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„External Pressure or a Process from Within?  
Austrian Restitution Politics in a Global Context 1994-2001“

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## Abstract

This thesis describes how in the late 1980s and early 1990s a new moral paradigm derived from debates surrounding World War II restitution developed. This “holocaust restitution paradigm” has begun to shape international interactions in present discourse. The fundamental question which leads my research is, how has this paradigm, or as historian and theorist, Elzar Barkan calls it, “the guilt of nations” influenced Austrian domestic and international politics from 1994-2001? More concretely, Barkan explains that through an interplay between victims and perpetrators nations are able to “renegotiate their identity” or in other words, they can create a new national image which suits both parties. This process has altered Austrian *Geschichtspolitik* (politics of history) and has helped to reform Austria’s international national identity. A series of follow-up questions guide this discourse. Primarily, what role has Austrian domestic politics played in Austrian restitution and its specific development? How did the particular constellation of the Austrian Peoples Party (ÖVP) and the Austrian Freedom Party (FPÖ) coalition both influence and spur changes in Austria’s politics of history? Were the developments in restitution policies something that was bound to happen in the 1990s and early 2000s due to a generational change and a long-standing process of re-evaluation, or was this a reaction from Wolfgang Schüssel’s government in response to the sanctions from the European Union? Using the primary resources of newspapers, original documents from historians of that time period, and an interview with diplomat and head of the Diplomatic Academy in Vienna, Hans Winker, in combination with the secondary sources of current academic discourse, this work discusses Austrian restitution developments in the 1990s, and attempts to find answers to these questions.

Note: Most of the time German quotations were simply paraphrased in English. In the sections where the original German quotations are retained, an English translation is provided in the footnotes. I am not a professional translator, yet the meaning should be clear.

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## I. Introduction

A new moral code, inspired by the debates surrounding Holocaust reparations in the late 1980s and early 1990s, has begun to define and guide many western countries as they grapple with the less savory moments in their past. With this in mind, the question still remains: how has the Austria's debate about possible restitution for forced labor and Holocaust victims been determined by recently developed global paradigms in the politics of history? Furthermore, what role has Austrian domestic politics played in its specific development? How did the specific constellation of the Austrian Peoples Party (ÖVP) and the Austrian Freedom Party (FPÖ) coalition both influence and spur changes in Austria's politics of history? Were the developments in restitution policy something that was bound to happen in the 1990s and early 2000s due to a generational change and a long-standing process of re-evaluation or was this a reaction from Wolfgang Schüssel's government in response to the sanctions from the European Union? This research paper examines the *Geschichtspolitik* (politics of memory) in Austria, focusing on the years 1994 until 2001. Using the primary resources of newspapers, original documents from historians from that time period, and an interview with diplomat and head of the Diplomatic Academy in Vienna, Hans Winker, in combination with the secondary sources of current academic discourse, this work discusses Austrian restitution developments in the 1990s and early 2000s. I narrow this analysis by taking international restitution discourse as the basis by which one can frame the restitution situation in Austria. Looking through the lens of the imagined community (Benedict Anderson), the invention of tradition (Eric Hobsbawm & Terence Ranger), and using collective memory (Maurice Halbwachs, Aleida Assman) as an operational term, this paper explores how after the end of the Cold-War, nation states have employed restitution policies to re-define their national identities. Specifically, this paper will discuss to what extent this new global paradigm of restitution has influenced and altered how Austrian politicians have dealt with Austria's involvement in World War II.

Starting in the 1990s, guilt and restitution functioned as an important standard in which nations legitimized their current positions. Through this reevaluating of historical memory, many democratic nations renegotiated their identity to portray themselves in a more forgiving light. Whether it was the Austrian payments to victims of the Nazis, the Swiss Solidarity Fund, or Germany's many restitution efforts, through the creation of restitution funds nations have rewritten and reformed their stance in regards to their own history in order to validate their current nation state as a fair and democratically viable entity. This fluid discourse means that not just what happened, but also how we write and think about what has happened, informs a nation's present

identity. This is the basic principle of the politics of memory, or as Elazar Barkan eloquently explains, “In the more distant past, history was differently controversial, a largely factual (and relatively uninspiring) winners' history. Increasingly, however, we recognize the growing elasticity of history and that it is anything but fixed....it has simultaneously become more central to our daily life. It informs our identity more intimately today, and being subject to interpretation, it has also become a space for contesting perspectives... History changes who we were, not just who we are. In this sense history has become a crucial field for political struggle.”<sup>1</sup> In this vein, this paper challenges the current discourse surrounding Austrian politics and the restitution politics of the Austrian Government under Wolfgang Schüssel's regime. I argue that this process was not an internal one which could only be brought into reality from the constellation of ÖVP/FPÖ, but rather it was a slow development that was actualized due to international pressure, a globalization of the world economy, the end of the Cold War, and a generational change which brought distance to both victims and perpetrators. The fundamental question to answer is then to which extent have these new global paradigms influenced the debate in the Austria, and what do the restitution tactics of the ÖVP and FPÖ say about their stance on restitution policies?

In order to avoid confusion with many seemingly nebulous terms, the first section of this work will define the framework of this analysis. I will then discuss two examples of countries, Switzerland and Germany, who starting in the 1990s adjusted their restitution policies for the victims in their countries of the National Socialist Regime. These changes came as an answer to both inner-political struggles as well as pressure from the international community, mainly stemming from the Clinton Administration and the World Jewish Congress (WJC) in the United States. After looking at how a globalized idea of restitution as a means of apology for crimes against humanity has shaped the two lands of Germany and Switzerland, I will look into how Austria has dealt with its own “crimes against humanity” (Hannah Arendt). Mainly this will involve a discussion of the post-World War II Austria's restitution policies and their various identity myths and procedures. I will then look at both the academic and popular discourse surrounding Austrian restitution in the United States and Austria. Through a discussion of both the emerging paradigms and their implementation in Austria, it is possible to see where the discourse surrounding the fight for forced labor and Holocaust victim property restitution both follows a similar framework and yet also differs from the previous restitution discussions.

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<sup>1</sup> Elzar Barkan, *The Guilt of Nations: Restitution and negotiating of historical injustices*, W.W. Norton & Company, 500 Fifth Avenue, New York, New York, 2000, X.

## II. Methods

### Collective Memory

What is meant by collective memory? The concept was first introduced in the 1950s by sociologist Maurice Halbwachs in his book *La Mémoire collective (The Collective Memory)*. Here he advanced the thesis that a society can have a collective memory, or a memory that is not directly related to the individual. Aleida Assman, another well-known scholar of memory follows up on Halbwachs' theory stating, "Nach Halbwachs könnte ein absolut einsamer Mensch überhaupt keine Erinnerungen bilden, weil diese erst durch Kommunikation, d.h. im sprachlichen Austausch mit Mitmenschen, aufgebaut und verfestigt werden."<sup>2</sup> This idea that memory is created through verbal communication, leads to Halbwach's theory that there is not only an individual, but also a group memory which exists and lives beyond the individual. "Halbwachs and [Pierre] Nora define memory as the capacity to remember by recreating the past and creating an 'outer dimension of human memory.' 'Memory culture' (*Errinerungskultur*), a key concept of this construction process, is based on a complex process of preservation of selected components of the past and an ongoing process of its renegotiation between different groups and between different generations of the same group."<sup>3</sup> Yet Halbwachs and Nora were not the only individuals who believed in a memory outside of the individual, Ernest Renan first described in his 1882 work, *Was ist eine Nation?*, how a nation can have its own sort of soul."<sup>4</sup> After advancing his idea that the nation is a theoretical concept, a place or people that share a sort of "national soul," he explains that nation states have a shared history which comprises of great men, wars, times of success and times of loss. This shared history helps to create the national collective memory.

This *nationalen Gedächtnis*, or national memory, is different from the social memory, which has many different levels of interpretation, and is created from the people, in that the national memory or *Seele* (soul) is created from the highest echelons of society. Others such as the historian Christian Meier, explain the same concept through the word identity instead of soul, but the fundamentals are the same. For Assman, this national identity is created through shared experience but is solidified through statues, museums, monuments, and historical places.<sup>5</sup> In our current day

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<sup>2</sup> Assman, Aleida (2006) *Der lange Schatten der Vergangenheit: Erinnerungskultur und Geschichtspolitik*, C.H. Beck, München, Deutschland, 25. "According to Halbwachs an absolutely isolated person could not create any form of memory because memory is created and saved through communication and exchanging stories and ideas with other people."

<sup>3</sup> Rathkolb, Oliver, 2009, 5.

<sup>4</sup> Assman, Aleida, 38.

<sup>5</sup> Assman, Aleida, 39.

and age, television, movies, newspapers, and radio help to form both national identity and a national collective memory.

Yet, with the increase in media globalization one can even say that a sort of cosmopolitan memory has formed. Cosmopolitan memory is defined by historian Daniel Levy as a memory that transcends national borders.<sup>6</sup> The Holocaust can be viewed both through the specific national memories and on an even broader cosmopolitan level; however, I doubt whether a truly cosmopolitan memory of the Holocaust, as Europeans imagine it, can truly be achieved. That being said, the idea of the Holocaust as a crime against humanity that deserves restitution has become a globalized principle which many peoples, from the aborigines in Australia, the independence fighters in Guatemala, to even the Japanese Americans who were interned during World War II, have drawn upon as a basis for their argument for restitution. Through restitution talks both the victim and the perpetrators re-mold their version of history into an acceptable retelling for both parties, by doing this they are renegotiating their identities through a new global paradigm of restitution. This new global paradigm of restitution policies has helped to renegotiate national identity after the end of the Cold War. Without trying to create a competition to see which crime against humanity was the worst, victims from groups around the globe, claim that they too deserve remembrance, apology, and financial restitution: even if the sum is only a symbolic gesture which can never truly erase the suffering which occurred. In this sense, it is important that one understands the Holocaust restitution discussion, where it came from, and how it has developed as an important basis upon which forced workers and their descendents in Austria have tried to base their modern restitution efforts. By changing the official story, and adapting the formal version of the national collective memory one is able to negotiate ones' identity.

Nations, their memories, and their futures are not set in stone. There is no *sonderweg*, or special path that nations must follow. This is because the nation state is an amalgamation of historical facts and boundaries combined with a post colonial imagination of invented traditions. In 1983, Benedict Anderson introduced the term *imagined community* and explained its role in the rise of the nation state. As Anderson explains it a nation is a form of artificial structure. He describes that it, "is imagined because the members of even the smallest nation will never know most of their fellow-members, meet them, or even hear of them, yet in the minds of each lives the image of their communion".<sup>7</sup> Part of the creation of the nation state involves the formulation of a national identity: a collective past defined through specific historic moments, leaders, heroes, cuisine, and music.

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<sup>6</sup> Levy, Daniel, *Memory Unbound The Holocaust and the Formation of Cosmopolitan Memory*, European Journal of Social Theory 5, 1. 88

<sup>7</sup> Anderson, Benedict R. O'G, *Imagined Communities: on the origin and spread of nationalism*, (Oxford University Press: London, 1991) 224.

More simply said shared experiences were collected and amalgamated into an identity; this process of constructing a certain past for the sake of a common identity is also called “the invention of tradition” and was coined by Eric Hobsbawm and Terence Ranger. The terms imagined community and invented tradition have come to dominate the discussion of nationalism over the last thirty-odd years, but this was not always the case.

Prior to this conception of the nation state there were various groups of peoples bound together through common ancestry and history, yet there was no geographical border in which this process was limited. The creation of specific borders and the acknowledgment of a common history within these constricted regions led to the development of a homogenous example of a region's culture that each citizen should attempt to assimilate. This adjusted idea of culture and with it the ideas about a shared history, national pride, and in some cases national guilt, help to define what it means to be a member of a nation state, and while nationalists claim that the nation is primordial, historians show that it is historically specific and often recently defined.<sup>8</sup> Edgar Wolfrum has taken the idea of memory and history and dissected it under the microscope of *Geschichtspolitik*, or the politics of history. Wolfrum explains that our modern conception of memory and our idea of memorializing is a creation of modern times. He goes on to state that in earlier days there were of course memories and historical perceptions, but the much more dominant path was to forget instead of to discuss events and to come to some sort of renegotiation of history.<sup>9</sup> How did this discourse develop? According to Wolfrum, historical memory is always an act of politics. Wolfrum explains, “Die Zukunft ist gewiss, doch die Vergangenheit veränderbar.”<sup>10</sup> Wolfrum says this in a humorous tone, yet in every joke there is a small portion of truth. The next section will explore this phenomena, and the connection between history and politics through the lens of the politics of history.

## Politics of History

Every political decision has both direct and indirect affects for both the country enacting the decision and the global community. These historic events, however, do not remain stagnant. How one writes and thinks about decisions and events in our globalized world directly effects how populations around the world see the country who enacted this decision. This presentation and subsequent interpretation is an important part of the politics of history. Politicians, historians,

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<sup>8</sup> Barkan, Elzar, XXI.

<sup>9</sup> Edgar Wolfrum, *Erinnerungskultur und Geschichtspolitik als Forschungsfelder*. In: Jan Scheunemann (Hg.): *Reformation und Bauernkrieg. Erinnerungskultur und Geschichtspolitik im geteilten Deutschland*, Evangelische Verlagsanstalt, Leipzig 2010, S. 13–47, 14.

<sup>10</sup> Wolfrum Edgar, 15. “The future is certain, but history can be changed.”

journalists, and almost all forms of media shape both local and global collective memory. Apologies and restitution, and the following media coverage, therefore have and can be used to negotiate new identities for countries. Policies are formed not only due to an idealism which informs politicians and decision makers to “do the right thing”; they are also a direct means of shaping a countries’ image and identity for both local and global communities. In short, every moment of *Geschichtspolitik* is one where there is a political function imbedded into an official historical interpretation which is then used to influence decisions and to mold the concept of a nations’ memory culture. A prominent Austrian historian, Oliver Rathkolb explains, “the practical purpose of history crops up in a number of different contexts, such as strengthening a society’s national identity.”<sup>11</sup> For nations such as Austria and Germany, who had lived through the dictatorship of National Socialism, this idea of strengthening the society’s new national identity has gained an extra meaning. Yet the history of politics itself, is a subject worthy of clarification as there have been many different definitions over the years which explain exactly how history, politics, and memory all interact with one another.

In historical discourse there has been a marked development about how one speaks both about the relationship between history and memory and history and politics. “Particularly in the context of German historiography, one can confirm a systematic application of the notions of *Vergangenheitspolitik* (policy for the past) and *Geschichtspolitik* (politics of history). Norbert Frei uses the term ‘policy for the past’ to denote a concrete historical phenomenon, namely a political process spanning half a decade.”<sup>12</sup> Norbert Frei’s model of *Vergangenheitspolitik* is a comparatively limited interpretation of looking at the connection between politics and history. Norbert Frei is simply one of the more striking examples of historians who discuss the history of politics. Edgar Wolfrum, another well-known historian, used the history of the Federal Republic of Germany until 1990 as an example of *Geschichtspolitik*. Edgar Wolfrum has taken up the concept of *Geschichtspolitik*, to guide his analysis of West German memory culture beyond that of Norbert Frei.

Wolfrum believes, that politics of history is neither solely defined as coming to terms with the effects of dictatorship, as was the case for Germany, nor does it depend on a time frame as in Frei’s interpretation. “Instead it generally deals with the history of a community, whose interpretation and significance is, as assumed, always disputed.”<sup>13</sup> The argument surrounding a historical event informs the politics of history. The question then becomes, not whether or not the

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<sup>11</sup> Rathkolb, Oliver, 6.

<sup>12</sup> Ralf K Wüstenberg, *The Political Dimension of Reconciliation: A theological analysis of ways of dealing with guilt during the transition to democracy in South Africa and (East) Germany*, Wm.B.Eerdmans Publishing Co., Michigan, 2009. 175.

<sup>13</sup> Wüstenberg K Ralf, 175-176.

image of history which is portrayed is scientifically truthful, but rather the crucial factor is, “how and by whom, as well as through which means, with which intention, and which effect past experiences are brought up and become politically relevant.”<sup>14</sup> This definition for politics of history promotes that history can be interpreted as a political domain where actors do not only attempt to create a truthful picture of what has happened, but they also try to use it for a political benefit.

Ralf K Wüstenberg, explains in his article, “The Political Dimension of Reconciliation” that Wolfrum, “follows the pejorative use of the term: It often serves to mark a political-instrumental way of dealing with history and historiography which aims to influence contemporary debates. In this perspective, politics of history is a matter of public political communication, primarily taking place in the mass media.”<sup>15</sup> Wolfrum himself states, “Schließlich: Das Gedächtnis wird immer stärker durchformt von den Instrumenten und Möglichkeiten der Medien. Erinnert wird, was medial präsentabel ist, was erhebliche Auswirkungen auf die Formen der Erinnerungskultur hat.”<sup>16</sup> This importance of media in the politics of history can be seen clearly through all of the presented events of this paper. The Swiss, German, and Austrian governments, as well as the many other countries who fell into the global restitution paradigm, used the media as a way of promoting this renegotiated identity.

### **An Example of Politics of History in Action: Germany**

One example of politics of history in action can be seen in post-WWII Germany. After the war the general public saw issues of guilt, criminality, and responsibility for the Nazi deeds as secondary to food and housing shortages or unemployment. Yet a leading group believed that the future of the new Germany would be measured by its repentance for past crimes as well as its successful transition to democracy. These decision makers believed that for Germany to repent, the Germans had to officially reject racism. Barkan explains, “This was what world (Western) public opinion demanded of the new Germany, and philo-Semitism was to play a major role in reconstructing this new German identity.”<sup>17</sup> Additionally, Chancellor Konrad Adenauer and a group of leading German politicians viewed it as a “moral obligation, as well as a pragmatic policy, that would facilitate the acceptance of Germany by the world community. Specifically it would give

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<sup>14</sup> Wüstenberg K Ralf, 176.

<sup>15</sup> Wüstenberg K Ralf, 176.

<sup>16</sup> Wolfrum, Edgar, 30. “In conclusion, memory is always strongly influenced by the tools and possibilities of the media. The memories that are remembered are those that are easily presented by media, this has a strong impact on the way memory culture is formed.”

<sup>17</sup> Barkan, Elzar, 18.

Germany an improved public image with the United States.”<sup>18</sup> Rhoda E. Howard-Hassmann and Anthony P. Lombardo, back up Barkan’s opinion by stating “Adenauer had his own motives for this acknowledgment: without it, Germany was unlikely to receive Marshall Plan aid from the United States. Adenauer also wished to facilitate Germany’s reentry into the "civilized" (Western) world.”<sup>19</sup>

In a quest for an improved relationship with the United States, Adenauer embarked on the restitution path. This involved admitting guilt, recognizing a Jewish national identity, and declaring Israel as the major beneficiary of Jewish claims. With this process underway there was no easy point for Germany to turn back; Adenauer had invested too much in the moral rehabilitation of Germany through restitution. This process was sold to the German public in mundane and pragmatic terms. Adenauer explained that this was a *realpolitik* move that would “help Germany convince the Allies to reverse the occupation status.”<sup>20</sup> Adenauer’s tactic paid off and “the apparent German repentance was well-received by the world press. The *realpolitik* aim of restitution had an almost instantaneous result.”<sup>21</sup> This, however, does not mean that a true process of change had taken place in Germany. Internally the debates remained polemic only starting to calm starting in the 1980’s after the infamous *Historikerstreit*. Barkan explains, “American military files depict a postwar German eagerness to highlight or create a Jewish-related background, that suggests more about the perceived utilitarian value of these connections, associations, or background than about a new attitude.”<sup>22</sup>

As can be seen with the previous example of Germany, politicians, made decisions to alter their relationship with other countries. How historians and journalists then portrayed these events through media and academics helped to define the collective memory and identity formation in Germany. These definitions and the continued discussion surrounding such events continue to be ways in which the politics of memory are shaped. Or as Ralf K Wüstenberg states, “to summarize, politics of history can be characterized as a specific type of political communication and symbolic politics and actually appears as 'politics without policy,' that is to say, public debates do not refer to actions, nor do they announce actions or decisions, but in fact already constitute actions themselves.”<sup>23</sup> In some cases the politics of history can have a positive impact. As Wolfrum states, history constructs politics, just as politics construct history.<sup>24</sup> This is an especially important connection in situations of conflict where history can be used as an instrument of power or as a sort

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<sup>18</sup> Barkan, Elzar, 8.

<sup>19</sup> Rhoda E. Howard-Hassmann and Anthony P. Lombardo, “Framing Reparations Claims: Differences between the African and Jewish Social Movements for Reparations”, in *African Studies Review*, 50 (Apr., 2007): 27-48, 34.

<sup>20</sup> Barkan, Elzar, 12.

<sup>21</sup> Barkan, Elzar, 12.

<sup>22</sup> Barkan, Elzar, 19.

<sup>23</sup> Wüstenberg K Ralf, 178.

<sup>24</sup> Wolfrum Edgar, 21.

of weapon against the opposition. It is then the responsibility of an honest historian to use history not as a means of manipulation, but rather as a way to come to a more balanced, clearer understanding of both the past and present. In order to understand this process in Austria, it is pertinent to look into the previous development in Austrian identity formation and restitution attempts in order to decipher how it has adapted and evolved within the frameworks of the global paradigm of restitution in the 20<sup>th</sup> and 21<sup>st</sup> century.

Before one can go into the specific events which took place in the 1990s and early 2000s in Austria, one should look at the complicated way in which Austria previously dealt with its World War II guilt, or rather how it denied complicity in the international arena. As Dr. Oliver Rathkolb states, “the initial Austrian postwar perception was, of course, that the country had been the first victim of Nazi aggression,”<sup>25</sup> which he goes on to state was made possible by the deliberately overlooking a “broad spectrum of collaboration and an active and highly aggressive Nazi ideology”<sup>26</sup> both before and during World War II and the Holocaust. This distinct development of Austria's role during and after the war needs to be discussed in order to understand how international pressures were able to re-mold Austria's standpoint to World War II restitution.

### **III. Austria and the Second Republic Austrian Crimes Warrant Restitution**

Before the Anschluss on March 30, 1938, “200,000 Jews lived in a thriving community in Vienna, constituting nearly 10 percent of the city’s population.”<sup>27</sup> This lively Jewish section, however, was almost completely destroyed through the devastating policies of the Nazis during the Second World War. According to Eli Rosenbaum, in 1993, only around 8,000 Jews can be found in the entire country of Austria. “Although they represented only 8 percent of the combined German-Austrian population, Austrians made up 14 percent of the SS, and 40 percent of the killing force in Auschwitz. Austrians also joined the Nazi party at the same rate as Germans.”<sup>28</sup>

In May 1938, the infamous Nuremberg laws were extended to Austria, and in August of that same year the Central Office for Jewish Emigration was created. The deputy director of this office would later make a name for himself as one of the most hated Nazi leaders: Adolph Eichmann. The

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<sup>25</sup> Oliver Rathkolb, “The *Anschluss* in the Rear-View Mirror, 1938-2008: Historical Memories between Debate and Transformation,” *New Perspectives on Austrians and World War II*, Contemporary Austrian Studies, Volume 17, Transaction Publishers, New Jersey, 2009. 5.

<sup>26</sup> Rathkolb, Oliver, 2009. 5.

<sup>27</sup> Rosenbaum, M., Eli & Hoffer, William *Betrayal: The Untold Story of Kurt Waldheim Investigation and Cover-Up*: St Martin's Press, New York, New York, Library of Congress Cataloging-in-Publication Data, 1993, 11-12

<sup>28</sup> Eizenstat, Stuart, 281.

anti-Semitic actions proceeded in Austria with an almost unparalleled ferocity. Many years of resentment and intolerance in a historically Catholic land led to sweeping orders for confiscation of Jewish property and businesses frequently without any or only nominal compensation. Austrians call this a period of 'wild Aryanization', with nearly 7,000 Jewish businesses liquidated between March and June 1938.<sup>29</sup> However, not only businesses were obliterated. Jewish religious and cultural institutions such as synagogues, schools, hospitals, the famous Hakoah Sports Club, were largely confiscated or destroyed. On November 9, 1938, *Kristalnacht*, which started in Germany, made its way to Austria. In the Austrian version some fifty synagogues were burned to the ground and over 4,000 Jewish-owned businesses were looted in Vienna alone. According to Stuart Eizenstat, "By the end of 1939, 126,000 of Austria's 185,000 Jews had fled, with stiff exit taxes and many were pressured to relinquish their property to an Emigration Fund before they were handed their passports. The remaining 60,000 Austrian Jews were killed in Nazi death camps. By the autumn of 1944, 65,000 Hungarian Jews swelled the corps of 700,000 forced laborers on Austrian soil."<sup>30</sup>

In contrast to Germany, who as early as in the 1950s established multiple funds to benefit the victims of its National Socialist past, up until 1994 Austria had "paid virtually nothing in reparations."<sup>31</sup> "Under Allied coaxing, between 1946 and 1949 Austria passed seven laws to restore Nazi-seized property to Jews. But these were full of loopholes, with inadequate worldwide notice and short claims periods, and were applied by Austrian courts with a notable lack of sympathy."<sup>32</sup> Starting in 1994, Austria pledged to pay reparations, and in 1995 the *Nationalfonds der Republik Österreich für Opfer des Nationalsozialismus*<sup>33</sup> (Austria's national fund for the victims of National Socialism) was founded to fulfill their pledge. Yet the question remains: why did it take Austria so long to take responsibility for its involvement in National Socialism, and what finally changed the Austrian politician's minds?

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<sup>29</sup> Stuart E. Eizenstat, "Tribute to Ernst Sucharipa and 21<sup>st</sup> Century Challenges Remarks" 3.

<sup>30</sup> Stuart E. Eizenstat, "Tribute to Ernst Sucharipa and 21<sup>st</sup> Century Challenges Remarks", Diplomatic Academy, Vienna Austria, May 27, 2015  
<[https://www.davienna.ac.at/jart/prj3/diplomatische\\_akademie/data/uploads/News/201505\\_ESML\\_Eizenstat/ESML\\_2015\\_Stuart\\_Eizenstat.pdf](https://www.davienna.ac.at/jart/prj3/diplomatische_akademie/data/uploads/News/201505_ESML_Eizenstat/ESML_2015_Stuart_Eizenstat.pdf)> 3.

<sup>31</sup> Rosenbaum, 11-12

<sup>32</sup> Eizenstat, Stuart, 281.

<sup>33</sup> Nationalfonds Der Republik Österreich, Der Nationalfonds der Republik Österreich für Opfer des Nationalsozialismus, <http://de.nationalfonds.org/Nationalfonds.html>, accessed May, 26, 2014.

## Austrian Myths During and After the War

Before one can really discuss Austria's Second Republic one should look at the roots of the First Republic. Dr. Oliver Rathkolb explains, “A brief look at the birth of Austria’s First Republic will reveal the dilemma in which the country was caught up concerning nationhood and national identity after the loss of the symbolic figurehead of the emperor, who had served as a kind of sovereign bracket to hold together a complex national identity.”<sup>34</sup> After World War I the main political forces in Austria all supported a parliamentary democracy over continuing the monarchy. Austria had lost many of her territories and had become, “the state nobody wanted.”<sup>35</sup> The Austrian-Hungarian Empire had been reduced from an empire with around fifty million inhabitants to one with only seven million. At first many citizens wanted to join into a union with the German Reich, which had also been organized into a democracy after the war. This, however, was not an acceptable solution for the allied powers in 1919, who believed a strengthened Germany would lead to another war. According to Dr. Rathkolb, “The ensuing decades were marked by the increasing militarization of political debates and the radicalization of political conflict...before the backdrop of a prolonged social and economic crisis.”<sup>36</sup> Christian Social Chancellor Engelbert Dollfuss, suspended parliament on March 4<sup>th</sup> 1933, which led several days of civil war and the banning of the Social Democratic Workers' Party (SDAP). The Nazi power in Austria continued to gain momentum and terror attacks ensued. Chancellor Dollfuss, himself fell victim to a Nazi attack and lost his life in July 1934. Dollfuss's successor, Kurt Schuschnigg, was sympathetic to the German cause and was therefore much more keen to make a compromise with Hitler and Nazi Germany than his predecessor had been. It is against this backdrop that one must understand the events that took place in 1938.

On March 12<sup>th</sup> 1938, the German *Wehrmacht* marched unopposed into Austria. On the same day, in reaction to the enthusiasm that Hitler saw from the Austrian people, he decided to alter his first plans and incorporated Austria completely. On March 15<sup>th</sup> 1938, the Nazis annexed Austria to Germany. This *Anschluss* is enshrined through photos of Heldenplatz with masses of citizens ecstatically cheering on the arrival of Hitler and the Nazis. These images of jubilation completely overshadowed any images that had been taken of the many Jews who had been degraded and humiliated in the city. Rathkolb explains, “the Nazis suppressed these documents of racism, and the international news agencies, too, readily accepted the images with which the Nazis propaganda machinery supplied them. From the start, we are confronted with a highly selective construction of

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<sup>34</sup> Rathkolb, Oliver, 2009, 9.

<sup>35</sup> Rathkolb, Oliver, 2009, 9.

<sup>36</sup> Rathkolb, Oliver, 2009, 9.

cultural memories- both in Austria and in the world at large.”<sup>37</sup> Austrian antisemitism and acts of racism received barely any attention in the print media and were always overshadowed by what Oliver Rathkolb coins “the rape of Austria.”<sup>38</sup> The images that were promoted by the national and international media were carefully constructed to on the one side create the idea of the Austrian victim and on the other for the Nazis to downplay acts of antisemitism.

In reality, the first wave of arrests set in almost immediately. Tens of thousands of Austrian men and women, political opponents as well as Jews, were apprehended. On April 1<sup>st</sup> 1938, the first deportations to the concentration camp Dachau started. Yet due in part to clever media coverage, as the war went on the international idea of the Austrian victim continued to grow. Through the Moscow Declaration of October 1943, and subsequent statements and actions from politicians in the Second Republic this Austrian *Opfermythos* (idea of Austria as the victim of Nazi aggression) took hold.

The Moscow Declaration stated that Austria had been the “first victim of Hitlerite aggression.”<sup>39</sup> According to British historian Robert Knight, however, “it did not, as is sometimes claimed, present the Austrians with liberated status on a silver platter.”<sup>40</sup> He continues that the Moscow Declaration also referred to Austria’s “responsibility which she could not evade.”<sup>41</sup>

Yet, evade it she did. There was no Allied audit of Austria's contribution to her liberation, and if there had been one, according to Knight, it would not have gone in her favor. As he relates, “Peter Wilkinson, director of the British political division, explained that the British draft preamble for the Austrian treaty 'considered Austria an enemy state because the majority of Austrians had fought in the Wehrmacht.’”<sup>42</sup> The Austrian government described the years between 1938 and 1945 as a period of foreign rule and, as Austrian historian Heidemarie Uhl accurately states, “as far as Austria's role and participation in the war was concerned, these were portrayed as a period of resistance and persecution, of the nation’s fight for its liberation.”<sup>43</sup> This perception could be seen in all aspects of Austrian politics, from the nation's stance regarding restitution to the new flag. Uhl explains that, “the eagle, which had also been used during the First Republic, was now additionally adorned with broken chains to symbolize Austria’s liberation from foreign domination.”<sup>44</sup> Yet, a

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<sup>37</sup> Rathkolb, Oliver, 2009, 6.

<sup>38</sup> Rathkolb, Oliver, 2009, 6.

<sup>39</sup> Knight, G. Robert., (2000) *Contours of Memory in Post-Nazi Austria, Patterns of Prejudice*, Published online December 2000, 34:4, 5-11, 3.

<sup>40</sup> Knight, G.R., 3.

<sup>41</sup> Knight, G.R., 3.

<sup>42</sup> Knight, G.R., 3.

<sup>43</sup> Heidemarie Uhl, “The Politics of Memory: Austria’s Perception of the Second World War and the National Socialist Period,” in *Austrian Historical Memory and National Identity*, editors Günter Bischof & Anton Pelink, Contemporary Austrian Studies, Volume 5, 1997, 66.

<sup>44</sup> Uhl, Heidemarie, 1997, 66.

pressing question still remains, how were the Austrians able to avoid their responsibility? Knight explains one simple interpretation. He states: “the image of Austria as victim- or potential victim- of Soviet expansion overshadowed any other...”<sup>45</sup>

The Cold War tensions were already brewing and the western nations wanted Austria, like Switzerland, on the side of democracy, not on the side of the Soviets. It seems therefore a plausible theory that the west avoided joining the Soviets and Yugoslavians in their attacks on Austrian involvement in National Socialism or the *Wehrmacht* as it would have undermined their goal of creating a pro-western Austrian democracy. Due in part to this Cold War hysteria, when Leopold Figl, the first Federal Chancellor after World War II, promoted the theory that Austria was the first victim of Nazism and that she could become the future victim of Communism, the Americans agreed wholeheartedly.

Rathkolb explains, “Austria’s ambivalent position about its war experience manifested itself in the Chancellor Karl Renner's very first statement and was to remain a regular feature of Austrian self-interpretation for a long time to come.”<sup>46</sup> Addressing an inner circle of officials on April 30<sup>th</sup> 1945, Renner explained:<sup>47</sup>

[...] the idea of Anschluss as put forward in 1918, 1920, and subsequent years meant something quite different from what Hilter created. What the Austrian people had in mind was to join the community of all German peoples as a federation member with their state intact, as a Federal State in accordance with the Weimar constitution [...]. It was Adolf Hilter who first of all falsified the Anschluss and got it wrong, and in the end gambled it away for ever. The three world powers [the United States, USSR, and United Kingdom] agreed to restore an independent Austria, all other states in the world have with very minor exceptions joined them, and we are left with no option but to give up of our own accord the very idea of an Anschluss. This may well be hard for quite a few of us, but on the other hand, after what has happened, after this dreadful catastrophe, what is now a *fait accompli* is for all of us at the same time a release and a *fait libérateur*.

Furthermore, after the war Austria set up a coalition government which, “turned many jobs, from professorships to firemen, into party patronage.”<sup>48</sup> By doing this they were able to regulate their citizens and control the system. This helped to damper political passions which had raged after

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<sup>45</sup> Knight, R.G, 4.

<sup>46</sup> Rathkolb, Oliver, 2009, 14.

<sup>47</sup> Robert Knight, ed., “Ich bin dafür die Sache in die Länge zu ziehen”: Wortprotokolle der österreichischen Bundesregierung von 1945-52 über die Entschädigung der Juden, new ed. Vienna: 75-80.

<sup>48</sup> Musner, Lutz, *Memory and Globalization: Austria's Recycling of the Nazi Past and Its European Echoes*, New German Critique, No. 80, Special Issue on the Holocaust (Spring - Summer, 2000), pp. 77-91 Online: <http://www.jstor.org/stable/488634>, pg 81.

the First World War. According to historian Lutz Musner, “by narcotizing the wounds of the past and by controlling a system of party patronage, these coalition governments created the Austrian separate path [Sonderweg] - namely a rather peculiar mix of the 'Western' democratic model and its capitalistic economic underpinning, and the 'Eastern' model of an all encompassing social welfare state blended with elements of planned economy.”<sup>49</sup>

As the years passed and the Jewish Bruno Kreisky became prime minister of Austria, it was only natural for the Austrians, especially the wartime generation, to claim that they were not an antisemitic country and that any injustices which may have taken place should or already have been forgotten; and so the myth of Austria as Hitler's first victim was proliferated and ingrained into Austrian society, identity, and into their national collective memory. The belief that they as a people were victims and that there was no reason to confront their past remained in place for many years.

In addition to the self-victimization of the Austrian people and the pacifying party system, Austria's Second Republic also made use of an extremely long and rich Austrian history. This idea became known as the "Ostarrichi myth."<sup>50</sup> The word Ostarrichi is the middle-high German word for Austria. “It was first mentioned in A.D. 996 documenting Leopold of Babenberg's lands along the Danube in today's Lower Austria.”<sup>51</sup> Evoking this idea of an ancient Austria helped root the nation in the Middle Ages. This Heimat Austria is a one-thousand-year-old country with a wealth of history, full of cultural traditions and picturesque landscapes. With this history politicians were able to denote a clear cultural identity that was different from that of Germany. Linking the Second Republic with the Habsburg Empire replaced, “the myth of Austrians as the better Germans which was prevalent during the years of the destitute First Republic (1918-38).” This differentiation reinforced the idea that the Austrians “suffered occupation and were liberated after the devastating war.”<sup>52</sup> These two theories played into one another and enabled a modern, successful nation state to develop.

According to historian Karl Stuhlpfarrer, the occupation and victim thesis allowed Austria to enjoy a variety of benefits in the years after the war. The largest benefit came in a shortening of the allied time of occupation as it was hard to explain why the first victim of Nazi Germany needed to be occupied. Additionally, Austria was able to avoid paying reparations and it also legitimized Austria's claim to areas such as South Tyrol. Finally this theory of occupation allowed Austria an easy reconciliation with the Catholic Church.

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<sup>49</sup> Musner, 81.

<sup>50</sup> Lamb-Faffelberger, Margarete, *Beyond "The Sound of Music": The Quest for Cultural Identity in Modern Austria*, The German Quarterly, Vol. 76, No. 3 (Summer, 2003), pp. 289-299 Online: <http://www.jstor.org/stable/3252083> pg. 290.

<sup>51</sup> Lamb-Faffelberger, 290.

<sup>52</sup> Lamb-Faffelberger, 293.

Stuart Eizenstat stated, “A newly free Austria became a model democratic country, with an excellent transparent public administration, and a worldwide influence well beyond its small size.”<sup>53</sup> Eizenstat continued, “Austria was generous in accepting refugees from the Hungarian and Czech uprising against Communism, and was a significant contributor to development around the world.”<sup>54</sup> This prosperous, democratic Austria, full of classical music, lederhosen and waltzes, and the idea that Austria was Germany's first victim, was not only accepted but was embraced by the Western powers.

### **Austrian Identity: changes and consistencies 1955-1986**

These myths coalesced together to become a form of modern Austrian identity. Yet, what does one mean by Austrian identity? Historian Peter Thaler explores the intricacies of the Austrian case in his work “The Ambivalence of Identity.”<sup>55</sup> Thaler introduces this process of identity building by stating, “like the other lands and peoples of the former Habsburg Monarchy, the Austrians have endeavored over the past century to craft an identity from the western European, nation-state model.”<sup>56</sup> For Austria, whose experience ranged from being that of being a political and cultural center and Europe, to what Austrian politician, Jörg Haider, characterized as an “ideological miscarriage,” this process was especially complex. Thaler furthers, “T.C.W. Blanning’s candid observation that 'Austrian identity was born on the road back from Stalingrad' may appear cynical to some, but most Austrians were clearly eager to dissociate themselves from guilt by association- or outright complicity- with the monstrous crimes of Hitler’s New World Order.”<sup>57</sup> To put it simply, the Austrian notion of modern identity is a perfect show-place for Benedict Anderson’s “imagined community” and Eric Hobsbawm’s “invention of tradition.” In other words, like Thaler, I ascribe at least in part to the idea that Austrian identity can be seen from an instrumentalist standpoint: as a careful construction from nationalist elites.<sup>58</sup>

During the first 20 years after the war relations between Austria and Germany were particularly tense. Austrians claimed that the Germans must pay all of the restitution fines as Austria, through the Anschluss, has ceased to exist. No one spoke about a collective responsibility in Austria. Rathkolb states, “Responsibility for World War II and the Holocaust (and, consequently,

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<sup>53</sup> Eizenstat E. Stuart, “Tribute to Ernst Sucharipa and 21<sup>st</sup> Century Challenges Remarks” 3.

<sup>54</sup> Eizenstat E. Stuart, “Tribute to Ernst Sucharipa and 21<sup>st</sup> Century Challenges Remarks” 3.

<sup>55</sup> Thaler, Peter, *The Ambivalence of Identity: The Austrian Experience of Nation-Building in a Modern Society*, Purdue University Press, United States of America, 2001.

<sup>56</sup> Thaler, Peter, 2001, vii.

<sup>57</sup> Thaler, Peter, 2001, viii.

<sup>58</sup> Thaler, Peter, 2001, 16.

all compensation claims) was passed on to the Federal Republic of Germany.”<sup>59</sup> The Germans were not particularly happy about this arrangement and the German Chancellor, Konrad Adenauer, did not mince his words with the then Austrian Secretary of State Bruno Kreisky. Adenauer protested, “So, Austrian property in Germany? You know, Mr. Kreisky, if I knew where Hitler’s bones were to be found, I’d gladly return to you as Austrian property.”<sup>60</sup>

Starting in the 1950s, an emergence of what historian Heidemarie Uhl terms, “double speak,” can also be seen. She explains that this “double speak”, is, “an an ambiguous perception of history which was to prove the most pervasive influence on Austria's specific construction of the past.”<sup>61</sup> In short, this involved a process in which Austria promoted two historical realities at the same time. In international politics Austria emphasized its role as Hitler's first victim and used the Austrian resistance movement as proof that Austria had been a state which had been unwillingly occupied by Germany. On the national level, however, the memories of resistance and Nazi crimes were marginalized. Uhl states, “While the Austrian negotiators in the negotiation for the State Treaty insisted on the deletion of the 'share of responsibility clause,' Austrian politicians were paying public tribute to the former *Wehrmacht* soldiers, praising them for so conscientiously fulfilling their duties and for their willingness to make sacrifices for their homeland.”<sup>62</sup> To say that Austria was an occupied victim, and that Austria did not exist during the Second World War and therefore has no liability to pay reparations, while at the same time claiming that Austrian soldiers had fought bravely to protect the homeland is simply stated a contradiction. This concept took on important implications in Austria's post-war domestic politics.

Uhl states, “The integration of former members of the National Socialist Party became the main topic of domestic political debate-- partly motivated by party-political interests-- while the controversy over Austria's responsibility for the war was increasing repressed and eventually restricted to periodic statements issued by societies representing the victims and the Communist Party, which by then no longer held any political sway.”<sup>63</sup> A large number of the voting population had been members of the National Socialist Party. By using this double edged tactic, Austrian politicians were able to both cater to former party members, while also denying legal obligations to the international community and former victims. On the one hand, in answering a parliamentary question from SPÖ members, the Minister of Finance, Reinhard Kamitz, said: <sup>64</sup>

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<sup>59</sup> Rathkolb, Oliver, 2009, 15.

<sup>60</sup> Rathkolb, Oliver, 2009, 15.

<sup>61</sup> Heidemarie Uhl, 1997, 80.

<sup>62</sup> Uhl Heidemarie, 1997, 80.

<sup>63</sup> Uhl Heidemarie, 1997, 68.

<sup>64</sup> Brigitte Bailer, “They Were All Victims: The Selective Treatment of the Consequences of National Socialism,” in *Austrian Historical Memory and National Identity*, editors Günter Bischof & Anton Pelink, Contemporary Austrian Studies, Volume 5, 1997, 107.

The payment of any kind of restitution is out of the question, because Austria did no damage to anyone and therefore is not obliged to pay any kind of reparation. If Austrian citizens took part in inflicting such damages, they did not do so as Austrian citizens but either as individuals or as ordered by the people in power at the time.

While on the other hand, restitution measures often paid both victims of the NS regime and former National Socialists who had bravely defended their homeland. Brigitte Bailer, claims, “In the 1950s the measures in favor of the former National Socialists in most cases ran parallel with measures in favor of the NS victims or were even intermingled as in the 1950 case of the “Fund for the Compensation of Hardships.”<sup>65</sup> Another example where this tactic paid off can be observed in a 1953 dealing with the Jewish Claims Conference.

In 1953, the Jewish Claims Conference successfully completed negotiations with West Germany which led to the adoption of the Federal Compensation Payment Act. In the same year similar negotiations were taken up and subsequently denied in Austria. The logic behind the rejection was that the Austrian Government could not possibly be responsible because Austria had been occupied by Germany during the time-frame when the crimes were committed. The members of the Committee were informed that, “all suffering to which the Jews were subjected during this period was inflicted on them by the Germans not by Austrians; Austria could not be held responsible for any of these evil doings, and where there is no responsibility there can be no claims for compensation.”<sup>66</sup>

It was not until 12 October 1966, that the myth really faced its first internationally heard opposition. Simon Wiesenthal, the director of the Documentation Center of the Association of Jewish Victims of the Nazi Regime, promoted the argument of Austrian co-responsibility “in the crimes of the war in his memorandum 'Crime and Punishment of Nazi Perpetrators from Austria' and used a number of isolated case histories as his primary corroboration.”<sup>67</sup> Wiesenthal's action was an attempt to motivate the ÖVP government into taking a more critical look at the pending lawsuits against Nazi war criminals and at the outrageous acquittals of Austrian Nazi criminals which had taken place directly after the war. Since then U.S. publications have often quoted Wiesenthal's findings which display a different interpretation from the victim Austria. In his results Wiesenthal claimed that Austrians had held a disproportionate number of key positions in the extermination machinery of the Nazi regime. These numbers cannot completely be taken at face value, but Wiesenthal wanted to “draw attention to the high percentage of Austrian culprits who had

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<sup>65</sup> Bailer, Brigitte, 1997, 103.

<sup>66</sup> Uhl Heidemare, 1997, 72.

<sup>67</sup> Rathkolb, Oliver, 2009, 15.

not been subjected to judiciary proceedings.”<sup>68</sup> Furthermore, Wiesenthal wanted to draw attention to the former National Socialist Odilio Globocnik. Although this event could have stirred the international community and Austria into a re-evaluation of its history, it did not. As the 1960s came to a close and Bruno Kreisky came to office the idea of re-evaluating Austria's role in the war fell behind other more pressing matters. Wiesenthal continued to prod and question the Austrian victim narrative but his attempts to change the situation within the Austrian system of domestic politics met with little success. According to Rathkolb, Kreisky, perhaps in part due to his Jewish roots, did not want to “hold a mirror to the face of the Austrians.”<sup>69</sup> This lack of critical examination, for many Austrians cemented the victim doctrine into the Austrian national collective memory. It seems that it was not until the 1980s, and specifically until the Waldheim Affair began in 1986, that nations, specifically the United States, began to take a greater interest in Austrian history.

The domestic political fight between the SPÖ and the ÖVP which reached the international stage in 1986, began when an unknown informant told Eli Rosenburg, a lawyer for World Jewish Congress (WJC), that the ÖVP's candidate, former UN Secretary Kurt Waldheim, had a Nazi past. When Edgar Bronfman, the leader of the WJC, wrote Waldheim for an explanation in regards to these allegations, Waldheim denied his Nazi past, saying he had, “served only briefly in the Wehrmacht and then had been a student for the balance of the war.”<sup>70</sup> The WJC's research showed this to be a lie. The exhaustive research and confrontational tactics that the WJC employed against Waldheim gave the organization “worldwide exposure and laid the groundwork for what [Stuart Eizenstat] would see deployed against the Swiss, Germans, and Austrians years later during [the Eizenstat] negotiations.”<sup>71</sup> This pressure from the international community, and more pointedly from the United States led to a rough wake-up call in Austrian domestic politics. Oliver Rathkolb cleverly states, “Austria woke up in 1986 to a completely changed situation. Its postwar role as the darling of the Cold War had come to an end. There was no longer any geopolitical necessity to bypass the political confrontation on the extent of implication in the Holocaust and World War II in order not to hurt the feelings of an ally.”<sup>72</sup> With the Waldheim investigation and subsequent negative press, Austrians, mainly the younger generation, began questioning their fathers and grandfathers about the “war years.” Rosenburg explains, “...Waldheim represents: the cynicism, selective memory, and outright dishonesty that still pervade many Europeans' views of their countrymen's role in the

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<sup>68</sup> Rathkolb, Oliver, 2009, 15.

<sup>69</sup> Rathkolb, Oliver, 2009, 18.

<sup>70</sup> Stuart Eizenstat, *Imperfect Justice: Looted Assets, Slave Labor, and the Unfinished Business of World War II*, Library of Congress, Washington, 2004. 57.

<sup>71</sup> Eizenstat, Stuart, 57.

<sup>72</sup> Rathkolb, Oliver, 2009, 22.

horrors unleashed by Hitler.”<sup>73</sup> This symbol helped to renew interest in both the United States and in Austria surrounding Austria's role during the Second World War.

Yet, not every child was interested to hear about both the terrible deeds that some undertook and the miserable conditions which surrounded their parents' generation. According to Rathkolb, “Tens of thousands of NSDAP and SS members, who were held prisoners for a time but never charged, frequently felt themselves to be ‘victims of liberation.’”<sup>74</sup> Rathkolb continues, “This warped perception of history has been passed on to their children and has, particularly since the Waldheim debate, generated an unending series of readjustments.”<sup>75</sup> More than 500,000 party members were in some way involved with the de-Nazification process after the war. This means that roughly one fourth of Austria's population after the Second World War had to undergo a direct confrontation with this issue. Children and grandchildren of the post war generation have reacted to this situation in various ways, some denied their parents' culpability, while others led the way in the quest for historical accuracy and a form of imperfect justice. One post-war child, a politician from Corinth, was confronted with this situation in 1986, this is also the year that began his rise to power. Fourteen years later, this politician, Jörg Haider, would ignite another wave of negative press for Austria.

Additionally, it is important to note that although the Waldheim Affair led to a change in both Austrian policy and politics, Austria still refused to legally accept the responsibility for victims losses under the National Socialist regime. In an interview which I conducted with the director of the Diplomatic Academy in Vienna, Hans Winkler, he claimed, “The Waldheim affair led to the creation of the National Fund[1995], which set the standard. But what is very important is that Waldheim did not change the fundamental position of Austria, that we were not responsible for compensation. We were only responsible for restitution for things in our possession after 1945. But we would not compensate for property losses, that would be Germany. The National Fund was only a gesture irrespective of the losses...”<sup>76</sup> The Waldheim Affair led to a reevaluation and an influx in literature surrounding Austria's role in the war, yet it did not directly lead to the Reconciliation Fund or the Washington Agreement. For this development, a few more years and an international shift in the importance of restitution would need to occur.

Yet before one looks into the further development and change which took place in the Austrian history of politics, the idea of Austria's role in World War II, and eventually in Austria's restitution policies and its renegotiated identity, one must look into why the United States started to

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<sup>73</sup> Rosenbaum, xviii

<sup>74</sup> Rathkolb, Oliver, 2009, 23.

<sup>75</sup> Rathkolb, Oliver, 2009, 23.

<sup>76</sup> Winkler, Hans. Interview by author. Personal Interview, Diplomatic Academy, Vienna, June, 6, 2015.

put an international pressure on Austria, and other European countries in the 1980s. In other words, one must look into why Barkan's "global restitution paradigm" founded on the idea of the "guilt of nations" was formed.

#### **IV The United States and a New Global Paradigm**

##### **Barkan and the United States**

According to Elzan Barkan, author of, *The Guilt of Nations*, restitution is a, "form of material recompense for that which cannot be returned, such as human life, a flourishing culture and economy, and identity."<sup>77</sup> The United Nations High Commission for Human Rights' provides a definition of reparations which includes, "a variety of symbolic and material measures, including acknowledgment of past actions, apologies for them, and monetary or other material compensation (Office of the High Commissioner for Human Rights 2005)."<sup>78</sup> It is important to remember that reparations and restitution can never equalize the victims of National Socialism's losses and suffering. *Wiedergutmachung* can only be as Stuart Eizenstat so poignantly titled his book, an *imperfect justice*. Yet Barkan explained that through this process of negotiation both the victims and perpetrators can renegotiate their histories and identities. "Perpetrators accepting their responsibility provided an opening for the victims to address guilt and justice. Such negotiated restitution settlements spread globally into the post-colonial area too and thus constituted a new international politics that also reinvigorated human rights."<sup>79</sup>

The first question that one needs to address is what changed that led to an explosion of discussion and re-evaluation of policies?; what led to this new global paradigm? To understand this one must look at the international atmosphere of the late 1980s and early 1990s where in many countries the process of restitution had been an ongoing albeit halfhearted and incomplete adventure. The country that more than any other supported the creation of this paradigm was the United States. The lawyers who filed the class-action lawsuits were from the United States and many of the first truth commissions and committees were formed there. After the Second World War a steady process began where the United States took on the role of the World Police. The question is then, why did this issue, which began in the United States and spread to the international stage, start in the 1990s?

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<sup>77</sup> Barkan, Elzar, XIX.

<sup>78</sup> Rhoda E. Howard-Hassmann and Anthony P. Lombardo, 30.

<sup>79</sup> Summary of Conference, "Commissioning History in the United States, Germany, and Austria: Historical Commissions, Victims, and World War II Restitution," *Realpolitik and Moralpolitik- After the Grand Loot: Commissioning History, Restitution Settlement, and Measures of Historical Justice*, The National D-Day Museum, New Orleans (Nov. 21-23, 2002). an

In the United States a series of events led to an increased interest in the Holocaust and in restitution policies. This process did not occur overnight, although it sometimes may appear so. For Americans specifically the Six Day War in 1967, established Israel as a focus for Jewish awareness, this in turn led to an increased interest in Holocaust issues. Yet a greater interest did not truly develop until 1993, when the Holocaust Memorial Museum opened in Washington. Museums, books such as the *Diary of Anne Frank*, and television programs such as the *Shoah* were also important for the formation of an American interest. Additionally, in the United States, through the Civil Rights Movement and the Feminist Movement, individual rights had taken on a new meaning. Previously ignored human rights violations became media scandals which deserved attention. According to author of *The Dilemmas of Transitional Justice*, Neil J. Kritz, “There is a growing consensus in international law that (a) the state is obligated to provide compensation of victims of egregious human rights abuses perpetrated by the government, and (b) if the regime which committed the acts in question does not provide compensation, the obligation carries over to the successor government.”<sup>80</sup> This concept was taken up in both the United States, and democracies around the globe.

Due to this combination of renewed interest in the holocaust and human rights violations, and specific conditions that will later be described, the United States took interest in Holocaust era restitution claims. Günter Bischof claimed, “...the administration of U.S. President Bill Clinton made the 'unfinished business' of full restitution of Holocaust era assets a political priority and part of its wider campaign for human rights; moreover, American lawyers pushed class action suits against Swiss, German, and Austrian financial institutions and businesses, sparking the appointment of historians' commissions and serious investigations into the uncharted territory of the past.”<sup>81</sup> Bischof goes on to explain that, “the spillover effects of this international politics of restitution and reconciliation...probed what Elazar Barkan has called “the guilt of nations.”<sup>82</sup> For American advocacy groups, especially for those in the Jewish community there was another factor at work.

According to Pierre Heumann, author of “Warum sich Israel nicht für die nachrichtenlosen Vermögen interessiert,” for American Jews the search for property restitution doubled as a search for Jewish identity. Heumann states that American Jews had assimilated to a point where they could no longer define their identity through the Jewish religion. This led to a search for other ways to demonstrate their connection with the Jewish people.<sup>83</sup> For these individuals the fight to reclaim

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<sup>80</sup> Neil J. Kritz, *The Dilemmas of Transitional Justice*, United States Institute of Peace, January, 2000, 8.

<sup>81</sup> Günter Bischof and Michael S. Maier, “Reinventing Tradition and Politics of History: Schüssel's Restitution and Commemoration Policies,” in *The Schüssel Era in Austria*, Contemporary Austrian Studies, Günter Bischof, Fritz Plasser (Eds.), Volume 18, Innsbruck University Press, 2010, 208.

<sup>82</sup> Bischof Günter and Maier S. Michael, 2010, 208.

<sup>83</sup> Gisela Dachs (HG.), *Deutsche, Israelis und Palästinenser: Ein schwieriges Verhältnis*, „Warum sich Israel nicht für

dormant accounts was not simply about restitution or reclaiming property, for them this was a “holy mission,” a fight to confirm their Jewishness.<sup>84</sup> This search for affirmation and confirmation did not start in the 1990s, this was an ongoing struggle for American Jews. Yet, in the 1990s the conditions were finally right for their voices to be heard. Specifically, in 1989, an event rattled the norms of Holocaust restitution trials.

## **The End of the Cold War**

As the Cold War ended and various peoples gained the ability to travel and many archives were declassified to the international community. This came in addition to the Western process of declassification which occurred naturally fifty years after the war. As economic historian Helen B. Junz explains, “Suddenly masses of valuable material on the Nazi period, especially that held in the archives of the former GDR and in some eastern European countries, became readily available.”<sup>85</sup> These sources, in combination with the many victims whose opinions could finally be heard, poured into the Western consciousness. Junz continues, “more directly, the collapse of communism removed the political barriers that had prevented the flow of restitution from West to East.”<sup>86</sup> This meant that those who had lived behind the Iron Curtain could finally file claims against the West and that those who had lost property to the East could pursue efforts to reclaim their lost goods. With these two processes simultaneously happening, new documents appeared which suggested that the Swiss were not as neutral and guilt-free as they had once claimed. It is also important to note that with the end of the Cold War neutral lands like Switzerland and Austria were not quite as necessary as safe-havens against communism which meant that it was easier to criticize both their current policies and in the case of Switzerland their claimed neutral past.<sup>87</sup>

## **Time**

As powerful an event as the fall of the Berlin Wall was in ending the East/West divide there were a few other key elements which allowed a restitution paradigm to develop in the 1990s. One of these changes was something almost too simple: the passage of time. Time was important for a variety of factors. After World War II ended cities were destroyed and peoples were scattered across

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*die nachrichtenlosen Vermögen interessiert*“Palmyra Verlag, Heidelberg, 1999. 265.

<sup>84</sup> Gisela Dachs, Pierre Heumann, 265.

<sup>85</sup> Helen B. Junz, *Where did all the money go? Pre-Nazi Era Wealth of European Jewery*, Volker Commission, 2001. 5.

<sup>86</sup> Junz, B. Helen, 5.

<sup>87</sup> Barkan, Elzar, 91.

the globe. Stuart Eizenstat explains that this chaos led Holocaust victims' justice becoming a lost priority. He states, "when the Cold War began, all energies of the West were focused on dealing with the threat to Europe from the Soviet Union, not with justice for Holocaust victims and their families. It appeared that justice for Shoah survivors, and other non-Jewish victims of World War II would evaporate into the mists of history. Authors like Elie Wiesel had difficulty getting their books published. No courses on the Holocaust could be found in any American college campus."<sup>88</sup> With the Cold War raging and both victims and perpetrators simply trying to survive matters such as justice and restitution were not on the main agenda.

On a more psychological level, after the war both victims and perpetrators built a wall of silence surrounding the topic. This barrier can perhaps be explained by a number of reasons, yet two of the most important seem to be survivor guilt and the desire to rebuild and to seal off memories that were simply too painful to deal with. This desire to let sleeping dogs lie can easily be understood, if not forgiven, when one looks at the level of destruction after the war. People simply wanted to rebuild their devastated families and cities. Time increasingly gained importance because victims were aging and dying. Time was growing short for many survivors, and the pace needed to quicken if they wanted to see any form of justice for their years of misery. As World War II increasingly became a historic event instead of a reality sons and daughters and in some cases grandsons and granddaughters began to ask questions. This distance from the war allowed some of the traumas to become more accessible.

Anniversaries and important dates, such as the 50<sup>th</sup> year since the end of the war triggered both reminiscences and a renewed interest in the matter. Additionally, 50 years meant that further official documents, which had been closed off for half a century, were opened up for researchers and those interested, which simply added to the stock of newly available archival material. Furthermore, as Junz so eloquently states, "...the passage of half a century had sharpened the awareness that no time was to be lost if living memory was to be passed on, if forgotten or buried truths were to be surfaced and if justice was to be done."<sup>89</sup>

Other events led to a conditions where such demands for property and rights could take place. During the 1960s the United States Civil Rights movement built an atmosphere where individual rights were heard instead of simply taken advantage of. As individual rights gained importance on the national stage, Americans gained an interest in the individual rights of various groups of victims: from the genocide victims in Rwanda to the Holocaust victims of World War II. Junz summarizes four from the five points which I believe led to an environment where a restitution

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<sup>88</sup> Stuart E. Eizenstat, "10 Years After the Washington Agreement: Background Successes and the Future," <http://austria.usembassy.gov/eizenstat.html>

<sup>89</sup> Junz B. Helen, 5.

paradigm was possible. She states:<sup>90</sup>

1. The revival of the issue of property claims as the implosion of the Communist regimes enabled Nazi victims, or their heirs, who had lived behind the Iron curtain to lodge such claims;
2. the release of information and documentation following the fall of the Berlin Wall and the 50th anniversary of the end of the war;
3. the sense of urgency to deal with the unfinished business of the war, two score and ten years after its end, and the realization that this was the last call to transmit living memory and right individual wrongs; and
4. the greater predisposition toward activism that came with the passage of generations and the change in the general climate toward support of individual rights; all helped prepare the ground for the snowballing demand for the facts regarding the treatment of Holocaust era assets worldwide.

There is one last important factor which Junz does not include in the list: globalization.

## **Globalization**

In addition to the passage of time and to an increase in the importance of individual rights, one must take the modern level of globalization into account. In 1995, the business situation had dramatically changed since the last time a search of bank accounts was made in 1962. “With globalization, any would-be player on the international scene had to become global himself. Growth-oriented financial institutions could no longer be satisfied with a branch or agency in the United States.”<sup>91</sup> In countries all around the world, and specifically in Switzerland the rules of economics had changed. “Network building, mergers and acquisitions were de rigueur, in all of which the large Swiss banks were set to participate and all of which required the fiat of the U.S. Federal and State regulators. This meant that for the first time in the post-war period the weight of leverage lay with those outside Switzerland.”<sup>92</sup>

Markets were increasingly connected and in order to grow into an international powerhouse one had to cater to the international market. With an increase in sensitivity to human rights violations and individual rights, this meant that one had to look into the darker spots in the company’s history. Historian Richard Mitten explains, “a globalized economy had placed substantial

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<sup>90</sup> Junz B. Helen, 9.

<sup>91</sup> Junz B. Helen, 10.

<sup>92</sup> Junz B. Helen, 10.

foreign assets in the United States that could now be subject to seizure. Apart from any specific legal liability, the bad publicity for such firms generated by these discussions could in turn lead to a kind of 'moral divestment.'"<sup>93</sup> This divestment could lead to financial ruin in an economic atmosphere where competition is no longer between one or two companies but expanded over the entire globe.

Jonathan Steinberg, reflected on the globalization of the world economy by stating, "The class action would be merely an American oddity, were it not for the...factor globalization." He continued, to explain that Deutsche Daimeler-Benz, BMW, the Swiss banks, Nestle, Hoffmann-LaRoche, German insurance and chemical companies and many other large international businesses all needed to operate in the greatest market in the world: the United States. Steinberg furthered, that companies simply could not afford to have their licenses revoked, their mergers blocked by regulatory authorities at state or federal level, or their legal departments tied up for years in messy class action litigation.<sup>94</sup> Globalization was not simply an economic phenomena. There was also a globalization of ideas and media which has continued to increase as the years pass and the technology improves. This globalization of the media meant that countries were connected and that their deeds and lack there of would be plastered across international media sources. This in turn has led to an increased consciousness for the global community.

Barkan explains, "moral rhetoric shifted swiftly during the late nineties, molded to a great degree by political developments. As news broke and the public was exposed to the horrors of genocides and massacres, liberal sentiments inspired moral desires and eventually political action."<sup>95</sup> Another historian Richard Mitten summarizes the situation coherently by claiming, "It was, then, a largely fortuitous convergence of increased legal and political possibilities, including the deft exploitation of available media public relations, and the existence of an already substantial body of solid historical research (and newly opened archives) on which interested individuals and organizations could draw, that were responsible for the increasing series of embarrassing disclosures, class-action law suits, negotiated settlements, and historians' commissions that have emerged in the past few years."<sup>96</sup>

With these important developments in mind, one can now shift to the first event to spark the creation of this Holocaust restitution paradigm: the United States class action struggle against Swiss banks. The Swiss case is important not just because it inspired many of the later struggles, but also because the dormant accounts which had been held in Swiss banks and denied to their rightful heirs,

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<sup>93</sup> Richard Mitten, "Widergutmachung" and the Austrian Historians' Commission, Antisemitism Research, Volume III, Number 1, Fall 1999. 2.

<sup>94</sup> Jonathan Steinberg, *Reflections on Intergenerational Justice*, (<http://www.ciaonet.org/wps/stj02.pdf>.) 06.09.2015, 5.

<sup>95</sup> Barkan, Elzar, XI.

<sup>96</sup> Mitten, Richard, 2.

many of whom were either related to or were themselves Holocaust survivors, in historian Regula Ludi's words, "came to symbolize how justice was denied to survivors."<sup>97</sup>

## V Switzerland and the Inception of the Restitution Paradigm

### Switzerland

According to Barkan, on March 5, 1997, world morality changed. He claimed that the reason was unexpected. Specifically, he stated, "In response to accusations of profiting from Jewish suffering during World War II, Switzerland announced its intention to sell substantial amounts of its gold to create a humanitarian fund of five billion dollars. The fund [was] to be dispensed to Holocaust victims who lost their money in Swiss banks and, further, to amend historical injustice worldwide."<sup>98</sup> The surprise in this event was not only that Switzerland shook the financial markets and caused a fall in the price of gold, or even that Swiss bankers appealed but also that the famously secretive Swiss banks had at least publicly admitted their guilt and had opened up their archives to historians and truth committees. Barkan claims that in light of these events it seemed as though moral issues had become so powerful in the international area that they could apparently turn even tailored bankers into "compassionate radicals."<sup>99</sup>

Since the end of World War II, a few Jewish organizations and select survivors had unsuccessfully attempted to come to an agreement with the Swiss Banks about the dormant accounts. Yet these attempts all occurred before the conditions were ready for Barkan's so-called restitution paradigm. According to Ludi, "in the United States, Switzerland and its wartime past became an issue of public debate early in 1996."<sup>100</sup> The first to react to the situation were Edgar Bronfman and the WJC, who once again were alerted to unfinished business in the Holocaust victims community. Bronfman and his partner Singer tried to meet with the bankers to convince them of their concerns, but it was clear that they would need even more external pressure in order to start the ball rolling. This time the WJC took negotiations to another level and played the political card for the first time. They originally went to New York senator Alfonse D'Amato, the powerful chair of the Senate Banking Committee, which had jurisdiction over all American banking and financial issues and institutions.<sup>101</sup> D'Amato sprung at the opportunity to work with the WJC on the case in Switzerland. This enthusiasm can in part be explained by the internal politics in New York.

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<sup>97</sup> Regula Ludi, "The Swiss Case" Center for European Studies Working Paper Series No. 80, *Historians as political trouble-shooters: Officially Commissioned Surveys of Holocaust Legacies in France and Switzerland* (n.d.), available at <http://www.ciaonet.org/wps/luro2/luro2.pdf>. Last accessed June 5, 2015. 2.

<sup>98</sup> Barkan, Elzar, XVI.

<sup>99</sup> Barkan, Elzar, XV.

<sup>100</sup> Ludi, Regula, 4.

<sup>101</sup> Eizenstat, Stuart, 61.

At the time D'Amato had an upcoming reelection campaign (which he lost) and he had just suffered an embarrassing fiasco during the Senate Whitewater hearings against the Bill and Hillary Clinton. In short, there was increasing levels of criticism against D'Amato.<sup>102</sup> New York is one of the most highly populated Jewish areas in the United States so D'Amato most likely believed that challenging the Swiss banks on issues of Holocaust funds would please his constituents.

When Bronfman and the WJC started, they were not seeking massive payments from the Swiss Bankers, but rather simply wanted the banks to match up dormant accounts with their owners and to give the WJC control over heir-less accounts for the benefit of all Holocaust survivors.<sup>103</sup> As D'Amato and the WJC began to investigate the Swiss case both American and Swiss newspapers took up the stories and the public pressure on Switzerland to address its past began to mount. "The plight of hundreds of thousands of Holocaust survivors in Eastern Europe, who had been previously ignored, became a public issue,"<sup>104</sup> Ludi explained, "quickly the dormant accounts came to symbolize the whole legacy of Holocaust bystanders who had been involved directly or indirectly in the expropriation and exploitation of the Nazi victims."<sup>105</sup> The famed bank's confidentiality became a target. After the war the bankers followed their banking code exactly as they had always done. This however, was cruel in the light that it not only did not allow the bankers to inquire into the sources of the money, but more importantly did not allow victims' descendants to gain access to their money after the war because they could not provide documentation, including death certificates. It did not matter to the bankers post 1945, that no death certificates were not issued in Auschwitz.<sup>106</sup> Stuart Eizenstat claimed, "Negotiations with neutral nations during the War, including Switzerland, dragged on for years, and were inconclusive and unsatisfactory in recovering German assets for the benefit of survivors and refugees."<sup>107</sup>

Naturally, neither the bankers nor the Swiss people were all guilty of greed, or even worse accusations. Many Swiss believed that their actions in the 1940s were justified. They rationalized their actions by explaining that Switzerland was surrounded by the militarily superior Germany and many policy makers and citizens alike believed that, "opposition would have meant defeat, which would have been disastrous for the refugees as well as for the country."<sup>108</sup> Additionally, more than twenty thousand<sup>109</sup> Jews found refuge in Switzerland in the years just prior to, and just after, the

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<sup>102</sup> Barkan, Elzar, 98.

<sup>103</sup> Eizenstat, Stuart, 61.

<sup>104</sup> Barkan, Elzar, 96.

<sup>105</sup> Ludi, Regula, 4.

<sup>106</sup> Barkan, Elzar, 90.

<sup>107</sup> Stuart E. Eizenstat. "10 Years After the Washington Agreement: Background Successes and the Future," <http://austria.usembassy.gov/eizenstat.html>

<sup>108</sup> Barkan, Elzar, 91.

<sup>109</sup> Barkan, Elzar, 88.

beginning of World War II. Yet these explanations were not enough in the face of the stringent accusations.

In 1996, the World Jewish Restitution Organization, the World Jewish Congress, and the Swiss Bankers' Association appointed the so-called *Independent Committee of Eminent Persons*—which was dubbed the Volker Commission by the media. Volker was the last name of the chairman and former Federal Reserve chairman of the United States, Paul Volker. “The Volker Committee’s aim was the identification of dormant accounts in Swiss banks and their restitution to the rightful owners.”<sup>110</sup> The research was extremely exact and highly technical. A range of audits conducted by a range of firms resulted in a re-evaluation of Switzerland's role during and after the war. The 1999 report, however, did not provoke a noteworthy controversy in the public realm.

In addition to the Volker Committee, in 1997, the political pressure combined with the WJC prompted the Swiss government to create their own self-searching committee, *The Independent of Experts Switzerland- Second World War (ICE)*, known to the public as the Bergier Committee. Like the Volker Committee, the Bergier Commission was named after its president, the historian Jean-Francois Bergier. The Commission's official task was to investigate the economic relations between Switzerland and Nazi Germany and to examine their postwar legacies.<sup>111</sup> The two committees set to work to uncover the truth behind the funds, and perhaps things could have ended quickly and quietly after the D'Amato hearings and the two committees published their findings; however, this was not to be the case.

Things changed for the dramatic after the hearings. According to Stuart Eizenstat, “In the case of the Swiss bank affair, lawsuits raised the stakes by changing the nature of the debate from negotiation to the adversarial electricity of Anglo-Saxon law. Any hope of contain the controversy by quiet diplomacy and the Volker audits ended when a group of class-action lawyers got wind of the D'Amato hearings. The lawyers hijacked the Swiss bank dispute.”<sup>112</sup> From this statement it is clear that the class-action lawyers and the various government associations involved in negotiations did not always get along. This animosity complicated matters and led to often messy delegations.

The idea of a class-action lawsuit has become extremely important for the restitution paradigm. “Class-action suits are specifically recognized in the Federal Rules of Civil Procedure and by most states of the Union. These suits permit a few individuals to bring a case on behalf of hundreds, thousands, or even millions of others who have supposedly suffered injuries and who can recover if the suit is successful, even though they may know nothing about the case or even about

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<sup>110</sup> Ludi, Regula, 2.

<sup>111</sup> Ludi, Regula, 2.

<sup>112</sup> Eizenstat, Stuart, 74.

the potential jury.”<sup>113</sup> The class-action lawsuit, however, was not a new invention in the late 1990s.

In fact the class-action lawsuit or the more broader concept of representative law, according to Cornell University Law School, traces its origins back to the earliest days of English law.<sup>114</sup> The American system followed the British example in 1842, when the American Supreme Court supported Equity Rule 48, which officially recognized, “representative suits where the parties were too numerous to be conveniently brought before the court, but refused to bind absent parties to any resulting judgments.”<sup>115</sup> Representative actions remained in this form until 1938, when Congress promulgated the Federal Rules of Civil Procedure, this in turn was updated in 1966, to today's version of class-action lawsuit which is known as Rule 23.<sup>116</sup> The class-action lawsuit was not only a way to represent large numbers of individuals in a single case, it also saved both time and money for the court systems and the claimants. From an economic and social standpoint the class-action lawsuit was an attempt to condense costly and complex processes to a simpler form which would help the greatest mass of individuals. Although well established in both American and British courthouses, this type of representative law was largely unknown to European establishments at the time. The United States, however, had become an economic center and ignoring the U.S. lawyers' claims could mean becoming an economic pariah on the global market. In combination, these factors led to a situation where American lawyers, both those in search of social justice and those in pursuit of fame and fortune, could practice the well-known Anglo-Saxon representative law on the European stage.

The first group of class-action lawsuits was headed by Edward Fagan. According to Eizenstat, Fagan “was in it for the money and his tactics were...maddening, upsetting, and disruptive.”<sup>117</sup> One article from March 3, 1999 in the New York Post even accused Fagan of visiting Australia and giving potential clients a “registration form” which required participants to pay a \$50 sign up fee, and the pledge to pay unspecified “contingency fees” once a case was resolved.<sup>118</sup> Tactics such as this led to Fagan developing a negative press, and select individuals into believing that lawyers were not interested in the victims of the Holocaust, but rather simply wanted to make money. This idea was coined as the “Holocaust Industry.” The second team to join the mix was headed by Hausfeld-Weiss. Hausfeld and Weiss “abhorred Fagan’s histrionics.” For them the class

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<sup>113</sup> Eizenstat, Stuart, 75-76.

<sup>114</sup> Cornell University Law School, *Class-action: An Overview*, Legal Information Institute, accessed 23.09.2015  
<[https://www.law.cornell.edu/wex/class\\_action](https://www.law.cornell.edu/wex/class_action)>

<sup>115</sup> Ibid...

<sup>116</sup> Ibid...

<sup>117</sup> Eizenstat, Stuart 77.

<sup>118</sup> Niles Lathem and Christopher Francescni, *Holocaust Survivors Blast Own Attorneys*, New York Post, March, 23, 1999.

actions were a vehicle to make their case to the court of public opinion as well as the court of law.<sup>119</sup> Whereas the Swiss banks wanted to salvage their declining reputations, the Swiss government simply wished that it could push the whole crisis away from itself and onto the three private banks.<sup>120</sup> The government's attempt to divert guilt onto other parties aggravated the situation, and at times it seems that the Swiss government made every possible mistake. Ludi succinctly explained, "Government members ignored and misjudged the moral and symbolic dimension of the problem and tried to solve it with a business-as-usual attitude."<sup>121</sup> Even worse prominent members, including the president of the Swiss Confederation, Jean-Pascal Delamuraz, was documented making anti-semitic statements which caused an international outrage. This outburst was sadly not the only one of its kind. Switzerland experienced a wave of antisemitism, which was seen not only through prominent figures, but could be seen and heard throughout the country. As the situation developed and the class action lawyers continued to attack the seemingly vulnerable Swiss the Bergier Commission published a biting report.

Bergier found that in May 1954 the big Swiss banks, "coordinated their response to heirs so that the banks would have at their disposal a concerted mechanism for deflecting any kind of inquiry."<sup>122</sup> Moreover Bergier piercingly reported that the Swiss banks not only adopted a "common procedure to comply with German request to hand over the assets of German and Austrian Jews to the Nazi treasury but also handed over the accounts of Polish Jews, sometimes over the objection of their own legal staff...and even when the Reichsbank said they were not required to do so."<sup>123</sup>

On May 7, 1997, the U.S. and Allied Efforts to Recover and Restore Gold and Other Assets Stolen or Hidden by Germany During World War II- Preliminary Study was released... it was henceforth known as the Eizenstat Report.<sup>124</sup> The Eizenstat Report, claimed that Switzerland and other neutral nations profited from their economic cooperation with Nazi Germany, while the Allied nations were "sacrificing blood and treasure to fight one of the most powerful forces of evil in the annals of history."<sup>125</sup> Specifically, according to American sources, during the war Germany transferred gold worth around \$400 million (\$3.9 billion in nineties' values) to the Swiss National Bank in Bern, and Switzerland benefited from about three-quarters of that sum.<sup>126</sup>

As was previously mentioned. The Swiss got away with all of this because of the Cold War. Reparations had become secondary to the need to rebuild Europe. In the struggle, against Stalin's

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<sup>119</sup> Eizenstat, Stuart, 83.

<sup>120</sup> Eizenstat, Stuart, 87.

<sup>121</sup> Ludi, Regula, 6.

<sup>122</sup> Eizenstat, Stuart, 181.

<sup>123</sup> Eizenstat, Stuart, 181.

<sup>124</sup> Eizenstat, Stuart, 109.

<sup>125</sup> Barkan, Elzar, 92.

<sup>126</sup> Barkan, Elzar, 92.

Communism, Washington was in no mood to make new enemies. But in the 1990's Washington and its lawyers were on the prowl. Further, the release of these two reports, “spurred an international collaborative effort to complete the unfinished business of World War II.”<sup>127</sup>

On December 2-4, 1997, forty-one governments met in London, for the first international conference since the Paris peace talks of 1946. This conference gave international visibility to Nazi gold, which in turn put even more pressure on the Swiss.<sup>128</sup> “The Nazi Persecutee Relief Fund was formed and nine of the ten claimant countries pledged all or a substantial portion of their share of the remaining WWII gold to the fund.”<sup>129</sup> The London conference additionally prompted nations to open their archives and establish their own historical commissions.

On August 12, 1998, in a courthouse in Brooklyn, New York, another milestone was reached when the Swiss banks agreed to pay \$1.25 billion in the class action lawsuit.<sup>130</sup> When one reflects upon the Swiss ordeal it is fair to say that their response was rather slow and full of resistance. Yet, the change in the official image of Switzerland during World War II which was brought about by both the various truth commissions and the class-action lawsuits started a wave of restitution attempts around the world. Richard Mitten explained, “Once these inquiries had begun, it was only a matter of time before such questions would be asked of banks and insurance companies in Germany and Austria, and of businesses who had materially benefited from Nazi policies of persecution.”<sup>131</sup> Mitten was right in his assessment. The success of the class action lawsuits in Switzerland, prompted lawyers to pursue similar lawsuits against Germany and Austria. Before one can hope to examine how this pressure influenced Austria, one must look at two further developments, one in Germany, and the other in the international community at large.

## Germany

As was discussed in the previous section about the politics of memory, Germany started its restitution policies early, and had already paid an enormous sum before the 1990s, yet Germany did not have a true widespread discussion about how this impacted the nation's identity and history until the *Historikerstreit* in the 1980s. This dialogue, however, did not simply come into being. Through Adenauer's efforts, the Nuremberg and Dachau trials, the 1961 Eichmann trial, and the 1979 television series *The Holocaust*, the Holocaust became a central theme in modern German identity

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<sup>127</sup> Eizenstat, Stuart, 110.

<sup>128</sup> Eizenstat, Stuart 113.

<sup>129</sup> Eizenstat, Stuart, 113.

<sup>130</sup> Barkan, Elzar, 104.

<sup>131</sup> Richard Mitten, “Widergutmachung” and the *Austrian Historians' Commission*, Antisemitism Research, Volume III, Number 1, Fall 1999. 2.

building. As more time passed and economies and governments stabilized, the younger generations, in particular, began to question their parents generation. In the 1980s a conservative resurgence in West German politics and the historical profession tried to reverse the course of West German memory and normalize and historicize National Socialism.<sup>132</sup> This attempt, with an inherently nationalist mission, sparked the famous *Historikerstreit* of the mid 1980s, which stopped this attempt to white-wash Germany's historical memory. As the 1980s came to an end and the Cold War ended forced laborers, specifically those from eastern Europe began to put in claims for restitution in Germany.

Business historian Gerald D. Feldman, explained, "...Germany under U.S. pressure developed a substantial compensation and restitution program, but the business community, while forced to return certain Jewish assets it had acquired under American occupation laws, had been [let] off the hook."<sup>133</sup> Businessmen and managers who had lived through the war, and were personally involved in the sins of their company in one way or the other, were especially hesitant to engage in a reevaluation of company behavior during the war years. Yet the fact of the matter is that in Nazi Germany, "forced labor existed in a wide variety of forms with a broad range of different working and living conditions."<sup>134</sup> There were some individuals in Germany, including the Green Party, who had fought for the acknowledgment and restitution of forced laborers, but for the large part their complaints had been ignored. Wolfgang G. Gibowski continues, "during the Second World War between 10 and 12 million forced laborers were employed by the 'Third Reich.'"<sup>135</sup> These numbers include those who worked in concentration camps, prisoners of war, and foreign civilians. Forced labor was used for a wide variety of means spanning from the private business sector, to agriculture and broadly speaking to maintaining the German citizens way of life. Gibowski explains, "given that the London Debts Agreement of 1953 postponed resolving the reparations issue until after the conclusion of a peace treaty, questions regarding compensation for crimes committed by the Nazi regime, such as forced labor, went unanswered to a certain extent."<sup>136</sup> Yet time passed, managers changed and the situation of silence in the German business world did not last. The global restitution paradigm which started in Switzerland made its way to Germany and as early as 1997, the Deutsche Bank hired their own historical commission in order to study their unpleasant past.

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<sup>132</sup> Bischof, Günter, 326.

<sup>133</sup> Gerald D. Feldman, *Holocaust Assets and German Business History: Beginning or End?*, German Studies Review, Volume XXV, Number 1, February 2002. 25-26.

<sup>134</sup> Wolfgang G. Gibowski, "The German Industry Initiative for the Foundation 'Remembrance, Responsibility and the Future.'" in *Revisiting the National Socialist Legacy: coming to terms with forced labor, expropriation, compensation, and restitution*, Studien Verlag Ges.m.b.H., Innsbruck, 2002. 15.

<sup>135</sup> Gibowski, G. Wolfgang, 15.

<sup>136</sup> Gibowski, G. Wolfgang, 15.

Like many other companies, the Deutsche Bank had already published an official history in 1995. This history, regrettably, did not include any of the discomfiting facts about the banks activities during World War II. Starting with the scandal in Switzerland, however, in many cases, national commissions were legally empowered to examine the documents in private company archives, and some companies were even forced to open their archives by court orders and settlements.”<sup>137</sup> Three of the authors from the 1995 Deutsche Banke official history were again asked to research the bank in 1997. Harold James, Lothgar Gall, and Gerald Feldman in addition to two new researchers to the project, Johnathan Steinberg, and Avraham Barkai, were commissioned for the, “purpose of pursuing the history of the bank in the National Socialist period in greater detail and depth than had been possible and deemed necessary for the 1995 history.”<sup>138</sup> The experience with Deutsche Bank is representative for many of the German companies who, through either the threat or actual class action law suits were provoked to investigate their pasts. These companies hired business historians to work on commissions to clear the air surrounding their dubious history. In describing the Deutsche Banks history during World War II, Feldman states, “the company was hardly unique in employing forced and slave labor, which had become a major component of the workforce in Germany and in the occupied territories.”<sup>139</sup> These findings spurred a wave of restitution and reconsideration in Germany, both on the governmental level and from the private businesses in Germany who feared losing footing in the international market.

On February 16, 1999, after many preliminary meetings, the CEOs of what were at first twelve, and later seventeen, major German companies met with Chancellor Gerhard Schröder to talk about an initiative by German companies to create a foundation. This reevaluation and decision for a foundation led the German government and corporations to the establish a restitution fund entitled the Remembrance, Responsibility and the Future Fund. This fund was given \$1.7 billion “to compensate Holocaust survivors for the companies' role in stealing assets, financing the building of the Auschwitz concentration camp, or making use of slave labor”<sup>140</sup> German Chancellor Gerhard Schroder remarked, the fund is to fulfill “the moral responsibility of German firms with regard to such issues as forced laborers, Aryanization and other injustice during the Nazi regime.”<sup>141</sup> These cases illustrates the quest, as journalist Roger Cohen puts it, 'to find a balance between remembrance and forward-looking themes.’<sup>142</sup> The process in Germany was nevertheless not always

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<sup>137</sup> Feldman, Gerald, 27.

<sup>138</sup> Feldman, Gerald, 23-24.

<sup>139</sup> Feldman, Gerald, 24.

<sup>140</sup> David A. Crocker, *Reckoning with Past Wrongs: A Normative Framework*, Annual Journal of the Carnegie Council on Ethics & International Affairs, Volume 13, 1999, 11.

<sup>141</sup> Crocker A. David, 11.

<sup>142</sup> Crocker A. David, 11.

uncomplicated. From the various mishaps and errors that took place in the German proceedings Austria was able to learn from the process and to expedite their own negotiations with the United States and the Jewish community representatives.

### **Consequences of the Swiss on the International Community**

Yet the development of a restitution paradigm as a means of renegotiating a country's identity through *Geschichtspolitik* and international media, was not something simply felt in Switzerland and the former NSDAP lands. Mitten stated that the Swiss experience led to an “extensive multi- and international exploration, not merely of the Swiss-Allied experience, but of fundamental concepts regarding neutrality, law, morality, and the conduct of other nations.”<sup>143</sup> These explorations took place in countries as varied as Lithuania and Argentina, and many other lands in-between. Lands that had not directly participated in the war, looked nonetheless at various ways in which companies in their lands could have benefited from the situation. Truth commissions and a variety of restitution programs were set up lands all around the globe. The World Jewish Congress claimed in September of 2000, “more than 50 historical commissions have been established to deal with various aspects of the property question.”<sup>144</sup> They continue, “in addition to investigating the truth about the fate of Jewish assets (with varying degrees of transparency), the commissions laid the groundwork for the more significant process of moral settlement.”

These truth commissions created a global environment where a sort of moral “soul searching” was reflected in both the international media and in academia. As a result of these commissions and subsequent findings many aspects of various nations histories have been revised and re-written often revealing less savory parts of various nations' histories. Although I cannot mention all of the various processes that stemmed from the Swiss case some countries are worth mentioning.

In 1992 President Carlos Menem of Argentina appointed a three-person investigation team. After 4 years of research and an investigation of over 22,000 documents in the archives of the Foreign Ministry, the chief investigator Beatriz Gurevitch spoke of a “web of cooperation” between the pro-fascist regime of Juan Peron and Nazis trying to flee Germany.<sup>145</sup> Following this report in 1996, the Argentine Central Bank handed vital information on bank accounts to Jewish researchers, “detailing funds transferred from banks to Switzerland, Spain and Portugal between 1939 and

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<sup>143</sup> Seymour J. Rubin, *The Washington Accord Fifty Years Later: Neutrality, Morality, and International Law*, AM University International Law Review, Vol. 14, No 1, 1998, 79.

<sup>144</sup> The Institute of the World Jewish Congress, *Moral and Material Restitution: An Interim Report*, Policy Dispatch No. 54, September 2000, < <http://www.wjc.org.il/dis54.htm> > accessed 11.06.2015, 1.

<sup>145</sup> The Institute of the World Jewish Congress, *Moral and Material Restitution: An Interim Report*, 2.

1949.”<sup>146</sup> Another commission, The Commission of Inquiry into Nazi Activity in Argentina, was established by an executive order on the 21<sup>st</sup> of May 1997. Following this study, in 2000, Argentinian President Fernando de la Rúa, expressed regret for the role of his country in harboring Nazi criminals. He stated, “I want to ask for pardon, in the name of the country, for the Nazis who hid among us. In today's world, I think one must examine the past so it cannot be repeated ever again.”<sup>147</sup> Argentina's commissions although noteworthy were luckily not one of a kind. In 1997, another Latin American country, Brazil, also established a commission, The Commission to Study the Fate of Jewish Property, to deal with the issue of Nazi assets. In Europe the reaction to the Swiss case was also felt.

In 1997, Belgium, Croatia, France, the Netherlands, Portugal, Spain, and Sweden to name a few of the many countries, all established some degree of truth commission to investigate the fate of Nazi gold and/or the fate of Jewish property. As one of the European World Powers during the Second World War, France is an interesting example to take a closer look at.

In 1997, President Jacques Chirac, speaking at the Elysee palace said, “We must throw all the light on the role played by Vichy and its representatives. We must make the necessary inquiries in order to know what happened to Jewish assets confiscated by the occupation forces and their accomplices. Now 50 years after the war France is an adult country and must assume all its history. To build a future we cannot ignore the past- all the past...”<sup>148</sup> In February of the same year, the French Prime Minister, Alain Juppe, appointed Jean Matteoli as head of the French commission charged with looking at the fate of Jewish property stolen in France during the Holocaust. The commission, thereafter popularly known as the Matteoli Commission, employed 21 historians and archivists and was assisted by two additional committees, one on banks and the other on insurance companies. In April of 2000 the commission published a 3,000 page long report, which explained that the German occupation authorities and French collaborators had stolen far more than had been previously believed.

Truth commissions and restitution continued to snowball in importance. In 1998, an Italian Commission on Holocaust Assets was appointed and it started its work in March of 1999. Additionally in 1999, the Czech Republic's Commission on Restitution, started its investigation into lost Jewish assets. By March of 2000 the Czech government created the Holocaust Victims' Foundation, and allocated an initial 300 million kroner (about \$8 million US dollars) to the foundation for the represented, restitution of confiscated Holocaust-era Jewish communal and private property.

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<sup>146</sup> The Institute of the World Jewish Congress, *Moral and Material Restitution: An Interim Report*, 2.

<sup>147</sup> The Institute of the World Jewish Congress, *Moral and Material Restitution: An Interim Report*, 2.

<sup>148</sup> The Institute of the World Jewish Congress, *Moral and Material Restitution: An Interim Report*, 6-7.

This is an incomplete list of all of the various truth commissions and restitution efforts that took place in the late 1990s, but hopefully it provides the reader with a picture of just how universal this effort became. It can be seen that Barkan's paradigm, the "guilt of nations" and the negotiation of memory can be used to define the memory construction and *Geschichtspolitik* which became an integral part in many country's internal and foreign policies. The discussion, however, took on an even broader importance than simply Holocaust era restitution. Post-colonial lands and people used the class-action law suit and the idea of truth commissions, restitution, and reparation, as a means of dealing with their horrific pasts and legitimizing the new governments leadership.

In my previous discussion of restitution and truth committees one world power was purposely left out. With the variety of truth commissions in mind it is important to now turn to the United States, whose class action law suits and truth commissions under the leadership of Stuart Eizenstat were the "motor" to the development of a global paradigm of restitution.

### **United States and the Restitution Paradigm**

Reparations and the restitution paradigm were not a strictly European phenomena. The United States released the First Eizenstat Report in may of 1997. This report, coordinated by Stuart E. Eizenstat, at the time Under-Secretary of Commerce for International Trade and prepared by the State Department historian William Slany, was officially titled the "US and Allied Efforts to Recover and Restore Gold and Other Assets Stolen or Hidden by Germany During World War II." This first report condemns Switzerland for its role as the bankers for the Nazis, and claims that this, in combination with other parties in neutral states, prolonged the war. This report also included "a condemnation of American policies toward war refugees and the failure to pressure the neutrals after the war on property restitution."<sup>149</sup> The Second Eizenstat Report was released in June 1998, and focused on the activities of other neutral states including Argentina, Portugal, Spain, Sweden, and Turkey. This report included hundreds of pages of documents and analysis.

Following the Second Eizenstat Report, The Presidential Commission on Holocaust Assets was founded in December of the same year. President Bill Clinton appointed Bronfman, to chair the 23 member commission. The International Washington Conference on Holocaust-era Assets also took place in December and included representatives of more than forty states and Jewish organizations. This conference devoted special attention to the issues of looted art and Holocaust-era insurance claims.

In the United States, the restitution paradigm has influenced decisions not only with Jewish

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<sup>149</sup> The Institute of the World Jewish Congress, *Moral and Material Restitution: An Interim Report*, 14.

World War II victims, but also for Native Americans and Japanese Americans who have both successfully persuaded the United States government into both issuing a formal apology and giving monetary reparations for their past crimes. As was the case in Germany, Austria and to some extent Switzerland racism between different ethnic and religious groups was not a 20<sup>th</sup> century invention. In the United States, years before World War II, racism played a role in the relationship between Japan and America. At the end of the nineteenth century, however, “a euphemistically named gentleman’s agreement between the United States and Japan drastically limited Japanese immigration.”<sup>150</sup> That being said, at the start of World War II, there was a relatively large population of individuals with Japanese descent living on the west coast of the United States. After the surprise attack on Pearl Harbor, President Franklin D. Roosevelt issued executive order 9066 which called for the internment of all Japanese “enemy aliens.”

According to Rhoda E. Howard-Hassmann and Anthony P. Lombardo, “The action taken against Japanese Americans was legal at the time. Some but not all, of the individuals interned were still Japanese citizens, hence they were enemy aliens, subject to control during a time of war. The others had been ordered interned by President Roosevelt as an extraordinary wartime measure.”<sup>151</sup> All in all over 120,000 Japanese Americans were imprisoned during the war. Some of them were American citizens and almost all of them had done absolutely nothing warranting arrest and containment. While the conditions in which the Japanese Americans lived ranged from uncomfortable to relatively harsh, they were not deliberately tortured or systematically murdered. Nevertheless, as the time between the war and the present increased officials came to agree that the treatment had been unfair. “In 1982 an official report concluded that ‘Executive Order 9066’ was not justified by military necessity and recommended reparations.”<sup>152</sup>

After the war Japanese Americans did their best to once again gain success in the American system. Many were able to work their way back to positions of relative affluence, but others had lost everything. For those especially who had regained a standard of success, the quest for redress became “an issue of affirming their American identity and legitimacy.”<sup>153</sup>

In 1983, the National Council for Japanese American Redress (NCJAR) filed a class action suit on behalf of the 120,000 Japanese Americans “victimized by the evacuation and demanded twenty-seven billion dollars.”<sup>154</sup> The restitution movement here was presented clearly, in a concise movement with obvious victims and perpetrators. Many of the victims were still living, and the demands were not completely unimaginable for the United States government to pay. Additionally,

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<sup>150</sup> Barkan, Elzar, 33.

<sup>151</sup> Rhoda E. Howard-Hassmann and Anthony P. Lombardo, 827.

<sup>152</sup> Rhoda E. Howard-Hassmann and Anthony P. Lombardo, 828.

<sup>153</sup> Barkan, Elzar, 34.

<sup>154</sup> Barkan, Elzar, 40.

in the late 20<sup>th</sup> century Japan had become an important trade partner with the United States, and a positive action on behalf of the Japanese American community could only benefit the relationship between Japan and the United States. The time period is relatively short, the perpetrators and victims are clear to define, and the demands were if in some cases steep, definitely achievable and justified. Since the successful class-action lawsuits in both Europe and United States, a relatively large group of African-American reparation advocates have altered their approach in an attempt to find an imperfect justice.

Two main groups, in addition to the ever present NAACP, now make up the modern day African-American reparations claims struggle in the United States: the Reparations Coordinating Committee (RCC) and the National Coalition of Blacks for Reparations Organizations (N'COBRA). Both of these organizations have defined their struggle not through armed resistance or the quest for individual monetary reparations, but rather, they advocate for collective restitution, mainly they have attempted to gain restitution through class-action lawsuits and other judicial attempts. Historian Martha Biondi explains, “working on behalf of 35 million American descendants of enslaved Africans, [RCC and N'COBRA] are preparing to file class action lawsuits against agencies of the federal and state governments.”<sup>155</sup> Historian and researcher Thomas McCarthy furthers, “like a number of other reparations advocacy groups, the Reparations Coordinating Committee favors a form of collective reparation that would lead to the establishment of trust funds, reforms, policies, and programs designed to strengthen black institutions and provide resources for overcoming the deeply entrenched, de facto inequalities inherited from centuries of de jure discrimination.”<sup>156</sup>

The Reparations Coordinating Committee is centered around an all-star team of Harvard based lawyers. In the last fifteen years, they have attempted to achieve African-American reparations through pointed class-action lawsuits and other judicial movements. In addition to the RCC and N'COBRA, U.S. representative from Michigan, John Conzers, introduced the bill H.R. 40, named in remembrance of William Tecumseh Sherman's field order to grant every freed slave forty acres and a mule. This bill, however, does not call for land-grants but rather calls for the foundation of a truth commission which would study the long-term effects of slavery. Conzers bill has not yet experienced the success that many reparation advocates would like, but as the times change and the international pressure begins to build, a steady increase in senators who also support the bill can be noted. Additionally, as truth commissions were the beginning process in both Switzerland and in Austria, it can be assumed that the reports of a truth commission would help bring a public awareness and an increasing acceptance to the African-American reparation struggle. Bringing

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<sup>155</sup> Martha Biondi, *The Rise of the Reparations Movement*, Radical History Review, EBSCO, 2003. 1.

<sup>156</sup> Thomas McCarthy, “Coming to Terms with Our Past, Part II: On the Morality and Politics of Reparations for Slavery” Sage Publications, in *Political Theory*, Vol. 32, No. 6 (Dec., 2004), pp. 750-772, 753.

together many different aspects of personal injury and dissatisfaction into pointed lawsuits, class-action lawsuits have had some success.

For example: “In 2001, California passed a law requiring insurance companies doing business in the state to report information on slaveholder policies. In August 2002, the Chicago city council passed an ordinance requiring all enterprises conducting business with the city to disclose any profits they might have made from slavery.”<sup>157</sup> Additionally in 2002, Deadria Farmer-Paellmann and Edward Fagan, the same lawyer who filed lawsuits in Switzerland, Austria, and Germany, filed suit against Aetna Life Insurance Corporation, Fleet Boston Financial Services, and CSX Incorporated, a railroad giant, on the grounds that they “knowingly benefited from a system that enslaved, tortured, starved and exploited human beings.”<sup>158</sup> Every case may not succeed in the courts, yet as Biondi explains, “just as in many of the cases against corporations using slave labor during the Nazi era, lawyers and advocates hope that the litigation, or threat of it, will induce these corporations to make settlements and offer apologies.”<sup>159</sup>

It is clear through the example of the successful Japanese-American reparations and the ongoing African American struggles for reparations, that in the 1980s and 1990s even in the United States, Barkan's so-called guilt of nations has started to shape the *Geschichtspolitik*. Historian John Torpey argues, “Holocaust reparations are the 'gold standard' of reparations claims. They have contributed to the construction of a 'master frame' of reparations and reconciliation.”<sup>160</sup> This international reparation paradigm has led to the RCC and N'COBRA's sometimes successful attempts through class-action lawsuits and provides a possible plan for the future. It is clear through these various examples that a truly global paradigm of restitution has formed. It is with this global paradigm, and the extreme interconnectedness and globalization of the 20<sup>th</sup> and 21<sup>st</sup> century in mind, that one can finally look at the *Geschichtspolitik* and restitution changes in Austria. Before I analyze the modern restitution policy, however, I will take a look at the history of restitution in Austria.

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<sup>157</sup> Martha Biondi, 12.

<sup>158</sup> Martha Biondi, 1.

<sup>159</sup> Martha Biondi, 12.

<sup>160</sup> Rhoda E. Howard-Hassmann and Anthony P. Lombardo, 827.

<sup>161</sup> Stuart E. Eizenstat. “10 Years After the Washington Agreement: Background Successes and the Future,” <http://austria.usembassy.gov/eizenstat.html>

## VI The Austrian Case

### History of Restitution in Austria

As I have previously stated, restitution was an insufficient and rather confusing topic in Austria before the reforms made in the 1990s. Stuart Eizenstat noted, “Of all the nations embroiled in World War II, none had a history more complicated than Austria’s.” These complications led to delays in restitution and a lack of enthusiasm to really address the topic. There was, however, some precedent for Austrian restitution. According to Bailer-Galanda and Blimlinger, “the main problem with restitution was the Austrian refusal to accept any (co) responsibility for Nazi crimes and their consequences.”<sup>162</sup> It is clear that until the victim myth began to clear no fair amount of restitution had been possible. Yet there were some attempts at restitution made.

From 1945 to 1949 seven rather confusing and incomplete restitution laws were passed in Austria. The First Restitution Act was passed in July 1946. This act, however, only covered property that had been expropriated by an act of authority and was now in the hands of the state. In February of 1947 the Second Restitution act was passed which, “standardized the restitution of property that had fallen to the Republic as a result of the Nazi prohibition or war crimes law. On the same day, parliament passed the Third Restitution Act, which is the key act for the victims of Nazism...”<sup>163</sup> This act created the legal basis for the reclaiming of property that had not been subject to expropriation by an act of authority or that was not held by a public body. At the same time it limited the extent to which restitution claims could be inherited as a means of decreasing the possibility that the system would be taken advantage of. Between 1947 and 1949, four additional restitution acts were passed. The Fourth Restitution Act created the legal basis for restitution of company names which had been altered or deleted. The Fifth Restitution Act enabled companies to recover their former property. The Sixth Restitution Act made the restitution of commercial patent rights possible, and the final act governed claims from private employment contracts that had been either withdrawn or not fulfilled between 1938 and 1945.<sup>164</sup>

Bailer-Galanda and Blimlinger state, “it is generally true that the seven restitution acts largely fulfilled the intended objective: the restitution of expropriated property.”<sup>165</sup> Problems arose, however, due to both the long duration of the cases and the judgment of the restitution committees who used the Third Restitution Act as a means of denying claims. Bailer-Galanda and Blimlinger continue, “In the early phase of restitution proceedings (late 1947 to early 1948), rulings tended to

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<sup>162</sup> Bailer-Galanda Brigitte, and Blimlinger Eva, 308.

<sup>163</sup> Bailer-Galanda Brigitte and Blimlinger Eva, 308.

<sup>164</sup> Bailer-Galanda Brigitte and Blimlinger Eva, 309.

<sup>165</sup> Bailer-Galanda Brigitte and Blimlinger, 309

interpret the legal provisions in favor of the applicant for restitution, but by the early 1950s, an increasingly restrictive attitude toward the victims of Nazism became evident.”<sup>166</sup>

In 1958, under the external pressure from the Western Allies, a legal arrangement for compensation payments for claims on Jewish insurance policies, the Insurance Compensation Act (*Versicherungsentschädigungsgesetz*) was enacted. By September 1959 over 1,000 claims had been registered with the insurance companies, of which only 456 were approved, with a payout of 1.4 million Austrian schillings.<sup>167</sup> Many survivors, however, learned too late about the opportunity to file a claim and therefore, were ineligible. Those who did receive payments were disappointed as the claims had depreciated from 1938 to 1960 around 91 percent.<sup>168</sup> As one can see these acts, although principally a step in the right direction, were far from complete. Unfortunately, it would take another 20 to 30 years before laws were seriously reconsidered.

### **Austria: External Pressure and Internal Developments**

Starting in the late 1980s and early 1990s, in reaction to both the international pressure and debates surrounding the Waldheim Affair, events in Switzerland, as well as a distance from the terrible events of World War II and a few internal waves of development, Austria began to radically readjust its orientation in regards to its politics of history and restitution laws.

In 1987 the Austrian cardinal Franz König gave a speech implying that as Christians and as Austrians his fellow citizens shared responsibility for the Holocaust. In 1988 the Austrian parliament authorized payment of a one-time “honorary gift” of 6,000 Austrian schillings (approx. 450\$) to eligible victims of National Socialism.<sup>169</sup> Additionally, in 1988, Chancellor Franz Vranitzky, the City of Vienna represented by Ursula Pasterk, and historians behind the exhibition *1938 NS-Terror in Österreich* organized by the *Dokumentationsarchiv des österreichischen Widerstands* (Documentation Archive of Austrian Resistance), started to present elements of *Geschichtspolitik* to the public which had previously been ignored or neglected. Rathkolb explains, “For the first time in post-World War II history, a broad effort involving state and non-state memory policy acts to discuss the origins of 1938 and debate its consequences developed.”<sup>170</sup> Vranitzky continued this program of examining Austria's past throughout his time as Chancellor of Austria.

In 1990, Vranitzky established a fund for Jewish victims who had been children in 1938 and were ineligible for prior programs. In 1991, he took the most dramatic step by acknowledging

<sup>166</sup> Bailer-Galanda Brigitte and Blimlinger, 309.

<sup>167</sup> Bailer-Galanda Brigitte and Blimlinger, 311.

<sup>168</sup> Bailer-Galanda Brigitte and Blimlinger, 313.

<sup>169</sup> Mitten, Richard, 2.

<sup>170</sup> Rathkolb, Oliver, 2009, 24.

Austria's culpability for Nazi persecution and its moral responsibility for assistance to Jewish victims.<sup>171</sup> On July 9, 1993, Vranitzky solidified his ideas surrounding Austria's new approach of moral responsibility when he stated in a speech in Israel, "we admit all the dates of our history and the deeds of all of our people, the good and the bad. And as we take credit for the good, we have to apologize for the bad."<sup>172</sup> He continued this speech by pointing out the specific victims: "Jews, gypsies, the physically and mentally handicapped, homosexuals, members of minorities, those persecuted for political and religious reasons."<sup>173</sup> It was clear to Vranitzky that Austria still had a long way to go before it could truly claim to have mastered its past.

In 1994, Thomas Klestil, delivered before the Israeli Knesset an emotional apology for Austria's role in the war.<sup>174</sup> In 1995, in commemoration of the fiftieth anniversary of Austria's Second Republic, the National Fund for the Victims of National Socialism was created under the leadership of Hannah Lessing, to make payments of 70,000 schillings (about \$4,500) to Austrian Holocaust survivors; to support Jewish museums, synagogues, hospitals, old-age homes, counseling services, and educational efforts to combat anti-Semitism; and to develop a comprehensive list of Austrian Holocaust victims. Design and construction of a Holocaust memorial in Vienna's Judenplatz was also initiated; it would be unveiled in October 2000.<sup>175</sup>

In 1996, the World Jewish Commission announced its finding that 6 tons of Nazi looted gold remained under the jurisdiction of the Tripartite Gold Commission. This gold had never been distributed. Austria, under the lead of Ambassador Hans Winkler set the example by pledging that all of Austria's remaining gold should go to survivors. Winkler declared, "we have a moral obligation to the survivors of the Holocaust, and to make their remaining days better."<sup>176</sup>

On October 9 1997, another wave of international pressure crashed into Austria. On this date the largest Egon Schiele exhibition ever shown in the United States opened at the Museum of Modern Art in New York: 152 works from the Leopold Foundation were to be put on display until January 4<sup>th</sup> 1998. According to Brigitte Bailer-Galanda and Eva Blimlinger, "on 24 December, *the New York Times* accused the Austrian art collector of having pictures with 'a troubled past' in his collection."<sup>177</sup> The story continues that at first the Leopold Foundation denied all of the accusations. On January 7<sup>th</sup> 1998, the pictures *Portrait of Wally* and *Dead City III* which were being shown as

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<sup>171</sup> Eizenstat, Stuart, 282.

<sup>172</sup> Günter Bischof and Ferdinand Karhofer (Eds.), *Austria's International Position After the End of the Cold War*, Contemporary Austrian Studies, Volume 22, Innsbruck University Press, 2013. 67.

<sup>173</sup> Günter Bischof, 2013, 67.

<sup>174</sup> Eizenstat, Stuart, 289.

<sup>175</sup> Eizenstat, Stuart, 282-283.

<sup>176</sup> Eizenstat E. Stuart, "Tribute to Ernst Sucharipa and 21<sup>st</sup> Century Challenges Remarks" 6..

<sup>177</sup> Brigitte Bailer-Galanda and Eva Blimlinger, "Restitution and Compensation of Property in Austria, 1945-2007," *New Perspectives on Austrians and World War II*, Contemporary Austrian Studies, Volume 17, Transaction Publishers, New Jersey, 2009. 306.

part of the exhibition were seized by New York District Attorney Robert Morgenthau as 'stolen property.' This confiscation led to a storm of international press and renewed the discussion of property deprivation, Aryanization, compensation, and restitution in Austria and around the globe.

In 1998, at a conference in Washington D.C., led by Stuart Eizenstat, the participants developed voluntary principles for the restitution of Nazi looted art. Eizenstat claims, "this led to the return of hundred of artworks from Austrian federal museums and collection, estimated at several hundred million dollars."<sup>178</sup> Shortly thereafter Austria introduced the Art Restitution Law of 1998. This process, which paved the way for a complete re-assessment of Austrian restitution policies from 1999-2001 through the *Versöhnungsfond* (Austrian Reconciliation Fund), and the Washington Agreement, fits clearly into the global restitution framework that developed in the late 1990s. In addition to the political and national level of restitution changes there was also a tremendous change taking place, due to all the same reasons in the business world. Internationally active companies began commissioning historians to enable themselves to partake in a re-negotiation of company identity, in order to remain a viable entity in a world that was both increasingly sensitive both to human-rights violations and workers and former workers individual rights. This new world was one which was ever more globalized and interconnected and businesses were all but forced to adapt.

### **Following in the Footsteps of Switzerland and Germany: Austrian businesses hire historians**

In the business arena, global pressure stemming from the United States reached Austria in the 1990s. Law suits or the threat of impending legal action put pressure on the corporations to begin investigating their past before they were forced to respond to law suits. "The banks, insurance companies and major industrial concerns which have recently come under scrutiny- the Credit-Anstalt, Bank Austria, the Erste Österreichische Spar-Casse-Bank, the Österreichische Postsparkasse (P.S.K., the postal savings bank), the VOEST-Alpine works (which was part of the Hermann Göring Werke complex), Steyr-Daimler-Puch, the Verbundgeunsschellschaft (the nationalized utilities conglomerate), to mention the most prominent – have on the whole pursued a dual strategy."<sup>179</sup> This strategy involved first denying all involvement or guilt while at the same time hiring professional historians to try to sort out their legal liability.

Many companies, like in Germany, had had historians study their histories before and most companies had an official history on file. The difference with this time is that historians and the

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<sup>178</sup> Eizenstat E. Stuart, "Tribute to Ernst Sucharipa and 21<sup>st</sup> Century Challenges Remarks" 6..

<sup>179</sup> Mitten, Richard, 3.

commissions in which they worked were granted full access to files, complete scholarly independence, enough funds in order to pursue their research, and unrestricted publication of their results. According to Dieter Ziegler, from Bochum University, “prior to 1997 a company history of the Dresdner Bank, quite typically for German corporations, had left the Nazi era blanked out.”<sup>180</sup> In the late 1990s, however, the Dresdner Bank which had previously prevented all forms of historical research in its private archives, opened up an entire warehouse full of uncatalogued files to a group of commissioned historians. Gerald Feldman, from the University of California in Berkeley, who was hired by the Allianz Insurance Company to conduct historical research insisted that the “act of commissioning history- the ascertaining of an objective historical truth- in and of itself was 'an integral act of restitution.’”<sup>181</sup> From the commissions in Germany, Austria, and the many other countries it has become clear that even within the narrowed conditions created by National Socialist regime, businessmen “faced more alternatives than they later pretended and often made very reprehensible choices, not simply because they were bad or evil persons, although some were, but rather because of their political and cultural socialization.”<sup>182</sup> During World War II, working conditions, and individual rights, were simply not as important as they are today. This does not forgive company leaders who allowed these conditions to exist but it perhaps in part explains why legal action against the companies was not undertaken sooner.

In the 1990s, however, Holocaust assets and forced labor were not simply questions which interested historians but were extremely important in public policy and international negotiation. As the global restitution paradigm continued to grow and develop businesses were spurred both legally and logistically to renegotiate their identity.

These commissions, and specifically the idea of a truth commission funded by the those that they are researching, has been heavily questioned and critiqued. Some historians have claimed that the historians doing the research had been bought and that no true objective results could be found. Critics explain that the commissions have to contend with undue political influence. Others, however, including Robert Knight, a prominent British historian who worked on the Austrian Historian Commission, attest that there was no conflict of interests. Gerald Feldman, made three points both to defend the historian against such accusations and to challenge the standard in place and to plead for an academically open situation. He stated, “first, I see no reason why historians should not be paid for their services in the manner of other professionals and must confess that I find it hard to believe that historians with a reputation to lose or to gain would place it at stake for

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<sup>180</sup> Summary of Conference, “Commissioning History in the United States, Germany, and Austria: Historical Commissions, Victims, and World War II Restitution,” 2.

<sup>181</sup> Summary of Conference, “Commissioning History in the United States, Germany, and Austria: Historical Commissions, Victims, and World War II Restitution,” 4.

<sup>182</sup> Feldman, Gerald, 28.

such compensation.”<sup>183</sup> He continues, “second, historians like other professionals, *should* place their reputations at stake in the scholarly sense whether they are compensated or not and should insist that the files they use be open to other scholars who are interested in the filed or who feel that other conclusions are warranted.”<sup>184</sup> Finally he concluded, “third, their works should be read and judged on their merits rather than simply be fondled with or without suspicion.”<sup>185</sup> The goal of historical commissions should be not only to find out specific facts and figures, but to understand how business played a role as a part of the Nazi machine which brought about the disastrous conditions of the Second World War. This is a goal which should not be influenced simply because a company is paying a historian to find this information out.

Another complaint arose that historians should study history and not influence politics. These objections claimed that these commissions gave too much power to the historian. Whatever the case may be, it is clear that business historians and the call for their research experienced a boom during the 1990s. Business historian Gerald Feldman stated, “German business history and to some extent European business history have been enjoying a *Konjunktur* during the past few years and most of this has to do with the variety of court cases, claims, and publicity surrounding the issues connected with Holocaust assets and forced labor in the National Socialist period.”<sup>186</sup> These cases have led not only to specific restitution for forced laborers, but have also brought the often less than scrupulous situation to the general public through its presentation in the international media. In most cases, however, government and corporate decisions could not wait upon the work of the historical commissions. On the one hand many potential benefactors from the restitution issues were old and dying, and on the other hand governments and institutions could not simply wait in limbo while historical commissions went through thousands of records to work out what had actually occurred and therefore provide a historically grounded basis for the settlements.

These businesses had their eyes on the class-action law suits in other lands and were looking for ways to assuage the demands of those clamoring for restitution while also re-negotiating the company's identity and thus promoting a more marketable image for the international economy. By coming to an agreement with former slave laborers, businesses and their victims were able to recast the official history in a way which was agreeable to both parties. In this sense businesses, like nations were able to use this holocaust paradigm to increase profitability. As was the case in Switzerland and many other western democracies, businesses used the history of politics and a la Barkan they renegotiated their histories.

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<sup>183</sup> Feldman, Gerald, 30.

<sup>184</sup> Feldman, Gerald, 30.

<sup>185</sup> Feldman, Gerald, 30.

<sup>186</sup> Feldman, Gerald, 25.

## The Development of the Austrian Historikerkommission

In Austria, however, it was not only the businesses which engaged in the history of politics in the late 1980s and early 1990s. Due to increasing pressure from the international community and an acceptance of the changing paradigms, Austrian politicians decided to form a truth commission on their own terms before they were forced, through negative press and economic boycotts, to act under the gaze of the United States. Accounting a complete, historically accurate, official accounting of the past had become increasingly important as a means of establishing a country's position as a democratically viable entity, and media outlets and newspapers in Austria had followed the situation in Switzerland and Germany relatively closely. On December 17, 1999, the most widely read Austrian newspaper, the *Neue Kronen Zeitung*, carried the headline: *Deutschland zahlt Milliarden an ehemalige Zwangsarbeiter, US-Anwalt kündigt an: Und jetzt ist Österreich dran.* (Germany pays billions to former forced workers, US lawyers state their purpose: and now it is Austria's turn.) Headlines like this prepared the public for the idea that restitution was on the way. The idea for such a commission had been around for a while, yet without the pressure and impending threat of the international community, in combination with the previously discussed conditions, it seems the commission had not been seriously considered.

Who would sit on the commission and what the commission should specifically investigate, were the terms of a series of whirlwind debates that took place in October of 1998. Austrian universities, and specifically prominent historians at these universities, were asked to submit nominations for who was to sit on the historian commission. At the end of these debates, on October 1<sup>st</sup> 1998, the Austrian cabinet authorized the Chancellor, Vice-Chancellor, and the Speakers of the Austrian lower and upper houses of parliament to appoint a commission, “to investigate and report on the entire complex of expropriation in Austria during the Nazi era and on restitution and/or compensation (including financial or social benefits) after 1945 by the Republic of Austria.”<sup>187</sup> Two of the members of the historians' commission, Clemens Jabloner, President of the Administrative Supreme Court and member of the board of directors of the National Fund, and Lorenz Mikoletzky, the head of the National Archives, were appointed immediately.<sup>188</sup> It had been decided that, like in the Bergier Commission, there should be a foreign scholar to help in the process. Recommendations for this position were solicited from the Yad Vashem Institute in Jerusalem, the Holocaust Memorial Museum in Washington, and Simon Wiesenthal. “

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<sup>187</sup> “Mandate” Österreichische Historikerkommission. (<http://www.historikerkommission.gv.at>) 06.09.2015.

<sup>188</sup> Mitten, Richard, 4.

There was a “widespread consensus among historians on the respective expertise of their colleagues.”<sup>189</sup> Brigitte Bailer and Bertrand Perz were two of the more obvious choices. Bailer wrote what more or less has become the standard work on the subject of restitution in Austria, *Wiedergutmachung Kein Thema*, and Perz had already published a few exemplary works on the system of concentration camps, on forced labor, and on the Holocaust as a general theme. The sixth spot on the historian commission, which had been reserved for an internationally well-known foreign professional, was filled by Robert Knight, the British author of many important works on post-war Austria. Knight had been Simon Wiesenthal's preferred candidate and was the third choice for the Austrian government.<sup>190</sup>

As can be seen, both the Austrian government and select Austrian businesses were on their way to setting up restitution, but once again it was the class action lawyers which pushed the debate to find a resolution. According to Stuart Eizenstat, “The Jabloner Commission was a key factor in identifying the gaps in the seven postwar restitution programs and opening up the basis for a settlement of our property claims negotiations that Ernst Sucharipa so expertly led.”<sup>191</sup> According to the National Fund's 2010-2011 Annual Report, “The Historical Commission's research showed that although the majority of seized properties had been restituted, many restitution claimants felt the restitution proceedings which took place in the 1940s, 1950s and 1960s to be unsatisfactory. The complexity of the restitution legislation and the deadlines coupled with the lack of state assistance for the victims of the seizures in their efforts to regain their property were decisive factors in this regard.”<sup>192</sup> This research set the groundwork for later restitution efforts which came to fruition under Wolfgang Schüssel and Susanne Rieß-Passer's, ÖVP/FPÖ coalition government. Historical commissions were not just important due to their influence in specific political decisions, they were also important in setting the stage for a national formation of a collective memory. The information provided by the commission established a clearer picture of the past which was then reaffirmed in the long-term through days of remembrance, the construction of museums, commemorative monuments, and the incorporation of the information into the curriculum of the nation's school system.

Yet the historical commission and the commissioned historians who searched Austrian businesses were simply the beginning of the transition in Austrian restitution. After the first class action law suits were filed, Stuart Eizenstat, once again acting as representative for the United States government, came to Austria to talk with Chancellor Wolfgang Schüssel.

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<sup>189</sup> Mitten, Richard, 4.

<sup>190</sup> Mitten, Richard, 4.

<sup>191</sup> Eizenstat E. Stuart, “Tribute to Ernst Sucharipa and 21<sup>st</sup> Century Challenges Remarks” 5-6.

<sup>192</sup> General Settlement Fund for Victims of National Socialism, Annual Report, In the National Fund's Annual Report 2010-2011. 70-85, 80.

## **VII Internal Politics React to External Pressure**

### **End of the Klima/Schüssel Government: Austria we are coming for you**

It was not only the Neue Kronen Zeitung, however, that was aware that restitution would soon become an important topic in Austrian domestic politics. In the interview which I conducted with Hans Winkler, he explained to me that at first during early 2000, both Chancellor Klima and Vice-Chancellor Schüssel, believed that the restitution for forced laborers was primarily a problem for private businesses, this however changed when class-action lawsuits were taken out against the Austrian government. This move was not completely without warning. Hans Winkler explained that during the Stockholm International Forum on the Holocaust, which took place from 26th to the 28th January 2000, Klima was informed of the upcoming suits.

Winkler explained in the 2010 to 2011 annual newsletter for the National Fund, that Schüssel's "...willingness to enter into negotiations was no coincidence."<sup>193</sup> Winkler goes on to explain that during the last days of the Klima-Schüssel government it became clear that, like Switzerland and Germany before her, Austria would also have to, "take responsibility for the losses of assets inflicted on Austrian citizens by the National Socialist regime."<sup>194</sup> Winkler went on to describe the Stockholm conference as a key moment in the development of an Austrian consciousness of the developing international restitution paradigm. Winkler explained, "The conference not only marked the shift towards dealing with the Holocaust in terms of the present and the future but also presented the opportunity for the victims' organizations to more closely specify their previously rather vague claims for compensation directed at various states."<sup>195</sup> For Austria specifically, during this conference Klima, Israel Singer, and other representatives of the Claims Conference laid the foundation for the program which the new Federal Chancellor Schüssel was to offer, only one week later, to open up negotiations with the United States and Jewish organizations in regard to slave labor during the Second World War in Austria. Winkler told me during our interview that Klima did not make any promises because he was in a "lame duck" period of his Chancellery. Furthermore, although he most likely expected to be the next Chancellor, he did not want to promise something which he then could not deliver.<sup>196</sup>

Winkler more pointedly explained in his article for the National Fund's Annual Report that, "In this discussion... Singer set out in no uncertain terms that, having already approached

<sup>193</sup> Hans Winkler, "Events Leading up to the Washington Agreement," In the National Fund's Annual Report 2010-2011, 27

<sup>194</sup> Winkler, Hans, National Fund's Annual Report 2010-2011, 27.

<sup>195</sup> Winkler, Hans, National Fund's Annual Report 2010-2011, 27.

<sup>196</sup> Winkler, Hans. Interview by author. Personal Interview, Diplomatic Academy, Vienna, June, 6, 2015.

Switzerland and Germany regarding uncompensated losses of assets, his organization's attention would now fall on Austria; in view of the advanced age of the victims, he would push for swift and non-bureaucratic compensation payments, explicitly naming a sum of 150 million US Dollar as a kind of "down payment"<sup>197</sup> These demands were certainly taken into account during and after the elections in Austria. As the winner of the next election, Wolfgang Schüssel knew that he had to confront Austrian restitution policies sooner or later due a continuing international pressure.

The Stockholm Conference was additionally important as this conference marked the creation of the Task Force for International Cooperation on Holocaust Education, Remembrance, and Research. This task force, as of 2011, included over 25 countries which have all made Holocaust education as part of their national curriculum. Austria joined this Task Force, which under the leadership of Swedish Prime Minister Göran Persson, had the goal of not simply looking back at the horrors of the past, but through education at an early age it strove to create a better more tolerant future.

### **A Moment of Perfect Timing: the end of the grand coalition and the start of ÖVP/ FPÖ**

The global restitution paradigm did not truly come to Austria in full-force until a comparably late date. It took almost ten years after the end of Communism and the fall of the 'Iron Curtain' before Austria took actions with the historian committee to address its own problem with former forced laborers. Ursula Plassnik explained that, "the core idea was to show respect to and solidarity with the former forced laborers, who often belonged to forgotten or persecuted groups of Nazi victims in their native countries (Austria's institutional partners included the Russian Federation, Ukraine, Belarus, Poland, Hungary, and the Czech Republic)."<sup>198</sup> Many of the reasons for this timing have already been stated above. Various waves of reconsideration of identity during World War II in combination with Barkan's restitution paradigm led to a moment that would have influenced almost any constellation of Austrian politicians to reconsider the country's politics of history. Yet, two particularly relevant events which are determinately interconnected happened specifically in Austria in the mid to late 1990s which sped up the process.

The first of these Austria specific events that affected the global community was Austria's accession to the European Union. As a member state of the EU, Austria's guidelines for foreign policy changed. Plassnik wrote that, "Austria's accession to the EU altered the parameters for its relationship with Israel. While the bilateral relations had so far been largely determined by

<sup>197</sup> Winkler, Hans, National Fund's Annual Report 2010-2011, 27.

<sup>198</sup> Ursula Plassnik, "On the Road to Modern Identity: Austrian Foreign Policy from the Cold War to the European Union," in Günter Bischof and Ferdinand Karlhofer (Eds.), *Austria's International Position After the End of the Cold War*, Contemporary Austrian Studies, Volume 22, Innsbruck University Press, 2013, 68.

individuals and specific subject matters, it was now part and parcel of the larger context of EU-Israel relations. The gradual development of a common EU foreign policy sharpened senses on all sides for new potential and possibilities.”<sup>199</sup> Joining the EU connected Austria to the other member states and further increased the level of globalization in Austria. This decision to join the EU in combination with the end of the Cold War has without a doubt increased the interaction between Austria and her neighbors to the east. As the relationship between Austria and her eastern neighbors rose, underlying cultural, religious, and social differences have reemerged. Plassnik protested, “new frictions arose; new lines of separation emerged... Here, too, lies a big challenge for modern foreign policy.”<sup>200</sup> This new interconnectedness and the need to be seen as a viable democratic partner was aggravated by a second important event in Austrian domestic politics.

In October of 1999, Austrian politics were extremely tense. On October 3<sup>rd</sup> elections were held and the results were for many extremely surprising. “The Social Democratic Party’s (SPÖ) share of the vote fell from 38.1 to 33.1 percent, that of its coalition partner, the People’s Party (ÖVP), from 28.3 to 26.9 percent, while that of the opposition Freedom Party (FPÖ) rose also to 26.9 percent, but with 415 more votes than the ÖVP.”<sup>201</sup> For the past few weeks the SPÖ and the ÖVP had been entangled in negotiations to continue their coalition government and thus preserve the grand coalition, but they they had not been able to come to any form of agreement. The grand coalition, SPÖ/OVP started its reign in 1945 and had governed Austria for more than twenty years before having a short pause only to be revived once again. This is perhaps in part why it came as such a shock when on the 25<sup>th</sup> of January 2000, Wolfgang Schüssel, at that point the Chairman of the ÖVP, announced that he was entering into coalition negotiations with the FPÖ. On the 1<sup>st</sup> of February a coalition had been reached and the grand coalition was once again dismantled. In reaction to this decision historian Peter Gerlich explained, “the achievement of his strategy, first negotiating with the Social Democrats until they gave up and then concluding an agreement with the Freedomites and forcing a reluctant president to appoint this government, was generally considered Schüssel’s tactical masterpiece.”<sup>202</sup> Although this very well may have been Schüssel’s piece de resistance, many were not thrilled with the decision.

Schüssel’s decision caused international headlines. This action sparked outrage in Europe as the FPÖ was a party notorious for their anti-immigrant policies and pro-Nazi remarks. Therefore, as

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<sup>199</sup> Plassnik, Ursula, 2013, 68.

<sup>200</sup> Plassnik, Ursula, 2013, 90.

<sup>201</sup> Hubert Feichtlbauer, *Fund for Reconciliation Peace and Cooperation: Late Recognition History Tragic Fates. Forced Labor in Austria 1938-1945*, Austrian Reconciliation Fund, Online: <[http://www.zukunftsfonds.austria.at/download/book\\_reconciliationfund\\_ForcedLaborInAustria.pdf](http://www.zukunftsfonds.austria.at/download/book_reconciliationfund_ForcedLaborInAustria.pdf)> 2005. 150.

<sup>202</sup> Peter Gerlich “Personality and Leadership. The political personality of Wolfgang Schüssel,” in *The Schüssel Era in Austria*, Contemporary Austrian Studies, Günter Bischof, Fritz Plasser (Eds.), Volume 18, Innsbruck University Press, 2010, 10.

the FPÖ came into office the other fourteen EU members decided to cease cooperation with the Austrian government. In many countries it was felt that FPÖ members and especially Jörg Haider were xenophobic and therefore constituted a dangerous right wing party. Their induction into the Austrian coalition government, therefore, violated the belief that coalitions should not be made with parties considered as right-wing extremists. These “sanctions” were intended to ostracize Austria and to pressure the government to renounce the coalition. For several months national leaders avoided diplomatic contacts with members of the Austrian government. The sanctions did not achieve their goal of pushing the FPÖ out of the government, but at the end of February, Haider stepped down from the leadership of the Freedom Party in an attempt to appease foreign criticism.<sup>203</sup> The fears from the European Union turned out to be an overreaction on their part.

Various politicians, including Tom Lantos a democratic member in the United States House of Representatives, tried to increase the friction in order to appeal to his Jewish electorate. Günter Bischof explains, that Lantos tried to, “pass a resolution calling Haider’s party a “Neo-Nazi” party and boycotting Austrian businesses (trade with Austria, tourism, flights by Austrian Airlines etc.)” This attempt, if successful would have seriously stifled the Austrian economy. Luckily for Austrian businesses, Ambassador Peter Moser managed to have the Resolution railroaded towards insignificance by the House leadership and thereby preventing the U.S. response becoming even more severe than the “EU-14 measures.”<sup>204</sup> Moser describes the time between the election and the end of the sanctions in his autobiography as everything from exciting to surreal.<sup>205</sup> Tensions ran high for Moser as he was bombarded from the United States' media with questions regarding the FPÖ and Haider.<sup>206</sup> Yet, Moser was able to defuse the situation through a series of diplomatic tactics. The sanctions, however, did not only represent a possible financial difficulty for Austria. They also displayed how large the impact of globalization had become.

In an interview with the American Public Broadcasting Service (PBS), Ambassador Peter Moser, explained Austria's tenuous situation. Moser stated that fears of globalization, more specifically the fear of an influx of foreigners from former Communist lands, led in part to the success of Haider's FPÖ. He furthered that this same globalization in turn has brought the “European family closer together.”<sup>207</sup> Moser stated, that the impact on Austria was mainly an

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<sup>203</sup> BBC World Service, “Profile: Controversy and Jörg Haider.”. *BBC News*. February, 29,2000, Online:<http://news.bbc.co.uk/2/hi/europe/464260.stm>

<sup>204</sup> Günter Bischof and Ferdinand Karhofer (Eds.), *Austria's International Position After the End of the Cold War*, Contemporary Austrian Studies, Volume 22, Innsbruck University Press, 2013. 34.

<sup>205</sup> For more information about the specifics of the negotiations see: Moser, Peter, *Bewegte Zeiten: 40 Jahre im auswärtigen Dienst*, Transatlantica Volume 5, Studien Verlag Ges.m.b.H., Innsbruck, 2011, 110.

<sup>206</sup> Moser, Peter, 2011, 113.

<sup>207</sup> Margaret Warner, PBS Newshour, Interview with Peter Moser, Austria’s ambassador to the United States; and Joao Rocha Paris, Portugal’s ambassador to the United States. *Austria vs. Europe*, online <[http://www.pbs.org/newshour/bb/europe-jan-june00-austria\\_2-3/](http://www.pbs.org/newshour/bb/europe-jan-june00-austria_2-3/)> 18.06.2015.

emotional one because Austria was so surprised by the harsh reactions. He then continued, “the very fact that these 14 member states have made such a resolution in a combined effort is a positive sign,... that we are growing more and more together. Integration has a strong result, strong effects and we have become more and more like a family.”<sup>208</sup> This interaction, in addition to Barkan's paradigm prompted a historical reevaluation of the past. As the European Union continued to grow and interact, many nations were brought closer together, which in turn led to a myriad of discussion points. These conversations which, “fostered common European values and views of the past, [have] also provoked historical disputes and controversies.”<sup>209</sup> Norman M. Naimark furthers that the sanctions imposed on Austria illustrated, “this interaction between domestic trends in dealing with the past and the pressure of international, in this case European, public opinion and law in the pursuit of historical justice.”<sup>210</sup> These sanctions, caused anger and frustration, yet they did not last.

In September 2000, as the fears deteriorated that an official policy of racism against foreigners and minorities would appear, the sanctions were lifted. Before the sanctions were lifted, however, the pressure from the European Union added to the force from the United States, and the increasing global restitution paradigm, all set the stage for a perfect moment for Austria to renegotiate its identity through restitution policies. With the provided background it is clear that the restitution politics of the 1990s were not simply a response to the FPÖ/ÖVP coalition, but rather they were a product of both the various waves of reconsideration which had occurred over the years in combination with the external pressure coming from the globalized notion of a restitution paradigm.

### **Development of the Austrian Reconciliation Fund**

Within a few hours after Wolfgang Schüssel's inauguration as Federal Chancellor of the Republic of Austria, He took steps to open up communications with the Jewish Claims Conference. Due to in part to his prompt actions, in an astonishingly brief time-frame, a historical agreement on restitution of aryanized real estate and compensation payments from Austria to the victims of the Nazi regime was able to be reached.

In the offer of negotiation signed by Federal Chancellor Schüssel and faxed to Israel Singer, at the

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<sup>208</sup> Margaret Warner, PBS Newshour, Interview with Peter Moser, Austria's ambassador to the United States; and Joao Rocha Paris, Portugal's ambassador to the United States. *Austria vs. Europe*, online <[http://www.pbs.org/newshour/bb/europe-jan-june00-austria\\_2-3/](http://www.pbs.org/newshour/bb/europe-jan-june00-austria_2-3/)> 18.06.2015.

<sup>209</sup> Norman M. Naimark, “Historical Memory and Debate about the Vertreibung Museum,” in Günter Bischof and Ferdinand Karlhofer (Eds.), *Austria's International Position After the End of the Cold War*, Contemporary Austrian Studies, Volume 22, Innsbruck University Press, 2013. 228.

<sup>210</sup> Norman M. Naimark, 228.

time Secretary General and later President of the Jewish Claims Conference, he stated:<sup>211</sup>

I would like to reiterate the commitment of Austria to continue to cooperate with all international institutions and bodies [...] to look into all questions relating to Holocaust assets [...] I fully understand the concern that in view of the age of the Holocaust survivors quick solutions are asked for [...] In this connection, I have taken note with interest of the proposal to adopt interim measures which would benefit the surviving victims and help especially those who live in difficult personal financial circumstances to spend the remaining years of their lives in dignity. At this stage, I cannot be more precise as to the details of such an interim solution than just to inform you about the willingness to quickly react to the concerns that you personally and other institutions who present Holocaust victims have expressed.

This message was answered with optimistic enthusiasm and therefore on February 15<sup>th</sup>, 2000, Schüssel appointed the former president of the Austrian National Bank, Maria Schaumayer, as the Special Government Representative for the Settlement of Slave and Forced Labor Related Issues. As representative her job was to develop and enact a plan for the Austrian Federal Government which would make payments to former slave and forced laborers on the territory of present-day Austria. By the 20<sup>th</sup> of March, Schaumayer had already met and came to an agreement with Eizenstat regarding the framework and the principles which Schaumayer's task-force would pursue.<sup>212</sup> In May of that year Schaumayer and Eizenstat co-hosted the Reconciliation Fund Conference in Vienna, which was attended by government s' and victims' associations' representatives from Central and East European countries. This Vienna Conference ended with an agreement by the European representatives of a fair and reasonable solution.<sup>213</sup> Schaumayer's task force-took both the experiences of Switzerland and Germany into consideration while approaching their task at hand.

Due to the problems that occurred during the German negotiations, Eizenstat, Schaumayer, and Schüssel, all shared the conviction that the proceedings for slave and forced labor and restitution matters should be separated as a means of expediting results. Günter Bischof explains this approach stating, “to simplify and strengthen the negotiation process, Schaumayer (with the able assistance of Martin Eichinger, a professional diplomat) advocated the strict separation of the agendas relating to the forced laborers from the even more contentious issue of 1938-1942 looted

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<sup>211</sup> Winkler, Hans, National Fund's Annual Report 2010-2011, 27.

<sup>212</sup> Oliver Rathkolb, *Revisiting the National Socialist Legacy: coming to terms with forced labor, expropriation, compensation, and restitution*, Studien Verlag Ges.m.b.H., Innsbruck, 2002. 24.

<sup>213</sup> Rathkolb, Oliver, 24.

property.”<sup>214</sup> As a part of this process the Austrian side proposed that the negotiations and future agreements should all be carried out on an intergovernmental level. This was, according to Bischof, an attempt, “to block the involvement of greedy class action lawyers. Such interminable class action suits by America lawyers such as the redoubtable Ed Fagan.”<sup>215</sup> As part of this program the Austrian government set up a body of three individuals to engage in regular contact with the United States government officials and the Jewish Organizations. Furthermore, this committee dealt with the issues of the various groups of lawyers, victims groups, etc and consolidated the information for the intergovernmental deliberations. This separation of restitution proceedings was not the only difference between the Austrian and German methods.

Unlike Germany, Austria did not lay down specific percentages to be contributed by each of the financing parties, and therefore was able to avoid a plethora of irritable disputes about details in funding.<sup>216</sup> The criteria which defined forced labor was defined in greater detail and Austria decided to have a one-time payment with a fixed sum, irrespective of the number of applications. Additionally according to historian Hubert Feichtlbauer, in order to simplify and consolidate matters, “the Reconciliation Fund was confirmed as the exclusive remedy and forum for the resolution of all claims involving or related to the use of slave or forced labor.”<sup>217</sup> In addition Austria saw the drawn out legal battles which had taken place in Germany and therefore decided that before a single payment was made all lawsuits had to be withdrawn. There were other differences in the specific payments and how they were carried out. In Austria, equal amounts for slave and forced laborers were established as a means of prophylactic protection. Austrian payments were awarded by both partner organizations and by the Fund itself; this contrasts to German payments which were awarded completely through partner organizations which were allocated fixed amounts.

Perhaps two of the most important differences between the German and Austrian cases is first, that the German Foundation was established for an indefinite period, whereas the Austrian Reconciliation Fund had a fixed date at the end of 2005. The money left over from the Austrian Fund was to be turned into the *Zukunftsfond* (Future fund) in Austria. Schüssel wanted the money raised by the government to be the final funds that would be taken from the public sector. Due to this, when the Future Fund runs out of money they will need to rely on private organizations help. Second, Austria compensated forced laborers employed in the agricultural sector without exception.

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<sup>214</sup> Günter Bischof and Michael S. Maier, “Reinventing Tradition and Politics of History: Schüssel's Restitution and Commemoration Policies,” in *The Schüssel Era in Austria*, Contemporary Austrian Studies, Günter Bischof, Fritz Plasser (Eds.), Volume 18, Innsbruck University Press, 2010. 213.

<sup>215</sup> Bischof Günter and Maier S. Michael, 2010, 213.

<sup>216</sup> Feichtlbauer Hubert, 217.

<sup>217</sup> Feichtlbauer, Hubert 217.

“Germany only did so if the partner organizations had sufficient resources after having compensated other groups ("enabling clause").”<sup>218</sup> The fact that forced laborers from the agricultural sector were also included helped to generate a positive reaction from the international community. Austria also compensated children and adolescents who had been deported with their parents as well as mothers who had given birth during their periods of forced labor or who had been forced to have an abortion. Even with these additions to the German restitution, the Austrian proceedings were completed in a much shorter time frame than those in Germany.

For her part, Schaumayer sped up the process of restitution by, “announcing on her own that the Austrian government would create a fund of 6 billion Shillings, approximately 436 million euros for 132,000 Jewish and non-Jewish slave and forced laborers, with the bulk of the funds for non-Jewish forced laborers.”<sup>219</sup> When everything was said and done Austria actually paid out 352 million euros, with the “remainder going to the National Fund and other humanitarian-related projects, especially Austria’s Future Fund.”<sup>220</sup>

Former Chancellor Wolfgang Schüssel stated, “In less than five months, [Schaumayer] successfully concluded the necessary international negotiations with a series of states, victims' associations and organizations, and drew up the draft for the so-called Reconciliation Fund Law. This was then unanimously passed by the two houses of the Austrian parliament, the Nationalrat and Bundesrat, in July 2000.”<sup>221</sup> The Austrian Reconciliation Fund was constituted on December 20, 2000, and on the same day, Ambassador Dr. Steiner was appointed Chairman of the Committee and Ambassador Dr. Wotava Secretary General. Immediately afterward, the Fund got down to work.<sup>222</sup> Unlike the previous restitution attempts, this time the fund was extremely well publicized. According to Jürgen Strasser, from 2001 until 2003 the media campaign had been printed in 125 different newspapers. In addition, there were 32 press conferences in 19 various countries. To these efforts, over 10,000 posters in 11 different languages were put up in order to reach victims who did not read newspapers. In the United States of America, radio advertisements in a variety of local radio stations were played and in Croatia the Catholic Church helped by passing out brochures in their newspapers. In France the message was printed in over 30 regional newspapers.<sup>223</sup> When these efforts were all said and done, 131,974 people had received a payment from the Reconciliation

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<sup>218</sup> Feichtlbauer, Hubert, 217.

<sup>219</sup> Stuart E. Eizenstat. “10 Years After the Washington Agreement: Background Successes and the Future,” in Embassy of the United States, January, 19, 2011, <<http://austria.usembassy.gov/eizenstat.html>> (18 March 2015).

<sup>220</sup> Stuart E. Eizenstat. “10 Years After the Washington Agreement: Background Successes and the Future,” <http://austria.usembassy.gov/eizenstat.html>

<sup>221</sup> Feichtlbauer, Hubert, 6.

<sup>222</sup> Feichtlbauer, Hubert, 6.

<sup>223</sup> Jürgen Strasser, „Die Tätigkeit des Österreichischen Versöhnungsfonds“ in Stefan Karner, *Schweres Erbe und Wiedergutmachung, Restitution und Entschädigung in Österreich, Die Bilanz der Regierung Schüssel*, Studien Verlag, Innsbruck, 2015.140-141.

Fund, these payments amounted to 352.5 million euros.<sup>224</sup>

The payments made by the Reconciliation Fund were an important act of *Geschichtspolitik* for the international community. These payments sent the message both to the victims of Nazi slave and forced labor, and to other democratic powers that Austria had finally acknowledged its role in others suffering and were renegotiating a history that all parties involved could accept in order to build a more productive future.

### **Washington Agreement and the General Settlement Fund**

Yet even with Schaumayer and Eizenstat's agreement there was still the larger question of property restitution. Aryanizations, looting, and destruction of property from 1938 until 1945 led to an abundance of monetary and sentimental losses for victims of the National Socialist Regime. These losses, as was previously discussed, were not adequately refunded even with seven restitution laws that were put in place. Due to the variety of loopholes and administrative difficulties, many survivors had had to live with little or no compensation for their hardships. Therefore, Schüssel, named Ernst Sucharipa, the director of the Diplomatic Academy, as the special representative for the restitution question.<sup>225</sup> The findings of the Austrian Historical Commission concerning the inadequacies in the restitution policies and their execution were taken into account when Sucharipa approached the delicate theme of property restitution. Restitution efforts were hastened not only due to the class action lawsuits, but also in an attempt to portray Austria in a more positive light. Sucharipa's efforts would come to fruition during a conference in Washington D.C. in 2001, where the so-called Washington Agreement was signed.

After a rather intense discussion between the United States and Austrian governments, the Claims Conference, representatives of Austrian Jewish survivors, and class action lawyers, the groups decided to meet in Washington on January 17, 2001. At this meeting, the Washington Agreement was put in place. This decision stated that the Republic of Austria would set up the General Settlement Fund for Victims of National Socialism, and it was agreed that the Austrian government would allocate USD 210 million to the Fund.<sup>226</sup> Yet who was eligible to apply?

According to the National Funds website, "persons or associations that were persecuted by

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<sup>224</sup> Strasser, Jürgen, 141.

<sup>225</sup> Cornelius Lehniguth, *Waldheim und die Folgen: Der parteipolitische Umgang mit dem Nationalsozialismus in Österreich*, Ludwig-Boltzmann-Institut für Historische Sozialwissenschaft, Campus Verlag, Frankfurt/New York, 2013. 294.

<sup>226</sup> National Fund of the Republic of Austria, General Settlement Fund, <<http://www.en.nationalfonds.org/sites/dynamicbbc3.html?id=news20060526140625005&ln=>> 17.06.2015, Google Chrome.

the NS regime on political grounds, on grounds of origin, religion, nationality, sexual orientation, or of a physical or mental handicap or of accusations of so-called asociality, or who left the country to escape such persecution, and who suffered losses or damages as a result of or in connection with events having occurred on the territory of the present-day Republic of Austria during the National Socialist era are eligible to file an application.”<sup>227</sup> The site further clarified, “In addition, heirs of eligible claimants and the legal successor of an association that became defunct under the NS regime are also entitled to file an application. Furthermore applications could be made in the following categories:

Liquidated businesses, including licenses and other business assets, immovable property, unless an in rem restitution pursuant to the General Settlement Fund Law has been granted, bank accounts, stocks, bonds, mortgages, moveable property, unless such property losses were previously taken into account by a compensation for tenancy rights, insurance policies, occupational and educational losses, and broadly stated other losses and damages.<sup>228</sup>

The respective federal law for this decision was enacted on 28 May 2001. The deadline for the applications was the same date two years later. According to the National Funds website, the Settlement Fund had received more than 20,000 applications. On December 13, 2005, after the last class action lawsuit was dismissed, and the Austrian Federal Government announced that they had obtained legal peace, the General Settlement Fund started making its first advance payments.<sup>229</sup>

Its object was to develop general solutions to resolve as yet unresolved settlement issues. It allowed compensation claims for loss of business assets, real estate (unless restituted in kind – in rem restitution), capital assets, movable property (unless covered by rental loss compensation through the National Fund), occupational and educational losses and other losses or damage incurred.”<sup>230</sup> Since January 11<sup>th</sup> 2006 the amount of USD 210 million has been at the disposal of the Settlement Fund, of which an amount of USD 25 million has been earmarked for insurance losses. As a part of this deal, Austria was to receive a guarantee of security against further American judicial actions regarding property restitution.

According to the 2010-2011 Annual Report for the National Fund, “The largest number of

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<sup>227</sup> National Fund of the Republic of Austria, General Settlement Fund, <<http://www.en.nationalfonds.org/sites/dynamic73f7.html?id=news20060526141210005&ln=>> 17.06.2015, Google Chrome.

<sup>228</sup> National Fund of the Republic of Austria, General Settlement Fund, <<http://www.en.nationalfonds.org/sites/dynamic0ce3.html?id=news20060616105017002&ln=>> 17.06.2015, Google Chrome.

<sup>229</sup> National Fund of the Republic of Austria, General Settlement Fund, <<http://www.en.nationalfonds.org/sites/dynamicbbc3.html?id=news20060526140625005&ln=>> 17.06.2015, Google Chrome.

<sup>230</sup> Stuart E. Eizenstat. “10 Years After the Washington Agreement: Background Successes and the Future,” <http://austria.usembassy.gov/eizenstat.html>

claims was filed in the categories “liquidated businesses” and “occupational and educational losses.”<sup>231</sup> The report continued that these claims were also the highest in amount. The report claims that “This is a reflection of the principles followed in Austrian policy-making post 1945, which occurred in consultation with the Allied occupying powers and took into account the economic limitations of the nascent Republic of Austria: available assets were to be restituted, but no compensation was provided for assets which were no longer available. Compensation measures were implemented after 1955 but only to a limited extent.”<sup>232</sup> Whatever the case may be, the National Fund has reached thousands of individuals and provided compensation where there previously was none.

According to Hannah Lessing, “[...] in January 2001 the Republic of Austria and the USA signed the Washington Agreement, which lay “the foundation for several vital steps in the belated process of coming to terms with National Socialism in Austria”<sup>233</sup> These steps included the aforementioned establishment of the General Settlement Fund, the compensation of seized tenancy rights by the National Fund and the upcoming restoration of the Jewish cemeteries in Austria. In addition as a condition of the Washington Agreement, on October 5<sup>th</sup> 2001, the Arbitration Panel for *In Rem* Restitution, established at the General Settlement Fund, held its constituent meeting. Lessing explained that “the Arbitration Panel examines whether real estate which was seized under National Socialism and is publicly owned today can be restituted.”<sup>234</sup> This panel worked to compensate as many people as quickly and efficiently as possible.

## VIII A Closer Look at the ÖVP/FPÖ Coalition

### **ÖVP/FPÖ Coalition: Were they the only ones who could have succeeded?**

Due to both external and internal pressure Austria was able to break out of its post-war myth and to redefine its take on the historic events surrounding World War II. By engaging in restitution with victims of the Nazi regime and renegotiating its identity in light of the global restitution paradigm, Austria was able to cast a positive light on itself. The question, however, remains: was the constellation of ÖVP/FPÖ the only coalition that could have enacted such a restitution policy, and furthermore, what affect did this specific coalition have on the proceedings?

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<sup>231</sup> General Settlement Fund for Victims of National Socialism, Annual Report, In the National Fund's Annual Report 2010-2011. 70-85, 70.

<sup>232</sup> General Settlement Fund for Victims of National Socialism, Annual Report, In the National Fund's Annual Report 2010-2011. 70-85, 70.

<sup>233</sup> Hannah Lessing, General Settlement Fund for Victims of National Socialism, Annual Report, In the National Fund's Annual Report 2010-2011. 70-85, 87.

<sup>234</sup> Lessing, Hannah, In the National Fund's Annual Report 2010-2011. 70-85, 87.

To answer the first question, it is clear that through the sheer international power of the global restitution movement, that no Austrian coalition could have long resisted this pressure. This means that any coalition government would have been obliged in the late 1990s and early 2000s to engage in some form of restitution or they would risk a stigmatization from other democratic powers, specifically the United States.

Furthermore, one can see that starting before the end of the Grand Coalition in 1998, with the formation of the Jabloner commission and the passage of the Art Restitution Law of 1998, the Austrian government was already on its way toward a renewal of its restitution policies. One can argue that starting around 1986, due to pressure mainly from the United States and the WJC, Austria had begun to seriously question its victim myth, not only in academia—which had slowly but surely been taking place since the end of World War II— but also on a broader public scale. The same events which led to the global construction of a restitution paradigm and what Barkan calls “the guilt of nations,” affected Austrian domestic politics as well. This means factors including, the end of the Cold War and the opening of previously secure archives, the generation change and the passage of time, and the increase in the importance of individual rights, had all made their way to Austria.

These comments should not in anyway reduce the accomplishments of the Schüssel regime. It is clear that Chancellor Schüssel's well-thought out appointments and intelligent decision-making process, in combination with his own personal passion led to a swift and productive handling of the topic. Stuart Eizenstat stated that, “he was sympathetic to the need for a property agreement, and was warm and friendly. But he knew he was handling a red-hot issue, because of a public fear, unfounded, but palpable, that restitution really meant returning properties to former Jewish owners, now occupied by current Austrian residents.”<sup>235</sup> This combination of careful consideration and support for the project at hand can be seen in Schüssel's decisions to appoint Maria Schaumayer and Ernst Sucharipa, as well as his previous action as Vice-Chancellor in helping to set up the Jabloner Commission.

In my interview with Hans Winkler, I was able to get his perspective on the topic at hand. When I asked Diplomat Winkler the question if the ÖVP/SPÖ coalition would have worked as efficiently as the ÖVP/FPÖ coalition he prefaced his answer by saying that historians and politicians should never speak about what-ifs. He then stated, that after, “talking to Klima a bit and knowing the coalition, I believe they would have stalled and delayed.”<sup>236</sup> Winkler is correct in saying that no one can know for sure; nevertheless, it seems for certain that although the developments would have happened, they would not have happened as quickly. Winkler explained

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<sup>235</sup> Eizenstat E. Stuart, “Tribute to Ernst Sucharipa and 21<sup>st</sup> Century Challenges Remarks” 2.

<sup>236</sup> Winkler, Hans. Interview by author. Personal Interview, Diplomatic Academy, Vienna, June, 6, 2015.

that the precarious situation created by the European Unions sanctions against Austria due to the FPÖ coalition expedited the process. He clarified this acceleration stating that on the same day that Wolfgang Schüssel was sworn into office, his top advisers came to him and told him, that in lieu of all the difficulties that the ÖVP/FPÖ coalition was going to face he should open up negotiations for World War II era restitution. Schüssel, who according to Winkler, had a personal commitment to this theme, agreed and began negotiation planning that very same day. Winkler, who was heavily involved with the restitution process, stated, “From the beginning I was in contact with Stuart Eizenstat and Israel Singer and I conveyed the message that we were ready to negotiate.”<sup>237</sup> Negotiations were at points heated, but they proceeded at a whirlwind pace.

Winkler, however, stressed that no political decision can be explained through one motive. Winkler insisted Schüssel, “is a smart man, he said we are going to do this right away. To stall and say I will do it later, he would have had to do it at some point anyways. So he decided to do it sooner rather than later.”<sup>238</sup> Winkler furthered, “Did he do it because he had to? Yes, of course, he was the prime minister of the state and had to act in the best interest of the state, did he do it because he thought it was right? Of course he did it because he thought it was right. He did it for a number of motives.”<sup>239</sup> According to Winkler there was no one factor which determined Schüssel's actions. One must take a variety of motives into consideration in order to understand the situation.

### **The ÖVP/FPÖ's Influence on the Restitution Laws**

Even if it is almost certain that the legislation would have happened with every coalition government that was in power during the 1990s, it is worth noting the specific peculiarities in the standing restitution. One can trace the influence of the FPÖ led by Dr. Susanne Rieß-Passer, when one looks at the specifics. One of the most telling acts passed quietly through legislation. This act paid, “restitution indiscriminately also to Austrian prisoners of war, who had fought on all fronts during the war. To demonstrate politically correct gender consciousness for good measure, the postwar *Trümmerfrauen*, namely those women who cleaned up the rubble in Austria's cities after the war, received symbolic token restitution payments too. It did not matter whether the Austrian POWs had been fervid Wehrmacht fighters or the *Trümmerfrauen* had been members of the Nazi Party; their suffering needed to be acknowledged sixty years after the war.”<sup>240</sup>

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<sup>237</sup> Winkler, Hans. Interview by author. Personal Interview, Diplomatic Academy, Vienna, June, 6, 2015.

<sup>238</sup> Winkler, Hans. Interview by author. Personal Interview, Diplomatic Academy, Vienna, June, 6, 2015.

<sup>239</sup> Winkler, Hans. Interview by author. Personal Interview, Diplomatic Academy, Vienna, June, 6, 2015.

<sup>240</sup> Günter Bischof and Michael S. Maier, “Reinventing Tradition and Politics of History: Schüssel's Restitution and Commemoration Policies,” in *The Schüssel Era in Austria*, Contemporary Austrian Studies, Günter Bischof, Fritz Plasser (Eds.), Volume 18, Innsbruck University Press, 2010, 224.

By making symbolic payments to victims of the Nazi-regime, Austrian prisoners of war, and Trümmerfrauen, all at the same time, one could interpret this on the one hand as a way of pleasing all of the various Austrian constituents simultaneously. On the other hand, critics argue that this act reduced the worth of the symbolic restitution to slave and forced laborers because it in some ways compared their suffering to that of the victims of National Socialism on the home-front, regardless if they themselves had been part of the Nazi party or not. In this sense these aspects of the policy tended to reinstate and reinforce the victim theory: the belief that Austrians (both on the front-lines and the home front) were victims rather than perpetrators.<sup>241</sup> In my interview, Winkler waved this issue aside stating that it was simply a minor issue which was used in order to keep the pressure off of the government and to allow the government to push forward with more pressing decisions.<sup>242</sup>

With this issue aside, perhaps the most important impact of the ÖVP/FPÖ coalition is that through this coalition Schüssel was able to keep the deliberation process within an extremely small group of individuals. According to Winkler, “Schüssel was in a position more or less to dictate his demands. With the exception of Rieß-Passer no one was really involved. Schüssel just did what he had to do without much asking.”<sup>243</sup> Winkler explained that he only talked to Schüssel. By keeping the negotiations small and by not involving many party members, Schüssel and Rieß-Passer were able to quickly come to agreements without getting caught up in minutia which would have stalled the final process. During the interview Winkler told an anecdote, which taken as a whole, perfectly portrays the depth of secrecy which surrounded these negotiations.

Winkler claimed that he had been invited to a meeting with Schüssel and was sitting in his office talking when Schüssel was suddenly called and he needed to step out for a minute. While Schüssel was not in the office Winkler began talking with the finance minister Karl-Heinz Grassler, who was still part of the FPÖ party at the time. Winkler talked broadly about the process of the restitution negotiations and at one point stated that they had almost reached a final agreement with a sum of a bit over 200 million. The finance minister was completely taken aback as he had had no idea about the specific numbers of the negotiations. Later in the evening Winkler received a phone call from Ursula Plassik, the chief of the cabinet at the time, who angrily explained that he was not allowed to talk to anyone about these negotiations, especially not the finance minister. From this interaction it is clear that this process was truly one between a select group of individuals. When the minister of finance is not aware of a process which will cost the state millions of dollars, it is clear that the whole process had been kept relatively small and top-secret. Winkler explained that Schüssel was both a tough negotiator and deeply involved.

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<sup>241</sup> Bischof, Günter and Maier S. Michael, 224.

<sup>242</sup> Winkler, Hans. Interview by author. Personal Interview, Diplomatic Academy, Vienna, June, 6, 2015.

<sup>243</sup> Winkler, Hans. Interview by author. Personal Interview, Diplomatic Academy, Vienna, June, 6, 2015.

Winkler reiterated that it is wrong to only look at the restitution as an act of *Geschichtspolitik*, he stated, “It is wrong to look for only one cause.”<sup>244</sup> Winkler went on to explain that Schüssel, “would call me at all times during the day and Schüssel would ask me what is the latest. This was an issue that he personally and nobody else cared about.”<sup>245</sup> Through these repeated phone calls Winkler saw that Schüssel was truly interested in the progress of the negotiations and he pushed for results. Yet Winkler stressed that Schüssel was frugal in his negotiations. Although this was a project that he personally believed in, he did not want to put any unnecessary burden on Austria. Winkler stated, that the first time Ernst Sucharipa, the lead negotiator for property restitution, came to the United States he came with nothing to offer. Winkler explained that every time the negotiators went to Schüssel they maybe only were able to get around 20 million more to add to the negotiations. Winkler stated, “Schüssel always asked what do I get from it? Every time we went to him he said to that's it no more.”<sup>246</sup> This duality of Schüssel led to an agreement that was both acceptable to the Austrian people and government and to the victims organizations and the United States.

Another particular aspect which Schüssel championed was the idea of a *Schlussstrich* (Final Stroke) or the idea that although no one could never attain a full moral closure from the atrocities, at some point there should be a final moral and financial stroke.<sup>247</sup> According to Günter Guggenberger's article, “The reflection of authoritarianism, anomia and group-related misanthropy in remembrance of the authoritarian regime and World War II,” which was based on a data-set of an Austrian survey from 2007, 47.1% of respondents agreed with the statement, “The discussion on World War Two and the Holocaust should be ended,” and only 32% signaled disagreement.<sup>248</sup> Along party lines voters of the Green Party were the least sympathetic to this notion (8%), followed by those sympathetic to the SPÖ (47%), ÖVP (59.7%) and FPÖ (76%).<sup>249</sup> If we accept this data as a representative sample of the Austrian people, it seems clear that although potentially controversial to an international audience, Schüssel's idea of a *Schlussstrich* was shared by the majority of the Austrian people. Another politician may not have verbalized the Austrian wish that at some point discussions and financial obligations would come to a close; yet, Schüssel and his coalition openly supported this stance.

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<sup>244</sup> Winkler, Hans. Interview by author. Personal Interview, Diplomatic Academy, Vienna, June, 6, 2015.

<sup>245</sup> Winkler, Hans. Interview by author. Personal Interview, Diplomatic Academy, Vienna, June, 6, 2015.

<sup>246</sup> Winkler, Hans. Interview by author. Personal Interview, Diplomatic Academy, Vienna, June, 6, 2015.

<sup>247</sup> See *Rede des Bundeskanzlers Dr. Wolfgang Schüssel vor dem Nationalrat, Wien, am 31 Jänner 2001* [Federal Chancellor Dr. Wolfgang Schüssel, Speech Before the National Assembly, Vienna (Jan. 31, 2001)], reprinted in 2001 AUSTRIAN FOREIGN POLICY DOCUMENTS, supra note 31, 157

<sup>248</sup> Rathkolb, Oliver, Ogris, Günter (Eds.), *Authoritarianism, History and Democratic Dispositions in Austria, Poland, Hungary and the Czech Republic*, Studien Verlag Ges.m.b.H., Innsbruck, 2010, 55.

<sup>249</sup> Rathkolb, Oliver, Ogris, Günter (Eds.), 2010, 55.

## VIII Conclusion

On May 15, 2001, in his “State of the Union Address” (Zur Lage der Nation) Federal Chancellor Dr. Schüssel stated that the restitution and compensation measures were: <sup>250</sup>

[...]no generosity, we are granting, but rather a late, too often a too late acknowledgment that the Republic of Austria, although it did not exist during the time the National Socialist atrocities occurred, committed injustice after its reestablishment towards many victims by delaying the restitution of property and by not openly and clearly enough admitting to the co-responsibility of its citizens. On behalf of the Republic, I want to admit to those injustices in front of the victims and their heirs and ask them to accept our current efforts for belated justice.

This “imperfect justice” was without a doubt a positive step for Austrian identity formations and international relations for the present and the future. Günter Bischof notes, “during the 1990s Austria’s politics of restitution had got caught up in the ‘Americanization of the Holocaust.’ Swiss banks, German and Austrian companies and their governments all bowed to the pressure from Washington during the late Clinton years to come clean of their failed or procrastinated restitution politics of the past.”<sup>251</sup> Although it is perhaps a bit overdone to call the Austrian government’s reassessment of their restitution policies a “bowing down to Washington,” it is certain that the international pressure, which mainly started in the United States, caused an international re-evaluation of “the guilt of nations,” which further led to a serious reconsideration of laws in Austria. Austria was simply one of the many countries around the globe who engaged in restitution during the 1990s and early 2000s.

Neil Kritz explains this phenomena, in slightly different words than Barkan by stating, “New terms are created for the country or region in question-- *denazification* in Germany after Hitler, *defascistization* in Italy, *dejuntafication*, *decommunization*-- but they all express the same attempt of a liberated society to purge the remnants of its vilified past.”<sup>252</sup> This cleansing of ones past can among other things be achieved in part through a renegotiation, which takes both the victim and perpetrators story into account. A true renegotiation of history can only occur, however, when a few

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<sup>250</sup> Ernst Sucharipa, “Revisiting the National Socialist Legacy Restitution: Why Now? The Austrian Experience,” in *Revisiting the National Socialist Legacy: coming to terms with forced labor, expropriation, compensation, and restitution*, Studien Verlag Ges.m.b.H., Innsbruck, 2002. 35.

<sup>251</sup> Günter Bischof and Ferdinand Karlhofer (Eds.), *Austria's International Position After the End of the Cold War*, Contemporary Austrian Studies, Volume 22, Innsbruck University Press, 2013. 33-34.

<sup>252</sup> Kritz J. Neil, 3.

key steps are followed. First, victims and perpetrators must work together to promote a historical interpretation which they can both accept. Second the government and other national organizations must reinforce this history through education, museums, and memorials. Third it helps when the history is promoted through news-outlets and newspapers. Finally, this history becomes part of the nations' collective memory and is passed down through generations through the aforementioned ways.

In Austria specifically, it is clear that the pressure from the international community would have almost certainly led to restitution measures under almost every conceivable coalition government. As was previously discussed, starting before the end of the grand coalition, the SPÖ/ÖVP government promoted the formation of the Jabloner commission, and the passage of the Art Restitution Law of 1998. With this in mind, it is clear that the government was already on its way toward a renewal of its restitution policies. That being said, Schüssel's ÖVP/ FPÖ coalition government and the violent backlash from the international community certainly sped up the process. Schüssel made intelligent appointments and brought his passion and skill to the negotiations. Schaumayer and Sucharipa were able to learn from the mistakes of both the Swiss and German deliberations, and therefore were able to complete their tasks in record breaking time. The process of a renegotiation of Austrian identity that began in waves after the Second World War picked up intensity surrounding 1986 and continued to grow as the international community engaged in and created a restitution paradigm.

The United States may have begun this process, yet the United States cannot effectively act on the international stage when it does not receive some level of support from other countries. Without the global paradigm which developed, and the ever increasing globalization of the economy, the problems of World War II survivors property restitution and former forced and slave laborers in Austria would have most likely faded from the American radar as many other hot-issues fade after a few prolonged months of media frenzy.

And although it is true that no true perfect justice will ever be achieved it seems as though restitution politics in democratic nations are heading in the right direction. Sadly, atrocities occur and have occurred all over the globe and even with the restitution paradigm which has developed in the past twenty years it seems that this endless cycle of human rights violations and subsequent restitution will remain a process for the upcoming future. Things are not, however, as bleak as they may at first glance seem. As Jonathan Steinberg so aptly stated, "In the end, inter-generational justice in these extreme cases simply does not exist. Yet the attempt to attain it is not entirely futile. The last ten years- the war crimes the class action suits against German companies, the claims of Korean 'comfort women' against the Japanese state, the attack on Switzerland and the Swiss banks,

the controversy stirred by Daniel Goldhagen's book, *Hitler's Willing Executioners*, the failure of the international intervention to prevent genocide in Rwanda and Burundi, the Truth and Reconciliation Commission in South Africa...the international outrage at 'ethnic cleansing' in the Balkans- testify to a change in international morality which may be as fundamental as any seen in modern times.”<sup>253</sup>

This change in international morality continues to grow and change. In Austria, following the release of a Hollywood film titled, “A Woman in Gold,” a new wave of art restitution is underway and in the United States a movement known as #blacklivesmatter, has reached an international audience. Some sources have even stated that following the deaths of unarmed citizens such as Trayvon Martin, Walter Scott, and Tamir Rice, the United States, “is entering what’s being called a new civil rights movement, with activists ensuring that the world now knows about the ongoing onslaught against black life.”<sup>254</sup> These new trends all seem hint that this new global paradigm of restitution and the importance of individual rights, will remain in important issue in the upcoming future. As far as Austria is concerned, ten years after the signing of the Washington Agreement, Stuart Eizenstat congratulated Austria on its progress. He claimed, “in recent years no country has come further or faster in recognizing its moral responsibility and in taking concrete steps to address its roles during World War II.”<sup>255</sup> Eizenstat continues to this very day to praise the work which took place in Austria.

As Stuart Eizenstat explained this spring at the ten year memorial to Ernst Sucharipa's honor, one of the perhaps most important advances in the whole process was that “for the first time in history, private corporations paid substantial sums for wartime injuries they inflicted.”<sup>256</sup> Eizenstat continued, “Our efforts underscore a growing and positive trend of major multinational corporations having a much greater awareness of the reputation and legal risks of engaging in activities that threaten the environment, that employ workers in what are considered sweat-shop conditions, and cooperating with regimes with poor human rights records.”<sup>257</sup> Companies and governments alike must engage in negotiations with victims on the international stage in order to be accepted as viable democratic entities in the global community. With ever increasing globalization it can only be expected that this trend will continue to develop and grow.

When I asked Dr. Winkler what he believed the effects of these negotiations and restitution for Austria specifically were he stated, “There has definitely been a lasting effect. No one would

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<sup>253</sup> Steinberg, Jonathan, 11.

<sup>254</sup> Emma Dabiri, “It’s Dismally Apparent that Some Black Lives Matter More than Others,” in *The Guardian*, May, 23, 2015 <<http://www.theguardian.com/commentisfree/2015/may/23/black-lives-matter-us-shootings-mediterranean-drownings>> (25 May 2015).

<sup>255</sup> Stuart E. Eizenstat, “10 Years After the Washington Agreement: Background Successes and the Future,” <http://austria.usembassy.gov/eizenstat.html>

<sup>256</sup> Eizenstat E. Stuart, “Tribute to Ernst Sucharipa and 21<sup>st</sup> Century Challenges Remarks” 17.

<sup>257</sup> Eizenstat E. Stuart, “Tribute to Ernst Sucharipa and 21<sup>st</sup> Century Challenges Remarks” 17.

speak of Austria nowadays as the first victim. The narrative has been fundamentally changed. There might be many people who think the old way but to say it out loud is now politically incorrect. Things have changed fundamentally in the way people think about Austrian identity.”<sup>258</sup> It seems then that Barkan's restitution paradigm has had a lasting affect on Austria. The lingering question of what it means to be an Austrian, and what Austria as a nation stands for, has been renegotiated through these restitution processes. Austria is no longer a victim of Nazi Germany, but rather a leader and forerunner in restitution policies and in international compensation actions. Whether or not this change is a lasting one remains to be seen, but it is clear that this time through international pressure which culminated in Barkan's restitution paradigm, a few strong personalities in domestic politics, and a growing self awareness of the history of politics, the ÖVP/FPÖ coalition government was able to react in the late 1990s and early 2000s to create restitution policies which not only benefited former victims but also improved Austria's image in the global community.

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<sup>258</sup> Winkler, Hans. Interview by author. Personal Interview, Diplomatic Academy, Vienna, June, 6, 2015.

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## Curriculum Vitae

## Rachel Kaye BA



### Personal Information

Birthdate: 25. September 1989  
Birthplace: Winchester/ Massachusetts  
Citizenship: USA  
Marital Status: Single

### Education

Sept. 2015- present	<b>International Business College Hetzendorf</b> Night School "Kollege für Berufstätige"
Oct. 2013- Oct. 2015	<b>Universität Wien</b> Masters Global History und Global Studies
Aug. 2015	<b>Bergen-Belsen International Summer School</b> <b>Certificate Received</b>
2009-2012	<b>Salem State University</b> Bachelor of Arts in History, Minor: Englisch <b>Graduated: Summa Cum Laude</b>
2008-2009	<b>Emerson College</b> Broadcast Journalismus
2004-2008	<b>Wakefield Memorial High School</b> High School Diploma <b>Graduated: GPA: 3.6</b>

### Work Experience

March 2014- June 2015	<b>Waitress</b>
June 2012- June 2013	<b>Aupair</b>
Sept. 2012 - July 2013	<b>Researcher/ Translator</b> Dr. Michele Louro, Salem State University

☞ *Translated documents from German into English.*

April 2011 - May 2012	<b>Park Ranger GS 4: Interpretation</b> Salem Maritime National Historic Site National Park Service
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☞ *Crafted historical tours surrounding the park themes of colonial settlement, industrial revolution and maritime trade. Served as a park interpreter guiding both Spanish and German speaking visitors. Worked in the visitor center informing customers both about our tour opportunities and the products in our museum shop.*

Sept. 2010 - May 2012	<b>Writing Center Tutor</b> Salem State University
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☞ *Mentored and built positive relationships with both native speakers and ESL students. Tutored clients individually who had a wide range of learning abilities which required creativity and organizational skills.*

Sept. 2010 - Mai 2012	<b>Voluntary Secretary</b> Salem State University History Department
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☞ *I answered the phones, directed students, and helped to guide both students and professors to the correct office, or advisor for their given request. I also sorted the mail for various professors and mentored students on how the academic flow sheet functioned.*

Oct. 2010 - March 2011	<b>Research Assistant</b>
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Supervisor: Michael Rutstein,

☞ *Prepared research for author and captain of a replica 1812 privateer FAME, Michael Rutstein, using multiple resources including online databases and library reference material. Compiled the genealogy of different 1812 privateering captains from Salem, MA. Worked with microfilm and card catalogues. This research, was used in the making of **The Privateering Stroke: Salem's Privateers in the War of 1812.***

**June 1, 2010 - Aug. 2010**      **Museum Intern, Strawberry Banke Museum, New Hampshire, USA**

☞ *Conducted research and assisted the Junior Roleplayers camp. Synthesized information into useable binders, created lesson plans, and taught campers how to think historically.*

### **Conferences**

May 7-8, 2015

Austria and America: Cross Cultural Encounters 1955-2015  
"Kurt Kurt Waldheim and the Destruction of Austria's Post-war  
"Identity Myth": Foreign intervention, confrontation, and the remolding  
of American public opinion."

January 4-7, 2012

Phi Alpha Theta Biennial National Conference, at Orlando,  
Florida "Alfred Thayer Mahan, the Rise of Navalism, and the  
Anglo-German Naval Rivalry"

October 22, 2011

Phi Alpha Theta Regional Conference, at University of  
New Haven "Theodore Roosevelt's Reaction to the Anglo-  
German Naval Rivalry"

### **Publications**

Wissenschaftliche Assistentin: "The Privateering Stroke: Salem's Privateers in the War of 1812" 2012  
Contributer: "A Love Poem" in Literature Today, Volume 2. Editors Dr. Pradeep Chaswal & Dr. Deepak Chaswal, January, 2015.  
Contributer: Salem State History Department Newsletter "Past and Present" 2011

### **Honors**

Phi Kappa Phi Honors Society, Massachusetts Commonwealth Honors Program, Charles Kiefer Scholarship 2011, Phi Alpha Theta, History Honors Society, Salem State Presidential Scholarship, Florence Luscomb Women's Center Woman of the Year Award 2011

### **Involvement**

North Shore Rotaract Vice-president 2011-2012, The Historical Association- President 2010-2012,  
Philosophy Club Vice-president 2010-2011, Student life committee- 2010-2011

### **Special Knowledge and Abilities**

MS-Office (Word, Excel, Powerpoint, Access), Class D Driver's License

### **Languages**

German and English (written and spoken)  
B1 Spanish  
A1.2 Italian

### **Free-time Activities**

Basketball (Vienna Champions 2014), Running (Vienna Half Marathon 2013), Reading, Learning languages,  
Traveling, Theater, Philosophy, Painting

## Zusammenfassung

Diese Thesen beschreibt einen Paradigmenwechsel in den späten 1980er und frühen 1990er Jahren, der von Debatten über Restitutionen der Zwangsarbeiter im Zweiten Weltkrieg entwickelt und geprägt wurde, sowie dessen derzeitigen und steigenden, beobachtbaren Einfluss auf diverse internationale Beziehungen. Eine grundlegende Frage, dieser Arbeit ist, wie sich dieses neue "Holocaustrestitutionsparadigma", oder "The Guilt of Nations", wie es Historiker und Theoretiker, Elzar Barkan nennt, Einfluss auf die österreichische Innen- und Außenpolitik in der Zeit von 1994-2001 gehabt hat? Konkreter erklärt Barkan, dass eine Zusammenarbeit zwischen Opfern und Tätergruppen, eine Neudefinition nationaler Identität zulässt, oder mit anderen Worten, sie können ein neues, für beide Parteien verträgliches, nationales Bild schaffen. Dieser Prozess hat die österreichische Geschichtspolitik verändert und hat dazu beigetragen, Österreichs nationale und internationale Identität zu reformieren. Eine Reihe von Folgefragen begleitet diesen Diskurs: Vor allem, welche spezifische Rolle spielte die österreichische Innenpolitik in Bezug auf die österreichischen Restitutionen? In wie weit hatte die damalige Koalition aus Österreichischer Volkspartei (ÖVP) und der Freiheitlichen Partei Österreichs (FPÖ) Einfluss und/oder vielleicht Ansporn eine Veränderungen der österreichischen Geschichtspolitik voranzutreiben? Waren die Entwicklungen in der Restitutionspolitik unter der von Wolfgang Schüssel geführten Koalition ein Resultat aus den Sanktionen der Europäischen Union gegen die damalige Regierung, oder war die Veränderung in den 1990er und frühen 2000er Jahren einem Generationswechsel und einem langjährigen Prozess der Neubewertung geschuldet? Mit Primärquellen wie Zeitungen, Originaldokumenten von Historikern dieser Zeit, und einem Interview mit Diplomat und Leiter der Diplomatischen Akademie in Wien, Hans Winker, in Kombination mit Sekundärquellen des aktuellen wissenschaftlichen Diskurses, versucht diese Arbeit Antworten auf diese Fragen zu finden.