changed: in post-socialist countries, complex restitution and compensation programs were initiated after the democratic transition – however, by this time, many Holocaust survivors had passed away. The fall of the Soviet Union, the broadening access to archival documents, their declassification, and the new possibilities of various types of compensation opened up platforms for political, social, and scholarly debates. Holocaust restitution and compensation became the subject of academic scrutiny, and in the last 35 years, a range of monographs, collective volumes, and scientific papers have been written about the topic.¹ Even so, there are still several aspects of restitution that need to be explored in order to reveal the number of survivors: communities, groups, and individuals alike who have not received adequate compensation, the shortcomings and problems of compensation schemes in various historical periods, and so forth.

The papers and articles in this themed issue demonstrate a handful of such issues. The section starts with an open forum: the invited contributors received two questions – they were free to choose one or write about both: “Describe the situation of Holocaust compensation and provenance research in your country! What initiatives exist, and what are the challenges?” “In your opinion, what are the main complications of restituting objects stolen/plundered/confiscated more than 80 years ago?” Two experts discuss the cases of entire countries – their comparison highlights regional/local and common restitution problems. Veronika Duma first summarizes current compensation programs in Germany, then analyzes the connections between commemoration, restitution, and Germany’s reputation as a “role model” in compensation. Ana Ćirić Pavlović, on the other hand, demonstrates how memory politics and the lack of social recognition for the anti-Jewish persecution can thwart local restitution.

The following two contributions were written by lawyers Till Vere-Hodge and Katalin Andreides, who specialize in the restitution of looted artworks. Both articles take the Washington Principles as a starting point and discuss the problems, complexities, and characteristics of Eastern European restitution vis-à-vis that international agreement. The authors call attention to the need for comprehensive legislation – not only in Eastern Europe.

Finally, Hannah Wilson brings forth a largely neglected aspect of restitution: that of objects found in the territory of previous concentration camps. The author worked at the excavations in Sobibor and is thus familiar with the treatment of property found in the ground. In her article, she examines the issues arising from the

1 See for instance: Bazylar and Alford 2006; Dean, Goschler, and Ther 2007; Diner and Wunberg 2007; Ferstman, Goetz, and Stephens 2009; Fogg 2016; Ionescu 2025; Timm 1997.

conflicting interests of the museum, the state, the family members of victims, and other actors.

The research papers of the themed issue explore gaps in historical research, such as restitution in multiethnic, contested areas, the compensation of minority groups previously ignored in relevant literature, and the struggle of various victim groups for just restitution. Most of the contributions focus on the post-war years and the socialist era, indicating that restitution and compensation have always had shortcomings.

Stefan Ionescu's article enlightens restitution issues arising from border changes and contested territories – which was the case in Northern Transylvania. Between 1940 and 1945, this territory belonged to Hungary, and therefore the local Jews were expropriated and deported under Hungarian rule. The article provides an overview of relevant restitution laws, court cases, as well as the reactions of non-Jews to the Jewish struggle for restitution. Ionescu's paper also presents the effects of a multinational society on restitution cases.

Ovidiu Creangă scrutinizes the minutes of the Claims Conference's founding meeting and connects the debates recorded there to the diplomatic and political activities of the participating Jewish organizations. This paper adds valuable knowledge to understanding dilemmas, compromises, and the organizational framework of a key actor in international compensation efforts.

Delphine Richard's paper sheds light on the struggle of a marginalized survivor group – which, at the same time, demonstrates that sometimes even Western European survivors had to struggle for justice. The microhistory of French Jewish prisoners of war opens up a largely unknown story – the author follows the fate of this group as they managed to achieve compensation in West Germany. However, their own home country, France, excluded them from its compensation schemes.

Ruth Weinberger illuminates the unfair treatment certain survivors faced from the West German government through the case of Haim Nahon, a Greek Jewish survivor who had been castrated in Auschwitz. Nahon's story demonstrates that the over-bureaucratized processes and unwilling civil servants often meant insurmountable obstacles for the survivors – who, as a result, received compensation only decades later, even though they would have needed financial aid immediately after the war.

The Romanian authorities set up the Vapniarka concentration camp, and so after the war, as Olga Ștefan argues in her article, both the Romanian and German politicians blamed each other for the atrocities committed there. It comes as no surprise that initially the survivors of the camp were not qualified for West German compensation (also because they lived in a socialist country – and these countries were excluded from the FRG's compensation schemes). Eventually, their persistent struggle and the help of a German benefactor led to success, but again, years after the end of the Second World War.

Eugenia Mihalcea also writes about compensation in Romania from a different perspective: she bases her analysis on the compensation files compiled by Romanian authorities during the socialist period. These files were sent to West Germany in the hope of getting compensation for atrocities committed both by German and Romanian perpetrators. This study showcases not only the socialist attitude toward compensation but also issues of memory politics and the creation of a distorted national Holocaust narrative.

This conclusion underpins the fact that extensive “Aryanization” was an organic part of the Holocaust and that masses of non-Jews profited from the confiscation in almost every European country. Now, 80 years after the end of the Second World War, and in a world where antisemitism and right-wing populism are on the rise, it is becoming increasingly urgent to face our dark legacies finally – and researching the topic of restitution and compensation of Holocaust survivors may contribute to this process.

References

- Bazyler, Michael. 2016. *Holocaust, Genocide and the Law – A Quest for Justice in a Post-Holocaust World*. New York: Oxford University Press.
- Bazyler, Michael, and Roger P. Alford, eds. 2006. *Holocaust Restitution – Perspectives on the Litigation and its Legacy*. New York, London: New York University Press.
- Cichopek-Gajraj, Anna. 2014. *Beyond Violence: Jewish Survivors in Poland and Slovakia, 1944–48*. Cambridge: Cambridge University Press.
- Dean, Martin, Constantin Goscmler, and Philipp Ther, eds. 2007. *Robbery and Restitution – The Conflict over Jewish Property in Europe*. New York, Oxford: Berghahn.
- Diner, Dan, and Gotthart Wunberg, eds. 2007. *Restitution and Memory: Material Restoration in Europe*. New York, Oxford: Berghahn.
- Dombi, Gábor. 2020. *Osztályellenségek. Az 1951-es Budapesti Kitelepítés Zsidó Áldozatai* [Class enemies. The Jewish victims of the 1951 relocation from Budapest]. Budapest: Nemzeti Emlékezet Bizottsága.
- Ferstman, Carla, Mariana Goetz, and Alan Stephens, eds. 2009. *Reparations for Victims of Genocide, War Crimes and Crimes against Humanity*. Leiden, Boston: Martinus Nijhoff.
- Fogg, Shannon L. 2016. *Stealing Home: Looting, Restitution, and Reconstructing Jewish Lives in France, 1942–1947*. Oxford: Oxford University Press.
- Ionescu, Stefan Cristian. 2025. *Justice and Restitution in Post-Nazi Romania: Rebuilding Jewish Lives and Communities, 1944–1950*. Cambridge: Cambridge University Press.
- Küpper, Herbert. 1997. „A Zsidóknak Járó Kárpótlás, Jóvátétel Magyarországon És Németországban” [The Restitution and Compensation of Jews in Hungary and Germany].” *Magyar jog* 44 (7): 385–97.
- Lillteicher, Jürgen. 2007. “West Germany and the Restitution of Jewish Property in Europe.” In *Robbery and Restitution – The Conflict Over Jewish Property in Europe*, edited by Martin Dean, Constantin Goscmler, and Philipp Ther, 99–112. New York, Oxford: Berghahn.
- Oltean, Anca. 2009. “The Situation of the Jews in Soviet Union and its Satellite Countries after the Second World War.” *Annals of the University of Oradea* 1: 24–30.

- Peto, Andrea. 2009. "About the Narratives of a Blood Libel Case in Post Shoah Hungary." In *Comparative Central European Holocaust Studies*, edited by Louise Vasvari, and Steven Totosy de Zepetnek, 240–53. West Lafayette: Purdue University Press.
- Property Control – Law No. 59. 1949. <https://www.dfs.ny.gov/system/files/documents/2019/02/us-military-law-59.pdf>.
- Roth, Stephen. 1997. "Indemnification of Hungarian Victims of Nazism." In *The Holocaust in Hungary. Fifty Years Later*, edited by Randolph L. Braham, and Attila Pók, 733–57. New York: Rosenthal Institute for Holocaust Studies.
- Taylor, Gideon, Greg Schneider, and Saul Kagan. 2009. "The Claims Conference and the Historic Jewish Efforts for Holocaust-Related Compensation and Restitution." In *Reparations for Victims of Genocide, War Crimes and Crimes against Humanity*, edited by Carla Ferstman, Mariana Goetz, and Alan Stephens, 103–14. Leiden, Boston: Martinus Nijhoff.
- Timm, Angelika. 1997. *Jewish Claims against East Germany – Moral Obligations and Pragmatic Policy*. Budapest: Central European University Press.
- van Doorslaer, Rudi. 2007. "The Expropriation of Jewish Property and Restitution in Belgium." In *Robbery and Restitution. The Conflict Over Jewish Property in Europe*, edited by Martin Dean, Constantin Goschler, and Philipp Ther, 155–70. New York, Oxford: Berghahn.
- Veraart, Wouter. 2016. "Two Rounds of Postwar Restitution and Dignity Restoration in the Netherlands and France." *Law and Social Inquiry* 41 (4): 956–72.