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# Citizenship, Expropriation, and Redress: ‘Migrating Objects’ and the Case of Holocaust Victims from Austria

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## Abstract

Forced displacement brings with it the loss of property, belonging, and identity. Objects encode the nexus between citizenship, property, and sense of belonging/emotional attachment. The article explores the connection between citizenship and property and thereby highlights the agency of victims and their refugee’s polis. This case-study focuses on Jewish Austrian citizens who fled from Austria to Shanghai during the Nazi occupation era, expelled by the Nuremberg racial laws. During this racial persecution, they lost their citizenship and subsequently all their assets, with most of their belongings stored at the port of Trieste. Surprisingly, even after the end of the Second World War and Nazi occupation, it proved very difficult for Jews to regain their citizenship and property, for reasons highlighted in this article. The post-war nation-state could not deliver justice to actors whose economic, social, and cultural lives had been shaped through forced migration. Following scandals like the ‘Woman in Gold’ dispute concerning the return of a painting by Klimt in 2006, legal transformation in the fields of monetary compensation and citizenship laws was only brought about by resolutely transnational political-legal activism.

Imagine the situation in Vienna, in November 1938: Jewish citizens had to give up their flat with all its contents to a Gestapo officer in a humiliating handover of keys, with men already standing by to completely empty the flat and transport everything away, presumably displaying a mixture of greed, *schadenfreude*, and indifference.<sup>1</sup> The clearing of houses in Vienna was a measure of the new Nazi state after introducing the racial laws in Austria, and was effected by a Gestapo enterprise, called VUGESTA, upon short notice. The VUGESTA sold the furniture and interiors sorted by category in low-budget shops to ‘needy fellow citizens’ (which following Nazi ideology had to be ‘Aryan’).<sup>2</sup> By selling or distributing the loot to German Reich citizens,

<sup>1</sup>Birgit Johler and Maria Fritsche, eds., 1938 *Adresse: Servitengasse. Eine Nachbarschaft auf Spurensuche* (Vienna, 2007).

<sup>2</sup>Sabine Loitfellner and Monika Wulz, ‘Dorotheum und Vugesta als Institutionen der NS-Kunstenteignung’, in Ingrid Bauer, Helga Embacher, Ernst Hanisch, Albert Lichtblau, and Gerald Sprengnagel, eds., *Kunst, Kommunikation, Macht: Sechster Österreichischer Zeitgeschichtetag 2003* (Innsbruck, 2004), pp. 209–13.

the objects served as ‘both a reward for political complicity and a mark of belonging in the racially defined national community’.<sup>3</sup>

Some refugees might have been more fortunate and have been able to gather at least a few pieces of furniture and personal belongings and have them transported by lorry to the port of Trieste with the help of a Viennese forwarding agent – as soon as they had visas and tickets for their voyage and it was clear where they were going. However, this did not mean their property could travel with them, as many of them soon discovered. Indeed, the research below is based on the experience of Jewish Austrian citizens who were forced to emigrate under German Nazi occupation from Vienna through the port of Trieste, Italy, to Shanghai, an East Asian port that was accessible without a visa in 1938 and was therefore a comparatively safe destination, losing their citizenship and all their property in the moment they involuntarily crossed the border. This process was, as the survivors had to discover, for the most part irreversible due to restrictive legislation, even after Nazi defeat, when it came to the restitution of both citizenship and property. The article thereby tries to connect the way these Austrian Jews were simultaneously deprived of citizenship and property and what this tells us about the constitution of the ‘refugee polis’ at this time.

This case-study sheds new light at the intersection of the scholarship on global object histories and histories of conflict, with reference to a case of Nazi-era expulsion from Europe to Asia and the subsequent return of refugees. Its innovative approach studies the intersection between citizenship, property, and justice, and makes a case based on Jewish refugees in Shanghai and their return and claim to justice, thereby touching on the right to property as a cornerstone of Western legal systems. This case-study highlights the agency of refugees by exploring two personal stories and cherished musical objects, interweaving this with broader narratives of the reselling of a vast quantity of goods stolen by Nazi authorities. In doing so, it also highlights the crucial relationship between music, culture, and identity.

Forced displacement brings with it the loss of property, belonging, and identity. Objects gain renewed importance as spaces for embodying social and cultural identity. There is a growing field of research on the material culture of objects or ‘things’,<sup>4</sup> related, for example, to battlefields, camps, and colonial periods.<sup>5</sup> The interdisciplinary work of projects uniting perspectives from history, ethnology, and

<sup>3</sup>Leora Auslander and Tara Zahra, ‘The things they carried: war, mobility and material culture. An introduction’, in Leora Auslander and Tara Zahra, *Objects of war: the material culture of conflict and displacement* (Ithaca, NY, 2018), pp. 1–21, at p. 11.

<sup>4</sup>Leora Auslander, ‘Beyond words’, *American Historical Review*, 110 (2005), pp. 1015–45; Bill Brown, *Other things* (Chicago, IL, 2015); Bill Brown, ed., *Things* (Chicago, IL, 2004); Ian Hodder, *Entangled: an archaeology of the relation between humans and things* (Chichester, 2012); Daniel Miller, *Material culture and mass consumption* (Oxford, 1987).

<sup>5</sup>Nicholas J. Saunders, *Trench art: materialities and memories of war* (Oxford, 2003); Gillian Carr and H. C. Mytum, eds., *Cultural heritage and prisoners of war: creativity behind barbed wire* (New York, NY, 2012); Jane E. Dusselier, *Artifacts of loss: crafting survival in Japanese American concentration camps* (New Brunswick, NJ, 2008).

archaeology has been fruitful for this piece.<sup>6</sup> Recent studies on the role of objects, such as the work of historians Leora Auslander and Tara Zahra, as well as that of Katarzyna Nowak on the circulation of objects belonging to displaced persons in Poland, have offered useful methodological tools.<sup>7</sup>

The twentieth century saw unprecedented violence, not only on the battlefields in Europe and Asia, but also against civilians who were subjected to large-scale deportation and forced migration in both the European and the Asian theatres of war.<sup>8</sup> Since the transnational/global turn in history, historians have placed migration within longer trans-temporal perspectives.<sup>9</sup> Peter Gatrell, in his seminal study *The making of the modern refugee* and other works, coined the term 'refugeedom' to bridge the divide between the fields of history and migration studies.<sup>10</sup>

Scrutinizing objects as sites of the nexus between citizenship, property, and sense of belonging offers a productive strategy for studying refugeedom. Objects and 'belonging' are strongly intertwined, as they can define where we feel (re)settled and 'at home'. When looking into looted objects during refugeedom, those objects which have had their social meaning restored no longer represent a coercively extracted abstract exchange value alone but are, as anthropologist Arjun Appadurai notes, markers of kinship.<sup>11</sup>

By delving into a case-study of Austrian Jewish citizens, we are dealing with an interesting facet of imperial crisis. The long aftermath of dissolution of the Habsburg empire in 1919 is particularly visible when it comes to the issue of citizenship. After the First World War, most parts of the defunct Habsburg empire formed

<sup>6</sup>See, for example, Paul Cornish and Nicholas J. Saunders, eds., *Bodies in conflict: corporeality, materiality, and transformation* (Milton Park, 2014); Nicholas J. Saunders and Paul Cornish, *Contested objects: material memories of the Great War* (London and New York, NY, 2009).

<sup>7</sup>Auslander and Zahra, *Objects of war*; Katarzyna Nowak, 'Recivilizing refugees: material culture and displacement in transitions from war to peace in displaced persons camps in post-Second World War Europe', *Si.M.O.N. – Shoah: Intervention. Methods. Documentation*, 10 (2023), pp. 4–22.

<sup>8</sup>Milinda Banerjee and Kerstin von Lingen, eds., 'Forced migration and refugee resettlement in the long 1940s', *Itinerario: Journal of Imperial and Global Interactions*, special issue, 46 (2022), pp. 185–303; Rystad Göran, ed., *The uprooted: forced migration as an international problem in the post-war era* (Lund, 1990); Pertti Ahonen, Gustavo Corni, Jerzy Kochanowski, Rainer Schulze, Tamás Stark, and Barbara Stelzl-Marx, eds., *People on the move: forced population movements in Europe in the Second World War and its aftermath* (Oxford, 2008); Christoph Rass and Ismee Tames, 'Negotiating the aftermath of violence induced mobility in the wake of the Second World War: rethinking sources, methods and approaches from the intersection of war and migration studies in the digital age', *Historical Social Research*, special issue, 45 (2020), Introduction, pp. 7–44.

<sup>9</sup>Methodological problems are raised in Christoph Rass and Frank Wolff, 'What is a migration regime? Genealogical approach and methodological proposal', in Andreas Pott, Christoph Rass, and Frank Wolff, eds., *Was ist ein Migrationsregime? What is a migration regime?* (Wiesbaden, 2018), pp. 19–64; Peter Gatrell, 'Refugees – what's wrong with history?', *Journal of Refugee Studies*, 30 (2016), pp. 170–89; Lauren Banko, Katarzyna Nowak, and Peter Gatrell, 'What is refugee history, now?', *Journal of Global History*, 17 (2022), pp. 1–19.

<sup>10</sup>Peter Gatrell, *The making of the modern refugee* (Oxford, 2013); idem, *The unsettling of Europe* (London, 2019); idem, 'Trajectories of population displacement in the aftermaths of two world wars', in Jessica Reinisch and Elizabeth White, eds., *The disentanglement of populations: migration, expulsion and displacement in post-war Europe, 1944–1949* (Basingstoke, 2011), pp. 3–26.

<sup>11</sup>Arjun Appadurai, 'Museum objects as accidental refugees', [www.vr-elibrary.de/doi/pdf/10.7788/ha-2017-0306](https://www.vr-elibrary.de/doi/pdf/10.7788/ha-2017-0306) (accessed 11 Apr. 2023), at p. 407.

new nation-states. This case-study, in its focus on citizenship and property, is dealing with Austria as the place of residence for the individuals I examine, and the port of Trieste as a hub of displacement, which was the main Habsburg port until 1919 but was now in the territory of Italy. With its focus on post-imperial geography, this article asks what happens to this geography as Nazi Germany (which annexes Austria) and fascist Italy form their war-time alliance and subsequent occupation in 1943. What happens then to Jewish actors and their property? This leads us to the post-1945 period and another moment of imperial crisis, if we see post-war Austria and Western Germany, as well as Italy, as the successor states of Nazi/fascist empires with colonial tendencies. Although we expect post-war states to respect their citizens and property rights better than the former imperial or fascist empires, this case-study highlights ongoing problems, as they continue to marginalize minority actors, like the Jewish actors as seen in the restitution practices.

While examining cases of the migration of objects across cultures and temporalities, this case-study scrutinizes legal frameworks as well as building on the scholarship of Arjun Appadurai, who introduced the concept of 'cultural flows', and Benedict Anderson, in relation to 'imagined communities'<sup>12</sup> – the latter inspiring scholars to seemingly contradictorily refer to the 'non-communities' of refugees.<sup>13</sup>

From a legal perspective, there was an explicit connection between theft of property and removal of citizenship. The eleventh ordinance to the Reich Citizenship Act of 25 November 1941 states that people of Jewish faith who 'were abroad' lost their German citizenship and became stateless.<sup>14</sup> At the same time, that is, with the withdrawal of citizenship or made possible by it, they lost all their property which fell to the German Reich. In an additional circular, this provision was also extended to people of the Jewish faith deported to the ghettos and concentration camps. In practice, this meant that all houses and flats, cars, shops, and assets which could not be carried in small suitcases onto a ship to freedom went to the Nazi state, as the refugees became stateless overnight.

The Nazis were not the first to combine genocidal policy with issues of identity and property, as, for example, Andrew Fitzmaurice has shown in the context of his research on European empires in the modern age.<sup>15</sup> What was new, however, was that such exclusion took place in the heart of Europe and was directed at upright German (and Austrian) citizens who had a strong national identity, were fully assimilated, and were loyal servants of the state, be it in administration or within the military, as medals and honours testified. Although there are other precedents (for example, the treatment of minorities in the interwar years in Eastern Europe), the Nazis were likely inspired by the concept of property for settlers only within the

<sup>12</sup>Benedict Anderson, *Imagined communities: reflections on the origin and spread of nationalism* (London, 1983); Arjun Appadurai, 'How histories make geographies: circulation and context in a global perspective', *Journal of Transcultural Studies*, 1 (2010), pp. 4–13.

<sup>13</sup>Tara Zahra, 'Imagined non-communities: national indifference as a category of analysis', *Slavic Review*, 69 (2010), pp. 93–119.

<sup>14</sup>Elfte Verordnung zum Reichsbürgergesetz vom 25 November 1941, [www.verfassungen.de/de33-45/reichsbuerger35-v11.htm](http://www.verfassungen.de/de33-45/reichsbuerger35-v11.htm) (accessed 11 Apr. 2023).

<sup>15</sup>Andrew Fitzmaurice, *Sovereignty, property and empire, 1500–2000: ideas in context* (Cambridge, 2014).

system of colonialism, and especially interested in the Italian example in Abyssinia and Libya.<sup>16</sup> As Lauren Benton has argued in her work, colonialism represents not only an era of imperial politics, economic encounters, and violence, but also of the emergence of global legal regimes, producing new means of rule and subjugation with regard to the creation of legal and political space in which to operate.<sup>17</sup> A key marker of colonial legality is the denial of full citizenship and full property rights to conquered territories and their inhabitants.

After the Second World War, German settlers became victims of the same mechanism, for example, in Poland, the Czech Republic, Hungary, and Romania, when ethnic Germans were expelled from their homes and had to leave everything behind.<sup>18</sup> It was only in Western Germany that these ethnic Germans were covered by the right to citizenship, due to Basic Law Article 116, which allowed for restoration of their former citizenship to the German Reich.<sup>19</sup> Austria, on the contrary, did not follow this example, as it did not see itself as a successor state of the German Reich and therefore claimed it could not take the burden of integrating ethnic German refugees into its own post-war state. This is all the more surprising as many of the ethnic Germans came from regions within the defunct Habsburg empire, for example in the Balkans, Hungary, and Romania, thus having had a Habsburg subject status for centuries. Only with the State Treaty of 1955 was this policy rectified and citizenship granted to those ethnic Germans who were still in the country and had not yet been transferred to Western Germany. This restrictive policy stemmed from the economic considerations of a war-torn state – Austria was also reluctant to return citizenship to their former Jewish citizens, especially those from Vienna. In short, while West Germany did return Jewish citizens their citizenship, as it gave it to ethnic Germans, the Austrian state did not.

Using objects as a point of departure, this case-study analyses the different strategies the Nazis used to deprive Jewish citizens of the Reich of both property and citizenship, and how legal measures covered the theft, as well as the machinery which was developed to effect the expulsion and expropriation in a relatively short period of time. First, it analyses Nazi laws and political discourses. Next, it discusses the impact of the forced movement of Jews and the expropriation and reuse of objects. Finally, the article considers the legal problem posed for the post-war Austrian nation-state by the return of both people and objects and the Austrian state's approach to the policy of redress.

As a caveat, it should be noted here that although today we speak of 'Jewish victims' of the Holocaust and the displacement and resettlement campaign caused by the Nazis, many of these victims saw themselves simply as Catholic or Protestant

<sup>16</sup>Patrick Bernhard, 'Colonial crossovers: Nazi Germany and its entanglements with other empires', *Journal of Global History*, 12 (2017), pp. 206–27, doi:10.1017/S1740022817000055.

<sup>17</sup>Lauren Benton, *Law and colonial cultures: legal regimes in world history, 1400–1900* (Cambridge, 2002), p. 262. See also Lauren Benton, *A search for sovereignty: law and geography in European empires, 1400–1900* (Cambridge, 2009), doi:10.1017/CBO9780511988905. On British colonial law, see [www.encyclopedia.com/history/encyclopedias-almanacs-transcripts-and-maps/law-colonial-systems-british-empire](http://www.encyclopedia.com/history/encyclopedias-almanacs-transcripts-and-maps/law-colonial-systems-british-empire) (accessed 11 Apr. 2023).

<sup>18</sup>R. M. Orderly Douglas, *Human: the expulsion of the Germans after the Second World War* (New Haven, CT, 2012).

<sup>19</sup>Basic Law for the Federal Republic of Germany, amend. 19 Dec. 2022, Federal Law Gazette I, p. 2478.

Austrians until the day of Hitler's arrival, and were quite surprised to find themselves categorized as Jews under the definition of the Nuremberg racial laws.<sup>20</sup> For the sake of consistency, this case-study speaks of 'Jews', although we must surmise that not all of them would have defined themselves as such.

## I

Citizenship is a negotiated concept. Since antiquity, rulers have used citizenship as a tool to welcome settlers in order to strengthen trade and commerce as well as to exclude undesired minorities and ethnic groups, and this was especially true for Jewish settlers. Austria has been no exception; the history of 'emancipation', granting Jews the same rights as other settlers, was a centuries-long process.<sup>21</sup> The annexation of Austria by Nazi Germany in 1938, the so-called *Anschluss*, created an interesting legal situation regarding property and citizenship. The Weimar Constitution, which was in force when the Nazis came to power in Germany in 1933, displays a bourgeois-liberal model of constitutionalism, as it states in Article 153: 'Property is guaranteed by the constitution. Its content and its limits are derived from the laws. Expropriation can only be carried out for the common good and on a legal basis. It shall be effected against compensation, unless an imperial law provides otherwise.'<sup>22</sup> The constitution was valid for those holding German citizenship. It is apparent that German public law underwent a shift in its treatment of constitutional property rights in the 1920s as the Great War, as well as the pressing economic necessities of the 1920s, had expanded the justifications for expropriation.<sup>23</sup> The most extensive commentary on the constitution, edited by Hans Carl Nipperdey in 1930,<sup>24</sup> includes legal explanations of what the constitutional guarantee meant for the individual in terms of their relationship with the state under a modern, liberal constitution.<sup>25</sup>

As a consequence of such a legal rule, one of the heinous mechanisms of Nazi policy against Jews and political opponents was to strip them of or deny them citizenship in order to pave the way for one of the biggest campaigns of theft in human history, under the so-called 'Aryanization' of the German economy.<sup>26</sup> Under

<sup>20</sup>Erste Verordnung (Schutz Blut und Ehre), 14 Nov. 1935, Deutsches Reichsgesetzblatt, Jahrgang 1935, Teil I, pp. 1334–6, in <https://alex.onb.ac.at/cgi-content/alex?aid=dra&datum=1935&page=1480&size=45> (accessed 11 Apr. 2023).

<sup>21</sup>See Hannelore Burger, *Heimatrecht und Staatsbürgerschaft österreichischer Juden: Vom Ende des 18. Jahrhunderts bis in die Gegenwart* (Vienna, 2014); Ilse Reiter, *Ausgewiesen, abgeschoben: Eine Geschichte des Ausweisungsrechts in Österreich vom ausgehenden 18. bis ins 20. Jahrhundert* (Frankfurt am Main, 2000).

<sup>22</sup>Die Verfassung des Deutschen Reichs. Vom 11. Aug. 1919, Reichsgesetzblatt 152 (1919), pp. 1383–418, at p. 1412, in <https://opiniojuris.de/sites/default/files/Reichs-Gesetzblatt,%201919,%20Nr.%20152,%20S.%201383-1418.pdf> (accessed 11 Apr. 2023).

<sup>23</sup>Michael Stolleis, *Geschichte des öffentlichen Rechts in Deutschland*, III: Staats- und Verwaltungswissenschaft in Republik und Diktatur, 1914–1945 (Munich, 1999), p. 212.

<sup>24</sup>Hans Carl Nipperdey, ed., *Die Grundrechte und Grundpflichten der Reichsverfassung*, III (Berlin, 1930).

<sup>25</sup>Walter Schelcher, 'Art. 153: Die Rechte und Pflichten aus dem Eigentum', in Nipperdey, ed., *Die Grundrechte und Grundpflichten der Reichsverfassung*, III, pp. 196–249.

<sup>26</sup>Frank Bajohr, "'Arisierung' als gesellschaftlicher Prozess: Verhalten, Strategien und Handlungsspielräume jüdischer Eigentümer und "arischer" Erwerber', in Irmtrud Wojak and Peter Hayes, eds., *'Arisierung' im Nationalsozialismus: Volksgemeinschaft, Raub und Gedächtnis* (Frankfurt am Main, 2000),



the Nuremberg racial laws, issued in 1935, ordinances regulated, first, racial belonging, and, second, citizenship within the Nazi Reich. For those defined as Jews, holding citizenship, and also property, was no longer possible. According to the regulations of the Reich Citizenship Law issued under the Nuremberg racial laws, a person was considered a Jew if they were of the Jewish faith, married to a Jew, or had a Jewish parent or grandparent.<sup>27</sup> The associated ordinances stipulated that Jews defined under these rules (even if they were baptized) could not be considered citizens of the Reich. They were also prohibited from voting and holding public office. Jewish civil servants had to retire after 31 January 1935 in Germany. In Austria, this process was even quicker:<sup>28</sup> within weeks of the *Anschluss* in spring 1938, civil servants were expelled from office or lost their pensions, and flats were openly looted.<sup>29</sup>

After the *Anschluss* and the anti-Jewish measures also introduced in Austria in quick succession, many people were forced to leave the country within a few weeks, as life became impossible after professional bans, expulsion from schools and universities, forced closure of medical practices and law firms, theft of assets, and blocking of bank accounts.<sup>30</sup> In a villainous process of taxation, Jews were literally plundered of all their assets; in Vienna, the Central Office for Jewish Immigration under a certain Adolf Eichmann, and its subdivision on taxation, the *Vermögensverkehrsstelle*, coordinated the theft.<sup>31</sup> Key among Nazi measures against Jewish property were forced sales of all kinds of businesses to drive Jews out of the country.<sup>32</sup> Historians Auslander and Zahra underline how expropriation facilitated the eradication of entire populations: 'The gradual theft of possessions that made Jews part of the national

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pp. 15–30; Martin Dean, *Robbing the Jews: the confiscation of Jewish property in the Holocaust, 1933–1945* (Cambridge, 2008); Götz Aly, *Hitler's beneficiaries: plunder, race war, and the Nazi welfare state* (New York, NY, 2007).

<sup>27</sup>Erste Verordnung (Schutz Blut und Ehre), 14 Nov. 1935, Deutsches Reichsgesetzblatt, Jahrgang 1935, Teil I, pp. 1334–6, <https://alex.onb.ac.at/cgi-content/alex?aid=dra&datum=1935&page=1480&size=45> (accessed 11 Apr. 2023).

<sup>28</sup>Gerhard Botz, 'Arisierung in Österreich (1938–1940)', in Dieter Stiefel, ed., *Die politische Ökonomie des Holocaust* (Vienna, 2001), pp. 29–56.

<sup>29</sup>Gerhard Botz, *Nationalsozialismus in Wien: Machtübernahme, Herrschaftssicherung, Radikalisierung, Kriegsvorbereitung 1938/39* (Vienna, 2018).

<sup>30</sup>Ilse Reiter-Zatloukal, 'Entehrt und entwürdigt: Die Aberkennung akademischer Grade und Ehrungen im Nationalsozialismus', in Alexander Pinwinkler and Johannes Koll, eds., *Zuviel der Ehre? Interdisziplinäre Perspektiven auf akademische Ehrungen in Deutschland und Österreich* (Vienna, 2019), pp. 93–132. Regarding doctors, see Ilse Reiter-Zatloukal and Barbara Sauer, 'NS-Entrechtung österreichischer Ärzte und Ärztinnen', in Herwig Czech and Paul Weindling, eds., *Österreichische Ärzte und Ärztinnen im Nationalsozialismus: Jahrbuch 2017*, pp. 23–46.

<sup>31</sup>Gabriele Anderl and Dirk Rupnow, *Die Zentralstelle für jüdische Auswanderung als Beraubungsinstitution* (Vienna, 2004); Theodor Venus and Alexandra-Eileen Wenck, *Die Entziehung jüdischen Vermögens im Rahmen der Aktion Gildemeester: Eine empirische Studie über Organisation, Form und Wandel von 'Arisierung' und jüdischer Auswanderung in Österreich 1938–1941* (Vienna, 2004).

<sup>32</sup>Gabriele Anderl, 'Die "Möbel- und Altwarenauktion Grüngasse" und ihre Leiter, Robert Möder und Franz Horejsi: Ein Beitrag zur Geschichte der Vermögensentziehungen im nationalsozialistischen Wien', in Karl Fischer, ed., *Studien zur Wiener Geschichte, Jahrbuch 2016/17* (Vienna, 2018), pp. 7–48; Gabriele Anderl, '"Kostbarkeiten, gemischt mit Trödel ...": Die "Abwicklung" jüdischer Kunst- und Antiquitätenhandlungen in Wien während der NS-Zeit', in Verena Pawlowsky and Harald Wendelin, eds., *Enteignete Kunst: Raub und Rückgabe – Österreich von 1938 bis heute* (Vienna, 2006), pp. 36–58.

culture – dwellings and their contents, radios, clothing, the tools needed to practice their trades and professions – was the first step of their dehumanization and ultimate annihilation.<sup>33</sup>

At first, most refugees tried to take as much property as possible with them, or to transfer it either into foreign countries or to trusted friends, or to sell as much as they could in Vienna, in order to have enough financial capital for the escape. Feelings of belonging and (professional) identity were also affected by these procedures. One very telling surviving account which illustrates the connection between objects and (professional) identity came from social worker Else Leichter, who could not return to her desk at the Municipal Viennese Youth Welfare Office on the Monday after the *Anschluss* because Gestapo men were blocking entry to the town hall for Jews. Even decades later, she admitted in an interview that she still had nightmares about her desk not being tidied up, as on the Friday she had left a bit earlier for a weekend in the mountains. Interestingly, at the forefront of her resentment was not her own loss but the feeling that she had abandoned her young protégés and left unfinished business.<sup>34</sup>

## II

The port of Trieste played an important role in refugee escape routes. Many Viennese Jews attempted the escape to Shanghai.<sup>35</sup> Their property is labelled in the research by the name the loot had acquired in official documents concerning the port warehouses of Trieste: ‘Masse Adria’.<sup>36</sup>

As examples, we follow two men boarding a vessel of the Italian shipping company Lloyd Triestino with their most cherished objects: Ferdinand Adler and Fritz Hungerleider, each carrying a small suitcase in their hands.<sup>37</sup>

Violinist Ferdinand Adler, famous for his concerts in the summer resort town of Bad Ischl conducted by Franz Lehár, boarded the ship *Conte Verde* on 4 June 1939 not only with his wife, Gertrude, but also with his violin. Although he had converted to Catholicism early on, he was stripped of all his assets in Vienna in 1938 and banned

<sup>33</sup>Auslander and Zahra, ‘The things they carried’, p. 11.

<sup>34</sup>Irene Messinger, ‘Interview with Else Leichter. Personal correspondence, Messinger to author, 3 May 2022’. Printed in Barbara Louis, ‘A second chance in exile? German-speaking women refugees in American social work after 1933’ (diss., University of Minnesota, 2015).

<sup>35</sup>Research on the Jewish new arrivals to Shanghai has increased over the last years; see, for example, Irene Eber, *Wartime Shanghai and the Jewish refugees from Central Europe: survival, co-existence, and identity in a multi-ethnic city* (Berlin and Boston, MA, 2012); Barbara Geldermann, ‘“Jewish refugees should be welcomed and assisted here!”. Shanghai: exile and return’, *The Leo Baeck Institute Year Book*, 44 (1999), pp. 227–43; Marcia Reynders Ristaino, *Port of last resort: the diaspora communities of Shanghai* (Stanford, CA, 2001); Kevin Ostoyich and Yun Xia, eds., *The history of the Shanghai Jews: new pathways of research* (Cham, 2022); Georg Armbrüster, Michael Kohlstruck, and Sonja Mühlberger, eds., *Exil Shanghai 1938–1947: Jüdisches Leben in der Emigration* (Teetz, 2000).

<sup>36</sup>See the following publication (a result of a longer collaborative project, TransCultAA) by Christian Fuhrmeister and Barbara Murovec, eds., *Transfer of cultural objects in the Alpe Adria region in the 20th century* (Cologne, 2022).

<sup>37</sup>Case-studies from the Adler family (p. 152), Hungerleider (p. 194) in Daniele Pscheiden and Danielle Spera, eds., *Die Wiener in China: Fluchtpunkt Shanghai/ Little Vienna in Shanghai*, catalogue of the exhibition within the Jewish Museum (Vienna, 2020).





**Figure 1.** Gramophone of Fritz Hungerleider. Photo: Sebastian Gansrigler, in Daniela Pscheiden and Danielle Spera, eds., *Die Wiener in China: Fluchtpunkt Shanghai/ Little Vienna in Shanghai*, catalogue of the exhibition within the Jewish Museum Vienna (Amalthea Publishing House, Vienna, 2020), p. 196.

professionally, so he was unable to earn a living from his music. He hoped for a new beginning in Shanghai.

The other object we see boarding the ship was a gramophone of the then famous Telraphon brand from Austria, which young Fritz Hungerleider did not want to part with. It was his favourite gift from his bar mitzvah in 1933, and he grabbed it when being forced to leave the family apartment in 1938. Together with his parents, young Fritz (born 1920) fled to Shanghai, and music became the family's comfort. They had the gramophone with them, on which they listened to music on the ship, and also a cherished small bust of Beethoven which they had brought from their Viennese home in their suitcase (Figure 1).

From these two examples, we can see how music became a signifier of the Hungerleider family's former bourgeois life and identity in Vienna. The objects they carried from Vienna, such as the violin, the gramophone, and the Beethoven bust, were not only objects which reminded them of home but placeholders for their sense of self, and a symbol of resilience against those who had deprived them of a decent life in Vienna by forcing them to migrate to Shanghai. Forced displacement, in this reading, brings with it the loss of property, belonging, and identity, whereby customs or objects become important to retaining a sense of social and cultural identity and kinship in new, possibly exotic, locations.



**Figure 2.** Ferdinand Adler and his violin, cover of a Shanghai concert leaflet, probably 1939. In Daniela Pscheiden and Danielle Spera, eds., *Die Wiener in China: Fluchtpunkt Shanghai/ Little Vienna in Shanghai*, catalogue of the exhibition within the Jewish Museum Vienna (Amalthea Publishing House, Vienna, 2020), p. 154.

Their objects were also with them in their first abodes in Shanghai.<sup>38</sup> Upon arrival, Ferdinand Adler set about making a career for himself: he was soon to become *Konzertmeister* with the Shanghai Municipal Orchestra, also performing as a soloist. In 1941, he was promoted to the position of professor, teaching the violin at the conservatory of Shanghai to both European and Chinese students. Thanks to the enthusiasm for music of the Japanese occupiers, the Adlers did not have to settle in the ghetto in Hongkew like most other European refugees but lived in a flat in another part of Shanghai, in Tifeng Road (Figure 2).

The Hungerleider family made a new start, first within the 'French settlement', and then within the ghetto at Ward Road. Here, they met their neighbours, the Mannheimer family from Frankfurt. Fritz married the family's daughter, Ingeborg, in 1943. In Shanghai, Fritz's family established a small textile business sewing shirts, and could make a living from that, but music was the centrepiece of their exile world.

Most other belongings of the Adler and Hungerleider families, such as furniture, clothing, and household goods, were stored in a container within the premises of the free port of Trieste. They were never to be reunited with their owners. The start of the war in 1939 blocked all private ship transport, especially for goods. As passengers

<sup>38</sup> Case-studies from the Adler family (p. 152), Hungerleider (p. 194) in Pscheiden and Spera, eds., *Die Wiener in China*.

arrived with property at the port which then later could not be transported with them, the goods piled up in port warehouses.

### III

From autumn 1943 onwards, supposedly ‘abandoned Jewish lift goods’ (a Nazi term) piled up in Trieste in the free port, which came from an estimated 120,000 Holocaust refugees from various European countries, that is, not only from Austria, but also from Poland, Czechoslovakia, and Hungary.<sup>39</sup> Italian authorities, in a desperate attempt to empty the overcrowded warehouses in the port and to make a profit in the process, in May 1943 declared the assets of German Jews as ‘enemy property’ which could be confiscated. German authorities strongly objected to this policy, pointing out that the Jews were still German citizens (a fact which had been clearly denied in the eleventh ordinance of November 1941), but the motivation for such an objection was clear: the Nazis wanted to plunder the assets themselves, not leave them to the Italians for profit.<sup>40</sup>

The situation changed when the area came under German occupation in 1943, and two operational zones were established as ‘buffer zones’ to the border with the Reich. Hitler had these zones established in response to Italy’s withdrawal from the war on 9 September 1943, and gave them a special status, in order to achieve subsequent *Gleichschaltung* with the Reich, which resulted in socio-economic and political room for manoeuvre.<sup>41</sup> The operational zones in upper Italy, which was occupied by the German Wehrmacht in autumn of 1943, were constituted as follows:<sup>42</sup> the ‘Alpine Foreland’ operational zone encompassed the provinces of Bolzano, Trento, and Belluno, and was under the leadership of the Tyrolean Gauleiter Franz Hofer, and the operational zone ‘Adriatic Coast’ comprised the provinces of Udine, Gorizia, Trieste, Pola, Fiume/Rijeka, and Ljubljana, and was administered by the Carinthian Gauleiter Friedrich Rainer.

The operational zones are an interesting construct of National Socialist rule in a border area. On the one hand, they show the Reich’s urge to expand its geostrategic and national, *völkisch*, interests, but on the other hand, they also indicate the instability of a regime in decline. From 1944, there was an incredible tussle for authority between the military and the Reich’s civil administration agencies and between two relatively autonomous, originally Austrian, Gauleiters, as well as between smaller party agencies.<sup>43</sup> In Trieste, Walter Frodl, a young art historian from Klagenfurt/Carinthia was granted the role of co-ordinating issues relating to

<sup>39</sup>Michael Wedekind, ‘Kunstschutz und Kunstraub im Zeichen von Expansionsstreben und Revanche: Nationalsozialistische Kulturpolitik in den “Operationszonen Alpenvorland” und “Adriatisches Küstenland”, 1943–1945’, in Christian Fuhrmeister, Johannes Griebel, Stephan Klingen, and Ralf Peters, eds., *Kunsthistoriker im Krieg: Deutscher Militärischer Kunstschutz in Italien 1943–1945* (Vienna, 2012), pp. 153–72, at p. 157.

<sup>40</sup>See Stefan August Lütgenau, Alexander Schröck, and Sonja Niederacher, eds., *Zwischen Staat und Wirtschaft: Das Dorotheum im Nationalsozialismus* (Munich, 2006), pp. 127–8.

<sup>41</sup>Wedekind, ‘Kunstschutz und Kunstraub’, p. 154.

<sup>42</sup>Michael Wedekind, *Nationalsozialistische Besatzungs- und Annexionspolitik in Norditalien, 1943–1945* (Munich, 2003), pp. 75–98; see also Karl Stuhlpfarrer, *Die Operationszonen ‘Alpenvorland’ und ‘Adriatisches Küstenvorland’ 1943–1945* (Vienna, 1967).

<sup>43</sup>Wedekind, *Nationalsozialistische Besatzungs- und Annexionspolitik*, pp. 113–19.

cultural objects<sup>44</sup> and the process euphemistically termed ‘cultural safeguarding’ (*Sicherstellung*).<sup>45</sup> Clearly, the intention was not to safeguard these objects for their legitimate owners but instead for the Nazi Reich.

Frodl made sure that his department was always consulted when *Judenplunderungen* (plunder of Jewish assets) was underway in Trieste, and got a special permit from the Gauleiter to make use of these objects or dispatch them to Austrian museums.<sup>46</sup> However, an interesting conversation on the connection between citizenship and property has survived in the files, which shows the Nazis pledged to at least formally stay within their own legal frames. Frodl regretted that Jewish assets from citizens of Trieste were difficult to access, as they were formally Italian citizens, but at least he was able to transfer their collections of paintings into museums, if they were defined as ‘German or Austrian heritage’.<sup>47</sup> While cultural objects from museums were redistributed and tucked away in depots and mountain valleys, the port of Trieste became a collection point for goods.

Research has shown that Nazi functionaries from Austrian museums, such as Frodl and Erika Hanfstaengl, an art curator and photographer, ‘formed the rear-guard of “Aktion Reinhard”’,<sup>48</sup> the plunder following large-scale murder of Jews in the Generalgouvernement in Poland and Lemberg/Ukraine. In ‘Aktion Reinhard’, between 1942 and 1943, around 1.3 million people died, which is about a quarter of the overall number of Holocaust victims. The leader of ‘Aktion Reinhard’, Odilo Globocnik, a friend of Gauleiter Rainer, was transferred with his staff to Italy as SS and police leader, and subsequently entrusted with partisan warfare, persecution of the Jews, confiscation of their property, and the construction of a new concentration camp in an old rice factory at San Sabba near Trieste.<sup>49</sup> And so we must assume that the practice of Holocaust murder, and also the accompanying property dimension, was transferred to Trieste.

The Jewish refugees were given the impression that they could take their belongings with them, and so furniture, clothing, and household goods arrived in containers at the port of Trieste, on the premise that they would be shipped to their new homes. The majority of the removal loads, however, were blocked in the free port of Trieste with the outbreak of war in 1939 under Nazi ‘trusteeship’ and were not allowed to be shipped anywhere. As a result, a huge stockpile of containers accumulated, storage charges for which added up during the war years. The Italian port administration complained several times, unsuccessfully, about them to the Reich.

The Adlers’ and the Hungerleiders’ furniture was supposedly within this pile.<sup>50</sup> A photograph of Fritz Hungerleider’s bar mitzvah has survived, which gives us a

<sup>44</sup>See on the subject Sebastian Spitra, ‘Recht und Metapher: Die “treuhänderische” Verwaltung von “Kulturgut” mit NS-Provenienz’, in Olivia Kaiser, Christina Köstner-Pemsel, and Markus Stumpf, eds., *Treuhänderische Übernahme und Verwahrung* (Vienna, 2018).

<sup>45</sup>Frodl led the department concerned with ‘securing and recovering art treasures from Jewish possession’, Wedekind, ‘Kunstschutz und Kunstraub’, p. 156.

<sup>46</sup>*Ibid.*, p. 157.

<sup>47</sup>*Ibid.*

<sup>48</sup>*Ibid.*

<sup>49</sup>Rolf Wörsdörfer, *Krisenherd Adria 1915–1955: Konstruktion und Artikulation des Nationalen im italienisch-jugoslawischen Grenzraum* (Schöningh, 2004), p. 446.

<sup>50</sup>Photo of bar mitzvah of Fritz Hungerleider in Pscheiden and Spera, eds., *Die Wiener in China*, p. 195.



**Figure 3.** Bar mitzvah of Fritz Hungerleiter, 1933. In Daniela Pscheiden and Danielle Spera, eds., *Die Wiener in China: Fluchtpunkt Shanghai/ Little Vienna in Shanghai*, catalogue of the exhibition within the Jewish Museum Vienna (Amalthea Publishing House, Vienna, 2020), p. 196.

glimpse of the dimension of loss. Here, we see proud young Fritz in front of the table with gifts (among them the gramophone to the right) with his parents in their living room in a bourgeois Viennese flat. The room is filled with antiques and ornaments, such as paintings and vases, and an oriental carpet; to the right, a radio is recognizable in the dark, as is a cabinet with porcelain (Figure 3). We might surmise that some of these belongings were also tucked away in a warehouse in Trieste.

After the occupation of upper Italy in autumn 1943, Trieste, and with it the gigantic stock of goods, had now come to the Reich, so to speak, and thus into the area of application of the eleventh ordinance, according to which a Jewish refugee lost all his assets the moment he crossed the border. The theft could begin. The euphemistic Nazi term for this kind of reuse is *Verwertung*, which means ‘recycling’.

Supposedly German or ‘alt-österreichisch’ (literally: ‘old Austrian’, a label invented by Austrian Nazi functionaries to stake their claim on this part of the loot) cultural property was thus taken over, distributed, and utilized by passing it on to ‘needy fellow citizens’. We see here the perversion of the idea of trusteeship: by using the so-called ‘trustee takeover’ of Jewish property to requisition cultural assets and valuables in ‘trustee offices’ or through a ‘general trustee’, the looting was officially legitimized and elevated to the interest of the state. The examples described show the National Socialist reinterpretation of the term, which clearly excluded loyalty to the original Jewish owner, who had been expelled from the Nazi community, the *Volksgemeinschaft*. In addition, the propagandistic exaggeration and identity-forming dimension of the term, which was applied above all with regard to cultural assets

recognized as German or old Austrian, that is, to be protected, is evident. The redistribution of goods created not only a considerable circulation of objects but also a hierarchy of cultural assets that were suddenly in the national interest.

From 1944 onwards, it was decided to transport the Jewish removal goods by lorry to Klagenfurt in order to create space in the free port. The value of goods was estimated in the warehouses in Trieste, and the subsequent transport organized.<sup>51</sup> Above all, the 'utilization' of these goods was to begin, for they were considered by Austrian Nazis as belonging to Austria and thus being 'old Austrian property'.<sup>52</sup> In this vein, it was a project of claiming imperial continuity. The ideal partner for such an undertaking was quickly found: the then state-owned Austrian auction house Dorotheum, with a branch in Klagenfurt.<sup>53</sup> In several convoys, countless lorries, some of them even from the same forwarding companies that had taken the removals out of Vienna, brought the cultural goods to Klagenfurt.

What happened next is only dimly discernible from the files. Apparently, the containers were opened in Klagenfurt and the stock was sorted according to categories of goods: paintings, furniture, clothing, jewellery, watches.<sup>54</sup> From photographs, we have evidence of a warehouse full of chairs, and another of wristwatches, apparently already marked with the lot numbers of the Austrian auction house Dorotheum, which contained the price estimates necessary for an auction. The freight company Adria (*Güterverkehrsgesellschaft Adria*, GVGA) was founded to co-ordinate the sale of the acquired goods.<sup>55</sup> Everything that the Dorotheum's valuers thought could not be auctioned was subsequently given to the NSV (National Social Welfare Organization) to help bombed-out (Aryan) families in the Reich with furniture and clothing. In the summer of 1944, however, the railway transport space for such goods was almost non-existent, thus large stocks of these remained in the Carinthian depots, for example, in Silberegge Castle. There, they were looted by locals when the British occupation troops moved in during spring 1945,<sup>56</sup> so that only debris was found when the Allies were finally able to bring peace.

Through the process of sorting and valuing items, provenance was generally completely lost. Later, attribution to individual removal loads and thus to the victims of the Holocaust and possible survivors who asserted their claims was only possible in a very few cases – for example, in the case of paintings that could be clearly identified.

#### IV

The surrender and dissolution of the German Reich brought about a division of Germany and Austria into two separate countries again, and each in four separate

<sup>51</sup>Lütgenau, Schröck, and Niederacher, eds., *Dorotheum im Nationalsozialismus*, p. 133.

<sup>52</sup>*Ibid.*, p. 131.

<sup>53</sup>The role of the Dorotheum in the Nazi era has been researched by an official commission. See Lütgenau, Schröck, and Niederacher, eds., *Dorotheum im Nationalsozialismus*; Gabriele Anderl, 'Die Akteure und Profiteure des NS-Kunstraubs in Österreich: Beispiele und Versuch eines Überblicks über Forschungsergebnisse und offene Fragen', in Bauer, Embacher, Hanisch, Lichtblau, and Sprengnagel, eds., *Kunst, Kommunikation, Macht*, pp. 125–30.

<sup>54</sup>Lütgenau, Schröck, and Niederacher, eds., *Dorotheum im Nationalsozialismus*, p. 132.

<sup>55</sup>*Ibid.*, p. 136.

<sup>56</sup>*Ibid.*, pp. 414 and 418.



occupation zones headed by the Allies. In Austria, British troops took over administration in Styria, Eastern Tyrol, and Carinthia, and thus found themselves confronted with looted warehouses full of 'ownerless property'.<sup>57</sup> The British occupation zone administration was unable to identify the origins of the looted goods, and obviously the Austrian officials were not eager to tell them.<sup>58</sup> Thus, Officer John Bryan Ward-Perkins of the Subcommittee for Monuments, Fine Arts, and Archives encouraged the head of the auction house Dorotheum, Hans Fink, to sell the 'ownerless goods', after some minor attempts had been made to identify legal owners, which soon proved impossible, due in part to the sorting of the goods, but also to the nature of the auctions, which did not register the name of the vendor.<sup>59</sup>

This involved the apparent deception of the Allies by local Austrian officials. The British officer Ward-Perkins, following a briefing by the Klagenfurt Dorotheum director, Fink, assumed that there were 'nine boxes of looted goods', all 'second rate stuff'. Instead, the loot was much greater.<sup>60</sup> According to the figures – the files on this are in the Austrian State Archive (Oesterreichisches Staatsarchiv) – almost 8,000 loads ('colli') from almost 2,000 households ended up in Carinthia, where they were distributed and re-sorted.<sup>61</sup> Around 3,000 colli initially remained in Trieste and were then transferred to the Silberegg depots. A total of 314 boxes actually reached Berlin, with 300 tons going to the NSV Salzburg, which donated the goods to people in need. The British encouragement to also hold auctions in Vienna then finally led to a brisk trade, and a large part of these goods being auctioned off, unfortunately without documentation about the buyers; the Dorotheum netted around 78,845 Reichsmarks from these 'Masse Adria' sales.<sup>62</sup> Since the files are incomplete, as the perpetrators covered up the traces of their theft, a complete reconstruction is not possible.

After the conflict ended in the European and Pacific theatres of war, the refugees were eager to move on. China, war-torn and shaken by an ongoing civil war, had asked all foreign nationals and stateless people to leave the country by early 1948. United Nations Relief and Rehabilitation Administration (UNRRA) helped in resettling many of the 'Shanghailanders' by ship to the United States, Australia, Palestine, and even back to their home towns in Europe, if they so wished.<sup>63</sup> The tragedy is particularly evident in photographs of the time showing returning Jewish refugees, and although we cannot distinguish individuals in the images, we know that Adler and Hungerleider were amongst them: Viennese survivors who, in November 1947,

<sup>57</sup>Edgar L. Erickson, 'The zoning of Austria', *The Annals of the American Academy of Political and Social Science*, 267 (1950), pp. 106–13.

<sup>58</sup>Lütgenau, Schröck, and Niederacher, eds., *Dorotheum im Nationalsozialismus*, pp. 407–17.

<sup>59</sup>*Ibid.*, p. 412.

<sup>60</sup>Wedekind, 'Kunstschutz und Kunstraub', p. 158.

<sup>61</sup>Oesterreichisches Staatsarchiv (OESTA), Archiv der Republik (AdR), Bestandsgruppe 06 Dorotheum, Bestand Zweigstelle Klagenfurt, Kartons 39, 44, 45, 46.

<sup>62</sup>Lütgenau, Schröck, and Niederacher, eds., *Dorotheum im Nationalsozialismus*, p. 145.

<sup>63</sup>On the resettlement of refugees from Shanghai, see Sara Halpern, 'The integration of Jewish refugees from Shanghai into post-World War II San Francisco', *American Jewish History*, 104 (2020), pp. 87–114; Fred. A. Lazin, 'The plight of European Jewish refugees in post-Second World War Shanghai, August 1945–April 1948', in Ostoyich and Xia, eds., *The history of the Shanghai Jews*, pp. 203–33; Françoise Kreissler, 'Remigration aus China – Die soziopolitischen Kontexte im Shanghai der Nachkriegszeit (1945–1946)', in Katharina Prager and Wolfgang Straub, eds., *Bilderbuch-Heimkehr? Remigration im Kontext* (Wuppertal, 2017), pp. 349–59.

were brought by train in cattle cars from Naples to Vienna after a passage by ship from Shanghai to Genoa,<sup>64</sup> and were greeted at the Westbahnhof by Mayor Theodor Körner, who later became the first federal president of Austria. Survivors literally came back to Vienna with a small carry-on suitcase, and there was hardly any governmental help for them, let alone apartments, furniture, or clothing, as the reports of the Austrian History Commission in the early 2000s testify.<sup>65</sup>

What no one knew at the time was that some of the victims' removal goods were still stored in the warehouses taken over in trust by the Republic of Austria from 1951 onwards, and it was not until the end of the 1950s that the last of the stocks were sold.<sup>66</sup> After the State Treaty of 1955, Article 26, Paragraph 2, it was regulated at least that these 'ownerless' assets had to be sold for the benefit of the Nazi victims.<sup>67</sup>

Returning to our case-studies, we see a mixed result concerning restitution.<sup>68</sup> Ferdinand Adler restored his reputation as an artist. He founded the 'Adler Quartet' in 1947 as soon as he returned, and by 1950 was promoted to *Konzertmeister* again, in the Vienna state opera. Unfortunately, in 1952 he suffered a heart attack during a rehearsal at the opera, and died with his violin in his hand, aged only forty-eight. As property and pensions had not been restored, his widow had to leave Vienna to settle with relatives and sold for financial reasons the violin which had saved the family's income so many times. The poor conditions forced the widow to move to relatives in Kufstein with her young daughter Christina, born in 1945, and the archival correspondence on her modest widow's pension shows her distress, and the absence of recognition of the period of exile in Shanghai.<sup>69</sup>

Of the approximately 100,000 Jews expelled from Vienna, only 8,000 returned in the first post-war decade. To regain property and citizenship, however, one needed to make the request from Austrian soil, and be living in the country again. As most refugees had arrived in their new destinations abroad nearly penniless, they could not afford to travel back to Europe after the war to reclaim Austrian citizenship. But to reclaim property, one needed to be an Austrian citizen. It was a vicious circle. Thus, the overall story of redress in Austria is a sad one.<sup>70</sup> Through a legal framework where restitution law protects the former legislators, the post-imperial Austrian nation-state remained callous towards Austrian Jews, replicating their former exclusion from basic citizens' rights. In this regard, Austria compares with other case-studies

<sup>64</sup>An account is given in Ulrike Gollonitsch, 'Als wär' nichts geschehen': *Die jüdische Gemeinde in Hollabrunn* (Vienna, 1990), at ch. 'Hans Ranzenhofer'. See also Pscheiden and Spera, eds., *Die Wiener in China*.

<sup>65</sup>Brigitte Bailer-Galanda, Eva Blimlinger, Georg Graf, and Susanne Kowarc, 'Arisierung' und Rückstellung von Wohnungen in Wien: *Die Vertreibung der jüdischen Mieter und Mieterinnen aus ihren Wohnungen und das verhinderte Wohnungsrückstellungsgesetz* (Vienna, 2000); Gabriele Anderl, Edith Blaschitz, and Sabine Loitfellner, 'Teil 1: Die Arisierung von Mobilien und die Verwaltungsstelle für jüdisches Umzugsgut', in Clemens Jabloner, Brigitte Bailer-Galanda, Eva Blimlinger, Georg Graf, Robert Knight, Lorenz Mikoletzky, Bertrand Perz, Roman Sandgruber, Karl Stuhlpfarrer, and Alice Teichova, eds., 'Arisierung' von Mobilien (Vienna and Munich, 2004), pp. 11–252.

<sup>66</sup>Lütgenau, Schröck, and Niederacher, eds., *Dorotheum im Nationalsozialismus*, pp. 417–45.

<sup>67</sup>Ibid., p. 402; Spitza, 'Recht und Metapher', pp. 59–60.

<sup>68</sup>Case-studies from the Adler family (p. 152), Hungerleider (p. 194) in Pscheiden and Spera, eds., *Die Wiener in China*.

<sup>69</sup>OESTA/HHStA RHR Judicalia Decisa 2360 (alt 2876) G 99b, Gertrude Adler (2876).

<sup>70</sup>Brigitte Bailer-Galanda and Eva Blimlinger, *Vermögensentzug – Rückstellung – Entschädigung: Österreich 1938/1945–2005* (Vienna, 2005).

highlighted in this special issue, for example Banerjee's case-study on India after Partition and its behaviour towards Bengali refugees, or Yang's case-study on the Dachen islanders' treatment by China.

Fritz Hungerleider, together with his wife Ingeborg, was also on the ship *Marine Falcon* which returned to Europe from Shanghai in January 1947. After a fierce legal battle, the Hungerleider family regained their house within the 3rd district of Vienna and their bank assets. When looking at the files, survivor activism and agency becomes especially apparent: attorneys specializing in restitution law offered their help, and the *Fonds zur Abgeltung von Vermögensverlusten politisch Verfolgter*, in short *Abgeltungsfonds* (compensation funds), did intensive research into old property files for houses and at banks or the state finance department, to procure papers lost during refugeedom. Only these concentrated efforts helped to bring about a positive result (in Karoline Hungerleider's case, as late as in 1972, which is twenty-three years after their return from exile in Shanghai, and thirty-three years after their expulsion from Vienna). That was however lucky: Ingeborg Hungerleider's parents and brother resettled in the US, never obtaining their property back.

Very few of the returnees succeeded in regaining their homes and businesses, practices, or law firms in the years that followed as they rebuilt their lives in Vienna.<sup>71</sup> Restitution policy in Austria was a very onerous process, with a lot of considerable obstacles to reclaiming property.<sup>72</sup> The first restitution law, for example, dealt only with objects in the possession of the Republic of Austria, which could be reclaimed – goods acquired by individuals were excluded from restitution processes.<sup>73</sup> This wrong was rectified by the third restitution law in 1947, which finally dealt with looted Jewish property; however, claimants needed to launch their claim from Austria. Only in the mid-1960s was this practice changed, as a result of the signing of the State Treaty of 1955. Article 26, Paragraph 1, imposed an obligation on Austria to return property and restore legal rights and interests which had been forcibly transferred, sequestered, confiscated, or controlled since 13 March 1938 based on the racial origin or religion of the owner.<sup>74</sup>

When looking into the files at the Austrian State Archive, we can see evidence of fierce legal battles for redress. The Hungerleider family was lucky to get at least some of their property in Vienna back, namely the house and sequestered bank accounts.

<sup>71</sup>Ilse Reiter-Zatloukal and Barbara Sauer, 'Remigration nach Österreich ab Mai 1945. Rahmenbedingungen und Karriereverläufe', in Wolfgang Schütz, Felicitas Seebacher, Hans-Georg Hofer, and Birgit Nemec, eds., *Medizin in Wien nach 1945: Strukturen, Aushandlungsprozesse, Reflexionen* (Vienna, 2022), pp. 25–46.

<sup>72</sup>Brigitte Bailer-Galanda, *Wiedergutmachung – kein Thema: Österreich und die Opfer des Nationalsozialismus* (Vienna, 1993); idem, 'Verfolgt und vergessen: Die Diskriminierung einzelner Opfergruppen durch die Opferfürsorgegesetzgebung', in Dokumentationsarchiv des österreichischen Widerstandes, ed., *Jahrbuch 1992* (Vienna, 1992), pp. 13–25; idem, "'Ohne den Staat weiter damit zu belasten ...': Bemerkungen zur österreichischen Rückstellungsgesetzgebung', *Zeitgeschichte*, 11/12 (1993), pp. 367–81.

<sup>73</sup>Lütgenau, Schröck, and Niederacher, eds., *Dorotheum im Nationalsozialismus*, p. 376.

<sup>74</sup>State Treaty for the Re-Establishment of an Independent and Democratic Austria (signed 15 May 1955), 207 UNTS 223, <https://treaties.un.org/doc/Publication/UNTS/Volume%20217/v217.pdf> (accessed 9 Mar. 2024).

The files show that they first received a rejection in 1956 due to ‘missing information’,<sup>75</sup> but then received compensation by way of appeal. Karoline Hungerleider received the bank accounts of her deceased husband back only in January 1972.<sup>76</sup> An interesting detail of the Hungerleider case is that the house was immediately restituted in 1949 – but only on the grounds that Karoline, the wife of a Viennese Jew, was Catholic and she was the owner of the house.<sup>77</sup> And if there was no atonement in the sense of restitution of property under civil law from the victims’ point of view, what about atonement under criminal law? Neither the auction house nor the cultural employees who were later to make careers in Austria – Walter Frodl is the best-known example of this<sup>78</sup> – ever stood trial for their complicity in the theft.<sup>79</sup>

So, while the Viennese returnees from Shanghai had to climb out of their train which was an unheated cattle wagon and improvise a new start in spartanly furnished flats, their furniture and carpets lay in huge warehouses in Klagenfurt, Vienna, and Trieste. They were gradually, and rather quietly, emptied, with the state auction house transferring the profits to a state account in Carinthia until 1951. In this regard, Austria compares with the behaviour of India when trying to make a profit from refugee property, as scrutinized by Shuvrati Dasgupta in her contribution to this special issue, ‘Indian women, refugees, and decolonization across India, British Malaya, and China, 1940–1953’. Such patterns show clearly the limitations of imperial dissolution and decolonization of administrative practice in post-imperial societies.

A particular obstacle to retrieving Jewish assets from the ‘Masse Adria’ loot was the fact that they were sold in an auction house, and the names of vendors were often no longer identifiable. The issue of ‘bona fide acquisition’ during a public auction posed additional difficulty: in legal terms, the Dorotheum auction house was not responsible for the looting, only for the selling.<sup>80</sup> Thus, neither the Dorotheum nor the individual who bought the object could be held liable, and so no light was shed on state law protecting companies, and the role of auction houses fostering Nazism was never engaged with. The legal hurdles over compensation and restitution from the Dorotheum were still pressing in the 2000s, with claims raised in the US courts against the auction house by Jewish owners or their descendants, e.g. *Anderman v. Federal Republic of Austria* (2003)<sup>81</sup> and *Whiteman v. Dorotheum GMBH* (2005).<sup>82</sup>

There were few Austrian post-war trials for the theft that occurred under Aryanization laws, and only two against VUGESTA officials, and these were for

<sup>75</sup>OESTA, AdR, AHF Alter Hilfsfonds 1955–1962, Fritz Hungerleider 57372, and Karoline Hungerleider, 57373.

<sup>76</sup>OESTA, AdR, AHF Alter Hilfsfonds 1955–1962, Karoline Hungerleider Abgeltungsfonds 57373.

<sup>77</sup>*Ibid.*

<sup>78</sup>Wedekind, ‘Kunstschutz und Kunstraub’, p. 158.

<sup>79</sup>A short history of Austrian post-war trials can be found here: Claudia Kuretsidis-Haider, ‘Die Volksgerichtsbarkeit als Form der politischen Säuberung in Österreich’, in Winfried Garscha und Claudia Kuretsidis-Haider, eds., *Keine Abrechnung: NS-Verbrechen, Justiz und Gesellschaft in Europa nach 1945* (Leipzig, 1998), pp. 17–24.

<sup>80</sup>Lütgenau, Schröck, and Niederacher, eds., *Dorotheum im Nationalsozialismus*, p. 405.

<sup>81</sup>*Anderman v. Federal Republic of Austria*, 256 F.Supp.2d 1098 (2003).

<sup>82</sup>*Whiteman v. Dorotheum GMBH*, 431 F.3d 57 (2d Cir. 2005).

fraud.<sup>83</sup> In Italy, on the other hand, there were several criminal proceedings for the theft that took place in Trieste, especially from Jews there.<sup>84</sup> The trials reveal, however, not so much an interest in the return of objects to victims of the Holocaust, but more in national narratives of 'belonging' and a kind of reckoning with the past by punishing collaborators. Interestingly, many women were targeted in this. These included Cecilia Villeni and Augusta Reis, who worked as interpreters in these property raids, as well as the secretary of the Gauleiter, Erminia Schellander.

In essence, Italian post-war justice in Trieste targeted three women, who had probably been born in Trieste during the Habsburg period and lived as upright citizens until the end of the Great War, and had been given low-paid jobs in the German occupation administration in the Second World War because of their language skills, and were then punished for this by Italian society. By scrutinizing these cases, we see how women in subaltern positions, as secretaries or translators, were particularly vulnerable to being targeted as traitors. The post-imperial nation-states seemed to invent new forms of criminalizing actors in order to create stable and monolingual national identities. This strategy is also highlighted in the contribution by Dina Gusejnova to this special issue, 'Loyalty and allegiance in Baltic German political thought after the First World War', which centres on the tension between pluricultural identities and monolingual nation-states.

## V

This article has shown how global refugee history can benefit from a consideration of the materiality of objects, and highlighted the relationship between citizenship/law, property, and emotions across these connected and divergent geographies of people and objects and their transnational moves. As we have seen, there is a tension between the forced mobility of people (the refugees) and the forced mobility of objects (the refugees' assets and property) where they do not actually travel together.

Is restitution or redress an answer for the emotional and material loss refugees had to endure? Since the adoption of the Austrian Art Restitution Act of 1998 prescribing the return to the original owners or their heirs of art objects from federal museums and collections (sections 1 and 2),<sup>85</sup> and following considerable pressure from Jewish organizations who were backed by the US government, and the legendary court battle in 2006 over Klimt's painting known as the 'Woman in Gold', which had to be restored to the victims, Austria has been at the forefront of a movement which understands property as creating identity. In accordance with this shift in perception, Austrian laws of redress have also been modified.

<sup>83</sup> See the trials in Vienne Municipal Archive/Wiener Stadt- und Landesarchiv (WStLA), Volksgericht, A1: Vg Vr 5640/1947, Strafsache gegen Robert Möder und andere; Volksgericht, A1: Vg Vr 1739/1948, Verfahren gegen Ferdinand Puhwein, Dr Wilhelm Zawadil und Franz Horejsi; see also a first assessment in Anderl, 'Die "Möbel- und Altwarenaktion Grüngasse" und ihre Leiter'.

<sup>84</sup> Irene Bolzon and Fabio Verardo, 'Profittatori di Guerra: I crimini contro gli ebrei nei processi della Corte d'Assise Straordinaria di Trieste (1945–1947)', *Contemporanea*, 21 (2018), pp. 533–58.

<sup>85</sup> Federal Law on the restitution of art objects from Austrian federal museums and collections, Federal Law Gazette I No. 181/1998.

A clear shift in perspective is discernible in international discussions, at least with regard to Holocaust crimes. What in 1945 was apparently of little concern to anyone, not least due to continuities in authorities and unbroken post-war careers of the beneficiaries, namely the continuing deprivation of rights and the lack of effort to give the victims back their property, as well as their dignity, has since changed. From a practical point of view, however, regaining Austrian citizenship was a difficult and protracted process, and many victims died in the course of the lengthy proceedings. Today, the opposite is the case; even grandchildren of Holocaust victims are welcome to apply for Austrian citizenship. During the first half of 2022, Austrian citizenship was granted to 8,158 people, of which 2,421 (of whom 2,396 live abroad) were granted Austrian citizenship under §58c (for survivors), which corresponds to 29.7 per cent of all naturalizations.<sup>86</sup>

Many objects have been restituted since the 'Woman in Gold' left Austria in 2006, although provenance research remains a very cumbersome business, as there is scant archival evidence for the context of the thefts. Therefore, claims are being raised to strengthen research (and staff) for retrieving such objects.<sup>87</sup> If restitution is possible, objects are handed over in public ceremonies, thus restoring – albeit belatedly – a bit of family history and dignity to survivors and their families. During an exhibition in the Jewish Museum in Vienna in 2020 on the Viennese refugees in Shanghai, the violin of Ferdinand Adler was offered back to the museum, which was a great joy for his daughter in terms of healing a wound (Figure 4). The truth is, however, that outside of exceptional cases, most of the personal property remains undiscovered and will never be restituted to its owners.

In scrutinizing Jewish memoirs and recollections, we get a glimpse of how the victims felt about their lost property. What does loss of property mean in terms of national identity, culture, etc., and what effect does restitution policy have on this? Perhaps surprisingly, it seems that it is not the loss of the large possessions and assets, in particular houses and bank accounts, which leaves the greatest wounds, even decades after the event. Identity relevance is constructed through personal belongings, such as special china, lost toys, and musical instruments, to offer just a few examples.

If we think of Else Leichter and her nightmare about leaving an untidy desk, we have a representation of being torn from one's business in the midst of work – and being able to transfer only knowledge to the new lands, not files and the recorded experience of decades. Many refugees did not cope with that symbolic loss and were never to regain a comparable professional position. Else was a transmitter of knowledge between Europe and North America, as through her exile she became a pioneer of youth welfare policy in the United States.<sup>88</sup> Long after the war, she returned to Austria, to become an honoured guest speaker and honorary citizen of Vienna.

<sup>86</sup>Press release July 2022: 'Naturalisations in the first half of 2022 plus 61%: almost 30% of the newly naturalised are descendants of Nazi victims', see [www.statistik.at/fileadmin/announcement/2022/08/20220818EinbuengerungenQ22022EN.pdf](https://www.statistik.at/fileadmin/announcement/2022/08/20220818EinbuengerungenQ22022EN.pdf) (accessed 11 Apr. 2023).

<sup>87</sup>Gabriele Anderl, 'Rückgabeabschluss – und dann? Weltmuseum Wien', in Eva Blimlinger and Heinz Schödl, eds., ...*(k)ein Ende in Sicht. 20 Jahre Kunstrückgabegesetz in Österreich* (Vienna, 2018), pp. 97–105.

<sup>88</sup>Messinger in Louis, 'A second chance in exile?', *passim*.





**Figure 4.** Violin of Ferdinand Adler at the Jewish Museum Vienna. Photo: Sebastian Gansrigler, Daniela Pscheiden and Danielle Spera, eds., *Die Wiener in China: Fluchtpunkt Shanghai/ Little Vienna in Shanghai*, catalogue of the exhibition within the Jewish Museum Vienna (Amalthea Publishing House, Vienna, 2020), p. 155.

Only then did she eventually stop having the nightmare, she admitted in a later interview.<sup>89</sup>

The process is ongoing. Recently, paintings from the ‘Masse Adria’ loot have been identified and restitution is underway. These items were only identifiable as they showed family portraits – and those had been excluded at the time from the Dorotheum auctions. Invitations to Vienna and letters from the government issued to survivors’ families constitute another tool of redress.

By scrutinizing the musical objects of Ferdinand and Fritz and their circulation, these two examples have sketched a wide geography of dissolution, focusing on how Nazi Germany reclaimed the Habsburg (seen as ‘old Austria’) legacy to claim Jewish property. The article has further highlighted the tensions between the Nazi and fascist Italian empires during the war over claims to this landscape of property; and has shown, finally, how the post-imperial Austrian nation-states cheated the former Jewish citizens of the Habsburg empire by failing to give them back citizenship, property, and belonging – a failure that has only very slowly begun to be overcome through transnational legal action.

On another level, we see through this lens the failures of post-imperial nation-states to ensure the well-being of people who had become refugees as a result of their predecessor’s state policy. Post-imperial Austria may thus be compared here with

<sup>89</sup>Thank you for pointing this out to me, Irene Messinger, ‘Interview with Else Leichter. Personal correspondence, Messinger to author, 3 May 2022’.

the post-colonial Indian state and the Kuomintang state in Taiwan.<sup>90</sup> This study has also shown the agency of refugees in addressing these failures through various forms of political and legal collective action, until a gramophone or a violin was returned to its rightful owner, thereby centring refugee voices and polis in the very long story of post-war resettlement.

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<sup>90</sup>See Milinda Banerjee, 'The partition of India, Bengali "new Jews", and refugee democracy: transnational horizons of Indian refugee political discourse', *Itinerario: Journal of Imperial and Global Interactions*, 46 (2022), pp. 283–303; Rana Mitter, 'Relocation and dislocation: civilian, refugee, and military movement as factors in the disintegration of postwar China, 1945–49', *Itinerario: Journal of Imperial and Global Interactions*, 46 (2022), pp. 193–213.

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