

ARTICLE

Restitution and the Treaty of Versailles: Restitution from Germany to France, 1918–1928

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This article proposes a re-examination of one of the most controversial cases of reparations: the Treaty of Versailles. By focusing on Article 238, which stipulated the restitution of objects stolen or displaced by the German army during the First World War, we can see that the treaty helped to solidify norms concerning the protection of civilian property in wartime and gave civilians a right to have a voice in international law. However, the process of restitution was beset with both practical and political challenges and its success hinged on the role of public authorities, the nature of the objects returned and the impact of social class dynamics. Through this study, we are able to gain a more nuanced understanding of the possibilities of restitution, its potential as well as its limitations.

On 30 October 1922, the Liège newspaper *L'Avenir* announced the return of the prized stained-glass windows of the Cathedral of Saint-Quentin in France. After years of patient searching, a French police officer named Mr. Deprelle discovered that the windows were in fact in the home of a certain Doctor Clemens, a professor at the University of Bonn. The professor reluctantly surrendered them to the French authorities. He told how, on 18 February 1918, he had received the order to go to Maubeuge, to take the windows and to bring them to Germany. The treasures were ultimately destined for a museum in Berlin, but, for unexplained reasons, never reached their destination.¹ This is just one of thousands of cases of the return of property after the First World War, an often untold episode in the history of restitution.

Calls for restitution abound in the world today as societies come to terms with the past. Restitution is the return of objects to their rightful owners: a transfer which attempts to both undo and make right. It is a perceived act of justice, one which is deeply connected to questions of law, politics and ethics. Legitimacy of ownership may be established in various ways, through reference to national and international law, or to political or ethical norms, depending on whether the objects in question were stolen outright or instead sold in a context of coercion or unequal power relations. In the case of Nazi-looted art, the court system has successfully been used in numerous cases to allow individuals to reclaim family members' property.² The restitution of colonial objects, another key area of debate today, most often falls outside of the scope of legal necessity, but may be argued on the basis of moral obligation. For example, in their landmark study for the French government on the restitution of colonial cultural property, Bénédicte Savoy and Felwine Sarr argue that restitution can help to atone for colonial exploitation, re-invest objects with social meaning, restore national pride and inspire artistic creativity.

¹ 'Les Vitraux de la Cathédrale de Saint-Quentin sont retrouvés,' *L'Avenir*, 30 Oct. 1922; Archives nationales, Pierrefitte-sur-Seine, France; 'War of 1914–1918. War Damages. Restitution of Property Taken by the Germans (1914–1933)'; Box AJ/28/SEQUESTRE/1, Folder 1, Sub-Folder 1, 6. (All subsequent archival material is from this collection at the Archives nationales and will be referenced with the document information and then: AN, Restitution, box, folder and page numbers).

² See for example: Michael Bazylzer, *Holocaust Justice: The Battle for Restitution in America's Courts* (New York: New York University Press, 2003).

Restitution can thus help to make amends for the past and build a present and future based on mutual respect, exchange and equality.³

Restitution across political borders has a long history linked to international norms and agreements. The first major cases of international restitution were linked to postwar agreements, notably after the Napoleonic Wars and the First World War.⁴ While wartime looting had been a common practice for much of history, various governmental and civil society actors have worked over the course of the past two hundred years to condemn and ban plunder and to enforce restitution processes.⁵ A landmark in this process is the Hague Conventions of 1899 and 1907, the first formal codification of the laws of war in secular international law. These included a prohibition ‘to destroy or seize the enemy’s property, unless such destruction or seizure be imperatively demanded by the necessities of war’.⁶ At the time of the outbreak of the First World War, governments from the Americas, Europe and Asia had signed the conventions, including the major belligerents of the war. After the war, restitution would become a part of the larger architecture of postwar reparations.

Reparations have long been a hotly contested area of the postwar settlement. John Maynard Keynes famously condemned the Allies’ decisions on reparations in the Treaty of Versailles as unjustly draconian and detrimental to future peace.⁷ A.J.P. Taylor then further refined this critique, focusing on the lack of a fixed sum as a decision that ‘kept the passions of war alive’.⁸ More recent historiography has largely concluded that the reparations imposed on Germany through the Treaty of Versailles in fact amounted to a modest contribution to Allied reconstruction and were entirely within Germany’s ‘capacity to pay’. German indignation, default and renunciation were not due to the unreasonableness of reparations, but instead due to a lack of political will on the part of German governments to implement the fiscal and budgetary decisions necessary for compliance.⁹

Another recent strand of scholarship has connected reparations to emerging norms concerning the protection of civilian property. In his *Prohibiting Plunder*, Wayne Sandholtz examines the history of norms related to looting, citing the First World War as a key moment in the process of the anti-plunder norm becoming more formal, specific and authoritative. The war provoked debates surrounding the destruction of cultural property which then led to further cycles in favour of civilian property protection.¹⁰ Leonard Gomes, in his 2010 historiographical synthesis on German reparations, argues that the decision to reimburse civilian damages was historically significant, having rarely been offered by governments in the past. He notes that the notion that civilians had a *right* to claim compensation for war-related damages was in fact a novelty of the First World War era.¹¹

This article concurs that the Treaty of Versailles was a key moment in the evolution of civilian protection norms, but takes a more archival approach. By examining the archives, we are able to see what the upholding of these norms looked like in practice. The process of restitution was in fact extensive and thoroughly documented, allowing us to examine the extent to which they were implemented in more depth. Through a study of the paperwork of the French postwar restitution agencies in the

³ Felwine Sarr and Bénédicte Savoy, *Rapport sur la restitution du patrimoine culturel africain. Vers une nouvelle éthique relationnelle* (2018). Available at: <https://www.vie-publique.fr/files/rapport/pdf/194000291.pdf> (last visited 23 Dec. 2023).

⁴ Wayne Sandholtz, *Prohibiting Plunder: How Norms Change* (New York: Oxford University Press, 2007), 47–70, 101–26.

⁵ For more on this process over history, see for example: Sandholtz, *Prohibiting Plunder*; Ivan Lindsay, *A History of Loot and Stolen Art: From Antiquity Until the Present Day* (London: Unicorn Press, 2014).

⁶ ‘Practice Relating to Rule 50. Destruction and Seizure of Property of an Adversary,’ International Humanitarian Law Database, International Committee of the Red Cross, available at https://ihl-databases.icrc.org/customary-ihl/eng/docs/v2_rul_rule50 (last visited 1 Sept. 2023).

⁷ John Maynard Keynes, *The Economic Consequences of Peace* (London: Macmillan & Co., 1919).

⁸ A.J.P. Taylor, *The Origins of the Second World War* (London: Penguin Books, 1991), 70, 72.

⁹ See for example: Zara Steiner, *The Lights That Failed: European International History, 1919–1933* (Oxford: Oxford University Press, 2005); Sally Marks, ‘Mistakes and Myths: The Allies, Germany, and the Versailles Treaty, 1918–1921,’ *The Journal of Modern History* 85, no. 3 (2013): 632–59; Leonard Gomes, *German Reparations, 1919–1932: A Historical Survey* (London: Palgrave Macmillan, 2010).

¹⁰ Sandholtz, *Prohibiting Plunder*, 9, 101–26.

¹¹ Gomes, *German Reparations*, 8.

French National Archives, this article will assess the process of restitution from Germany to France in the decade following the war. As the postwar reparations settlement between the Allies and Germany was agreed upon and then managed in the Paris area, the French National Archives house the key paperwork related to the restitution process. Restitution protocols, correspondence between stakeholders, dossiers containing claims and evidence, shipment records and inventories will be examined.¹² The article will argue that this restitution was significant from both a material and normative perspective but was marked by limits related to the decisions of public authorities, the nature of the objects returned and the role of social class. Through this study, we are able to gain a more nuanced understanding of the possibilities of restitution, its potential as well as its limitations.

Restitution and the Treaty of Versailles

The protection of civilian property was in fact at the heart of the treaty's reparation clauses. Indeed, after asserting Germany's responsibility for 'causing all the loss and damage to which the Allied and Associated Governments and their nationals have been subjected as a consequence of the war imposed upon them by the aggression of Germany and her allies' in Article 231 (the so-called 'war-guilt clause'), Article 232 established Germany's incapacity to pay for all war damage and limited its liability, firstly to 'compensation for all damage done to the civilian population of the Allied and Associated Powers and to their property'.¹³ While this limitation was largely set out of recognition that Germany could not pay for the entire cost of a four-year-long total war, it effectively reinforced the special protection for civilians and their property established by the Hague Conventions.¹⁴ Moreover, not only did the treaty reassert civilians' right to property protection, it also afforded them a voice in processes of international law. As the treaty did not set a precise sum for reparations, a Reparations Commission was established to calculate reparations. This process involved experts but also victims themselves, who were called upon to document the destruction, removal or theft of their property. While the decision to establish a commission for the calculation of reparations undoubtedly proved to be a highly problematic political issue, it did set up a system in which civilians could make claims and attain restitution.

The restitution of identifiable objects to their rightful owners was an area of solid Allied consensus during the armistice and peace negotiations. Demands for restitution were widespread during the war, in France in particular, and were part of a common slogan on the part of the French press: 'Restitutions, Reparations, Guarantees'. Restitution of Allied property seized and transferred to Germany during the war was included in the Armistice Convention and was then agreed upon early in the Versailles negotiations, on 31 March 1919.¹⁵ Restitution of identifiable objects provided a prompt means of restoring material conditions in former war zones or occupied areas and was not the object of competitive bargaining amongst the Allies, as it was agreed to not factor this into Germany's reparations 'bill'.¹⁶ One can see in the Minutes of the Experts on 2 April 1919 that the

¹² A description of the fund 'War Damages: Restitution of Goods and Movable Property Taken by the Germans (1914–1933)' is available at: https://www.siv.archives-nationales.culture.gouv.fr/siv/rechercheconsultation/consultation/ir/consultationIR_action?irId=FRAN_IR_055321&details=false&gotoArchivesNums=false&udId=root&auSeinIR=true&formCaller=GENERALISTE (last visited 29 Aug. 2023).

¹³ 'The Treaty of Versailles,' The Avalon Project, available at <https://avalon.law.yale.edu/imt/partviii.asp> (last visited 29 Aug. 2023).

¹⁴ On Article 231, see: Philip Mason Burnett, *Reparation at the Paris Peace Conference from the Standpoint of the American Delegation, Vol. 1* (New York: Columbia University Press, 1940), 142–57. The recognition that 'total reparation' was impossible can also be seen in the minutes of the experts meetings on reparations. *Ibid.*, 670–866.

¹⁵ Burnett, *Reparation at the Paris Peace Conference*, 109–11, 784.

¹⁶ Debate did, however, arise on the issue of restitution or payment 'in kind', which involved the transfer of property equivalent to that destroyed or seized by the German military, which would be credited to Germany's reparations account. Allied hesitations were multiple: French negotiators, for example, feared the renewal of German industry, and British and American negotiators were concerned that German imports into France would result in a reduction of their own export industries. Payment in kind was thus restricted in scope and was delimited by further articles in the Treaty of Versailles. This is, however, outside the purview of this article. See Burnett, *Reparation at the Paris Peace Conference*, 111–25 on payment in kind.

Allies had converged on the restitution of identifiable objects and turned their attention to contentious questions such as restitution (i.e. payment) in kind and the problem of a fixed time limit for Germany's payment of reparations.¹⁷

The finalised treaty included multiple provisions for restitution. Article 238 of the treaty called for the 'restitution in cash of cash taken away, seized or sequestered, and also restitution of animals, objects of every nature and securities taken away, seized or sequestered, in the cases in which it proves possible to identify them in territory belonging to Germany or her allies'. The return of stolen cultural property was required, not only for the war of 1914–1918, but also for the Franco-Prussian War of 1870–71. Article 245 required the restitution, within six months, of 'the trophies, archives, historical souvenirs or works of art carried away from France by the German authorities in the course of the war of 1870–1871 and during this last war'.¹⁸ The treaty also called for restitution in kind. Annexes III and IV of Part VIII of the treaty called for restitution in kind of ships, animals, machinery and reconstruction materials destroyed in the war. Restitution in kind covered cultural property as well: Article 247 required restitution in kind for 'manuscripts, incunabula, printed books, maps and objects of collection corresponding in number and value to those destroyed in the burning by Germany of the Library of Louvain'. This article focuses on Article 238 of the treaty in particular.

As restitution – as opposed to financial reparations or restitution/payment in kind, for example – was not an area of extensive debate between the Allies, the motivations behind it are less transparent. Looking at the relevant primary and secondary sources, one can deduce two main justifications for restitution. The first concerns the responsibility of Germany to redress its violation of international law. That the German military had violated international standards on the treatment of civilians and civilian property in its conduct on the war in France and Belgium was widely agreed upon by the Allies.¹⁹ The flooding of French coal mines, poisoning of wells or requisitioning of civilian property beyond military necessity, for example, were seen as key examples of German misconduct. Such actions violated the 1899 and 1907 Hague Conventions quite clearly. In their report to the 'War Responsibility and Sanctions' commission during the Versailles peace negotiations, French delegates detailed the German army's infractions of the Hague Conventions, including the articles on pillage; the targeting of educational, cultural, scientific and charitable institutions; and the destruction of private property.²⁰ The fact that the seizure and transfer of civilian property constituted illegal conduct that must be redressed was solidly accepted on the Allied side. Restitution, therefore, was necessary in order to respect international law.

Secondly, the call for restitution related to another thorny question of the postwar era – who should pay for the war and its consequences? Although restituted items were not counted towards Germany's reparations payments, the issue of who would bear the cost of replacing them remained: either the original owners purchased new objects, or Germany paid in administrative, storage, maintenance and transportation costs for the return of the seized items. The answer to who bore responsibility for restoring prewar conditions was clear in Allied public opinion, in France in particular.²¹ This is understandable given the conduct of the German military in occupied France. As Helen McPhail describes in her account of the occupation, *The Long Silence*, the German army issued orders for requisitions for everything from apples and hand towels to furniture and mattresses, creating a context

¹⁷ Minutes of the Experts, 2 Apr. 1919, in *ibid.*, 788–800.

¹⁸ 'The Treaty of Versailles.'

¹⁹ Burnett, *Reparation at the Paris Peace Conference*, 3–8, 109–26. Burnett also discusses the wider question of 'war guilt' in detail, explaining how the Allies had originally intended Article 231 as an assertion of Germany's theoretical liability, in contrast to the limited liability established in Article 232. The Allies themselves referred to Article 231 as a 'preamble' clause. *Ibid.*, 142–57, 814. See also *La Documentation internationale: La Paix de Versailles, Responsabilités des auteurs de la Guerre et Sanctions* (Paris: Les Éditions internationales, 1930).

²⁰ 'Mémoire de la Délégation française, déposé le 17 février 1919. Note sommaire au sujet des faits criminels qui ont amené la guerre mondiale, qui en ont accompagné le début et qui ont été commis au cours des hostilités' in *La Documentation internationale*, 47–8. Available on Gallica: <https://gallica.bnf.fr/ark:/12148/bpt6k15107217/f11.item> (last visited 14 Feb. 2024).

²¹ See Burnett on French public opinion regarding the need for reparations and restitution: Burnett, *Reparation at the Paris Peace Conference*, 3–4, 110.

of harsh material scarcity for French citizens.²² Restitution archives demonstrate that further items were stolen by soldiers beyond the military's orders.²³ As Williamson Murray has noted, it is essential to consider the conduct of militaries during wartime in order to comprehend the peacemaking process.²⁴ Moreover, the question of the responsibility for the restoration of prewar conditions had a geopolitical component, given the vast disparity in the state of industry and infrastructure in Germany and France. If French authorities wanted Germany to pay to the extent possible, it was out of a sense that France should not be left weaker than its defeated rival, in the interests of both justice and national security.²⁵ The question of 'payment' was therefore intertwined with notions of fairness as well as geopolitical concerns. Restitution can be thus understood within the same framework as monetary reparations, as a way to make Germany pay for the war, within its capacity to do so.

The Process of Restitution

According to Article 238 of the Treaty of Versailles, along with a series of protocols for its implementation in the postwar era, restitution concerned objects stolen, found, purchased under duress or entrusted to German military or civilian authorities for safekeeping during the war. As a result, objects to be restituted under Article 238 generally came from one of three locations: Germany, Belgium, or northern France.²⁶ Items could be in the possession of German soldiers or in special depots created by the German military for the protection of valuable items belonging to civilians or institutions such as museums. Many objects, however, could be found in unexpected places. In the chaos of the German withdrawal, items or collections were abandoned by the German army, leaving objects scattered throughout the wider region of the western front. French villages found themselves with all manners of objects – furniture, musical instruments, art, clothing, etc. – which did not belong to their inhabitants. The same was the case in Belgium, where many objects taken from France were cast aside by the German army. And in Germany itself, collections were found far from both their origin and destination points as the war came to an unexpected end. This created a formidable challenge for authorities in all three countries, who had to find some way to return items to their original owners under the terms of the Treaty of Versailles. This involved a wide range of actors from existing and newly created institutions. Five main bodies were concerned in the implementation of Article 238: the French Restitution Service in Wiesbaden, the German Restitution Service in Frankfurt, the French Restitution Service in Brussels, the General Sequester for Property Restituted by the Germans, and Prefectures of the Liberated Regions.

Firstly, a French Restitution Service was established in Wiesbaden, Germany, to receive shipments of objects restituted by the German authorities and then to oversee their re-expedition to France. The service received the claims from the French public – including detailed descriptions of the items stolen, the circumstances and date of theft, and in some cases, the names of the accused German soldiers – and relayed this information to the institution's German counterpart, the *Restitutionsstelle* (Restitution Service) in nearby Frankfurt. This service was in operation until late 1925, after which the Ministry of Foreign Affairs took responsibility for the transfer of any remaining objects.²⁷

²² Helen McPhail, *The Long Silence: The Tragedy of Occupied France in World War I* (London: I.B. Tauris, 2014), 91.

²³ 'List, by Alphabetical Order, of the Names of German Officers and High Officials Accused by Diverse Victims of Theft of Art or Valuables Committed in Their Homes,' 20 Jan. 1922 (?), AN, Restitution, Box AJ/28/SEQUESTRE/2, Folder 1, Sub-Folder 6.

²⁴ Williamson Murray and Jim Lacey, eds., *The Making of Peace: Rulers, States and the Aftermath of War* (New York: Cambridge University Press, 2008), 210. The chapter 'Versailles: The Peace Without a Chance' argues that 'the nature of the war, its extraordinary length, its cost in lives and damage, the fury with which the contending powers waged it, the emergence of popular opinion as a major factor in international relations, and, perhaps most important, the manner in which the conflict came to a sudden and unexpected end in Nov. 1918' made a 'satisfactory peace' impossible.

²⁵ Gomes, *German Reparations*, 10.

²⁶ See for example Protocol 'D' for the Application of Article 238: 'Definitive Text Sent to the Germans, Article 238, Application Procedure, Protocol, Restitution Service,' 1 Mar. 1921, AN, Restitution, Box AJ/28/SEQUESTRE/1, Folder 4, Sub-Folder 2, Sub-Sub-Folder 4, 52–65.

²⁷ This can be seen in the final files of: 'Detailed Inventories and Forms of Shipments from Wiesbaden and Elsewhere,' AN, Restitution, Box AJ/28/SEQUESTRE/11, Folder 3.

Following postwar restitution protocols, the *Restitutionstelle* was established as the main body responsible for restitution in Germany. Through collaboration with German authorities such as the police or military, it was required to make a complete list of items for restitution in Germany and to communicate this to the French service in Wiesbaden. Once objects were received from the relevant parties, the service was held financially and legally responsible for the restituted property's maintenance, storage and transport. Moreover, if notified by the French Restitution Service, the *Restitutionstelle* was required to notify German citizens of the necessity to immediately cease use of and surrender any property for restitution. The German government was to ensure that police searches were carried out upon request.

Another French Restitution Service was established in Brussels to oversee the recuperation of objects, particularly furniture and art, transferred from France to Belgium during the war. Once the objects for restitution were received by the Belgian authorities, this service sent them to the relevant Prefectures in France or to the Paymaster General in Paris. Given the friendlier relations between French and Belgian authorities at the time, this service functioned more smoothly than its German counterpart, but it was equally beset by many of the challenges of identification, collection and shipment of objects discussed below.

In France, a General Sequester for Property Restituted by the Germans was established under the authority of the Paymaster General. This had the legal authority to sequester items abandoned by the German army. Under this, the Service for the Recuperation of Art Objects and Movable Property Taken by the Germans received claims from citizens and forwarded these to the services in Germany and Belgium as necessary. It also oversaw the process of restitution in the former war zones in France. The service therefore acted as a liaison between the general public, restitution services abroad and local authorities. Finally, the General Sequester for Property Restituted by the Germans was responsible for Paris-based depots to which owners were invited to come to recover their objects and where unclaimed items could be auctioned.

The Prefectures of the Liberated Regions then played an instrumental role in the restitution process. Prefectures were firstly responsible for ensuring that all French citizens declared items for restitution in their possession. This meant informing the public that there was no 'finders-keepers' principle – retention of abandoned property amounted to theft. Any found items must be surrendered to local prefects, or citizens would face criminal penalties. Once these items were collected, Prefectures created local depots where they were stored, documented and made available for recovery. These prefectural depots were also key locations where restitution happened. Informed of the list of items to be restituted in the *Bulletin des Régions Libérées*, owners could come to recover their property, bringing documentation for proof of ownership. In the case that items were not claimed, their owners could not be identified or proof of ownership was insufficient, Prefectures organised auctions to sell the remaining goods.

Beyond these actors, cultural and diplomatic officials were periodically involved in the restitution process. Paul Vitry, Curator of National Museums, and other members of the Administration of Fine Arts assisted in the transfer of museum collections from depots created by the German Protection Services during the war back to their original institutions.²⁸ Mr. Vitry was already present at the armistice negotiations between the Allied powers and Germany to ensure that the return of valuable artworks would be included in the agreements.²⁹ The French Ministry of Foreign Affairs got involved at times as well, particularly in the case of valuable items. In one case, the French ambassador to Romania intervened to ensure the restitution of a collection of nearly one hundred paintings taken by an Austrian officer in Cambrai.³⁰ The application of Article 238 thus required the involvement of a wide range of actors operating at the local, regional and international level.

²⁸ Report, 10 Jan. 1921, modified on 20 Feb. 1922, AN, Restitution, Box AJ/28/SEQUESTRE/1, Folder 1, Sub-Folder 2, 7.

²⁹ 'War of 1914–1918. War Damages. Restitution of Property Taken by the Germans (1914–1933),' Online Reading Room, Archives nationales, available at: https://www.siv.archives-nationales.culture.gouv.fr/siv/rechercheconsultation/consultation/ir/consultationIR.action?consIr=&frontIr=&optionFullText=&fullText=&defaultResultPerPage=&irId=FRAN_IR_055321&formCaller=GENERALISTE&gotoArchivesNums=false&auSeinIR=false&details=false&page=&udId= (last visited 29 Aug. 2023).

³⁰ Report, 10 Jan. 1921, modified on 20 Feb. 1922, AN, Restitution, Box AJ/28/SEQUESTRE/1, Folder 1, Sub-Folder 2, 8.

The Success of Restitution from a Material Perspective

These administrative services succeeded in ensuring a massive restitution of objects. By April 1921, over 1.8 billion francs worth of cash, securities, art works, furniture, church bells, ecclesiastical objects, musical instruments, books, silver and personal belongings had been restituted to France.³¹ Many museum collections were returned in their near entirety.³² The most significant restitutions were in 1919–22, but stolen or displaced objects continued to be located and returned throughout the 1920s. For example, five paintings and a bronze sculpture stolen by a German soldier were tracked down to a home in Hamburg and returned to the French Consul in the city as late as October 1927.³³ Restituted but unclaimed items were auctioned as late as 1928.³⁴ Such an extensive postwar restitution was unprecedented from a historical perspective. Restitution of objects pillaged during wartime had been effected in the past, for example after the Napoleonic wars, but not on as wide-ranging of a scale.³⁵

Thousands of French citizens made claims for their property in the postwar period. The General Sequester for Property Restituted by the Germans centralised the over 200,000 reclamations that were made to French authorities between May 1916 to April 1919 and directly received another 2,000 claims from September 1919 to January 1921 alone.³⁶ The restitution services accepted and replied to citizens' inquiries. For example, Mr. Lecluse, an engineer from Vouziers in the Ardennes department, wrote a letter to the Service for the Recuperation of Art Objects and Movable Property Taken by the Germans on 10 February 1920 to request the return of his 'Emile Mennesson' piano, no. 4847, which was taken by the German army and abandoned in Arlon, Belgium. Four days later, he received a letter confirming that his request had been forwarded to the French Restitution Service in Wiesbaden for restitution.³⁷ There is also detailed evidence showing that citizens of all social classes took advantage of the opportunity to reclaim their property. On 25 April 1921, for example, twenty-nine owners went to the sequestration facilities in Douai, including the Marquise de Cherisey (and others of noble title), but also Albert Deville and Alexandre Lefebvre (and others of common name).³⁸

The archives include numerous documented cases of return. To take the example of one major shipment from the *Restitutionsstelle* in Frankfurt to the French Restitution Service in Wiesbaden on 7 December 1920, the convoy included 462 packages, 266 of which had named owners. Addresses

³¹ Note, 'Evaluation of restitutions to come in deduction of reparations,' 31 Mar. 1921, AN, Restitution, Box AJ/28/SEQUESTRE/1, Folder 4, Sub-Folder 1, 2.

³² A key report notes that at the time of the armistice the French government took possession of very important depots constituted by the German Protection Services and housing the 'near totality of the collections of certain museums of the North of France (Lille, Valenciennes, collection of La Tour de Saint-Quentin)'. Report, 10 Jan. 1921, modified on 20 Feb. 1922, AN, Restitution, Box AJ/28/SEQUESTRE/1, Folder 1, Sub-Folder 2, 7.

³³ Letter from Mr. Saugon, General Consul of France in Hamburg to Mr. de Celles, Paymaster General, General Sequester of Property Restituted by the Germans, 14 Oct. 1927, AN, Restitution, Box AJ/28/SEQUESTRE/11, Folder 3, Sub-Folder 2, 4.

³⁴ Shipping form from Wiesbaden, Convoy 10 of 8 Nov. 1924, AN, Restitution, Box AJ/28/SEQUESTRE/10, Folder 1, Sub-Folder 9, Sub-Sub-Folder 2, 1.

³⁵ On the restitution of cultural property after the Napoleonic wars, see for example: E.R. Chamberlin, *Loot! The Heritage of Plunder* (Leeds: Sapere Books, 2020); Ferdinand Boyer, *Napoléon et la restitution par les Musées du Louvre et de Versailles des oeuvres d'art confisquées sous la Révolution* (Paris: De Nobele, 1969); Sandholtz, *Prohibiting Plunder*; Alice M. Goff, 'To the Vandals They Are Stone: A Profane Pre-History of the German Temple of Art, 1794–1830' (PhD thesis, University of California, Berkeley, 2015).

³⁶ 'War of 1914–1918. War Damages. Restitution of Property Taken by the Germans (1914–1933),' Online Reading Room, Archives nationales.

³⁷ Letter from Mr. Lecluse to the Service for the Recuperation of Art Objects and Movable Property Taken by the Germans, 10 Feb. 1920; Letter from the Service for the Recuperation of Art Objects and Movable Property Taken by the Germans to Mr. Lecluse, 14 Feb. 1920; Letter from Service for the Recuperation of Art Objects and Movable Property Taken by the Germans to the Director of the Industrial Restitution Service, Wiesbaden, 14 Feb. 1920, AN, Restitution, Box AJ/28/SEQUESTRE/7, Folder 2, Sub-Folder 6, Sub-Sub-Folder 7, 1–3.

³⁸ 'List of Persons from Douai that Presented Themselves to the Sequester 25 Apr. 1921,' AN, Restitution, Box AJ/28/SEQUESTRE/4, Folder 6.

were often listed alongside names, updated if the owner had moved since the war. Further packages were known to contain objects taken in specific villages or areas, which would facilitate restitution. The shipment included a wide array of objects, including books, musical instruments and scores, notarial and administrative documents, maps, ecclesiastical objects, paintings, statues, clothing and even a package containing a single fork. To give an example, Mrs. H. Mailfert of Briennon received a box holding one violin, one gramophone, one frock coat, two white cardigans and one jacket.³⁹ The restitutions therefore involved not only high-value objects like paintings or ecclesiastical objects, but also everyday items.

The documentation involved in the restitution process also made it easier to hold those who had committed wartime pillage responsible. Between November 1918 and January 1921, the French Restitution Services sent approximately 2,600 dossiers to the *Restitutionsstelle* in Frankfurt, most of which included detailed descriptions of the circumstances of theft.⁴⁰ Hundreds of reports can be found in the archives, explicitly naming the German officers responsible, providing details on the confiscations and listing the names and addresses of those making claims for their property. These reports allowed the French authorities to produce a master list of the German officers accused of theft, with the dates, locations and items stolen.⁴¹ The German authorities could then be reasonably expected to make prosecutions and to ensure the return of pillaged items, thus enforcing norms regarding the protection of civilian property during wartime. While for much of history civilian property was pillaged with impunity, the Treaty of Versailles and its accompanying agreements gave civilians a recourse to recover their property and to assert their right to protection. The process, however, proved to be beset with numerous challenges.

The Complexity of Return

In his ‘Cemeteries of the Great War’, Antoine Prost noted that cemeteries with an individual grave for each soldier were a novelty of the First World War, resulting from the process of democratisation in Europe in the nineteenth century through the war itself. He states that individual graves were ‘a democratic principle’ which ‘consacrat[ed] ... the equality of citizens’.⁴² Restitution was equally a democratic principle which asserted that each citizen had a right to protection of property in wartime as well as a right to make claims upon their property in the case of theft.

Yet just as with human remains, the democratic principle of equal treatment ran up against material realities. Prost also noted that the management of human remains was deeply fraught after the war, as in addition to the ‘bodies with names’ (the ‘killed in action’), there were also bodies without names (‘unknown soldiers’) and ‘names without bodies’ (the missing).⁴³ The same dilemma was involved in the restitution of objects: alongside the objects that could be identified and returned to their rightful owners, there were also objects with no owners and owners who couldn’t find their objects.

Firstly, objects with no owners. The archives attest to many cases of unclaimed objects. One notable example regards abandoned furniture. The German army seized furniture for their use in base camps, shelters and trenches, along with castles that they inhabited and then abandoned during the war, as battlefields shifted, as well as after the armistice. This meant that a large amount of furniture was left neglected or recuperated by other French citizens. German pillaging was thus compounded by that of local French citizens. For example, the archivist of the Aisne Department, who was responsible for the recovery of property abandoned by the German army, noted in September 1921 that although a

³⁹ Shipping Forms no. 165–243, 4th Convoy from Frankfurt, 7 Dec. 1920, AN, Restitution, Box AJ/28/SEQUESTRE/10, Folder 1, Sub-Folder 2, Sub-Sub-Folder 3, 11.

⁴⁰ Report, 10 Jan. 1921, modified on 20 Feb. 1922, AN, Restitution, Box AJ/28/SEQUESTRE/1, Folder 1, Sub-Folder 2, 6.

⁴¹ ‘List, by Alphabetical Order, of the Names of German Officers and High Officials Accused by Diverse Victims of Theft of Art or Valuables Committed in Their Homes,’ 20 Jan. 1922 (?), AN, Restitution, Box AJ/28/SEQUESTRE/2, Folder 1, Sub-Folder 6.

⁴² Antoine Prost, ‘Les cimetières militaires de la Grande guerre, 1914–1940,’ in *Le Mouvement Social* 4, no. 237 (2011): 136.

⁴³ *Ibid.*, 138.

depot of abandoned objects had been created at the Chateau de Fresnes-en-Tardenois at the time of the town's liberation, the stock was subsequently looted by local inhabitants. By November 1918, almost nothing remained. While some of these locals may have been recuperating their own property, it is highly likely that theft was involved. The archivist himself stated that the stock had been 'pillaged by the inhabitants of the village and neighbouring towns upon their return'.⁴⁴ This can likely be linked to the conditions of material scarcity brought on by German wartime requisitions and the disruption of trade, hindering local authorities' ability to fully ensure the restitution process.

Already in 1917, the Ministry of the Interior had got involved, with the Interior Minister himself sending a letter to the Prefects of l'Aisne, Pas-de-Calais, l'Oise and the Somme, requesting that they establish clear and regular procedures for property to be declared to the authorities and returned to its rightful owners. He insisted that posters be distributed widely clarifying this responsibility, after which anyone still possessing other citizens' property would be liable to criminal proceedings.⁴⁵ The French Departmental authorities therefore required citizens to declare any objects without known owners, so that they could be collected, catalogued and restituted to their original owners. However, authorities regretted that many people had not made the required declarations and that the penalties for not doing so must be more severe.⁴⁶

Owners without objects faced numerous challenges in recuperating their property. Except in the case of major collections, the process largely left the onus of recuperating one's objects to citizens themselves. One citizen, Mr. Hurier-Vieville, noted in a letter in December of 1920, how difficult, if not impossible, it was to visit all the depots that had been created in search of one's property. The newspaper descriptions often lacked detail that would help to confirm that their belongings were located in a particular depot, such that citizens lost considerable time writing letters for clarification or providing evidence of ownership without reason.⁴⁷ Moreover, depots were open for short periods of time. For example, one prefectural depot in Attichy was only open to the public on Mondays and Wednesdays from 9am to 12pm and 2pm to 4pm.⁴⁸ Restitution could thus involve a considerable cost for owners in terms of time and energy.

There were also cases of known owners linked with known objects where property could still not be restituted. A report in December of 1919 noted that even though many owners had successfully made claims on their property, a great number of objects remained in depots because their owners' homes were destroyed or uninhabitable.⁴⁹ In a context of widespread material destruction and homelessness, restitution proved particularly complex from a procedural perspective.

Another issue was objects being returned in poor condition. The Directors of the Collections of Devastated Churches noted that while a high number of ecclesiastical objects were returned, most were 'practically unusable', 'unmatched, torn or dirty', not remotely representing the value that the German authorities declared. It was even suspected that many objects were intentionally damaged by German citizens and/or authorities.⁵⁰ While it does not seem that all objects were returned in poor condition, this was a recurrent grievance of the French authorities.

There were also administrative difficulties. The Service for the Recuperation of Art Objects and Movable Property Taken by the Germans noted in December 1919 a number of challenges, including

⁴⁴ Letter from the Archivist of l'Aisne, Charged with the Recuperation of Property Abandoned by the Enemy, to Sir the Minister of Liberated Regions, 1 Sept. 1921, AN, Restitution, Box AJ/28/SEQUESTRE/8, Folder 1, Sub-Folder 1, Sub-Sub-Folder 5, 6.

⁴⁵ Letter from the Interior Minister to the Prefects of l'Aisne, Pas-de-Calais, l'Oise, Somme, 30 Apr. 1917, AN, Restitution, Box AJ/28/SEQUESTRE/1, Folder 1, Sub-Folder 3, Sub-Sub-Folder 5, 5–7.

⁴⁶ See for example: Report, 5 Dec. 1919, AN, Restitution, Box AJ/28/SEQUESTRE/1, Folder 1, Sub-Folder 3, Sub-Sub-Folder 3, 12.

⁴⁷ Letter from Mr. Hurier-Vieville, 30 Dec. 1920, AN, Restitution, Box AJ/28/SEQUESTRE/4, Folder 3, 23.

⁴⁸ Letter from the Prefect of l'Oise to Sir the Minister of Liberated Regions, 2 Mar. 1921, AN, Restitution, Box AJ/28/SEQUESTRE/4, Folder 3, 7.

⁴⁹ Report, 5 Dec. 1919, AN, Restitution, Box AJ/28/SEQUESTRE/1, Folder 1, Sub-Folder 3, Sub-Sub-Folder 3, 8.

⁵⁰ Report, 10 Jan. 1921, modified on 20 Feb. 1922, AN, Restitution, Box AJ/28/SEQUESTRE/1, Folder 1, Sub-Folder 2, 5–6.

lack of credit, difficulty finding storage space, delays in hiring personnel and the non-payment of staff already hired. The financial and time cost of valuing, cataloguing, storing and transporting objects was considerable.⁵¹ Moreover, although restituted items were not meant to be deducted from Germany's overall reparations account, there was still an effort to document the value of restitutions as evidence of compliance (or a lack thereof). This led to frequent wrangling on the part of the authorities involved to establish accurate figures. As seen above, French authorities often protested that their German counterparts overestimated the value of the restitutions, in a bid to claim greater compliance than they executed in practice. Reliable figures were hard to establish, in a situation of fluctuating currency values and in the absence of full documentation – or personal or official resources to procure such documentation – on the price of objects. This amounted to an administrative, but of course also a political and diplomatic, issue, demonstrating the fundamental difficulty of the implementation of the Treaty of Versailles.

Generally, the political context greatly strained the process of restitution. Occurring shortly after the most destructive war in human history to date, the process of restitution was marked by animosity between former enemy belligerents. Firstly, the paperwork of the French restitution services demonstrates clear distrust. For example, French restitution authorities asserted that they would monitor auctions in Germany for the sale of stolen French property and claimed the right to take part in searches and investigations in Germany, not fully trusting their counterparts to take the appropriate measures to recover stolen property. One can also note French authorities' desire to assert their superiority over their German counterparts, in arguments, for example, that the latter should provide private cars or first-class train tickets for French officials, or should correspond with French authorities in the French language alone.⁵²

Looking at the restitution records as a whole, we can see that 'payment' was a central concern. The French restitution authorities focused much of their commentary on the 'value' of the returns: their price being overestimated, their worth being undermined by poor preservation, too few items of artistic or monetary value being restituted instead of everyday, lower cost objects. Their primary preoccupation seems to have been that Germany was not 'paying' – not enough, not in the right form, not in the right way. Through the multiplicity of frustrated comments, complaints and concerns, one can see that making Germany pay was a moral, material, legal and political priority, fundamentally marked by anger about the entire course of the war and its aftermath. While German authorities emphasised their conformity with protocol and the value of the restituted collections, the French restitution services commented bitterly on 'the limited success of the German government's searches, or the limited rigour with which its investigations are made'.⁵³ Minutes from the Reparations Commission's meetings on restitution manifest these tensions, with French representatives pushing for German authorities to expand their efforts and take full financial responsibility for the entirety of the restitution process, and German representatives attempting to limit their government's costs and maintain independence in procedures.⁵⁴ Understood as one element in Germany's responsibility to pay for the war, the process was often marked by bitterness on both sides. Restitution, like reparations more generally, became a power struggle, another site where wartime animosities continued in another form. The emotions elicited by recent events can thus shape the process of restitution and the way it is understood by the actors involved. Examining the process of restitution in practice, it can be seen that three main

⁵¹ Report, 5 Dec. 1919, AN, Restitution, Box AJ/28/SEQUESTRE/1, Folder 1, Sub-Folder 3, Sub-Sub-Folder 3.

⁵² Procedure for the application of Article 238. Specific protocol on the restitution of cash, objects of all kinds (machines and industrial material for railways and agriculture excepted) and securities, 20 July 1920. Available at: https://www.siv.archives-nationales.culture.gouv.fr/mm/media/download/Fran_ANX_011793.pdf (last visited 23 Dec. 2023).

⁵³ Report, 10 Jan. 1921, modified on 20 Feb. 1922, AN, Restitution, Box AJ/28/SEQUESTRE/1, Folder 1, Sub-Folder 2, 6.

⁵⁴ One can see this, for example, in the minutes of the Reparations Commission's meeting on 14 Apr. 1921: 'Report of Mr. De Terrier-Santans, Deputy Director of the French Restitution Services of the Session He Attended of the Reparations Commission on 14 Apr. for the Drafting of Protocol D,' 15 Apr. 1921, AN, Restitution, Box AJ/28/SEQUESTRE/1, Folder 4, Sub-Folder 2, Sub-Sub-Folder 4, 68–101.

factors influenced the success of restitution: wartime protection, the nature of restituted objects and the role of social class.

Wartime Protection

In its role as an occupying army in northern France, the German military demanded full control of all material resources during the war. No animals could be slaughtered, no food or goods sold, without German authorisation. Requisitions were wide-ranging and included not only agricultural and industrial equipment, but household items such as furniture, blankets, mattresses, lamps, cleaning supplies and clothing.⁵⁵ Yet the German military also took control of cultural property, notably museum and private art collections, and safeguarded them for the duration of the war.

As Wayne Sandholtz recounts in *Prohibiting Plunder*, the German government and military were privy to changing norms regarding the treatment of enemy property in wartime, both before and during the First World War. Germany had signed the 1899 and 1907 Hague Conventions, which explicitly forbid 'all seizure of and destruction, or intentional damage' to 'the property of the communes, that of religious, charitable, and educational institutions, and those of arts and science'.⁵⁶ Consequently, a German officers' manual published just before the First World War noted that special protection was necessary for 'all objects which serve the purpose of religious worship, education, the sciences and arts, charities and nursing' during wartime, meaning that library, museum and other institutional collections must be safeguarded.⁵⁷ In this vein, the government created special positions for the protection of cultural property in occupied regions. For example, Paul Clemen, an established German art scholar, was appointed to inspect and administer monuments in occupied France and Belgium. Furthermore, from autumn 1914, 'art officers' were attached to army units and made responsible for the protection of monuments in their respective zones.⁵⁸ While these measures did not prevent the destruction of cultural heritage sites such as Reims Cathedral or the University of Louvain, the German government and military took significant steps to argue that any destruction of cultural property was due to military necessity only, publishing, for example, a large volume of reports and documents in defence of the army's conduct in Belgium to justify its actions.⁵⁹

Looking at the archives, it was in fact German authorities' own efforts to safeguard objects during the war that made restitution so extensive thereafter. A German Protection Service ensured the safe-keeping of objects of artistic, cultural and/or monetary value during the war. As noted above, museum collections were placed in special depots and were returned, often in their entirety, soon after the armistice. Museum collections from Lille, Valenciennes and La Tour de Saint-Quentin were notably returned promptly and fully.⁶⁰ In the case of institutional collections, it seems that there was a perceived obligation to protect valuable artworks from theft or destruction during the war which led to prompt and effective compliance by German authorities in the restitution process thereafter.

Private property, however, did not fare as well as that of institutions. The German army's 'protection' of private property seems at times to have facilitated theft. One report by the French Restitution Service noted that a number of French citizens had given valuable items to German soldiers during the occupation of northern France in the understanding that these would be returned to them after the war. The German Restitution Service then requested payment for the storage at the time of restitution. The report notes: 'This is how the Count de Brigode, from Folembay (Aisne), who had entrusted eleven crates to the General Staff of the 22nd Division of the German Army, obtained, only last month,

⁵⁵ McPhail, *The Long Silence*, 92.

⁵⁶ 'Convention (II) with Respect to the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land. The Hague, 29 July 1899, Article 56,' International Humanitarian Law Database, International Committee of the Red Cross, available at: <https://ihl-databases.icrc.org/en/ihl-treaties/hague-conv-ii-1899/regulations-art-56> (last visited 13 Feb. 2024).

⁵⁷ Sandholtz, *Prohibiting Plunder*, 102.

⁵⁸ *Ibid.*, 106.

⁵⁹ *Ibid.*, 105.

⁶⁰ Report, 10 Jan. 1921, modified on 20 Feb. 1922, AN, Restitution, Box AJ/28/SEQUESTRE/1, Folder 1, Sub-Folder 2, 7.

the return of his crates in exchange for the sum of 1651 marks.’ It continues: ‘The crates were returned half empty of their content and a number of valuable objects seemed to have been intentionally damaged.’⁶¹ To give another example, we could take the case of another such depot created at the Musée Lécuyer in Saint-Quentin in the Aisne Department. A report explains that at the behest of the German authorities, the main collectors and owners of art in Saint-Quentin and neighbouring towns were asked to place their most precious objects in crates and bring them to the cellar of the Musée Lécuyer for protection. A portion of these objects were transported to Maubeuge from 18 March 1917, but most disappeared around the time of this transfer and were never found again, ‘even as debris’.⁶²

While the German army took special measures to protect public monuments and art collections in accordance with the Hague Conventions, it did not fully safeguard private property from destruction or pillage. As noted above, thousands of objects in the process of transfer from France to Germany were abandoned by the retreating German army at the time of the armistice. The French report to the committee on ‘War Responsibility and Sanctions’ at the Versailles Peace Conference underlined the scale of the transfer (or attempted transfer) of artworks, furniture, jewellery, silver, clothing and ‘even children’s toys’ to Germany and argued that ‘pillage by the German army was universal and methodical’.⁶³ The records on the postwar restitution process confirm these assertions, documenting the return of hundreds of crates of private and public property. While at times objects were protected and rapidly restituted after the war, as was the case for many museum collections, others were effectively saved from destruction by sanctioned pillage. German authorities seem to have prioritised the protection and restitution of higher profile collections and turned a blind eye to many individual cases of theft.⁶⁴

Nature of the Restituted Objects

The nature of the concerned property was also a determining factor in the success of the restitution process. Generally speaking, more identifiable objects had a higher likelihood of reaching their original owners. This can be linked with the necessities of documentation but also to the wider French approach to reparations. As noted above, scholars such as Sally Marks, Margaret Macmillan and Marc Trachtenberg have highlighted the pragmatism of French authorities in the negotiation of reparations. Far from demanding a Carthaginian peace, the French government took into consideration Germany’s ‘capacity to pay’ and was willing to accept a sum far lower than the actual cost of reconstruction.⁶⁵

A similar pragmatism can be seen in the implementation of Article 238. Given the limited resources of the restitution agencies, only dossiers with complete documentation were forwarded to the French Restitution Service in Wiesbaden and then on to the *Restitutionsstelle* in Frankfurt. As noted above, there were over 200,000 claims made from May 1916 to April 1919, but by January 1921, only

⁶¹ Report, 10 Jan. 1921, modified on 20 Feb. 1922, AN, Restitution, Box AJ/28/SEQUESTRE/1, Folder 1, Sub-Folder 2, 5.

⁶² ‘Report, Aisne Department, Saint-Quentin *Arrondissement*, Town of Saint-Quentin, Theft of Art Collections Committed in the Cellars of the Musée Lécuyer’ (undated), AN, Restitution, Box AJ/28/SEQUESTRE/2, Folder 1, Sub-Folder 1, Sub-Sub-Folder 2, 3.

⁶³ ‘Mémoire de la Délégation française, déposé le 17 février 1919’ in *La Documentation Internationale* (1930), 47.

⁶⁴ One can see this during the period of the German military withdrawal following the armistice. When French General Alphonse Nudant raised the issue of the illegal confiscation of civilian property by the German Army at the first plenary meeting of the Armistice Commission on 18 Nov. 1918, General Winterfeldt responded that ‘naturally the German High Command had given orders to prevent excesses of this character, but that a precipitate retreat of an army of 3,000,000 men could not possibly be made without some disorder and expressed regret that the discipline of the German Army had been seriously impaired by reason of political events’. Samuel Shartle, *Spa, Versailles, Munich: An Account of the Armistice Commission* (Philadelphia: Dorrance and Company, 1941), 54–5.

⁶⁵ Sally Marks, ‘The Myths of Reparations,’ 232–33, 236–39, 254–55; Marks, ‘Mistakes and Myths,’ 644–45; Margaret Macmillan, *Paris 1919: Six Months That Changed the World* (New York: Random House, 2001), 192; Marc Trachtenberg, ‘Reparations at the Paris Peace Conference,’ *Journal of Modern History* 51, no. 1 (1979): 24–55.

2,600 dossiers had been transferred to Wiesbaden.⁶⁶ Complete dossiers usually involved a clear description of the particular characteristics of objects and/or their marking with a brand, number or owner's name. Higher value items therefore had an advantage, as they could be described in more detail and were more likely to be documented by receipts or even photographs.

If objects were clearly identifiable and could be linked to their owners, the latter could be contacted directly by the French restitution authorities and notified of where to recover their property. Conversely, owners of less identifiable items were left to their own devices, browsing newspaper announcements and scouring the depots during their limited opening hours. If we return to the shipment from Frankfurt in December of 1920, we see that the lone fork, just like boxes containing books, kitchenware, a hat or a chicken coop, did not have known owners. On the other hand, the Count de Brigode-Kemlandt of 5 rue Montalivet in Paris received a box containing his paintings, engravings and porcelain.⁶⁷ The distinctiveness of items thus also determined the likelihood of restitution, giving the wealthy advantages in the restitution process.

Role of Social Class

In addition to issues related to the nature of the objects themselves, we can also note that the wealthy at times received special treatment. Prioritisation can be seen during the war, as noted above, but also thereafter. This can be seen in an examination of the early restitution shipments. There were two major shipments even before the signing of the Treaty of Versailles, and thus before the creation of the German *Restitutionsstelle* in Frankfurt. This involved private collections that had been transferred during the war to the *Kriegskasse* (War Chest) in Berlin, belonging to high-profile individuals, including the Prince of Monaco; Dukes de Guise, de Vicence and de Vicence-Caulaincourt; the Deputy of Saint-Quentin; and, most significantly, the Princesse de Poix, whose collections were of the highest value in the entire course of the restitution process. Moreover, in a note entitled 'What has the Service for the Recuperation of Art Objects and Movable Property done?' in May 1920, it stated that the service had first transferred the dossiers of 'private artistic collections, truly very important, and seeming to be of particular interest to French artistic heritage' to its counterparts in Wiesbaden, going through the claims to identify those worth at least 10,000 francs and representing 'identifiable objects of artistic value'.⁶⁸ The property of the wealthy, then, was prioritised for restitution from the beginning of the process.

Moreover, certain individuals were able to use their influence to achieve a more effective restitution of their property. In the archives, some voices are far more present than others. One noble, in particular, appears frequently in the Restitution Service documentation: the Princesse de Poix. Her late husband, the Prince de Poix, was from the noble Noailles family and was the great-grandson of Napoleon Bonaparte's sister, Caroline, and the revolutionary military leader Joachim Murat. Their castle, the Chateau de Pinon, was occupied during the war by the German General von Klück, Commander of the German First Army. Due to this, along with its proximity to the Chemin des Dames, an area of heavy fighting in 1917, the castle was largely destroyed during the war. The Germany army, however, evacuated most of the furniture, art and other valuables before this happened.

Using her social position and influence, the Princesse de Poix was able to secure more rapid and complete restitution than many of her compatriots. Already in December of 1918, the Princesse de Poix's son signed a note confirming receipt for 133 crates of objects from the Chateau de Pinon for his mother.⁶⁹ As noted above, her property was then included in one of the first shipments of

⁶⁶ 'War of 1914–1918. War Damages. Restitution of Property Taken by the Germans (1914–1933),' Online Reading Room, Archives nationales.

⁶⁷ Shipping Forms no. 165–243, 4th Convoy from Frankfurt, 7 Dec. 1920, AN, Restitution, Box AJ/28/SEQUESTRE/10, Folder 1, Sub-Folder 2, Sub-Sub-Folder 3, 18, 24, 21, 19, 29, 10 (in order of list).

⁶⁸ Note: 'What has the Service for the Recuperation of Art Objects and Movable Property done? (Question posed by the Finance Commission of the Chamber of Deputies),' Paris, 26 May 1920. Available at: https://www.siv.archives-nationales.culture.gouv.fr/mm/media/download/Fran_ANX_011793.pdf (last visited 14 Feb. 2024).

⁶⁹ Receipt, 31 Dec. 1918, AN, Restitution, Box AJ/28/SEQUESTRE/3, Folder 1, Sub-Folder 7, Sub-Sub-Folder 2, 3.

restituted objects from Germany in February 1919.⁷⁰ Restitution authorities wrote her personalised letters and seem to have made considerable efforts to locate and return her property. Authorities replied to one letter just four days later, noting that they would write to the Sequester in Laon about her property to see if it were possible to send it directly to Paris. They would then make all efforts to reconstitute her belongings.⁷¹

Indeed, the princess pressured the government to facilitate the restitution process in her case. On 6 April 1920, she wrote:

Sir, Do you really believe that it is indispensable that I go to all the little farms of the Aisne Department to find my property and wouldn't it be possible to send it to me? There is a man who has a large bed belonging to me, Louis XVI, sculpted, painted in white with light green ribbons. We agree that this bed is mine. Wouldn't it be possible for the government to make the effort to bring it to your offices in Paris, where you could distribute it. I thought the Ministry was supposed to return our property to us and not force us to go search for it like coal in a mine. I hope it is enough to call on your usual benevolence so that you return my bed and other objects that belong to me. Please receive, Sir, my thanks, the Princesse de Poix.⁷²

The tone and word choice of this letter clearly convey the princess's sense of privilege and her efforts to use this to reinforce her claims. Her strategy worked: this letter was used to help justify the creation of a special exhibition in Paris that would help wealthy property owners avoid scouring the departmental archives like 'coal miners'. A report in January of 1921 noted that: 'unidentified objects of value in the departmental depots ... will be assembled in a general exhibition in Paris, to satisfy the demands that have frequently been made to me on this subject. They will only be sold when every chance of identifying them has been abandoned.' The princess's letter of 6 April is included immediately after this page in the report.⁷³ The restitution authorities were thus keenly aware of power dynamics in society and were willing to make special accommodations to facilitate restitution for the wealthy. In all the key stages of the restitution process, then – from wartime protection, to identification and documentation, to return – wealthy and institutional property owners held important advantages.

Conclusion

An examination of the post-First World War restitution process can help us to see both the history of the Treaty of Versailles and of restitution in a new light. Firstly, we gain a fuller view of the reparations settlement, allowing us to link scholarly work from different disciplines. By focusing on restitution, we can confirm that the treaty did not constitute a Carthaginian peace – not only due to the pragmatic approach of the actors involved, taking into account material possibilities and constraints, but also because it represented a key moment in the construction of a rules-based international order. By requiring restitution in the treaty and taking concrete measures to ensure its implementation through the creation of government services and the carrying out of return, civilians' property rights were acknowledged and reinforced. Moreover, in allowing and encouraging civilians to make claims for their property, officials affirmed civilians' role in the implementation of international law. Victims were thus given a voice in the process of transitional justice, as is the norm today.⁷⁴

Indeed, the restitution articles of the Treaty of Versailles were referenced as a precedent during and after the Second World War. In 1944, for example, the British Foreign Office conducted a study of

⁷⁰ Report, 10 Jan. 1921, modified on 20 Feb. 1922, AN, Restitution, Box AJ/28/SEQUESTRE/1, Folder 1, Sub-Folder 2, 1.

⁷¹ Letter to the Princesse de Poix, 10 Apr. 1920, AN, Restitution, Box AJ/28/SEQUESTRE/4, Folder 3, 26.

⁷² Princesse de Poix, Letter of 6 Apr. 1920, AN, Restitution, Box AJ/28/SEQUESTRE/1, Folder 1, Sub-Folder 2, 12. The letter can also be found in: AN, Restitution, Box AJ/28/SEQUESTRE/4, Folder 3, 24.

⁷³ Report, 10 Jan. 1921, modified on 20 Feb. 1922, AN, Restitution, Box AJ/28/SEQUESTRE/1, Folder 1, Sub-Folder 2, 11–12.

⁷⁴ For more recent cases, see Michael Newman, *Transitional Justice: Contending With The Past* (Cambridge: Polity, 2019).

'Restitution after the War of 1914–1918' to examine the possibilities for after the war. After 1945, the Office of the Military Government for Germany of the United States also invoked the Treaty of Versailles' restitution articles and its implementation when examining questions relating to the transfer of cultural property after the Second World War.⁷⁵ The final Inter-Allied Paris Agreement on Reparation from Germany included a resolution on 'restitution ... of identifiable goods which ... existed at the time of occupation of the country concerned, and were removed with or without payment' and on the 'send[ing of] expert missions into Germany to search for looted property and to identify, store and remove it to its country of origin'.⁷⁶ The restitution of Jewish property looted by the Nazis is still an ongoing process, prompting many museums worldwide to more fully examine the provenance of their collections.

At the same time, an examination of the archival evidence demonstrates the difficulties of implementing the Treaty of Versailles beyond the question of German political will as discussed in recent historiography. Despite the German government's prompt return of museum collections and restitution of thousands of objects of all natures, the restitution process involved considerable material and political challenges. Overall, we see that processes of restitution are inherently complex and expensive endeavours. To locate, seize, store, maintain, document and transport property to its rightful owner, across political borders, is no simple task in the past or present. Establishing legitimacy of ownership requires documentation, which is likely to privilege institutional or wealthy owners. Further, public authorities may play a more or less effective role in the safekeeping and return of objects – and may be susceptible to pressure from various actors. Finally, relations between the stakeholders involved may be tense, making the stages in the restitution process more difficult. But ultimately, restitution affirms civilians' property rights and implicates them in a rules-based international order. The Treaty of Versailles was undoubtedly flawed, but its restitution clauses have this merit.

⁷⁵ Sandholtz, *Prohibiting Plunder*, 144–5.

⁷⁶ John B. Howard, 'The Final Act of the Paris Conference on Reparation,' *The Distribution of Reparation from Germany* (Washington, DC: US Department of State, 1946), 19.