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**Aspects of Austria's dealing  
with her National Socialist past.  
The Documentation Centre  
of Austrian Resistance in Vienna (DOEW)  
in post-war Austria**

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Ladies and gentlemen,  
Ms. Ambassador,  
Robert

First of all, I have to thank you for giving me the opportunity to speak to you here in London today and to present some of the results of research done not only by me but by my colleagues like Robert Knight as well. It was his research of the 1980s I could rely on when starting my own work on compensation and restitution in Austria first on my own and later on in connection with the Austrian Historical Commission 1998–2003. Its former chairman President Jabloner will inform you about the Commission's work in one of the following lectures. Furthermore, it is my pleasure to introduce you to the work of the Documentation Centre of Austrian Resistance in Vienna, the institution I am honoured to have been responsible for since 2004.

**Austria's position regarding her National Socialist  
past in the first decades after the war**

The plans for restitution and similar measures for the victims of National Socialism were affected to a high degree by Austria's position concerning her National Socialist past.

This position was determined by the first part of the Declaration of Moscow of 30 October 1943, when the Allied Forces declared Austria to be the first victim of National Socialist aggression which therefore should be restored as an independent state after the end of the war. Austria deliberately neglected the second part of the Declaration which saw Austria as co-responsible for taking part in the war on the side of the German “Reich”, and stated that the allied dealings with Austria would depend on her own contribution to her liberation. The last sentence was meant as a support for the Austrian resistance. Nevertheless, the western allies did not accept Austria’s position as a liberated and therefore a “Victim” country instead of a defeated one before autumn 1946. Fundamentally Austria saw all responsibility for Nazi crimes and thus any obligation to compensation for it as lying with the German Reich and later on its successor, the Federal Republic of Germany. As a victim herself Austria could not be held responsible – a position the Austrian government changed only as late as 1992!

The post-war leading politicians made every effort to emphasize Austria’s status as a victim. They were afraid that Austria being held co-responsible would be forced to pay reparations or would get a state treaty on less favourable conditions. Therefore they even avoided wordings like “Wiedergutmachung” which could be understood as hinting to Austria’s responsibility. In the politicians’ opinion any payments of compensation for losses suffered during the national socialist period could be interpreted as a confession of Austrian guilt.

In addition to the Moscow declaration the following aspects had an impact on the development of restitution and other measures for victims of National Socialist persecution:

The interests of the political parties, mainly the Social Democrats and Conservatives in government, were focussed on gaining the maximum of votes like in any other representative democratic system. In the special post-war situation and in the years after that a gain in votes meant winning over the votes of former National Socialists respectively their family members, friends and sympathizers. There were only a few victims of National Socialism living in Austria, around 7.000 to 10.000 Jews, and some thousand people persecuted for political, national or other reasons. Their votes were not able to decide any elections. Besides that there still was anti-Semitism, not only in the minds of Austrian “common” people, but partly also in the ranks of the politicians and influential bureaucrats. Prejudices about the former resistance fighters having been

implanted by National Socialist propaganda were still alive in parts of the Austrian population.

Foreign policy interests played an important part as well and sometimes contradicted the above mentioned interests. The absolute priority of each Austrian government between 1945–1955 was the reaching of the state treaty on the best possible conditions, and, therefore, activities, concerns and demands of the Allies, especially the western Allies, led by the United States had to be considered by the Austrian government.

The peace treaties with the former satellite states of the Third Reich had articles forcing the states to return looted or confiscated property as well as to pay compensation. The first drafts of the Austrian State Treaty had similar passages and thus made it clear where the Allied priorities lay with regards to dealing with victims of National Socialism. Therefore, the drafts for the State treaty played an important role in all discussions on measures for the victims and supported the necessities to implement those measures.

## The most important measures and laws in detail

### **The Victim's Welfare Act (Opferfürsorgegesetz, OFG)**

In accordance with the Moscow Declaration the Austrian provisional government of 1945 first and foremost understood resistance fighters as victims of National Socialism. Victims of racist persecution found no official support before February 1946, not even in form of welfare measures. These were solely granted to resistance fighters. That meant that returned Jewish holocaust survivors were only helped by the extremely impoverished Jewish community which tried to fulfil that task with the help of international Jewish organizations, mostly the American Joint Distribution Committee.

As early as in July 1945 the provisional government passed the first Victim's Welfare Act. That act was supposed to grant support for the re-establishing of an economic existence and, if necessary, pensions to those former resistance fighters who were not able to earn their own living because of the consequences of National Socialist persecution such as internment in a concentration camp or jail, mistreatment or torture. Persons having "only" been persecuted because of their race, religion or nationality were excluded from the benefits of that act.

That changed in 1947 when the now democratically elected parliament passed the new Victims Welfare Act. This act now included victims of persecution as well, but as a second class, less worthy category of possible claimants. The important benefits of the act, especially the possible payment of pensions, were still reserved for formerly active fighters against National Socialism. From 1949 onwards former persecuted people who had been especially heavily inflicted by the national socialist persecution could get rental payments as well. These two categories of victims quite different in their possible claims are to be found in the act until the present day. So the Historical Commission stated it in one of its press releases:

“However, victims of persecution who only received a Victim Identity Card are still excluded from maintenance pensions even if they are not in a position to ensure their own maintenance.

The guidelines for recognition under the OFG have been applied strictly and formally. This has meant that those with atypical histories of persecution, groups such as the Roma and Sinti, were only recognised with difficulty, and homosexuals not at all.”

But the central disadvantage of the act was that it was applicable to Austrian citizens only and that meant that applicants were required to have been citizens not only before 1938 but also at the time of their application. Therefore, most of the approximately 100.000 former Austrians who had fled abroad and in many cases had accepted the citizenship of their new home country could not get any payments or support by the Victims Welfare Act. The only exception was made in 1953 when pressure by the Western occupational forces motivated the Austrian government to grant compensation payment for times of incarceration in jails or concentration camps for former Austrians as well, these had been granted to victims with Austrian citizenship already the year before. That was the first and, until 1961, the last time former Austrians could reap the benefits of that act.

As a result of the negotiations with the Committee for Jewish Claims on Austria 1953–1956 the Austrian government founded a Fund giving support to former Austrians in form of lump payments (Hilfsfonds) depending on the extent of their suffering. But that was a very small gesture compared to the benefits for Austrian citizens.

### **The restitution of looted property**

Between 1947 and 1949 the Austrian parliament passed seven restitution acts, each one applying to special cases of expropriated property. The proceedings in the more important areas were based on civil law and otherwise on administrative law. This necessarily put the victim in the position of plaintiff, applicant and complainant. Even if this may have been an unavoidable technical necessity after this kind of upheaval, it meant that as a result the victims had to suffer serious disadvantageous consequences. All restitution acts restricted the restitution to property still existing and traceable, in other words only restitution in kind was possible. There was no compensation for all the property that had been looted and later on destroyed one way or the other. Only one quarter of the "aryanized" businesses and shops that had been owned by Jews were kept going by the "aryanizer". Three quarters were just liquidated according to National Socialist economical planning. There was no way for the former owners to get any form of compensation until now – payments are due to be made out of the general settlement fund, which I think Hannah Lessing informed about in January.

The First Restitution Act (July 1946) covered property which had been expropriated by an act of authority and was now in the hands of the state. The Second Restitution Act (February 1947) standardised the restitution of property which 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 was the key one for the victims of Nazism and also the most politically controversial, because it was the legal basis for reclaiming looted property which by that time was in the hands of private persons or corporations. Therefore, it reached into the sphere of the individual owner of looted property. Even the drafts for the Third Restitution Act were challenged by business interest groups. Their main argument was that restitution introduced uncertainty into the economy and should therefore be limited as far as possible. This line was pursued in the course of subsequent legislation up to the 1960s and, to a large extent, led to delays in the legislative process. It was the western Allies, in particular the US, who continued to push for the restitution of expropriated property. In the end, four further restitution acts were passed between 1947 and 1949. They dealt with a broad range of issues – from the restitution of expropriated trade marks and patents to company names which had been changed or deleted.

It is generally true that the seven restitution acts did largely fulfil the intended objective – the restitution of expropriated property. However, difficulties did arise in the judgements of the Restitution Commissions, acting under the terms of the Third Restitution Act. In the early phase of restitution proceedings (late 1947 to early 1948) rulings tended to interpret the legal provisions in favour of the applicant for restitution but by the early 1950s an increasingly restrictive attitude towards the victims of Nazism had become evident. This happened in a way parallel to the political climate which was now leaning more and more towards the re-integration of former National Socialists. Connected to this were efforts of the parliamentary parties to amend the Third restitution law in favour of the “aryanizers”. All these efforts were stopped by the western Allies, especially the US, by hinting to the drafts of the state treaty and pointing out that any worsening of the restitution law would violate the principles of the London Declaration of 1943.

Some of the terms which the Third restitution law had left undefined were interpreted to the disadvantage of the applicants for restitution and led to decisions that had not been intended by legislature.

The restriction on identifiable, still existing property gave immobile property a strong advantage in restitution claims. Real estate, therefore, was the central category of restituted property. It was easy to trace in the Austrian real estate registers. In comparison to real estate, the restitution of companies and businesses was of less importance in the implementation of restitution legislation. A survey of cases dealt with by the Vienna restitution commission (which because of source limitations cannot be treated as being representative) showed that in 18.1 % of the cases surveyed companies were the objects of restitution. It were mostly big or medium sized firms that were restituted. The majority of small businesses were liquidated after March 1938, as I mentioned above.

The least chance of restitution was to be hoped for with regards to mobile property, unless it belonged to famous collections of art or a library. Objects of art, furniture, things for everyday use could generally not be found again after 1945 and, therefore, were not objects of restitution proceedings. How was a survivor of a concentration camp to tell where the furniture of his flat went at the Gestapo auction? In fact, if you buy some beautiful old piece of glass in Vienna – how can you tell whom it might have belonged before 1938? That is a question I sometimes ask myself, since I do collect not too expensive old pieces on a small scale.

No restitution act was passed for expropriated tenancy and leasehold rights. After several draft laws, some of which were even introduced into parliament as government bills, this was thwarted by the resistance of business organisations and the Ministry of Trade and Reconstruction, as well as for reasons of party-politics. The failure to restore expropriated tenancy and leasehold rights is also a clear case of the non-fulfilment of the 1955 State Treaty. Only with the amendment act to the National Fund in 2001 a lump-sum payment was made in settlement of tenancy and leasehold rights.

Austria's refusal to pay any compensation has to be seen in connection with the state treaty and Austria's fear that it could be held responsible for National Socialist crimes and atrocities. Compensation payment was thought to implicitly point to Austria's acceptance of responsibility and that was to be avoided in the interests of foreign policy.

Article 26 of the State Treaty finally signed in 1955 contains the Austrian obligation to restitution of all traceable confiscated property. Property not claimed was to be collected and used in favour of victims of National Socialism. If Austria should pay any compensation this should be proportionate to the compensations granted to its population for war related damages.

The Austrian government did not pay much attention to that article thinking its obligations were fulfilled by the seven restitution acts. The western signatory states led by the USA did not share the Austrian point of view but demanded compensation for property categories which were not dealt with by the restitution acts. There the Americans partly made use of the catalogue of not fulfilled wishes the Committee for Jewish Claims on Austria had presented during its negotiations with Austria from 1953 to 1955. The negotiations on Article 26 of the State Treaty took three years and ended in an exchange of notes in 1959.

In reaction to the allied pressure during these negotiations, the following measures were introduced into the Austrian legal system:

- In 1958 a legal settlement for compensation for claims arising from life insurance policies was made. These policies had been expropriated from their policy-holders in a manner which involved the insurer having to pay the German Reich. Only a few people registered claims on the basis of this law and their compensation was only partial.

- In 1959 the Austrian side promised to establish a Settlement Fund (Abgeltungsfonds) which envisaged compensation for expropriated assets in bank accounts, securities, cash, mortgage claims and for the means that were used to meet Nazi discriminatory taxes. It took two more years before the settlement fund act passed parliament. The law provided no norms for the actual criteria of compensation payments. There was no legal right to compensation. Maximum payments were envisaged and the total amount of 6 million US-dollars was not sufficient to cover all damage.
- The Austrian side conceded pension payments for former Austrian civil servants of provinces and cities/villages.

In fulfilment of Austria's obligation under Article 26 paragraph 2 of the State Treaty Collection Points were established in 1957. They had to collect those assets that could not be or were not reclaimed or which remained without heirs. They had to assess the restitution claim, gage the value of the property and ultimately distribute the proceeds to victims of Nazism in Austria. There were two collection points: A was responsible for registering property whose owners had been members of the Jewish Community on 31 December 1937, and B for the unclaimed property of other persecuted people, among them those who had been persecuted as Jews despite not being members of the Jewish religion any more. In total the Collection Points raised 326,157,203,40 Austrian Schilling.

## Developments in the 1960s

The German occupation of Austria had widespread economic consequences as well. In the State Treaty all the German property in Austria was awarded to Austria subject to payments to the Soviet Union for that property. The Western Allies had already handed over former German foreign assets into the control of the Austrian administration in 1946. The State Treaty however obliged Austria to waive any claims on the Federal Republic of Germany. To solve the resulting rather complicated situation between Austria and Western Germany an agreement was concluded in 1957. All along during the negotiations the Austrian side asked for a German payment for the compensation of National Socialist crimes committed in Austria. That was in accordance with the Austrian point of view which saw the main responsibility for National Socialism on the side of Germany. The Federal Republic of Germany initially refuted that

request stating that Austria had her own responsibility for those crimes on Austrian soil. When a series of western European States, among them even Italy the former Ally of the German Reich, formulated similar requests later on, the Federal Republic negotiated agreements with these States. Now she could no longer refuse to negotiate those problems with Austria as well. At last the so called "Abkommen von Bad Kreuznach" (agreement of Bad Kreuznach) was concluded in November 1961. Western Germany paid 95 m. DM for compensation measures for victims of National Socialism, a similar sum for the payment of pensions, out of which Austria at last paid the pensions of the years 1938–1945, which had not been paid yet. A third part of the agreement dealt with support for ethnic Germans who had been living in Austria since 1945. In total Germany contributed about 50 % to the Austrian measures specified in the agreement. These were far reaching amendments of the Victims Welfare Act, for instance compensation payments for times of internment or imprisonment, for having lived underground, and so on. Since some of these compensations of the Victims Welfare Act applied to Austrian Citizens only a new Aid fund was established paying lump-sums for compensating losses of income and of the forced end of formal education. Finally, Germany contributed to the Settlement Fund Austria had agreed to establish in 1959.

These agreements and measures put a first stop, but not end, to the debate on restitution and compensation.

But the sixties brought a first slow change in Austria's society, especially due to a new generation asking questions about Austria's National Socialist past.

## The Documentation Centre of Austrian Resistance

The first easing of tensions during the Cold War brought change in Austria as well. In the first half of the 1960s the organisations of former resistance fighters – there was an organisation of the Social Democrats, one of the People's Party and one of the Communists – started to take official common action for the first time since they had split up in 1948 though it was not before 1968 that they joined to form the "Arbeitsgemeinschaft der Opferverbände" (Union of the victims' organisations). In 1963 former resistance fighters, victims of Nazi persecution and committed academics set up the Documentation Centre of Austrian Resistance (*Dokumentationsarchiv des österreichischen Widerstandes/DOEW*). This new institution was intended to confront all those minimiz-

ing or even denying the existence of an Austrian resistance against National Socialism and to create proof and documentary to inform the younger generations about the fight of Austrians against the inhumanity of National Socialism and about all the suffering National Socialist persecution had caused for tens of thousands of Austrians because of racism and dictatorship. Therefore, the activities of DOEW and the resistance research which it fostered did not stem from the official Austrian “victim” standpoint (i. e. Austria being the first country to fall under the yoke of Hitler’s aggressive foreign policy), but rather from the intention that the resistance fighters and others persecuted by the Nazis should describe their own struggle and assert themselves against those in society who were ignorant of their role or wished to suppress its memory. At the beginning, the work in the DOEW was done by volunteers, all of them men and women of resistance and former exiles. The founder and first academic director was Herbert Steiner. As a member of a Jewish family he could flee to Great Britain at the age of 14, his parents were murdered in Riga. He was very active in the movement of Young Austria here in London. After the war he returned to Austria, studied history and already before 1963 began with the preparation work for the DOEW whose fate he steered until 1983. He died after long years of sickness in 2001.

Thus, the beginning of the archive was very, very modest and money was scarce. Nevertheless, in the later sixties the DOEW was able to publish small books on topics which until then had not been very prominent: the persecution of Austrian Jews, of Austrian Roma and Sinti (the so called gypsies), and on various aspects of Austrian resistance. It was not the last occasion on which the DOEW played the role of a historical pioneer – later on, members of the DOEW’s staff were among the first researchers to write about the medical crimes of the NS regime, publishing on aspects of compensation and thus making the topic a staple part of historical research.

In 1970 work began on the book series *Widerstand und Verfolgung in den österreichischen Bundesländern* (resistance and persecution in the Austrian Federal States); up to the present, 13 volumes (Vienna, Burgenland, Lower Austria, Upper Austria, Salzburg and Tyrol) have appeared. Somewhat later, these documentary volumes were supplemented by the results of an oral history project – over 2,800 tapes of 900 interviews and four volumes of memoirs, documenting the resistance in, and persecution of, labour, Catholic-conservative, Jewish and Carinthian Slovenian circles. From the very beginning, DOEW also took account of those forms of resistance which were not politically motivated

in the narrow sense. These included help for the persecuted, religiously motivated resistance and resistance of soldiers in the German army (and so on).

For almost one decade – 1992–2001 – the DOEW did research on the registering by names of the Austrian victims of the holocaust – up to now we know the names of more than 62.000 victims. The whole number of victims is estimated to be at least 66.000. In a follow up, we are currently researching the names and numbers of Austrians who fell victim to political persecution – the first results will be published in the course of 2009.

Until today the activities of the DOEW are threefold:

- collecting any sort of documents (written documents of authorities as well as of survivors, photographs, newspapers, leaflets, flyers ...) concerning resistance in Austria and from Austrians abroad as well as Austrians in exile. So, for instance, we have a large collection of activities of Austrian refugees in Great Britain.
- doing our own research on resistance and persecution as mentioned above
- and informing the Austrian public, especially pupils and students about Austria's NS past.

To reach that aim we have a permanent exhibition ([www.doew.at/ausstellung](http://www.doew.at/ausstellung)) where there are free guided tours for groups. Many members of our staff give public lectures, some are teaching at universities (like myself) and we publish the results of our academic efforts.

These results play a major role in memorial work in Austria. For instance, the activities for pupils by the organisation "Letters to the Stars" would not have been possible without our database. A lot of local memorial work is enabled by our publications, we support exhibitions, academic work of students, and we provide information for journalists (and so on).

Well known in the public is the role our work plays concerning the monitoring of right-wing extremism and racism in Austria, a field in which we cooperate with state authorities as well.

## Further developments

It was due to the work of a younger generation of historians – Austrians as well as foreigners like, for instance, Robert Knight – that Austria's perception of her National Socialist past has (gradually) been corrected. Hannah Lessing provided a lot of information concerning that topic in January. She as well presented on the Austrian National Fund and the General Settlement Fund, so I do not want to repeat the facts. But I can give further information in the following discussion if it is asked for.

Austria's efforts for restitution and compensation can be summarized as follows:

On the whole, Austria paid a lot for National Socialist related losses. But there were a lot of different laws and funds which gave to a greater or lesser extent, but never compensated the entire amount of the losses. People had no right to those payments but they had to raise claims. Sometimes they felt like beggars asking for alms. It was very difficult for former Austrians now living abroad to stay informed about what claims could be raised according to what law and when. Internationally, Austria had the image of a country that had participated in National Socialism but was denying any responsibility and, therefore, had to be forced by the Allies or international pressure to come up with laws or funds in favour of the mostly Jewish victims of National Socialism. That image did more or less reflect the real situation in Austria. Therefore, the total amount of Austria's accomplishments always escaped focus.

The Historical Commission was often asked for a "balance sheet" between lost assets and restituted/compensated assets. However, if a serious scholarly procedure is adopted, such a balance cannot be drawn up. The amount of assets confiscated cannot be enumerated. Nor can the sum of restitution and compensation be given an even approximately accurate monetary value.

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