

DEALING WITH JEWISH CULTURAL PROPERTY IN POST-WAR POLAND[†]

Nawojka Cieślińska-Lobkowicz*

INTRODUCTION

In December 1998, 44 countries signed the Washington Principles under which they agreed to examine public museums, libraries and archives and to conduct a thorough search for objects looted by the Nazis during the Second World War. The agreement contained in the Washington Principles stated that those assets of public collections, whose wartime provenance was doubtful and possession of which could have been a result of Nazi persecution, should be published and their pre-war owners or their heirs should be sought. The agreement also obliged the institutions to seek a 'just and fair' settlement with owners or heirs who were known or could be found.

Over the last decade, the Washington Principles have been put, more or less successfully, into practice in the United States and several western European countries, and also in the Czech Republic. The chosen methods and activities, as well as the results of this process, are specific to each country and cultural institution, and as a result have been differently evaluated in the various international scientific and popular publications that have dealt with these matters over the years.

Apart from the moral, political and legal importance of provenance research and restitution practices, one notable consequence of the Washington Principles is that, in all of the countries involved, the research inevitably led to revelations about forgotten or suppressed chapters of the history of the Second World War in general and of the Holocaust in particular.

In this respect, there is a noteworthy absence of historical and provenance research concerning Jewish movable cultural property looted during the Second World War in the eastern European countries, where Jews suffered the most severe oppression: Poland, Ukraine, the Baltic States and Russia. Although the governments of these countries signed the Washington Principles, their cultural institutions have done very little to put them into practice.

† This article is based on a lecture on the subject given by the author at the conference 'Jewish Cultural Treasures after the Holocaust. Restitution and Relocation' at the Jewish Museum Berlin, 24-25 January 2009.

* Polish art historian, freelance journalist and provenance researcher. Author of numerous papers and articles on the history of Nazi plundering and on restitution subjects in Polish and international publications and press.

In the case of Poland, the Washington Principles were used mainly as a political instrument in the effort to restitute cultural assets stolen by the Nazis during the Second World War from Polish public collections that were located abroad.¹ What is missing from this effort in particular, is the knowledge concerning the cultural assets of Polish Jews looted and destroyed during that time, and post-war attempts in Poland to find these assets and return them to the owners or their heirs. The body of discovered historical facts and of known restitution cases is rather small.

The following article which attempts to deal with this somewhat neglected subject, contains three parts, each dealing with a different historical period. The first part is background information, a short and very general outline of the situation of Polish Jewry before the outbreak of the Second World War. The second part describes, again in brief, the Nazi criminal policies against cultural property in occupied Poland and the special situation of Jewish cultural property in this respect. The last part attempts to describe how the saved Jewish cultural property was treated in Poland in the early post-war years, during the first wave of the restitution process (which was largely abandoned in the early 1950s).

BEFORE THE SECOND WORLD WAR

In 1939 nearly 3.5 million Jews lived in Poland, approximately 10 per cent of Poland's total population at the time.² For at least 75 per cent of Polish Jews the first language was Yiddish.³ The great majority of Polish Jewry lived in towns. In the bigger cities they usually constituted at least one third of the inhabitants. More than 380,000 Jews lived in Warsaw (it was then the largest Jewish community in the world), 230,000 in Łódź, 60,000 in Cracow and 42,000 in Lublin.⁴ In the smaller towns of central, eastern and southern Poland this percentage was even higher, with 19,000 Jews in Rzeszów: 47 per cent, 25,000 in Tarnów: 48 per cent, and 7,000 in Oświęcim: 58 per cent. In the so-called shtetls, the percentage reached over 60-70 per cent of the population (for example Pińczów and Działoszyce, in 1939 each had 3,500 Jews). The great majority of Polish Jews were relatively poor, living from small trade (well over 80 per cent were tailors, shoemakers, merchants and pedlars). In the bigger towns they lived mainly in the traditionally Jewish districts that arose from the former ghettos.

1 See the website of the Polish Ministry of Foreign Affairs: <www.msz.gov.pl/odzyskane,dziela,sztuki,17704.html>.

2 The given general data and numbers concerning Jewish population in Poland are based on the different current publications on this subject.

3 Jacob Apenszlak (ed.), *The Black Book of Polish Jewry. An Account of the Martyrdom of Polish Jewry Under the Nazi Occupation* (New York, 1943), p. 297. Also Dieter Pohl, *Nationalsozialistische Judenverfolgung in Ostgalizien 1941-1944. Organisation und Durchführung eines staatlichen Massenverbrechens* (München, 1996), p. 24.

4 The smaller numbers and lower percentage of Jewish inhabitants in Polish towns were characteristic only in the western part of Poland that, before 1918, was part of Prussia.

However, this was no longer the case among the wealthier Polish Jews who had moved to the more elegant and prestigious town quarters. Since the second half of the nineteenth century, the emancipated Jews played a steadily growing role in Polish economy, culture and science. As in Germany and other western European countries, a part of Jewry followed the path initiated by the Haskala movement, leaving behind the traditional way of life of the Jewish diaspora for the modern model of Jewry, entering formerly unavailable professions, practising reformed Judaism or assimilation, some becoming members of the Polish upper middle class (the Großbürgertum).

In the last years before the Second World War in Poland, Jewish-owned enterprises employed a large proportion of the industrial workforce. Jews played an important role in finance and banking, in transport and modern, industrial-age trade. Twenty per cent of students in Polish universities were Jewish. At least 6 per cent of the Jewish population entered free professions and became scholars, physicians, lawyers, journalists, publishers, writers, musicians, artists and politicians. Some devoted themselves to Jewish traditions, others chose the Polish cultural path, often joining both currents. In any case, modern culture was a very important field of their activity. Publishing houses, the press and the film industry in Poland were to a large extent Jewish-owned. The art market and bookshops were also their domain. This development was very dominant in Warsaw, but also in Cracow, Łódź and other bigger cities. When one is aware of this, it can be easily understood why before the Second World War there were in Poland on the one hand hundreds of synagogues, prayer houses, cheder schools, yeshivas with their religious books and ritual objects, often of great historical and artistic value (not to mention pinchassei kehilot and other archives of Jewish communities). On the other hand, there were numerous libraries, owned by various Jewish secular organisations and by private individuals. Important Jewish art collectors were known as generous donors and lenders to public galleries and museums, or as patrons of both Jewish and Polish artists.

Let me end this introductory part with a few numbers, examples and names.⁵

Between the First and Second World Wars 2,560 Jewish religious schools in Poland (in Warsaw alone there were 300 cheders – religious elementary

5 The given data and numbers are based on, above all: Apenszlak, above, note 3, pp. 280-313; 'Tentative List of Jewish Cultural Treasures in Axis-occupied Countries' [by Commission on European Jewish Cultural Reconstruction] (New York, 1946); Charles Estreicher: *Cultural Losses of Poland. Index of Polish Cultural losses during the German occupation 1939-1944* (London, 1944) (reprint K. Estreicher: *Straty kultury polskiej pod okupacją niemiecką wraz z oryginalnymi dokumentami grabieży*, Kraków 2003); Barbara Bieńkowska, *Informator o stratach bibliotek i księgozbiorów domowych na terytoriach polskich okupowanych w latach 1939-1945* (Poznań, 2000). Also Edward Chwalewik, *Zbiory polskie. Archiwa, biblioteki, gabinety, galerje, muzea i inne zbiory pamiątek przeszłości w ojczyźnie i na obczyźnie* (Warszawa, 1926), t 1-2. [reprint Kraków, 1991].

schools) had collected in their libraries about 250,000 volumes. The secular Jewish *Tarbut* (Culture) Society established a network of 425 public libraries with a total of 290,000 books in various languages; the Kultur-Lige for evening courses for workers had 264 libraries, Shulkult and other Jewish cultural organisations owned many hundreds of libraries. There were at least 251 bigger libraries (containing more than 1,000 volumes) with a total of 1,650,000 volumes. It is worthwhile mentioning some important libraries that existed on the territories of contemporary Poland (i.e. excluding Wilno and Lwów). Of the public libraries, were: the greatest of them, the Central Library of Judaic Studies of the Great Synagogue on Tłomackie Street in Warsaw (40,000 volumes)⁶, one of the oldest: the Ezra Library of the Cracow Jewish community (6,000 volumes)⁷; one of the most modern, the Borochow Library in Łódź, the Sholem Aleichem library in Białystok (46,000 volumes) and the famous ‘Sages of Lublin’ Yeshiva (32,000 volumes).⁸

Some important libraries were owned by private individuals, for example, in Warsaw, by professors Majer Bałaban (5,000) and Mojżesz Schorr (3,000), the poet Julian Tuwim (12,000), the linguist Max Weinreich (8,500) or the industrialist Leopold Wellisz (11,000), not to mention famous Jewish booksellers and great bibliophiles of Świętokrzyska Street in Warsaw and Szpitalna Street in Cracow where Himmelblau, Seiden and Taffet resided.

Judaica objects were mainly collected by private individuals, for example, Mieczysław Zagajski, Marek Reichenstein, Samuel Goldflamm, Benjamin Mintz.⁹ The most famous among such collectors was Maksymilian Goldstein in Lwów, who even opened his collection to the interested public.¹⁰ The oldest Jewish museum in Poland existed at the Warsaw Jewish Community House since 1905, thanks to Mathias Bersohn’s donation, after whom it was named. Before the Second World War, at least a thousand art objects were assembled there, among them paintings by Jewish artists, ritual objects, manuscripts and incunabula. During the 1930s, Jewish communities in Cracow, Lwów, Wilno and Łódź also began to collect Judaica for the already founded or planned museums.

Among passionate art collectors, to mention just those of Warsaw, were Leopold Wellisz, Edward Natanson, Stanisław Meyer, Franciszek Goldberg-

6 “Altogether there were in Warsaw 50 Jewish libraries with a total of 263,336 volumes“ : Apenszlak, above, note 3, at p. 300.

7 According to Apenszlak , above, note 3, at p. 301: “the Ezra and the I.I.Peretz libraires in Cracow had 20,000 volumes“.

8 See also Jacqueline Borin, ‘Embers of the Soul: The Destruction of Jewish Book and Libraries in Poland during World War II’ *Journal of Library History, Libraries and Culture* 1993 No. 4, pp. 445-460.

9 See above, note 5.

10 Maksymilian Goldstein, Karol Dresdner, *Kultura i sztuka ludu żydowskiego na ziemiach polskich. Zbiory Maksymiliana Goldsteina*(Lwów, 1935) [reprint Warszawa, 1991].

Górski, Ludwik Bryndza-Nacki, Leopold Kronenberg, Andrzej Rotwand and Bronisław Krystall. They collected mainly paintings by famous Polish and Polish-Jewish artists.

Professor Stanisław Lorentz, the legendary director of the National Museum in Warsaw, used to recall that in 1937 when he appealed for art gifts and donations for the newly opened Museum building, he expected a response above all from the Polish aristocracy which, however, remained indifferent, in contrast to Jewish collectors, especially the generous Bronisław Krystall.¹¹

A short time before or after the outbreak of war on 1st September 1939, several collections, mainly Jewish, were deposited or hidden in Warsaw's National Museum. Jewish owners, among them Krystall, would arrange with the director Lorentz, that the objects were pro forma gifts to the museum, or their provenance was falsified.¹²

Last but not least one has to mention many works of art owned by their authors from a great number of Jewish contemporary artists in Poland and by their organisations with the leading Jewish Art Society which had its branches in Warsaw, Cracow, Lwów, Białystok, Radom, Wilno, Łódź and Katowice.¹³

WARTIME YEARS 1939–1945

From the very beginning of the war against Poland, already during the Wehrmacht's *Blitzkrieg* and then under the military administration, the Nazi regime totally ignored the Hague Convention of 1907 concerning the Laws and Customs of War on Land. The invaders destroyed and plundered historical and religious sites, buildings and monuments with brutal force, looting valuable objects and cultural treasures, making no difference between State, public or private property and – at least during the first weeks of the occupation – between Jewish and non-Jewish possessions.¹⁴

The territory of the Polish State that was initially occupied by Germans did not include its eastern provinces, with their most important cultural centres, Wilno and Lwów. These provinces were taken over by the Soviet Union on 17th September 1939. The Nazi-occupied part of the country was divided into

11 Janusz Miliszkiwicz, 'Tropiciiele i miłośnicy poloników', *Rzeczpospolita* Nr 152 z 01.07.2008, p. 14.

12 See remark of Michał Walicki, the pre-war custodian of the museum who worked there also during the occupation in: Władysław Tomkiewicz (ed.): *Straty kulturalne Warszawy*, (Warszawa, 1948), p. 139.

13 Apenszlak, above, note 3, at p. 312; also Jerzy Malinowski, *Malarstwo i rzeźba Żydów polskich w XIX i XX wieku*, (Warszawa, 2000).

14 Lynn H. Nicholas, *The Rape of Europa* (New York, 1995), pp. 57-80; Nawojka Cieślińska-Lobkowitz, 'Die Bewahrung des nationalen Kulturgüters als Aufgabe und Ziel des polnischen Widerstands' in Uwe Hartmann (ed.): *Kulturgüter im Zweiten Weltkrieg. Verlagerung-Auffindung-Rückführung*, (Magdeburg, 2007), pp. 49-78; Wojciech Kowalski, 'Die Restitution der kulturellen Kriegsverluste Polens', *ibid.*, pp. 235-239.

the so called *Generalgouvernement* GG (Central Poland with Warsaw and Cracow), which, after the German invasion of the Soviet Union in July 1941, was enlarged by the south-eastern district including Lwów, and the territories that were directly annexed into the Third Reich (*eingegliederte Ostgebiete* - western and northern part of Poland). These provinces were partly incorporated into the existing German provinces, and partly established as new entities. Among the new entities the Warthegau with Poznań (Posen) as its capital and Łódź was the biggest of all the provinces of the Third Reich.

The special looting unit, *SS Einsatzkommando Paulsen* (for the so-called *Sicherstellung der Deutschen Kunst- und Kulturhistorischen Denkmälern* securing the German Art and Cultural Monuments) was set up by Himmler and began its operations in Poland on 23rd September 1939. On 9th October Göring appointed Kajetan Mühlmann as the *Sonderbeauftragter für die Erfassung und Sicherung der Kunst- und Kulturschätze im Generalgouvernement* (Special Plenipotentiary for the Registration and Securing of Art and Cultural Treasures in the GG). On the basis of *Schutzmaßnahmen für kulturgeschichtliche Denkmäler in Polen* (safety measures concerning cultural-historical monuments) of 9th October all property of private persons and institutions that were deemed to be enemies of the German Reich were to be confiscated.

On 19th October, Göring established the *Haupttreuhandstelle-Ost HTO* (Main Trusteeship Office East), with its headquarters in Berlin, as an instrument for pillaging the annexed Polish territories. The HTO operated with regional branches: Poznań (Posen) – for the Warthegau; later also in Łódź (renamed Litzmanstadt in 1940), in Gdańsk (Danzig) – for the Reichsgau Westpreußen (Pommerania), in Katowice (Kattowitz) – for Upper Silesia. The HTO was entitled to locate, register and confiscate the property of both Poles and Jews, to administer, exploit, use, and finally to trade the looted goods.¹⁵ On 15th November a decree provided for the seizure of all property of the former Polish State in the GG. A similar decree for the annexed territories came into force two months later. With effect from 1st December 1939, the HTO was entitled to seize art works both in the annexed territories and in the GG (a special branch of HTO was opened in Cracow).

The same decree established an office of the *Generaltreuhänder für die Sicherstellung deutschen Kulturgutes in den eingegliederten Ostgebieten* (General Trustee for Securing German Cultural Goods in the incorporated Eastern Territories).

It was led by SS-Sturmbahnführer of the *Forschung- und Lehrgemeinschaft – das Ahnenerbe* (SS- Research and Teaching Community – the Ancestral

15 Jeanne Dingell, 'The Haupttreuhandstelle Ost. The Treuhandstelle Posen and the Expropriation of Property During World War II', *Studia Historiae Oeconomicae* Vol. 24, (Poznań, 2001), pp. 111- 137.

Heritage), prof. dr. Heinrich Harmjan, and operated on the basis of closest collaboration with the different organisations of the Nazi security police: Gestapo, SS and SD. On 16th December there followed a GG-decree on the Confiscation of Art Objects, including works of art owned by private persons and those owned by the Church, which were considered as ‘public property’ (*öffentlicher Besitz*).¹⁶ Such objects had to be registered by Mühlmann’s office. The special policies regarding works of art and other valuable objects owned by Jews were then implemented. If such objects were not registered by their Jewish owners, they were confiscated as ‘ownerless’ property’. If they were registered, they were confiscated according to the anti-Jewish Nazi legislation that had been already in use in the Reich and was further elaborated into the so-called ‘*Endlösung der Juden Frage*’ (‘Final Solution of the Jewish Question’).¹⁷

Here, I would like to stress an important point. Contrary to the procedure in the German Reich and the occupied countries of western and central Europe (including Czechoslovakia and Hungary), in Poland and, up to July 1941, in the newly occupied eastern territories, the Nazis purposefully destroyed and looted not just Jewish and ‘enemy’ property but to a high degree also State, communal as well as private property owned by non-Jews. Apart from the economical dimension of ruthless exploitation, these activities had an ideological purpose: the destruction of Polish culture together with the annihilation of Polish intelligentsia (teachers, priests, free professions and so on), as well as forced resettlement of large groups of Polish society served the Nazi aim of enslaving all Poles and using them as merely cheap labour in the grand plan of conquest.¹⁸ However severe the oppression and exploitation of the general populace of the occupied Polish regions, it was not a planned genocidal-type expropriation and extermination of an entire community, as in the case of the Jewish citizens.

Very quickly the situation of the Jews became – also with respect to the property issue – much worse than that of the majority of Poles. They faced the draconian Nazi legislation even before they were forced to move to enclosed ghettos. They had to abandon their possessions on the so called ‘Aryan side’. They were completely defenceless in the face of the common and matter-of-

16 This consciously unclear and broad category let the Germans ‘legally’ confiscate everything they wanted to steal. See §2 and §3 of the GG-Decree from 16 Dec. 1939 in: Stanisław Lorentz (ed.), *Walka o dobra kultury. Warszawa, 1939-1945* (Warszawa, 1970), vol. 2, pp. 416-417.

17 See, for example, ‘Descriptive Catalogue of Looted Judaica. Historical Background’, on the website of Claims Conference against Germany (www.claimscon.org).

18 Here and further, I use the term ‘Poles’ for non-Jewish Polish citizens. One has to add that in the annexed territories the general situation of Poles was much worse than in the GG. In 1940, hundreds of thousands of both Poles and Jews were expelled to GG from Warthegau, which was to be fully germanised in ten years. The refugees could take with them only basic things. It was strictly forbidden to take any valuable objects.

fact robbery carried out by various Nazi functionaries. More often than not, they could not rely on the Polish population which was deeply anti-Semitic, hostile, and often willing to benefit from their expropriation. In addition, they had to fear encounters with so called “szmalcownicy” who would blackmail and denounce Jews for profit.

It is quite difficult to estimate which proportion of Jewish (public and private) property in Poland, especially cultural assets and valuable objects, was completely destroyed, and which part was looted or robbed by the Germans and taken to the Reich. Altogether it must have been an enormous amount and certainly the prevailing majority of the Jewish cultural possessions.

The process started in 1939 with the initial destruction caused by the Wehrmacht military operations during the Blitzkrieg offensive (for example the bombarding of the Świętokrzyska quarter in Warsaw, where several well-known Jewish art galleries and bookshops went up in flames). Then came the systematic destruction of hundreds of synagogues, yeshivas and other schools with their Torah scrolls, rabbinical books and liturgical objects. Often the buildings were set on fire by special arson squads (*Brennkommandos*) that also acted during Jewish holidays.¹⁹

How it happened in the famous ‘Sages of Lublin’ Yeshiva and its library, was proudly reported by the *Frankfurter Zeitung* of 28th March 1941:

For us it was a matter of special pride to destroy the Talmudic Academy ... that was known as the greatest in Poland.... We threw the huge Talmudic library out of the building and carried the books to the market-place, where we set fire to them. The fire lasted twenty hours. The Lublin Jews assembled around and wept bitterly, almost silencing us with their cries. We summoned the military band, and with joyful shouts the soldiers drowned out the sound of the Jewish cries.²⁰

The part of the Lublin Yeshiva library that had not been burnt (about 23,000 volumes) was removed to the Łopaciński library which served as a store for confiscated books and libraries that according to the directives of HTO and *Reichssicherheitshauptamt* RSHA (Reich Security Head Office) could be useful for so-called Jewish studies.²¹ Books considered worthless were pulped; this happened for example to almost 100 per cent of the libraries belonging to the Tarbut Jewish cultural organisation. In Cracow, a storage for confiscated goods was established in the new building of the Jagiellonian University’s

19 Borin, above, note 8, at p. 447. Compare for example Estreicher, above, note 5; Bieńkowska, above, note 5

20 Borin, above, note 8, at pp. 447-448.

21 Bieńkowska, above, note 5, at p. 167

Library, where at least one half of the above-mentioned Ezra library, partly books from confiscated bookshops, other public and private Jewish libraries and also several Torah scrolls of the famous tzaddik from Bobowa were assembled.²² Many Jewish libraries from Łódź were relocated to Poznań and hidden in a storeroom that was arranged in the closed St Michael's church.

The Warsaw Central Judaic Library at Tłomackie – together with a smaller amount of books from Warsaw's Borocho library – was in 1939/1940 transferred by the Kommando Paulsen to Berlin to the RSHA, because "it will be in the best way used by the security police to fight against the Jewry".²³ Jewish books were sent also to German institutions in occupied Poland like the *Reichsuniversität* (Reich University) in Poznań/Posen,²⁴ the *Institut für Deutsche Ostarbeit* (Institute for German Eastern Studies) in Cracow and a branch of the Frankfurt *Institut für Erforschung der Judenfrage* (Institute to Study the Jewish Question) in Łódź/Litzmanstadt.

On this occasion I will not be detailing the invader's activities in the former eastern territories of Poland (in today's Ukraine, Lithuania, and Belarus) save a mention of the special looting unit of Nazi Foreign Political Office – *Einsatzstab Reichsleiter Rosenberg* ERR which, after the invasion of the Soviet Union in 1941, pillaged Jewish property.

The fate of books in ghettos was even more tragic. It is estimated that, after the Warsaw Ghetto Uprising fell in 1943, about half a million books remained in the ruins of the destroyed Jewish district. Wilhelm Witte, the German director of the Staatsbibliothek Warschau (comprising a few important scientific pre-war libraries of Warsaw), asked the SS-authorities in vain for permission to collect books scattered throughout the ruins of the ghetto to the Great Synagogue library building which by that time was still undamaged.²⁵ Earlier, between 1940 and 1942,²⁶ Witte had succeeded in receiving a considerable quantity of books which had been seized from Jewish bookshops and lending libraries as well as from private apartments outside the ghetto. He placed

22 *Ibid.*, at pp. 128-129. See also Edward Kuntze, 'Dzieje Biblioteki Jagiellońskiej pod okupacją niemiecką w okresie od 1 września 1939 do 18 stycznia 1945 r.' in Andrzej Mężyński, Hanna Łaskarzewska (eds), *Biblioteki Naukowe w Generalnym Gubernatorstwie w latach 1939-1945. Wybór dokumentów źródłowych*, (Warszawa, 2003), pp. 286 -287.

23 Andrzej Mężyński, 'Die judaistische Bibliothek bei der Großen Synagoge in Warschau und das Schicksal der Bücher aus dem Warschauer Ghetto' in Regine Dehnel (ed), *Jüdischer Buchbesitz als Raubgut*, (Frankfurt/M, 2006), p. 91.

24 400,000 volumes according to the *Frankfurter Zeitung* of 7 Mar.1941; after Apenszlak, above, note 3, p. 300.

25 Mężyński, above, note 23, at pp. 92-93.

26 Staatsbibliothek Warschau selected few thousand volumes from looted Jewish books, that were assembled in the Simons- and Luksemburg Passages. Other books of Jewish owners were taken directly from the emptied apartments of the persecuted persons; that was one of the most difficult and sad duties the Polish librarians had to perform, under German security police supervision. See Edward Assbury, *Losy księgozbiorów warszawskich zabezpieczonych w BN w latach 1940-1944*, Lorentz, above, note 16, vol. 1, p. 267 *et seq.*

them in the Staatsbibliothek Warschau, where he even established a special department for 'secured' books.²⁷

Books abandoned in the destroyed ghetto area were dispersed, allowed to decay, or were buried under the ruins.

As far as Judaica are concerned, ritual objects made traditionally of silver, were at first sent to various storage locations: in Lublin – to the Castle; in Warsaw – mainly to the Luksemburg- and Simons passages,²⁸ less often to the National Museum (which during the occupation was renamed as Stadtmuseum, and was closed to the public),²⁹ in Toruń – to the Municipal Museum and then, usually, on to Berlin. There, the *Städtische Pfandleihe* (City Pawnshop) sold the artistically valuable objects; the remainder was melted for scrap.³⁰

In 1940 the Bersohn's Judaica Museum at the Warsaw Jewish Community was seized, as was the small Judaica collection of the Warsaw National Museum.³¹ In Łódź, at the end of 1940, by the time the huge Jewish population of the city was finally relocated from their homes and locked up in the enclosed ghetto, the Nazis had gathered such a tremendous amount of Judaica and other valuables that they used to sell them there and then (to Germans) instead of sending all that plunder on to Poznań or Berlin.³²

Similarly, an excess of looted valuables was accumulated in all the emptied ghettos throughout Poland when, in 1942 and 1943, the Jews were deported to extermination camps.

After 25,000 Jews from the Rzeszów ghetto in south-eastern Poland had perished in the Bełżec extermination camp, the Polish director of the small local municipal museum, who had obtained a permission to enter the storage rooms with looted assets, wrote in his diary (entry dated 28th November 1942):

Everything that was interesting was sent away. Only scrap was left, which moreover was thrown on a heap and so destroyed, that it was very difficult to find anything [for the museum-ncl]. These

27 *Ibid.*, pp. 266-269.

28 Estreicher, above, note 5, at p. 403 [reprint p. 452].

29 See Magdalena Sieramska: 'Z problematyki wojennych strat żydowskiej sztuki kultowej', *Cenne Bezcenne Utracone* Nr 2 (14) 04 1999 p. 8; according to the e-mail information of the current registrar of the Warsaw National Museum, Ms Lidia Karecka to the author, only a single transfer (27 Jan. 1943) of altogether 85 listed positions of Judaica and Hebrew books is documented in the Museums' archive.

30 The money gained, except 10% as a provision for the pawnshop, was sent to the HTO. See Norbert Szuman, 'Grabież dóbr kultury polskiej w ramach działalności Generalnego Powiernika dla zabezpieczenia niemieckich dóbr kultury na wschodnich terenach przyłączonych', *Biuletyn Głównej Komisji Badania Zbrodni Hitlerowskich* IV, 1948, pp. 200-201.

31 About 300 Judaica items of the National Museum: see Tomkiewicz, above, note 12, at pp. 184-185.

32 Szuman, above, note 32, at pp. 217-218.

Germans are strange. On one hand they are laborious, economical, respect things. But in the case of remaining Jewish assets they are possessed by the devil of destruction. What an amount of objects was destroyed! The predilection of Jews for silver is well known. They had many such objects, also very ancient ones. Everything was broken and sent away for melting. And how many pieces of furniture and paintings were destroyed!³³

In one of the Łódź archives, I found part of the two registers of paintings confiscated from Jews when they had to move to the ghetto before 1st May 1940.³⁴ The last preserved numbers of looted works on these two lists are: 4,264 and 10,333.³⁵ Confiscated paintings were registered and stored in the building of the municipal museum directed by Walter Frenzel who was also the representative of the Harmjanz' SS-Office in Berlin.³⁶ Listed among them were works of many well-known Polish and Jewish artists.

While owners of the listed objects were not named, one could discover initials indicating a valuation code, such as: MJ – *Malerei Jüdisch* (Jewish painting), EK – *Entartete Kunst* (degenerate art), *musemswürdig* (museum quality), V – *verkauft* or *verliehen* (sold or lent).

Late in 1940, in Cracow, there was an auction of many Polish paintings of considerable value confiscated from well-known Jewish Cracovian collectors.³⁷ According to the underground authors, 'anonymous by necessity', of the book *The Nazi Kultur in Poland*, published in London in 1945, but written in 1942 (still before the liquidation of the Warsaw ghetto), in Warsaw, "the confiscation of collections belonging to persons of Jewish origin would require a chapter to itself".³⁸ The Nazi-confiscated works of art (for example, Rotwand's) were sometimes gathered in the storage of the then Stadtmuseum Warschau where they were laid down close to the collections deposited and hidden there by their Jewish owners (for example, Goldberg-Górski, Krystall).³⁹ Several

33 Franciszek Kotula, *Diariusz muzealny*, (Rzeszów, 1999), p. 31.

34 Jews could take to the ghetto only a very few basic goods. The confiscated movable property, mainly gold and jewellery, had to be sent to Berlin. According to the register from 16 June 1940, 160,000 people inhabited the Łódź ghetto at that time. All the objects belonged to Jews seized after 1 May 1940 had to be sent immediately (according to the 23 Oct. 1940 regulation) to the Ghetto Verwaltung (headed by Hans Biebow), which became a part of the HTO on 16 Mar. 1942. Towards the end of 1942, the decision was broadened to include the entire movable property from all liquidated ghettos in Warthegau. See Krystyna Radziszewska (ed), *Tonąca Łódź (lata 1939-1945)/ Das sinkende Boot (der Zeitraum 1939-1945)*, (Łódź, 2002), pp. 56-59.

35 Archiwum Muzeum Sztuki w Łodzi.

36 According to the Berlin Hermjanz' and Sievers' report from 28 Oct. 1940, there were 3,530 paintings, see Szuman, above, note 32 at p. 195.

37 Estreicher, above, note 5, at p. 55 [reprint p. 104].

38 *The Nazi Kultur in Poland. By several authors of necessity temporarily anonymous*. Written in Warsaw under the German Occupation and published for the Polish Ministry of Information by His Majesty's Stationery Office, London 1945, p. 112.

39 Tomkiewicz, above, note 12, at p. 139. According to Walicki no complete registers of such

famous Warsaw collections mentioned above were bombed, burned and looted (Kronenberg, Natanson, Meyer, Bryndza-Nacki, Reicher).⁴⁰ Some survived only in part or were dispersed (Goldberg-Górski, Rotwand, Krystall).

A similar fate applied to the bibliophile collections and art works belonging to galleries of art and antiquities owned by Jews (the equivalent of Kunstantiquariat), which, as early as 1939, were dissolved or ‘aryanised’, for example the one in Cracow owned by the famous collector Abraham Stieglitz, taken over by the Nazi Dutchman Hans Peter Menten (*kommissarische Treuhand* commissary trustee).⁴¹ In Warsaw several galleries, for example the Dom Sztuki or the Antykwariat Artystyczny, became the property of Polish employees of the Jewish owners who either succeeded in leaving Poland before the out break of war or were sent to the ghetto, as was the owner of Antykwariat, I. Reingewirc.⁴²

Here we enter a less explored chapter of Polish history during the Nazi occupation: the attitude and behaviour of the Polish population in face of the Nazi persecution of Jews, in our case especially toward their property.

How did Poles treat Jewish property left on the ‘Aryan side’ when its owners were expelled to the ghettos? And what did they do when it had to be sold through Polish middlemen to permit its owners to survive in the ghettos or to remain in hiding on the ‘Aryan side’? And, finally, what happened to the abandoned, ‘ownerless’, property after its owners were exterminated? Until recently such questions were absent not only from the public dialogue in Poland but even among Polish historians.

The ‘szmalcownicy’, Poles who denounced or blackmailed the Jews in hiding, were considered a marginal phenomenon. Many bitter reminiscences of Jewish survivors concerning the criminal treatment of their property by Polish co-inhabitants were for a long time unknown in Poland, then treated (often until now) as a ‘typical Jewish anti-Polonism’. This taboo and half a century of silence on the subject was broken recently by the historian Jan Tomasz Gross in his two much-debated books: *Neighbours* (2000) and *Fear* (published in the US, 2006, and in Poland, 2008).⁴³

items had been made, *ibid.*, p. 135. The same concerned hidden Jewish deposits and objects secured during the war in the museum in conspiracy.

40 Estreicher, above, note 5, under: Warsaw. Also Krystyna Sroczyńska, ‘Straty wojenne w dziedzinie nowoczesnego malarstwa i rzeźby polskiej’, *Zeszyty Naukowe UJ. Opuscula Muzealia* 1994 (wersja internetowa: <www3.uj.edu.pl/Muzeum/artykuly/straty-wojenne.htm>).

41 See above, note 88.

42 Sławomir Bołdok, *Antykwariaty artystyczne, salony i domy aukcyjne* (Warszawa, 2004), pp. 312 and 361.

43 Jan Tomasz Gross, *Sąsiedzi*, (Sejny, 2000) (English edition: *Neighbors: The Destruction of the Jewish Community in Jedwabne*, (Poland, 2002)); *idem*, *Fear: Anti-semitism in Poland after Auschwitz*, (New York, 2006); Polish version: *Strach. Antysemityzm w Polsce tuż po wojnie*, (Kraków, 2008).

In these publications, Professor Gross describes how already during the occupation a great part of the Polish population appropriated whatever Jewish property had been confiscated and then abandoned by the Germans or anything that had been hidden from Germans, both real estate and movable goods. Gross emphasises two aspects of this phenomenon. First, to a great extent, it concerned the lower classes of Polish society. Secondly, the value of the property taken over or stolen by Poles was often very modest, because the majority of expropriated Jews were poor, although less poor than their Polish neighbours. New research, especially by Jan Grabowski, proves that the Gross thesis idealises the better educated and wealthier stratum of Poles.⁴⁴ Thinking about Jewish cultural assets, I would risk saying, that the differences of attitude to the coveted ‘orphaned’ property and ultimately its fate depended on the recognition and estimation of value, and on the circumstances under which the objects were taken into possession (shameless plunder by the mob versus ‘civilised’ and discreet appropriation by the ‘better class of society’), not to mention cases of open collaboration with the Nazi regime in this field, which were condemned and boycotted by the majority of Polish intelligentsia.⁴⁵

However, one common factor, stressed by both authors, can be recognised beyond doubt: the inclination that existed before the war, to exclude Jews from Polish society grew radically during these years of occupation and unrelenting oppression. This attitude undoubtedly facilitated mass appropriation of all abandoned Jewish property, whether or not it was in poor condition, silverware of little value, a prosperous company or a precious painting. Enough proof of this can be found when analysing the story of Warsaw’s art market prior to the Warsaw Uprising of 1944. Even what we already know about it shows that it was especially feverish during the years 1942-1944.⁴⁶ The reason for that art market fever is obvious: the extermination of the Warsaw ghetto. All newly established art and bookshops that replaced the dissolved Jewish ones profited from their connections to the ghetto. The decisive question is which of these enterprises was fair (whatever that could mean under such circumstances) towards the Jewish art owners who were locked up or in hiding and which and to what extent abused their hopeless situation.⁴⁷

The historian Emanuel Ringelblum in his *Oneg Szabat* ghetto archive, which was found after the war, described in a tragically exact way the Jews awaiting

44 Jan Grabowski, *Ja tego Żyda znam. Szantażowanie Żydów w Warszawie 1939-1943*, (Warszawa, 2004), idem, ‘Polscy zarządcy powierniczy majątku żydowskiego. Zarys problematyki’, *Zagłada Żydów. Studia i materiały* No. 1:2005, pp. 253-260.

45 For example, musicologist Ramułt, who was the *Treuhänder* (trustee) of Jewish bookshops and lending-libraires, see: Assbury, above, note 26, at p. 267.

46 Bołdok, above, note 42, at pp. 166-175, *ibid.* *Słownik antykwariatów, salonów i domów aukcyjnych*, pp. 183-432.

47 There were several art- and antique-shops condemned by the Polish underground because of their scandalous behaviour towards Jews. In between, there existed a wide ‘grey zone’, that is still waiting to be researched.

their extermination like “the deceased on holidays”. Ironically, this seems to sum up the widespread attitude of the Polish population towards Jewish property.⁴⁸ Often it was ‘polonised’ while the owners were still alive (*why not, they will soon be dead anyhow*); or taken without obstacle after they had perished, according to the self-evident motto: *better than if it should fall into German hands*.⁴⁹

One story may serve as an example.

Mr M was a wealthy Polish entrepreneur before the war. He used to be a good customer of the greatest Polish pre-war art dealer Abe Gutnajer of Warsaw. In 1940 Gutnajer with his family moved to the ghetto. He hid his collection on the city’s ‘Aryan side’ (outside the ghetto), probably with the help of Mr M. According to Gutnajer’s instructions, Mr M was expected to sell the objects from Gutnajer’s collection successively, and to send him money (or food or other necessities) to the ghetto. Supposedly, it would not be unethical if Mr M were to receive a provision for his services, taking into account the risks and potentially difficult situations he had to deal with. On 21st April 1942, one day before the so-called Great Deportation action from the Warsaw ghetto, Abe Gutnajer and his family were brutally murdered. Mr M however continued to be active on the art market. After the war in 1945 he opened his Kunstantiquariat in Warsaw, claiming that his own pre-war collection luckily had survived and so he could successfully start his post-war business.

The son of Abe Gutnajer, Ludwik, who fought in the Polish army in 1939, was taken prisoner of war by the Soviets, reached the exiled Polish Army that was stationed in Britain, and after the war moved to the USA. When visiting Poland in the early 1960s, he learnt from the son of Mr M (who by then was dead) that the part of the Gutnajer’s collection that had not been destroyed was completely sold during the occupation to support his father and family. The first and, until now, only painting belonging to Abe Gutnajer’s pre-war collection was restituted to the heirs of Ludwik Gutnajer in 2008.⁵⁰

AFTER THE WAR

As early as 1943, a report of the Foreign Office for the Polish Government-in-Exile in London stated:

The return of the Jews to their jobs and workshops is quite out of the question, even if the number of Jews is greatly reduced. The non-Jewish population has filled their places in the towns and

48 Grabowski, above, note 44, at p. 129.

49 Gross, above, note 43, at p. 44 *et seq.*

50 Nawojka Cieślińska-Lobkowicz, ‘Der blinde Fleck. Raubkunst, Restitution und „Ostjuden“’, *Osteuropa* 2009:59, Vol. 1, pp. 77-78; Boldok, above, note 42, at pp. 169, 204, 229, 233, 283 *et seq.*

cities; in much of Poland this is definitive and final in character. The return of masses of Jews would be perceived not as an act of restitution, but as an invasion against which they would have to defend themselves, even by physical means.⁵¹

It is estimated that around 300-350,000 Polish Jews survived the Holocaust – that is 8-10 per cent of the community. In those Polish territories which endured German occupation from 1939 about 50,000 persons succeeded in saving their lives. Throughout the former Polish eastern territories annexed by the Soviet Union in 1939 and occupied by Germans during the years 1941-1944, the number of Jewish survivors was not much bigger. About 170,000 Polish Jews were repatriated from the Soviet territories during the first years after the war. From Germany and other countries, no more than 40,000 Jewish citizens returned to Poland after the war.⁵²

In the liberated Lublin, on 22nd July 1944, while a great part of Poland was still occupied by the Germans, a ‘Manifesto’ of the Polish People’s Government under Soviet auspices proclaimed:

To the Jews so bestially exterminated by the occupiers a reconstruction of their existence and a legal and real equality will be assured.⁵³

Two weeks later, representatives of pre-war Jewish parties and others established the Committee to Help Jews (*Komitet Pomocy Żydom*, KPŻ) soon renamed as the Central Committee of Polish Jews (*Centralny Komitet Żydów w Polsce*, CKŻP). Already in the very first protocol of the KPŻ (of 11th August 1944) one discovers that “the Jews of Włodawa needed help because they were being attacked by destructive elements.”⁵⁴

The expression *destructive elements* was a euphemism for Polish neighbours of Włodawa, this once typical shtetl, where before the war more than a half of the 9,500 inhabitants were Jews. The great majority was exterminated at the Sobibór camp. Very few survived and these were beaten when they tried to come back to their homes. Today, thanks to the above-mentioned book by Jan T. Gross, we know well that a hostile and even aggressive attitude of Poles

51 Statement of Roman Knoll, Polish Foreign Office in London in August 1943 in Richard Chesnoff, *Pack of Thieves. How Hitler and Europe Plundered the Jews and Committed the Greatest Theft in the History*, (London, 1999), p. 179.

52 In different sources, the numbers are slightly different because of the ongoing, legal and illegal, emigration of Jews to Palestine organised by the so-called Bricha/Escape. The highest number fluctuates between 190-240,000. According to the registers of CKŻP there were 192,000 Jews in Poland in 1946, and 110,000 in 1949 (the last census).

53 “Żydom po bestialsku tępionym przez okupanta zapewniona zostanie odbudowa ich egzystencji oraz prawne i faktyczne równouprawnienie”; see: <www.trybunal.gov.pl/wszechnica/akty/manifest_pkwn.htm>.

54 Gross, *Fear*, above, note 43, at p. 31.

towards Jewish survivors was quite common in Poland immediately after the war, mostly among the petty bourgeoisie and peasants.⁵⁵ In the random or organised anti-Jewish violence, which reached its culmination in the August 1945 pogrom in Cracow and the July 1946 pogrom in Kielce, at least several hundred survivors of the Holocaust were murdered.⁵⁶ Because of such events, more than 100,000 Jews left Poland by 1948-49.

Without any doubt, one of the paramount underlying reasons for this hostility and violence toward Jews – evident to many Polish observers at the time – had to do with the illicit transfer of Jewish property during the war and immediately after it.⁵⁷ It mainly concerned real estate, furniture, household objects, workshop and factory equipment, but also hidden ritual silver objects, jewels and gold, quite often entrusted to the Polish neighbours, not to mention objects that had been dug out at sites of the former extermination camps.⁵⁸

The Polish State administration silently allowed this illicit repossession. One could even argue that through its legal initiatives and activities in this field it justified, if not encouraged such practices, in addition to pursuing the ideologically motivated nationalisation or State trusteeship of privately owned companies, buildings and land.

For the takeover of Jewish property by the Polish State administration, the decisive step was a decree of 8th March 1946 concerning “abandoned and formerly German property” (*majątki opuszczone i poniemieckie*), anticipated in 1945 by a series of similar regulations.⁵⁹ According to this decree, all such property became State property. The expression ‘abandoned’ primarily meant so-called ‘ownerless’ Jewish property.⁶⁰ The deadline for individual claims was set for 31st December 1947 (later extended to 31st December 1948), after which the unclaimed property became State property. Considering the post-war chaos, this deadline was completely unrealistic and seems particularly cynical towards the Holocaust survivors. As for the legal regulation on inheritance of 8th October 1947, which limited the circle of heirs to the closest

55 Ibid., at p. 39.

56 “The most careful, conservative figures range between 500 and 600; more widely accepted estimates put the total at around 1500” *ibid.*, at p. 35. After Chesnoff, above, note 51, at p.178 there were 2,500 murdered Jews.

57 Gross, above, note 43, at p. 39 *et seq.* See chapter ‘The Takeover of Jewish Property by Polish Neighbors’, above, note 43, at pp. 39-47.

58 On that latter see *ibid.*, p. 41.

59 On that subject see *ibid.*, pp. 47-51. Concerning museums see Nawojka Cieślińska-Lobkowicz: ‘Sporne muzealia’, in Grażyna Czubek, Piotr Kosiewski (eds), *Własność a dobra kultury*, (Warszawa, 2006), pp 173-184, esp. p. 179 *et seq.*

60 ‘Post-German’ property on the former German territories was immediately taken over by the Polish State, with the exception of the private property of the former Reich-citizens of Polish and Jewish nationalities. The movable property of German Jews which was on Polish territory after the war does not belong to the subject matter of this article.

relatives,⁶¹ Gross is right: Since Jewish religious communities (Izraelickie gminy wyznaniowe), the kehillot, had ceased to exist as legal entities and there existed no successors determined by law, the same fate was dealt to the overwhelming majority of Jewish organisations and associations, since the majority of Polish Jews and their descendants had been killed, ‘formerly Jewish property’ represented a sizeable body of real estate which *de facto* was placed under the control of the local State administration.⁶²

The same applied to movable cultural assets belonging to Jews: works of art, Judaica, books and archives that had survived the war, very often orphaned by their owners. How great this part was compared to that which was forever destroyed nobody really knows. Setting aside all estimations, one thing remains clear: it is the much smaller part.⁶³

To save as much as possible of the Jewish cultural legacy in Poland was one of the main tasks – together with collecting of material witnesses of the Holocaust period and Nazi crimes against the Jews – of the Central Jewish Historical Commission (Centralna Żydowska Komisja Historyczna, CŻKH) established by the CKŻP in August 1944, scarcely a fortnight after the creation of the CKŻP itself.⁶⁴ Since October 1947 it was transformed into the Jewish Historical Institute (Żydowski Instytut Historyczny, ŻIH).

The history and activity of CŻKH/ŻIH are beyond the scope of this text.⁶⁵ Nevertheless, it has to be emphasised that it was understood not only by ŻIH itself, the CKŻP, the Polish Government and the State administration, but also by JOINT and several foreign Jewish institutions that ŻIH would serve as the representative body for the legacy of Polish Jewry and undertake to take care of its ‘abandoned’ property.⁶⁶ Not by chance, from its very inception the CŻKH and then the Institute had been archiving documents, managing a library and collecting objects for the planned museum.⁶⁷

61 See Chesnoff, above, note 51, at p. 180 *et seq.*

62 Gross, above, note 43, at p. 48.

63 In contrast to real estate, for many complex reasons, a serious estimation of looted movable cultural property of Jewish communities and individuals in Poland has never been made. The Chesnoff book published in 1999 (above, note 51, esp. the chapter ‘Poland: Forever Strangers’, pp. 164-184) cannot be treated as such an estimation, nor can the compilations of war losses prepared during and just after the war. (Fn 6)

64 Noe Grüss: *Rok Pracy Centralnej Żydowskiej Komisji Historycznej*, (Łódź, 1946), p. 5. Following remarks on CŻKH after Grüss.

65 On that subject see Andrzej Żbikowski, *Żydowski Instytut Historyczny. 50 lat działalności*, (Warszawa, 1996), also <www.jewishinstitute.org.pl>

66 As long as it was possible under Communism. In 1946, for example, there were the Jewish Historical Society in London, New York Institute of Jewish Affairs, and Yad Vashem in Palestine, see Grüss, above, note 64, at p. 23.

67 CŻKH considered its own library as a direct successor of the Warsaw Library of the Great Synagogue and Judaic Studies at Tłomackie. In this respect, the transfer of CŻKH from Łódź to the original building of both libraries in Warsaw at Tłomackie at the end of 1947 had a deep symbolic meaning; see Grüss, above, note 64, at pp. 14-16.

The search for Jewish assets continued through regional branches of the CŻKH all over the country. For example, in 1947 the Lower Silesian branch in Wrocław discovered in Kunzeldorf at Bystrzyca Kłodzka (German: Habelschwerdt) a Nazi repository with 20,000 Hebrew and Yiddish manuscripts, incunabula, books and archives – obviously from the Berlin RSHA – a part of them from the Warsaw Central Judaic Library and from the Breslau Jewish-Theological Seminary.⁶⁸ In January 1948 they were placed in the ŻIH library in Warsaw. Another RSHA-group of books from the Judaic Warsaw Library was found in the Czech Mimon Castle close to Liberec, and in the Houska Castle at Česká Lípa (together with other libraries, for example the Library of the Polish Parliament). They were restituted to Poland in November 1946 and soon after that the Jewish part was given to the ŻIH library.⁶⁹ The same probably happened to Hebrew books which, together with Polish ones contained in 82 crates, were restituted in September 1947 by Karol Estreicher from the American occupation zone of Germany.⁷⁰

This last case proves that the American restitution policy concerning Jewish assets prior to the Office of Military Government US Zone (Germany) OMGUS Law 59 of 10th November 1947, followed the formal procedure of international law.⁷¹ In publications on post-war restitutions all Communist countries were viewed in the same way, also with respect to the ‘heirless’ Jewish movable property. In their international policy the Communist Governments demanded from Western Allies an unconditional restitution of all cultural assets identified as looted on their state-territories, regardless of their ownership (without even considering doing so themselves). As far as the internal restitution policy was concerned, they incorporated all valuable ‘ownerless’ Jewish objects into State libraries, museums and archives.

68 Sieramska, above, note 29, at p. 8; Meżyński, above, note 23, at p. 95.

69 Meżyński above, note 23, at p. 95. In the ‘Descriptive Catalogue of Looted Judaica. Country Report: Poland’ (see <www.claimscon.org>), one reads “According to Prof. Shmuel Hugo Bergmann of Hebrew University, who had witnessed that transport, Polish officials *even* [emphasis added] claimed books from the library of the Great Synagogue of Warsaw (probably the Great Synagogue of Tlomackie Street in Warsaw)”. According to the information of Ms Hanna Laskarzewska, head of the Provenance Department of the National Library in Warsaw (BN), to the author of this article, in the BNarchive a letter is preserved of the former BNdirector Józef Grycz concerning the transfer of the Warsaw Jewish books from BN, where all restituted books had at first been found landed, to ŻIH.

70 Zbigniew K. Witek: *Dokumenty strat kultury polskiej pod okupacją niemiecką 1939-1945 z archiwum Karola Estreichera*, (Kraków, 2003), p. 550. The documentation of the Departement of Restitution and Compensation at the Polish Ministry of Culture (Wydział Rewindykacji i Odszkodowań przy MKiS) was to a great extent destroyed in the early 1950s. From the Soviet occupation zone of Germany (Berlin) an unknown number of assets was restituted, among them probably Judaica, that belonged to different religious communities (with an exception of the Catholic Church). See Lech Bończa-Bystrzycki, *Grabież mienia związków wyznaniowych na ziemiach polskich ‘wcielonych’ do Rzeszy w okresie hitlerowskiej okupacji 1939-1945*, (Koszalin, 1999), pp. 161 and 169.

71 Michael J. Kurtz refers to the “widespread complaints from the Polish religious groups that the communist government was not returning church property to the rightful owners”. See *idem*, *America and the Return of Nazi Contraband*, (Cambridge, New York, 2006), p. 187.

This last observation seems not to reflect fully the situation in Poland. CŻKH, then ŻIH, both by law private organisations held, as has been shown, a very unique status. Their activity was limited to the Polish territory but to some extent their role and tasks could be compared to that of the Jewish Cultural Reconstruction (JCR) and the Jewish Reconstruction Successor Organisation (JRSO) that were active in the United States and in the American zone of occupied Germany.⁷² In 1949 the Municipal Museum in Toruń, in 1951 and 1953 the National Museum in Warsaw and in 1952 the Lublin Castle Museum passed on to ŻIH the Judaica that were identified as confiscated and stored in those locations by the Germans.⁷³ In September 1953, the Polish Ministry of Culture transferred to ŻIH a rich collection of Judaica and Jewish books and archives, mainly from Berlin (Jewish Museum and Jewish Community there) found in the Narożno Castle close to Bożków in Lower Silesia.⁷⁴

In 1949-1950, during the most oppressive period of Stalinist cultural policy in Poland, when the Jewish Association of Art (Żydowskie Towarzystwo Krzewienia Sztuk Pięknych) had to be dissolved, following a decision of the CKŻP, its collection – containing 250 works of art. by Jewish artists saved during the war, fund and bought by the Association⁷⁵ – passed to ŻIH. The Polish branch of JOINT, which was closed in 1950, also decided to hand down its Judaica collection as a gift to ŻIH.⁷⁶

Two cases concerning the CKŻP and its CŻKH ‘reconstruction’ policy seem to me particularly interesting. In December 1947 “Menachen Mendel Shneurson, then the Hebrew University’s treasurer, was working in Poland, endeavouring to transfer 85,000 rabbinical works to Jerusalem”.⁷⁷ Dov Schidorsky in his recently published book *Burning Scrolls and Flying Letters* wrote that most of these books “were liturgical literature including thousands of prayer books”.⁷⁸ Schneurson negotiated mainly with the CKŻP, but also contacted representatives of the Polish Government⁷⁹ According to Schidorsky:

72 *Ibid.*, at p. 161 *et seq.*

73 Magdalena Sieramska, ‘Muzeum Żydowskiego Instytutu Historycznego- zbiory i działalność’ in ‘Żbikowski’, op cit, note 65, pp. 55-56; Renata Piątkowska, Magdalena Sieramska: Wstęp in: Muzeum Żydowskiego Instytutu Historycznego. *Zbiory artystyczne*, (Warszawa, 2000), p. 6. The Lublin Museum sent to ŻIH only a part of the Judaica stored there during the occupation.

74 Sieramska, above, note 29, at p. 9; there were also ritual objects that belonged to Greek Jews who perished in Auschwitz.

75 About this activity of the ŻTKSP see: Renata Piątkowska, *Żydowskie Towarzystwo Krzewienia Sztuk Pięknych (Jidisze .Gezelschaft cu Farszprojtn Kunst)*. Próba kontynuowania żydowskiego życia artystycznego w latach 1946-1949 (in:) Małgorzata Ruta (ed), *Nusech Pojln. Studia z dziejów kultury jidysz w Polsce*, Kraków –Budapeszt 2008, ss. 79-82.

76 Sieramska, above, note 73, at p. 56.

77 Dov Schidorsky, ‘The Salvaging of Jewish Books in Europe after the Holocaust’ in R. Dehnel, above, note 23, at p. 205.

78 Dov Schidorsky, *Gevilim nisrafim ve-otiyot-porhot*, (Jerusalem, 2008), pp. 274-278. I would like to thank Dr Schidorsky for this and the following information based on his Hebrew publication, which he kindly summarised for me in his e-mail in January 2009.

79 According to Schidorsky, among the government representatives whom Schneurson contacted,

the books were in the possession of the CKŻP, which had been responsible for their collection since the liberation of Lublin. CKŻP selected the more valuable books for the new Jewish Central Library in Warsaw that was to open in 1948. The shipment to Jerusalem included many volumes that had belonged to the “Sages of Lublin” Yeshiva library and some manuscripts from the Jewish Theological Seminary of Breslau.⁸⁰

The second case concerns the archives of the Łódź ghetto saved by Nachman Zonabend.⁸¹ Among the saved objects were 50 paintings by Józef Kowner, which Zonabend gave back to the artist, who luckily had survived. There were also 70 paintings of Maurycy Trębacz, works of Izrael Lejzorowicz, Amos Szwarc, Mendel Grosman and others. Zonabend transferred a part of the saved works to the CŻKH, and its director Dr Filip Friedman. He took another portion of the works of art and other material to Sweden, where he emigrated to in 1947. He then gifted one part of the collection to the YIVO Institute of New York where it is known as the Nachman Zonabend collection, and another part to Yad Vashem where it is known as the Osef (*collection*) Zonabend gift. By taking the collection with him, he acted against the official policy of the Polish Communist State, which did not allow anyone to take any culturally valuable objects abroad.⁸² Polish officials vehemently protested against the American restitution policy that acknowledged JCR and JRSO as legal successors of the ‘heirless’ Jewish property in the US-occupied zone of Germany.⁸³ The successor Jewish organisations acted against the return of Jewish assets to Poland and other Eastern European Countries, where the Jewish communities almost disappeared and anti-Semitism was manifestly present. They decided to divide the ‘heirless’ Judaica at their disposal between Jewish communities and organisations mainly in Palestine and the US. Under such circumstances Zonabend was defamed by a Jewish newspaper in Poland; the article was then reprinted in the Communist Jewish press in Canada and France.⁸⁴ Communist cold war politics are clearly recognisable behind this attack. All the more interesting is the fact that no member of the CŻKH joined the attacks against Zonabend; this may indicate that they understood, and probably even approved of Zonabend’s decision to divide the corpus of the saved Łódź ghetto collection between Warsaw, New York and Jerusalem

were especially those of the Ministry of Political and Economic Control.

80 It could be added that this book transfer to Jerusalem happened at the time when the Polish Communist Party, following its strong anti-religious policies, let some rabbis and many orthodox Jews to emigrate from Poland to Israel.

81 The following information is based on Nachman Zonabend, *The Truth about Saving of the Łódź Ghetto Archive*, (Stockholm, 1991).

82 The decree of 1 Mar. 1946 on registration and prohibition of taking abroad artworks and objects of artistic, historical or cultural value.

83 Kurtz, above, note 71, at p. 200 *et seq.*

84 Aleksander Klugman wrote about Zonabend in *Dos Naye Lebn* as a “‘Gestapo man’ who became a martyr in New York”, Zonabend, above, note 81.

My last two cases concern assets of Holocaust survivors.

As noted above during the Second World War, the National Museum in Warsaw received several deposits or even ‘pro forma’ gifts from Jewish collectors. The pre-war, wartime (when the Stadtmuseum was under the German commissary) and post-war director of the Museum was Professor Stanisław Lorentz, who was also the *spiritus movens* of underground cultural activity during the occupation years 1939-1945. Lorentz as well as several of his collaborators behaved towards Jews and their property during that occupation in an exemplary manner.⁸⁵ The Museum was partly looted by Germans in 1939, and especially following the Warsaw Uprising of 1944. Immediately after the war and during the period of Warsaw’s rebuilding, works saved by the museum that were known to have been owned by Jews were to be returned to the owners who had survived.⁸⁶

We know of several restitution cases.

Bronislaw Krystall had twelve valuable paintings returned to him: one in 1946, the rest in 1949 after their restitution from Austria (Fishhorn). In the following years he sold some of the works to the Museum, and the unsold ones he gifted to the Museum at the end of his life.

The Goldberg-Górskie sisters received all the deposited objects (altogether 92 pieces) which they chose to leave in the Museum as a long-term loan and then, in 1968, as a legacy.⁸⁷

In 1947-48, Ignacy Landstein got back five of the fifteen paintings he had deposited in the Museum during the war; the remaining ten were looted. One of the paintings that were restored to him he gifted to the Museum.

Several paintings from Andrzej Rotwand’s collection were looted and sent to Austria. In 1945 Rotwand got back six canvases saved by the Museum, and a few months later he gifted one of them to the Museum. Several paintings he received in 1946 when they were returned from Austria. Later he sold one of these paintings to the Museum; after his death in 1951 his wife sold another.

It is possible that similar restitution practices were also implemented by the National Library in Warsaw.⁸⁸ Whether they were applied in cases of all

85 See Cieślińska-Lobkowicz, above, note 14.

86 Przyjaciele muzeum. Wystawa zorganizowana z okazji Międzynarodowego Dnia Muzeów ICOM-UNESCO, Warszawa 2003, p. 38-39, 44-45. Also an e-mail from Ms Lidia Karecka, registrar of the Warsaw National Museum to the author in January 2009, on what is based following detailed information concerning post-war restitutions in the Warsaw National Museum.

87 It has to be established whether, in 1968, this was definitely a freely-given legacy of Goldberg-Górska and not one done under duress, because of the post-March 1968 State anti-semitic policy which included the prohibition of export of art works by post-March Jewish emigration.

88 See Alodia Kawecka-Gryczowa, ‘Ochrona zbiorów Biblioteki Narodowej’ in Lorentz, above, note 16, vol 1. p. 240.

survivors who claimed their war deposits and so-called gifts, and to what extent other museums and libraries in Poland followed the clear restitution practices set by Professor Lorentz of the Warsaw National Museum, has to be carefully researched. However we can be certain that the applied policy was that if pre-war or wartime deposits or ‘gifts’ were not claimed by owners or their heirs, museums and libraries would not actively look for them. Objects that remained in these institutions were registered as their property. This happened to the saved pieces of the Janina and Leopold Binental porcelain collection that were ‘gifted’ to the Warsaw (National) Museum in 1940, to the library of historian Professor Marcelli Handelsman (4,000 vol.) and to the correspondence of the famous mathematician, Professor Samuel Dickstein and his wife Pauline (about 5,000 letters) that was ‘donated’ by his daughter Julia Wieleżyńska during the war to the National Library in Warsaw.⁸⁹ No doubt many examples of similar policy can be discovered in cultural institutions all over the country beginning with the Cracow Jagiellonian Library, Poznań University Library and Muzeum Sztuki in Łódź.

My last case, of a somehow opposite instance, concerns Józef Stieglitz, a famous pre-war Judaica and art dealer in Cracow, who survived in Hungary, where he had escaped from General Gouvernement and in 1945 moved to Palestine. He used to claim that he asked one of his Polish friends, the respected Jagiellonian University professor to hide the precious Judaica collection that had been assembled by his father, Abraham (who survived in Siberia). Soon after the war, when both Stieglitz visited Poland, the professor gave them the whole collection back and refused any kind of reward. In Israel, Stieglitz became famous as a great Judaica expert and art dealer, and finally as a benefactor of the Israel Museum in Jerusalem.⁹⁰ Meanwhile, serious allegations have emerged that at least a part of Stieglitz’s so-called ‘restituted’ collection had really been assembled by him from the plundered goods of Galician Jews when, in his capacity as an art expert (even if under duress) he worked in Lwów for the known art plunderer active in General Gouvernement, the Nazi Dutchman Pieter Menten.⁹¹

THE (STILL) UNWRITTEN CHAPTER

Already in 1942, the Polish Underground (resistance movement) acknowledged the necessity to register all looted and destroyed Jewish private art collections

89 On Binental see: Przyjaciele muzeum, above, note 86, at p. 23; on Handelsman, see Assbury, above, note 26, at p. 268; on Dickstein, see Kawecka-Gryczowa, above, note 87, at p. 210.

90 Chaya Benjamin: *The Stieglitz Collection. Masterpieces of Jewish Art. The Israel Museum, Jerusalem* (Jerusalem, 1987).

91 Dieter Schenk, *Der Lemberger Professoren-mord und der Holocaust in Ostgalizien*, (Bonn, 2007), pp. 135-141; 165-167; 253-254. About Menten see also: Hans Knoop: *The Menten Affair*, (New York, 1978); Malcolm MacPherson: *The Last Victim. One Man's Search for Pieter Menten, His Family and Executioner*, (London, 1984); concerning Stieglitz, see Eve Elovic: *Till They Meet Again*, (Jerusalem, 2007).

in Poland.⁹² Jacob Apenszlak in his *Black Book of Polish Jewry* published in New York in 1943, stressed the enormous extent of cultural losses of Polish Jewry under the Nazi occupation.⁹³

Karol Estreicher, the head of the Restitution Department of the wartime London Polish Government-in-Exile mentioned in his register *Cultural Losses of Poland* published in London in 1944, a great number of destroyed or pillaged synagogues, as well as several Jewish libraries and private collections of art and Judaica, mainly from Warsaw and Cracow.⁹⁴

The *Tentative List of Jewish Cultural Treasures in Axis-occupied Countries* published by JCR in 1946 is, to this day, the richest existing source of information about Jewish public and private libraries and Judaica collections looted in Poland during the war.⁹⁵ In the latter years of the twentieth century next to nothing was written about these. Few published exceptions mention, on the one hand, specific attempts to reconstruct the content and history of this or that Jewish library or synagogue, but on the other hand, contain rather general remarks on the extent of destruction and lack of restitution or compensation for Jewish losses from both German and Polish States.

How much has to be done, starting with quite basic research level, is demonstrated by numerous publications which began appearing in the late 1990s from the Polish Ministry of Culture in Warsaw, and which described Polish wartime cultural property losses. None of these publications is devoted specifically to Jewish cultural property losses. Only a few looted Jewish libraries are mentioned (the information seems to be based mainly on the ‘Tentative List’ or on the *Estreicher*); the losses of paintings belonging to Jewish collectors, of both Polish and foreign artists, are indicated surprisingly rarely.⁹⁶

Considering the renewed and growing interest in Jewish pre-war culture and life in today’s Poland, it is surprising that a great majority of objects displayed at ŻIH and in various Polish museums, libraires and archives (and reproduced in many publications), remain without any provenance.⁹⁷

92 See above, note 38.

93 See above, note 3.

94 See Estreicher, *Index of Cultural Losses*, above, note 5.

95 See above, note 5. The newest attempt concerning Judaica looted in Europe, with a chapter on Poland, was made by the Claims Conference against Germany. See: ‘Descriptive Catalogue of Looted Judaica’ at <www.claimscon.org>.

96 See Anna Tyczyńska, Krystyna Znojewska (ed), *Straty wojenne. Malarstwo polskie. Obrazy olejne, pastele, akwarele utracone w latach 1939-1945 w granicach Polski po 1945*, Poznań 1998; Maria Romanowska-Zadrożna, Tadeusz Zadrożny (ed), *Straty wojenne. Malarstwo obce. Obrazy olejne, pastele, akwarele utracone w latach 1939-1945 bez Ziem Zachodnich i Północnych*, (Poznań, 2000), t.1.

97 For ex. Jerzy Malinowski, *Malarstwo i rzeźba Żydów Polskich w XIX i XX wieku*, Warszawa 2000, t.1; Izabella Rejduch-Samkowa, Jan Samek, *Dawna sztuka żydowska w Polsce*, Warszawa 2002.

CONCLUSION

The problems described here and the problems facing the already decade-old Washington Principles agreement seem to speak of the urgent need to start a programme of comprehensive research into these subjects in Poland. Such research ought to reveal the forgotten collecting activities of Polish Jews, their accomplishments and place in the general cultural history of Poland.⁹⁸ Such research could perhaps also enable a reconstruction of particular Jewish collections and libraries, of those collections which the heirs or successors are still looking for, of those that seem to be heirless at the moment, and of those that are likely to remain heirless.

It would undoubtedly be a great accomplishment if, as a result of such a research programme, some objects would be restituted to the heirs of their original, pre-war, Jewish owners. However, in my view, ultimately, the most important restitution would be the long-overdue restoration of the common Polish-Jewish cultural memory.

98 To the author's knowledge, one PhD-thesis on such subject is in progress: Dariusz Kacprzak on the Łódź art collectors.