



***Recht ohne Recht* – Law without Law**

Conference on the Restitution of Nazi-confiscated Art

16–17 November 2023

Europa-Universität Viadrina, Frankfurt (Oder)

25 years ago, in December 1998, the Washington Principles were signed at the Washington Conference on Holocaust-Era Assets. These principles asked for a new approach to the restitution of Nazi-confiscated art. Implementing this demand, Germany in 2001 issued so-called “Guidelines” on the tracing and return of Nazi-confiscated art, especially Jewish property. Since then, these “Guidelines” have served as a basis for handling claims for restitution of cultural goods and artworks in Germany. They do not contain a binding set of legal rules but merely a recommendation to abide by the principles of post-war restitution policy. In essence, this contains a renaissance of the post-war legislation by the Allied military governments and the early Federal Republic of (West) Germany, which are brought back to life in the strangely informal shape of non-binding “Guidelines”. The project *Recht ohne Recht* (Law without Law) sets out to analyze this transfer from the perspectives of law, legal, social, and art history, and to synthesize these perspectives in a commentary for the practice. The aim of the commentary is to systematically record current uncertainties in applying the “Guidelines” and to analyze historical case law concerning restitution issues and the respective research. *Recht ohne Recht* is based at the Lehrstuhl für Bürgerliches Recht und Neuere Rechtsgeschichte at Europa-Universität Viadrina and is funded by the Foundation Remembrance, Responsibility and Future (EVZ) and The Federal Ministry of Finance (BMF) under the Education Agenda NS-Injustice.

The conference sheds light on the nexus between the historical and the current practice of restitution of Nazi-confiscated art from a comparative perspective, bringing together scholars from different disciplinary and national backgrounds. It explores connections between historical and current restitution, long-term trajectories, path dependencies, continuities and changes in the history of restitution. What expectations and what concepts of historical justice clash in contemporary restitution debates? How exactly do historical tensions between Allied and German law and legal practice translate into the present? How do law and morality relate to each other? Is there a need for new restitution legislation? An evening keynote lecture on 16 November will be followed by two roundtable discussions on 17 November in which participants will give short inputs from their respective field of research. The first discussion will focus on the history of restitution after 1945, while the second discussion will look at current legal issues and problems of the restitution of artworks. Both panels will address the perspective of Nazi victims and their role in restitution negotiations.

The conference is open to the public. The conference language is English. Visitors will have the opportunity to ask questions in German.

We kindly ask you to register until 1 November 2023 at: sekretariat-lahusen@europa-uni.de

Project of the Education Agenda NS-Injustice

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Conference Program

*Location: Senatssaal Europa-Universität Viadrina, Logensaal,
Logenstr. 11, 15230 Frankfurt (Oder)*

Thursday, November 16

18.00–21.00

Keynote by Leora Bilsky: The Question of Restitution: From Post Holocaust to Post Colonial Struggles

Reception

Friday, November 17

10.00–12.30

Roundtable Discussion 1: Before and After the Washington Principles: Restitution, Provenance Research and the Roles of Institutions and Individuals

Constantin Goschler: Restitution in the Global History of the 20th Century

Bianca Gaudenzi: Restitution of Looted Art in a Transnational Perspective

Laurie Stein: The History and Changing Role of Provenance Research

Atina Grossmann: The Survivors' Struggle for Restitution and Recognition

Malgorzata Quinkenstein: The Work of the Jewish Claims Conference and the Restitution of Art

The roundtable discussions include a coffee break.

12.30–13.30

Lunch Break

13.30–16.00

Roundtable Discussion 2: Legal and Societal Issues in historical *Wiedergutmachung* and current Restitution

Benjamin Lahusen: Conflicting Legal Traditions in the Restitution of Art

Magdalena Gebhart: *Wiedergutmachung* between the Expectation of Recognition and the Dogmatics of the Existing Legal Order

Tabitha Oost: Restitution of Artworks in the Netherlands and in Germany

Emily Löffler: The Role of historical *Wiedergutmachung* in current Provenance Research and Restitution

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