

## LOOTED JUDAICA AND EUROPEAN CULTURAL HISTORICAL HERITAGE

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### Abstract

*During the Holocaust, the physical persecution of the Jews in Europe was conducted along with a series of policies aimed at the appropriation of Jewish religious art as well as objects related to the Jewish cultural heritage. These objects are known as Judaica and their systematic appropriation by the Nazi regime, in Germany and throughout Europe, is referred to as “the looting of Judaica”. The paper examines the relation between these objects and the European cultural historical heritage while discussing potential paths of interdisciplinary study of the looted Judaica.*

**Keywords:** Judaica, religious art, looting, spoliation, anti-Semitism, cultural historical heritage.

During the Holocaust, the physical persecution of the Jews in Europe was conducted along with a series of policies aimed at the appropriation of Jewish religious art as well as objects related to the Jewish cultural heritage. These objects are known as Judaica (from Latin, *Judaica*, pl. subst., meaning “Jewish objects”) and their systematic appropriation by the Nazi regime, in Germany and throughout Europe, is referred to as “the looting of Judaica”. In the aftermath of World War II, looted Judaica became a subject of study *per se*, as organizations compiled inventories in the effort of identifying, describing and restoring the plundered objects. In addition to this direction of research, modern studies have also examined the problematics of looted Judaica in a broader context and, more precisely, in relation to the concept of Nazi looted art. Plundered Judaica were, in fact, a part of a larger group of artifacts, that did not necessarily belong to Jewish individuals or institutions but were nevertheless appropriated by the Nazi regime. Taking into consideration these areas of research, this paper aims to extend the reflection on the looting of Judaica in the context of the study of European cultural historical heritage. Modern research in the field of religion, art and history has shown that Judaica were an important part of the cultural heritage of Jews in Europe since Antiquity. Jewish religious art and writings are also closely related to European and Christian cultural heritage. Thus, it is legitimate to investigate the looting of Judaica in the context of European cultural historical heritage and to look into potential areas of study in the realm of the humanities and the social sciences.

In order to do so, we shall 1) define the concept of Judaica and the various objects that fall into this category, while also examining some of its relations with the European cultural historic heritage (Looted Judaica as an object of study) before discussing 2) potential paths of interdisciplinary study

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in the areas of the humanities and the social sciences (Studying the looting of Judaica: anti-Semitism, memory and symbolism).

### LOOTED JUDAICA AS AN OBJECT OF STUDY

The term “Judaica” applies to Jewish books and ritual objects relating to the practice of Judaism (Claims Conference 2016: 8)<sup>2</sup>. More broadly, Judaica are defined as “historical and literary materials relating to Judaism. Included are not only objects that carry a quality of holiness (*tashmishey kedusha*) or that are essential to the performance of a particular ritual or commandment (*tashmishey mitzvah*), but also those that have no intrinsic quality that can be defined as sacred or holy” (*Ibid.*). These include the Torah scroll, curtain and cases, as well as a number of other of objects, “not only other handwritten Biblical texts (such as the Scroll of Esther) but also printed Bibles, prayer books, volumes of the Talmud, law codes, and commentaries, and not only in Hebrew but in other languages as well” (*Ibid.*). Under the Nazi regime, plundering of Judaica affected synagogues as well as property of individuals or families; such actions were carried out within the Reich as well as in occupied territories or within allied countries.

An important part of the practice of Judaism, Judaica are related to Jewish culture and collective memory. As such, since the 1940s, the looted Judaica are the subject of efforts aimed at creating a comprehensive catalogue of plundered objects and their restoration. The Claims Conference, through its dedicated website, maintains information on National and International Organizations handling looted art and Judaica, as well as Research Databases and References on the subject<sup>3</sup>. The International Holocaust Remembrance Alliance (IHRA) diffuses relevant information on events related to the Nazi looted art via its website<sup>4</sup>. The Central Registry of Information on Looted Cultural Property 1933-1945 offers Information and Object Databases covering cultural property and Judaica<sup>5</sup>. In a similar manner, the United States Holocaust Memorial Museum has established a bibliography and a list of resources destined to outline essential topics in research on looted Judaica<sup>6</sup>. In addition to studies and catalogues specifically centered on Judaica, Jewish religious objects and texts plundered during World War II are examined as a part of the Nazi looting of art in Europe. The Oxford Bibliographies provide an essential introductory article on the subject (Petropoulos, Sage, 2021)<sup>7</sup>. In recent years, academic courses as well as interdisciplinary lectures have focused on the problematics of restitution of plundered art and Judaica with regard to their legal aspects, art and history<sup>8</sup>.

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<sup>2</sup> <https://art.claimscon.org/wp-content/uploads/2013/09/Descriptive-Catalogue-of-Looted-Judaica-3-February-2016.pdf>

<sup>3</sup> <https://art.claimscon.org>

<sup>4</sup> <https://www.holocaustremembrance.com/>

<sup>5</sup> <https://www.lootedart.com/home>

<sup>6</sup> <https://www.ushmm.org/collections/bibliography/looted-art>

<sup>7</sup> <https://www.oxfordbibliographies.com/view/document/obo-9780199920105/obo-9780199920105-0161.xml>

<sup>8</sup> Among the recent courses on the subject are “Nazi-Looted Art: Law and Provenance Research”, Tel Aviv University (2021-2022); “Looted Art: An Introduction to Nazi Spoliation, Provenance Research and Restitution”, The Courtauld (2021); “Nazi Art Theft and the Question of Restitution”, University of Amsterdam; “Looted Art and Restitution: History, Theory and Policy”, Leiden University (2018-2019); “Mapping the Recovery of Nazi-Looted Artworks”, Pratt; “The Nazi Plunder of European Art: The History and Cultural Legacy”, The Smithsonian (2015).

As a subject of study, looted Judaica should also be considered in the light of the significance of the religious objects for the Jewish communities and for the European cultural historical heritage. For the purpose of the present paper, let us limit the scope of these considerations to the Torah scroll and religious writings. As an essential element of the practice of Judaism, the Torah scroll has a continuing presence in synagogues, probably since the origins of this type of religious site. The presence of Torah scrolls in ancient synagogues can be traced back with certitude to the sites containing an *aedicula* (niche or shrine), an architectural element serving as a place for the scroll. Such an architectural element was found, for instance, in the Delos synagogue, dated back to the period before the 1st century AD (Levine, 2005: 107-108). Moreover, during Antiquity, Torah scrolls could have enjoyed a special status not only among those practicing Judaism but also among the Romans who had sufficient knowledge on Jewish culture (*Ibid.*, 147).

### **Silver Torah case made by the Hadad Brothers, Israel**



**Source: <https://commons.wikimedia.org/wiki/File:SilverTorahCase.jpg>**

Religious art related to the decoration of the scroll, such as the crown, *atarah*, was used in Europe at least since the 13th century (Roth, 1961: 315). During the Middle Ages and the Renaissance, Jewish families in Europe also commissioned copies of the Torah for their homes, along with decorated arks used to hold and protect the scrolls (*Ibid.*, 348). These examples may serve to retrace the presence of Jewish communities in Europe since at least before the 1st century AD but they attest also the importance of religious art for the communities and the families. Since ancient times, Judaica were, therefore, adorned and belonged to the category of European tangible cultural heritage, along with similar objects used in other religions.

Furthermore, religious writings of the Jewish communities were sometimes decorated in a manner inspired by the Islamic or Christian traditions. In Europe, illumination (decoration) of the Torah scrolls and other religious writings could use techniques similar to those that could be seen in Christian manuscripts. Indeed, the rabbinic tradition seemed to have allowed decoration of religious writings, considering it as a way of celebrating God. Thus, as early as the Middle Ages, Jewish illuminated manuscripts in Europe adopted representations of a number of Biblical scenes following the artistic conventions of the specific regions where they were created (*Ibid.*, 381s.). As in the field of the architecture of the synagogues throughout the continent, this trend should be outlined since it highlights the interaction between Jewish and Christian communities. In addition, it also demonstrates the importance of this type of Judaica for the study of such interactions.

Looted Judaica belong to various geographical areas and historical periods while, for some objects, information on their origins and date of creation is difficult to establish. While the examples seen above could illustrate some general conclusions on their importance in the context of European cultural historical heritage, these conclusions could certainly be supplemented throughout case studies of individual objects or thematic collections of Judaica. Such studies could hence contribute to the better understanding of various aspects of the European culture while also providing a more detailed image of the Nazi looting and its consequences.

## **STUDYING THE LOOTING OF JUDAICA: ANTI-SEMITISM, MEMORY AND SYMBOLISM**

Since Jewish religious art was such an essential aspect of the practice of Judaism, what was the relation between anti-Semitism and Judaica? And how does this relation affect European cultural heritage? The following section examines the subject of anti-Semitism and Judaica with regard to the protection of memory.

### **ANTI-SEMITISM, JUDAICA AND PROTECTION OF MEMORY**

The looting of Judaica is deeply connected with the problematics of anti-Semitism. This connection is important for the better understanding of the process that led to the Nazi plundering as a part of the systematic persecution of the Jews in Europe.

During the period 1933-1944, Nazi politics of anti-Semitism was directly related with the process of appropriation of Jewish religious art known as the looting of Judaica. The Reich implemented anti-Jewish laws, thus facilitating the confiscation of property from Jewish individuals, families and synagogues. This legislation was directly or indirectly related to property; in both cases, it allowed the confiscation of Judaica by the regime. The following is a brief overview of some of the important legal acts from this period based on the Descriptive Catalogue of Looted Judaica of the Claims Conference (Claims Conference 2016: 9-11).

The 1938 Decree on the Registration of Jewish Property (*Verordnung über die Anmeldung des Vermögens von Juden*) imposed an obligation on all Jews to register their property if they were in possession of more than 5000 Reichsmarks worth of assets. Property registration was imposed also

on those wishing to emigrate and to those subject to deportation. During this period, similar acts were passed also in allied countries (*Ibid.*, n. 10, p. 10). The Law on the Confiscation of Products of Degenerate Art (*Gesetz über Einziehung von Erzeugnissen entarteter Kunst*), passed shortly after, allowed the confiscation of property qualified as “degenerate art” from museums or public collections without compensation from the government. During the same year, two separate decrees, the Decree for the Elimination of Jews from German Economic Life (*Verordnung zur Ausschaltung der Juden aus dem deutschen Wirtschaftsleben*) and the Decree on the Utilization of Jewish Property (*Verordnung über den Einsatz des jüdischen Vermögens*) aimed at excluding the Jews from the economic life of the Reich.

During the 1940s, several additional Decrees related to the treatment of property were passed starting with The Decree on The Treatment of Enemy Property (*Verordnung über die Behandlung feindlichen Vermögens*) in the beginning of 1940. This decree, along with three supplemental orders, established two categories of property: the first, was “enemy property”, the second “under decisive influence of enemies” of the Reich. As a consequence of this act, transfer of property was impossible except by an appointed Administrator. This was followed, in 1941, by another decree by the Führer and the Reichskanzler (*Erlaß des Führers und Reichskanzlers über die Verwertung des eingezogenen Vermögens von Reichsfeinden*) allowing the legal confiscation of property from the enemies of the Reich. Additionally, a Decree relative to the Reich Citizenship Law (*Elfte Verordnung zum Reichsbürgergesetz*) allowed the confiscation of property from German Jews who were deported. The same act deprived German Jews living abroad from their nationality. Finally, in 1943, The Thirteenth Decree to the Reich Citizenship Law (*Dreizehnte Verordnung zum Reichsbürgergesetz*), related to the Citizenship Law pronounced the Reich as the heir to all property of deceased Jews (*Ibid.* 10-11).

This plethora of laws had a clearly anti-Semitic character, as indicated by the measures directly aiming the Jewish population, within the Reich and beyond its borders. As a result of this legislation, the confiscation of Jewish property, including Judaica, was made legal. Looting of art and religious objects became easier, too, as the government was exempt from the obligation to offer compensations and could freely dispose of property regarded as “enemy” or of the belongings of Jews that had fled or were deceased. Application of these acts with regard to religious and other types of property went parallel with the destruction of Jewish buildings such as synagogues. Together, these measures lead to the destruction of tangible heritage, loss and displacement of religious objects, among others. As a result, a number of looted Judaica remain unidentified to this day.

The policy of confiscation of belongings from the enemies of the Reich that was carried out thanks to this legislation could be replaced in the context of the Nazi ideology of the origins of the German nation. The latter maintained, among others, that all culture and civilization come from the North (Chapoutot, 2012: chap. “L’Aryen, “Prométhée de l’humanité”) and, in consequence, opposed directly the idea of the existence of eastern civilizations and their cultural achievements. The looting of Judaica thus corroborated the Nazi approach to history and reinforced its readings of the

interactions between cultures in Europe. The problematics of looted Judaica appear, consequently, as being related to anti-Semitism as well as to the specific interpretation of history forged by the regime. An in-depth study of the problematics at hand is likely to establish a clearer definition of this relationship and to contribute to the preservation of memory.

### **LOOTING AND SPOILIATION AS A SYMBOLIC ACT**

Modern studies typically designate the act of confiscation of Judaica by the term looting, i.e. “to plunder or sack in war, to rob especially on a large scale and usually by violence or corruption” (Meriam Webster, *s.v.* loot). The term is also applied to the appropriation of a number of objects of art not belonging to Jews and operated by the Nazi regime. A relatively rarely used synonym of looting is the term spoliation<sup>9</sup>. The latter is derived from Latin and is used especially in the context of enemy plunder during wartime. Throughout Jewish and European history, looting and spoliation have a very symbolic meaning. It is worthwhile looking at this symbolic meaning since it allows to further contextualize the looting of Judaica in the context of European cultural historical heritage. Beginning with Jewish history, the act of spoliation is probably best visually illustrated by the monument known as the Arch of Titus.

#### **Fragment of the Arch of Titus, Rome**



[https://commons.wikimedia.org/wiki/File:Carrying\\_off\\_the\\_Menorah\\_from\\_the\\_Temple\\_in\\_Jerusalem\\_depicted\\_on\\_a\\_frieze\\_on\\_the\\_Arch\\_of\\_Titus\\_in\\_the\\_Forum\\_Romanum.JPG](https://commons.wikimedia.org/wiki/File:Carrying_off_the_Menorah_from_the_Temple_in_Jerusalem_depicted_on_a_frieze_on_the_Arch_of_Titus_in_the_Forum_Romanum.JPG)

<sup>9</sup> For instance, Claims Conference 2016: 12.

Built after the defeat of Jerusalem (70 AD), the Arch of Titus illustrates the Roman victory over the Jews in a very specific way. The Roman army is depicted carrying objects from the Temple in Jerusalem among which is a menorah, *i.e.* one of the most recognizable Jewish symbols since Antiquity. This monument is, to this day, used as a powerful illustration of the practice of wartime plunder in modern studies (Fincham, 2017: 152-153), as it highlights the symbolic link between the concepts of victory and spoliation. Or, to paraphrase S. Fine, a monument is never just a monument (Fine, S. 2017)<sup>10</sup>.

This brings us to the second aspect of the spoliation, an aspect that was closely related to the Roman understanding of the term. The noun spoliation is, in fact, derived from the Latin verb *spolio* meaning “to strip, to deprive, rob, plunder” (Lewis & Short, *s.v. spolio*) and was one of the terms commonly used for plunder of enemies. If Latin had a number of words for plunder, it was because the act of looting was, in the Roman mind, related to the war and, more precisely, to victory over the enemy. Much like in the procession depicted on the Arch of Titus, great Roman military campaigns were followed by processions exhibiting plundered property. In this context, items such as the enemy's military equipment, named *spolia*, were used to visually demonstrate the victory and the victor's value (Rollo-Koster, J. 2008: 107-108). Plundered property or architectural elements were also used for the construction of new buildings, such as the ones built by the Romans in the province of Judea bearing the inscription “from the spoils of Judea” (Levine, L. E. 2005: 126).

This brief excursus outlines the symbolic value of spoliation and looting in Roman culture with regard to the representation of victory. In this context, plundered objects are a symbol of victory over one's enemy. European culture has inherited this concept from Antiquity and it would be no surprise if the Nazi regime, which appropriated various elements from ancient history, had also interpreted the looting of Jewish property in this direction. There lies yet another path of investigation that could supplement the study of the looted Judaica.

## CONCLUSION

Since the end of World War II, looted Judaica have been the subject of research aiming at the creation of collections and descriptions of the plundered objects as well as at their restitution. This research is currently supplemented by courses and lectures focused on the legal aspects of this restitution, on art and history. These objects are an essential part of Jewish culture and, as such, a part of the European cultural historical heritage. Investigation on the relationship between the looted Judaica and the European cultural historical heritage is an interdisciplinary endeavor that could benefit a number of areas in the social sciences and humanities, along with preserving the memory of the Holocaust.

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<sup>10</sup> <https://www.jweekly.com/2017/08/29/rome-charlottesville-statue-never-just-statue>

**BIBLIOGRAPHY**

- Chapoutot, J. 2012. *Le Nazisme et l'Antiquité*. Paris: Presses Universitaires de France (el. ed.).
- Claims Conference. 2016. *Descriptive Catalogue of Looted Judaica*. Partially Updated Edition. New York (1st ed.: 2009).
- Fincham, D. 2017. Intentional Destruction And Spoliation Of Cultural Heritage Under International Criminal Law. In: *23 U.C. Davis Journal of International Law & Policy*, 149, 149-192.
- Fine, S. 2017. From Rome to Charlottesville, a statue is never just a statue, *Jweekly* (el. ed.).
- Levine, L., I. 2005. *The Ancient Synagogue. The First Thousand Years*. New Haven, London: Yale University Press (2nd ed.).
- Petropoulos, J., Sage, N. 2021. "Nazi Looting of Art". In: *Oxford Bibliographies* (el. ed.).
- Rollo-Koster, J. 2008. *Raiding Saint Peter: Empty Sees, Violence, And the Initiation of The Great Western Schism (1378)*. Leiden, Boston: Brill.
- Roth, C. 1961. "Ritual Art". In: Roth, C. (ed.) *Jewish Art. An Illustrated History*. New York, Toronto, London: McGraw-Hill Book Company, 309-350.