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XXXV CYCLE

THE WAR AGAINST GERMANS

*Economic Nationalism, Property Rights, and Citizenship of German  
Ex-Enemy Aliens (1918-1933)*

*Ph.D. Candidate*

Cristiano La Lumia

*Supervisor*

Prof. Daniela L. Caglioti

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## LIST OF ABBREVIATIONS

ACKC	Archives Centre King's College (Cambridge, UK)
ACS	Archivio Centrale dello Stato (Roma)
AdP	Archives de Paris
AN	Archives Nationales (Paris – Pierrefitte-sur-Seine)
ADLC	Archives Diplomatiques de La Corneuve (Paris)
AGR	Archives générales du Royaume (Brussels)
APP	Archives de la Préfecture de Paris
AdsD	Archiv der sozialen Demokratie (Bonn)
ASMAECI	Archivio Storico del Ministero degli Affari Esteri e della Cooperazione Internazionale (Roma)
ASM	Archivio di Stato di Milano
ASP	Archivio di Stato di Palermo
AST	Archivio di Stato di Trieste
b.	Busta (file)
BArch	Bundesarchiv (Berlin-Lichterfelde)
DSHI	Dokumentensammlung des Herder-Instituts (Marburg)
EUA	Emory University Archive
fasc.	Fascicolo (folder)
HL	House of Lords
GSPK	Geheimes Staatsarchiv Preußischer Kulturbesitz
LNA	League of Nations Archive (Geneva)
LoC	Library of Congress (Washington DC)
LSEA	London School of Economics Archive
NA	National Archive (London-Kew)
NARA	National Archives Record Administration (Washington, DC)
PA	Parliamentary Archive (London)
PAAA	Politisches Archiv des Auswärtigen Amtes (Berlin)
PCM	Presidenza del Consiglio dei Ministri
SBA	Schweizerisches Bundesarchiv
UIA	University of Illinois Archives
YA	Yale Archives (New Haven, CT)

## INTRODUCTION\*

Between August 1914 and the early 1930s, over two million Germans—both Reich citizens and people of German ancestry—and dozens of German private companies were deprived of their property in several states, nations, and colonial empires. All of them were victims of the long-lasting effects of the economic persecution against ‘enemy aliens’—that is, citizens of enemy nationality—that started at the outbreak of the war in the summer of 1914 and continued after November 1918. From the early weeks of the conflict, the Entente Powers and the Central Empires persecuted over six million civilians, who were classified as ‘enemy subjects’ because of their citizenship and national origin, intern- ing them in prisoner camps and restricting their property rights. Although the German Empire and its allies adopted similar measures, German-speaking individuals, families, and companies were the main target of such policies due to their massive presence in the En- tente countries.<sup>1</sup> Throughout the war, the economic restrictive measures gradually escalated to a degree that resulted in a large-scale sequestration of all private assets belonging to en- emy citizens. As part of the huge mobilization of resources, the financial and economic sphere underwent a process of ‘weaponization’ on behalf of the states involved in the con- flict that led them to adopt increasingly coercive tools to control access to resources and protect national security from the enemy economic menace. An increasing role of state in- tervention in the private economic and financial domain also resulted in more regulatory and control measures restricting property rights and imposing nationality-based restrictions. Besides the naval blockade against the Central Empires, the persecution of civilians of en- emy nationality fell within the scope of policies aimed at curbing the movement of capital

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\* All translations are my own, if not stated otherwise.

<sup>1</sup> Matthew Stibbe, *Civilian Internment during the First World War* (London: Palgrave Macmillan, 2019); Daniela L. Caglioti, *War and Citizenship: Enemy Aliens and National Belonging from the French Revolution to the First World War* (Cambridge: Cambridge University Press, 2020); Stefan Manz and Panikos Panayi, *Enemies in the Empire: Civil- ian Internment in the British Empire during the First World War* (Oxford: Oxford University Press, 2020); Arnd Bauerkämper, *Sicherheit und Humanität im Ersten und Zweiten Weltkrieg: Der Umgang mit zivilen Feindstaatenangehörigen im Ausnahmezustand, Sicherheit und Humanität im Ersten und Zweiten Weltkrieg* (Oldenbourg: De Gruyter, 2021).

and goods to those countries and weakening the economic strength of enemy companies on foreign markets.<sup>2</sup>

The end of the military confrontation in November 1918, however, did not bring a termination to the economic warfare as shown by the fact that the Allies removed the naval blockade only after Germany signed the Versailles Treaty in June 1919.<sup>3</sup> But it was more than that. The economic persecution against enemy subjects, in particular citizens of the defeated states, continued and radicalized. The peace treaties conferred the Allies, including newly created states, the faculty to indiscriminately liquidate all enemy property that came under their control during the war and in the regions ceded by Germany, Austria, Hungary, and Bulgaria. Also, the Allies were not obliged to compensate victims of expropriation, while the defeated states had to restore their losses. In the years that followed, the Allies confiscated countless factories, industrial property, private companies, investments, houses, bank accounts, savings, stocks, goods, art collections, and many other categories of private assets that changed hands, being nationalized or, most commonly, purchased by new owners, generally individuals and companies of ‘friendly’ nationality, that is, citizens of the Allied Powers.

Together with the Armenian genocide, the Bolshevik Revolution, and the Mexican Revolution, the expropriation of enemy citizens—principally Germans and, to a lesser degree, Austrians, Hungarians, and Bulgarians—was among the earliest spoliation on a collective basis of the 20<sup>th</sup> century, that has been called the ‘Age of Expropriation.’<sup>4</sup> Seizures of property belonging to merchants or civilians of enemy nationality often occurred in wars in the Middle Ages, or the Early Modern and Modern Ages, but in no case did any state take control of such a large amount of private assets. Conversely, WWI broke out after decades

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<sup>2</sup> Charles Paul Vincent, *The Politics of Hunger: The Allied Blockade of Germany, 1915-1919* (Ohio: Ohio University Press, 1985); Michael B. Miller, *Europe and the Maritime World: A Twentieth-Century History* (Cambridge: Cambridge University Press, 2012); Adam Tooze and Ted Fertik, “The World Economy and the Great War,” *Geschichte und Gesellschaft* 40, 2 (2014), pp. 214–38; Phillip Dehne, “The Ministry of Blockade during the First World War and the Demise of Free Trade,” *Twentieth Century British History* 27, 3 (2016), pp. 333–56, and *After the Great War: Economic Warfare and the Promise of Peace in Paris 1919* (London New York: Bloomsbury Academic, 2020).

<sup>3</sup> N. P. Howard, “The Social and Political Consequences of the Allied Food Blockade of Germany, 1918–19,” *German History* 11, 2 (1993), pp. 161–88.

<sup>4</sup> Nicholas Mulder, “‘A Retrograde Tendency’: The Expropriation of German Property in the Versailles Treaty,” *Journal of the History of International Law / Revue d’histoire Du Droit International* 22, 1 (2020), pp. 1–29. Only between 1960 and 1985, states passed over 600 expropriation laws around the world, Christopher Kobrak and Jana Wüstenhagen, “The Politics of Globalization: Deutsche Bank, German Property and Political Risk in the United States After World War II,” *Entreprises et histoire* 49, 4 (2007), p. 56.

of increasing economic interdependence among nation-states and empires in Europe, America, and the rest of the world.<sup>5</sup> In this case, the Allies committed a blatant violation of property rights on an unprecedented scale and prompted a vast redistribution of wealth that was similar to what happened in Russia, Turkey, and Mexico in the same years.<sup>6</sup>

As a result, the impact of economic warfare was unique. Relying on the data concerning investments abroad, some authors estimated that losses corresponded to between 14 and 16 billion gold marks according to prewar value.<sup>7</sup> According to André Tardieu, the amount of German property, including stocks and securities, was worth 16/18 billion gold marks.<sup>8</sup> Figures provided by German authorities were higher. In 1920, the Ministry of Finance calculated those private losses corresponded to over 30 billion gold marks (of which at least a dozen consisted of securities and shares) without considering the value of the confiscated merchant fleet and lost property in ceded territories.<sup>9</sup> In the 1920s, other voices provided similar estimates. In a report on the economic war published by the Reichstag Committee of Inquiry into the Question of Guilt for the First World War, the value of private assets was worth over 22.5 billion gold marks but the report did not take into account the loss of industrial property and private assets in Poland or the former colonies.<sup>10</sup> Other voices provided similar figures.<sup>11</sup> The president of the German Central Bank, Hjalmar Schacht, valued the loss of private investments after the war at around \$4 billion.<sup>12</sup> The most accurate account was produced by two German economists, Arthur Spiethoff and Friedrich Lenz, who estimated the nominal value of the confiscated private property (in-

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<sup>5</sup> Richard E. Baldwin and Philippe Martin, "Two Waves of Globalisation: Superficial Similarities, Fundamental Differences," *NBER Working Papers*, NBER Working Papers, 1999.

<sup>6</sup> Uğur Ümit Üngör and Mehmet Polatel, *Confiscation and Destruction: The Young Turk Seizure of Armenian Property* (London: Continuum, 2011), and, on the Russian and Mexican Revolutions, see Kate Miles, "1917," in *Revolutions in International Law: The Legacies of 1917*, eds. Kathryn Greenman et al. (Cambridge: Cambridge University Press, 2021), pp. 271–90.

<sup>7</sup> Leonard Gomes, *German Reparations, 1919-1932: A Historical Survey* (London: Palgrave Macmillan, 2010), p. 18, and Mulder, "A Retrograde Tendency," pp. 7, 10.

<sup>8</sup> André Tardieu, *La paix* (Paris: Payot & cie, 1921), p. 358.

<sup>9</sup> BArch, R 2/1024, *Aufzeichnung über die Behandlung des deutschen Eigentums im feindlichen Ausland und die Abdeckung der deutschen Debetsalden im Ausgleichsverfahren (Artikel 296, 297, 298 des Friedensvertrages)*, 21 Aug. 1920.

<sup>10</sup> "Gutachten des Sachverständigen Professor Dr. Ebers. Der Wirtschaftskrieg," in *Untersuchungsausschuss für die Schuldfragen des Weltkrieges (1919-1928). Reihe 3. Das Völkerrecht im Weltkrieg, Vierter Band* (Berlin: Deutsche Verlagsgesellschaft für Politik und Geschichte, 1927), pp. 447–9.

<sup>11</sup> German assets were worth about 20/25 billion goldmarks according to Friedrich Wilhelm Bitter and Arnold Zelle, *No More War on Foreign Investments. A Kellogg Pact for Private Property* (Philadelphia: Dorrance & Co., 1933), pp. 43–4. According to the *Bund der Auslandsdeutschen*, the value was 24.5 billion goldmarks, "Zur Frage der Entschädigung," *Auslandswarte* 7, 6 (1927), p. 190.

<sup>12</sup> Hjalmar Schacht, "German Trade and German Debts," *Foreign Affairs* 13, 1 (1934), pp. 1–2.

cluding merchant ships) at 26.2 billion gold marks.<sup>13</sup> In current terms, it corresponds to over 157 billion euros.<sup>14</sup> Such estimates were inevitably rough since it was difficult to provide an accurate valuation of assets. Many had suffered damage; others remained unused for a long time. In addition, the postwar devaluation caused by the crisis and inflation contributed to a decrease in value.

Anyway, Germany—the world’s third-largest exporter of capital abroad before 1914, and whose economic system was heavily dependent on foreign markets—lost more than two-thirds of its investments abroad, its merchant fleet was wholly expropriated, and by the end of the war was completely isolated in commercial and financial terms.<sup>15</sup> Equally devastating, albeit to a lesser extent, were the consequences for Austria and Hungary.<sup>16</sup> Victims of expropriation were German major industrial corporations (such as *Bosch*, *Zeiss*, *Siemens*, *AEG*, *Thyssen*, *Krupp*, *Beiersdorf*, *Continental*, *Hoechst*, *Bayer*, *Duisburg*, *Stinnes*, etc.), large banks (*Deutsche Bank*, *Disconto-Gesellschaft*, *Dresdner Bank*, *Warburg & Co.*, etc.), insurance companies (such as the *Victoria-Versicherung*), royal and aristocratic families (Hohenzollern, Thurn und Taxis, Arenberg, de Croÿ, or Habsburg), or the Rothschild dynasty, but also countless small and medium-sized firms or import and export companies that benefited from the German-speaking network all around the globe.

Whatever the nominal value of the seized assets was, the Allies confiscated private assets on a global scale because confiscatory measures touched enemy assets in Europe and North America as elsewhere in the colonial possessions. But also states like Japan, South Africa, China, New Zealand, and Australia joined the effort to eliminate the German economic presence from their countries. Furthermore, the liquidation of the enemy property stood out for its radicality as the Allies confiscated not only productive assets such as firms, merchandise, and industrial property, but also personal assets such as houses, land lots,

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<sup>13</sup> Friedrich Lenz and Eberhard Schmidt, *Die Deutschen Vergeltungsmaßnahmen im Wirtschaftskrieg* (Bonn und Leipzig: K. Schroeder, 1924), p. 367.

<sup>14</sup> According to the *Deutsche Bundesbank*, the purchasing power of 1 mark (1914) was equivalent to 6 euros (2022), see “Kaufkraftäquivalente historischer Beträge in deutschen Währungen,” 15 Mar. 2023, <https://www.bundesbank.de/resource/blob/615162/3334800ed9b5dcc976da0e65034c4666/mL/kaufkrafta-equivalente-historischer-betraege-in-deutschen-waehrungen-data.pdf>.

<sup>15</sup> Thomas Nipperdey, *Deutsche Geschichte 1866-1918*, vol. 2 (München: Beck, 1990), pp. 268–75.

<sup>16</sup> Emanuel Hugo Vogel, “The Public Finances of the Republic of Austria,” *The Annals of the American Academy of Political and Social Science* 98 (1921), p. 27. On the Austrian and Hungarian cases, see YA, Borchard Papers, box 56, “Österreich und die Behandlung des feindlichen Vermögens während des Krieges und nach dem Kriege,” von Dr. Rudolf Blühdorn, s.d. [1934/35], and box 58, *Die Beschlagnahme und Liquidation des ausländischen Vermögens in Ungarn und die Beschlagnahme und Liquidation des ungarischen Vermögens im Auslande*, von Stefan von Szaßky, 1935.

bank accounts, furniture, and everyday items. Such persecution destroyed economic activities and the lives of many people who lost their social status together with their homes and belongings. Beyond the material loss, expropriation resulted in a ‘dignity taking,’ as Bernadette Atuahene has called it, whose impact on victims was tremendous both in emotional and social terms.<sup>17</sup> As a result, between 1918 and 1925, over two million people, whether refugees, displaced persons, or voluntary migrants, came to Germany.<sup>18</sup> At least, 300,000 of them were expelled by the winning countries in Western Europe and overseas after the armistice. Once arrived in Germany, many of them were penniless and lacked family or personal ties to local society.<sup>19</sup>

Economic warfare lasted for years, and its effects persisted until the 1930s. The treatment of enemy property became the reason for frequent diplomatic controversies between the Allies and the defeated states, especially Germany, resulting in prolonged hatred and preventing the full rapprochement between former enemies. But just as common were the long-lasting legal and judicial disputes on the fate of seized assets because several dispossessed people did everything to avoid the loss. It was only in the early 1930s that the Allies gave up the right of liquidation conferred by the peace treaties within the Young Plan and sought to put an end to economic warfare against citizens and companies of enemy nationality. However, this effort was short-lived and, in any case, did not restore victims of their losses.

The goal of my research is to retrace what happened with the confiscation of German property in some Western European countries (the United Kingdom, France, Italy, and Belgium), the United States, Poland, and Germany as well. Through examining how states implemented the right of liquidation in the 1920s and 1930s, the dissertation sheds light on some crucial questions concerning the political, economic, and social transformations provoked in those countries by one of the largest and most radical transfers of private property on an ethnonational basis. Why did the Allied Powers confiscate enemy

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<sup>17</sup> On ‘dignity taking,’ see Bernadette Atuahene, “Dignity Takings and Dignity Restoration: Creating a New Theoretical Framework for Understanding Involuntary Property Loss and the Remedies Required,” *Law & Social Inquiry* 41, 4 (2016), pp. 796–823.

<sup>18</sup> Jochen Oltmer, *Migration und Politik in der Weimarer Republik* (Göttingen: Vandenhoeck & Ruprecht, 2005), p. 89. See also Matthew Stibbe, “A Forgotten Minority: The Return of the *Auslandsdeutsche* to Germany in 1919–20,” *Studies on National Movements* 5 (2020), pp. 144–83, and Sean Andrew Wempe, *Revenants of the German Empire: Colonial Germans, Imperialism, and the League of Nations* (Oxford, New York: Oxford University Press, 2019).

<sup>19</sup> Walter Jung, “Wiederausreise der vertriebenen *Auslandsdeutschen*,” *Auslandswarte*, 3, 13 (1922), pp. 5–6.

assets even after the end of the military confrontation? Besides the need to promptly get resources as reparations, were there other reasons behind the choice of dispossessing Germans? What did they do with that bulk of assets? In short, I argue that the confiscation of enemy property—notably German assets—was aimed at limiting the economic strength of Germany and, simultaneously, curbing its political aspirations. By doing so, however, the Allies did not intend to permanently cut off the German state from the world economy or reach an integral autarkic agenda. Conversely, the dispossession of German citizens and companies was instrumental in rebuilding globalization on new terms, established by the Allies to prevent asymmetries considered politically dangerous and hence carrying out ‘de-risking’ policies in the economic field.<sup>20</sup> Functional to this redefinition of economic relations was also the transformation of citizenship. Massive expropriation of private assets was intended to exclude foreigners, particularly Germans, from key sectors of the economy and society, and put national belonging under stricter control through passports, identity papers, and inquiries over private ownership.

Much of the international economic asymmetries that troubled the Allies consisted of economic and commercial trends generated after decades of unprecedented development of the world economy, free trade, and growth of interdependence that, besides prosperity, also raised concerns about national security and global power hierarchy among policymakers, industrial circles, and public opinions. In particular, the rapid development of the German Empire as an economic and political power in Europe with colonial aspirations caused serious fears not only in Great Britain and France, two global superpowers that had much to lose from the rise of a new competitor, but also in industrial developing countries that were coming onto the world stage such as the United States, the Russian Empire, and, to a lesser degree, Italy. Whether or not such dangers were real, after the outbreak of the war, how to neutralize them became a priority for governments and industrialists as well as for public opinions, newspapers, and nationalist groups. Economic warfare provided tools to reach those goals and legitimize economic nationalism as a proper agenda to rebuild globalization and re-make societies in the aftermath of the conflict although it included the heavy interference of the state in the private economic sphere and the violation of property rights on a large scale. Unsurprisingly, the Paris Peace Treaties included the faculty of

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<sup>20</sup> For a definition of the economic ‘de-risking’ policies, although from a present-day perspective, see Daniela Gabor, “The (European) Derisking State,” *Stato e Mercato* 127, 1 (2023), pp. 53–84.



confiscating private assets to solve similar issues and enabling newly created national states (like Poland) to re-make the post-imperial space from an ethnonational point of view, getting rid of previous elites and breaking the trade and financial links with the former ruling countries.

Adopting a transnational methodological approach, I take into account various national contexts in Europe and North America. As for the UK and France, both countries were the major architects of economic warfare on a global scale and supported its continuation after 1918, largely benefiting from the expropriation of German assets in Europe and in their colonial possessions. But I also chose to consider Italy and Belgium, since, albeit being winning countries, they took a more ambiguous stance and were less inclined to cut trade and financial ties with Germany. Then, the dissertation examines the Polish case wherein the presence of a large German-speaking population posed critical questions to nation-building. Including Poland is also instrumental in showing that the confiscation of German property raised similar issues in Western and Central Eastern Europe and led to nearly identical outcomes without the difference between East and West being relevant. Furthermore, I also focused on the U.S. case for numerous reasons. Besides joining the efforts of the European allies, the United States confiscated a huge amount of German property, causing significant changes in the presence of foreign capital in their national economy as well as in the life of the large German-American community. A comparison of these national cases highlights similarities and differences in the implementation of economic nationalism, the social and political forces that supported that agenda, and the effects that economic persecution provoked. Eventually, the dissertation stresses that, although each state was free to determine the fate of enemy assets, the consequences of confiscation crossed national borders influencing the defeated states, the other Allies, the international organizations, and the neutral countries. The expropriation of enemy property was part of the international dispute over German reparations, provoked countless diplomatic controversies, and raised an international debate on international law and norms protecting foreign investments.

#### *Economic Nationalism: A Definition*

Economic nationalism is a recurring element of this work. But what is economic nationalism? Together with liberalism and socialism, it is probably one of the most influential economic theories in the modern era although it has generally received less attention

from scholarly research. Furthermore, the real nature of economic nationalism has been a matter of dispute since, with good reason, many economists and political thinkers of liberal creeds often associated it with fascist and communist regimes or postcolonial states. Although they grasped some important aspects of economic nationalist policies, definitions of economic nationalism that Michael A. Heilperin<sup>21</sup> or Theodore E. Gregory<sup>22</sup> provided had more to do with a political critical standing than a genuine scientific effort to define it. From the 1990s, several scholars challenged this approach, considering it too narrow and restricted, and turned their attention to the role that economic nationalism plays in a globalized world and its historical roots. This new trend of research underlined the variable and contradictory nature of economic nationalism (also called as ‘economic patriotism,’ neo-mercantilism, or ‘homeland economics’), which often overlapped with mercantilism and even liberalism.<sup>23</sup> There is a general wide consensus among them on the fact the most influential forefather of economic nationalism was the German economist Friedrich List (1789-1846). Being committed to the creation of a German state, List conceived his theory as a reaction to the Smithian liberalism, which he called ‘cosmopolitical,’ and developed a ‘political’ system that put the nations, instead of individuals, as subjects of economics.<sup>24</sup> In a nutshell, according to List, economic nationalism consisted of a developing agenda to increase the ‘productive powers’ of nations—that is, the natural, material, and human capi-

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<sup>21</sup> According to Michael A. Heilperin (1909-1971)—a Swiss economist of Polish origin, professor at the Graduate Institute in Geneva, and one of the major neoliberal thinkers in the 20<sup>th</sup> century—economic nationalism consisted of a set of policies, such as protectionism, monetary restrictions, etc., aimed at ‘the loosening of organic links’ between international and national economic processes and hence promoting self-sufficiency and autarky. Additionally, like most neoliberal thinkers, Heilperin regarded economic nationalism as a form of collectivism and economic planning, which were closer to the Soviet experience than any other capitalist country. It should not surprise that neoliberalism saw economic nationalism as ‘prejudicial to prosperity’ and tried to fight it in every way. See Michael Angelo Heilperin, *Studies in Economic Nationalism* (Genève: E. Droz, 1960). On Heilperin, see Quinn Slobodian, *Globalists: The End of Empire and the Birth of Neoliberalism* (Cambridge, MA: Harvard University Press, 2018), *passim*.

<sup>22</sup> Theodore E. Gregory, “Economic Nationalism,” *International Affairs* (Royal Institute of International Affairs 1931-1939) 10, 3 (1931), pp. 289–306. Sir Theodore E. Gregory (1890–1970), who taught at the London School of Economics between 1915 and 1937 and was Dean of the Faculty of Economics (1927-1930), also served as an official advisor of the British government and colonial administrations. See <https://blogs.lse.ac.uk/lsehistory/2018/07/11/theodore-gregory-at-lse/>.

<sup>23</sup> David Levi-Faur, “Friedrich List and the Political Economy of the Nation-State,” *Review of International Political Economy* 4, 1 (1997), pp. 154–78; Eric Helleiner, “Economic Nationalism as a Challenge to Economic Liberalism? Lessons from the 19th Century,” *International Studies Quarterly* 46, 3 (2002), pp. 307–29, Thomas Fetzner, “Nationalism and Economy,” *Nationalities Papers* 48, 6 (2020), pp. 963–73, and Marvin Suesse, *The Nationalist Dilemma: A Global History of Economic Nationalism, 1776–Present* (Cambridge: Cambridge University Press, 2023). On the labels of ‘economic patriotism’ and ‘homeland economics,’ see Ben Clift and Cornelia Woll, “Economic Patriotism: Reinventing Control over Open Markets,” *Journal of European Public Policy* 19, 3 (2012), pp. 307–23, and “Governments across the World Are Discovering ‘Homeland Economics,’” *The Economist*, 2 Oct. 2023.

tal—through the active role of the states that could adopt protectionist policies, restrictive commercial or monetary measures, and other provisions to regulate the private economy in order to prompt the national industrial development.<sup>25</sup>

Starting from List's theory, the pillars of economic nationalism as I mean it in the dissertation are three. First, economic nationalism is a platform that aims at promoting national economic growth, in particular the most dynamic and advanced industries and the financial sphere, without abandoning the market system or diminishing the role of private actors but giving the state the crucial function of stimulating national development thanks to a wide set of policies involving trade, finance, capital control, monetary and budget maneuvers, the exercise of property rights, and so on. Economic nationalism is thus intended to alter domestic and international market dynamics, directly or indirectly influencing the actions of private actors.

Second, the goals that economic nationalism pursues are politically motivated and derive from the political interests of states. Thus, economic nationalism possesses a highly political nature that leverages economic means to reach political goals. Instead of promoting individual prosperity regardless of nationality or democratizing wealth, economic nationalist policies are primarily intended to enhance the development of nation-states in competition with others in the global economy in order to guarantee their national security and increase their political power. To do so, states tend to strengthen their power of control and regulation of the private economy through a variety of legal, economic, and political instruments. Individual prosperity or a more equal distribution of wealth can be aims of economic nationalist policies but only on the condition that these are instrumental in increasing the power of nation-states. As a result, the ultimate goal of economic nationalism consists of improving political strength through economic means even at the cost of causing contradictory results from a profit-driven perspective. Actually, viewing economics through a political lens and promoting national economic development are not always coherent with the pure logic of profit. States that adopt an economic nationalist agenda can even make *uneconomic* decisions—that is, economically inefficient—because they entail political purposes.

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<sup>24</sup> Friedrich List, *National System of Political Economy* (Philadelphia: J. B. Lippincott & Company, 1856), p. 64.

<sup>25</sup> Levi-Faur, "Friedrich List," pp. 157–61, and Eric Helleiner, *The Neomercantilists: A Global Intellectual History* (Ithaca New York: Cornell University Press, 2021), pp. 52–79.

Eventually, as a consequence of these two aspects, the third key element of economic nationalism is that nationality represents a crucial factor in economics. Unlike Smithian liberalism, from an economic nationalist perspective, institutions and markets are not indifferent to the citizenship of private actors (investors, entrepreneurs, merchants, shareholders, companies, and so on). National belonging of owners of productive means (including intellectual property) is a crucial factor in measuring the strength of states and their ‘productive powers’ in the domestic and international economic arenas. Consequently, economic nationalist policies aim to alter market dynamics along the lines of nationality, generally fostering the wealth of citizens and discriminating against foreigners. Besides trade restrictions, limitations to foreign investments, or monetary policies, economic nationalism can restrict the exercise of property rights for foreigners, their access to professions, or the possibility of doing business within national borders. Also, restrictions to mobility and provisions regulating citizenship in a restrictive direction can be considered part of that kind of agenda.

In conclusion, given these three basic features, economic nationalism can be defined as *an economic and political agenda aimed at increasing the influence of nation-states in the international arena and ensuring national security through the economic expansion of national ‘productive powers’ and the regulation of market according to nationality-based rationale.*

#### *Economic Nationalism and Globalization*

In contrast to the traditional view that pairs economic nationalism with autarky, economist nationalist agenda could coexist with globalization. According to Eric Helleiner, the advocates of neo-mercantilist policies ‘depicted trade restrictions fully compatible with their country’s broader participation in an open world economy.’<sup>26</sup> In no country, throughout the 1920s, aggressive economic nationalism against German private interests was aimed at promoting autarkic policies. None of the political or private business representatives argued that the ‘nostrification’ of enemy assets should have been the prelude to a total closure of national economies. All of them were deeply aware of the importance of foreign investments and economic interdependence for the development of their countries. Whether they liked it or not, they knew that it was not possible to survive without it. Instead of wholly ‘decoupling’ national economies or promoting a radical process of de-

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<sup>26</sup> Helleiner, *The Neomercantilists*, p. 4.

globalization, the liquidation, and re-allocation of enemy assets was part of a more general change in the global trade and financial flows.<sup>27</sup> Rather than pursuing purely autarkic goals, many Allied states sought to reorient economics on their own terms, excluding foreign ‘enemy’ investments from their countries or replacing them in areas—for instance, Southeastern and Central Eastern Europ—where economic presence was a way to increase political influence.<sup>28</sup> As Alexander Nützenadel pointed out, the interwar period ‘saw an increase in global capital mobility and financial intermediation through banks and other financial actors.’<sup>29</sup> Also, Michael B. Miller has argued that ‘globalization, viewed from a maritime perspective, remained deeply entrenched throughout the century and took on new forms as the century progressed. [...] Its outcome was not only the rise of new world centers in the East and West but also the expansion of European-driven routes and trades.’<sup>30</sup> Also, he convincingly argued that globalization was not a ‘casualty of [economic] war.’ During the war, the Allies had to deal with the vitality and resilience of global trade networks. ‘Whereas internationalism had dominated without suppressing its alternative, the reverse dynamic would operate during the war. Even in its bluntest application, economic warfare could not eradicate all the cosmopolitan connections established over preceding decades. Instead, there would be compromise and negotiation, stimulus of alternative markets, subterfuge, and rebound once hostilities were over.’<sup>31</sup>

Recently, other scholars like Máté Rigó and Tara Zahra have also stressed the resilience of industrialists, capitalists, and businesspeople, who were able to recover their activities in the interwar period and elude protectionist restrictions,<sup>32</sup> while Marco Bresciani and Klaus Richter examined the trajectories of port cities like Trieste and Danzig wherein local elites and economic actors were able to partly rebuild their position within the global econ-

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<sup>27</sup> Jan-Otmar Hesse, “Die globale Verflechtung der Weimarer Wirtschaft. De-Globalisierung oder Formwandel?” in Christoph Cornelißen and Dirk Van Laak, *Weimar und die Welt: Globale Verflechtungen der ersten deutschen Republik* (Göttingen: Vandenhoeck & Ruprecht GmbH & Co, 2020), pp. 362–3. For a general overview of the ‘de-globalization’ in the interwar period, see Harold James, *The End of Globalization: Lessons from the Great Depression* (Cambridge, MA: Harvard University Press, 2001).

<sup>28</sup> Alice Teichova, *Economic Background Munich: International Business and Czechoslovakia 1918-1938* (Cambridge: Cambridge University Press, 1974), pp. 14–6.

<sup>29</sup> Alexander Nützenadel, “Fascism and Finance: Economic Populism in Inter-War Europe,” *German Historical Institute London Bulletin* 44, 1 (2022), p. 12. For a general account of the interwar capital movement, see the report of the United Nations Department of Economic Affairs, *International Capital Movements During the Inter-War Period* (New York: United Nations, Department of Economic Affairs, 1949).

<sup>30</sup> Miller, *Europe and the Maritime World*, p. 11.

<sup>31</sup> Miller, *Europe and the Maritime World*, p. 235.

<sup>32</sup> Rigó, *Capitalism in Chaos*, and Tara Zahra, *Against the World: Anti-Globalism and Mass Politics Between the World Wars* (New York: W. W. Norton & Company, 2023).

omy.<sup>33</sup> As a result, it was evident that economic nationalism could be a powerful tool to influence and regulate globalization but could not achieve an integral ‘disentanglement’ of the national economy from the rest of the world. Adam Tooze and Adam Fertik have argued that, during the war, the Allies learned how to reorganize and mobilize the global economy for military and political purposes.<sup>34</sup> As demonstrated by the case of the economic sanctions,<sup>35</sup> it is evident that wartime devices could be used also in peacetime. By expropriating private property and reallocating it to ‘loyal’ citizens, the Allied policymakers aimed at regulating the world economy and protecting national interests against foreign powers like Germany, whose commercial and financial expansion in the previous decades had been perceived as a political threat. Instead of collapsing global economic networks, the Allies aimed to boost national wealth and secure their countries from the risks of *too free* trade. Adopting a typical economic nationalist agenda, the Allies took enemy assets to increase the ‘productive powers’ of their economies, make the national industry more competitive in critical and modern manufacturing sectors (such as the chemical industry), exclude competitors from domestic markets, and ensure the control of financial centers.

Yet those policies did not challenge the principle of private ownership as the cornerstone of a market economy. Of course, expropriating private assets on a large scale did violate the protection of property rights according to liberal standards and contrasted with some principles that were internationally recognized. Authors like Edwin M. Borchard and John Bassett Moore, two distinguished international lawyers of liberal creed who strongly criticized the confiscatory policies of the Allies, were certainly right in pointing out the contradiction with one of the major legal and political pillars of pre-war globalization and liberalism. Also, similarly to neoliberal thought, all of them did not distinguish between economic nationalism and communism. But what they failed to realize was that the dispossession of enemy citizens was not identical to the case of communist Russia but represented a *third option* to the alternative between liberalism and socialism. The Allied governments neither rejected the principle of private ownership nor allocated most of the enemy property into public hands. Rather, they generally preferred to privatize it, or at least most of it, on the basis that the new owners had to possess friendly citizenship (and national origin, as

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<sup>33</sup> Marco Bresciani and Klaus Richter, “Trieste and Danzig after the Great War: Imperial Collapse, Narratives of Loss, Reconfigured Globalization,” *The Journal of Modern History* 95, 3 (2023), pp. 557–95.

<sup>34</sup> Tooze and Fertik, “The World Economy.”

<sup>35</sup> Mulder, *The Economic Weapon*.

well) and be ‘reliable’ subjects from a political point of view. Instead of nationalization or socialization, it was a process of ‘nostrification’ of companies, banks, or land property.<sup>36</sup> Besides preventing former enemy nationals, and often foreigners as well, from acquiring enemy property, the states forcibly reallocated significant resources and assets according to ethnonational criteria, and then imposed several restrictions on the market, by ensuring that they could remain in ‘friendly’ hands. In continuity with the wartime exceptional powers and thanks to the Versailles Treaty, the Allied governments were free to intervene in the market on an unprecedented scale and plan the redistribution of productive means without abandoning the capitalist system.

### *Economic Nationalism and National Security*

The dispossession of Germans after WWI revealed that economic nationalism was not only an agenda pushing industrial development or strengthening national private corporations. However, the state intervention was intended to influence economics in a sharp political direction. Promoting the national economy and winning the competition with enemy countries, especially Germany, was not only linked to a vague development agenda or the interests of a few lobbies. They were strictly intertwined with concerns about military strength, political independence, and ultimately national security. As a matter of fact, advocates of economic nationalism were deeply convinced of the political nature of international trade and, more generally, of economics. Until 1914, only a few countries adopted some restrictions on the property rights of foreigners, and most civil codes and constitutions in Europe embraced the liberal principle of equal treatment between citizens and foreigners.<sup>37</sup> States such as Australia, Romania, the United States, or the Tsarist Empire still possessed nationally or religiously based restrictions on the exercise of property rights, but such limitations were few and generally limited to the field of land ownership. After the war, though, the situation quickly changed, and the case of enemy aliens had an important

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<sup>36</sup> On the use of ‘nostrification,’ see Alice Teichova, “East-Central and South-East Europe, 1919–39,” in *The Cambridge Economic History of Europe from the Decline of the Roman Empire: Volume 8: The Industrial Economies: The Development of Economic and Social Policies*, ed. Peter Mathias and Sidney Pollard, vol. 8 (Cambridge: Cambridge University Press, 1989), p. 905, and Daniela L. Caglioti, “Property Rights and Economic Nationalism,” in *1914-1918-online. International Encyclopedia of the First World War*, ed. by Ute Daniel, Peter Gatrell, Oliver Janz, Heather Jones, Jennifer Keene, Alan Kramer, and Bill Nasson, issued by Freie Universität Berlin, Berlin 2014.

<sup>37</sup> For an overview of the German case, see Dieter Gosewinkel, “Eigentum vor nationalen Grenzen. Zur Entwicklung von Eigentumsrecht und Staatsangehörigkeit in Deutschland während des 19. und 20. Jahrhundert,” in Hannes Siegrist and David Sugarman, eds., *Eigentum im internationalen Vergleich 18.-20. Jahrhundert* (Göttingen: Vandenhoeck & Ruprecht, 1999), pp. 89–106.

role in changing the attitude of governments and parliaments. As a French note on estate property stated in 1919:

*The lessons of the recent war have shown that this legal situation caused inconveniences. The land and sea borders, the centers of great industrial activity, the nodes of the railroad network, etc., were particularly targeted by a category of foreigners, who took advantage of the peacetime to prepare the war for their own benefit. They insinuated themselves with premeditation in the right places to be able, on the day that their government would consider opportune for the launching of the invasion, to help the work of the invaders, from all the internal posts previously acquired and occupied with this intention.*<sup>38</sup>

In the UK as well as in the British Empire, former enemy subjects were prevented from re-entering and the restrictions lasted until the mid-1920s. In Italy, between 1924 and 1931, the fascist regime passed some provisions containing restrictions on the exercise of property rights in the borderlands for national security reasons.<sup>39</sup> In the 1920s, the Economic Committee of the League of Nations conducted several investigations on the condition of foreigners and foreign companies in each country and found that there were countless limitations, restrictions, and discriminatory provisions against them in the economic, financial, and professional spheres almost everywhere around the world.<sup>40</sup>

All those measures were not only aimed at improving the economic conditions of each country, defending and promoting the development of domestic manufacturing, in accordance with ‘classic’ mercantilism. All those measures had a political purpose as well, consisting of protecting ‘national economic security.’<sup>41</sup> Especially in the second half of the 19<sup>th</sup> century and then in the 20<sup>th</sup> century, the priority of those public policies went to the protection of national interests from the ‘penetration’ of foreign capital, which could also take away some key industrial sectors from state supervision or endanger the supply chains. As a matter of fact, there was a strong connection between the success of economic nationalism across the globe and the progress of the Second Industrial Revolution, the development of financial capitalism, and economic globalization. According to Sebastian Conrad, nationalism and globalization were ‘not two stages of a consecutive process of devel-

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<sup>38</sup> NA, HO 45/11015/357855, Report of the Foreign Office. Holding of Real Estate and Acquisition of Mines, Mining, and Oil Rights, & C. by Aliens in Foreign Countries, 1 Jul. 1921.

<sup>39</sup> See Decree No. 1122 of May 23, 1924, and Law No. 886, of June 1, 1931.

<sup>40</sup> See documents in LNA, sub-series R402–R405/10/29200 “Treatment of Foreign Nationals and Enterprises.”

<sup>41</sup> On the concept of ‘national economic security,’ see Andrzej Lubbe, “National Economic Security,” *Polish Quarterly of International Affairs* 6, 4 (1997), pp. 59–76.



opment, but rather were dependent on each other,’ and hence ‘the dynamics of nationalisation and nationalism must always be understood as, in part, a product of the globalisation of the turn-of-the-century era and not merely as its prerequisite.’<sup>42</sup> By following this methodological framework, the proliferation of economic nationalist ideas in various national and imperial contexts is hardly surprising. It should be clear that economic nationalism was a by-product of global processes that invested all states and empires, not only Europe and North America but Japan, the Tsarist Empire, the Ottoman Empire, and India as well.<sup>43</sup> Nostrification, thus, represented one of the responses, albeit crude in economic terms, that governments elaborated to regulate global processes which often appeared incomprehensible and puzzling but also threatening.

Economic nationalism embodied the response to the fears and concerns deriving from complicated processes, such as economic globalization, that even state administrations—especially police forces and other national security organs—did not fully understand but whose ambiguous nature they perceived. In the decades before the war broke out, despite not having clear ideas about the mechanisms of the global economy and often lacking qualified staff to understand it, public authorities mostly dealt with economic and financial dangers with policing methods, which prioritized the protection of public order over other aspects.<sup>44</sup> Significantly, this perception of an existential threat to national security shaped the content of economic nationalist policies. The French case was emblematic. Since the late 19<sup>th</sup> century, especially after the Law on Espionage (1886), the police closely surveilled many German managers and businessmen whose economic activities on French soil were regarded as espionage centers, even if there was no evidence for that. The fear of them was not only dictated by anti-German hostility or vague xenophobia. Their business raised concerns because of their ‘unclear’ activity and connections to foreign countries, as well as they could be a ‘fifth column’ in case of invasion. After the Dreyfus affair, furthermore, nationalist newspapers openly denounced the menace of a supposed German-Jewish conspiracy, which was trying to ‘penetrate’ into France through the expansion of economic activities. Quite often, the fear of German ‘economic’ spies assumed antisemitic connota-

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<sup>42</sup> Sebastian Conrad, *Globalisation and the Nation in Imperial Germany* (Cambridge: Cambridge University Press, 2010), p. 2, and Suesse, *The Nationalist Dilemma*, pp. 76–120.

<sup>43</sup> Helleiner, *The Neomercantilists*, pp. 81–108, 165–97.

<sup>44</sup> On the development of the finance police in France, for instance, see Oussama Ouriemmi, “Police(s) financière(s). Enquête sur le monde de la finance en France au début du XX<sup>e</sup> siècle et dans l’entre-deux-guerres,” *Histoire, économie & société* 38, 3 (2019), pp. 97–114.

tions and projected the theory of the link between capitalism and Judaism on the German presence as well. Among the most active voices against the ‘Judaic-German conspiracy,’ there was Léon Daudet who denounced many businessmen in France of being foreign spies.<sup>45</sup> But something similar happened in Italy where Giovanni Preziosi, a former Catholic priest and journalist, expressed similar views.<sup>46</sup> A mix of economic and political considerations influenced the attitude of the British Empire, too. Between the 1880s and 1914, British policymakers looked at the rapid economic and commercial growth of Germany with anxiety because of the political consequences that could derive from it and began to question the benefits of free trade policies. The naval arms race at the beginning of the 20<sup>th</sup> century played a significant role in raising worries about the German Empire. Echoing the worries of the far-right newspapers, however, the British leadership saw the activity of merchants, firms, and other private actors in the UK and across the world as a menace to London’s hegemony.<sup>47</sup> An ultra-politicized vision mixed with conspiracy paranoia prevailed, demonstrating that authors looked at the global economy very suspiciously.

The war was a chance to develop and adopt radical policies to respond to alleged enemy machinations. Since the early stage of the conflict, spy fever and conspiracy theories about the ‘silent invasion’ or ‘peaceful penetration’ of Germans in foreign countries encompassed the economic sphere, and each country seized property belonging to enemy subjects as part of the global economic warfare against the Central Empire. But fears about national security were predominant in legitimizing large-scale economic persecution, which went far beyond the naval blockade. Even after the war, such an attitude was predominant. In April 1919, Francis P. Garvan, the Alien Property Custodian in the United States, delivered a speech containing all commonplaces about the economic menace of Germany and urging the private interests to cooperate with the government to Americanize the industry and thus defend the national security:

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<sup>45</sup> Léon Daudet, *L'avant-guerre: études et documents sur l'espionnage juif-allemand en France depuis l'affaire Dreyfus* (Paris: Nouvelle librairie nationale, 1913). On Daudet’s antisemitic press campaign, see Olivier Forcade, “L’Action française contre l’espionnage allemand: une rhétorique de la trahison devant l’opinion,” *Le Temps des médias* 16, 1 (2011), pp. 9–18. On the connection between antisemitism and anticapitalism, see Francesca Trivellato, *The Promise and Peril of Credit: What a Forgotten Legend about Jews and Finance Tells Us about the Making of European Commercial Society* (Princeton: Princeton University Press, 2019), and Zahra, *Against the World*, chap. 2.

<sup>46</sup> Luca Menconi, “Il complottismo come categoria interpretativa: Giovanni Preziosi e la minaccia pangermanica nelle pagine de «La Vita Italiana all’Estero» (1913-1915),” *Studi Storici* 57, 1 (2016), pp. 111–36.

<sup>47</sup> Ross J. S. Hoffman, *Great Britain and the German Trade Rivalry: 1875-1914* (Philadelphia: University of Pennsylvania Press, 1933). See also Panikos Panayi, “German Business Interests in Britain During the First World War,” *Business History* 32, 2 (1990), pp. 244–58.

*Be it understood that this was an industrial war, brought on by industrial Germany in her lust-mad haste to capture the markets of the world. Industrial Germany in its arrogance and pride preferred the formidable hazard of battle to the progressive and sure infiltration which within ten or twenty years might well have given her the world domination she sought from complacent and unthinking people. Industrial Germany was in control of Imperial Germany. Industrial Germany sympathized and participated in the preparation for this war. Industrial Germany waged this war. [...] Her ambitions are the same in peace and in war. Her methods are the same in peace and in war. Destroy your business competitor by state aid, cartel combination, dumping, full-line forcing, bribery, theft of patents or inventions, espionage, and propaganda! Destroy your military adversary by tearing up sacred treaties, by unlicensed and unbridled submarine and poisonous gas warfare, by the destruction of factories, mines and vineyards, by terrorism and vandalism!*<sup>48</sup>

Eradicating the German presence from their national soil and colonial empires became one of the major *political* goals of the Allied countries. Furthermore, many intellectuals, scholars, and policymakers were convinced that economic warfare should keep going on even in peacetime, and the Versailles Treaty embodied that kind of idea. As a result, together with many other discriminatory provisions (such as the prohibition for Germany to impose tariffs on trade with the Allies), the liquidation of enemy assets was primarily aimed at achieving a political goal, depriving the defeated countries of their economic presence abroad. Yet none of the peacemakers truly believed that such a condition of subjugation could last forever, or that Germany was not able to recover its economy. Instead, the aim of confiscatory measures was to curb German imperialistic and revisionist projects and rebalance the economic, commercial, and technological gap. Once again, politics and economics went hand in hand. In the interwar period, ‘nostrification’ through economic and financial means became a widespread tool to regulate economic and social processes to strengthen the states along national, ethnic, or racial lines.<sup>49</sup> Even if the confiscation of enemy property was disappointing in terms of economic growth or commercial development, the Allies carried on the ‘nostrification’ policies mostly because of their political results. The exclusion of German capital, competitors, and companies, as well as German-speaking communities from their territories, represented the major achievement the Allies reached by adopting aggressive economic nationalism.

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<sup>48</sup> EUA, Herty Papers, box 103, *Address by Francis P. Garvan, Alien Property Custodian, at the Annual Dinner of the National Cotton Manufacturers’ Association, Hotel Biltmore, New York. April 25, 1919.*

<sup>49</sup> On the case of the economic persecution of Jews during the Nazi regime, see Jonathan Wiesen, “A Jew-Free Marketplace: The Ideologies and Economics of Thievery,” in Christoph Kreutzmüller and Jonathan R.

Redefining property rights has traditionally been one of the most powerful devices to reshape the boundaries of citizenship and remake societies. That national belonging is deeply intertwined with ownership is something that dates to classical times,<sup>50</sup> and it changes as a result of changing political, social, economic, and cultural factors.<sup>51</sup> By regulating who and to what extent should enjoy property rights, societies and states determine not only the organization of physical space.<sup>52</sup> Regulating access to property rights is also instrumental in fixing the boundaries of exclusion and inclusion and determining the various categories of individuals within society in terms of rights and duties. As Elizabeth F. Cohen pointed out, within the same state, different legal situations could coexist in which individuals, though formally citizens, enjoyed different rights.<sup>53</sup> Unsurprisingly, together with citizenship, property rights are often conceived as the ‘right to exclude,’<sup>54</sup> and an instrument of ‘social closure.’<sup>55</sup> As Daniela L. Caglioti and Catherine Brice highlighted, ‘confiscation was a political weapon that furthered different aims. It helped to make the expulsion of enemy subjects irreversible. It was an instrument to exclude from the civic body those who did not belong—the ‘internal enemies’—and prevent undesirable people from acquiring citizenship.’<sup>56</sup>

After WWI, the economic persecution marked an important watershed because the redefinition of legal belonging and the allocation of wealth profoundly affected the societies of the Allies and the defeated states. As the author of one of the earliest studies on

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Zatlin, eds., *Dispossession: Plundering German Jewry, 1933-1953* (Ann Arbor: University of Michigan Press, 2020), pp. 33–50.

<sup>50</sup> J. G. A. Pocock, “The Idea of Citizenship since Classical Times,” in *Theorizing Citizenship*, ed. Ronald Beiner (Albany: State University of New York Press, 1995), pp. 29–52.

<sup>51</sup> Luigi Lorenzetti, Michela Barbot, and Luca Mocarelli, eds., *Property rights and their violations: expropriations and confiscations, 16th-20th centuries \ La proprietà violata: expropriations et confiscations, XVIe-XXe siècles* (Bern; New York: Peter Lang, 2012).

<sup>52</sup> Dieter Gosewinkel, “Introduction. Histoire et fonctions de la propriété,” *Revue d'histoire moderne contemporaine* 61, 1 (2014), pp. 7–25, and Charles S. Maier, *Once Within Borders: Territories of Power, Wealth, and Belonging Since 1500* (Cambridge, MA: Belknap Press, 2016), pp. 91–4.

<sup>53</sup> On the plurality of legal regimes within national citizenship, see Elizabeth F. Cohen, *Semi-Citizenship in Democratic Politics* (Cambridge: Cambridge University Press, 2009).

<sup>54</sup> Stefano Rodotà, *Il terribile diritto: studi sulla proprietà privata* (Bologna: Il Mulino, 1981).

<sup>55</sup> Rogers Brubaker, *Citizenship and Nationhood in France and Germany* (Cambridge, MA: Harvard University Press, 1992), p. 23, although he did not mention the regulation of property rights among the tools that states use to exclude or include people.

<sup>56</sup> Daniela L. Caglioti and Catherine Brice, “Property Rights in Wartime – Sequestration, Confiscation and Restitution in Twentieth-Century Europe: Introduction,” *European Review of History: Revue Européenne d'histoire* 28, 2 (2021), p. 165

economic war highlighted, ‘the scope of the norms of economic warfare depends on the definition of enemy character, which constitutes the necessary basis for the implementation of these norms.’<sup>57</sup> Who was the enemy citizen and who was not? Apparently, the question was easily answered by the text of the peace treaty. As for individuals, enemy subjects were those persons who formally possessed the nationality of the defeated states on the date of the treaty’s entry into force. However, such a formalistic solution was far from being uncontested. The legal status of most enemy citizens was uncertain due to the lack of documentation proving national belonging on a solid basis, and the change of boundaries after 1918 also made the puzzle of citizenship even more complicated. Furthermore, the determination of the nationality of legal entities was more controversial due to the lack of coherent and standard legislation in that regard. According to the Versailles Treaty, companies were considered of enemy nationality if ‘controlled’ by German citizens. Such a formulation was vague and left each state a large margin of discretion.<sup>58</sup>

The Allies established different criteria for determining who should have been dispossessed, often disregarding the legalistic definition adopted by the peacemakers or violating the minority treaties. In continuity with wartime practices, governments developed categories to classify enemy subjects and thus select those groups that deserved special treatment. People who acquired a new nationality because of peace treaties, naturalized subjects, women of ‘friendly’ origin but married to enemy citizens, sons and daughters of enemy nationals, individuals who proved their loyalty toward the Allied Powers despite their national origin, persons having enemy citizenship but a ‘friendly’ national or religious background, etc. were some of them. In addition to them, people with dual citizenship or no nationality represented another group whose legal status was controversial. In sum, each state developed its system of classification according to political convenience to regulate economic persecution, also using partial or integral restitution of private assets as a tool of inclusion within the national community or tolerating the presence of certain groups of foreigners on national soil. Economic persecution resulted in different degrees of inclusion and exclusion wherein the entitlement of ownership was not equal among citizens. The exercise of property rights could be differentiated along ethnonational, gender, or social lines and

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<sup>57</sup> Christian Dominicé, *La notion du caractère ennemi des biens privés dans la guerre sur terre* (Genève: Librairie Droz, 1961), p. 15.

<sup>58</sup> On the criteria regulating the nationality of private companies, see Dominicé, *La notion du caractère ennemi*, pp. 148–55.

‘semi-citizenships,’ consisting of differences among naturalized subjects, ‘friendly’ or neutral foreigners, former enemy citizens, and so on.

In many states, the judiciary also played a significant role in solving legal controversies about the enemy status of individuals and companies, frequently in contrast to governments’ indications. Dozens of judicial and administrative disputes, however, did not result in a uniform corpus of norms and customs. Two major legal leanings emerged. On the one hand, the first consisted of the idea that the national belonging of individuals was governed exclusively by the laws of the state of origin and that foreign authorities—courts and administration—should have respected these norms in establishing nationality. As Mira L. Siegelberg pointed out, this idea implied a vision of an international order composed of equally sovereign states,<sup>59</sup> but there was even something more. According to such a legalistic perspective, cultural, linguistic, religious, or other ‘national’ factors as well as considerations about the attitude or political stance of individuals were to be left out of the determination of citizenship since only laws provided a consistent and reliable framework. If a citizen of German descent had become stateless before the war or had had naturalization in a neutral country (such as Switzerland) before the peace treaty was ratified, the authorities should have returned the frozen assets to him. Whether they had maintained family or economic relations with the country of origin or were open supporters of the German cause, was irrelevant. Such a solution, albeit accepted by many legal scholars, lawyers, and judges, was often in contrast with the government’s indications and resulted in setbacks for the administration because it offered victims more possibilities to avoid confiscation. Consequently, jurisprudence developed another legal solution by adopting a more substantive approach that was closer to administrative criteria of categorization of enemy citizens. Instead of relying solely on legislative measures of foreign countries, courts were able to determine the legal status of enemy persons by looking at actual connections to their country of origin. In this case, judges took into consideration extralegal criteria, such as religious, linguistic, or national origin, but also gender, political attitude, material interests, or any other element helping to clarify the ‘genuine and effective link’ to a country.<sup>60</sup> Of course,

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<sup>59</sup> Mira L. Siegelberg, *Statelessness: A Modern History* (Cambridge, MA: Harvard University Press, 2020).

<sup>60</sup> The expression of ‘genuine and effective link’ derives from the ruling of the International Court of Justice in the *Nottebohm Case* (1955), but the content preceded it. See <https://jusmundi.com/en/document/publication/en-genuine-and-effective-link> and Peter J. Spiro, “Nottebohm and ‘Genuine Link’: Anatomy of a Jurisprudential Illusion,” *Investment Migration Working Papers* (IMWP), 2019/1, .

information provided by police or other public authorities might have been crucial in determining the national status.

Whatever the criteria were, nonetheless, the dispossession of Germans—and, to a lesser degree, of Austrians and Hungarians—resulted in the decline of foreign presence within the Allied Powers and a consolidation of nationality boundaries in legal and economic terms. In the wake of the war, the Allies repatriated most of the enemy citizens to their countries of origin and the deprivation of their private assets made their exclusion persistent in the mid- and long-term. The criteria established by the Allied Powers to confiscate enemy citizens were generally inspired by national (and ethnonational as well) principles, and therefore economic persecution made most societies, especially in Western Europe, more homogenous from a national point of view. In other cases, such as in the newly created states, economic persecution allowed governments to settle the issue of the national minorities. Also, before the war, citizenship was a relatively unimportant legal device for millions of migrants, businesspeople, tourists, scholars, scientists, and merchants, who were often able to travel across boundaries without passports or identity papers.<sup>61</sup> Although John M. Keynes and Stefan Zweig presented an idealized and socially biased portrait of the ‘world of yesterday,’ there is no doubt that state borders were less rigid than they would be in the twentieth century. After 1914, the situation changed forever,<sup>62</sup> and economic persecution contributed to consolidating the trend after the end of the war. Countless investigations on ownership of companies, houses, land lots, securities, and any other kind of property resulted in clarifying the legal condition of persons and legal entities whose national identity had never been well-defined. As a side effect, the German state contributed to that result, too, because the determination of nationality was mandatory for those who applied for compensation and only German nationals were entitled to do so (as illustrated by Chapter Six).

#### *Who Was a German? Reich Citizens, Germans Abroad, and National Minorities*

The impact of economic persecution on nationality in the interwar period raises another historically controversial topic. Who was a German? Answering such a question

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<sup>61</sup> For a ‘classic’ representation of the world before the war, see John Maynard Keynes, *The Economic Consequences of the Peace* (New York: Harcourt, Brace and Howe, 1920), and Stefan Zweig, *The World of Yesterday: An Autobiography* (Lincoln and London: University of Nebraska Press, 1964).

has been one of the major problems of modern German history since the early 19<sup>th</sup> century because it was strictly linked to the nature and borders of the German state. But it was only in the last decades that historians addressed that issue to retrace the transformations of the matter of ‘being a German.’ After Rogers Brubaker, whose debated argument compared a model of inclusive citizenship inspired by the *ius soli* (France) with an exclusive one based on the *ius sanguinis* (Germany),<sup>63</sup> several historians criticized him and offered a more analytical and nuanced account. Focusing on the evolution of citizenship laws and naturalization policies from the 1830s until the late 1990s, Andreas Fahrmeir,<sup>64</sup> Dieter Gosewinkel,<sup>65</sup> Eli Nathans,<sup>66</sup> Geoff Eley,<sup>67</sup> Oliver Trevisiol,<sup>68</sup> and Annemarie H. Sammartino<sup>69</sup> highlighted that ethnicity played a much smaller role in guiding the choices of German states than Brubakers thought. Elaborating on Applegate’s thesis on the persistence of the local ‘homeland’ (*Heimat*) in forging the identities of German-speaking people,<sup>70</sup> these authors pointed out that, even after the birth of the German Empire in 1871, particularism persisted in citizenship policies and contributed to making ‘national belonging’ less rigid and more problematic. As a result, citizenship in German history emerged as ‘a messy set of often inconsistent state laws, practices and motivations.’<sup>71</sup>

Polycentrism, regionalism, and multiple identities also characterized the ‘national belonging’ of those German-speaking persons who lived outside of the German state boundaries and were labeled as ‘Germans Abroad’ (*Auslandsdeutsche*)—a category invented in the mid-19<sup>th</sup> century that, some decades later, became extremely popular to include them

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<sup>62</sup> Caglioti, *War and Citizenship*, pp. 262–86. On the history of passports, see John Torpey, *The Invention of the Passport: Surveillance, Citizenship and the State* (Cambridge: Cambridge University Press, 2010).

<sup>63</sup> Brubaker, *Citizenship and Nationhood*.

<sup>64</sup> Andreas K. Fahrmeir, “Nineteenth-Century German Citizenships: A Reconsideration,” *The Historical Journal* 40, 3 (1997), pp. 721–52, and “Coming to Terms with a Misinterpreted Past? Rethinking the Historical Antecedents of Germany’s 1999 Citizenship Reform,” *German Politics and Society* 30, 1 (2012), pp. 17–38. See also Andreas K. Fahrmeir, *Citizenship: The Rise and Fall of a Modern Concept* (New Haven: Yale University Press, 2007).

<sup>65</sup> Dieter Gosewinkel, *Einbürgern und Ausschliessen: die Nationalisierung der Staatsangehörigkeit vom Deutschen Bund bis zur Bundesrepublik Deutschland* (Göttingen: Vandenhoeck & Ruprecht, 2001).

<sup>66</sup> Eli Nathans, *The Politics of Citizenship in Germany Ethnicity, Utility and Nationalism* (New York: Berg, 2004).

<sup>67</sup> Geoff Eley and Jan Palmowski, eds., *Citizenship and National Identity in Twentieth-Century Germany* (Stanford: Stanford University Press, 2008).

<sup>68</sup> Oliver Trevisiol, *Die Einbürgerungspraxis im Deutschen Reich 1871-1945* (Göttingen: Vandenhoeck & Ruprecht, 2006).

<sup>69</sup> Annemarie H. Sammartino, *The Impossible Border: Germany and the East, 1914-1922* (Ithaca: Cornell University Press, 2010).

<sup>70</sup> Celia Applegate, *A Nation of Provincials: The German Idea of Heimat* (Berkeley: Univ of California Pr, 1990).

<sup>71</sup> Sammartino, “After Brubaker,” p. 599.



within the national community.<sup>72</sup> Historians like David Blackbourn, Stefan Manz, Stefan Rinke, and H. Glenn Penny underlined the importance of the German-speaking communities abroad as part of German history from a global perspective and defined Germany as an ‘emigrant nation’ characterized by a massive domestic and international mobility. In particular, what emerged from these studies is that—rather than being tied to Germany ‘by bonds of language, ethnicity, and ultimately, racial heritage’<sup>73</sup>—a plurality of linguistic, religious, social, geographical, gender, and national factors contributed to determining their belonging and that multiple identities could peacefully coexist among them.<sup>74</sup>

In the 20<sup>th</sup> century, however, the extreme nationalist mobilization and two world wars dramatically impacted those communities and millions of people in unprecedented ways. As many historians recognized, the anti-German policies waged by the Allies during WWI marked a watershed for most of them. Many communities suffered the economic, social, and cultural trauma of being persecuted after decades of peaceful life, integration into local society, and economic prosperity. Despite their weak or nonexistent links with their country of origin, the wartime persecution targeted millions of individuals due to their supposed national heritage and resulted in the disappearance, or decrease, of many communities across the world. A large part of those persons did not possess German citizenship or had kept it without it having a role in their lives. Some communities were forced to break, or hide, their connection with Germany, as in the United States, whereas others developed a siege mentality that contributed to isolating them from local societies.<sup>75</sup> At the same time, however, German-speaking networks showed a surprising level of resilience and kept being alive although they had often to cope with a hostile climate. According to H. Glenn Penny, wartime persecution created ‘a sense of shared fate’ among them and

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<sup>72</sup> Bradley D. Naranch, “Inventing the *Auslandsdeutsche*: Emigration, Colonial Fantasy, and German National Identity, 1848–71,” in Eric Ames, Marcia Klotz, and Lora Wildenthal, eds., *Germany’s Colonial Pasts* (Lincoln and London: University of Nebraska Press, 2005), pp. 21–40.

<sup>73</sup> Naranch, “Inventing the *Auslandsdeutsche*,” p. 21.

<sup>74</sup> David Blackbourn, “Germans Abroad and ‘*Auslandsdeutsche*’: Places, Networks and Experiences from the Sixteenth to the Twentieth Century,” *Geschichte und Gesellschaft* 41, 2 (2015), pp. 321–46; John R Davis, Stefan Manz, and Margrit Schulte Beerbühl, eds., *Transnational Networks: German Migrants in the British Empire, 1670–1914* (Leiden: Brill, 2012); Stefan Manz, *Constructing a German Diaspora: The “Greater German Empire”, 1871–1914* (New York: Routledge, 2014); H. Glenn Penny, “German Polycentrism and the Writing of History,” *German History* 30, 2 (2012), pp. 265–82; H. Glenn Penny and Stefan Rinke, “Germans Abroad: Respatializing Historical Narrative,” *Geschichte und Gesellschaft* 41, 2 (2015), pp. 173–96; H. Glenn Penny, *German History Unbound: From 1750 to the Present* (Cambridge: Cambridge University Press, 2022).

<sup>75</sup> David Blackbourn, “Germans Abroad and ‘*Auslandsdeutsche*’: Places, Networks and Experiences from the Sixteenth to the Twentieth Century,” *Geschichte und Gesellschaft* 41, 2 (2015), pp. 343–4.

prompted their integration within German citizenship.<sup>76</sup> Many ‘Germans abroad’ were obliged to reimagine themselves as wholly Germans, also in legal terms by acquiring nationality, because this was the only way they could gain visibility and support (including financial means) from the state. Eventually, as a result of the new boundaries fixed by the peace treaties in 1919-1920, Germans—whether former Reich citizens or German-speaking people who had never possessed citizenship of the German state—became the largest national minority in the Central Eastern states (Poland, Czechoslovakia, Romania, and Yugoslavia), raising countless diplomatic and political controversies at the national and the international level. However, as John Hidden already underlined in 1977, ‘German governments were exceedingly careful to maintain the legal distinction between ‘Reich Germans,’ who happened to be residing abroad, and those of ‘German origin,’ who happened to be citizens of another state.’<sup>77</sup> During the Weimar Republic and then the Nazi regime, the ‘Germandom Abroad’ received wide attention in public opinion, particularly in the middle class,<sup>78</sup> and also became a matter of scholarly research. In continuity with the Wilhelmine era, the number of nationalist associations devoted to the protection of Germans abroad had a spectacular rise.

Getting a closer look at the impact of economic persecution on German-speaking communities and victims of dispossession across Europe and North America, the dissertation explores what consequences the prolonged economic warfare has on them. How did the consolidation and crystallization of national belonging in the interwar period change the relation between the German state and those ‘Germans’? Did they embrace a nationalist rhetoric for material purposes? How did the weaponization of the private economic sphere change political relations between states and citizens in the German case? How did the victims of expropriations respond to persecution?

### *The Agency of Victims*

A peculiar element that the dissertation takes into consideration is the role played by victims of economic persecution—individuals and companies—in seeking to avoid the loss of property. Following suggestions of some historians who have often complained

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<sup>76</sup> Penny, *German History Unbound*, p. 149.

<sup>77</sup> John Hidden, “The Weimar Republic and the Problem of the *Auslandsdeutsche*,” *Journal of Contemporary History* 12, 2 (1977), p. 281.

about the neglect of protagonists within works that addressed migration, citizenship, or the treatment of foreigners in wartime,<sup>79</sup> the dissertation considers victims of economic persecution not as ‘passive objects of state policies,’<sup>80</sup> but as protagonists who contributed to determining their status, countered persecutory measures, took advantage of legal loopholes, leveraged on diplomatic interests of both parties, and elaborated resistance strategies.

In this matter, economic actors and ordinary people made similar decisions. Both highlighted how fluid national belonging, identities, and self-identifications were when material and vital interests were at stake.<sup>81</sup> That citizenship and nationality were a matter of ‘money’ rather than ‘sentiments’ was already noted by an American lawyer during the 1924 session of the International Law Association. ‘Most of us are inclined to look at this question of nationality as largely a question of sentiment, but I wish to cite two instances showing that we are dealing, not with a matter of sentiment solely, but with a matter of hard dollars and cents.’<sup>82</sup> One of the examples mentioned by him concerned the case of women of ‘friendly’ origin (such as British, French, or American) married to enemy citizens who sought to avoid confiscation by stating that they had retained their nationality by birth and kept being loyal to their country of origin. It was only in the last decades that, within citizenship and nationality studies, scholars have increasingly shed light on the gap between expectations and reality in the behavior of ordinary people in front of nationalism. Among the first, there was the study of T. Hunt Hooley on the plebiscite in Upper Silesia in March 1921 wherein a large section of the Polish-speaking population voted to remain in German territory instead of becoming part of the new Polish state.<sup>83</sup> In that case, a range of considerations on material conditions led them to ‘betray’ their (supposed) national origin, un-

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<sup>78</sup> Rudolf Jaworski, “Der auslandsdeutsche Gedanke in der Weimarer Republik,” *Annali dell’Istituto Storico Italo-Germanico in Trento* 4 (1978), pp. 369–86.

<sup>79</sup> Selena Daly, “Friends and Foes: Aliens and Migrants in the Era of the Great War,” *The Journal of Modern History* 95, no. 1 (2023), p. 171, wherein she critically says that ‘too often in migration histories, the voice of migrants is not heard, and their agency is ignored.’

<sup>80</sup> Annemarie H. Sammartino, “After Brubaker: Citizenship in Modern Germany, 1848 to Today,” *German History* 27, 4 (2009), p. 584.

<sup>81</sup> For a critical account of the concept of ‘identity,’ see Rogers Brubaker and Frederick Cooper, “Beyond ‘Identity,’” *Theory and Society* 29, 1 (2000), pp. 1–47.

<sup>82</sup> “1924, Second Day Riksdaghuset Tuesday, 9th September 1924,” in *International Law Association Reports of Conferences*, 33, p. 42 (the author of that speech was Hollis R. Bailey).

<sup>83</sup> T. Hunt Tooley, *National Identity and Weimar Germany: Upper Silesia and the Eastern Border, 1918-1922* (Lincoln: University of Nebraska Press, 1997).

dermining one of the fundamental assumptions of the Paris system.<sup>84</sup> Within the category of ‘national indifference,’ elaborated by Tara Zahra in 2010, many studies sought to encompass all individual and collective actions that contradicted a ‘nationalist’ version of Central Eastern Europe and revealed a more intricate and nuanced puzzle of identities, even in the age of extreme politicization.<sup>85</sup> More recently, some historians have talked about ‘citizens of convenience’ to describe situations where legal membership to one state or another was determined by contingent factors wherein economic convenience played a key role,<sup>86</sup> while sociologists have used the label of ‘strategic citizenship’ to categorize forms of legal belonging (such as dual or multiple citizenship, strategic naturalization, etc.) driven by reasons of interests rather than national, linguistic, or religious identities.<sup>87</sup>

Something also applies to private companies and other economic actors. As the economic historian Christopher Kobrak pointed out, ‘businesses are in one sense more connected to their countries’ histories than individuals.’ Contrary to widespread assumptions about the weak link between firms and nation-states, indeed, ‘as legal entities, corporations are dependent, for their very existence, on the laws of the countries in which they are incorporated. Despite all the attention globalization has received, picking up and leaving their home countries is still harder generally for companies with all their assets and visibility than for individuals.’ Nonetheless, one of the major risks directly came from their home countries’ governments ‘especially those abuse liberal values and commercial flows.’<sup>88</sup> WWI marked a watershed in that sense due to the vast and ‘total’ mobilization of national resources for the war effort. As a result, during the war and in the following decades, large companies, banks, corporations, and other businesses had to cope with the consequences of nationalism within the economic private sector. The wartime mobilization forced many of them to strictly cooperate with public authorities even against their will.<sup>89</sup> Some corpo-

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<sup>84</sup> But the peacemakers were aware that populations could vote against their national belonging in plebiscites. For instance, see Larry Wolff, *Woodrow Wilson and the Reimagining of Eastern Europe* (Stanford, California: Stanford University Press, 2020).

<sup>85</sup> Tara Zahra, “Imagined Noncommunities: National Indifference as a Category of Analysis,” *Slavic Review* 69, 1 (2010), pp. 93–119.

<sup>86</sup> Lawrence B. A. Hatter, *Citizens of Convenience: The Imperial Origins of American Nationhood on the U.S.-Canadian Border* (Charlottesville ; London: Univ of Virginia Pr, 2016).

<sup>87</sup> Yossi Harpaz and Pablo Mateos, “Strategic Citizenship: Negotiating Membership in the Age of Dual Nationality,” *Journal of Ethnic and Migration Studies* 45, 6 (2019), pp. 843–57.

<sup>88</sup> Christopher Kobrak, *National Cultures and International Competition: The Experience of Schering AG, 1851-1950* (Cambridge: Cambridge University Press, 2002), p. XII.

<sup>89</sup> On the German case, Werner Plumpe, “Die Logik des modernen Krieges und die Unternehmen: Überlegungen zum Ersten Weltkrieg,” *Jahrbuch für Wirtschaftsgeschichte / Economic History Yearbook* 56, 2 (2015), pp.

rations exploited nationalism, including the economic one, to expand their turnover and gain credibility as loyal and ‘patriotic’ companies,<sup>90</sup> some others directly benefited from state contracts and the reallocation of enemy property. But most of them, especially German economic private actors, had to deal with trade restrictions, blacklists, sanctions, and confiscations on a global scale. Facing what economists classified among the ‘political risks,’<sup>91</sup> in the 20<sup>th</sup> century, multinationals developed a set of legal and economic stratagems to avoid similar dangers (including heavy taxation).<sup>92</sup>

Among them, there was the so-called ‘cloaking’ that consists of ‘the art of concealing the true ownership of a company from authorities.’<sup>93</sup> To do so, for instance, Germany-based companies entrusted the administration of their subsidiaries to managers with local nationality (often people of German origin who possessed dual citizenship or claimed to be stateless), appointed figureheads, created formally independent branches that were classified as local firms, or moved the legal headquarters in ‘neutral’ countries (like Switzerland). Frequently, capitalists and business owners changed their legal status to keep running their activities or avoid restrictions on property rights against foreigners. In addition to that, economic persecution boosted the development of the offshore economy and caused a rapid swing in the allocation of foreign investments toward safer and business-friendly

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325–58, and Marcel Boldorf, ed., *Deutsche Wirtschaft im Ersten Weltkrieg, Deutsche Wirtschaft im Ersten Weltkrieg* (Oldenbourg: De Gruyter, 2020).

<sup>90</sup> Stephanie Seketa, “Defining and Defending Valid Citizenship During War: Jewish Immigrant Businesses in World War I Britain,” *Enterprise & Society* 22, 1 (2021), pp. 78–116.

<sup>91</sup> Llewellyn D. Howell and Brad Chaddick, “Models of Political Risk for Foreign Investment and Trade: An Assessment of Three Approaches,” *The Columbia Journal of World Business* 29, 3 (1994), pp. 70–91.

<sup>92</sup> Christopher Kobrak and Jana Wüstenhagen, “International Investment and Nazi Politics: The Cloaking of German Assets Abroad, 1936–1945,” *Business History* 48, 3 (2006), pp. 399–427; Christopher Kobrak and Jana Wüstenhagen, “The Politics of Globalization: Deutsche Bank, German Property and Political Risk in the United States After World War II,” *Entreprises et histoire* 49, 4 (2007), pp. 53–77; Steen Andersen, “Escape from ‘Safehaven’: The Case of Christiani & Nielsen’s Blacklisting in 1944,” *Business History* 51, 5 (2009), pp. 691–711; Geoffrey Jones and Christina Lubinski, “Managing Political Risk in Global Business: Beiersdorf 1914–1990,” *Enterprise & Society* 13, 1 (2012), pp. 85–119; Shakila Yacob, “Trans-Generational Renewal as Managerial Succession: The Behn Meyer Story (1840–2000),” *Business History* 54, 7 (2012), pp. 1166–85; Kurosawa Takafumi, “Breaking through the Double Blockade: Inter-Atlantic Wartime Communications at Roche,” *Jahrbuch Für Wirtschaftsgeschichte / Economic History Yearbook* 56, 1 (2015), pp. 227–56; Pierre van der Eng, “Managing Political Imperatives in War Time: Strategic Responses of Philips in Australia, 1939–1945,” *Business History* 59, 5 (2017), pp. 645–66; Pierre van der Eng, “Turning Adversity into Opportunity: Philips in Australia, 1945–1980,” *Enterprise & Society* 19, 1 (2018), pp. 179–207; Christina Lubinski, Valeria Giacomini, and Klara Schnitzer, “Countering Political Risk in Colonial India: German Multinationals and the Challenge of Internment (1914–1947),” SSRN Scholarly Paper (Rochester, NY, 2018); Shakila Yacob, “Rising of the Phoenix: Mitigating Political Risk through Knowledge Management—Behn, Meyer & Co., 1840–1959,” *Enterprise & Society* 19, 4 (2018), pp. 946–78.

<sup>93</sup> Gerard Aalders and Cees Wiebes, *The Art of Cloaking Ownership: The Secret Collaboration and Protection of the German War Industry by the Neutrals: The Case of Sweden* (Amsterdam: Amsterdam University Press, 1996).

countries, where corporations and banks could operate without fearing tax increases and expropriations. The policies of economic nationalism resulted in unintended consequences since they damaged the reputation and the financial power of London in favor of Amsterdam as well as reduced the presence of foreign capital in Belgium benefiting Switzerland, the Netherlands, or Luxembourg.

### *Structure of the Dissertation*

The dissertation is divided into two sections. In the first part, besides analyzing the origins of economic persecution (Prologue) and the decision to insert the right of liquidation within the Versailles Treaty (Chapter One), the dissertation addresses the importance of economic nationalism in guiding state policies in the economic and political fields and restructuring the global trade and financial networks after the war in some Western European states (Chapter Two), Poland (Chapter Three), and the United States (Chapter Four). At the end of this section, I surveyed a comparative overview of the results of my research (Chapter Five). Besides exploring the history of economic nationalist policies in each national context, I examine the social consequences of this huge transfer of property on citizenship and national composition, showing how economic tools played a crucial role in (re)making societies and economies of the Allied states more homogenous from an ethnonational point of view and consolidating the boundaries of nationality in the Allied countries and Germany. In the second part, the dissertation retraces the role of economic persecution in reshaping nationality in the interwar period in legal, social, and political terms. I take into consideration the application of rules on the citizenship of enemy citizens in the Allied Powers, concentrating on criteria regulating national belonging and the issues of statelessness, dual nationality, and the legal status of family members (Chapter Six). Then, I explore the consequences that economic persecution provoked in the relation between victims of dispossession and the German state. To do so, I concentrate on the issue of compensation in the Weimar Republic (Chapter Seven).

## **PART ONE. THE ECONOMIC WAR (1914–1930s)**

## PROLOGUE

### THE TREATMENT OF ENEMY PRIVATE PROPERTY IN WARTIME

#### Enemy Aliens, Property Rights, and International Law Before 1914

Whether foreigners of enemy nationality could enjoy the protection of property rights in case of war or could be interned and deprived of their assets from belligerent countries is a long-lasting matter of dispute among legal scholars, diplomats, and lawyers since the Middle Ages. The dispute was not irrelevant because there were crucial issues at stake, such as the protection of property rights, the treatment of foreigners, and economic considerations about the relevance of foreign interests. The Magna Charta of 1215, for example, imposed a limitation on the King's prerogatives concerning the regulation of foreign merchants' status in wartime that should have been treated according to the principle of reciprocity. Since then, several statutes, treaties, and other documents in Europe established that, in case of war, foreigners of enemy nationality were entitled to leave the territory of the country within a few weeks with the assurance that their movable assets could be exempted from confiscation. But that kind of limitations had a customary nature that legal doctrine did not consider binding. Most authors—including Hugo Grotius, the father of international law—recognized that states had the power to seize and confiscate enemy property during the war and that there was no legal obligation to restore it when the conflict ended. Generally, states were free to decide about the treatment of enemy citizens, and their private assets, according to political, diplomatic, and economic convenience. Likewise, whether the seized private property could be returned or expropriated within the peace treaties was a discretionary matter. The diplomatic practice of the late Middle Ages and the Early Modern Period confirmed it.<sup>1</sup> Until the 18<sup>th</sup> century, the legal doctrine, and in particular the Swiss diplomat Emmeric de Vattel, acknowledged that there was a customary practice of giving enemy citizens a 'reasonable' time to leave the country together with their as-

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<sup>1</sup> Andreas F. Sonntag, *Die Behandlung des feindlichen Privateigentums bei Ausbruch des Krieges innerhalb der eigenen Grenzen in der Zeit von 1200 bis 1800: ein Beitrag zur Völkerrechtsgeschichte* (Münster, Lit, 1990), and Randall Lesaffer and Erik-Jan Broers, "Private Property in the Dutch-Spanish Peace Treaty of Münster (30 January 1648)," Tilburg University Legal Studies Working Paper No. 002/2007, <http://ssrn.com/abstract=1002389>.



sets, but that no specific rule existed against the internment of them and the confiscation of their property.

Between the late 18<sup>th</sup> and 19<sup>th</sup> centuries, however, a new conception emerged. Jean-Jacques Rousseau's principle that war was a matter of states and should not involve private citizens reached huge popularity among many international lawyers and theorists, although until the Napoleonic Wars states did not follow that view.<sup>2</sup> By contrast, throughout the 19<sup>th</sup> century, there were some innovations. On one hand, a large part of the continental international law doctrine shared Rousseau's assumption and conceived the confiscation of enemy property as a 'barbaric' and illegitimate practice. Authors like Pasquale Fiore, for instance, openly regarded it as contrary to international law.<sup>3</sup> But even the French jurist Jean-Étienne-Marie Portalis echoed Rousseau's words.<sup>4</sup> In delivering two rulings of the U.S. Supreme Court in 1813 and 1814, Chief Justice John Marshall regarded the confiscation of private property as an outdated practice, although it was still formally among the prerogatives of the legislative power.<sup>5</sup> Additionally, the protection of enemy citizens from persecutory measures (including the confiscation of property) entered the legal and diplomatic practice. One of the earliest examples was the Anglo-American Treaty of 1794 which established the obligation of both countries to respect the civil rights of enemy nationals in wartime. Later, the Russian-American Treaty (1854) and the Paris Declaration (1856) prohibited the confiscation of private property also in the sea and marked the triumph of free-trade liberalism, which sought to preserve private business from the negative effects of conflicts and international tensions.

By contrast, there was neither a doctrinal nor a diplomatic consensus about the protection of enemy nationals in wartime. According to the Anglo-Saxon doctrine, even though confiscation could be an outdated practice, it belonged to states' prerogatives and could be imposed in case of conflicts. Of course, the naval supremacy of Great Britain was a prominent factor in influencing such doctrinal positions. Unsurprisingly, British lawyers were generally more favorable to supporting the right of seizing enemy property, especially

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<sup>2</sup> Caglioti, *War and Citizenship*, pp. 17–28.

<sup>3</sup> Pasquale Fiore, *Trattato di diritto internazionale pubblico* (Torino: Unione Tipografico-Editore, 1891), pp 171, 187.

<sup>4</sup> Charles de Boeck, *De la propriété privée ennemie sous pavillon ennemi* (Paris : Durand et Pedone-Lauriel, 1882), p. 413.

<sup>5</sup> John Dickinson, "Enemy-Owned Property: Restitution or Confiscation?," *Foreign Affairs* 22, 1 (1943), pp. 134–5.

in the sea. But it was not always a matter of political influence. In the case of the United States, for instance, ambiguity was a distinctive factor. During the Revolution, the Anglo-American of 1812, and then the Civil War, authorities seized and confiscated property belonging to loyalists, confederates, or unionists (*see Chap. Four*). Even the liberation of slaves was conceived as a confiscation of private property belonging to (internal) enemies of the country. Prominent personalities like Thomas Jefferson conceived the dispossession of enemy property as a legitimate practice, whereas Benjamin Franklin and Alexander Hamilton condemned it from a moral or political point of view without challenging the lawfulness of those measures. Nonetheless, throughout the 19<sup>th</sup> century, U.S. diplomacy sided against the right of confiscation of enemy assets in the sea, and more generally the protection of private property became a strong component of the legal and political discourse in the country. As a result, there was no agreement among lawyers on whether the United States had dismissed the mistreatment of enemy nationals as a legitimate action.<sup>6</sup>

In sum, there was no clear indication of the rules to be followed in case of war. Neither the 1899 and 1907 Hague Conventions nor the Institute of International Law (founded in 1873) established a coherent framework. Between the 1860s and 1914, humanitarian international law developed the ‘minimum standard’ for foreigners as a bunch of norms and customs inspired by the liberal principle of equal treatment between citizens and foreigners in the field of civil rights. It descended from the countless bilateral treaties and national legislations signed by states in an era of economic expansion and growth of economic investments abroad.<sup>7</sup> But the regulation of wartime treatment remained a legal grey area. According to Article 23, paragraphs (g) and (h), of the Regulations concerning the Laws and Customs of War on Land of the 1907 Hague Convention, it was forbidden to destroy or seize assets belonging to private citizens residing in military-occupied territories and deprive them of the legal capacity or the right to access courts. As for enemy nationals resident in the rest of the country, however, the 1899 and 1907 Hague Conventions gave no explicit indications.<sup>8</sup>

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<sup>6</sup> It became a matter of dispute among legal historians, lawyers, and scholars especially after WWI, see James Anderson Gathings, *International Law and American Treatment of Alien Enemy Property* (Washington: American Council on Public Affairs, 1940), and Edgar Turlington, “Treatment of Enemy Private Property in the United States before the World War,” *The American Journal of International Law* 22, 2 (1928), pp. 270–91.

<sup>7</sup> Caglioti, *War and Citizenship*, pp. 73–105.

<sup>8</sup> See text of the Hague Conventions in <https://ihl-databases.icrc.org/en/ihl-treaties/hague-conv-iv-1907/regulations-art-23>.

During a session of the Hague Conference in 1907, one of the German delegates, Otto Göppert (1872–1943), raised the matter of enemy property.<sup>9</sup> In particular, the young diplomat proposed to extend the legal protection against the confiscation of property belonging to enemy citizens to the entire territory of each belligerent. According to the official minutes, the other delegations did not take into account Göppert’s proposal and apparently, there was no debate about it. Unfortunately, the text of the proposal was not integrally published but only summarized. Even if it is not clear what happened during the session, it is quite remarkable that a German delegate raised that question.<sup>10</sup> As a matter of fact, it revealed that some diplomatic representatives of the German Empire were aware of the importance of preserving private assets in foreign countries in wartime because their country was more vulnerable than Great Britain or France in case of economic war. In the end, despite the lack of regulation, some lawyers argued that the Hague Conventions implicitly recognized the principle of non-confiscation.<sup>11</sup> But the majority of authors did not agree with that interpretation. Also, several states (including Italy, Bulgaria, Greece, Serbia, Spain, and Turkey) did not ratify the 1907 Convention and thus were not formally bound to respect the principle of non-confiscation for private property in military-occupied territories.

Besides the international law doctrine and conventions, the practice also confirmed the ambiguity of states toward enemy aliens. In most conflicts of the 19<sup>th</sup> century, states abstained from persecutory measures. For instance, in the war between Austria and Italy in 1866, both parties officially renounced confiscating enemy property in the sea. During the Russo-Japanese conflict (1904–5), furthermore, none of them applied restrictive measures against enemy citizens.<sup>12</sup> However, there were exceptions. During the Franco-Prussian War of 1870–71, French authorities expelled over 40,000 Germans residing in Paris, raising an

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<sup>9</sup> On Göppert’s biography, see [https://www.bundesarchiv.de/aktenreichskanzlei/1919-1933/0000/adr/adrag/kap1\\_7/para2\\_107.html](https://www.bundesarchiv.de/aktenreichskanzlei/1919-1933/0000/adr/adrag/kap1_7/para2_107.html).

<sup>10</sup> John Westlake, *International Law. Part II: War* (Cambridge: Cambridge University Press, 1913), pp. 83–4, and Nicolas Socrate Politis, *Lois et coutumes de la guerre sur terre: l’interprétation anglaise de l’article 23 du Règlement de La Haye* (Paris: A. Pedone, 1911), pp. 10–1. See also Philipp Siegert, *Staatshaftung im Ausnahmezustand: Doktrin und Rechtspraxis im Deutschen Reich und in Frankreich, 1914-1919* (Frankfurt am Main: Verlag Vittorio Klostermann, 2020), pp. 143–4.

<sup>11</sup> Alfred Verdross, “Zur Konfiskation ausländischen Privateigentums nach Friedensvölkerrecht,” *Zeitschrift für öffentliches Recht* 4 (1924), pp. 321–34. See also the positions of two legal historians, who shared his assumption: Gathings, *International Law*, pp. 1–14, and Christian Dominicé, *La notion du caractère ennemi des biens privés dans la guerre sur terre* (Genève: Librairie Droz, 1961), pp. 34–40.

<sup>12</sup> Caglioti, *War and Citizenship*, pp. 28–36. See also Stefano Mannoni, *Da Vienna a Monaco (1814-1938): ordine europeo e diritto internazionale* (Torino: Giappichelli, 2019), pp. 25–9. On the treatment of private in maritime war, see Giulio Marchetti Ferrante, “Private Property in Maritime War,” *Political Science Quarterly* 20, 4 (1905), pp. 696–717.

international debate about the legitimacy of that action. Once again, most international lawyers and diplomats shared the view that states might have adopted that kind of provision in case of threats to national security. Even if property rights were not directly involved in that case, it showed that national security was still a prevalent principle over the protection of civil rights for foreigners.<sup>13</sup> Just a few years before the outbreak of WWI, during the Italo-Turkish War (1911–12), the Ottoman authorities expelled some thousand Italian citizens (or people of Italian origin), but the Treaty of Lausanne (1912) forced the defeated state to re-admit all of them and compensate for economic damages. Then, the Balkan Wars (1912–13) showed that extreme violence driven by ethnonational reasons could result in a total war wherein distinctions between the military and civilians vanished. During the two conflicts, mistreatment of enemy subjects, regardless of their legal status, became a large-scale phenomenon with dramatic consequences. In the spring of 1914, the Carnegie Foundation released a detailed report about the atrocities in the Balkans, but it went almost unnoticed when major European Powers were entering a world war.<sup>14</sup>

As a result, before 1914, there was no legal consensus over the treatment of enemy aliens and their property in wartime. Likewise, it was also lacking adequate knowledge of the diplomatic practice in the previous decades or centuries in that regard. What stood out, even more, was that there had never been a huge global conflict in such an interconnected, interdependent, and ‘globalized’ world. Precedents were too far back in time or unsuitable for the world of July 1914. What would have happened and to what extent, would have been something new and unexplored, and would have also shaped the future regulation of the issue for the decades to follow.

## **The Economic War and the Enemy Aliens in the Allied Countries**

### *Naval Blockade and Persecution of Enemy Citizens*

“The world is so much more closely related financially than it ever was before and the commitments of every character are on so much larger [a] scale that the light of the

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<sup>13</sup> Caglioti, *War and Citizenship*, pp. 40–9. See also Daniela L. Caglioti, “Waging War on Civilians: The Expulsion of Aliens in the Franco-Prussian War,” *Past & Present* 221, 1 (2013), pp. 161–95.

<sup>14</sup> *Report of the International Commission to Inquire Into the Causes and Conduct of the Balkan Wars* (Washington: Carnegie Endowment for International Peace, 1914).

past experience is of very little use.<sup>15</sup> On July 30, 1914, the president of the National City Bank of New York Frank Vanderlip shared with his wife Narcissa his fears about the catastrophic and unprecedented effects of the imminent world war. Despite Jan Bloch's and Norman Angell's warnings, the close economic and financial interdependence between states and empires after decades of swift globalization did not prevent European Powers from entering the war against each other. How the war would have impacted global trade and financial networks, including neutral countries like the United States, was unknown. But Vanderlip realized that the effects would be unprecedented and hence the 'past experience' would have been almost worthless. It turned out to be true in many aspects, and with regard to the treatment of enemy citizens and their property as well.

Since 1908, when the First Sea Lord of the British Royal Navy John Fisher exposed his plan of action in case of war against Germany, the idea of a naval siege in order to cut it off from commercial relations as well as communications with the rest of the world became a key element of the British naval strategy to win the conflict. But much of these prewar plans were of little help after August 1914. In the wake of the war declaration, the British civilian and military leadership had to invent creative and innovative solutions in order to carry on a large-scale blockade and economic war against the Central Empires.<sup>16</sup> As a result, throughout the war, both the Allies and the Central Empires gradually learned how to implement, and respond to, economic warfare.<sup>17</sup> After the first weeks of fighting, when military operations did not bring about a rapid resolution of the conflict, it became self-evident that the control of economic resources on a global scale represented the decisive factor for the final victory. According to Michael B. Miller, 'the Allied nations prevailed in total war because they were able to control and marshal world resources while denying the Germans access to them. No other factor, military or ideological, could be as decisive once the fighting forces deadlocked on the western front.'<sup>18</sup>

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<sup>15</sup> Frank Vanderlip to his wife Narcissa, 30 Jul. 1914, quoted in Volker R. Berghahn, *American Big Business in Britain and Germany: A Comparative History of Two "Special Relationships" in the 20th Century* (Princeton and Oxford: Princeton University Press, 2015), p. 109.

<sup>16</sup> Nicholas A. Lambert, *Planning Armageddon, British Economic Warfare and the First World War* (Cambridge (MA): Harvard University Press, 2012).

<sup>17</sup> Nicholas Mulder, *The Economic Weapon: The Rise of Sanctions As a Tool of Modern War* (New Haven ; London: Yale University Press, 2022), pp. 27–46.

<sup>18</sup> Michael B. Miller, *Europe and the Maritime World: A Twentieth-Century History* (Cambridge: Cambridge University Press, 2012), p. 213.

Besides the naval blockade and other heavy restrictions on enemy countries, the Allies imposed severe limitations on neutral countries as well. Since countries like the Netherlands, Switzerland, Denmark, and Sweden did not stop their trade relations with the German Empire (and, in many cases, they did not want to do so because they were dependent on German industry), many companies were able to avoid the Allied blockade, especially between 1914 and 1916. In reaction to that, after the Paris Economic Conference (June 1916), the Allies progressively developed a system of blacklists against enemy or neutral merchants operating in neutral countries including South America and the United States (until April 1917).<sup>19</sup> As a result, in the last two years of war, they succeeded in preventing the Central Empires from avoiding the blockade.<sup>20</sup> But economic warfare was not limited to the field of trade. The Allies adopted financial restrictions and controls of international capital flow, too.<sup>21</sup>

Besides the naval blockade, the Allies also waged economic warfare against private citizens. For instance, until late 1916, as for the German merchant fleet, 152 ships (452,000 tons) had been destroyed, 276 ships (807,000 tons) had been seized, and 621 ships (more than 2.1 million tons) were in neutral ports with no chance to go to the sea, while only a small part of it was under direct control in home waters (490 ships, 2.4 million tons). Between 1917 and 1918, however, the United States, Cuba, and Brazil took control of another million tons.<sup>22</sup> However, the economic persecution of enemy citizens was not limited to private property at sea. Since late August 1914, all belligerent countries began adopting restrictive measures against citizens of enemy nationality residing on national soil and in the colonies. Besides provisions concerning the identification and surveillance of enemy citizens (but restrictions were applied on foreigners as a whole), nearly every state deprived them of legal capacity, prohibited all private economic or financial transactions with them, and interned a large part of them into concentration camps. In that regard, too, the treatment of enemy property was an almost entirely new field for governments, parliaments, and military authorities. Throughout the war, a gradual restriction of property rights took place to prevent enemy subjects from trading and hence supporting their countries of

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<sup>19</sup> On the Swiss case, see Christof Dejung and Andreas Zangger, "British Wartime Protectionism and Swiss Trading Companies in Asia during the First World War," *Past & Present* 207, 1 (2010), pp. 181–213.

<sup>20</sup> Miller, *Europe and the Maritime World*, pp. 229–30. On the effects of economic warfare on global trade networks, see also Mulder, *The Economic Weapon*.

<sup>21</sup> Mulder, *The Economic Weapon*, pp. 49–54.

<sup>22</sup> Miller, *Europe and the Maritime World*, pp. 226–7.

origin. As a matter of fact, putting under control, seizing, or confiscating firms and companies owned by enemy subjects was conceived as a part of the economic war. In June 1916, at the Paris Economic Conference, the Allies, especially the UK and France, sought to coordinate their efforts in order to improve the effectiveness of the economic warfare against the Central Empires. Among the subjects of the Conference, there was also the treatment of enemy property, whose implementation should follow the path traced by the British and French measures. However, despite efforts to coordinate joint action, each country chose to keep a distinctive approach and follow its own strategy.

A climate of general hysteria soon spread across the Allied countries and the Central Empires, as official propaganda, newspapers, and parliaments largely exaggerated the risks posed by those individuals spreading fake news and conspiracy theories. Throughout the war, violent popular riots against enemy persons, foreigners, and citizens of enemy origin took place several times in European cities like London, Moscow, Liverpool, Milan, and Trieste, but also in Brazilian and Australian towns. Besides cutting off trade and financial relations, the Allies radicalized measures against enemy property as a response to the conspiracy theories concerning the ‘silent invasion’ or ‘economic penetration’ of enemy citizens and companies (mostly of German nationality). Consequently, the economic persecution turned into provisions to guarantee the national security against the internal threat.<sup>23</sup>

In the case of the Tsarist Empire, economic nationalism acquired strong political connotations in redefining the position of foreigners and national minorities within the Empire, in particular that of Germans—both Reich citizens and people of German ancestry—who had played a prominent role in the Russian economy and its industrial modernization in the previous decades. Before 1914, foreigners held about 40% of the total nominal capital of corporations operating. Most of them were Germans. In addition, the largest part of foreign capital (20% of total foreign direct investments) came from the German Empire. But Germans, or German-speaking Tsarist subjects, were also 20% of founders of corporations in Russia and 10% of managers.<sup>24</sup> German investments amounted to 1.8 bil-

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<sup>23</sup> Caglioti, *War and Citizenship*, and Panikos Panayi, ed., *Germans as Minorities during the First World War: A Global Comparative Perspective* (Farnham: Ashgate, 2014). On the internment of enemy aliens during WWI, see also Matthew Stibbe, *Civilian Internment during the First World War* (London: Palgrave Macmillan, 2019), and Arnd Bauerkämper, *Sicherheit und Humanität im Ersten und Zweiten Weltkrieg: Der Umgang mit zivilen Feindstaatenangehörigen im Ausnahmezustand, Sicherheit und Humanität im Ersten und Zweiten Weltkrieg* (Oldenbourg: De Gruyter, 2021).

<sup>24</sup> Eric Lohr, *Nationalizing the Russian Empire: The Campaign against Enemy Aliens during World War I* (Cambridge, MA: Harvard University Press, 2003), pp. 55–61.

lion marks.<sup>25</sup> Since August 23, 1914, the Tsarist government authorized seizure or sequestration of enemy-owned firms. A few weeks later, in September 1914, a new circular allowed authorities to confiscate private assets of subjects under suspicion of espionage, especially those who belonged to Pan-Germanist associations.<sup>26</sup> Without fearing retaliations or the negative impact on local economy, the Tsarist Empire liquidated a large portion of German, Austro-Hungarian, and Ottoman property and promoted the transfer of firms to loyal Tsarist subjects. According to Eric Lohr, 479 companies were closed and 1,360 were sold to new ‘reliable’ owners.<sup>27</sup> Additionally, in November 1917, 59 large industrial firms were definitely expropriated and 75 were still under confiscation procedure.<sup>28</sup> As for shareholders, through a decree that declared void shares held by enemy subjects, the Tsarist authorities also transferred 4% of all foreign stock investment owned by enemy citizens (corresponding to 2% of all capital in Russian industry).<sup>29</sup> But landowners were targeted as well. According to statistics provided by the government, until early 1917, official measures touched over 440,000 enemy land lots for a total area of 3.8 million hectares, and it was likely that about 350,000 people were affected by expropriation.<sup>30</sup> Eventually, between 1914 and 1917, more than 300,000 civilians of enemy nationality or under suspicion of disloyalty were deported to internment camps or expelled.<sup>31</sup> At least, over one third of them (115,889) were German-speaking colonists who possessed the Tsarist subjecthood by birth.<sup>32</sup>

### *Enemy Property in the UK*

Once the war broke out, the British government was the first to adopt harsh measures against German, Austro-Hungarian, Ottoman, and Bulgarian citizens, and became ‘the key player in the global persecution of German minorities, in Europe and the rest of the world.’<sup>33</sup> One day after the war declaration, the government imposed the registra-

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<sup>25</sup> Herbert Feis, *Europe The World's Banker 1870-1914* (New Haven: Yale University Press, 1930), p. 74. On the pre-war economic relations between Germany and the Russian Empire, see Heinz Lemke, ed., *Deutsch-russische Wirtschaftsbeziehungen 1906–1914: Dokumente* (Berlin: Akademie-Verlag, 1991).

<sup>26</sup> Lohr, *Nationalizing the Russian Empire*, p. 63.

<sup>27</sup> Lohr, *Nationalizing the Russian Empire*, p. 67.

<sup>28</sup> Lohr, *Nationalizing the Russian Empire*, p. 69.

<sup>29</sup> Lohr, *Nationalizing the Russian Empire*, p. 72.

<sup>30</sup> Lohr, *Nationalizing the Russian Empire*, p. 107.

<sup>31</sup> Lohr, *Nationalizing the Russian Empire*, p. 127.

<sup>32</sup> Lohr, *Nationalizing the Russian Empire*, p. 135.

<sup>33</sup> Panikos Panayi, ed., *Germans as Minorities during the First World War: A Global Comparative Perspective* (Farnham: Ashgate, 2014), p. ix.



tion of enemy aliens as well as passed many restrictions on their freedom of movement. The immigrants coming from Germany were the first group among the enemy citizens both in terms of numbers and economic relevance.<sup>34</sup> In a few months, male enemy citizens of military service age (18-45/55 years) were interned. In November 1915, there were 32,000 Germans in the internment camps in the UK and across the colonies.<sup>35</sup>

As for economic persecution, the British authorities stood out for the promptness and radicality of the provisions. In a few weeks after the war declaration, the government prohibited all payments toward enemy citizens, firms, or banks (August 5, 1914); interrupted banking activities of German and Austro-Hungarian financial institutions in London; eventually, passed the Trading with Enemy Act (TEA) in September 1914. All trade relations with firms and nationals who were resident in enemy territories (including military-occupied regions) were interrupted, while enemy citizens on British soil were left untouched. Remarkably, at first, economic restrictions followed criteria of residence instead of nationality, but in a few months, the British leadership extended the TEA to enemy persons and companies operating within the borders. In November 1914, the executive put enemy property under seizure and appointed the Public Trustee as the Custodian of Enemy Property in England, Wales, Scotland, and Ireland.<sup>36</sup> By abandoning its free-trade creed, the British leadership embraced a different perspective, based on the purpose to mobilize the economic and commercial sphere against the Central Empires. Meeting the demands of many actors of private business, the British state left its traditional stance and embraced a different economic program.<sup>37</sup> As Panikos Panayi, John McDermott, and Nicholas Mulder noted, the agenda of radical economic nationalism pursued by the UK was intertwined with efforts to protect national security from the alleged economic menace of Germany or other foreign powers. Worries about the economic ‘penetration’ of foreign investments were widespread within the British leadership and private business circles. In a telegram to the Washington embassy, the Foreign Office warned that the government has not been ‘willing to run the risk of foreign, including American, capital dominating key industries in the

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<sup>34</sup> According to the 1911 census, people born in Austria were only 12,095, in Turkey 2,131, in Hungary 1,379, and in Bulgaria 119.

<sup>35</sup> Manz and Panayi, *Enemies in the Empire*, p. 169.

<sup>36</sup> Panayi, *Enemy in Our Midst*, pp. 132–49, and Caglioti, *War and Citizenship*, p. 163.

<sup>37</sup> Panayi, “German Business Interests,” and John McDermott, “Trading with the Enemy: British Business and the Law during the First World War,” *Canadian Journal of History* 32, 2 (1997), pp. 201–19. On the importance of TEA, see also Nicholas Mulder, “The Trading with the Enemy Acts in the Age of Expropriation, 1914–49,” *Journal of Global History* 15, 1 (2020), pp. 81–99.

United Kingdom, especially as until recently we had no sufficient guarantee against enemy taint in American capital.<sup>38</sup> Such fears revealed how deeply the war impacted the liberal beliefs of the British Empire.

Throughout the conflict, the parliament and the government radicalized economic warfare. In July 1916 the government issued the so-called blacklists to prohibit trade relations with enemy firms in neutral countries, whereas the Board of Trade was given the power to wind up (namely, to liquidate) enemy firms. With the Copyright Act (August 1916), the executive seized all industrial, literary, or industrial property as well. By embracing a radical economic nationalist agenda, the government met not only with the xenophobic paranoia coming from the parliament and public opinion but with the pressure of private interests, too, which demanded the elimination of German concurrence in some relevant economic sectors (such as the dying, oil, and steel industries).<sup>39</sup> The British government extended quite soon the economic persecution to its colonial empire. Dominions and colonies enacted their legislation, which was often more severe than in the UK.<sup>40</sup>

While the maritime blockade was managed by an ad-hoc ministry created in February 1916 and led by Lord Cecil,<sup>41</sup> the administration of seized enemy property was left to the Board of Trade in cooperation with the Home Office, the Foreign Office, and the Colonial Office. According to British legislation, the Board of Trade was the main public body charged with the economic persecution of enemy citizens and firms on national soil. Over the course of the war, it gained more and more importance. In 1916, for instance, the parliament passed an amendment to TEA to give the Board of Trade (and thus to the Public Trustee) broad powers of investigations and liquidation of enemy assets. As proof of its importance, the Custodian's staff increased by a lot. In December 1914, it was composed of 12 officials. Two years later, the staff grew up to 109 (whose large majority, 96, consisted of female clerks, supervisors, and typists), and its jurisdiction widely extended (for instance, by recording all claims of British nationals against enemy countries). Remarkably, unlike other countries which entrusted judicial or administrative bodies with a legal background,

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<sup>38</sup> NA, CO 323/777, Foreign Office to Barclay (Washington), 27 Aug. 1918.

<sup>39</sup> John McDermott, "Trading with the Enemy: British Business and the Law during the First World War," *Canadian Journal of History* 32, 2 (1997), pp. 201–19.

<sup>40</sup> Caglioti, *War and Citizenship*, pp. 163–5.

<sup>41</sup> Phillip Dehne, "The Ministry of Blockade during the First World War and the Demise of Free Trade," *Twentieth Century British History* 27, 3 (2016), pp. 333–56.

the British government assigned the implementation of the economic persecution against enemy citizens to an organ whose staff had economic, financial, and commercial expertise.

During the war, albeit formally tied to preserve enemy property, the Board of Trade liquidated many firms belonging to enemy nationals or companies. According to the estimate provided by German diplomacy at the end of the war, the British authorities wound up at least 321 economic activities, banks, goods, and other kinds of property.<sup>42</sup> Likely, the amount of liquidated property was higher. Until mid-1917, the British Custodian liquidated ‘some 500 businesses of all degrees of importance.’<sup>43</sup> According to Panikos Panayi, until the armistice, the Board of Trade liquidated 507 enemy firms.<sup>44</sup> For instance, the London branch of the Bechstein firm, which was the world leader in the production of pianos was sequestered and liquidated in 1916, and many other companies (such as *Singer* or *Royal Worcester Corset Company*) shared the same destiny.<sup>45</sup> On many occasions, authorities sold enemy private property to English corporations to promote the economic ‘nostrification’ of some key industries. For instance, the British branch of the electrical company AEG—which operated in London, Newcastle, Cardiff, and Birmingham—was progressively deprived of the German presence. Firstly, the staff was replaced with British workers and mechanics, then it was sold by the Board of Trade to a British firm that acquired their contracts and liquid assets.<sup>46</sup> Likewise, following up on pressure from the financial world in the City of London, the government closed the activities of enemy banks.<sup>47</sup> In addition to that, the colonial authorities adopted the most severe measures against enemy firms.<sup>48</sup>

Such a radical attitude was not shared by all English businessmen, who feared the reaction from the enemy countries. In a letter to the Conservative leader Andrew Bonar Law, the director of the *Imperial Continental Gas Association* Henry Birchenough expressed the danger of confiscating property belonging to German nationals. He feared the risk that

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<sup>42</sup> PAAA, R 23059, ‘The Liquidation of German firms in England and the British colonies’, Mar. 1919, p. 3.

<sup>43</sup> ACKC, John Maynard Keynes Papers, PT/5/29, *Report of the Sub-Committee on the Policy of the “Clean State,”* 15 Aug. 1917, p. 14. See also YA, Borchard Papers, box 57, John Ward Cutler, ‘The United Kingdom,’ undated [mid-1930s], p. 36.

<sup>44</sup> Panikos Panayi, ‘German Business Interests in Britain During the First World War,’ *Business History* 32, 2 (1990), p. 250.

<sup>45</sup> Stephanie Seketa, ‘Defining and Defending Valid Citizenship During War: Jewish Immigrant Businesses in World War I Britain,’ *Enterprise & Society* 22, 1 (2021), pp. 88–90.

<sup>46</sup> ‘A German Electric Company. Sale to British Firm,’ *The Times*, 3 Nov. 1916.

<sup>47</sup> ‘Enemy Banks,’ *The Times*, 5 Jan. 1917. See also Panayi, ‘German Business Interests,’ p. 253. On the problems related to the financial crisis occurred after August 1914, see Richard Roberts, *Saving the City: The Great Financial Crisis of 1914* (Oxford: Oxford University Press, 2014).

Germany could liquidate British firms and interests causing severe damage to small investors. In addition to that, according to Birchenough, there were other reasons to be skeptical of those measures. ‘The industrial and economic interests of the various countries in Europe have – especially in late years – become so interlocked that I confess I regard confiscation as a policy so two-edged in its character and so uncertain in its ultimate consequence that in my opinion it should be avoided, if possible, even as a threat.’<sup>49</sup> The hardline pursued by the British government aroused protests also from other Allies. During the Paris Interallied Conference held in 1917, the French delegates asked British colleagues to ‘moderate the implementation’ of economic measures against Germans and Austro-Hungarians to avoid retaliations from those countries.<sup>50</sup> Despite criticisms, however, the UK did not back down. According to German officials, the British government created ‘a system of legal provisions intended to provide, and providing, ways and means, in equally purposeful, sophisticated and exhausting whiteness, to use or destroy for British interests whatever assets German trade and commerce have created in the British Empire.’<sup>51</sup> By doing so, the economic warfare against Germany was aimed at providing the UK with a relevant amount of assets to use during the peace negotiations, but also at eliminating the whole German concurrence both in the UK and in the British Empire, to benefit the private economic interests with long-lasting effects and to strengthen the British currency.

According to the Public Trustee, by the end of 1916, the amount of enemy property (mainly belonging to Germans) in England and Wales was worth £132 million and corresponded to more than 35,000 accounts. A large part consisted of shares, holdings, and partnerships of firms based in the UK (£32.4 million). German investors owned shares, especially in mining (£6.2 million), railways (£3.6 million), electrical (£3 million), iron, coal, and steel (£2.8 million), and oil (£2.5 million) sectors.<sup>52</sup> while the rest was recorded by banks, stockbrokers, insurance companies, or other financial intermediators, and was composed mainly of bank accounts and other securities. In particular, the majority of securities consisted of foreign and colonial stocks (£40 million) and secondly in British companies’ shares (£22 million). All cash received by the Custodian (£6.7 million) was invested in state

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<sup>48</sup> PAAA, R 23059, ‘The Liquidation of German firms in England and the British colonies’, Mar. 1919, p. 17.

<sup>49</sup> PA, BL/37/2/10, Henry Birchenough to Andrew Bonar Law, 7 May 1915.

<sup>50</sup> *Conférences des délégués des gouvernements de Belgique, de France et de Grande-Bretagne au sujet des biens et intérêts privés en pays ennemis et occupés par l’ennemi*, pp. 45–8

<sup>51</sup> PAAA, R 23059, ‘The Liquidation of German firms in England and the British colonies’, Mar. 1919, p. 40.

<sup>52</sup> NA, PT 1/21, Report on the work of the Trading with the Enemy Department, 20 Jul. 1916.

securities and bonds.<sup>53</sup> Finally, around £15 million of enemy assets were recorded in Ireland, Scotland, India, New Zealand, South Africa, and other parts of the British Empire.<sup>54</sup>

### *Enemy Property in France*

Just a few days after the war declaration, the French authorities ordered the registration and soon after the internment (or the expulsion) of Germans, Austro-Hungarians, Bulgarians, and Ottomans.<sup>55</sup> Authorities frequently improvised since such actions, like in the British instance, had not been prepared in advance. However, they did move rapidly, and radicalization of persecution went just as quickly. Economic persecution began in late September 1914 when the government issued a decree prohibiting trade relations with Germany, Austro-Hungary, and enemy nationals. Other enemy countries such as Bulgaria and the Ottoman Empire were included in the next years. According to the decree, any money transfer to enemy citizens and firms was frozen, and it was forbidden for French nationals and companies to sign new contracts with them. Although the consequences in the private economic sphere were significant, the provision was only aimed at breaking all commercial relations between the two countries.

The property of enemy citizens in France or the colonies was not even mentioned. But the judiciary took the initiative to widen the scope of such a legislation. On October 2, 1914, the court of Le Havre extensively interpreted the decree and thus ordered the sequestration of a firm owned by German nationals.<sup>56</sup> That decision became the decisive turning point for the economic persecution of enemy citizens in France. From that point on, other courts aligned themselves with that ruling. By doing so, the judiciary compelled the government to leave its cautious attitude and intervene in the sphere of property rights of enemy aliens. With two circulars sent on October 6 and 13, indeed, the government authorized the sequestration of all private assets belonging to enemy citizens in France and the colonies. In the following years, the executive broadened the economic persecution with other decrees to punish those who infringed the trade ban (April 1915), or suspending in-

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<sup>53</sup> NA, PT 1/21, Report to be made by the Custodian to Sir H. Babington Smith's Committee, 6 Dec. 1916.

<sup>54</sup> NA, PT 1/21, Public Trustee Office. Trading with the Enemy Department, Enemy Assets in Colonies, undated [Dec. 1916].

<sup>55</sup> Caglioti, *War and Citizenship*, pp. 119, 148–50, and Jean-Claude Farcy, *Les camps de concentration français: de la première guerre mondiale (1914-1920)* (Paris: Anthropos, 1995).

<sup>56</sup> Caglioti, *War and Citizenship*, pp. 166–7, and Annie Deperchin, “Le juge et les biens allemands en France pendant la Première guerre mondiale,” in *La Politique et La Guerre. Pour Comprendre Le XXe Siècle Européen. Hommage à Jean-Jacques Becker*, ed. Stephen Audouin-Rouzeau et al. (Paris: A. Viénot; Noesis, 2002), pp. 82–6.

dustrial patents owned by enemy citizens (May 1915). Furthermore, authorities compelled French citizens to report assets, debts or credits belonging to enemy nationals or firms that they were aware of in France (January 1916) and in the regions occupied by the Central Powers (July 1917). Eventually, from July 1916 on, France issued and frequently revised the so-called ‘blacklists’ to prohibit trade relations with enemy citizens and companies in neutral countries.<sup>57</sup>

In addition to that, the persecution also targeted persons who did not possess German, Austro-Hungarian, or Ottoman nationality. Authorities put under surveillance foreigners coming from neutral countries (like Switzerland or the Netherlands), interned some of them and often seized their assets. Naturalized French citizens who came from enemy countries were persecuted, too. Since the beginning of the war, nationalist press and many lawmakers denounced the presence of ‘false’ French nationals who, despite keeping ties with their countries of origin, could run their own business and plot against France. In late 1914, shortly before being appointed as minister of Commerce, Étienne Clémentel claimed that ‘the Stock Exchange [was] full of spies, naturalized citizens and so on. Securities from Germany were being sold in Paris [...]. France has been expropriated. We are not yet sovereign in our own country.’<sup>58</sup> On two occasions (April 1915 and June 1917), the parliament passed laws to denaturalize Germans and Austro-Hungarians who had got naturalized before the outbreak of the war.<sup>59</sup> Once deprived of citizenship by a judicial procedure, they were sent to internment camps whereas private assets were put under seizure. During the war, 549 individuals (473 men and 76 women) of German or Austro-Hungarian origin suffered this fate.<sup>60</sup> Though initially conceived as a temporary measure (it was possible to revoke naturalization only five years after the end of the war), judicial denaturalization became a permanent provision of the new citizenship law in 1927 (Article 9 paragraph 5, and Article 10).<sup>61</sup>

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<sup>57</sup> See also Raymond Poidevin, “La guerre menée par la France contre les intérêts économiques allemands 1914-1918,” in *Péripéties franco-allemandes: Du milieu du XIXe siècle aux années 1950. Recueil d’articles* (Berne: Peter Lang, 1995), pp. 237–44.

<sup>58</sup> Georges-Henri Soutou, *L’or et le sang: les buts de guerre économiques de la Première Guerre mondiale* (Paris: Fayard, 1989), p. 235.

<sup>59</sup> Caglioti, *War and Citizenship*, pp. 276–9, and Deroussin, “The Great War and Private Law”, pp. 191–3.

<sup>60</sup> Patrick Weil, *How to Be French: Nationality in the Making since 1789* (Durham: Duke University Press Books, 2008), pp. 60–3.

<sup>61</sup> Ivi, pp. 67–71, 242.

Unsurprisingly, the courts kept playing a central role in that matter. The judiciary was charged by the executive with the administration of seized assets,<sup>62</sup> but it operated under the supervision of the Ministry of Foreign Affairs and the Ministry of Justice. The government also created two special agencies to regulate the matter, the *Office des Séquestres* which operated within the Department of Civil Affairs at the Ministry of Justice since the autumn of 1914, and the *Office des Biens et Intérêts Privés* (OBIP) which was dependent on the Ministry of Foreign Affairs since 1916. During the war, these offices acquired growing importance within the administration up to the point of employing hundreds of officials in the early 1920s. Furthermore, they cooperated to draft the legislation and the administrative circulars; coordinated the relations among courts, government, and parliament; released detailed instructions to judicial administrators; finally, influenced the crucial decisions regarding the fate of seized enemy assets and the extent of the persecution. In particular, two men played a key role in heading the two agencies: Pierre Jaudon and Charles Alphand. Thanks to their activity during and after the war, these two *commis d'états* gained unique expertise in the field of economic warfare, which was appreciated by the administration and private business. 'For their assets, rights, and interests, the French merchants and industrialists found in the Treaty of Versailles [...] effective safeguards—as the Ministry of Commerce claimed in the early 1920s—that they owe, for a very large part, to the joint activity of Mr. Alphand, Mr. Jaudon, the Ministry of Justice and my department.'<sup>63</sup>

While Jaudon and Alphand embodied the strong cooperation between the Ministry of Justice and the Ministry of Foreign Affairs, a minor role was played by economic and financial ministries such as the Ministry of Commerce. Although Étienne Clémentel—who served as minister of Commerce from 1915 until 1919—was a vocal supporter of inter-allied cooperation in the economic warfare against Germany, his administration was not directly involved in the supervision of seized assets. The lack of intervention by administrations with specific economic and financial expertise had two relevant consequences. The management of enemy assets was considered a matter of public order and national security, wherein the judiciary strongly cooperated with police authorities. In contrast, no institution with expertise in economics and finance was involved. Courts put private assets under the supervision of law-trained officials without adequate skills, who were generally unable to

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<sup>62</sup> David Deroussin, "The Great War and Private Law: A Delayed Effect," *Comparative Legal History* 2, 2 (2014), pp. 196–8.

run businesses. As a result, mismanagement, corruption, and waste of resources characterized the administration of enemy assets, vanishing hopes of gaining significant benefits for the French economy.

Already during the conflict, German diplomacy protested the administration of the seized property. French authorities systematically mismanaged German assets by limiting economic activity in favor of French competitors, charging high taxes, or paying French creditors through the sale of a portion of the seized property. In many cases, furthermore, administrators appointed by courts were accused of incompetence and illegal practices. “There is no doubt that the practice of the French administrators in many cases shows a procedure that has anything in common with conservative measures. The administrator [...] is first and primarily the representative of French national interests, whose task is chiefly to protect the rights of French creditors and to provide the French state with an economic pledge.”<sup>64</sup> However, German notes had no result.<sup>65</sup> The most blatant case was the liquidation of the Union and Orient paddies in Saigon in April 1915. Owned by the German company Speidel & Cie., whose manager was the French naturalized Walter Speidel, local authorities seized and then liquidated the two paddies at prices far below their market value.<sup>66</sup> However, similar situations happened especially in the colonies where the power of central authorities was weaker. In France, by contrast, the executive aimed to keep a large part of seized assets untouched until the peace negotiations. Fears of retaliations from the German side in the occupied regions or Alsace-Lorraine worried the French government and industrialists’ associations (such as the *Association pour la défense des intérêts français en Alsace-Lorraine*) that asked the executive to respect a cautious behavior during the war.<sup>67</sup>

During the war, France became along with the UK the main supporter of economic warfare against the Central Empires and their citizens. The peak of those efforts was the Paris Economic Conference in June 1916 when the Entente outlined a joint strategy to

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<sup>63</sup> ADLC, Personell, 3, Commerce to Ministry of Foreign Affairs, 23 Jul. 1923.

<sup>64</sup> BArch, R 3001/7731, *Die Sequestration und Liquidation deutscher Vermögen in Frankreich*, Berlin, 1917, p. 8.

<sup>65</sup> See diplomatic notes and reports in PAAA, R 25854, and BArch, R 904/519, R 901/8546 and R 901/8547.

<sup>66</sup> Poidevin, “La Mainmise”, p. 570, and Poidevin, “La guerre menée par la France”, pp. 239–40. See also BArch, R 3001/7731, *Die Sequestration und Liquidation deutscher Vermögen in Frankreich*, Berlin, 1917, p. 40 and documents in PAAA, R 25854. On the history of the Speidel company in Indochina see Bert Becker, *France and Germany in the South China Sea, c. 1840-1930: Maritime Competition and Imperial Power* (Cham: Palgrave Macmillan, 2021), pp. 210–21, 283–92.



strangle Germany and its allies.<sup>68</sup> From a legal point of view, the seizure of enemy assets was aimed at ‘preserving’ property rights of the owners during their absence and, at the same time, at preventing such activities from benefiting the enemy countries. The seizure was considered an exceptional measure, which did not formally violate the property rights of enemy citizens. Yet sequestrations were instrumental to other purposes. As argued by Aristide Briand, who served as minister of Justice, enemy assets also represented an ‘economic hostage’ to be used as a pledge for reparations. The Ministry of Foreign Affairs was even more explicit. In March 1916, a French diplomatic note claimed that one of the major goals for the postwar period was ‘to eliminate the enemy [presence] from the Allied countries and to be protected against the return of Germanic industrialists, bankers, and engineers.’<sup>69</sup> It implied that seized assets, or at least a large part of them, were not to be returned to their legitimate owners.

By May 1916, French authorities issued 13,627 seizure orders.<sup>70</sup> The bulk of seized assets were money transactions and bank accounts (5,927), followed by individual property such as real estate or personal possessions (4,404), and lastly firms, companies, and factories (3,296). On a territorial basis, the largest percentages were located in the departments of Paris, Nancy, Besancon, Aix-en-Provence, and Lyon. Within the French Empire, despite the lack of detailed statistics, over 800 seizure orders were registered in the North African colonies (such as Algeria, Tunisia, and Morocco). Authorities reported lesser cases in the rest of the French colonies in Asia, Africa, and South America. According to German sources, those provisions affected 91,796 Germans and 12,621 Austro-Hungarians.<sup>71</sup> At that time, just 1,668 persons were charged with the administration of seized assets, consisting mainly of public officials, lawyers, and notaries who, albeit lacking business skills, re-

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<sup>67</sup> See the document sent to French delegation by the association on June 1917, in *Conférences des délégués des gouvernements de Belgique, de France et de Grande-Bretagne au sujet des biens et intérêts privés en pays ennemis et occupés par l'ennemi*, pp. 98–9.

<sup>68</sup> On the Paris Economic Conference see Soutou, *L'or et le sang*, pp. 233–71.

<sup>69</sup> Soutou, *L'or et le sang*, p. 126.

<sup>70</sup> Maurice Vallet, *Répertoire de l'avant-guerre. Répertoire professionnel et régional des établissements industriels et commerciaux allemands et autrichiens mis sous séquestre en France pendant la Grande Guerre (d'après les publications du "Journal officiel")*, (Paris: Nouvelle librairie nationale, 1916), p. XCLI. That figure is higher than the number (12,202) reported in Raymond Poidevin, “La Mainmise Sur Les Biens Ennemis Pendant La Première Guerre Mondiale,” *Francia* 2 (1975), p. 566.

<sup>71</sup> BAArch, R 3001/7731, *Die Sequestration und Liquidation deutscher Vermögen in Frankreich*, Berlin, 1917, p. 14. The report was prepared by the *Reichskommissar zur Erörterung von Gewalttätigkeiten gegen deutsche Zivilpersonen in Feindesland*.

ceived generous remuneration.<sup>72</sup> Altogether, as estimated by Poidevin, German factories under French control were worth about 1 billion francs.<sup>73</sup>

### *Enemy Property in Italy*

After almost ten months of neutrality, on May 24, 1915, Italy declared war on Austro-Hungarian Empire. The entrance of Italy into the conflict, however, did not result in total adherence to the Allies' goals. Remarkably, the government did not declare war on the German Empire. Also, in spite of pressing demands coming from public opinion and the Allies, the country was reluctant to join the economic warfare against the Central Powers.<sup>74</sup> In the early stages of the conflict, the Italian government sought to preserve economic and financial relations with Germany and, at the same time, to prevent retaliation measures against Italians abroad (including the large Italian-speaking community in the Habsburg Empire). According to the Bollati-Jagow agreement signed by Italy and Germany just a few days before entering the war (May 21, 1915), both parties were committed to preserve private interests and property rights from any sort of persecutory provisions on a reciprocal basis.<sup>75</sup> This 'special relationship,' though, could not last so much. Tensions and mutual accusations of violating those provisions increased between the end of 1915 and the first months of 1916 until the agreement was declared void by Italian diplomacy in February 1916. Nonetheless, the attitude of the Italian government remained hesitant and drew public criticism.<sup>76</sup>

It was only after the Paris Economic Conference that Italy accepted to coordinate its efforts with the other Allies, including the economic warfare against Germany and its citizens. In the following months, the cabinet declared war on the German Empire and passed some decrees related to the economic persecution. The government deprived German citizens of legal capacity and prohibited trade relations with them (including repaying debts or other sums of money). In August 1916, the executive put all firms, companies, or other economic activities owned by enemy nationals (Germans, Austro-Hungarians, and

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<sup>72</sup> André Pinoche, *Le séquestre et la liquidation des biens de sujets ennemis en France et en Allemagne* (Bar-le-Duc: Impr. de Constant-Laguerre, 1920), pp. 87–9.

<sup>73</sup> Poidevin, *Les relations économiques et financières*, p. 743.

<sup>74</sup> Cristiano La Lumia, "From Protection to Liquidation. The Case of the Milanese Jurists and Enemy Alien Property (1915–1920)," *European Review of History: Revue Européenne d'histoire* 28, 2 (2021), pp. 199–219.

<sup>75</sup> The French version of the agreement is reported in Documenti Diplomatici Italiani, *Quinta serie: 1914-1918. Volume III (2 marzo - 24 maggio 1915)* (Roma: Istituto Poligrafico dello Stato, 1985), pp. 570–1.

<sup>76</sup> Caglioti, "Germanophobia and Economic Nationalism," pp. 153–4.

Ottomans) under ‘surveillance’ (*sindacato*) or sequestration. Local administration (prefectures and revenue offices) was charged with enforcing seizures. As a general rule, unlike France, the administrators appointed by local authorities were public officials coming from prefectures and local revenue offices (*Intendenze di Finanza*), while lawyers, notaries, or other private experts were left aside. Furthermore, a special inter-ministerial committee (*Comitato pel commercio coi sudditi nemici*) was created to coordinate the provisions. Head of the committee was Mariano D’Amelio (1871–1943), a judge and high official of the Ministry of Justice who played a key role in the legislative activity of the Italian government during the war.<sup>77</sup> Subsequently, Italy forbade payments toward all enemy citizens and firms (April 1917), suspended the validity of industrial patents belonging to the latter (April 1917), and issued the ‘blacklists’ to prohibit trade relations with enemy firms in neutral countries (August 1917).<sup>78</sup> Likewise, Italian authorities applied those measures in the colonies, especially in Libya.<sup>79</sup>

The Ministry of Foreign Affairs, in particular its legal department—officially called as Office of Diplomatic Litigation (*Ufficio del Contenzioso Diplomatico*)—played a key role as well. During the war, it contributed to in framing legislative and administrative measures regarding the treatment of enemy property. In particular, the most relevant official was Arturo Ricci-Busatti (1868–1923), head of the office since 1908. During the war, he became the most prominent legal advisor of Sidney Sonnino who served as minister between 1914 and 1919.<sup>80</sup> Unlike other members of the government (especially the ministries of Interior

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<sup>77</sup> Appointed as director of the legislative office of the Presidency of the Council in 1915, D’Amelio became the liaison figure between the executive and judiciary since he also cooperated with the chief of the Italian Supreme Court, Lodovico Mortara. Serving in many administrative and legislative agencies, D’Amelio became one of the main experts in war legislation (including the economic persecution of enemy citizens). In the aftermath of the war, thanks to his expertise, D’Amelio joined the Italian delegation to the Paris peace conference and contributed with his British and French colleagues in drafting the economic clauses of the Treaty of Versailles concerning the liquidation of enemy assets. In 1920, D’Amelio was appointed as an Italian delegate at the Commission of Reparations. His career reached its peak in the next few years. From 1923 until his death, he served as the first judge of the Supreme Court (succeeding Mortara, who was forced to resign due to his opposition to fascism) and became a top-ranking official of the fascist regime. On Mariano D’Amelio’s biography, see Antonella Meniconi, *Storia della magistratura italiana* (Bologna: Il Mulino, 2012), pp. 193–203. On Lodovico Mortara, see Massimiliano Boni, *Il figlio del rabbino. Lodovico Mortara, storia di un ebreo ai vertici del Regno d’Italia* (Roma: Viella, 2019).

<sup>78</sup> On the economic war waged by Italy, see Caglioti, “Germanophobia and Economic Nationalism,” pp. 154–60, and Daniela L. Caglioti, “Why and How Italy Invented an Enemy Aliens Problem in the First World War,” *War in History* 21, 2 (2014), pp. 159–62, 165–6.

<sup>79</sup> For the treatment of German property in Libya, see PAAA, R 73102.

<sup>80</sup> Within Italian diplomacy, Ricci-Busatti was certainly among the most important experts in international law. After studying law at the University of Siena under Vittorio Scialoja, one of the most renowned jurists between the 1880s and the 1930s, Ricci-Busatti began a diplomatic career in 1891, and his entire life was

and Commerce), Ricci-Busatti embodied the cautious attitude of Italian diplomacy. Committed to respecting international law, and fearing that hasty decisions might have caused damage ‘national interests’ (including the situation of Italian emigrants in Germany and Italian-speaking communities in the Austro-Hungarian Empire), the diplomat insisted on moderating claims of extreme measures against enemy citizens and keeping economic nationalism at bay. As long as Ricci-Busatti headed the Office of Diplomatic Litigation, indeed, the Ministry of Foreign Affairs countered the most extreme demands coming from other ministries and forced the executive to maintain a careful stance, albeit in dissent from public opinion.

Officially, also in Italy, the aim was to ‘preserve’ enemy property during the absence of owners, not to confiscate them. Despite pressures coming from local administration and relevant sectors of public opinion, including lawyers and legal scholars,<sup>81</sup> the central government kept a cautious attitude seeking to avoid too harsh measures against German capital and investments. However, after the defeat of Caporetto (October–November 1917), the country was shocked by the Austro-Hungarian and German occupation of some north-eastern provinces, and public opinion forced the government to adopt more severe measures against enemy nationals. According to a new decree passed in January 1918, the government imposed compulsory residence and internment for all enemy citizens. Also, the decree introduced a special procedure to ‘suspend’ (not revoke) naturalization of individuals having origin in the enemy countries who had acquired Italian nationality in the previous ten years. Unlike France and the UK, however, there is no evidence that such a process was ever activated.

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committed to the formulation of international law. As a legal advisor of the Ministry of Foreign Affairs, he joined the Second Hague Conference in 1907 and then took part in several international arbitrations in the early 1910s. Together with Dionisio Anzilotti (who was also a close friend of Ricci-Busatti), professor of International Law at the University of Rome and judge of the Permanent Court of International Justice, he was editor of the Italian Journal of international law, which had been founded in 1906. By doing so, Ricci-Busatti merged its diplomatic activity with academic research on international law. His career reaches its peak in the aftermath of the war. As an Italian delegate at the Paris peace conference, Ricci-Busatti joined the Drafting Committee of the treaty and the League of Nations Commission. In the early 1920s, finally, the Italian diplomat was among the drafters of the statute of the Permanent Court of International Justice. For a biographical profile, see Elisabetta Fiocchi Malaspina, “The Italian jurist and diplomat at the Advisory Committee of Jurists,” in P. Sean Morris, ed., *The League of Nations and the Development of International Law: A New Intellectual History of the Advisory Committee of Jurists*, Routledge Research in Legal History (London and New York, 2022), pp. 218–31.

<sup>81</sup> Cristiano La Lumia, “From Protection to Liquidation. The Case of the Milanese Jurists and Enemy Alien Property (1915–1920),” *European Review of History: Revue Européenne d'histoire* 28, 2 (2021), pp. 199–219.

Eventually, the decree established that all movable and immovable property belonging to enemy citizens should have been put under surveillance or seizure. In the following months, local Italian authorities sequestered bank accounts, real estate, land lots, churches, scientific and cultural institutions, and personal possessions. Just a few weeks after the armistice, the Italian government issued a new decree unifying measures adopted during the war, but the content was practically identical.<sup>82</sup> As in other countries, the administration of the sequestered assets committed several cases of abuse.<sup>83</sup> Yet, despite the radicalization of the economic persecution, Italy was determined to avoid confiscation. The goal of the cabinet was to reach an agreement with Germany for the restitution of private assets.

Overall, despite the problems of calculating the amount of seized property, by December 1917, the Italian authorities sequestered 442 million lire of enemy property, mostly belonging to Germans (300 million) and Austro-Hungarians (138 million). They were concentrated mostly in the main large cities such as Milan, Genoa, Rome, Turin, Florence, and Naples. According to official statistics, economic activities (including banks, insurance companies, or shipping lines) under seizure or surveillance were 359, mostly owned by Germans (245) and Austro-Hungarians (74). Among them, however, there were also small businesses (such as barbershops or bookstores). Rather, companies belonging to enemy aliens with ‘friendly’ national origin (such as Italian-speaking individuals having Austro-Hungarian subjecthood, Ottomans of Jewish, Armenian, or Syrian origin, or Germans coming from Alsace-Lorraine) were excluded from the survey.<sup>84</sup> Yet those figures were incomplete since they did not include real estate and all other personal possessions which were seized starting from January 1918.

## The German Economic Warfare

### *Germany and the Pre-War Globalization*

Between 1871 and 1913, the German Empire experienced tremendous economic growth. It became one of the leading global actors, challenging the primacy of Great Brit-

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<sup>82</sup> D. L. n. 1829, 28 Nov. 1918.

<sup>83</sup> See reports in BArch, R 904/519.

<sup>84</sup> For the results of the survey, see *Censimento dei beni appartenenti a sudditi nemici in Italia (Dati risultanti al 31 dicembre 1917)* (Roma, 1920), in ASMAECL, Serie Z-Contenzioso, b. 184, fasc. «Beni ed interessi tedeschi in Italia. Proposta tedesca per il riscatto in blocco dei beni e degli interessi dei sudditi germanici».

ain and France, even though the German colonial empire was quite small in comparison with the other European powers. According to Cornelius Torp, Germany was ‘the second-largest trading nation in the world,’ which ‘played a key role in the global economy.’<sup>85</sup> In 1913, for instance, German exports corresponded to 13.1% of world trade, which was slightly lower than the British percentage (14%) but far higher than the French one (7.3%).<sup>86</sup> Furthermore, ‘Germany’s merchant marine in 1914 was the world’s second largest. More than 5 million tons sailed under the German flag.’<sup>87</sup> Before the war, despite the trade tariffs adopted by European states and the United States, the trade volume constantly grew in value terms, rising from 9.6 billion marks (1899) to 20.1 billion (1913), and in physical terms, from 75 million tons (1899) to 146 million (1913). Between 1880 and 1913, however, the trade balance of Germany was always negative since its imports exceeded exports (with the only exception of the years 1890-1894).<sup>88</sup> As a result, the country was dependent on foreign markets for foodstuff, raw materials (including critical resources such as iron ore and manganese), and other goods, and its spectacular growth between the 1880s and 1914 was strictly linked to the world economy.<sup>89</sup> Besides the fact that more than 35% of its Gross Domestic Product (GDP) derived from foreign trade, Germany was the third-largest world investor whose Foreign Direct Investments (FDI) were worth over 31 billion gold marks (corresponding to 10% of its GDP).<sup>90</sup> Thanks to its large investments abroad, furthermore, the German economy had a source of constant yearly revenues (between 1.5 and 2 billion marks) which stimulated exports and new investments.<sup>91</sup> But the German Empire was part of the global networks also from the point of view of people’s mobility. Defined as a ‘society of migration’ (Thomas Mergel), a large part of its population left Germany to migrate to Europe as elsewhere, but several thousand migrants coming from the Russian Empire, Italy, Denmark, or the Austro-Hungarian Empire entered the country

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<sup>85</sup> Cornelius Torp, *The Challenges of Globalization: Economy and Politics in Germany, 1860-1914* (New York: Berghahn Books, 2014), p. 4.

<sup>86</sup> Nehemiah Robinson, “German Foreign Trade and Industry After the First World War,” *The Quarterly Journal of Economics* 58, 4 (1944), p. 620.

<sup>87</sup> Michael B. Miller, *Europe and the Maritime World: A Twentieth-Century History* (Cambridge: Cambridge University Press, 2012), p. 226.

<sup>88</sup> N. Molodowsky, “Germany’s Foreign Trade Terms in 1899–1913,” *The Quarterly Journal of Economics* 41, 4 (1927), pp. 666, 675, and Walther G. Hoffmann, *Das Wachstum der deutschen Wirtschaft seit der Mitte des 19. Jahrhunderts* (Berlin: Springer-Verlag, 1965), p. 151.

<sup>89</sup> Fritz Fischer, *War of Illusions: German Policies from 1911 to 1914* (New York: W. W. Norton & Company, 1969), pp. 4–5.

<sup>90</sup> Mira Wilkins, *The History of Foreign Investment in the United States to 1914* (Cambridge, MA: Harvard University Press, 1989), p. 169, and Torp, *The Challenges of Globalization*, p. 268.

<sup>91</sup> Robinson, “German Foreign Trade,” p. 626.

as well.<sup>92</sup> In sum, on the eve of the war, Germany was well-integrated into the world economy and global networks. It largely benefited from them as well as was dependent on them. Such a situation proved to be a double-edged sword. What was an asset, however, turned into a source of weakness.

*Disconnected from the World Economy: Germany and the Economic War*

During WWI, the Central Empires experienced a hitherto unprecedented situation of economic isolation and social prostration. For the first time, the most important political and imperial players of the world—Great Britain, France, the Tsarist Empire, and, later, the United States—mobilized their means to exclude a major industrial and economic power from the world trade and international markets. Thus, they waged a sort of siege on a global scale. As Adam Tooze and Ted Fertik showed, WWI did not cause the collapse of globalization, but—contrary to Norman Angell’s prediction—proved that imperial powers could ‘activate’ and reshape the world economy for political purposes. ‘For the Central Powers it was hard to avoid the impression that 1914 meant not so much the end of globalization, as the mobilization of the world economy against them, a latter day proof of Friedrich List’s fear that *laissez-faire* was a fig leaf for British supremacy.’<sup>93</sup>

As a result of the blockade, the Central Empires experienced a shortage of food and other essential products (such as cotton and wool) that nearly degenerated into mass starvation, causing between half a million and 800,000 civilian victims only in Germany, and contributed to the military defeat and then the political turmoil of the November Revolution.<sup>94</sup> But there were far-reaching consequences in the economic and commercial sphere as well. Since Germany was heavily dependent on the import of raw materials (cotton, wool, rubber, copper, and many metals required in industrial processes) and its fleet was out of action, the shortage became more and more acute, and strategies to break the Allied blockade (for instance, through unrestricted submarine warfare) proved to be unsuc-

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<sup>92</sup> Thomas Mergel, “The Kaiserreich as a Society of Migration,” in Sven Oliver Müller and Cornelius Torp, eds. *Imperial Germany revisited: continuing debates and new perspectives* (New York: Berghahn Books, 2011), pp. 267–80.

<sup>93</sup> Adam Tooze and Ted Fertik, “The World Economy and the Great War,” *Geschichte und Gesellschaft* 40, 2 (2014), p. 220.

<sup>94</sup> For a general overview of the social and psychological consequences of the blockade in Germany, see Charles Paul Vincent, *The Politics of Hunger: The Allied Blockade of Germany, 1915-1919* (Ohio: Ohio University Press, 1985), and N. P. Howard, “The Social and Political Consequences of the Allied Food Blockade of Germany, 1918–19,” *German History* 11, 2 (1993), pp. 161–88.

cessful.<sup>95</sup> More than ever, during the war, the political leadership realized how important economic interdependence was for the survival of the country, even because attempts to implement effective self-sufficiency of foodstuff and raw materials failed miserably.

Contrary to Fritz Fischer, his pupils, and the Marxist historiography that regarded the ambition of economic supremacy as the driving force behind German ‘world politics,’ in July 1914, the Wilhelmine leadership showed little interest in taking into account the consequences of a war declaration for the German economy. The lack of adequate preparation for long-term economic warfare in the months before the war declaration was corroborated by the documents Fischer himself examined in his *War of Illusions*.<sup>96</sup> As economic historians Werner Plumpe, Dieter Ziegler, and Volker Berghahn recently pointed out, the representatives of the private business had no direct access to the political and military circles or the Kaiser (with the exception of Albert Ballin, a tycoon of the shipping industry). Anyway, all of them regarded the war as the worst-case scenario to be utterly avoided.<sup>97</sup> Ballin together with Max Warburg and other bankers like the Rothschilds sought in every way to dissuade Wilhelm II and Chancellor Bethmann-Hollweg from declaring war. But their effort had no success.<sup>98</sup> They were aware that Great Britain and France could cause huge damage to Germany, whose economic dependence on world trade was vital. Nonetheless, after August 1914, instead of being the main force behind political choices, the German industrial and financial circles had to cope with the war economy. Although some of them made large profits, the German economy was forced to deal with the exclusion from world trade. Undeniably, representatives of heavy industry, organizations such as the Pan-German Association, and leading figures such as Ballin or Walther Rathenau contributed to defining German war aims, which included annexations in Europe and the colonial expansion in Africa.<sup>99</sup> But this does not exclude that it was a second-best choice. These plans, although not new in the public debate, were drawn up after the declaration of war, when it was clear that economic forces had to quickly come to terms with the new situa-

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<sup>95</sup> Miller, *Europe and the Maritime World*, pp. 227, 230–1.

<sup>96</sup> Fischer, *War of Illusions*, pp. 439–42.

<sup>97</sup> Werner Plumpe, “Die Logik des modernen Krieges und die Unternehmen: Überlegungen zum Ersten Weltkrieg,” *Jahrbuch für Wirtschaftsgeschichte / Economic History Yearbook* 56, 2 (2015), pp. 325–58, and Dieter Ziegler and Jan-Otmar Hesse, eds., *1919 – Der Versailler Vertrag und die deutschen Unternehmen, 1919 – Der Versailler Vertrag und die deutschen Unternehmen* (Oldenbourg: De Gruyter, 2022).

<sup>98</sup> Volker R. Berghahn, *American Big Business in Britain and Germany: A Comparative History of Two “Special Relationships” in the 20th Century* (Princeton and Oxford: Princeton University Press, 2015), pp. 106–13.

<sup>99</sup> Fischer, *War of Illusions*, pp. 516–22.



tion. The call for the establishment of a strong customs and trade union in continental Europe, the so-called *Mitteleuropa*, was not a new idea since it had its ideological roots in the ‘economic imperialism’ developed especially since the 1880s,<sup>100</sup> but was openly supported by economic forces in reaction to the blockade imposed by the British Empire.

Throughout the war, the awareness of the strategic importance of access to international markets became increasingly strong in public opinion and within the institutions. Policymakers, lawmakers, scholars, and economists quickly realized that being disconnected from the world economy was a catastrophe. Among them there was Gustav Stresemann. Even before the war, he already foresaw that global tensions between the major European powers and the United States stemmed from the control of markets and world trade.<sup>101</sup> The military deadlock on the western front made it clear that the war had quickly turned into a global economic conflict between Germany and the British Empire, and thus access to international markets was at stake. Besides the blockade and the seizure of mercantile ships, the persecution of German citizens abroad was part of the British strategy to annihilate and ruin Germany.<sup>102</sup> The loss of investments abroad, intellectual property, factories, and other kinds of physical assets was a major threat to the economic recovery of Germany after the war, and saving what could be saved was the priority of private and public actors. The perception of economic competition ‘as simply an extension of political competition,’ and thus of the war as an ‘extension of commercial rivalry,’<sup>103</sup> especially between the Great Britain and Germany, became commonplace in public opinion, and even in the legal scholar community.<sup>104</sup>

Another relevant actor was the Kiel-based Institute for the World Economy (*Institut für Weltwirtschaft*) which played an important role in gathering information about economic

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<sup>100</sup> Woodruff D. Smith, *The Ideological Origins of Nazi Imperialism* (New York Oxford: Oxford University Press, 1989).

<sup>101</sup> Gustav Stresemann, „Handel und Industrie,“ in *Das Jahr 1913; Ein Gesamtbild der Kulturentwicklung* (Leipzig-Berlin: Sarason, 1913), pp. 200–1, quoted in Fischer, *War of Illusions*, p. 3.

<sup>102</sup> Gustav Stresemann, *Das deutsche Wirtschaftsleben im Kriege* (Leipzig: Hirzel, 1915), and *Englands Wirtschaftskrieg gegen Deutschland* (Stuttgart-Berlin: Deutsche Verlags-Anstalt, 1915). On Stresemann, see also Siegert, *Staatschaftung*, pp. 147–8.

<sup>103</sup> David Hamlin, *Germany's Empire in the East: Germans and Romania in an Era of Globalization and Total War* (Cambridge: Cambridge University Press, 2017), p. 252.

<sup>104</sup> Ivi, pp. 253–61. For instance, see the work of the German-Swiss lawyer and journalist Arthur Curti, *Handelsverbot und Vermögen in Feindesland: Gesetzgebung und Praxis von England, Frankreich, Deutschland, Italien, Österreich und Russland während des Krieges 1914/15. Eine neutrale Darstellung* (Berlin: C. Heymann, 1916). On the relevance of Anglophobia within the German wartime propaganda, see Matthew Stibbe, *German Anglophobia and the Great War, 1914-1918* (Cambridge: Cambridge University Press, 2001).

warfare and promoting awareness of global economic interconnectedness among the political élite, business circles, and scholars. In particular, the economist Bernard Harms, who had founded the institute before the war (and led it until 1933), created a wide network of lawmakers (Stresemann), industrialists, and bankers (like Ballin and Warburg), but also military circles (especially in the navy) and nationalist associations. During the war, Harms promoted the publication of a series of monographs about the economic war, and the institute's official journal, the *Weltwirtschaftliches Archiv*, left room for young economists and jurists (like the pacifist Hans Wehberg) who gathered information about the economic consequences of war on a global scale. The Institute worked as an intelligence agency and helped the government in following the evolution of economic warfare.<sup>105</sup> Similarly, throughout the war, the press offices of the Ministry of Justice scrutinized newspapers coming from the enemy and neutral countries about the fate of private property and the treatment of German citizens and gathered a lot of information regarding economic warfare.<sup>106</sup> At the same time, starting from October 1914, the Chancellery created a special agency, the Reich Commissioner to Hear Cases of Violence Against Civilians in Enemy Territory (*Reichskommissar zur Erörterung von Gewalttätigkeiten gegen Zivilpersonen im Feindesland*), which gathered information about the mistreatment of German nationals and violation of their property rights. Throughout the war, it produced several reports for each enemy country and depicted a vivid picture of the impact of economic persecution.<sup>107</sup>

These examples clearly showed that authorities quickly realized the dramatic impact of the blockade and economic warfare on national economy. But even more dangerous was the risk of being permanently excluded even in the aftermath of the war. Especially after the Paris Economic Conference in 1916, such anxiety became widespread. As David Hamlin highlighted, ‘the prospect of a global economy organized against Germany—whether the outcome of conscious state policy or a result of market structures—worried German businessmen and policymakers. Their responses tended to revolve around the use of coercive military pressure to reshape markets and institutions in their own interests, whether through the pursuit of economic empire or through coercive arrangements aimed at organ-

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<sup>105</sup> Gunnar Take, “„Die Objektivität ist durch sein Wesen verbürgt.“ Bernhard Harms‘ Gründung des Kieler Instituts für Weltwirtschaft und sein Aufstieg im Ersten Weltkrieg,” *Demokratische Geschichte*, 26 (2015), pp. 13–74. On the history of the Kiel Institute, see also Gunnar Take, *Forschen für den Wirtschaftskrieg. Das Kieler Institut für Weltwirtschaft im Nationalsozialismus* (Oldenbourg: De Gruyter, 2019).

<sup>106</sup> See materials in BArch, R 3001/7735, R 3001/7727, and R 3001/7712.

<sup>107</sup> Reports of the Reich Commissioner are in BArch, R 901/82939, and R 901/78287.

izing markets to ensure outcomes more favorable to Germany.<sup>108</sup> Even the General Staff led by Hindenburg and Ludendorff understood it, and in a letter to Chancellor Bethmann-Hollweg in May 1917 listed among the war aims the abrogation of resolutions taken by Allies at the Paris Economic Conference.<sup>109</sup> In the late stages of the war, as Hamlin says, German policy was deeply shaped by anxiety about the structure of the postwar global economy.<sup>110</sup> To reverse the isolation imposed by the Allied blockade, Germany placed international trade under strict control and even militarized commercial relations with neutral countries.<sup>111</sup> Furthermore, private companies cooperated with diplomacy to keep trade relations also with enemy countries by developing legal and commercial methods to avoid economic restrictions. Finally, because of the shortage of resources, the military occupation authorities in Belgium, Northern France, and the East harshly exploited local resources, looted the population, and forced thousands of civilians and POWs to work in factories or agriculture. Yet, by the end of 1917, the German leadership had the opportunity to take control of Central Eastern Europe after the collapse of the Russian Empire and thus had at its disposal vast resources to respond to the economic warfare of the Allies.

#### *The Treatment of Enemy Property in Germany*

Even if British and French investments in Germany were quite sizable,<sup>112</sup> the German government had no convenience in starting the economic persecution of enemy citizens since the presence of its nationals (and private investments) in the Allied countries was considerably higher. Nonetheless, on August 4, 1914, the Reichstag passed a law authorizing the central government to adopt economic measures against enemy citizens. The first provision was taken three days later (August 7, 1914), when the executive deprived all subjects residing abroad (regardless of their citizenship) of the right to appeal to the courts. One month later, the Ordinance of September 4, 1914, authorized the central authorities to place enemy firms under state supervision. Between late October and December, the legislation became more stringent, and several enemy companies were put under state surveil-

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<sup>108</sup> David Hamlin, “‘The World Will Have a New Face’: Germans and the Post-World War I Global Economic Order,” *Central European History* 52, 2 (2019), p. 238.

<sup>109</sup> Fischer, *Germany's Aims*, p. 358.

<sup>110</sup> Hamlin, “‘The World Will Have a New Face,’” p. 234.

<sup>111</sup> Marcel Boldorf, “Außenhandel und Blockade,” in Marcel Boldorf, ed., *Deutsche Wirtschaft im Ersten Weltkrieg*, *Deutsche Wirtschaft im Ersten Weltkrieg* (Oldenbourg: De Gruyter, 2020), pp. 479–519.

<sup>112</sup> Herbert Feis, *Europe The World's Banker 1870-1914* (New Haven: Yale University Press, 1930), pp. 23, 27, 51, and 74, and Caglioti, *War and Citizenship*, pp. 364–5, n. 158.

lance.<sup>113</sup> But, as Matthew Stibbe has argued, in the early stages of the war, the official attitude of German authorities toward enemy aliens was ‘largely reactive,’ because those measures were usually conceived as a legitimate retaliation for persecutory measures taken by the Allies.<sup>114</sup>

After the Paris Economic Conference in June 1916, however, Germany responded to the Allies with similarly drastic measures, such as the Ordinance of July 31, 1916, which authorized the central government to liquidate British assets. As for French property, however, the German government began liquidating it only after March 1917. Furthermore, the executive created the Reich Commissioner for the Liquidation of Foreign Enterprises (*Reichskommissar für die Liquidation ausländischer Unternehmen*), and then the Trustee of Enemy Assets (*Treuhänder für das feindliche Vermögen*), which were responsible for controlling and coordinating the administration of seized property.<sup>115</sup> Throughout the war, German authorities concentrated their efforts on some regions like Alsace-Lorraine, Hamburg, and Prussia, where the French and British economic presence was relevant. As for Alsace-Lorraine, for instance, between 1917 and 1918, the government expropriated some French companies to promote the Germanization of the region, while local authorities devised a colonization program inspired by the Prussian Settlement Commission in Eastern regions. But the latter program had never been fulfilled.<sup>116</sup> In 1917, the value of French assets under state control was worth 1.2 billion marks (corresponding to 1.5 billion francs) and included a significant amount of land property, real estate, and economic activities (like coal mines, foundries, textile industries, etc.). By contrast, the treatment of Russian, Italian, and American property was less harsh.<sup>117</sup> After the entry of the United States into the war, however, German authorities gradually extended restrictive provisions against American private interests, establishing the sequestration (December 1917) and later the liquidation (March

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<sup>113</sup> Caglioti, *War and Citizenship*, pp. 165–6.

<sup>114</sup> Matthew Stibbe, “Enemy Aliens and Internment,” in: *1914-1918-online. International Encyclopedia of the First World War*, ed. by Ute Daniel, Peter Gatrell, Oliver Janz, Heather Jones, Jennifer Keene, Alan Kramer, and Bill Nasson, issued by Freie Universität Berlin, Berlin 2014-10-08.

<sup>115</sup> Dirk Hainbuch, *Das Reichsministerium Für Wiederaufbau 1919 Bis 1924: Die Abwicklung Des Ersten Weltkrieges: Reparationen, Kriegsschäden-Beseitigung, Opferentschädigung Und Der Wiederaufbau Der Deutschen Handelsflotte* (Frankfurt am Main: Peter Lang, 2016), pp. 122–31.

<sup>116</sup> Hugo Ott, “Kriegswirtschaft und Wirtschaftskrieg 1914-1918. Verdeutlicht an Beispielen aus dem badisch-elsässischen Raum,” in *Geschichte Wirtschaft Gesellschaft. Festschrift für Clemens Bauer zum 75. Geburtstag* (Berlin: Duncker & Humblot, 1974), pp. 333–58.

<sup>117</sup> Caglioti, *War and Citizenship*, p. 221.

1918) of assets belonging to U.S. citizens and firms. At the end of the war, there were 159 American companies under sequestration in the German Empire.<sup>118</sup>

*Military Occupation and the Treaties with Russia, Ukraine, and Romania: Confiscation, Spoliation, and Economic Imperialism*

In the military-occupied regions, German authorities adopted a harsher stance toward enemy nationals than within national borders. Military authorities expropriated enemy property on a vast scale, or planned to do so in the postwar phase.<sup>119</sup> Historiography on occupied territories showed that the German stance progressively radicalized as the conflict went on and the lack of resources reached a critical point, especially after 1916. Contemporary sources confirm that thesis. In December 1916, for instance, in a letter to a prominent Hamburg-based businessman, Gustav Stresemann suggested that Germany should have left its defensive attitude in the economic war. He prayed that the military authorities in occupied territories exploited those regions as ‘dead pledges’ (*Faustpfänder*) in retaliation for the massive damages suffered by Germans abroad.<sup>120</sup>

In Belgium, one of the war aims consisted of replacing foreign capital in the control of mining factories and railways. Likewise, in May 1918, the government was determined to seize shares of Belgian companies controlling mines in Congo.<sup>121</sup> Military requisitions served the same purpose as well. Between 1915 and 1918, the occupation administration in Belgium seized 215 local companies operating in the mining sector as well as public services and requested a huge amount of property consisting of merchandise, cash, steel, coal, and so on, even if the occupation authorities often cooperated with local business circles and industrialists.<sup>122</sup> In Northern France, the occupation administration waged a spoilation of raw materials, agricultural products, merchandise, factories, machinery, rail convoys, tracks, and any other useful material. Until October 1917, the amount of seized material was worth 1.1 billion francs, even if that number likely underestimated the real value of the

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<sup>118</sup> Caglioti, *War and Citizenship*, p. 259.

<sup>119</sup> For a general overview of the military occupations during the war, see Gustavo Corni, “Occupation during the War,” *1914-1918-online. International Encyclopedia of the First World War*, October 8, 2014, [https://encyclopedia.1914-1918-online.net/article/occupation\\_during\\_the\\_war](https://encyclopedia.1914-1918-online.net/article/occupation_during_the_war).

<sup>120</sup> PAAA, NL 306/157, Stresemann to Albrecht O’swald, 30 Dec. 1916.

<sup>121</sup> Fischer, *Germany’s Aims*, pp. 267, 588–9.

<sup>122</sup> Pierre Tilly and Pascal Deloge, “Milieux économiques belges et occupation allemande de 1914 à 1918 : une stratégie du moindre mal,” *Entreprises et histoire* 68, 3 (2012), pp. 11–27. On the German occupation, see Sophie Schaepdrijver, *La Belgique et la Première Guerre Mondiale* (Brussel: Peter Lang S.A, 2012).

requisitioned assets.<sup>123</sup> During the war, military authorities dismantled an impressive number of firms and factories and sent all materials to Germany, whereas, since October 1916, the most important local banks were put under sequestration. The exploitation of occupied regions was justified as a retaliation for the blockade and the economic war, and only later, starting from mid-1916, the destruction of local industries was aimed at systematically benefiting German competitors and weakening the French economic strength.<sup>124</sup> In occupied Serbia, Germany exploited the economic resources of the country together with Austro-Hungarian and Bulgarian authorities.<sup>125</sup> In the economic and financial agreements with the Ottoman Empire, one of the most significant goals of German policies was the exclusion of British and French capital from the Mesopotamic region through expropriating enemy companies.<sup>126</sup>

In the 1960s and 1970s, in the wake of the controversy raised by Fritz Fischer's work, a young generation of Western German scholars such as Immanuel Geiss—who was Fischer's pupil—argued that the military occupation in Central Eastern Europe was in continuity with aggressive imperialism of the Prussian leadership. After 1915, the Ober Ost pursued a 'population's policy' (*Bevölkerungspolitik*) to change the national-ethnic composition of Eastern regions, including the Baltics or Ukraine, in order to strengthen the local German element.<sup>127</sup> According to Fischer, the settlement of German colonists was among the German war aims since the beginning of the war as shown by the September 1914 program.<sup>128</sup> More recently, Vejas Liulevicius also asserted that the 'discovery' of Eastern Europe by the German army contributed to radicalizing policies in the occupied territories.<sup>129</sup> In addition to that, as Klaus Richter has argued, although Ludendorff's plans for a forced displacement of the Polish-speaking population were not actually implemented, the military authorities requisitioned private property of the population pursuing a deliberate anti-

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<sup>123</sup> Mastin, *Victimes et profiteurs de guerre*, p. 72.

<sup>124</sup> Philippe Nivet, *La France occupée, 1914-1918* (Paris: Colin, 2011), pp. 85–114, and Mastin, *Victimes et profiteurs de guerre*, pp. 61–101.

<sup>125</sup> Tasić, "Between Occupation, Exile, and Unification," pp. 181–2.

<sup>126</sup> Fischer, *Germany's Aims*, pp. 584–6.

<sup>127</sup> Immanuel Geiss, *Der polnische Grenzstreifen, 1914-1918: Ein Beitrag zur deutschen Kriegszielpolitik im Ersten Weltkrieg* (Lübeck: Matthiesen, 1960).

<sup>128</sup> Fritz Fischer, *Germany's Aims in the First World War* (New York: W. W. Norton, 1961), pp. 116–7.

<sup>129</sup> Vejas Gabriel Liulevicius, *War Land on the Eastern Front: Culture, National Identity and German Occupation in World War I* (Cambridge: Cambridge University Press, 2000).

Polish aim and contributed to the devastation of the occupied territories.<sup>130</sup> Between 1915 and 1918, German military authorities, and in particular the governor of Poland General Hans Hartwig von Beseler, also adopted a different approach based on cooperation with the local element in order to establish an independent state run by Poles themselves.<sup>131</sup> Undeniably, the military occupation caused severe damage to the local economy and society. At the end of the war, Poland was the country, which had suffered the greatest damage from the war in terms of physical destruction and was in a state of ‘economic exhaustion.’<sup>132</sup> According to Wojciech Roszkowski, the value of material losses was estimated in 10 billion francs, corresponding to over 10% of Polish national capital.<sup>133</sup> During the war, a significant part of the military leadership planned to alter the national-ethnic composition of Eastern territories, especially after the Brest-Litovsk Treaty, with the aim of building a German political and economic hegemony in the former Tsarist territories. However, imperialistic goals coexisted with a softer approach, which privileged the cooperation with Poles instead of using only violent methods.<sup>134</sup>

The situation got worse after the collapse of the Tsarist Empire. According to Fritz Fischer, the treaties of Brest-Litovsk (March 3), Bucharest (May 7), and Berlin (August 27) showed the true face of the German ‘intolerable hegemony’ in the East based on political supremacy and economic exploitation of the former Russian territories and Romania.<sup>135</sup> Other historians like Egmont Zechlin contested Fischer’s thesis and underlined the precarious situation of food and raw materials shortage that Germany and its allies were suffering because of the economic war waged by the Allies. More recently, Adam Tooze, David Hamlin, and Nicholas Mulder also insisted that German imperialism in the East was deeply conceived as a reaction to the Allied blockade.<sup>136</sup> As argued by Borislav Chernev, the Treaty

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<sup>130</sup> Klaus Richter, *Fragmentation in East Central Europe: Poland and the Baltics, 1915-1929* (Oxford: Oxford University Press, 2020), pp. 256–60.

<sup>131</sup> Jesse Kauffman, *Elusive Alliance: The German Occupation of Poland in World War I* (Cambridge, MA: Harvard University Press, 2015), and Mark T. Kettler, “Designing Empire for the Civilized East: Colonialism, Polish Nationhood, and German War Aims in the First World War,” *Nationalities Papers* 47, 6 (2019), pp. 936–52.

<sup>132</sup> Teichova, “East-Central and South-East Europe,” pp. 893–7.

<sup>133</sup> Wojciech Roszkowski, “The Growth of the State Sector in the Polish Economy in the Years 1918-1926,” *Journal of European Economic History* 18, 1 (1989), p. 106.

<sup>134</sup> For a general overview of the military occupation in Poland, see Stephan Lehnstaedt, “Occupation during and after the War (East Central Europe),” and Piotr Szlanta, “Poland,” in *1914-1918-online. International Encyclopedia of the First World War*, ed. by Ute Daniel, Peter Gatrell, Oliver Janz, Heather Jones, Jennifer Keene, Alan Kramer, and Bill Nasson, issued by Freie Universität Berlin, Berlin 2014.

<sup>135</sup> Fischer, *Germany’s Aims*, pp. 574–82.

<sup>136</sup> Adam Tooze, *The Deluge the Great War, America and the Remaking of Global Order, 1916-1931* (London: Penguin, 2015), Hamlin, “‘The World Will Have a New Face’,” pp. 244–50, and Mulder, *The Economic Weapon*.

of Brest-Litovsk was a fundamental moment in the 20<sup>th</sup> century since it sought to re-organize the Eastern European space and paved the way for the ‘new diplomacy’ for publicity of negotiations in public opinion and the presence of new political actors such as the Bolshevik Russia or Ukraine.<sup>137</sup> Yet Fischer’s judgment recalled the contemporary evaluation in the Allied countries. The well-known British geographer Halford John Mackinder regarded the Treaty of Brest-Litovsk as a vital danger for the Allies since Germany was able to control Eastern Europe, or the Heartland as he called it, and thus was close to being the hegemonic power in the world.<sup>138</sup> The German victories raised not only military concerns. News of peace coming from the Central Empires could weaken the ‘internal front’ in Western countries. To prevent such a risk, wartime propaganda insisted on the oppressive nature of the ‘German peace’ (*see Fig. 1.3*). Confiscation of the enemy property was listed among the most vexatious conditions imposed on defeated countries, especially Romania, because it demonstrated the predatory nature of German imperialism.

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<sup>137</sup> Borislav Chernev, *Twilight of Empire: The Brest-Litovsk Conference and the Remaking of East-Central Europe, 1917-1918* (Toronto: University of Toronto Press, 2017).

<sup>138</sup> Halford John Mackinder, *Democratic Ideals and Reality: With Additional Papers* (New York: Henry Holt and Company, 1919), pp. 183–6.





[Fig. 1, Sergio Canevari, *The German Peace*, Italian poster, 1918]

The situation, though, was quite different. In the case of Russia, private property represented a relevant issue in the relations with Germany. Once the war broke out, the Tsarist Empire seized and liquidated a large part of the property belonging to German citizens and Russian subjects of German origin with far-reaching economic and social consequences. Unlike the Great Britain and France, however, the Tsarist leadership did not want to cut all economic relations with Germany in the aftermath of the war, as demonstrated by the stance of the Russian delegation at the Paris Economic Conference.<sup>139</sup> After the Bolshevik coup, though, the economic persecution carried on but targeted property rights regardless of nationality.

The first step to end the economic warfare was the peace treaty with Ukraine. The two parties reached an agreement for the revocation of all restrictive provisions in the mat-

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<sup>139</sup> Boris Èmmanuilovich Nol'de, *Russia in the Economic War* (New Haven: Yale University Press, 1928), pp. 152–70.

ter of economic warfare, the restoration of property rights together with the restitution of seized assets on a reciprocal basis, and the compensation for private losses that occurred due to ‘measures contrary to the international law.’<sup>140</sup> In the Treaty of Brest-Litovsk, Germany and Russia agreed to posing an end to the economic warfare on a reciprocal basis, too. Exceptional war provisions concerning private interests were revoked, and both parties were committed to restoring property rights, compensating private war damage, and repatriating POWs and civilian internees. Significantly, both parties gave up the right to expropriate private property belonging to citizens of the other country as a form of reparation. Nonetheless, given the new legislation on private ownership, restoration of property rights had no practical effects. Instead of reversing confiscation, the German state accepted the expropriation as a matter of fact and recognized the lawfulness of decrees on nationalization of 1918. Conversely, Bolshevik Russia was obliged to compensate the economic and financial losses of German citizens who had been persecuted as enemy aliens by the Tsarist regime. According to the financial agreement signed in Berlin in August 1918, the Bolshevik regime committed to delivering 6 billion marks, in addition to merchandise, raw materials, and other products, as compensation for private war damages, including the ‘unlawful’ measures of confiscation and any other action taken against the international law in the matter of private property. Furthermore, the two countries agreed to create a mixed bilateral commission in Saint-Petersburg to examine claims and allocate compensation.<sup>141</sup> As a result, far from adopting a punitive approach like the Treaty of Versailles, the peace agreements with Ukraine and Russia repelled the economic warfare against private citizens, restored property rights, and fixed a procedure for compensation of dispossessed subjects.<sup>142</sup>

Conversely, the German Empire imposed on Romania far more severe measures. Although in the Treaty of Bucharest, the two countries mutually renounced ‘indemnification for war expenses,’ German authorities forced Romania to sign harsh financial and economic agreements. The main concern was the control of oil deposits and grain which

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<sup>140</sup> For the text of the peace treaties, see Melchior Busemann, *Der Friedensvertrag mit der Ukraine vom 9. Februar 1918, der Zusatzvertrag u. d. deutsch-ukrain. Handelsvertrag nebst d. amtl. Denkschrift Deutsch-Russ. Verein z. Pflege u. Förderung d. Gegenseitigen Handelsbeziehungen; Abt. Ukraine; Die wirtschaftl. Bedeutung d. Ukraine* (Berlin: v. Decker, 1918), and Alfred Verdroß, “Zur Konfiskation ausländischen Privateigentums nach Friedensvölkerrecht,” *Zeitschrift für öffentliches Recht* 4 (1924), pp. 328–9.

<sup>141</sup> Caglioti, *War and Citizenship*, pp. 290–1. See also Nol'de, *Russia in the Economic War*, pp. 171–81, Curt Menzel, *Das deutsche Vorkriegs-Vermögen in Russland und der deutsche Entschädigungsvorbehalt* (Berlin und Leipzig: De Gruyter, 1931), pp. 33–51, and Winfried Baumgart, “Brest-Litovsk und Versailles: Ein Vergleich zweier Friedensschlüsse,” *Historische Zeitschrift* 210, 3 (1970), p. 613.

were crucial resources for the war effort. To ensure it, the military leadership forced Romania to deliver a large part of its food production, and put its economy (including the banking system) under the control of the German authorities and private actors.<sup>143</sup> Among the others, foreign oil companies—such as the Romana Americana owned by Standard Oil—were liquidated, whereas the *Mitteuropäische Erdölgesellschaft*, a joint venture company composed of private and public capital, took control of the oil production in the country.<sup>144</sup> In August 1917, the German Empire together with the Austro-Hungarian authorities liquidated 18 oil companies (8 British, 8 Belgian, and 2 French) and 40 firms operating in other sectors like public services, manufacture, or trade (25 Belgian, 10 French, and 5 British).<sup>145</sup> According to Fischer, after the peace treaty, Romania became an ‘economic colony’ of the German Empire.<sup>146</sup> In the United States, the confiscation of private property belonging to the most important American oil company caused a furious reaction from the Wilson administration that began liquidating German assets under seizure.<sup>147</sup> Unquestionably, the peace treaty with Romania contained harsh provisions, especially in the economic, commercial, and financial spheres. The ‘predatory’ imperialism was evident. But the confiscation of private property was not unlimited because it concerned only some key industrial and financial sectors that were crucial for war effort.

## Summary

After the outbreak of the war, nearly all belligerent states passed laws, decrees, and ordinances against civilians of enemy nationality residing within their countries. Economic warfare became part of the policies adopted to win a conflict whose scale and violence were unprecedented in many ways. Starting with the suspension of legal capacity and freezing of private transactions of enemy citizens, all states followed a common pattern that radicalized the persecution as the conflict went on. Also, the mechanism of retaliation fostered

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<sup>142</sup> Siegert, *Staatsshaftung*, pp. 249–50.

<sup>143</sup> Hamlin, *Germany's Empire*, pp. 281–320. On the prewar German economic presence, see Fischer, *War of Illusions*, pp. 293–5.

<sup>144</sup> Gerald Feldman, “German Business Interests and Rumanian Oil in the First World War,” in Roland Schönfeld, ed., *Germany and Southeastern Europe: Aspects of Relations in the Twentieth Century*, (München: Südosteuropa-Gesellschaft, 1997), pp. 22–36.

<sup>145</sup> Caglioti, *War and Citizenship*, p. 260.

<sup>146</sup> Fischer, *Germany's Aims*, pp. 515–23.

<sup>147</sup> See the article of the Alien Property Custodian, A. Mitchell Palmer, “Why We Seized German Property,” *Forum* 62 (Dec. 1919), pp. 584–93.

the escalation. Initially, firms, companies, goods, and factories were put under state control or sequestration, then restrictive measures extended to all private assets belonging to enemy citizens. In addition to that, states interned most enemy subjects in concentration camps in Europe as elsewhere. A significant turning point was the Paris Economic Conference in 1916 because the Allies sought to coordinate and improve their efforts to isolate the Central Empires. At the same time, Germany and its allies responded with harsher measures, especially in the military occupied territories, including the possibility of liquidating enemy assets. Between 1917 and 1918, when also the United States joined the conflict and participated in the economic war against the Central Empires and their nationals (*see Chap. Four*), a new wave of restrictions took place in all belligerent states. In many cases, contrary to official statements, local and central authorities confiscated and liquidated firms, banks, companies, and other productive assets belonging to enemy citizens. In the early stages of the war, it was especially the UK (and the colonial authorities) and the Tsarist Empire that pursued such an aggressive policy, while more careful were other states like France, Germany, or Italy. Nonetheless, when the armistices with the Central Empires entered into force between September and November 1918, most of the enemy property was kept under sequestration.

The Allies and the Central Empires revealed that efforts of international law scholars in the previous decades to regulate the treatment of enemy citizens had been inadequate and incomplete. There was neither consensus about what practices should be followed, nor a praxis to be taken as a model. States acted without a predetermined plan or strategy. Even British military and civilian policymakers, who had planned to wage an economic war against Germany far before 1914, improvised and progressively developed tools and devices to intervene more efficiently in the private economic sphere. Both parties learned how to mobilize the economic means for the war effort, how to wage economic warfare on a global scale, and how to get through it. During the war and in the following decades, there was a heated debate between former belligerents on who started first the economic war against enemy civilians. As pointed out by Daniela L. Caglioti, it is hard to answer this question because, between August and September 1914, all states adopted restrictive measures targeting enemy citizens. Even the German Empire, which suffered the worst consequences of the naval blockade and the economic war, took almost identical provisions. Remarkably, the persecution of enemy citizens was not the consequence of the ‘brutalization,’ but the immediate reaction after the outbreak of the conflict. After more than

four years, in the autumn of 1918, most states had interned or expelled nearly all enemy citizens, seized their property, and confiscated a part of it. Whether the enemy property should have been wholly liquidated or restored was a matter to be determined in the peace settlement.



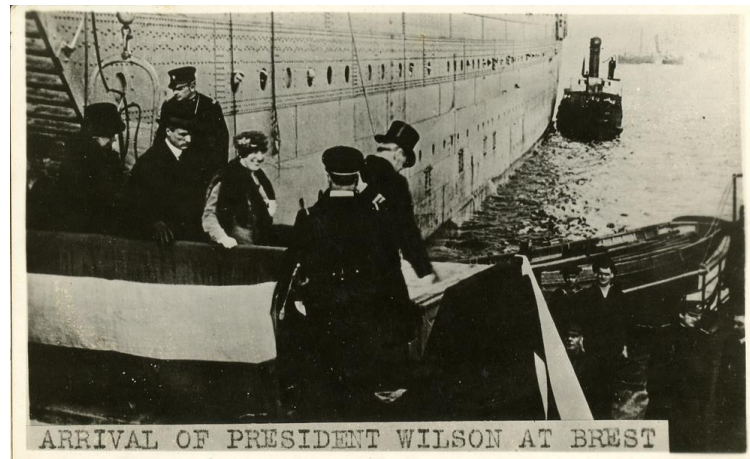
**CHAPTER ONE**  
**BETWEEN PARIS AND BERLIN.**  
**THE GERMAN PRIVATE PROPERTY AND THE TREATY OF VERSAILLES**

**Introduction**

On December 13, 1918, President Wilson arrived in Europe, at the French port of Brest, aboard the SS *George Washington*. In the ensuing months, he visited France, the UK, and Italy, and delivered passionate speeches that raised enthusiasm wherever he went. What was remarkable, however, was the ship used by Wilson and his staff. Built in 1908 for the Bremen-based shipping company, the *Norddeutscher Lloyd*, it was an ocean liner that had connected Germany and the United States until the outbreak of the war. Since its first intercontinental trip, the *George Washington* had carried thousands of passengers, including Sigmund Freud, Carl Gustav Jung, the bankers Edgar Speyer and J. P. Morgan Jr., and even Jessie Woodrow Wilson Sayre, the daughter of President Wilson, for her honeymoon in 1913. To some extent, the *George Washington* was concrete evidence of pre-war globalization and the strong connection between the two states. Once the war started, the ship found refuge in the New York port for three years until the U.S. government seized it in April 1917 when the United States declared war on the German Empire. From that moment on, the U.S. Navy used it for the transportation of troops to Europe, and on December 3, 1918, President Wilson together with delegates to the peace conference sailed for France on it.<sup>1</sup> The *George Washington* was an enemy-owned asset that physically represented the spoils of war that the winning countries like the United States took to punish not only the German Empire but also its private citizens and corporations, which were deemed to share responsibility for the outbreak of the war in the summer of 1914.

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<sup>1</sup> On the history of the ship, see <https://www.history.navy.mil/our-collections/photography/us-navy-ships/alphabetical-listing/g/uss-george-washington--id--3018-0.html>. For the video of Wilson's arrival in Brest, see <https://www.criticalpast.com/it/video/65675039610-USS-George-Washington-Presidente-e-signora-Wilson-La-flottiglia-di-noi-le-navi-da-guerra-Dirigibile>.



[Fig. 1.1, Arrival of President Wilson at Brest, 13 Dec. 1918,  
<https://archives.finistere.fr/faites-classe-avec-les-archives/le-finistere-dans-la-guerre-1914-1918/le-passage-du-president>]

Thanks to Article 297 of the Treaty of Versailles, the Allied Powers were entitled to confiscate each kind of property belonging to enemy citizens within their territories without paying compensation, while defeated states were obliged to financially restore pecuniary losses of their nationals. As Daniela L. Caglioti stated, ‘the treaty was inconclusive, foreshadowed new conflicts and extended the war and the state of exception. The solution adopted was a response to different expectations and needs, but most of all it had provided *a posteriori* legitimization of the emergency policies on the enemy property—liquidation, in particular—that various states had pursued during the war.’<sup>2</sup> Thanks to the Treaty of Versailles and the other peace documents, the Allies—including the newly created states like Poland, Czechoslovakia, or Yugoslavia—were entitled to wage economic war against citizens of the defeated states even after the end of military conflict, and persecuting them even in territories ceded by Germany, Austria, Hungary, and Bulgaria. The state of emergency adopted during the war was still in effect in peacetime and could remain so indefinitely. Consequently, the winning states could carry on the liquidation of enemy assets notwithstanding fundamental liberal principles concerning property rights contained in constitutions and civil law codes.

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<sup>2</sup> Caglioti, *War and Citizenship*, p. 298.



It was a time, geographical, and legal enlargement of the economic warfare into peacetime that was part of what Robert Gerwarth and Erez Manela have called the ‘Greater War.’<sup>3</sup> Unsurprisingly, in the interwar period, many voices stressed that the Paris peace settlement was created with the aim of discriminating against Germany and, even if the military confrontation was ended, the winning states were still fighting an economic war. ‘If once the peace followed the war—as an Italian lawyer wrote to his German client in December 1919—nowadays, instead, war and peace make (after the conflict) a frightening mélange.’<sup>4</sup> According to the French-born British journalist and pacifist activist Edmund Dene Morel, the Treaty of Versailles did not bring real peace, but created a sort of hybrid condition that he called ‘peacewar.’<sup>5</sup> Likewise, Carl Schmitt claimed that after 1918 the Allies gave birth to an ‘abnormal intermediate situation between war and peace,’ whose cause also was ‘the extension of the idea of war to non-military (economic, propaganda, etc.) activities of hostility.’ As Schmitt advocated by quoting von Clausewitz’s well-known sentence, the economic clauses were conceived as a ‘continuation of war by other means.’<sup>6</sup> The right to expropriate German property was part of those discriminatory measures. According to the British historian Harold William Temperley, who was the author of one of the earliest historical works about the peace conference, ‘the provision in the Treaty permitting the retention and liquidation of German property in Allied territory is in one sense a continuation into peace, though with primarily a different object, of the measures taken in the United Kingdom and in differing ways and degrees in other Allied countries during the war.’<sup>7</sup>

Somehow, the history of economic sanctions that became part of the Covenant of the League of Nations confirmed it. The Allies conceived the economic weapon as ‘something more tremendous than war’ and consequently a powerful tool to maintain peace, because wartime typically measures could be applied in peacetime without formally declaring war.<sup>8</sup> But Article 297 of the Treaty of Versailles gave them another formidable device to

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<sup>3</sup> Robert Gerwarth and Erez Manela, eds., *Empires at War 1911-1923* (Oxford: Oxford University Press, 2015). See also Jörn Leonhard, *Der überforderte Frieden. Versailles und die Welt, 1918-1923* (München: Beck, 2018).

<sup>4</sup> PAAA, R 7942, Edoardo Bosio (Turin) to Kulmer, 7 Dec. 1919.

<sup>5</sup> Edmund Dene Morel, “Peacewar,” *Foreign Affairs*, 2, 5 (Nov. 1920), pp. 69–70.

<sup>6</sup> Carl Schmitt, “Corollarium 2: Über das Verhältnis der Begriffe Krieg und Feind (1938),” in Id., *Der Begriff des Politischen. Text von 1932 mit einem Vorwort und drei Corollarien*, ed. Marco Walter (Berlin: Duncker & Humblot, 2015), p. 269.

<sup>7</sup> Harold William Temperley, ed., *A History of the Peace Conference of Paris*, vol. 5, Economic Reconstruction and Protection of Minorities (London: H. Frowde, 1921), p. 86.

<sup>8</sup> Nicholas Mulder, *The Economic Weapon: The Rise of Sanctions as a Tool of Modern War* (New Haven: Yale University Press, 2022).

regulate property rights, allocate resources according to national security priorities or ethnonational concerns, and reshape citizenship's social and economic boundaries. As a result of the right to liquidation, the Allied Powers (with the partial exception of the newly founded states) were able to intervene in the economic private sphere at no cost since they were not obliged to compensate dispossessed citizens and firms. The Allied governments could promote the concentration of industrial sectors in the hands of groups or corporations that authorities regarded as politically loyal. They could also promote the national development in key industries, as well as states were entitled to deprive foreigners of enemy nationality of their houses and small businesses in order to change the ethnonational composition of cities, provinces, or regions wherein the presence of a German-speaking population was perceived as a menace to national security or state sovereignty. At the same time, they were also able to mitigate the effects of liquidation if considered appropriate. In addition to expropriation, property restitution could also serve the role of including individuals, groups, or small communities. Regardless, the winning countries were free to do as they believed best since the peace treaty left wide discretion to each state. To what extent and how enemy property should be confiscated, and who was the enemy national, were matters that each government together with parliaments and courts were free to determine, without interference from the German state or the League of Nations.

In addition to that, Paragraph 18 of Annex II of Part VIII in the Treaty of Versailles authorized the Allies to impose economic sanctions (including the expropriation of private property which had not been seized during the war) against Germany in case of violations of the treaty obligations concerning the reparations. Even if the majority of the Allied governments officially renounced to use of it, France often invoked it to occupy ports of Duisburg, Ruhrort, and Düsseldorf in the spring of 1921, seize the private property of German citizens in Alsace-Lorraine in the summer of 1922, and later occupy the Rhineland in January 1923.<sup>9</sup> Unsurprisingly, at the Paris Peace Conference, it was the French delegation, together with the British one, that strongly supported the insertion of the confiscation clause within the peace treaty. Delegates from other countries wholly endorsed that plan and strove for the broadest degree of autonomy in deciding the fate of the enemy property. In the end, their efforts proved to be almost completely successful, and the Allies were le-

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<sup>9</sup> Mulder, "A Retrograde Tendency," pp. 15–22.

gally entitled to expropriate enemy citizens to protect their national security, whatever the latter meant.

On the other side, throughout the war, the German leadership quickly realized the importance of reaching a truly economic peace that could remove all restrictions against the action of its citizens and companies. In addition to the blockade, the commercial and financial isolation suffered during the war deeply impacted the country which lost a large part of its investments abroad and found itself excluded from international markets. If until 1914 integration into the global economy had been a key strength of the German stunning growth, the war proved to be a catastrophe. Between 1917 and 1918, when the Tsarist Empire and then Romania collapsed, the military and political circles found a way to react against the economic isolation imposed by the Allies. Even if the German leadership imposed harsh provisions on defeated states and occupied territories, no treaty signed with Ukraine, Russia, and Romania contained the indiscriminate confiscation of all private assets among its provisions. Rather, German diplomacy was committed to setting a model of peace that was based on the rejection of economic warfare and the re-establishment of peaceful trade and financial relations.

Once, in late 1918, the Central Empires collapsed as well, the new republican leadership grabbed hold of Wilson's Fourteen Points to imagine a fair and moderate post-war settlement that could include economic pacification. Restitution of seized property and compensation of war damages on a reciprocal basis, as well as the removal of all restrictions imposed on the physical and economic activity of private citizens and companies, became the goal of German foreign policy. Between November 1918 and May 1919, the illusions of a negotiated peace treaty blinded the policymakers, diplomats, political leaders, and public opinion. None of them did realize how serious the situation was, and what risks Germany was running. As for victims of dispossession, also they shared unmotivated confidence in the possibility of getting their property back even if persecution was still going on, even in Alsace-Lorraine and Eastern regions occupied by Poland. When the Allies communicated the draft treaty to the German delegation, the emotive shock and hysterical reaction of diplomacy, cabinet, and political parties made coming to terms with the defeat utterly difficult. As the possibility of not signing the peace treaty, and hence resuming the conflict, became patently unfeasible, however, the political leadership and business circles regarded the loss of private property as a matter of fact that could hardly be avoided. Ef-

forts to achieve a softening of the draft treaty failed, and thus diplomacy found a possibility only by seeking to reach bilateral agreements with each winning country to save as much as possible. In the 1920s, the Weimar Republic had to deal with the economic, social, and political consequences of the dispossession of its citizens abroad and residing in the ceded regions but also of resentment caused by the traumatic end of the illusions' phase.

## 1.1 Planning for the Economic Postwar

### *Plans about the Enemy Property after the War (1): France*

That the war would not end with a military victory but was bound to last even afterward, especially in the economic field, became commonplace in the French wartime propaganda. But policymakers and other leading personalities shared that view. The economic historian Henri Hauser (1866–1946), who closely cooperated with Clémentel and private interests, especially the Chambers of Commerce, during the war, was one of them. Being a strong supporter of economic nationalism as a proper way to promote the development of French industry and ensure national security, throughout the war, Hauser became one of the most influential French intellectuals whose ideas in the economic field gained relevance and visibility even abroad. In particular, his pamphlet devoted to examining the 'German methods of economic expansion,' originally published in late 1915 as a collection of papers prepared on the occasion of meetings and conferences with French chambers of commerce, became a best-seller in France and other Allied countries.<sup>10</sup> His work was translated into English and Italian languages,<sup>11</sup> and became a model of inspiration for similar propaganda pamphlets in other Allied countries.<sup>12</sup> According to Hauser, German economic growth benefited from an aggressive strategy of the state and private corpo-

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<sup>10</sup> Henri Hauser, *Les méthodes allemandes d'expansion économique* (Paris: A. Colin, 1916).

<sup>11</sup> Henri Hauser, *Economic Germany: "German Industry Considered as a Factor Making for War."* (Edinburgh: T. Nelson & Sons, 1915), and *Germany's Commercial Grip on the World: Her Business Methods Explained* (London: Skeffington, 1918), *I metodi tedeschi di espansione economica* (Città di Castello: Tip. Unione Arti Grafiche, 1917), and Eucardio Momigliano and Henri Hauser, *Invasione economica tedesca e Intesa economica fra gli Alleati: conferenze estratte dal giornale: Alleanza industriale e commerciale* (Milano: Milesi & Nicola, 1917). See reviews of his works, S. W. Rawson, review of *Review of Les méthodes allemandes d'expansion économique*, by Henri Hauser, *The Economic Journal* 26, 102 (1916), pp. 233–37, L. L. P., review of *Review of Les Méthodes Allemandes d'Expansion Économique*, by Henri Hauser, *Journal of the Royal Statistical Society* 79, 2 (1916), pp. 231–32, and also in German language, Oberföhrer, review of *Review of Les Méthodes Allemandes d'Expansion Économique*, by Henri Hauser, *Weltwirtschaftliches Archiv* 8 (1916), p. 195.

<sup>12</sup> Giovanni Preziosi, *La Germania alla conquista dell'Italia* (Firenze: Libreria della Voce, 1915), and Ezio Maria Gray, *L'invasione tedesca in Italia: professori, commercianti, spie* (Firenze: Bemporad, 1915).

rations through protectionism, dumping, and the creation of industrial cartels. Even before 1914, Germany violated classic liberalism and promoted a sort of economic warfare in peacetime. France together with the Allies needed to prevent Germany to benefit from liberal practices after the war since the economic development could jeopardize the military victory of the Entente.<sup>13</sup>

In a conference held in April 1915 in front of the *Société d'encouragement pour l'industrie nationale*, he exposed his idea about the inevitable struggle with Germany even after the conflict, and the urgency for an economic nationalist agenda. 'After our victory there will once more be a Germany which will patiently and persistently resume its labours. The great war will no sooner be ended than the other war, the economic war, will begin again. If we do not wish to be crushed, we must today begin to prepare our mobilization for this new war.'<sup>14</sup> 'The end of military confrontation should have not led to the return of pre-war 'business as usual,' but the Allies had to create a discriminatory and protectionist system against Germany, where the public actors played a crucial role in reshaping the global markets. Being sure that the Germans living abroad represented a powerful resource for the economic, commercial, and financial development, and that the German state took advantage of them as agents and spies, Hauser implicitly justified all policies aimed at removing that menace and defending other countries from their dangerous action.'<sup>15</sup> Throughout the war, he actively contributed to forging the economic weapon to be used against Germany.<sup>16</sup>

Of course, that kind of idea considerably weighed on French policies regarding the treatment of the enemy property. During the war, the legislation was mainly aimed at seizing enemy assets without confiscating them, and in public opinion, the mainstream idea was that property was held under state control to preserve it instead of expropriating it. Yet many voices did not embrace such a prudent stance. Besides the nationalist press that often claimed the opportunity to confiscate enemy property, the French leadership openly talked about using it as a 'pledge' for war reparations and liquidating it to remove the German economic menace from Allied countries. At the Paris Economic Conference in 1916,

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<sup>13</sup> Georges-Henri Soutou, "Henri Hauser et la Première Guerre Mondiale," in Séverine-Antigone Marin and Georges-Henri Soutou, eds., *Henri Hauser (1866-1946): humaniste, historien, républicain* (Paris: Presses Paris Sorbonne, 2006), pp. 148–53.

<sup>14</sup> Hauser, *Economic Germany*, pp. 32–3.

<sup>15</sup> Hauser, *Les méthodes allemandes*, pp. 199–211.

Prime Minister Aristide Briand proclaimed that the common aim of the Allies was to reach ‘the economic liberation of the world, and restore sound business practices,’<sup>17</sup> and Clémentel openly regarded enemy property as a ‘pledge’ for the German atrocities. Furthermore, he added, the Allied delegates had to find a manner ‘to liquidate certain commercial or industrial companies, especially those whose existence in the Allied countries is detrimental to the national interest and the development of their own industries.’<sup>18</sup> At the Inter-Allied conference between France, the United Kingdom, and Belgium in June 1917, the final protocol once again stated that enemy property was a ‘common pledge.’ It added that ‘the bulk of such property and interests shall ensure legitimate restitution and reparation for any irregular act of disposition made by the enemy concerning allied property and interests.’<sup>19</sup> Rather, none of the Allied governments wanted to take further steps into liquidating enemy property since all of them feared the German and Austro-Hungarian retaliations, especially in the occupied regions and Alsace-Lorraine. At the same time, nonetheless, the French government went beyond that statement, and experts of the Ministry of Foreign Affairs underlined the need to adopt restrictive measures against the German presence in key industrial sectors, banking and insurance business, and shipping, as well as prevent its nationals from being financial mediators or exercise some specific jobs.<sup>20</sup>

Once the war was close to ending, the Ministry of Trade and the Treasury elaborated plans for German reparations. In December 1918, Clémentel together with Hauser and André Tardieu, the right-hand man of Georges Clemenceau, drafted a preliminary project on the economic clauses of the peace treaty containing relevant measures also regarding the fate of the enemy property. Once again, the historian played a relevant role in shaping economic clauses of the French draft treaty which was conceived as a plan to develop the national industrial growth and protect the country from the German economic hegemony.<sup>21</sup> According to the document, Germany was obliged to withdraw all restrictive measures by releasing from seizure all French property, revoking confiscation, or compensating French

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<sup>16</sup> Soutou, “Henri Hauser,” pp. 153–67.

<sup>17</sup> *Conférence économique des gouvernements alliés tenue à Paris les 14, 15, 16 et 17 juin 1916 : programme, délégations, procès-verbaux des séances et acte de la Conférence* (Paris: Imprimerie Nationale, 1916), p. 13.

<sup>18</sup> Ivi, p. 18.

<sup>19</sup> Final Protocol (14 Jun. 1917), in *Conférences des délégués des gouvernements de Belgique, de France et de Grande-Bretagne au sujet des biens et intérêts privés en pays ennemis et occupés par l'ennemi* (Paris: Imprimerie Nationale, 1917), p. 104.

<sup>20</sup> ADLC, 75CPCOM/206, *Programme de la Conférence économique de Paris. Restriction à imposer aux sujets ennemis pour l'exercice dans pays alliés de certains commerces, industries et professions* [1916].

nationals in case of irreversible liquidation. In contrast, France had the right to expropriate all German property on its soil, including assets in Alsace-Lorraine, without paying compensation. It was the defeated state, on the contrary, that would have paid it to its dispossessed citizens. Furthermore, all contracts with enemy firms and citizens were automatically void, while intellectual property could be confiscated as well even if with more procedural guarantees.<sup>22</sup> Similarly, in March 1919, the plan drafted by the Ministry of Finance to regulate economic and financial clauses in the peace treaty broadly included what would later become the content of the final agreement. Inspired by the punitive vision of Louis-Lucien Klotz (1868–1930), minister of Finance and hardliner in the matter of the reparations, the document planned to use private property to pay war damages; revoke the treaties signed with Russia and Romania; cancel pre-war contracts between Allied and German citizens; restore private property belonging to Allied nationals; make available to the Allies \$4 billion consisting of various assets, including the private property of German citizens in neutral countries.<sup>23</sup>

*Plans about the Enemy Property after the War (2): The UK*

More ambiguous was the British stance. The removal of Germany as a commercial and economic competitor was among the goals of the British policies,<sup>24</sup> and David Lloyd George—who became Prime Minister in December 1916—was a champion of economic nationalism and embraced hard-line toward the enemy countries.<sup>25</sup> Within its administration, though, the expropriation of German assets raised some concerns and revealed the awareness of the risks of taking that step. In mid-1917, a special committee tasked with examining the matter of debts and credits between British and German nationals utterly excluded the confiscation of enemy assets to repay creditors in the UK. ‘It is inconsistent with all recognised views of international morality, and could only be justified, if it all, as a measure of retaliation for similar action taken by enemy country. If initiated by this country, it would destroy our reputation for honesty and would deal a fatal blow to our com-

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<sup>21</sup> Soutou, “Henri Hauser,” pp. 167–79.

<sup>22</sup> Soutou, *L’or et le sang*, pp. 774–5, and Marc Trachtenberg, “‘A New Economic Order’: Etienne Clementel and French Economic Diplomacy during the First World War,” *French Historical Studies* 10, 2 (1977), p. 377.

<sup>23</sup> Louis Lucien Klotz, *De la guerre à la paix: souvenirs et documents* (Paris: Payot, 1924), pp. 215–47.

<sup>24</sup> Ross J. S. Hoffman, *Great Britain and the German Trade Rivalry: 1875-1914* (Philadelphia: University of Pennsylvania Press, 1933).

<sup>25</sup> See his papers in PA, Lloyd George Papers, F 194–195, and Douglas Newton, *British Policy and the Weimar Republic, 1918–1919* (Oxford: Oxford University Press, 1997).

mercial and financial position in the world.<sup>26</sup> Likewise, even in the second half of 1918, the Board of Trade recommended adopting a prudent approach to enemy property and preferred avoiding confiscation on a large scale.<sup>27</sup> Also, the judiciary power was reluctant to adopt an aggressive stance. In January 1918, Lord Finley of the House of Lords ruled that ‘it is not the law of this country that the property of enemy subjects is confiscated. Until the restoration of peace the enemy can of course make no claim to have it delivered up to him, but when peace is restored he is considered as entitled to his property with any fruits it may have borne in the meantime.’<sup>28</sup> Such caution confirmed the permanence of doubts and hesitation about whether to embrace a protectionist (and nationalist) course in economic matters or still support the Free Trade option. In a memorandum sent by the Board of Trade to the Admiralty drafted between November and December 1918, the British plan consisted of returning unliquidated property on a reciprocal basis even if the Allies could reserve the right to keep enemy assets under ‘temporary retention’ until Germany met the financial demands of the winning countries.<sup>29</sup>

Nonetheless, the administration most willing to confiscate and sell German assets was the Treasury, and John Maynard Keynes played a key role in promoting such an option. Already in a memorandum drafted in early January 1916 at the request of the Board of Trade, together with an economic historian (William James Ashley), Keynes examined a set of options for urging Germany and its allies to pay reparations. Among these, they identified the possibility to seize private mercantile marine (in addition to warships) and all German investments abroad consisting of mostly securities whose worth was estimated to be about \$700 million.<sup>30</sup> To be crucial was the huge amount of money due to British nationals by German debtors. According to the Custodian of Enemy Property, the private indebtedness of German subjects to British ones was worth £246.9 million whereas sums due to German creditors were largely lower (£158.8 million).<sup>31</sup> By restoring the enemy property,

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<sup>26</sup> ACKC, Keynes Papers, PT/5, *Interim Report of the Enemy Debts Committee*, 4 Apr. 1917, p. 5, and see also the *Report of the Sub-Committee on the Policy of the “Clean State,”* 15 Aug. 1917.

<sup>27</sup> NA, T 1/12199, Report of the Enemy Property Committee, 8 Jul. 1918.

<sup>28</sup> “*Stevenson v. Aktiengesellschaft für Cartonnagenindustrie*,” (25 Jan. 1918), is reported in John Dickinson, “Enemy-Owned Property: Restitution or Confiscation?,” *Foreign Affairs* 22, 1 (1943), p. 135.

<sup>29</sup> NA, ADM 137/3028, Memorandum by the Board of Trade on Economic Considerations Affecting the Terms of Peace, Nov.-Dec. 1918.

<sup>30</sup> ‘Memorandum on the Effect of an Indemnity,’ (2 Jan. 1916) in John Maynard Keynes, *The Collected Writings of John Maynard Keynes: Volume 16: Activities 1914–1919: The Treasury and Versailles*, ed. Elizabeth Johnson and Donald Moggridge, vol. 16 (Cambridge: Royal Economic Society, 1978), pp. 323–6.

<sup>31</sup> ACKC, Keynes Papers, PT/5, Memorandum on Returns of Debts and Property, 6 Feb. 1918.



the British government ran the danger of causing a huge loss to its citizens (and companies) since it was likely that after the war many German debtors were unable to repay them. On the contrary, the confiscation of those assets could ensure a safe stock to settle debts. Looking at Keynes' published collected writings, however, that position scarcely emerged. In late October 1918, the 'Notes on Indemnity' drafted by Keynes included German property (including debts and credits) in British and Allied territories as assets 'available for the immediate liquidation of sums.'<sup>32</sup> Some weeks later, another extensive report prepared by him about the German capacity to pay reparations mentioned the confiscation of shipping and securities owned by private subjects.<sup>33</sup>

In the late 1930s, the publication of that document and other memos sparked a public controversy between Lloyd George and Keynes himself over the latter's role in shaping reparations policies of the British government at the peace negotiations. Anyway, what matters is that during the war the Treasury, and Keynes as well, regarded the seizure and confiscation of German private property as a proper way to repay war damages. At that time, hesitations based on liberalism were irrelevant to them. Nonetheless, in unpublished documents, Keynes' stance on the confiscation of enemy property emerges much more explicitly. In a report prepared in December 1918, he suggested forcing Germany and other defeated states to restore British assets and using enemy property to pay credits due to British nationals through confiscation. 'The British government should insist upon the enemy governments returning to British nationals all their property in enemy territory, and upon the retention *and realization* of all enemy property in this country for the purpose of settling the balance owed by the enemy to this country in respect of debts and claims.'<sup>34</sup> He reiterated his proposal in another memorandum drafted a few weeks later. 'It seems not unreasonable to insist that as security for the payment of any sum which is found to be due to the Allies under these conditions, the Enemy property in the Allied countries should be held in pledge on the understanding that the Allied Government concerned will have *the right to realise* the property and apply the proceeds toward the payment of any balance of debt due to it by the Enemy.' Due to the new balance of power, indeed, the Allies could stop caring about the retaliation in the Central Empires since they were

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<sup>32</sup> 'Notes on Indemnity,' (31 Oct. 1918), in *ivi*, p. 340.

<sup>33</sup> 'Memorandum by the Treasury on the Indemnity Payable by the Enemy Powers for Reparation and other Claims,' (Dec. 1918), in *ivi*, pp. 361–2.

free to impose the defeated states the most convenient conditions at their will. Unsurprisingly, he concluded hoping that ‘as much as Enemy property as possible should be hypothecated for British claims.’<sup>35</sup> Furthermore, in a memorandum to Lloyd George, Keynes restated his position about the confiscation of the mercantile fleet, gold, silver, bank accounts, shares, and any other private property owned by German nationals to repay British citizens.<sup>36</sup> Such an attitude was at odds with his public declarations after leaving the British peace delegation in Paris. In his well-known pamphlet about the economic consequences of the peace, Keynes was still lukewarm in that regard. While admitting that the Treaty of Versailles stroke ‘a destructive blow at a conception which lies at the root of much of so-called international law,’ at the same time, he underlined that the distinction between private and public interests in the sphere of property rights was ‘inappropriate to modern socialistic conceptions of the relations between the State and its citizens.’<sup>37</sup> Some years later, however, he changed his mind again. In a letter to the head of the Economic Section of the League of Nations, Arthur Elliott Felkin, he regarded the confiscation of enemy property as a ‘retrograde tendency’ to be avoided in the next future and added that ‘the older principles of international law regarding the non-confiscation of private property should be resumed.’<sup>38</sup> The distance from the wartime spirit made him change his position toward the treatment of enemy property and embrace a strong pro-liberal stance but it also brought him to forget what he did as a civil servant in late 1918.

*Plans about the Enemy Property after the War (3): The United States*

Ambiguous, too, was the stance of President Wilson. Especially by the end of the war, he became the subject of great hopes but also countless misunderstandings, since each country, political party, national leader, and public opinion (especially in Europe) projected its expectations and goals, regardless of what Wilsonianism truly was.<sup>39</sup> In Wilson’s reply to

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<sup>34</sup> ACKC, Keynes Papers, PT/5 The Settlement of Enemy Debts considered in Relation to the Indemnity Question, 7 Dec. 1918 (italics are mine).

<sup>35</sup> ACKC, Keynes Papers, PT/5, Memorandum by the Treasury as to the liquidation of private debts and obligations existing before and during the war, and of claims arising from action taken during the war, 30 Dec. 1918.

<sup>36</sup> David Lloyd George, *The Truth about the Peace Treaties*, vol. 1 (London: V. Gollancz, 1938), pp. 504–5.

<sup>37</sup> John Maynard Keynes, *The Economic Consequences of the Peace* (New York: Harcourt, Brace and Howe, 1920), pp. 71–2.

<sup>38</sup> Keynes to Felkin, 29 Oct. 1924, quoted in Mulder, “‘A Retrograde Tendency,’” p. 24.

<sup>39</sup> Leonard V. Smith, Woodrow Wilson in Europe: December 1918 – February 1919. The Mediatization of Radicalized Liberalism,” in Christoph Cornelißen and Marco Mondini, eds., *The Mediatization of War and Peace:*

Pope Benedict XV (August 27, 1917), for instance, he pointed out that ‘no peace can rest securely upon political or economic restrictions meant to benefit some nations and cripple or embarrass others, upon vindictive action of any sort, or any kind of revenge or deliberate injury.’<sup>40</sup> Remarkably, however, when Wilson mentioned the establishment of ‘selfish and exclusive economic leagues’ as a perspective to be avoided, he was referring to both German imperialism in Central Europa (such as Mitteleuropa), and the Paris Economic Conference’s resolutions. In his famous Fourteen Points speech (January 8, 1918), Wilson devoted attention to the future of international economic architecture and posed liberalism in the economic and commercial sphere as one of the cornerstones of his peace project. In Point Three, he recommended ‘the removal, so far as possible, of all economic barriers and the establishment of an equality of trade conditions among all the nations consenting to the peace and associating themselves for its maintenance.’<sup>41</sup> The distance from the 1916 Paris Economic Conference and the Allied stance in economic matters throughout the war could not be greater. In a following speech delivered in September 1918, he also added that ‘there can be no special, selfish economic combinations within the League and no employment of any form of economic boycott or exclusion except as the power of economic penalty by exclusion from the markets of the world may be vested in the League of Nations itself as a means of discipline and control.’ Referring to Norman Angell’s thought, and more generally to liberalism, Wilson did believe that tensions and rivalries in the economic and commercial sphere had been ‘the prolific source in the modern world of the plans and passions that produce war. It would be an insincere as well as insecure peace that did not exclude them in definite and binding terms.’<sup>42</sup> As a result, Wilson was personally contrary to carrying on economic warfare against Germany after the war,<sup>43</sup> and his stance raised hopes in the German leadership as well.

However, his position was marked by ambiguity and contradictions. Over the months following the war declaration, he became more and more critical toward not only

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*The Role of the Media in Political Communication, Narratives, and Public Memory 1914-1939* (Boston: De Gruyter Oldenbourg, 2021), pp. 93–108.

<sup>40</sup> For the text of the reply, see <https://www.presidency.ucsb.edu/documents/letter-reply-the-pope>.

<sup>41</sup> See Fourteen Points speech, in <https://www.archives.gov/milestone-documents/president-woodrow-wilsons-14-points>.

<sup>42</sup> See speech held on September 27, 1918, in <https://history.state.gov/historicaldocuments/frus1918Supp01v01/d258>.

<sup>43</sup> M. L. Dockrill and Zara Steiner, “The Foreign Office at the Paris Peace Conference in 1919,” *The International History Review* 2, 1 (1980), p. 55.

the Wilhelmine civil and military leadership but also the German people as a whole.<sup>44</sup> Unsurprisingly, even if it contradicted his rhetoric, he looked at German democratization in late 1918 with growing scepticism and distrust.<sup>45</sup> His hostility also turned to alleged plans for economic world conquest. 'If Germany had waited for a single generation, she would have had a commercial empire of the world,' he said in January 1919.<sup>46</sup> Both Wilson and his administration quickly gave credit to conspiracy theories concerning the silent penetration of German business in other countries to serve imperialist purposes. In March 1918, consequently, he had enabled the Alien Property Custodian to liquidate enemy seized assets with the aim of removing the German economic presence in the country, and in the following months a large part of it was sold to American purchasers. Such a radical move preceded some Allied countries like France, which until 1919 did not officially start the liquidation of enemy assets on a large scale and preferred mostly keeping that amount of property under sequestration. Rather, it adopted a very similar stance to the UK which had begun liquidating enemy assets in 1916, and confirmed that common law countries were less bound to preserve property rights of enemy civilians in wartime than continental law states. Thus, it is clear that the U.S. government had already chosen what to do in the post-war period, even if it blatantly contradicted the Wilsonian spirit.

Wilson's administration, in fact, had clearer ideas. In the second half of 1918, the technical experts of the U.S. government, gathered into *The Inquiry*, examined all major issues concerning the post-war period, but often only superficially.<sup>47</sup> Rather, it was the Alien Property Custodian that set the course to follow at the peace negotiations. During a meeting among higher officials in early January 1919, the federal agency approved a document to the State Department containing the guidelines in that regard. First of all, the United States should keep the right to liquidate the enemy property and use the proceeds of sales for paying credits due to American nationals and compensating those who suffered war

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<sup>44</sup> Manfred F. Boemeke, "Woodrow Wilson's Image of Germany, the War-Guilt Question, and the Treaty of Versailles," in Manfred F. Boemeke, Gerald D. Feldman, and Elisabeth Glaser, eds., *The Treaty of Versailles: A Reassessment after 75 Years* (Washington, D.C.; Cambridge; New York: German Historical Institute ; Cambridge University Press, 1998), pp. 603–18.

<sup>45</sup> Daniel Larsen, "Abandoning Democracy: Woodrow Wilson and Promoting German Democracy, 1918–1919," *Diplomatic History* 37, 3 (2013), pp. 476–508.

<sup>46</sup> Joachim Scholtyseck, "Ein transatlantischer Wirtschaftskrieg im globalen Wettstreit," in Dieter Ziegler and Jan-Otmar Hesse, eds., *1919 – Der Versailler Vertrag und die deutschen Unternehmen, 1919 – Der Versailler Vertrag und die deutschen Unternehmen* (Oldenbourg: De Gruyter, 2022), p. 290. The speech, held at the Capitol in Rome, is reported here, <https://www.presidency.ucsb.edu/documents/remarks-the-capitol-rome-italy>.

damages in Germany or elsewhere. Furthermore, one of the major concerns related to the legitimization of all sales that the Alien Property Custodian had already done until then. All of them had to be utterly confirmed *a posteriori* and thus German legal or judicial complaints were to be dismissed. Finally, as for restitution, people who acquired new citizenship deriving from territorial changes were to be given back property.<sup>48</sup> Under the influence of the federal agency tasked to take control of enemy assets, the U.S. government was determined to adopt a discriminatory system based on the confiscation of enemy property and ensure the best treatment for its citizens.

To summarize, between 1917 and 1918, France, the UK, and the United States basically converged on confiscation as the fate of enemy property in their countries. Also, a similar trend took place in other Allied countries like Italy. Even if it played a minor role during the negotiations about enemy property, prominent jurists such as Vittorio Scialoja and the Commission on Post-War outlined a non-reciprocal settlement between the Allies and the Central Empires as a proper way to deal with private economic issues, which included at least partial confiscation of enemy assets.<sup>49</sup> In each country, eventually, the reasons for choosing that solution were various, and there was no real coordination among the Allies. Instead, despite the lack of common action, a set of factors and national strategies made the Allied powers come together on the same solution. Economic nationalism, concerns about national security, conspiracy theories, and the demand for proper means of reparations contributed to persuading the leadership of each country to adopt a punitive approach against Germany in economic matters, and thus expropriate the private property of its citizens. The peace negotiations in Paris would have shaped such a project more precisely.

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<sup>47</sup> Lawrence Gelfand, *The Inquiry; American Preparations for Peace, 1917-1919* (New Haven: Yale University Press, 1963).

<sup>48</sup> NARA, RG 131, UD 4, Noon Conference, 6 Jan. 1919.

<sup>49</sup> Cristiano La Lumia, "Giuristi all'attacco. La questione dei cittadini di nazionalità nemica nel dibattito giuridico italiano (1915-1918)," *Quaderni fiorentini per la storia del pensiero giuridico moderno*, 48 (2019), p. 304.

## 1.2 Paris, 1919: The ‘Greater War’ on Enemy Property

### *The Armistice*

The armistice signed on November 11, 1918, between the Allies and Germany did not contain any particular provision regarding the treatment of the enemy property or interned civilians, nor mentioned the fate of private assets in the newly military-occupied regions (such as Alsace-Lorraine). Yet other armistices with Bulgaria (September 29) and the Ottoman Empire (October 30) forced troops and all civilians of German nationality to leave both countries.<sup>50</sup> Later, in Turkey, the Allied occupation forces also seized German property with the explicit purpose of removing the presence of enemy capital in the former Ottoman Empire.<sup>51</sup> In the following months, the Allies and Germany renewed the armistice agreements, which contained harsher military, naval, and financial clauses. Among the latter, according to the convention signed in December 1918, Germany was obliged to abstain from any action which could diminish the value of public and private assets which were considered ‘common pledge’ by the Allied Powers. Furthermore, the latter were entitled to ask neutral countries to disclose information regarding German property in their territories, and ultimately seize it to consider it as a pledge for the reparations. Being aware of the volume of trade between Germany and neutral countries during the war, the Allied Powers wished to prevent private business circles from avoiding confiscation and saving their capital. But such efforts proved to be unsuccessful since neutral states such as Switzerland, Sweden, Mexico, and Argentina refused to communicate that kind of information or, like the Netherlands, even did not reply to Allied requests.<sup>52</sup> Unlike after 1945, when the Allies forced Switzerland and Sweden to seize German property on their territories even if they had remained neutral during the war, in the aftermath of WWI similar attempts failed.<sup>53</sup>

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<sup>50</sup> Sir Frederick Maurice, *The Armistices of 1918* (Oxford: Oxford University Press, 1943), pp. 14–26, 84–7.

<sup>51</sup> On the discussions among the UK, France, and Italy about the fate of the German capital in the former Ottoman Empire, see Paul C. Helmreich, *From Paris to Sèvres: The Partition of the Ottoman Empire at the Peace Conference of 1919-1920* (Columbus: Ohio State University Press, 1974), p. 257.

<sup>52</sup> Philipp Siegert, *Staatshaftung im Ausnahmezustand: Doktrin und Rechtspraxis im Deutschen Reich und in Frankreich, 1914-1919* (Frankfurt am Main: Verlag Vittorio Klostermann, 2020), pp. 266–7, and LoC, Moore Papers, box 198, *The Transfer By German Nationals of Property Held Abroad*, 10 Jul. 1919.

<sup>53</sup> Seymour Rubin, “The Washington Accord Fifty Years Later: Neutrality, Morality, and International Law,” *American University International Law Review* 14, 1 (1998), pp. 61–82.

During the negotiations for the renewal of the armistice, the German delegation at Spa quickly realized what was the true attitude of the Allies toward private interests. While the Ministry of Foreign Affairs in Berlin still believed in the illusion of reaching a compromise for the restitution of seized property, Matthias Erzberger and his collaborators at the Armistice Commission saw how the situation truly was. In early 1919, it was overwhelmed by letters and petitions sent by Germans in Belgium and Alsace-Lorraine who were experiencing the harsh treatment of the Allied forces. In addition to popular riots, violence, and being imprisoned or expelled, most of them were suddenly deprived of their property. In a few weeks, French, Belgian, and Polish authorities extended the wartime legislation on enemy property in the occupied regions and often went beyond the sequestration up to confiscating assets or forcing them to sell them cheaply.<sup>54</sup> Likewise, Italian authorities did so in the former Austro-Hungarian territories.<sup>55</sup> More generally, all states seized as much property as they could, since the fear of retaliation was gone.<sup>56</sup> In a petition to the German delegation at Spa, a group of refugees from Belgium denounced the terrible condition they were living in. ‘At the moment of the departure, people who are expelled from Belgium are often deprived of money, food, and clothing without receipts, and only very small sums are left. We urgently request assistance.’<sup>57</sup> The Allied Powers mostly ignored German notes protesting such treatment and showed no interest in stopping those measures. Furthermore, Erzberger personally experienced the Allied hard line during a meeting with Marshall Foch and the other heads of diplomatic delegations in January 1919. On that occasion, the German statesman openly denounced the mistreatment of German civilians in Alsace-Lorraine and stigmatized the confiscation of property as Bolshevik measures. In his reply, Marshal Foch first dismissed protests claiming that they were not entitled to complain after the destruction committed by the German army in Northern France, and then left his counterpart astonished by stating that his country formally was still at war with Germany, despite the armistice.<sup>58</sup> In the following months, Erzberger again raised the question concerning

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<sup>54</sup> For instance, see documents about the treatment of Germans in Belgium in BArch, R 904/738, and in Poland, PAAA, R 22439.

<sup>55</sup> Cristiano La Lumia, “Nemici di guerra in tempo di pace. Le proprietà tedesche nelle nuove province italiane dopo la Grande Guerra (1918-1927),” *Studi Storici* 63, 3 (2022), pp. 652–9.

<sup>56</sup> Caglioti, *War and Citizenship*, pp. 292–6.

<sup>57</sup> BArch, R 904/738, *Vereinigung deutsch-belgischer Flüchtlinge* (Coln) to Armistice Commission, 26 Apr. 1919.

<sup>58</sup> *Der Waffenstillstand 1918-1919: das Dokumenten-Material der Waffenstillstandsverhandlungen von Compiègne, Spa, Trier und Brüssel. Notenwechsel / Verhandlungsprotokolle / Verträge Gesamttätigkeitsbericht*, vol. 1 (Berlin: Deutsche Verlagsgesellschaft für Politik und Geschichte, 1928), pp. 155–64. On the attitude of the Allies after the armistice.

the treatment of Germans in Alsace-Lorraine and Belgium but the Allied attitude did not change.<sup>59</sup>

### *The Drafting of the Economic Peace*

‘The Germans, if this Government is returned, are going to pay every penny, they are going to be squeezed as a lemon is squeezed—until the pips squeak.’<sup>60</sup> In December 1918, British lawmaker Eric Geddes pronounced these words in a public speech at Cambridge. In a few days, the image of squeezing Germany as a lemon became a powerful slogan for the imminent political elections. That phrase caught the public mood in the UK as well as other winning countries. When the peace negotiations among the Allies began, there was an atmosphere of anger and revenge in the public opinions of the winning countries that were far from the Wilsonian spirit.<sup>61</sup> In France, the discovery of the destruction and plundering left by the German army in retreat from the occupied regions shocked public opinion and revived the charges of barbarism against Germany (*see Fig. 1.2*). The publication of pictures taken after the liberation of Lille (October 17, 1918) in the press caused a deep impression in France as well as in other Allied countries.<sup>62</sup> As pointed out by Gerd Krumeich, the material devastation deeply impacted the attitude of French political and military leadership and, unlike the Germans, caused the war to carry on ‘in the heads.’<sup>63</sup> As Arno J. Mayer underlined, conservative and nationalist political forces took advantage of the emotive reactions following the armistice and were predominant in the Allied governments in the crucial months of the Paris Peace Conference.<sup>64</sup> Unsurprisingly, Georges Clemenceau seized the chance to pursue an intransigent agenda at the peace negotiations. Additionally, in the UK as well as the United States, at the 1918 elections, Tories and Republicans largely won on an anti-German and ultranationalist platform and, albeit in different ways, weakened both Lloyd George’s and Wilson’s political strength and freedom of ac-

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stice, see Phillip Dehne, *After the Great War: Economic Warfare and the Promise of Peace in Paris 1919* (London New York: Bloomsbury Academic, 2020), pp. 77–80.

<sup>59</sup> PAAA, R 22432, Memorandum of the Armistice Commission, 9 Feb. 1919.

<sup>60</sup> The quotation is commonly reported in many books and articles. See <https://www.oxfordreference.com/display/10.1093/acref/9780191826719.001.0001/q-oro-ed4-00004753>.

<sup>61</sup> Robert Gerwarth, ‘The Sky beyond Versailles: The Paris Peace Treaties in Recent Historiography,’ *The Journal of Modern History* 93, 4 (2021), pp. 907–8.

<sup>62</sup> Jean-Luc Mastin, *Victimes et profiteurs de guerre?: Les patrons du Nord (1914-1923)* (Rennes: PUR, 2019), pp. 15–6.

<sup>63</sup> Gerd Krumeich, ‘Versailles 1919. Der Krieg in den Köpfen,’ in Gerd Krumeich and Silke Fehleemann, eds., *Versailles 1919: Ziele, Wirkung, Wahrnehmung* (Essen: Klartext, 2001), pp. 53–64.



tion. Finally, the Italian government led by Vittorio Emanuele Orlando and Sydney Sonnino embodied a strongly nationalist and traditional stance in international affairs, that was very sceptical toward Wilsonianism and the New Diplomacy.



[Fig. 1.2, Kirby, Rollin, *Vandal in victory, vandal in defeat*, France, ca. 1918.

<https://www.loc.gov/item/2004679099/>]

‘For six months in 1919, Paris was the capital of the world,’ as Margaret MacMillan has written in his extensive work about the Peace Conference that reshaped the maps of

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<sup>64</sup> Arno J. Mayer, *Politics and Diplomacy of Peacemaking. Containment and Counterrevolution at Versailles, 1918-1919* (New York; Knopf, 1967).

the entire world.<sup>65</sup> Despite the importance of the task that the peacemakers had to deal with, in January 1919, most of the delegations came to Paris unprepared for the conference and disorganization reigned in the early months of negotiations, even in logistic terms. The defeat of the Central Powers, or to be more precise, their rapid collapse surprised the Allies whose military leaders had predicted that the cessation of the conflict would come at least six months later. In each country, parliamentary commissions, special committees, or the administration had prepared plans for the post-war. But most of those projects had been drafted when the outcome of the war had not yet been decided. Between October and December 1918, high officials, diplomats, technical experts, and civil and military offices feverishly worked to prepare the leadership to deal with every single aspect of the peace settlement. In a few weeks, however, each country produced a huge amount of documentation, but it was implausible that political leaders and their closest advisors could actually read and fully understand the broader implications in such a limited time.<sup>66</sup> In addition to that, the situation in Central and Eastern Europe as well as the Middle East was changing rapidly among political revolutions, wars between newly created states, and civil conflicts. Last but not least, the elections in the United States and the UK distracted the attention of crucial policymakers like Wilson and Lloyd George. Some actors like Georges Clemenceau exploited that situation to reach as much as possible for their countries, whereas others like the Italians or the Belgians committed big mistakes.<sup>67</sup>

In those months, more than one hundred commissions and committees examined almost every aspect of the post-war redefinition of the European and world order. During countless sessions, diplomats, policymakers, technical experts, military delegates, and political leaders regulated a surprising quantity of issues, and unsurprisingly the Treaty of Versailles with its 440 articles (including several annexes) resulted to be the longest international treaty in history. Among the others, as many protagonists claimed some years later, the settlement of private economic aspects was the ‘longest and most complicated’ part of the

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<sup>65</sup> Margaret MacMillan, *Paris 1919: Six Months That Changed the World* (New York: Random House, 2002), p. XXV.

<sup>66</sup> Payk, *Frieden durch Recht*, pp. 149–217.

<sup>67</sup> Robert Gerwarth, *The Vanquished: Why the First World War Failed to End* (London: Allen, 2016). On the preparations for the Paris negotiations see Dockrill and Steiner, “The Foreign Office,” and Sally Marks, “Behind the Scenes at the Paris Peace Conference of 1919,” *Journal of British Studies* 9, no. 2 (1970): 154–80. On the Italian attitude in Paris, see Paolo Pombeni, “La Grande Guerra e la pace di Versailles ottant’anni dopo: La lezione di Versailles e l’Italia. Alcune riconsiderazioni,” *Ricerche di storia politica* 2, 3 (1999), pp. 355–70,

peace agreement. Tasked with the regulation of private property was the Third Sub-Committee of the Second Section of the Economic Commission (chaired by Clémentel), which oversaw elaborating provisions for the regulation of pre-war contracts, debts, credits, private property, and so on.<sup>68</sup>

Members of the sub-committee were mainly lawyers, legal scholars, or judges, who worked within the administrative bodies and agencies controlling enemy property in each country. The British delegate was Sir Henry Arthur Payne (1873–1931) who had been Comptroller of Companies at the Board of Trade and later served as Second Secretary of the Board. Pierre Jaudon (1879–1972) and Charles-Hervé Alphand (1879–1942) were the two French representatives. The former was a high official of the Ministry of Justice who since October 1914 chaired the Service of Sequestrations, a special section of the Ministry, with the task of supervising the activity of courts in seizing enemy property. He also served as technical delegate at the commission for the application of the financial agreement signed between the Allies and Germany in Spa.<sup>69</sup> Alphand was a law-trained diplomat who worked in the Legal Department of the Ministry of Foreign Affairs and became the head of the Office of Private Property that, since 1916, was responsible for the regulation of private economic interests of French and enemy citizens.<sup>70</sup> The American delegate was Bradley W. Palmer (1886–1946), a lawyer and businessman close to some big corporations (like the *United Fruit Company*), who became a high official of the Alien Property Custodian and director of the Committee of Sales in Washington that was responsible for liquidating enemy assets. The Italian delegate was Mariano D'Amelio (1871–1943), a judge and high official who during the war headed the Committee for the Trade with Enemy Subjects, a special organ supervising the seizure of enemy property. Also, representatives of Belgium,<sup>71</sup>

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while on the Belgians, see Sally Marks, *Innocent Abroad: Belgium at the Paris Peace Conference of 1919* (Chapel Hill: The University of North Carolina Press, 1981).

<sup>68</sup> For a general account of the economic clauses of the peace treaties, see Temperley, ed., *A History of the Peace*, pp. 51–60, 72–84.

<sup>69</sup> See personal dossiers in AN, 19940455/50, and BB.6(II).954.

<sup>70</sup> See personal dossier in ADLC, Personell, 3.

<sup>71</sup> Maurice Bourquin (1884–1961) was a professor of International Law at Brussels University, and in the interwar period worked at the League of Nations. On his biography, see <https://cdi.ulb.ac.be/a-propos-du-centre/historique/historique-de-lenseignement-du-droit-international-public-a-lulb/maurice-bourquin-1884-1961/>, and <https://www.sfdi.org/internationalistes/bourquin/>.

China,<sup>72</sup> Poland,<sup>73</sup> Brazil,<sup>74</sup> Romania,<sup>75</sup> and Yugoslavia,<sup>76</sup> were legal scholars, judges, or lawyers, often with expertise in the field of international law.

As in other aspects of the peace negotiations, jurists played a significant role also in the matter of private property.<sup>77</sup> Significantly, the majority of them were law-trained technocrats with extensive expertise in the matter of economic warfare and the treatment of enemy property since they worked for national organs, agencies, or committees which shaped legislation and administrative procedure to wage economic persecution toward enemy citizens. During the Peace Conference, they often joined other sub-committees concerning similar matters (like the regulation of pre-war contracts, or the Mixed Arbitral Tribunals for the regulation of debts and credits). Yet they were neither neutral experts nor independent lawyers without connection to political power or private interests. On the contrary, their legal background, bureaucratic competence, and expertise did not result in neutrality but were at the service of the national interest of each country as well as private economic ones.<sup>78</sup> The British and French delegations generally were the most active and well-prepared, as well as determined to reach their own interests. As a result, they directed the work of the commission and took the main decisions. On the contrary, other delega-

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<sup>72</sup> Alfred Sao Ke Sze (1877–1958) was among the most important Chinese statesmen in the first half of the 20<sup>th</sup> century. Being the first Chinese student who graduated from the United States, at Cornell University, later he served as minister and ambassador in the UK and the United States.

<sup>73</sup> Stanislaw Patek (1866–1944) was a lawyer and political activist who was Minister of Foreign Affairs between 1919 and 1920.

<sup>74</sup> Raoul Fernandez (?) was a lawyer who also took part in the creation of the Permanent Court of International Justice and served as a Brazilian delegate at the League of Nations on several occasions. See also Lorna Lloyd, “‘A Springboard for the Future’: A Historical Examination of Britain’s Role in Shaping the Optional Clause of the Permanent Court of International Justice,” *American Journal of International Law* 79, 1 (1985), pp. 28–51.

<sup>75</sup> Ef. Antonesco (?) was a judge and member of the Romanian High Court in the 1920s.

<sup>76</sup> Lazar Marković (1882–1955) was a professor of International Law at the Belgrade University, who also served as minister of Justice in the interwar period.

<sup>77</sup> On the role of jurists, see Payk, *Frieden durch Recht*, especially pp. 268–308. On French lawyers, see also Annie Deperchin, “Die französischen Juristen und der Versailler Vertrag,” in Krumeich and Fehleemann, *Versailles 1919*, pp. 87–101. On Belgian jurists, see Vincent Genin, “Intégrer le droit international aux relations interétatiques : les juristes belges à Versailles en 1919,” *Relations internationales* 174, 2 (2018), pp. 39–52.

<sup>78</sup> On the relationship between scientific neutrality and national interests at the peace conference, see Payk, *Frieden durch Recht*, pp. 227–55, and Marcus M. Payk, “The Draughtsmen: International Lawyers and the Crafting of the Paris Peace Treaties, 1919–1920,” in Marcus M. Payk and Kim Christian Priemel, eds., *Crafting the International Order* (Oxford: Oxford University Press, 2021), pp. 142–61.

tions (like the Italian or the American ones) were smaller, more focused on specific and very limited goals, and thus played a minor role in the negotiations.<sup>79</sup>

According to the official publication of the Peace Conference documentation in 1936, the French draft stated that the Allies ‘reserve the right to retain and liquidate, with compensation, all property and interests which enemy subjects may have retained in their territory and which are at present the subject of an exceptional war measure.’ As for compensation, however, the draft article specified that dispossessed citizens could be financially restored only by their own state (namely, the defeated states), and not by the winning powers.<sup>80</sup> Additionally, it reserved a different treatment to private citizens according to their nationality. The Allied nationals were entitled to full restitution and could claim compensation from the defeated state for any loss that occurred to their property, whereas enemy citizens were not entitled to file an appeal or contest the lawfulness of ‘exceptional measures of war’ (such as seizure, sequestration, or liquidation).

It is highly likely that the document reported in 1936 coincided with the draft proposal prepared by a special committee at the French Ministry of Justice in early 1919, which Pierre Jaudon mentioned.<sup>81</sup> Remarkably, just two weeks earlier the first session of the subcommittee, the Ministry of Justice presented a draft bill for the liquidation of German assets in France, which had been written by the same group led by Jaudon (*see Chap. Two*). But unfortunately, it has not been possible to find original copies in the archives. Nevertheless, that the French delegation was the driving force behind the insertion of the right of liquidation is confirmed by indirect sources. According to the American delegation, confiscation had been introduced especially upon the insistence of French delegates with the assent of the British and American ones, ‘to give France proper protection.’<sup>82</sup> At the same time, also the British draft article contained a similar formulation concerning the right of Allied Powers ‘to retain, sell, or treat at its discretion’ private assets belonging to enemy cit-

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<sup>79</sup> Allyn Abbott Young, “The Economic Settlement,” in Edward Mandell House and Charles Seymour, eds., *What Really Happened at Paris: The Story of the Peace Conference, 1918-1919* (New York: C. Scribner’s Sons, 1921), pp. 306–7.

<sup>80</sup> ‘Proposition de la Délégation française. Biens et intérêts privés séquestres ou liquides en pays ennemi,’ Art. Z, (a), in *La Paix de Versailles: La Documentation Internationale. Commissions Économique et Financière* (Paris: Les éditions internationales, 1936), p. 211.

<sup>81</sup> Preface of Pierre Jaudon, in Gilbert Gidel and Henri Émile Barrault, *Le Traité de paix avec l’Allemagne du 28 juin 1919 et les intérêts privés. Commentaire des dispositions de la partie X du traité de Versailles* (Paris: Librairie gén. de droit et de jurisprudence, 1921), p. XX.

izens, except for intellectual property, while Germany was required to compensate its own nationals for the losses.<sup>83</sup> As a result, both projects coincided in their main contents. In the first session of the sub-committee (March 15), the delegations agreed to merge the two drafts, and thus the French-British common project, probably written by Jaudon,<sup>84</sup> became the text discussed in the following meetings.<sup>85</sup>

The sub-committee met from March 15 to April 9, 1919 to examine clauses to be inserted in the treaty with Germany, and then again between May 9 and June 12, those concerning the peace agreements with Austria, Hungary, and Turkey. Setting the rules for the treatment of enemy property was part of the plan to make defeated states pay reparations.<sup>86</sup> Among the issues discussed by delegates, three were particularly significant for the application of the right to confiscation. Firstly, it was not clear whether the Allies could confiscate German property in the newly acquired territories. According to the original draft, the Allies were entitled to confiscate enemy property ‘on their territories,’ but such formulation seemed to be ambiguous since it did not explicitly mention the regions ceded by the defeated states. Unsurprisingly, the Italian and Romanian delegations, later supported also by the Polish one, insisted on extending the faculty of liquidation to the new regions, while the British and American representatives were much more cautious.<sup>87</sup> As a matter of fact, it was clear that the newly created nations and other successor states were highly interested in promoting plans for national and social redefinition, and thus the confiscation of assets on a large scale was a powerful tool to intervene in that regard. What happened in Alsace-Lorraine after November 1918 was regarded as a model for other contested borderlands (*see Chap. Two*). Conversely, the British and American delegates were far more concerned with the stability in Central and Eastern Europe and were aware of the consequences deriving from economic persecution. In the case of Alsace-Lorraine, for in-

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<sup>82</sup> NARA, RG 131, UD 5, American Mission (Paris) to Francis P. Garvan (Alien Property Custodian), 7 Jul. 1919.

<sup>83</sup> ‘Proposition de la Délégation Britannique. Articles à insérer dans le Traité de Paix préliminaire avec l’Allemagne,’ Art. 3, in *La Paix de Versailles*, p. 216.

<sup>84</sup> Jaudon was considered the author of the treaty provisions concerning private interests and deserved to be awarded official honors in 1924, see AN, BB/6(II)/954, Finance to Justice, 30 Jun. 1924, Clémentel to Justice, 25 Jul. 1924, and Foreign Affairs to Justice, undated [1924].

<sup>85</sup> ‘Projet commun élaboré par les Délégations Britannique et Française,’ in *La Paix de Versailles*, pp. 218–22.

<sup>86</sup> Elisabeth Glaser, ‘The Making of Economic Peace,’ in Manfred Franz Boemeke, Gerald D Feldman, and Elisabeth Glaser, eds., *The Treaty of Versailles: A Reassessment after 75 Years* (Washington, D.C.: German Historical Institute ; Cambridge University Press, 1998), pp. 385–6. For a general overview of the economic clauses of the peace treaty, see also MacMillan, *Paris 1919*, pp. 157–203.

<sup>87</sup> *La Paix de Versailles*, p. 227 (March 20), 231 (March 25), 236 (March 27), 243–4 (April 4).

stance, the harsh treatment of German property became a matter of dispute between British and French delegates, since the former criticized the attitude followed by French authorities.<sup>88</sup> In the end, the French delegates sided with Poland, Romania, Italy, and other successor states, and in the final version of the treaty Tardieu inserted the so-called ‘y-clause.’ According to the French text, which became the final version of the treaty, the winning countries were entitled to liquidate enemy property with a broad geographical scope, that is within their territories, colonies, possessions, and protectorates, ‘including territories ceded to them by the present Treaty’ (*y compris les territoires cédés en vertu du présent Traité*).<sup>89</sup> By giving that concession to newly created states, French leadership planned to replace the German economic presence in Central and Eastern Europe, in particular in Poland and Czechoslovakia.<sup>90</sup>

A second relevant matter of dispute concerned the autonomy of each country in determining the fate of the enemy property. Since its original formulation, the Allies had the right to liquidate those assets, but during the sub-committee’s sessions, the British and French delegates sought to introduce the obligation to do so. Following the recommendations of the reparations committee, the UK and France wished to impose on each country the duty of confiscating enemy assets within six months (British proposal) or at least declaring the official position (French proposal).<sup>91</sup> But such efforts encountered resistance from the American delegation, which preferred to avoid any restriction to national sovereignty. Fearing that the treaty could restrict the power of Congress in that matter, the U.S. delegate claimed that each country had to be free to decide what to do with the enemy property.<sup>92</sup> In the end, that position became dominant, and all delegations shared it. During a session, for instance, the Polish delegate claimed that ‘these measures purely fall within the competence of the domestic domain, and the Treaty should not restrict in any way the

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<sup>88</sup> André Tardieu, *La paix* (Paris: Payot & cie, 1921), pp. 268–75.

<sup>89</sup> On the French concessions, see also Erich Kaufmann, *Studien zum Liquidationsrecht* (Berlin: F. Vahlen, 1925), pp. 7–12.

<sup>90</sup> Georges Soutou, “L’impérialisme du pauvre : La politique économique du gouvernement français en Europe Centrale et Orientale de 1918 à 1929: Essai d’interprétation,” *Relations Internationales*, 7 (1976), pp. 225–7.

<sup>91</sup> *La Paix de Versailles*, p. 236 (March 27).

<sup>92</sup> *La Paix de Versailles*, pp. 240–1 (April 2). On the American position, see the diary of Bernard Baruch, in ‘From the Peace Conference Diary of Bernard Mannes Baruch (25 Apr. 1919),’ in *Papers of Woodrow Wilson (The Papers of Woodrow Wilson Digital Edition)*. Charlottesville: University of Virginia Press, Rotunda, 2017), URL: <https://rotunda.upress.virginia.edu/founders/WILS-01-58-02-0051>. See also Bernard M. Baruch, *The Making of the Reparation and Economic Sections of the Treaty* (New York and London: Harper & brothers, 1920), pp. 102–8.



freedom of each country in this matter.<sup>93</sup> As a result, the liquidation of the enemy property was entirely left to each state's discretion, and national sovereignty was untouched since no international courts or organizations (such as the League of Nations) had the possibility to interfere with the confiscation. The draft treaty merely stated that the proceeds of liquidation could be used to compensate private losses of Allied citizens during the war, but that formulation was not legally binding. The adoption of a national sovereignty-based system instead of a multilateral one—or at least one tied to mild inter-allied coordination, as proposed by French and British delegates—became a perfect compromise to avoid contrasts and overcome differences among the Allies about the fate of enemy assets.<sup>94</sup> Nonetheless, the newly created states were partly excluded from that condition. Rather, according to the draft treaty, Poland, Czechoslovakia, Romania, and Yugoslavia were forced to compensate dispossessed citizens with the proceeds of seized assets, and German citizens were entitled to lodge appeals to the Mixed Arbitral Tribunals (MAT) in case of violations. These clauses showed that not all Allied states enjoyed the same status, and the newly created states had no same right to confiscate enemy property as the Western European states, the United States, or Japan.

Eventually, nationality became another crucial question. In truth, there were no big differences among the delegates about it. As a rule, in the peace treaty, the citizenship of individuals was conceived under strictly legal terms, as confirmed by the use of the word 'nationals' (*ressortissant*).<sup>95</sup> Enemy subjects were thus only individuals who possessed German citizenship upon ratification of the peace treaty, while people of German origin with another nationality were exempted from confiscation. As for legal entities, yet, the determination of nationality followed other criteria.<sup>96</sup> In that regard, however, the right of liquidation was often bound to the territorial clauses of the draft treaty, which authorized France, Belgium, and successor states to liquidate property belonging to those who could not ac-

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<sup>93</sup> *La Paix de Versailles*, p. 244 (April 4).

<sup>94</sup> *La Paix de Versailles*, pp. 246–8 (April 5), 250 (April 7). Also, the Sub-Committee on Enemy Aliens adopted a similar stance and recommended leaving the possibility to introduce restrictions on enemy aliens to each state, cf. NA, FO 608/74, Report to the Economic Commission sent by the Sub-Commission on Ex-Enemy Aliens, undated (Apr. 1919), and *La Paix de Versailles*, pp. 274–8.

<sup>95</sup> On the case of Article 16 of the League of Nations Covenant stating that economic sanctions might have been applied toward private actors who had to be citizens of the state punished by restrictions. See René Cassin, "L'évolution des conditions juridiques de la guerre économique," *Politique étrangère* 4, 5 (1939), p. 500, and Mulder, *The Economic Weapon*, pp. 82–7.

<sup>96</sup> For the various criteria regulating the nationality of physical and legal persons, see Christian Dominicé, *La notion du caractère ennemi des biens privés dans la guerre sur terre* (Genève: Librairie Droz, 1961), pp. 143–55.



quire a new nationality. By doing so, the peacemakers extended the persecution to new enemy citizens, who found themselves in enemy territory after the ratification of the peace treaty. At the same time, the Allies sought to introduce legal guarantees to protect the property rights of those who could automatically acquire new citizenship or were entitled to opt for another one. Determining nationality in those areas, though, represented a conundrum that was hard to solve, and became a matter of sharp dispute in the interwar period. During the sub-committee's sessions, what mainly worried the successor states was the application of that legalistic concept of nationality in the ceded areas. Thanks to Alphand's mediation, the delegations of successor states and the American one found an agreement on a specific formulation that limited as much as possible the immunity. Only those former enemy citizens who acquired another nationality 'by full right' (*de plein droit*) as a result of the treaty itself—by territorial change, option, or something else—were exempted from confiscation. Otherwise, enemy nationals who naturalized in a foreign country without being formally entitled by international treaties to do so were excluded.<sup>97</sup> Adopting such a strict legalistic formulation apparently was consistent with the regulation of citizenship in ceded areas and minority treaties and respected the rule of law. But the qualification introduced by the French delegate contained a legal trick. Granting or refusing the acquisition of citizenship was not an international body or a third entity, but the winning states which could challenge the status of former enemy citizens in many ways, also contesting whether nationality had been obtained 'by full right' or not. In sum, due to the exclusion of international bodies, each country was also free to distort or misapply rules concerning nationality according to its interests.

#### *The Article 297 of the Treaty of Versailles*

The Treaty of Versailles devoted several articles to the regulation of private interests, debts, credits, contracts, and property (Articles 296–312). Likely, for the first time in history, an international treaty settled the issue of private economic transactions of significant size in such detail. The result of negotiations created an architecture based on a punitive and non-reciprocal spirit. Besides the settlement of debts and credits through bilateral clearing offices in which states acted as guarantors for their citizens if the latter were unable to meet obligations (Article 296), Germany was obliged to restore the private property of

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<sup>97</sup> *La Paix de Versailles*, p. 250 (April 7).

Allied citizens or compensate them in case of war damage (Article 297, par. (a) and (f)–(h), and Article 298). A totally different treatment was given to the private assets of German nationals. Article 297, par. (b), stated as follows:

(b) Subject to any contrary stipulations which may be provided for in the present Treaty, the Allied and Associated Powers reserve the right to retain and liquidate all property, rights and interests belonging at the date of the coming into force of the present Treaty to German nationals, or companies controlled by them, within their territories, colonies, possessions and protectorates including territories ceded to them by the present Treaty.

The liquidation shall be carried out in accordance with the laws of the Allied or Associated State concerned, and the German owners shall not be able to dispose of such property, rights or interests nor to subject them to any charge without the consent of that State.

German nationals who acquire ipso facto the nationality of an Allied or Associated Power in accordance with the provisions of the present Treaty will not be considered as German nationals within the meaning of this paragraph.

China (Article 133), Siam (Article 136), Liberia (Article 140), Morocco (Article 144), and Egypt (Article 153) were also entitled to liquidate German property according to Article 297. Additionally, each state was free to fix the sale price ‘in accordance with the methods of sale or valuation adopted by the laws of the country in which the property has been retained or liquidated.’ (Paragraph c).

German citizens were entitled to be compensated only by their own state. Indeed, paragraph (i) stated that ‘Germany undertakes to compensate her nationals in respect of the sale or retention of their property, rights or interests in Allied or Associated States,’ but the treaty did not confer any other legal guarantees to dispossessed nationals, neither fixed a procedure to implement it. In the annex to Article 297, furthermore, German authorities and dispossessed nationals were prevented from filing any claim against the Allied states for ‘act or omission with regard to his property, rights or interests during the war or in preparation for the war,’ or public officials charged with the administration of seized assets. As a result, the Allies conferred *a posteriori* lawfulness to confiscations that happened in wartime and sought to avoid judicial claims.<sup>98</sup> In case of controversies concerning the application of provisions about private property or contracts, the treaty created special bilat-

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<sup>98</sup> This was particularly relevant for the American delegation. See NARA, RG 131, UD 5, A. Mitchell Palmer to Francis P. Garvan, 8 Apr. 1919, and 18 Apr. 1919, and also American Mission to State Department, 16 May 1919. For a commentary of Article 297, see Temperley, ed., *A History of the Peace*, pp. 89–91.

eral arbitral courts (the Mixed Arbitral Tribunals, MATs) which were tasked to set all disputes between states, or states and private actors (Articles 304–305). Yet enemy citizens were usually barred from filing appeals to the MATs in case of violations of rights concerning the liquidation of assets due to the non-reciprocal nature of those organs. The only exception concerned the Polish case.<sup>99</sup> As for the proceeds of sales, those sums ‘[could] be charged by that Allied or Associated Power in the first place with payment of amounts due in respect of claims by the nationals of that Allied or Associated Power with regard to their property, rights and interests [...] in German territory, or debts owing to them by German nationals, and with payment of claims growing out of acts committed by the German Government or by any German authorities since July 31, 1914, and before that Allied or Associated Power entered into the war.’ However, those sums were not considered in the reparations account, which was separated from the liquidation of private assets (Article 242). German authorities were also obliged to communicate to the Allies all information concerning the presence of property, shares, savings, and any other kind of private assets belonging to its citizens within the Allied states. Strictly connected to that section of the treaty were the provisions concerning the immediate repatriation of POWs and civilian internees to Germany (Articles 214–219). Of course, only the Allies decided who had to be expelled whereas the defeated state was obliged ‘to admit to its territory without distinction all persons liable to repatriation.’ (Article 220).

The Allies were also given the right of liquidation in the areas ceded by Germany but with some differences. In the former German colonies, the mandatory powers not only acquired ownership of all public assets but were also entitled to liquidate the private property of German nationals (Articles 120–121). As for Alsace-Lorraine (Articles 73–76), France could confiscate property without any limitation but for German optants. As a rule, German optants in Eupen-Malmedy (Article 37), Czechoslovakia (Article 85), and Poland (Article 91) were exempted from confiscation of immovable property. Rather, the newly created states underwent slightly different rules. Particularly relevant was the Polish case. According to Article 92, Polish authorities had the duty to compensate German nationals

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<sup>99</sup> Marta Requejo Isidro and Burkhard Hess, “International Adjudication of Private Rights: The Mixed Arbitral Tribunals in the Peace Treaties of 1919 – 1922,” in Michel Erpelding, Burkhard Hess, and Hélène Ruiz Fabri, eds., *Peace through Law: The Versailles Peace Treaty and Dispute Settlement after World War I* (Baden-Baden: Nomos, 2019), pp. 239–76, and Jakob Zollmann, “Reparations, Claims for Damages, and the Delivery of Justice Germany and the Mixed Arbitral Tribunals (1919-1933),” in David Deroussin, ed., *La Grande Guerre et son droit*, Contextes : culture du droit (Issy-les-Moulineaux: LGDJ, 2018), pp. 379–94.

with the sale proceeds of their assets, and the latter ones were also entitled to appeal the MAT in case of unfair Polish procedure. In addition to that, liquidation was suspended in all regions whose political belonging was to be determined through a plebiscite, like Upper Silesia (*see Chap. Three*). Conversely, neither Denmark nor the Free State of Danzig could expropriate private assets of German citizens since both states were not considered among the Allied and Associated Powers.

Since Germany was also obliged by the Treaty of Versailles to revoke all agreements and conventions signed with Russia, Ukraine, and Romania (Article 116), the fate of private assets in those states was left without regulation and thus could be confiscated as well. Even if the Bolshevik regime did not sign the Paris treaties, reversing the ‘German peace’ in the East resulted in leaving a huge amount of property without any sort of protection and thus making hopes of restitution or compensation void.

According to the treaty, the Allies had the faculty to confiscate each kind of property since the formulation ‘property, rights and interests’ covered all movable and immovable assets.<sup>100</sup> Nevertheless, as for intellectual property, the treaty fixed special conditions (Articles 306–311). As a general rule, the Allies agreed to re-establish previous guarantees and rights according to the International Conventions of Paris and Berne. At the same time, yet, Germans were not fully restored on a reciprocal basis. Article 306 legalized all transfers of ownership for intellectual property during the war, and prevented former German owners from appealing against it. This clause was particularly relevant in the case of the chemical patents and licenses transferred to American firms in early 1919. Furthermore, restoration did not apply ‘to rights in industrial, literary or artistic property which have been dealt with in the liquidation of businesses or companies under war legislation by the Allied or Associated Powers, or which may be so dealt with by virtue of Article 297, paragraph (b).’ With regard to intellectual property, too, the Allies confirmed a punitive approach.<sup>101</sup>

The peacemakers reserved a different treatment to the property belonging to religious missions in the former German colonies as well. According to Article 438, regardless of being Catholic or Protestant, Christian missions previously maintained by German so-

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<sup>100</sup> Dominicé, *La notion du caractère ennemi*, pp. 32–3.

<sup>101</sup> Isabella Löhr, “Geistiges Eigentum in Kriegszeiten: Der Schutz von Urheberrechten und die Berner Übereinkunft im Ersten und Zweiten Weltkrieg,” *Comparativ* 16, 5–6 (2006), pp. 243–4. On the economic clauses concerning private interests, see Temperley, ed., *A History of the Peace*, pp. 91–100.

cieties could carry on their activities. But the Allies had the right to hand over their assets to boards of trustees appointed by them, ensuring that trustees shared the same faith of each mission. As a result, missionary activity might have continued but the Allies were entitled to replace German-speaking priests and ministers and exclude Germany from the missionary and ‘civilizing mission’ among the native peoples. In May 1919, the German delegation complained about it since it was considered contrary to its ‘dignity,’ and warned about the risk of expelling German staff. ‘More than one and a half million converts, catechumens, and pupils of all races would lose their spiritual guides and would run the risk of relapsing into their primitive state. The persons who would eventually be sent by the mission societies of other nations to take charge of the deserted spheres of activity, would surely not therefore serve the purpose because they could not be found immediately in sufficient numbers. Furthermore, they would not know the language of the natives nor their country, nor would they possess their confidence. Those advantages can be acquired only after many years of devoted toil such as has been performed by the German missionaries.’<sup>102</sup> Even if efforts to change the draft treaty proved to be unsuccessful, the article was the result of a negotiation between Count Balfour and Monsignor Bonaventura Ceretti, the informal representative of the Holy Siege in Paris. Petitions to avoid confiscation of property for religious missions came to the Allies in late 1918. Priests and pastors sought to persuade Wilson to preserve their activity in the colonies for the sake of their ‘civilizing mission’ regardless of nationality.<sup>103</sup> The Holy Siege also intervened on their behalf, and the German government unsuccessfully tried to leverage that to preserve its presence in the former colonies.<sup>104</sup> There was ‘white solidarity’ between belligerents at stake, and this was the reason why the Allies agreed to reserve a different treatment for that kind of property. In the end, the compromise reached in Paris preserved the integrity of missions but excluded Germany from its administration until the early 1930s.<sup>105</sup>

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<sup>102</sup> The President of the German Delegation (Brockdorff-Rantzau) to the President of the Peace Conference (Clemenceau), 17 May 1919, in FRUS, 1919, vol. VI, doc. 87, in <https://history.state.gov/historicaldocuments/frus1919Parisv06/d87#fn:1.5.10.8.18.8.12.1.3>.

<sup>103</sup> BArch, R 904/133, *Superior generalis Societatis Verbi Divini* to Wilson, 25 Dec. 1918. In the folder there are other similar materials.

<sup>104</sup> Stewart Stelhin, *Weimar and the Vatican, 1919-1933: German-Vatican Diplomatic Relations in the Interwar Years* (Princeton: Princeton University Press, 1983), pp. 37–40.

<sup>105</sup> On the negotiations, see Paul Noma Bikibili, *L’administration des biens des missions catholiques du Cameroun allemand et français* (Paris: Les éditions du Cerf, 2020), pp. 639–41. For the return of German missionaries in the early 1930s, see Ludwig Weichert, “Rückgabe des Eigentums der deutschen evangelischen Missionsgesellschaften in Ostafrika,” *Auslandswarte*, 12, 13-14 (1932), pp. 181–3.

The Treaty of Versailles worked as a model for other peace agreements with Austria, Hungary, Turkey, and Bulgaria. Thus, the right to liquidate enemy property became an ingredient of the regulation of the private interests of enemy nationals, and the idea of punishing also citizens of other defeated states became a crucial aspect of the Paris system.<sup>106</sup> Even if the amount of Austrian, Hungarian, Turkish, and Bulgarian property was far less sizeable than the German one, and in some cases, was almost paltry, the Allies preferred keeping the right to liquidation.

Yet peacemakers inserted some differentiations. Behind that choice, there were at least two main reasons. The first one was practical. Due to the disorganization of preparatory works, the treaties with other countries copied that of Versailles without caring about the huge differences between Germany and its allies. Since the latter delegations contested such a method, instead of rewriting it, the Allies preferred to insert articles that could amend or correct other provisions. As a result, the other peace treaties were often a legal patchwork which was partly chaotic and contradictory. In addition to that, the delegations of successor states sought to achieve the best solutions for their interests, causing increasing tensions with the British, American, and French governments (and among them, too) about the concessions to be given. In the field of private property, this tension became patent.<sup>107</sup>

In the Austrian case, there were both similarities and differences compared to Germany. Once the Austrian delegation was given the draft treaty, their immediate reaction was very similar to the German one. Delegates and public opinion showed rage, resentment, and frustration since the treatment reserved for the small and weak Austrian Republic was basically the same for Germany.<sup>108</sup> There were many diplomats and delegates, in particular Sir Eyre Crowe, who were hardliners also toward Austria, even in the matter of reparations.<sup>109</sup> As for private property, the draft treaty contained provisions identical to Ar-

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<sup>106</sup> On the treatment of other defeated states, see Smith, *Sovereignty at the Paris Conference*, pp. 91–101.

<sup>107</sup> For a general framework of the economic clauses regarding enemy property in the treaties with Austria, Hungary, and Bulgaria, see Temperly, ed., *A History of the Peace*, pp. 101–8.

<sup>108</sup> J. Claude Roberts, “The Austrian Reaction to the Treaty of St. Germain,” *The Southwestern Social Science Quarterly* 40 (1959), pp. 85–94. See also Payk, *Frieden durch Recht*, pp. 430–42, and Arnold Suppan, *The Imperialist Peace Order in Central Europe: Saint-Germain and Trianon, 1919–1920* (Wien: Austrian Academy of Sciences, 2019), pp. 90–101.

<sup>109</sup> Drockrill and Steiner, *The Foreign Office*, p. 73.

article 297 of the Treaty of Versailles, as a result of the insistence of Yugoslavia, Poland, Romania, and Czechoslovakia to grant them the same faculty of expropriation.<sup>110</sup> The Social Democratic minister of Foreign Affairs, Otto Bauer, found particularly intolerable the economic and financial treatment of Austria, including the loss of private property in the former Habsburg territories.<sup>111</sup> While the UK, France, and the United States did not gain relevant sums by confiscating Austrian property, conversely, Italy and the successor states were the main beneficiaries of those provisions. Overall, in late 1918, British experts estimated that most of the Austro-Hungarian property could be released due to the acquisition of nationality in the successor states, and thus hardly 20 million francs was the rest at the disposition of the UK, France, and the United States.<sup>112</sup> Rather, in Yugoslavia, Romania, Czechoslovakia, Italy, and to a lesser degree Poland, the amount of Austrian property to be confiscated was significantly higher. What was crucial for them was achieving the right to expropriate land property belonging to German-speaking elites or minorities in order to promote national homogeneity at the lowest financial cost. Additionally, thanks to the complexity of clauses regulating the redefinition of citizenship, those states were able to dispossess individuals and minorities who were legally entitled to acquire new nationality but whose acknowledgment depended on the newly created states. Unsurprisingly, in many of those states, the new governments had already launched procedures to confiscate enemy property and passed agrarian reforms against the German-speaking landowners, without waiting for the peace treaties.<sup>113</sup>

The Austrian delegation wished to avoid such a risk and sought to negotiate a differentiated treatment with the Allies. Unlike German diplomacy, still, Austrians showed a more pragmatic approach. First of all, the head of the delegation, Karl Renner, chose a conciliant manner, without offending the Allies as Brockdorff-Rantzau did in his speech on 7 May. In the following months, instead of challenging the right of liquidation in itself, the delegates insisted on questioning the faculty of confiscation given to the successor states. As a legal basis, they claimed that Austria should not be considered the successor of the

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<sup>110</sup> See sessions of the sub-committee on liquidation of enemy property, 9, 12 and 13 May 1919, in *La Paix de Versailles*, pp. 259–77.

<sup>111</sup> Suppan, *The Imperialist Peace*, p. 94.

<sup>112</sup> LSEA, Beveridge Papers, 18/2, Austrian Property in (a) enemy countries (securities and other items), and (b) Austria consisting of securities of the neutral and allied countries, undated [late 1918].

<sup>113</sup> On the Yugoslavian case, see DMITAR TASIĆ, “Between Occupation, Exile and Unification: Sequestered and ‘Abandoned’ Properties in Serbia and Yugoslavia during and after the First World War,” *European Review of History: Revue Européenne d’histoire* 28, 2 (2021), pp. 184–6.

Habsburg Empire, and thus there was no state of war between the new Republic and states like Romania or Yugoslavia.<sup>114</sup> But more incisive were considerations about the economic and financial instability of the Austrian state. The loss of private property in the former Austro-Hungarian territories risked aggravating the economic crisis and the hunger in the country since the deprivation of property abroad could cut the food supply chains of the former empire. In addition to that, in several diplomatic notes between June and July 1919, Austrian delegates insisted on the consequences of preventing the recovery of international trade and thus promoting political instability that could result in the spread of Communism. According to the draft treaty, indeed, the confiscation could cause a tremendous economic shock in a region where new political boundaries did not coincide with the previous economic and commercial structure.<sup>115</sup> As a result, the Allies partly accepted Austrian remarks,<sup>116</sup> but it was particularly significant since it was the only diplomatic success of the Austrians at the peace conference.<sup>117</sup> In the Treaty of Saint-Germain, the Allies, including the newly created states, were still entitled to liquidate Austrian private property (Article 244), but a new provision stated that assets belonging to Austrians in the ceded territories could not be expropriated (Article 267). In a separate document, the Allies ensured the Austrian government that personal possessions were to be returned.<sup>118</sup> Realistic reasons resulted to be persuasive. According to Georges Soutou, French diplomacy agreed to protect Austrian property fearing that they could be replaced by German capital.<sup>119</sup> That decision left successor states deeply disappointed. A Yugoslavian expert complained about the uneven treatment between Western Powers and his country. While France was entitled to confiscate without compensation Germans living in Alsace-Lorraine, Yugoslavia, and other successor states as well, did not enjoy the same right and were not able to redistribute land

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<sup>114</sup> 'Defence against the confiscation of assets in the nation states,' (12 Jun. 1919), in *Bericht über die Tätigkeit der deutschösterreichischen Friedensdelegation in St. Germain-en-Laye*, 1 vol. (Wien: Deutschösterreichische-Staatsdruckerei, 1919), pp. 83–4. On the legal dispute concerning the position of Austria as a successor state of the Habsburg Empire, see Wolff, *Woodrow Wilson*, pp. 107–10.

<sup>115</sup> 'Note on the Seizure and Liquidation of German-Austrian Assets in the Nation-States,' (23 Jun. 1919), and 'Note with Memorandum and Counterproposals on the Economic Provisions of the Peace Terms,' and its attached documents (7 Jul. 1919), in *Bericht über die Tätigkeit der deutschösterreichischen Friedensdelegation*, vol. 1, pp. 186–91, and 247–311.

<sup>116</sup> 'Allied Replying Note,' (8 Jul. 1919), in *Bericht über die Tätigkeit der deutschösterreichischen Friedensdelegation*, vol. 1, pp. 320–3.

<sup>117</sup> Payk, *Frieden durch Recht*.

<sup>118</sup> 'Allied Note,' in *Bericht über die Tätigkeit der deutschösterreichischen Friedensdelegation*, vol. 2, pp. 353–61. See also Edouard Clunet, "Les séquestres de guerre et les ressortissants des nouveaux états-amis," *Journal du Droit International* 47 (1920), pp. 465–7, and Leonhard, *Der überforderte Frieden*, p. 1066.



property to titular nationalities and thus reverse the concentration of wealth in Austrian (and Hungarian) hands in the previous decades. Social and national arguments were deeply entangled in the Yugoslavian perspective since Austrians were protected from losing ‘the social weight and the political influence inevitably linked, among rural populations, to the fate of the large landed property.’ In conclusion, he claimed, ‘there was, without any doubt, a setback for Yugoslavian interests, in the great European liquidation.’<sup>120</sup>

The modifications introduced in the Treaty of Saint-Germain paved the way for inserting similar provisions also in the peace agreement with Hungary. The situation in the country was far from peaceful. After the armistice, the country experienced the short-lived Communist regime of Béla Kun, the Romanian invasion, and the subsequent military occupation. In addition to that, the loss of territories, the humanitarian crisis of more than 400,000 refugees, the famine, and the economic crisis contributed to the acute weakness of the Hungarian state.<sup>121</sup> Yet the attitude of the Allied countries toward the new government was not favourable. Influenced by the British historian Robert William Seton-Watson, who played a relevant role in the redefinition of borders in the post-Habsburg space, the Allied government considered Hungary a major force contributing to supporting the Dual Monarchy against the other nationalities and regarded the aggressiveness of the Magyar leadership before 1914 as one of the main causes of the world war. Romania and other successor states also played a key role in urging a hostile attitude toward Hungary.<sup>122</sup> When the delegation came to Paris in January 1920, the main political leaders had already returned to their own countries and thus diplomats were then responsible for completing the peace treaties with other defeated nations. Hungarian diplomacy hoped this situation could leave the floor to negotiations, but they were quickly disappointed. As for private property, the draft treaty followed the German model, and thus the Allied powers were entitled to liquidate Hungarian assets also in the former Habsburg Empire. Like in the Austrian case, the relevance of those assets in Western Europe and the United States was negligible, whereas more significant was the issue of the Magyar-speaking minorities in successor states. In a

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<sup>119</sup> Georges Soutou, “L’impérialisme du pauvre : La politique économique du gouvernement français en Europe centrale et orientale de 1918 à 1929: Essai d’interprétation,” *Relations Internationales*, 7 (1976), p. 226.

<sup>120</sup> Alexandre Baschmakoff, “Séquestre et Liquidation Des Biens Ennemis Dans Les Territoires Transférés, Particulièrement En Ce Qui Concerne L’Ancien Empire d’Autriche-Hongrie et Le Royaume Des Serbes, Croates et Slovènes,” *Journal Du Droit International* 50 (1923), pp. 26–45, here p. 44.

<sup>121</sup> István Gergely Szűts, “Flüchtlingsfrage und Staatsbürgerschaft in Ungarn nach dem Ersten Weltkrieg bis 1924,” *Zeitschrift für Ostmitteleuropa-Forschung* 70, 1 (2021), pp. 31–54.

diplomatic note to the Allies, the Hungarian delegation asked for the suppression of that provision by claiming that during the war Hungary did not wage economic war against Allied citizens within its territory. The diplomatic note insisted on the contradiction between the defence of the capitalist system and the confiscation of private property against innocent civilians: ‘How indeed could they reconcile such proceedings with those democratic principles which presuppose a respect for labour and its fruits?’<sup>123</sup> In the end, the Allies chose to adopt the Austrian solution. Article 232 of the Treaty of Trianon enabled winning countries to liquidate Hungarian property in their territories except for the former territories of the Austro-Hungarian Empire (Article 250).<sup>124</sup> The immunity of private property from confiscation, however, did not prevent successor states, especially Romania, from expropriating Magyar-speaking minorities and causing long-lasting diplomatic controversies in the interwar period.<sup>125</sup>

Unlike Austria and Hungary, though, Bulgaria did not benefit from a softer treatment. When the diplomatic delegation came to Paris in July 1919, the leadership and diplomacy of the defeated country deluded themselves into believing that the Allied Powers could give Bulgaria better provisions than Germany. Yet the draft treaty shattered those expectations. A punitive approach permeated the peace proposal of the Allies mostly because of the choice to side with the Central Empires in 1915 and later the atrocities committed in the occupied Greek regions. Among the conditions, the private property could be confiscated by the Allies also in the ceded territories and thus provoking huge damage to the Bulgarian population. In the speech delivered by the head of the diplomatic delegation in September 1919, Bulgarians admitted the responsibility of the ex-Tsar Ferdinand and his government for ‘having pursued an Imperialistic policy’ but claimed the innocence of the

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<sup>122</sup> Payk, *Frieden durch Recht*, pp. 446–56.

<sup>123</sup> Diplomatic Note (19 Feb. 1920), in *The Hungarian Peace Negotiations: An Account of the Work of the Hungarian Peace Delegation at Neuilly S/S, from January to March, 1920*, 1 vol. (Budapest: Printing Office of Victor Hornyánszky, 1920), p. 445.

<sup>124</sup> Francis Deák, *Hungary at the Paris Peace Conference: The Diplomatic History of the Treaty of Trianon* (New York: Columbia University Press, 1942), pp. 235–6, 281.

<sup>125</sup> On the dispute over land property of the Magyar-speaking minority in Romania, see Francis Deák, *The Hungarian-Rumanian Land Dispute: A Study of Hungarian Property Rights in Transylvania Under the Treaty of Trianon* (New York: Columbia University Press, 1928), and Antal Berkes, “The League of Nations and the Optants’ Dispute in the Hungarian Borderlands: Romania, Yugoslavia, and Czechoslovakia,” in Peter Becker and Natasha Wheatley, eds., *Remaking Central Europe: The League of Nations and the Former Habsburg Lands* (Oxford: Oxford University Press, 2020), pp. 283–315.

population.<sup>126</sup> As for private property, in the counterproposal, Bulgarian diplomacy demanded reciprocal restitution of seized assets since, otherwise, confiscation could result in destabilizing its weak economy and increasing inflation. Additionally, the application of liquidation could cause the ‘forced denaturalization’ of more than 500,000 Bulgarian citizens or just Bulgarian-speaking civilians residing in the regions ceded to Romania, Greece, and Yugoslavia, with the consequence of worsening the desperate situation of the country.<sup>127</sup> In the end, rather, the Allied Powers chose to keep a hard line and refused to grant Bulgaria the immunity of private property from confiscation in the ceded regions.<sup>128</sup> In this regard, the Treaty of Neuilly was identical to Versailles (Article 177), and only optants might have benefited from the exemption.<sup>129</sup>

Finally, the Turkish case showed that the only way to reverse Allied policies was by military means. Signed in November 1920, the Treaty of Sèvres gave the winning powers the right to liquidate property belonging to citizens of Turkish nationality, while former Ottoman subjects of other nationalities were entitled to be restored (Article 289). Unlike the other peace treaties, drafting the economic and financial clauses was a difficult task for the technical experts who dealt with the problems deriving from the dissolution of the Ottoman Empire.<sup>130</sup> In a few years, however, the treaty became a scrap of paper. The Turkish nationalist army won the Greek-Turkish War in 1922, and the new government led by Mustafa Kemal forced the Allies to withdraw from the country. In 1923, as a result of long and complicated negotiations, a new treaty was signed, but the balance of power was totally different from three years earlier.<sup>131</sup> According to the Treaty of Lausanne, the Allies accepted to return the private property to legitimate owners or compensate them in case of irreversible liquidation, on a reciprocal basis. The treaty set off the so-called ‘white peace,’ since it represented ‘a charter of oblivion and amnesty that [did] not burden the develop-

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<sup>126</sup> ‘Speech of the Head of the Bulgarian Delegation’ (19 Sep. 1919), in *Conditions of Peace with Bulgaria: Observations of the Bulgarian Delegation on the Conditions of Peace with Bulgaria* (Paris: Imprimerie H. Elias, 1919), p. V.

<sup>127</sup> ‘Observations to Articles 177 and 179,’ in *Conditions of Peace with Bulgaria*, pp. 127–31.

<sup>128</sup> ‘Reply of the Allied and Associated Powers to the Observations of the Bulgarian Delegation on the Conditions of Peace’ (3 Nov. 1919) in <https://history.state.gov/historicaldocuments/frus1919Parisv08/d40>.

<sup>129</sup> On the harsh treatment of Bulgaria, see Stefan Marinov Minkov, “Neuilly-Sur-Seine, Treaty Of,” 1914–1918-online. International Encyclopedia of the First World War (WW1), accessed February 2, 2023, [https://encyclopedia.1914-1918-online.net/article/neuilly-sur-seine\\_treaty\\_of](https://encyclopedia.1914-1918-online.net/article/neuilly-sur-seine_treaty_of), and Gerwarth, “The Sky Beyond Versailles,” pp. 920–2. Some authors have claimed that Bulgaria was not treated so harshly, see Payk, *Frieden durch Recht*, pp. 442–6.

<sup>130</sup> NA, FO 608/75, Minutes of the Sessions of the Sub-Committee on Liquidation, 2 and 12 Jul. 1919.

<sup>131</sup> Payk, *Frieden durch Recht*, pp. 466–91.

ment of future forces with the responsibilities of the past.<sup>132</sup> Yet the Allies did not fully give a clean state of the past in the matter of private interests. According to Article 72, German property in Turkey remained under Allied control, and thus might have been liquidated as well.

### 1.3 Between Illusions and Reality: Germany and the Reaction to the Confiscation of Private Property

#### *In Search of the Economic Peace*

After signing the armistice, the new German leadership faced with a desperate situation. The country was in turmoil due to revolutionary events, the population was suffering hunger, and the collapse of the short-lived empire in the East paved the way for vital dangers to the integrity of the German state. Since the exploitation of Eastern Europe had not been enough to win the war on the Western front, the last chance to restore the German position and prevent the Allies from imposing a punitive treaty was appealing to President Wilson. That the UK and France were committed to imposing economic restrictions and limitations even after the end of the conflict, was evident. In January 1919, the Undersecretary of Foreign Affairs communicated to the embassy in Stockholm that London and Paris were determined to wage the economic war against Germany, but ‘that attitude contradicted the declarations of President Wilson.’<sup>133</sup> On the contrary, Wilsonianism embodied the ideal of peace without victory that was based on liberal principles, also in the economic and commercial spheres. Unlike the previous Wilhelmine ruling class, the Republican leadership was wholly aware of the devastating consequences of isolation and economic warfare after four years of war. ‘Germany has become poor and unemployed as a result of the war,’ as the Undersecretary at the Ministry of Finance, Wichard von Moellendorff, stated in May 1919, and completely lost its pre-war international position.<sup>134</sup> Unsurprisingly, one of the main features of the diplomatic service’s reform consisted of providing the central admin-

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<sup>132</sup> André Proudhomme, “Le Traité de Lausanne et les intérêts privés,” *Journal du Droit International* 50 (1923), p. 759.

<sup>133</sup> Undersecretary of Foreign Affairs to embassy in Stockholm, 9 Jan. 1919, in *Akten zur deutschen auswärtigen Politik 1918-1945, aus dem Archiv des Auswärtigen Amts*, vol. I, p. 167.

<sup>134</sup> Denkschrift des Reichswirtschaftsministeriums zur wirtschaftspolitischen Lage. 7. Mai 1919, in *Akten der Reichskanzlei. Weimarer Republik*, <https://www.bundesarchiv.de/aktenreichskanzlei/1919->

istration in Berlin, embassies, and consulates abroad with a proper staff versed in economic matters.<sup>135</sup> ‘Politics without economy is impossible in the future,’ was the slogan that summarized the new course of German diplomatic service.<sup>136</sup> As Klaus Schwabe and other authors have pointed out, between November 1918 and May 1919, political parties, intellectuals, policymakers, lawmakers, and public opinion in Germany rest their hopes on Wilson to avoid the worst consequences of the defeat and made misleading illusions about the possibility to negotiate the post-war settlement.<sup>137</sup> As a result, one of the major goals of German diplomacy was to reach an economic peace that could remove wartime restrictions, including those on private property, and re-admit Germany to international markets. Also, German business circles opted for a liberal-oriented and free-trade agenda for the post-war reconstruction.<sup>138</sup>

The new minister of Foreign Affairs, Ulrich von Brockdorff-Rantzau, clearly revealed that stance. Since his appointment in late 1918, he publicly claimed reciprocity and equal treatment between the Allies and Germany in the ensuing peace negotiations and claimed the removal of economic warfare.<sup>139</sup> He wished to persuade Wilson and the Allies that the ‘new’ democratic and Republican Germany was different from the old autocratic and militarist regime of Kaiser Wilhelm II and thus deserved to be fairly treated according to the Wilsonian principles. His strategy, thus, consisted of searching for a bilateral agreement with the United States to weaken the French-British alliance, and attracting American capital to promote the German recovery. Insisting on the economic catastrophe of Germany, and the Bolshevik menace, was also instrumental in achieving better conditions at the peace conference.<sup>140</sup> ‘The peace we want to conclude must not only be political but essentially also an economic peace.’ By referring to Wilson’s Fourteen Points speech, during his

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[1933/00a/sch/sch1p/kap1\\_2/para2\\_68.html?highlight=true&search=liquidation&stemming=true&pnd=&start=&end=&field=all#d8e38](https://www.diglib.umd.edu/dlib/1933/00a/sch/sch1p/kap1_2/para2_68.html?highlight=true&search=liquidation&stemming=true&pnd=&start=&end=&field=all#d8e38).

<sup>135</sup> On the reform of diplomacy, see Krüger, *Aussenpolitik*, pp. 23–30.

<sup>136</sup> Undersecretary of Foreign Affairs to embassy in Stockholm, 23 Jan. 1919, in *Akten zur deutschen auswärtigen Politik 1918-1945, aus dem Archiv des Auswärtigen Amtes*, vol. I, p. 257.

<sup>137</sup> Schwabe, *Versailles*. See also Thomas Lorenz, »Die Weltgeschichte ist das Weltgericht!«: Der Versailler Vertrag in Diskurs und Zeitgeist der Weimarer Republik (Frankfurt: Campus Verlag GmbH, 2008), pp. 60–75, and Gerd Krumeich, *Die unbewältigte Niederlage: Das Trauma des Ersten Weltkriegs und die Weimarer Republik* (Freiburg: Herder Verlag GmbH, 2018), pp. 161–3.

<sup>138</sup> Volker Rolf Berghahn, “Introduction,” in Volker Rolf Berghahn, ed., *Quest for Economic Empire: European Strategies of German Big Business in the Twentieth Century* (Providence; Oxford: Berghahn Books, 1996), pp. 5–17.

<sup>139</sup> Graf Ulrich Brockdorff-Rantzau, *Dokumente und Gedanken um Versailles* (Berlin: Verlag für Kulturpolitik, 1925), pp. 36–43.

<sup>140</sup> ‘The Next Tasks of the German Foreign Policy,’ 21 Jan. 1919, in *Akten zur deutschen auswärtigen Politik 1918-1945, aus dem Archiv des Auswärtigen Amtes*, vol. I, pp. 204–7.

speech at the National Assembly, Brockdorff-Rantzau showed his strong support for a liberal agenda based on free-trade and openness of markets. In continuity with Hindenburg's plan, he set the revocation of measures taken at the Paris Economic Conference in 1916 among the priorities of German policy.<sup>141</sup> Unlike the Wilhelmine ruling class, the new Republican leaders proved to be much more sensitive to the relevance of international trade and integration in the world economy for the future of Germany and its industrial system. Regardless of political affiliation, the war taught statesmen like Erzberger, Brockdorff-Rantzau, Stresemann, or Hermann Müller that the conflict had been a catastrophe for Germany because of the disconnection from the world economy and only by restoring those ties the country would have survived. In this perspective, removing restrictions on private property and avoiding the risk of confiscation were instrumental in reaching such an economic peace and thus rebuilding the country. But the biggest problem was that they truly believed that the Allies left room for bilateral or multilateral negotiations, even though all the information in their possession contradicted that possibility.

During the negotiations on financial agreements following the armistice in January 1919, for instance, the German delegation—whose members were also Max Warburg, Carl Melchior, and the President of the Reichsbank—seemed very determined to oppose any confiscation of private property abroad. According to Keynes, ‘the German authorities intend to make a very strong stand in protection of the inviolability of private German property abroad, and I doubt if it will be possible to move them from this attitude at any rate prior to the peace negotiations.’<sup>142</sup> The perspective to reach a ‘peace of justice’ (*Rechtsfriede*) that would be based on the reciprocal compensation of private war damages and the re-establishment of trade relations was dominant.<sup>143</sup> Meanwhile, during a meeting with associations of refugees coming from enemy countries and business circles with economic interests abroad, the head of the Legal Department of the Ministry of Foreign Affairs, Walter Simons (1861–1937), informed that the government wanted to settle the dispute of seized property by proposing the adoption of the Brest-Litovsk system.<sup>144</sup> Until that moment, he

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<sup>141</sup> Nationalversammlung, Session of 14 Feb. 1919, p. 67.

<sup>142</sup> ‘Report on Financial Conversations at Trèves 15-16 January 1919,’ in Keynes, *The Collected Writings*, vol. 16, p. 403.

<sup>143</sup> PAAA, R 23127, Petition of the *Verband zur Sicherung deutscher Forderungen an das feindliche Ausland* (Barmen), *Kommission zur Sicherung deutscher Forderungen an das feindliche Ausland zusammenschlossenen wirtschaftlichen Verbände zu Hamburg* and *Deutschen Gläubigerschutzvereins für das feindliche Ausland* (Berlin) to the government, 20 Jan. 1919.

<sup>144</sup> On Simons, see Horst Gründer, *Walter Simons als Staatsmann, Jurist und Kirchenpolitiker* (Neustadt an der Aisch: Mocker & Jahn, 1975).

claimed, German diplomacy refused to regulate the issue of private property in the armistice agreements fearing that the Allies could adopt undesirable provisions. But, invoking the Wilsonian spirit, the government not only confided in joining the peace negotiations, and wished to follow the principle of reciprocity in settling the matter. Such optimism was not shared by all participants. More realistically, a representative of the business circles replied to Simons that it was highly likely not only the exclusion of Germany from negotiations but also the ultimate confiscation of private property while the German state was required to compensate victims. Rather, Simons insisted on hoping to reach a diplomatic agreement and urged associations to cooperate with diplomacy in the ensuing months.<sup>145</sup> Illusions about the possibility to negotiate a solution with the Allies were widespread even among the iron and steel industrialists like Louis Röchling, Wilhelm Beukenberg, and Paul Reusch, who hoped to reverse confiscation measures and take their plants in France back.<sup>146</sup>

A similar position was echoed by the Office for Peace Negotiations (*Geschäftsstelle für Friedensverhandlungen*), which had been created in the early months of 1919 by the Ministry of Foreign Affairs to examine questions concerning the peace settlement. Conceived as a special organ composed of diplomats and representatives of trade unions, business circles, banks, and so on, the Office was aimed at supporting the activity of the Ministry of Foreign Affairs thanks to the involvement of civil society.<sup>147</sup> As for economic and financial matters, yet, diplomacy preferred to rely on a small group of technocrats coming from the banking world, whereas refugee associations and other organizations composed of victims of economic persecution were generally excluded.<sup>148</sup> The key members of the economic and financial committee were thus Max Warburg (1867–1946), a member of the wealthy Warburg family and owner of the Hamburg-based bank with significant interests abroad, and his friend and associate Carl Melchior (1871–1933), a businessman and banker from

<sup>145</sup> PAAA, R 25854, Minutes of the meeting among Walter Simons, Friedrich Gaus, and representatives of refugees' associations and the *Ausschuß für die Liquidationen und Sequestrationen deutscher Firmen in Feindesland*.

<sup>146</sup> Christian Marx, "Enteignung – Entschädigung – Expansion. Der Versailler Vertrag und die Gutehoffnungshütte (1918–1923)," in Dieter Ziegler and Jan-Otmar Hesse, eds., *1919 – Der Versailler Vertrag und die deutschen Unternehmen, 1919 – Der Versailler Vertrag und die deutschen Unternehmen* (Oldenbourg: De Gruyter, 2022), p. 135.

<sup>147</sup> Peter Grupp and Pierre Jardin, "Une tentative de renouvellement de la diplomatie traditionnelle: La »Geschäftsstelle für die Friedensverhandlungen« (1919)," *Francia* 13 (1985/1986), pp. 447–73.

<sup>148</sup> On the contrast between traditional diplomacy and organized collective interests, see Krüger, *Aussenpolitik*, pp. 65–71.

Hamburg.<sup>149</sup> Both of them were representatives of the democratic and liberal middle class, devoted to re-integrating Germany into the world economy. Being supporters of the new republican course in the country, Warburg and Melchior were also genuine champions of the patriotic cause, who were committed to a free-trade agenda to rebuild the industrial and financial strength of Germany. Furthermore, they showed a sincere interest in promoting the relaunch of ‘Germandom abroad’ (*Auslandsdeutschtum*) after the war. Replying to an association representing Germans abroad who suffered economic persecution, Warburg confirmed his intention to represent their interests at the peace negotiations given the ‘relevance [of Germans abroad] that I know for decades.’<sup>150</sup> Also, the Warburg bank was among the victims of economic warfare since the British government had liquidated assets of its London branch worth £126,000.<sup>151</sup> In 1919, Warburg and Melchior worked closely with Simons, who also led the legal section of the Office for Peace Negotiations, and other diplomats like Friedrich Gaus,<sup>152</sup> Ernst von Simons,<sup>153</sup> Herbert Kraus, and Otto Göppert.<sup>154</sup> That group of law-trained diplomats and bankers cooperated with the Armistice Commission in Spa and later were involved in the negotiations with the Allies in Paris after May 1919. All of them embraced a Wilsonian and liberal position, and thus backed the restitution of private property on a reciprocal basis as a fair solution to end the economic war.

On April 21, 1919, just a few days before the departure to Paris of the official delegation, the government settled the guidelines for the peace negotiations and priority went to the re-establishment of normal economic relations with former enemy countries. Exceptional measures against Germans should be repealed, and the freedom of movement and residence had to be restored as well. All measures, laws, or decrees regarding the treatment of enemy property were to be revoked on a ‘wholly reciprocal basis,’ whereas arbitral tribunals should be installed to regulate private claims between citizens of both parties. ‘Special attention must be paid to the restoration to their former status of Germans residing abroad

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<sup>149</sup> On the Warburg family and banking activity, see Alfred Vagts, “M. M. Warburg & Co. Ein Bankhaus in der deutschen Weltpolitik 1905—1933,” *Vierteljahrschrift für Sozial- und Wirtschaftsgeschichte* 45, 3 (1958), pp. 289–388. On Melchior, see the John Maynard Keynes, *Two Memoirs: Dr. Melchior, a Defeated Enemy, and My Early Beliefs* (London: Rupert Hart-Davis, 1949).

<sup>150</sup> BArch, R 904/1024, Max Warburg to *Reichsverband der Auslandsdeutschen*, 19 Apr. 1919.

<sup>151</sup> BArch, R 2/24743, Decision of the Spruchkommission (Berlin-Zehlendorf), 26 Oct. 1921.

<sup>152</sup> Gerhard Stuby, *Vom “Kronjuristen” zum “Kronzeugen”: Friedrich Wilhelm Gaus: ein Leben im Auswärtigen Amt der Wilhelmstraße* (Hamburg: VSA-Verl, 2008).

<sup>153</sup> Dieter Neitzert, “Das Amt zwischen Versailles und Rapallo: Ruckschau des Staatssekretärs Ernst von Simson,” *Vierteljahrshefte für Zeitgeschichte* 60, 3 (2012), pp. 443–90, and Norbert Gross, *Ernst von Simson: Im Dienste Deutschlands: Von Versailles nach Rapallo* (Karlsruhe: Gesellschaft für Kulturhistorische Dokumentation, 2013).



and of interests held by German firms abroad, and every effort must be made to obtain the payment on the spot in foreign currency of the claims to which they are entitled.’ Additionally, diplomacy should reach an agreement to ‘regain control of our merchant fleet as of September 1, 1919, and to be able to sail it freely as before the war.’ The government, finally, urged the Legal Department of the Ministry of Foreign Affairs to deal with ‘the restoration of private rights, especially in the field of industrial and intellectual property.’<sup>155</sup> The cabinet strongly believed to start over, leaving behind more than four years of economic persecution. Diplomats, businessmen, lawmakers, and public opinion did so, too. What was astonishing was the denial of seeing how the situation truly was. The illusion of Wilsonianism blinded the German leadership, even if everything suggested otherwise.<sup>156</sup>

### *The Reaction to the Treaty of Versailles*

When the German delegation was given the draft treaty, on May 7, 1919, all representatives were shocked.<sup>157</sup> Since the arrival of delegates to Paris (April 29), they had no official contact with the Allies and were surrounded by a hostile climate. Though, even that did not shake the expectation of negotiating. When the six delegates were given the draft document, it was a rude weakening. Brockdorff-Rantzau’s plan of action shattered, and an unexpected scenario emerged. Also, it was the end of the ‘dreamland’, as the theologist Ernst Troeltsch called those months between the armistice and the draft treaty, and the beginning of a new dramatic phase. The enthusiasm for Wilsonianism and the hope for reaching a moderate peace agreement suddenly turned into despair, rage, and resentment. On May 7, the speech delivered by Brockdorff-Rantzau as an official reply to the Allies was massively aggressive, contradicted the diplomatic protocol, and contributed to exacerbating the tensions with between former belligerents.<sup>158</sup>

From that moment on, the delegates started a feverish activity to translate the document and prepare diplomatic notes on every aspect of the treaty, also thanks to the sup-

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<sup>154</sup> Payk, *Frieden durch Recht*, pp. 406–17.

<sup>155</sup> ‘Guidelines for the German Peace Negotiators. 21 Apr. 1919,’ in Akten der Reichskanzlei. Weimarer Republik, [https://www.bundesarchiv.de/aktenreichskanzlei/1919-1933/00a/sch/sch1p/kap1\\_2/para2\\_52.html?highlight=true&search=liquidation&stemming=true&pnd=&start=&end=&field=all#d8e47](https://www.bundesarchiv.de/aktenreichskanzlei/1919-1933/00a/sch/sch1p/kap1_2/para2_52.html?highlight=true&search=liquidation&stemming=true&pnd=&start=&end=&field=all#d8e47).

<sup>156</sup> On the preparatory works of the German government, see Alma Luckau, *The German Delegation at the Paris Peace Conference* (New York: Columbia University Press, 1941), pp. 27–53.

<sup>157</sup> Members of the commission were Brockdorff-Rantzau, Carl Melchior, Walther Schücking, Otto Landsberg, Robert Leinert, and Johannes Giesberts. See Luckau, *The German Delegation*, pp. 54–9.

<sup>158</sup> Luckau, *The German Delegation*, pp. 59–69.

port of technical experts and prominent intellectuals (like Max Weber, Albrecht Mendelssohn-Bartholdy, or Friedrich Meinecke). However, as stated by Clemenceau, the Allies considered them just ‘practical suggestions’ with no official value and waited for a general reply containing all observations to the draft treaty. All delegates were inclined to refuse to sign the treaty as it was, but at the same time, the Allied firmness did not leave much room for compromise.

In the matter of private property, delegates, technical experts, and diplomats were then fully aware of the huge economic and financial damage to Germany.<sup>159</sup> But diplomacy finally realized that Germany had to come to terms with the loss of all its investments abroad, and the dispossession of thousands of private citizens and companies. In the note to the Allies sent on May 22, 1919, the German delegation protested against the liquidation of private property, claiming that the Allies were violating international law and the Wilsonian peace program, and thus putting together legalistic and material considerations regarding the unfairness of liquidation and its dramatic effects for the international economic and financial recovery. That mix of legalism and realism was typical of the attitude taken by German diplomacy since late 1918 and was shared by Melchior, Warburg, Gaus, and Simons, who were likely to be material authors of the note.<sup>160</sup> From a legal point of view, the German government regarded that provision as ‘inacceptable in principle as being in different respects opposed to the most elementary conceptions of a peace of Right. This inconsistency is all the more manifest as the questions of private law here at issue belong to a subject-matter which should under all circumstances be excluded from a treatment guided by motives of political power.’

In contrast to the principle of reciprocity, Germany was forced to revoke all exceptional measures taken against private property, while the Allies were entitled to liquidate assets belonging to German citizens with no time and space limit since they might have confiscated property in the ceded regions as well. As a result, the Allies were still waging war against Germany even in peacetime. The latter ‘must therefore in principle maintain the point of view that all measures of the kind here referred to which have been taken after the conclusion of the Armistice are illegal, as representing a continuation of hostilities. With still more emphasis, however, the imputation put to Germany, of assenting to a continua-

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<sup>159</sup> Vertrauliche Besprechung vom 8. Mai 1919, in *Akten zur deutschen auswärtigen Politik*, vol. 2, pp. 7–17.

tion of the aggressions against private property even beyond the conclusion of Peace, must be repudiated. This would, instead of restoring Peace, in truth mean to perpetuate economic war.’ In addition to that, the delegation invoked the respect of international law and highlighted the economic and political risk of undermining the protection of private property in the international sphere. Instead of being a true peace, the treaty posed a serious threat to the re-establishment of peaceful relations among the former belligerent states. ‘The proposed appropriation of the German private property situated in foreign countries amounts to a so extensive confiscation of private property of all kinds, that a general undermining of the fundamental principles of international legal intercourse will of necessity result therefrom. Under the present conditions it ought to be the special task of the Powers to bring the principle of inviolability of private property, which has been subjected to so many restrictions during the war, into full force again in international intercourse.’ Furthermore, the right to compensation given to dispossessed citizens could not cover the true nature of the confiscation, which was contrary to fundamental legal principles. ‘Such appropriation must appear as especially arbitrary if not even claims against Germany or German nationals are involved but claims against the states allied with Germany and the nationals of such states. If the Allied and Associated Governments try to veil the confiscatory character of the procedure by expressly providing for the indemnification of the owners through means of the German Empire, they cannot thereby change the nature of the matter.’

What is remarkable, yet, is that the diplomatic note finally contained a sort of bitter acknowledgment of surrender. Germany was ready to accept the consequences of the deprivation of private assets. ‘The German Peace Delegation is conscious of the fact that under the pressure of the burden resulting from the Peace Treaty for the whole future of German economic life German property abroad cannot be maintained in its former extent. In order to be able to discharge her pecuniary obligations Germany will rather have to sacrifice this property abroad in a large measure. To do so she is prepared.’<sup>161</sup> Regardless of who the author of this passage was, both businesspeople and diplomacy understood that the game of private property was lost and that alternative solutions must be followed to re-

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<sup>160</sup> Luckau, *The German Delegation*, pp. 80–4.

<sup>161</sup> Letter of Brockdorff-Rantzau to Clemenceau, Appendix ‘German Property Abroad,’ 22 May 1919, in FRUS, 1919, vol. V, Appendix I to Doc. 86, pp. 865–9. The Observations of the German Delegation on the

build the economic strength of the country. The new guideline consisted of making economic concessions to soften the political clauses of the treaty, and thus accepting the sacrifice of private property was part of the plan. From a domestic political point of view, however, doing it was far from being painless.

When the cabinet in Berlin received communications from the German delegation in Paris, disappointment and shock prevailed. The first reaction of Friedrich Ebert and Philipp Scheidemann was to communicate to the Allies the sharp denial to sign the treaty and publish an appeal to the resistance against the Allied impositions.<sup>162</sup> All political parties (except for the Communists) and newspapers shared the same attitude. Likewise, business circles were deeply stunned by the draft treaty and its economic clauses. An oil company with relevant interests in the region of Posen pleaded with the government to avoid confiscation of property by all means.<sup>163</sup> The reconstruction of the country appeared almost impossible due to the losses of property abroad and in the ceded regions.<sup>164</sup> The government in Berlin was overwhelmed by telegrams and petitions full of outrage for the confiscation of private assets.<sup>165</sup> The Association for the Protection of German Foreign Claims (*Schutzverband für deutsche Auslandsforderungen*) proposed to immediately release all enemy assets held by the German government to persuade the Allies of the goodwill and thus seek to negotiate a reciprocal restitution agreement.<sup>166</sup> Protests and demonstrations organized by refugee associations and victims of economic persecution against the treaty occurred across the country. After months of illusion, news of dispossession was painful. In a petition sent by a group of Germans abroad in Nuremberg, they recalled what they suffered: ‘Have we not suffered enough from this war? Many of us were interned for years, often separated from our families and children, forcibly expelled from our homes and habits, often deprived of our entire livelihood, and after having waited with unspeakable patience for five years for the moment of peace, which was to return to us what we had lost in violation of international law, we are now supposed to accept a new, indefinite term of reparation, of possible

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Conditions of Peace, sent on 29 May 1919, broadly recalled the main argumentations of the previous note, see FRUS, 1919, vol. VI, Doc. 87, pp. 847–9, 889.

<sup>162</sup> Krüger, *Aussenpolitik*, pp. 72–6.

<sup>163</sup> PAAA, R 23127, Spritbank Aktiengesellschaft to Ministry of Foreign Affairs, 12 May 1919.

<sup>164</sup> Feldman, *The Great Disorder*, pp. 148–55, and see also Carl Melchior, “Die Zukunft der Deutschen in den alliierten und assoziierten Ländern,” *Berliner Tageblatt*, 22 Jul., 1919.

<sup>165</sup> See documents in PAAA, R 23127, and R 23128.

<sup>166</sup> PAAA, R 23127, *Schutzverband für deutsche Auslandsforderungen* to Foreign Affairs and Economy, 20 May 1919.

compensation by Germany.’ The most widespread feeling was the frustration. ‘Personal property is sacred. The seizure of personal assets is and remains an illegal robbery, no matter in which state or under which cover it is carried out.’<sup>167</sup> As a result, the most common demand was not to sign the treaty.<sup>168</sup>

The reaction to the draft of the treaty was furious in the National Assembly in Weimar, and the loss of private property played its role, too, in inflaming the debate. What was driving the rage and anger, indeed, was not only the wounded national pride but mainly the array of discriminatory economic measures. During the famous session of 12 May, Chancellor Scheidemann claimed: ‘Germany has ceased to exist in the world!’ Besides the loss of submarine cables, telegraphic stations, and the colonial empire, he blamed the Allies for cutting off Germany from the rest of the world. Especially, he considered economic isolation the biggest damage to his country. Instead of rebuilding trade relations, he claimed, the Allies were still waging economic warfare against Germany, and the liquidation of private property largely contributed to creating the ‘dungeon’ where Germany was supposed to live: ‘without ships—since our merchant fleet passes into the hands of the Entente—without cables, without colonies, without foreign establishments, without reciprocity and legal protection, even without the right to participate in determining the prices of goods.’ Immediately after, Scheidemann pronounced the words that have gone down in history: ‘I ask you: Who, as an honest man—I do not even want to say as a German—only as an honest man, loyal to the contract, can enter such conditions? What hand would not wither that binds itself and us in these fetters?’ According to the parliamentary record, the applause of the entire assembly overwhelmed his speech as proof of the large agreement in refusing to sign the treaty. Remarkably, once Scheidemann resumed speaking, his attention went to the economic subjection of the country: ‘And at the same time are we supposed to raise our hands, have we to work, the slaves for international capital, to pay servitude for the whole world? Trade abroad, the past source of our prosperity, is smashed and made impossible for us.’<sup>169</sup> During the rest of the session, also other lawmakers denounced the harshness of the economic and financial clauses of the treaty, including the ‘robbery’ of

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<sup>167</sup> PAAA, R 23128, Petition of the Nuremberg Group of Germans Abroad to Foreign Affairs, undated [mid-May 1919].

<sup>168</sup> BArch, R 43-I/542, Rat der Reichsdeutschen im Ausland to Dr. Brecht (Chancellery), 17 May 1919, and PAAA, R 23128, Petition of the *Vereinigung der Deutschen Marokko-Interessenten* to the German government, 27 May 1919.

<sup>169</sup> Nationalversammlung, Session of 12 May 1919, p. 1083.

private property.<sup>170</sup> Economic considerations, and the loss of private property as well, played a relevant role in exacerbating the anger.<sup>171</sup> The illusion of reaching an economic peace, that could lift the blockade and other economic restrictions, was definitely vanished.

In spite of public statements and diplomatic protests, the government was powerless and could do very little to protect German citizens from dispossession. Nevertheless, at least initially, associations, refugees, and other organizations representing economically damaged subjects showed strong support to the government. Even if no representative of victims belonged to the peace delegation, Brockdorff-Rantzau and Scheidemann proved to be genuine champions of their interests.<sup>172</sup> On June 17, 1919, the German delegation informed that efforts to mitigate peace provisions had brought about poor results. Except for some concessions, whose most significant regarded the fate of Upper Silesia, the Allies confirmed the original draft treaty. ‘Germany’s foreign assets, as originally formulated, will be practically confiscated, especially in the German colonies and in the regions ceded to France and Belgium. Mitigation is provided only for the territories assigned to the newly formed Eastern states, Poland and Czechoslovakia, and Denmark.’ As a result, the treaty was considered unbearable, and thus they suggested refusing to sign the treaty. Among those who endorsed that document, there was Melchior.<sup>173</sup> Between May and June, a fierce public debate took place in Germany, and the risk of being invaded—and then losing the political unity of the German state—became more and more concrete. In the end, after countless tribulations and the resignation of Scheidemann, on June 28, 1919, the German delegation signed the peace treaty in Versailles, where some decades earlier the German Empire had been founded.<sup>174</sup> In the matter of private interests, the draft treaty remained unchanged. Only in the protocol of the Treaty of Versailles, the Allies committed to punishing officials or any other person who had committed irregularities in the management of seized assets and recommended Germany to cooperate by delivering information about

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<sup>170</sup> Ivi, pp. 1088–9, and 1092.

<sup>171</sup> On the emotive reaction to the treaty, see Thomas Lorenz, »Die Weltgeschichte ist das Weltgericht!«: Der Versailler Vertrag in Diskurs und Zeitgeist der Weimarer Republik (Frankfurt: Campus Verlag GmbH, 2008), pp. 76–87, and Gerwarth, *Die größte aller Revolutionen*, pp. 249–83.

<sup>172</sup> Karl Hirschland, “Auslanddeutschtum und Friedensvertrag,” *Mitteilungen des Deutschen Ausland-Instituts*, 2, 7 (Jul. 1919), pp. 187–8.

<sup>173</sup> Denkschrift der deutschen Friedensdelegierten zu den Friedensforderungen der Entente. Versailles–Weimar, 17. Juni 1919, in *Akten der Reichskanzlei. Weimarer Republik*, [https://www.bundesarchiv.de/aktenreichskanzlei/1919-1933/0000/sch/sch1p/kap1\\_2/para2\\_119.html#d8e37](https://www.bundesarchiv.de/aktenreichskanzlei/1919-1933/0000/sch/sch1p/kap1_2/para2_119.html#d8e37).

that. Needless to say, such a promise mostly remained a dead letter.<sup>175</sup> In the end, the victims of economic persecution had to accept the loss of their property, too. ‘So, there cannot be even the slightest doubt that all our private property abroad—with tiny exceptions—will be liquidated.’<sup>176</sup>

## Summary

The solution of the Treaty of Versailles for the fate of German private property left no room for the illusion of a durable peace,<sup>177</sup> and neither adopted a Wilsonian and democratic approach in that regard.<sup>178</sup> On the contrary, the nature of the peace treaty was inspired by the punishment of the defeated state and its citizens, who were collectively held responsible for the war guilty of Germany, and thus were forced to pay reparations at their own expense. After all, the peacemakers embraced the conspiracy theory about the role of private business in supporting Wilhelmine ‘world politics’ (*Weltpolitik*) and imperialistic plans. As in other fields, the Treaty of Versailles, together with the other peace agreements signed in 1919–20, set a standard for future post-war settlements in the matter of private property.<sup>179</sup> Nicholas Mulder has argued that ‘the Versailles Treaty was an important moment in the modern history of international law because of its endorsement of private property seizure on a worldwide scale.’<sup>180</sup> The impact of those provisions was significant from a legal point of view, and the effects of that provision lasted for decades.<sup>181</sup> As Tem-

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<sup>174</sup> On the decision to accept the peace treaty, see Luckau, *The German Delegation*, pp. 92–112, and Payk, *Frieden durch Recht*, pp. 406–17.

<sup>175</sup> ‘Proceedings will be taken against persons who have committed punishable offences in the liquidation of German property, and the Allied and Associated Powers will welcome any information or evidence which the German Government can furnish on this subject.’ See Protocol to the Treaty of Peace, signed at Versailles, June 28, 1919, in FRUS, 1919, vol. XIII, p. 741, <https://history.state.gov/historicaldocuments/frus1919Parisv13/ch25>.

<sup>176</sup> Kurt Loewenfeld, “Die Behandlung unseres Privateigentums nach den Friedensbedingungen,” *Mitteilungen des Deutschen Ausland Instituts*, 2, 8 (Aug. 1919), pp. 241–4.

<sup>177</sup> Eckart Conze, *Die große Illusion: Versailles 1919 und die Neuordnung der Welt* (München: Siedler Verlag, 2018).

<sup>178</sup> Klaus Schwabe, *Versailles: Das Wagnis eines demokratischen Friedens 1919-1923* (Göttingen: Schoeningh Ferdinand GmbH, 2019).

<sup>179</sup> Hans Van Houtte et al., *Post-War Restoration of Property Rights Under International Law*, vol. 1 (Cambridge: Cambridge University Press, 2008), pp. 14–7, and 275–85. For a general overview of the effects of the Treaty of Versailles, see Eric D. Weitz, “From the Vienna to the Paris System: International Politics and the Entangled Histories of Human Rights, Forced Deportations, and Civilizing Missions,” *The American Historical Review* 113, 5 (2008), pp. 1313–43.

<sup>180</sup> Mulder, “A Retrograde Tendency,” p. 2.

<sup>181</sup> On the legal effects of private economic section of the Versailles Treaty, see Felix Pinner, “Die Misshandelten Privatrechte,” *Berliner Tageblatt*, 17 May 1919, Ernst Decke, *Das deutsche Auslandsvermögen im Friedensver-*

perley grasped in the early 1920s, ‘the whole question of Enemy Property and Debts is clearly also of great importance for the future, and involves the three other Enemy Powers equally with Germany, though special arrangements protect private property of old Austro-Hungarian nationals in ceded areas. How far these solutions will be permanent is not to be decided at this moment, but they will certainly have a deep and abiding influence on all Treaties dealing with private property in the future.’<sup>182</sup> Article 297 was almost verbatim copied in the peace treaties signed between the Allies and Italy, Romania, Bulgaria, and Hungary in 1947 and the agreements with Germany in the 1940s and 1950s.<sup>183</sup> After WWII, the Allies could liquidate German property not only in their territories but also in neutral countries such as Sweden and Switzerland. At the same time, the seizure of private assets became part of the economic sanctions that the international community or national states could impose on states, terroristic organizations, or non-state actors.

At that time, however, Article 297 exemplified a blatant paradox of the Paris settlement. While the treaties had been a ‘work of jurists’<sup>184</sup> and embodied the idea of a right and fair peace inspired by international law and legalism,<sup>185</sup> the right to liquidation revealed its realist (and brutal) face. Concerns about national security and economic nationalism prevailed over legal considerations. Furthermore, by leaving almost every winning country to determine the fate of German property as it saw best, the Treaty of Versailles failed to provide economic coordination among the Allies in the field of private transactions, and

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trage (Breslau: Korn, 1919), Moritz Julius Bonn et al., *Der Friedensvertrag und Deutschlands Stellung in der Weltwirtschaft* (Berlin Heidelberg: Springer-Verlag, 1921), pp. 105–19, Hans Wehberg, “Die Liquidation des Wirtschaftskrieges im Friedensvertrag von Versailles,” *Weltwirtschaftliches Archiv* 16 (1920), pp. 80–7, Bolte, “Zum Begriff der ‘Ausserordentlichen Kriegsmassnahmen’ im Friedensvertrag,” *Deutsche Juristen-Zeitung* 26, 15–16 (1921), pp. 526–9, Ernst Isay, *Der Begriff der “Ausserordentlichen Massnahmen” im Friedensvertrag vom Versailles* (Bonn: A.Marcus & E.Weber (S. Ann), 1922), and Hermann Isay, *Die private Rechte und Interessen im Friedensvertrag* (Berlin: F. Vahlen, 1923). See also Paul Frederick Simonson, *Private Property and Rights in Enemy Countries: And Private Rights Against Enemy Nationals and Governments Under the Peace Treaties with Germany, Austria, Hungary, Bulgaria, and Turkey* (London: E. Wilson, 1921), and Gidel and Barrault, *Le Traité de paix*.

<sup>182</sup> Temperley, *A History of the Peace Conference*, p. VI.

<sup>183</sup> On a comparison between the post-WWI and post-WWII peace agreements, see Andrew Martin, “The Treatment of Enemy Property under the Peace Treaties of 1947,” *Transactions of the Grotius Society* 34 (1948), pp. 77–97, and Dominicé, *La notion du caractère ennemi*, pp. 40–7, and 155–67. See also Manfred Lachs, “Le problème de la propriété dans la liquidation des suites de la seconde guerre mondiale,” *Annuaire Français de Droit International* 7, 1 (1961), pp. 43–66.

<sup>184</sup> Soutou, *L’or et le sang*, p. 857.

<sup>185</sup> Guillaume Sacriste and Antoine Vauchez, “La « guerre hors-la-loi », 1919-1930,” *Actes de la recherche en sciences sociales* 151–152, 1 (2004), pp. 91–5, Michael Erpelding, “Introduction,” in Michel Erpelding, Burkhard Hess, and Hélène Ruiz Fabri, eds., *Peace through Law: The Versailles Peace Treaty and Dispute Settlement after World War I* (Baden-Baden: Nomos, 2019), pp. 11–28, Marcus M. Payk, “‘What We Seek Is the Reign of Law’: The Legalism of the Paris Peace Settlement after the Great War,” *European Journal of International Law* 29, 3 (2018), pp. 809–24.



thus paved the way for a differentiated patchwork of laws, decrees, and rules regulating the expropriation of German property.<sup>186</sup> Based on economic, social, and national considerations which were contrary to Wilsonianism and partly international law, Article 297 seemed to be much closer to Mackinder's realist approach,<sup>187</sup> and was perceived as an injustice from the German side. Historians like Gerhard Weinberg believed that the Versailles system was less tough than the German leadership thought, and that misunderstanding spawned a distorted perception of the real position of their country after 1918 whose consequences proved to be catastrophic for Europe.<sup>188</sup> If it is undeniable that the German leadership placed exaggerated confidence in President Wilson and failed to understand the real power relations between the Allies and Germany in the wake of the war, it is also true that, as pointed out by Gerd Krumeich, the Treaty of Versailles imposed humiliating and painful conditions on the country and its citizens and contributed to spreading resentment.<sup>189</sup> It must be taken into account that the emotive shock of the war deeply marked the winning powers, especially France. Far from rehabilitating German nationalist claims, the Treaty of Versailles must be examined in its context that was massively influenced by the harsh consequences of the conflict. Undeniably, however, the peacemakers contradicted their own propaganda and also committed injustices against some groups of enemy subjects. As for the treatment of private property belonging to Germans living abroad, in the former colonies, or the ceded regions, all of them were collectively held responsible for the war and punished with the dispossession of property, including houses, savings, and personal objects. The economic and financial loss for Germany was huge, but for millions of civilians suffering was even bigger. And it should not surprise that Article 297 was regarded by them as a legalized robbery. Leaving aside ultranationalist claims and revisionist voices, who sought to leverage the liquidation of private property for political purposes, the implementation of the Treaty of Versailles in that regard during the interwar period con-

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<sup>186</sup> For a general overview of the inter-allied economic cooperation, and its limits, see Étienne Clémentel, *La France et la politique économique interalliée* (Paris: Presses Universitaires de France, 1931). On the lack of economic coordination in the peace treaties, see also Giovanni Bernardini, *Parigi 1919. La Conferenza di pace* (Bologna: Il Mulino, 2019), and Marco Bresciani, "L'illusione della pace all'indomani della Grande Guerra," *Il mestiere di storico* 12, 1 (2020), pp. 80–2.

<sup>187</sup> Mackinder, *Democratic Ideals and Reality*.

<sup>188</sup> Gerhard L. Weinberg, "The defeat of Germany in 1918 and the European balance of power," in Id., *Germany, Hitler, and World War II: Essays in Modern German and World History*, Edition Unstated (Cambridge: Cambridge University Press, 1996), pp. 11–22.

<sup>189</sup> Gerd Krumeich, *Die unbewältigte Niederlage: Das Trauma des Ersten Weltkriegs und die Weimarer Republik* (Freiburg: Herder Verlag GmbH, 2018).

firmed that the Allies often were determined to weaken the economic position of Germany and targeted ordinary people who could hardly be considered guilty of war.

**CHAPTER TWO**  
**WORSE THAN THE BOLSHEVIKS?**  
**THE LIQUIDATION OF ENEMY PROPERTY IN WESTERN EUROPE**  
**(1919-1930)**

**Introduction**

*Whatever be the names by which they are called, the principles and the methods of both the Russian and Turkish revolutionaries are the same, namely, to destroy society in order to seize its ruins by putting its members out of the way and taking possession of their property.<sup>1</sup>*

– David Lloyd George, 1938 –

*More than one of the States represented at the Conference of Genoa have in the past repudiated debts and obligations contracted by it; more than one State have confiscated and sequestered the property of foreigners, or of its own nationals, without having been subjected on that account to the ostracism of which Soviet Russia has been the victim. [...] The Governments of the victorious States did not hesitate during the war, and especially on the conclusion of the Treaties of Peace, to seize the property of the nationals of the vanquished States situated upon their territory, and even upon foreign territory. [...] Thus, from the point of view of law, Russia is in no wise obliged to pay the debts of the past, to restore property, or to compensate their former owners, nor is she obliged to pay indemnities for other damages suffered by foreign nationals.<sup>2</sup>*

– Soviet Russian Delegation at the Genoa Conference, 1922 –

These two quotes summarize the contradiction involving the treatment of private property that the Western European powers experienced in the aftermath of the war. In his memoirs on the peace negotiations written in 1938, in addition to justifying his own behavior, David Lloyd George was right to accuse Bolshevik Russia and the Turkish nationalist government. During the war, and in the aftermath as well, both regimes committed atrocities against national and religious minorities, social groups, and political enemies, including

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<sup>1</sup> David Lloyd George, *The Truth about the Peace Treaties*, 2 vol. (London: V. Gollancz, 1938), p. 1006.

<sup>2</sup> 'Reply of the Russian Delegation to the Memorandum (No. 5) sent on May 3rd, 1922', in *Papers Relating to International Economic Conference, Genoa, April-May, 1922: Presented to Parliament by Command of His Majesty* (London: His Majesty's Stationery Office, 1922), pp. 39, 43.

the large-scale expropriation of private assets. The violation of property rights acquired a highly symbolic value in the discourse of the former British Prime Minister. The exercise of property rights marked a crucial difference between Western capitalist ‘civilization’ and communist (and ultranationalist) ‘barbarism.’ What Lloyd George omitted to say, however, was that, after the war, the Allied Powers did something comparable toward the nationals of the defeated countries. Depriving enemy citizens of their assets without paying compensation, infringing the rule of law, and ‘repatriating’ them to their country of origin were exactly the harsh measures that Western European states adopted against Germans, Austrians, Hungarians, and Bulgarians after the signing of the peace treaties. The confiscation of private property on a massive scale was not an exclusive prerogative of the Communist regime or the newly created states such as Poland, Czechoslovakia, or Turkey. As a result, the distinction between ‘civilized’ Western countries and ‘immature’ states in Central Eastern Europe or elsewhere had no basis. Unlike historians such as Richard Pipes,<sup>3</sup> the protection of private property could not be taken for granted in Western Europe, too. Even there, indeed, the exercise of property rights could also depend on nationality.

The paradox was not lost on most contemporaries. During the Genoa conference in May 1922, the treatment of enemy property in the Allied countries became a powerful rhetorical tool to reject the demands of Western countries on the Bolshevik regime to honor the debts of the former Russian Empire and to restore dispossessed citizens whose property had been nationalized by the Leninist regime. In reply to those claims, the Soviet-Russian delegation did not miss the opportunity to emphasize the hypocrisy of the European powers. According to the communist delegation, measures taken after the October Revolution such as the confiscation of private property and denial to acknowledge the interallied debts were a legitimate ‘exercise of sovereignty.’ Hence, the claims of Western Powers were groundless given the precedent of the treatment of defeated countries’ citizens. Also, the German delegation used a similar strategy. As soon as the news regarding the signing of the Treaty of Rapallo between Germany and Soviet Russia was released, British and French diplomats reacted badly. They found it unacceptable that Germany autonomously signed such an official document solving pending issues on private claims with the ‘sworn enemies of private property.’ Ernst von Simson, chief of the Legal Department at the German Ministry of Foreign Affairs, replied that the economic damage inflicted by the

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<sup>3</sup> Richard Pipes, *Property and Freedom* (New York: Vintage Books, 1998).

expropriation of German private assets in Western countries and the former Tsarist Empire was significantly higher than the losses caused by Bolshevik decrees. It was an open provocation that triggered an angry reaction. According to Simson's memoir, after hearing those words, the French diplomat Louis Barthou lost his traditional *aplomb* out of anger whereas Lloyd George was visibly shaken.<sup>4</sup> Such controversies over private property contributed to the failure of the Genoa conference.<sup>5</sup>

Nonetheless, the issue remained controversial even years later. In the early 1930s, as American jurist Edwin M. Borchard stated, 'it [was] still a mystery how the capitalists of England, France, and Italy could permit their political representatives to write into any public document a principle so subversive and demoralizing' since confiscation 'weakens decidedly the moral force of the protest against the Russian policy.'<sup>6</sup> Although Borchard omitted to say that U.S. diplomats contributed to writing the Treaty of Versailles as well, the American lawyer touched a sore spot. Even a few months after Hitler became chancellor, a pamphlet representing claims of German victims of the economic persecution repeated that the mistreatment of private property done by the Allies had anticipated the Bolshevik regime, creating a vital danger for the capitalist system and the 'white race.' Indeed, the Versailles Treaty represented 'a precedent for future international and colonial conflicts, a model for peoples of all colors and races.'<sup>7</sup>

This chapter explores how the UK, France, Italy, and Belgium implemented Article 297 of the Treaty of Versailles and liquidated the German seized assets in the 1920s and the early 1930s. Taking into account four different national cases—the major advocates of economic warfare, Great Britain and France, and two more reluctant and economically weaker winning states, Italy and Belgium—the chapter aims to highlight which consequences had the liquidation of German private assets in economic, political, and social

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<sup>4</sup> Ernst von Simson, 'Das Erinnerungsfragment: Auswärtige Dienst', in Norbert Gross, *Ernst von Simson: Im Dienste Deutschlands: Von Versailles nach Rapallo* (Karlsruhe: Gesellschaft für Kulturhistorische Dokumentation, 2013), p. 100.

<sup>5</sup> Carole Fink, *The Genoa Conference: European Diplomacy, 1921-1922* (Chapel Hill, N.C. and London: University of North Carolina Press, 1984), and Krüger, *Die Außenpolitik*, pp. 155–83. For the disputes over the nationalization of European and American oil companies in Russia see Alexander A. Fursenko, 'The Oil Problem and Soviet-American Relations at the Genoa Conference of 1922,' in Carole Fink, Axel Frohn, and Jürgen Heideking, eds., *Genoa, Rapallo, and European Reconstruction in 1922* (Cambridge: Cambridge University Press, 1991), pp. 149–57.

<sup>6</sup> The quotation is reported in Friedrich Wilhelm Bitter and Arnold Zelle, *No More War on Foreign Investments. A Kellogg Pact for Private Property* (Philadelphia: Dorrance & Co., 1933), p. 29.

terms. Why did the Allies carry on the economic persecution even after 1918? Which political and social forces supported economic nationalism? Who were the opponents of that aggressive agenda? What was the outcome of such persecution? Who benefited most from the reallocation of so many economic resources?

## 2.1 The United Kingdom

### *The German Community before 1914*

Germans were one of the largest foreign communities in Great Britain before the outbreak of the war. According to the 1911 census, about 57,000 people born in the German Empire resided in the British Isles.<sup>8</sup> Mostly concentrated in England (53,324), most of them lived in London (over 28,000), while smaller groups resided in Middlesex (3,700), Essex (1,970), Liverpool (1,300), and Manchester (1,300). In Scotland, there were only about 2,300, mainly residing in Glasgow and Edinburgh, while in Ireland there were even fewer. Since the 1830s, the UK had been a destination for German immigration, and many were the reasons for that. For many immigrants, it was an intermediate station before departing to the United States since Liverpool was the port where ships departed for transoceanic routes. Other smaller groups moved to England for political reasons, escaping the persecution in continental Europe (as in the case of Karl Marx).<sup>9</sup> In other cases, migrants settled in Great Britain for trade or financial reasons, following often familiar networks as shown by the numerous commercial and economic relations between Frankfurt and Manchester. By 1870, for instance, there were 153 German-owned textile, chemical, and banking firms established in Manchester. From a social point of view, however, the German-speaking community was mainly composed of lower and lower-middle-class people, who worked as waiters, sailormen, or barbers, whereas just a few of them belonged to the higher-middle and high classes. There was also a significant group of clerks and employees in teaching.

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<sup>7</sup> Friedrich Wilhelm Bitter and Arnold Zelle, *Bolschewismus im Versailler Diktat* (Berlin: Victor Otto Stomps, 1933), p. XIII.

<sup>8</sup> According to the 1911 census database on the website [www.findmypast.co.uk](http://www.findmypast.co.uk), people born in Germany living in the British Isles (excepting Ireland and Scotland) were 53,255.

<sup>9</sup> For the treatment of political refugees during the 19<sup>th</sup> and 20<sup>th</sup> centuries, see Jack Beatson, "Aliens, Enemy Aliens, and Friendly Enemy Aliens: Britain as a Home for Émigré and Refugee Lawyers," in Jack Beatson and Reinhard Zimmermann, eds., *Jurists Uprooted: German-Speaking Emigré Lawyers in Twentieth Century Britain* (Oxford: Oxford University Press, 2004), pp. 74–82.

During the 19<sup>th</sup> and early 20<sup>th</sup> centuries, just a few German migrants acquired British nationality, even though it is hard to determine how many were naturalized because, until 1921, the census data did not include nationality among categories for the classification of the population. In addition to that, according to Panikos Panayi, about 25% of German males residing in the country married British women who acquired German citizenship.<sup>10</sup> Germans were also ‘one of the largest immigrant groups of non-British white Europeans’ within the British Empire.<sup>11</sup> According to Panikos Panayi and Stefan Manz, at the beginning of the 20<sup>th</sup> century, at least 80,000 German nationals were registered as residents in the British colonies, but the census underestimated the real extent of the German-speaking communities that were likely to be more numerous. Operating as merchants, missionaries, settlers, or businessmen, they were an integral part of British colonization, often cooperating with other Europeans due to the racial ‘white solidarity’ among them.<sup>12</sup> As pointed out by many authors, until 1914, the common religious and racial origin was more relevant than national belongings in forging their identities.

From an economic point of view, the German presence was significant both in Europe and the colonial possessions. Given the global financial dominance of London, several companies, banks, insurance companies, and countless small investors put their money into the Stock Exchange. Since the 1850s, the most important German and Austro-Hungarian financial institutions (such as *Deutsche Bank*, *Disconto-Gesellschaft*, *Dresdner Bank*, *Oesterreichische Länderbank*, and *Anglo-Austrian Bank*), but also merchant banks like *J. Henry Schröder and Co.* and Sir Ernest Cassel opened offices in London and other important cities of the British Empire (such as Hong Kong, Cairo, or Shanghai). For instance, on the eve of the war, the turnover of the *Deutsche Bank* London branch, opened in 1873, corresponded to over £1 billion. Likewise, many private companies entered the British market by cooper-

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<sup>10</sup> For an overview of the German immigrant community in the UK, see Panikos Panayi, *German Immigrants in Britain during the Nineteenth Century, 1815-1914* (Oxford, England: Providence, 1995), pp. 35–144. On the German community in Glasgow, see Stefan Manz, *Migranten und Internierte: Deutsche in Glasgow, 1864-1918* (Stuttgart: Steiner, 2003).

<sup>11</sup> John R. Davis, Stefan Manz, and Margrit Schulte Beerbühl, “Introduction. Germans in the British Empire,” in John R. Davis, Stefan Manz, and Margrit Schulte Beerbühl eds., *Transnational Networks: German Migrants in the British Empire, 1670-1914* (Leiden: Brill, 2012), p. 2.

<sup>12</sup> For an overview, see Stefan Manz and Panikos Panayi, *Enemies in the Empire: Civilian Internment in the British Empire during the First World War* (Oxford: Oxford University Press, 2020), pp. 50–2, 58–73.

ating with local firms or creating subsidiaries (often led by managers of German origin), such as *Siemens & Halske* which established a branch in London in 1858.<sup>13</sup>

Before the war, as in many other countries, xenophobia (including antisemitism) grew since the 1880s, when immigration from the Russian Empire increased significantly. As for the German-speaking community, however, the diplomatic and commercial tensions between the British Empire and the Wilhelmine Empire fostered the dissemination of anti-German (and antisemitic) feelings that mixed with fears of espionage and ‘economic invasion.’ Of course, a growing segment of the British ruling class doubted the benefits of free trade and shifted to protectionist positions out of fears related to the global challenge launched by the German Empire (and other rising powers such as the United States or Japan). But before the war situation did not seem to be such as to justify drastic measures by the government. Despite the publication of alarmist-sounding pamphlets and novels, and the press campaign launched by extreme right-wing newspapers against German products and claiming protectionist policy, xenophobia was not an alarming or distinctive phenomenon of British society.<sup>14</sup> After the war declaration, however, things changed fast. The fears of the nationalist right were amplified and found wide circulation in the press, parliament, and society. Throughout the war, for example, popular riots against Germans occurred repeatedly in London, Liverpool, and Manchester (such as the *Lusitania* riots in May 1915). Demands for draconian measures in the sphere of citizenship or economic restrictions against enemy citizens multiplied and compelled the authorities to take action.<sup>15</sup> Anti-German feelings were often mixed with antisemitism.<sup>16</sup> Nonetheless, the effects of xenophobia touched other groups of foreigners, too, including Belgian refugees, ‘friendly’ foreigners, and colonial subjects.<sup>17</sup> The war impacted liberalism and imposed an ‘ethnic’ turn to the policies around citizenship.<sup>18</sup>

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<sup>13</sup> Panikos Panayi, “German Business Interests in Britain During the First World War,” *Business History* 32, 2 (1990), pp. 244–5.

<sup>14</sup> Panikos Panayi, *Enemy in Our Midst: Germans in Britain during the First World War* (New York and Oxford: Berg, 1991), pp. 27–41.

<sup>15</sup> Ivi, pp. 161–258.

<sup>16</sup> C. C. Aronsfeld, “Jewish Enemy Aliens in England during the First World War,” *Jewish Social Studies* 18, 4 (1956), pp. 275–83, and Susanne Terwey, *Moderner Antisemitismus in Grossbritannien, 1899-1919: über die Funktion von Vorurteilen sowie Einwanderung und nationale Identität* (Würzburg: Königshausen & Neumann, 2006).

<sup>17</sup> Jacqueline Jenkinson, *Colonial, Refugee and Allied Civilians after the First World War: Immigration Restriction and Mass Repatriation* (London: Routledge, 2020).

<sup>18</sup> See the works of Sven Oliver Müller, “Who is the Enemy? The Nationalist Dilemma of Inclusion and Exclusion in Britain During the First World War,” *European Review of History: Revue Européenne d'histoire* 9, 1



That economic warfare could continue even after the end of the military fighting, became commonplace in the British leadership as well. During the last months of the war, for instance, the War Cabinet passed a resolution to ban German banks from British soil for five years after the end of the conflict. 'It was agreed—argued the president of the Board of Trade—that few things would do so much to allay public feeling concerning enemy aliens as a refusal to permit them to re-open banks in this country after the war, and that it would be useful to let the Germans have an example of the measures of economic boycott which this country could adopt against them. The banks were the very center of the system of German economic penetration, and public opinion would probably welcome the isolation and control of this dangerous form of penetration.'<sup>19</sup>

Once the war was over, both the executive and the parliament adopted harsh measures to exclude German nationals from the UK and the colonial empire and hinder the economic activity of enemy corporations and banks in the aftermath of the war. Between 1918 and 1919, the UK passed legislation containing restrictions on former enemy aliens. According to Section 3 (2) of the British Nationality and Status Act 1918, former enemy aliens—excepting those who served the Allied armies, belonged to 'a race or community known to be opposed to the enemy governments', or were British-born subjects—were prevented from being naturalized in the UK for ten years after the end of the conflict.<sup>20</sup> Although the law did not mention the rest of the empire, governors of the colonies were suggested to adopt the same approach.<sup>21</sup> Remarkably, the new law introduced the mechanism of judicial denaturalization as a permanent legal device to exclude foreign and 'dangerous' elements by stripping them of naturalization.<sup>22</sup> Some months later, the parliament passed an amendment to the law. According to the Aliens Restriction (Amendment) Act 1919, former enemy aliens were prevented from entering the UK for three years after the end of the conflict, except for short periods. Likewise, more severe measures were

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(2002), pp. 63–83, and "Recht und Rasse. Die Ethnisierung von Staatsangehörigkeit und Nationsvorstellungen in Großbritannien im Ersten Weltkrieg," *Geschichte und Gesellschaft* 30, 3 (2004), pp. 379–403.

<sup>19</sup> NA, CAB 23/7/7, Meeting of the War Cabinet, 11 Jul. 1918.

<sup>20</sup> FO, CO 323/839, Circular of the Secretary of State to the Officers Administering the Government of Colonies, 24 Jan. 1920. On the transformations of British nationality, see Müller, "Recht und Rasse."

<sup>21</sup> See documents in NA, CO 323/1130/18, and CO 323/1175/1.

<sup>22</sup> On the denaturalization procedures and its effects in the postwar era, see Patrick Weil and Nicholas Handler, "Revocation of Citizenship and Rule of Law: How Judicial Review Defeated Britain's First Denaturalization Regime," *Law and History Review* 36, 2 (2018), pp. 295–354.

adopted in the British colonies and dominions where the ban was extended to five years. In addition to the entry ban, former enemy aliens were also prevented from acquiring land property, shipping companies, or shares of key industries (such as the dye or chemical sectors).<sup>23</sup>

Once the conflict ended, the overwhelming majority of internees were repatriated to Germany, and only a small fraction of them (3,890) were admitted to reside in the UK or the British Empire, mainly due to their ‘friendly’ national origin, or because they were elderly people or had sons who had served the British army.<sup>24</sup> The press still played a role in compelling authorities to adopt a rigid stance as shown by the allegations about the possibility of a new ‘peace-time invasion’ of Germans.<sup>25</sup> As a result, according to the Association of Germans Abroad, until 1921, only 666 individuals were authorized to return (only temporarily) to the UK.<sup>26</sup> In late 1922, the restriction on the entrance to Great Britain (but not the British Empire) expired and the government did not extend it. However, the Home Office and Board of Trade agreed on examining applications for visas coming from German businessmen, who were formerly active in the country and whose assets had been liquidated.<sup>27</sup> Besides responding to the concerns of public opinion, authorities considered restrictions as a ‘defensive’ economic tool, and hence economic nationalism played a crucial role in influencing the admission procedures. Accepting the requests of the Board of Trade and the parliament, the Home Office often denied visas to those businessmen of enemy origin who were engaged in key industrial sectors or banking activity.<sup>28</sup> Furthermore, the weaponization of economics and finance became a permanent element of British policies, as demonstrated by the creation of the Department of Overseas Trade—the successor of the Ministry of Blockade—to supervise foreign economic and commercial business around the world.<sup>29</sup>

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<sup>23</sup> For the text of the Aliens Restriction (Amendment) Act 1919, see <https://www.legislation.gov.uk/ukpga/Geo5/9-10/92/enacted>.

<sup>24</sup> Manz and Panayi, *Enemies in the Empire*, p. 179. See also information reported in *Nachrichtenblatt des Bundes der Auslandsdeutschen*, 2, 1 (1920), p. 8.

<sup>25</sup> See documents in NA, HO 45/11074/396382.

<sup>26</sup> *Auslandswarte*, 2, 7 (1921), p. 78.

<sup>27</sup> See NA, BT 58/79/COS/8625.

<sup>28</sup> NA, HO 45/11074/396382, Minutes of the Aliens and Nationality Committee’s meeting, 29 Apr. 1921.

<sup>29</sup> Ephraim Maisel, “The Formation of the Department of Overseas Trade, 1919-26,” *Journal of Contemporary History* 24, 1 (1989), pp. 169–90, and Dehne, “The Ministry of Blockade.”

### *The Confiscation of Enemy Property*

The government supported most of the restrictions passed by the parliament. Even though some members of the cabinet were contrary to that, Prime Minister Lloyd George together with the Admiralty and the Board of Trade was determined to punish the vanquished country and agreed on the fact that ‘our people should have the first consideration.’ A punitive approach against Germany dominated the official position of the British leadership for nearly two years after the end of the conflict.<sup>30</sup> As for the treatment of seized assets, Lloyd George had no doubts. Confiscation of property was taken for granted. By hushing up all skeptical voices within the cabinet, in late June 1919, the Prime Minister confirmed: ‘We should confiscate all private property owned in this country by Germans.’<sup>31</sup>

A few months later, the Board of Trade satisfied his request. Remarkably, the government passed the confiscation of enemy property without consulting the parliament, whose role was limited to the ratification of the peace treaty. In continuity with wartime practices, the British government prolonged the state of emergency proclaimed by the Defence of the Realm Act (DORA) and curbed the civil and economic rights of certain groups of foreigners such as the former enemy aliens. With the Treaty of Peace Order, issued in October 1919, the government implemented the right conferred by the peace treaty to liquidate enemy property. According to paragraphs XVI and XVII, all property belonging to those who, regardless of their country of residence, possessed German nationality at the date of entry into force of the peace treaty were confiscated in the UK and the British Empire. Any person or bank controlling those assets was compelled to declare them to the authorities, and the decree confirmed the prohibition to pay any sum to enemy individuals or firms, too.<sup>32</sup> The proceeds of sale from the confiscated property were charged with the payment of damages suffered by British nationals in the Central Empires (including compensations awarded by the Anglo-German MAT) and debts owed to German creditors. As for the method of selling the assets, however, the decree did not set any conditions leaving authorities wide discretionary powers. Eventually, German citizens who were authorized to

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<sup>30</sup> Douglas Newton, *British Policy and the Weimar Republic, 1918–1919* (Oxford: Oxford University Press, 1997).

<sup>31</sup> NA, CAB 23/10/34, Meeting of the War Cabinet on June 30, 1919.

<sup>32</sup> NA, BT 58/62/COS/6522, Board of Trade Announcement. German Owned Property, 28 Oct. 1919.

reside in the country were prevented from withdrawing from their bank accounts no more than 20 pounds per month.<sup>33</sup>

The decree had been drafted by the officials of the Public Trustee and the Board of Trade—including Sir Arthur Payne who served as a delegate of the sub-commission on the enemy property at the Paris Peace Conference and contributed to writing the economic clauses of the Treaty of Versailles on this matter—in cooperation with other ministries (Foreign Office, Colonial Office, and Treasury) and Sir Frederick Liddell who, as a lawyer and Parliamentary counsel, supervised the legislative drafting. The preparation of the measure took several months since the British administration had to face many legal and political issues relating to the implementation of those measures in the colonies or the financial sphere.<sup>34</sup> For instance, the decree did not specify the process to deal with corporations formally based in neutral countries but actually controlled by German nationals.<sup>35</sup> An exception was patent rights that were not automatically confiscated by the state. Rather, the Board of Trade issued special procedures to promote voluntary agreements between German and British citizens to transfer ownership of patents that were relevant to national interests.<sup>36</sup>

A few months later, an amendment to the decree imposed stricter rules concerning the duty to disclose any sort of document regarding enemy assets in the country. Progressively, the government extended the powers of the administration in that field. According to the Treaty of Peace (Amendment) Order (November 9, 1920), for example, the Custodian of Enemy Property was entitled to require any person who possessed documents regarding stocks, shares, or other securities to disclose information.<sup>37</sup> In the next months, colonial authorities of the Commonwealth issued similar decrees to confiscate German assets that were under sequestration.<sup>38</sup> There was no general rule against the faculty of former en-

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<sup>33</sup> The text of the decree is in John Warneford Scobell Armstrong, *War and Treaty Legislation, 1914-1922: Affecting British Property in Germany and Austria, and Enemy Property in the United Kingdom* (London: Hutchinson and Company, 1922), pp. 292–301. See also “German Property in the British Empire,” *The Times*, 23 Jan. 1920.

<sup>34</sup> For the drafting process, see NA, BT 58/62/COS/6522.

<sup>35</sup> On this matter, see NA, LO 3/768.

<sup>36</sup> NA, BT 209/203, Board of Trade Council, Extract from Minutes of 67<sup>th</sup> Meeting, 4 May 1920.

<sup>37</sup> “Enemy Property Disposal,” *The Times*, 22 Jan. 1921.

<sup>38</sup> For an overview of the legislation passed by the UK, see also Armstrong, *War and Treaty Legislation*, Gilbert Gidel and Henri Émile Barrault, *Le Traité de paix avec l'Allemagne du 28 juin 1919 et les intérêts privés. Commentaire des dispositions de la partie X du traité de Versailles* (Paris: Librairie gén. de droit et de jurisprudence, 1921), pp. 521–35, and Paul Frederick Simonson, *Private Property and Rights in Enemy Countries: And Private Rights Against*

emy citizens to re-purchase their possessions, but in some colonies and mandates, the local authorities imposed that kind of restriction.<sup>39</sup>

The Board of Trade kept its role as the coordinating and implementing agency of the legislation on liquidation. Beyond the Clearing Office, whose task consisted of setting debts and credits between German and British nationals,<sup>40</sup> the Treaty Execution Committee, created in 1920, became the principal decision-making and coordinating body. Composed of officials coming from the Board of Trade, the Clearing Office, the Foreign Office, and the Colonial Office, it examined countless legal and economic problems including the determination of nationality in controversial cases. After becoming a department of the Public Trustee, the Custodian of Enemy Property—which administrated seized assets in England and Wales—increased in its importance up to employing more than 400 public officials in the mid-1920s,<sup>41</sup> whereas autonomous trustees were created for Scotland, Ireland, and each colonial possessions.

The aim of the confiscation was not just to collect money for the reparations of British nationals. It was instrumental in intervening radically in the economic relations between the UK and Germany, too. It was the British lawyer Ronald F. Roxburgh who explained the twofold nature of liquidation. ‘German influence in trade was to be uprooted, in the United Kingdom and elsewhere, and German private property within Allied control could be held as part payment of Germany’s reparation debt.’<sup>42</sup> Several companies and firms that had suffered losses in Germany during the war urged the government to preserve their rights and liquidate enemy assets as soon as possible in order to grant compensation to them.<sup>43</sup> On many occasions, the press asked the government to fasten the settlement of German pre-war debts to British citizens, which was delayed by the reluctance of the counterpart.<sup>44</sup> In this way, in continuity with wartime, private business and public opinion promoted a radical program based on economic nationalism and actively cooperated

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*Enemy Nationals and Governments Under the Peace Treaties with Germany, Austria, Hungary, Bulgaria, and Turkey* (London: E. Wilson, 1921), pp. 305–12.

<sup>39</sup> Many limitations were maintained in the British Empire, see NA, CO 323/906.

<sup>40</sup> On its activity, see *First Report of the Controller of the Clearing Office (Germany), and the Administrator of Austrian and Bulgarian Property*. (London: His Majesty's Stationery Office, 1921).

<sup>41</sup> See documents in NA, PT 1/152.

<sup>42</sup> Ronald F. Roxburgh, “German Property in the War and the Peace,” *Law Quarterly Review* 37 (1921), p. 56.

<sup>43</sup> For instance, see the letters sent by the firm Guedalla, Jacobson, and Spyer to the Times editor, in “British Property in Germany,” *The Times*, 8 Feb. 1921, and “British Property in Germany,” *The Times*, 26 Feb. 1921.

<sup>44</sup> “German Pre-War Debts,” *The Times*, 11 Feb. 1921.

with the authorities in the expropriation and redistribution of enemy assets. One of the most affected sectors, for instance, was the zinc industry where the exclusion of German interests—the ‘German Metal Octopus,’ as the nationalist voices claimed—encouraged the development of a British zinc smelting industry.<sup>45</sup> But it was not an isolated case. ‘Some major British companies were virtually created from the sale of German assets in Britain,’ such as the *English Electric Co.* or the marketing subsidiary in Britain of the *Anglo-Persian Oil Co.* that bought it from the Public Trustee.<sup>46</sup>

### *Restitution of Small Property*

While expropriating most of the enemy property, like the other Allied states, the British government returned part of private assets with little or no economic value.<sup>47</sup> From late 1919 on, it released all assets belonging to Germans and other former enemy nationals who were admitted to reside in the country,<sup>48</sup> and then authorities gave personal property back to former enemy citizens.<sup>49</sup> According to the Anglo-German agreement (December 1920), Reich citizens of the lower class were entitled to obtain the restitution of their personal belongings (household furniture and effects, personal belongings, family souvenirs, and implements of trade) up to the value of £500. The Board of Trade returned property with higher value (up to £1,000) only to those who ‘could show good and sufficient reasons for such release.’<sup>50</sup> Similar provisions were applied in the colonies.<sup>51</sup>

In July 1920, the Board of Trade established a special committee to examine applications for restitution. The committee’s power was originally limited to examining applications for the restitution of assets to former enemy nationals admitted residing in the UK (up to £1,000) and to other ‘necessitous cases’ (up to £200).<sup>52</sup> Composed of three members, the head of the committee was Lord Justice Robert Younger (1861–1946), a Scottish jurist and member of the High Court who had also served as a member of the commission

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<sup>45</sup> Panayi, “German Business Interests,” pp. 252–3.

<sup>46</sup> Panayi, “German Business Interests,” p. 254.

<sup>47</sup> NA, BT 58/62/COS/6522, ‘Trading with Enemy. Return of Personal Belongings to Germany and Austria’, undated [Sep. 1919].

<sup>48</sup> NA, BT 58/62/COS/6522, Board of Trade to Custodian of Enemy Property for Ireland, 8 Nov. 1919, and Board of Trade to Custodian of Enemy Property for Scotland, 13 Dec. 1919.

<sup>49</sup> NA, HO 45/11015/357855, Home Office to Chief Constable, 29 Mar. 1920.

<sup>50</sup> PAAA, R 76931, Anglo-German Agreement, 31 Dec. 1920.

<sup>51</sup> NA, CO 323/841, Circular of the Colonial Office, 7 Aug. 1920.

<sup>52</sup> On the activity of the Lord Younger’s Committee, see NA, FO 950/5295, FO 950/5296, BT 203/52, and BT 58/95/COS/2406.

responsible for the exemption from the internment of enemy aliens with ‘friendly’ origin. Close to liberal members of the House of Lords and the judiciary who were critical of economic nationalist policies, Lord Younger became one of the most prominent voices against confiscation. He embodied a far more moderate stance within the British administration, often in contrast with the Board of Trade. In 1922, in an official report on the committees’ activity, Lord Younger attacked the mechanism of liquidation and denounced the violation of private property rights provoked by the peace treaty. To ‘remove some of the more serious inequalities,’ the report proposed ‘certain administrative adjustments’ such as returning all personal belongings of British-born women married to enemy aliens, Germans admitted to reside in Great Britain, and other former enemy citizens who possessed small savings (up to £2,000) in British banks.<sup>53</sup> Once again, in 1924, the committee released a new report asking for enlarging the possibilities of returning enemy assets. Referring to the fact that the economic crisis in Germany prevented victims of expropriation from receiving adequate compensation from their state of origin, it suggested giving significant financial support to enemy citizens who had British origin or whose ‘sympathies and interests have always been predominantly British.’<sup>54</sup> Eventually, the Board of Trade—compelled by the House of Lords and the new Labour government—extended the powers of the committee in releasing enemy property.<sup>55</sup> But one year later, in 1925, the Board of Trade managed to restrict the committee’s powers.<sup>56</sup>

Overall, restitution touched a little part of confiscated property. By October 1929, the committee led by Lord Younger examined about 4,500 applications and released assets for £2.9 million.<sup>57</sup> Most applications concerned small assets such as stocks, shares, small sums of cash, savings, and bank accounts (on average, no more than £10,000 per person), whereas just a few requests came from more relevant assets. One of the most controversial cases of restitution concerned shares owned by German nationals. Since these were shares in companies with large profits, many British investors were keen to acquire them to re-

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<sup>53</sup> *Interim Report of the Committee Appointed by the Board of Trade to Advise upon Applications for the Release of Property of Ex-Enemy Aliens in Necessitous Circumstances* (London: His Majesty's Stationery Office, 1922).

<sup>54</sup> *Special Report of the Committee Appointed by the Board of Trade to Advise upon Applications for the Release of Property of Ex-Enemy Aliens in Necessitous Circumstances* (London: His Majesty's Stationery Office, 1924).

<sup>55</sup> NA, BT 13/117, Sidney Webb to Lord Blanesburgh, 7 Feb. 1924.

<sup>56</sup> On the contrast between the Younger’s Committee and the Board of Trade, see BArch, R 2/943, Friedberg to Finance, 26 Jan. 1925. For the German protests, see BArch, R 2/750, Representant of the Reich Clearing Office to Reconstruction, 23 Dec. 1920, and R 2/942, Association of Germans Abroad to Reconstruction, 15 Jan. 1924.

place German capital.<sup>58</sup> The *Financial Times*, too, reassured investors. 'In these circumstances, there is no danger of the market being swamped by heavy liquidations of securities owned by our late enemies.'<sup>59</sup> Once the Custodian of Enemy Property liquidated a large part of those stocks, however, the administration was overwhelmed by claims of restitution coming from individuals who claimed to have no enemy nationality. As a consequence, sales were stopped for a long time because ascertaining ownership of securities was highly problematic and time-consuming.<sup>60</sup> For instance, the U.S. government contested the liquidation of a large shareholding (\$6 million), and the controversy even reached the Supreme Court in Washington D.C. Many other persons and companies launched lawsuits against the decision taken by the authorities. To solve the situation, in 1922, the British government sought to negotiate an agreement with Germany for the re-purchase of confiscated stocks. But it went nowhere due to the opposition of the German Central Bank.<sup>61</sup> Given the financial relevance, eventually, the British government agreed to repurchase many shares that had been unlawfully liquidated. Authorities hoped to avoid disturbance in the Stock Exchange of London and re-establish investors' trust in it.<sup>62</sup>

*Public Debate: Liberalism, Nationalism, and the Role of German Diplomacy*

After Keynes' pamphlet on the economic consequences of the peace, published in late 1919, the Versailles Treaty became a matter of dispute in British public opinion. Among its most controversial aspects was the confiscation of enemy property which divided public opinion much more than in other European states. Supporters of economic warfare defended the liquidation of those assets as a lawful method to compensate British nationals and companies for war damages suffered abroad. Unlike other countries, in Great Britain, arguments in favor of economic nationalism apparently found less space in the press and public debate, despite being well present among policymakers. By contrast, a vast array of lawmakers, intellectuals, scholars, and journalists fiercely criticized the decision taken by the government to expropriate German and Austro-Hungarian private assets. Most of them considered it contrary to the British tradition of defending property rights

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<sup>57</sup> NA, T 172/1683, Memorandum as to Release of Property, undated [Oct. 1929].

<sup>58</sup> BArch, R 2/940, Friedberg to Reconstruction, 5 Oct. 1920.

<sup>59</sup> Raymond W. Needham, "Ex-Enemy Shares," *Financial Times*, 10 Sep. 1921.

<sup>60</sup> NA, T 160/144, Clearing Office to Treasury, 13 Nov. 1926.

<sup>61</sup> PAAA, R 246210, Reconstruction to Ministry of Foreign Affairs, Finance, Economy and Reichsbank, 4 Mar 1922, and minutes of the inter-ministerial conference, 10 Mar. 1922.

<sup>62</sup> See documents in NA, T 160/144.



and harmful to the economic and financial recovery of the country after the war. Like in the United States, the debate revealed the fierce struggle within the bourgeoisie field between liberal (and neoliberal) thinkers and advocates of economic nationalism that took place in the interwar period, whereas socialists paid little attention to the topic.<sup>63</sup> In addition to that, divisions also touched the private business world. While many industrialists and businesspeople took advantage of liquidations, many members of the London financial circles feared that liquidation could interfere with the reconstruction of the international credibility of the City, especially if compared with the rise of rivals such as New York and Amsterdam.<sup>64</sup>

Within the British debate, German diplomacy played a role, too. Diplomats, lobbyists, and associations gave their help to the voices critical of the Versailles Treaty. The German ambassador Friedrich Sthamer (1856–1931)—a Hamburg-based lawyer close to the commercial and financial circles that paid high costs because of the economic persecution and the loss of the colonies—suggested using such a strategy. Since he arrived in London in 1920, he argued that revisionist policy should have started with disseminating discredit on the peace treaty in public opinion.<sup>65</sup> In a report to the Ministry of Foreign Affairs, Sthamer noted that British policymakers justified the expropriation of German assets as a right punishment for the war guilt. Therefore, the ambassador claimed that it was ‘politically necessary [...] to shake the foundations of the peace treaty again and again from a moral point of view.’ As he added, those attempts ‘should go hand in hand with the political negotiations and indirectly complement and support them.’<sup>66</sup> Since then, Sthamer got in touch with liberal and socialist MPs (such as Lord Parmoor, Lord Buckmaster, Richard Haldane, Lord Younger, or Sir Graham Bower)<sup>67</sup>, religious and humanitarian associations, lawyers, circles of British-naturalized Germans, and journalists of the most important British newspapers (such as the *Times* or *Daily Herald*) to delegitimize the liquidation of German assets. Beyond private meetings, Sthamer provided them with documents and favored their

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<sup>63</sup> On the debate over private property, see Quinn Slobodian, *Globalists: The End of Empire and the Birth of Neoliberalism* (Cambridge MA: Harvard University Press, 2018), pp. 121–45.

<sup>64</sup> PAAA, R 246208, German consulate (Amsterdam) to Ministry of Foreign Affairs, 6 Oct. 1920.

<sup>65</sup> On the growing importance of the press for diplomatic activity before the war, see Dominik Geppert, “The Public Challenge to Diplomacy: German and British Ways of Dealing with the Press, 1890–1914,” in Markus Mösslang and Torsten Rottke, eds., *The Diplomats’ World: The Cultural History of Diplomacy, 1815–1914* (Oxford: Oxford University Press, 2008), pp. 133–64.

<sup>66</sup> PAAA, R 77187, Friedrich Sthamer to Ministry of Foreign Affairs, 14 Jun. 1920.

<sup>67</sup> On the letters’ exchange between Sir Graham Bower and German personalities, see BArch, R 2/943

contacts with representatives of private business circles and the associations of victims.<sup>68</sup> In the mid-1920s, for instance, Bruno Schroeder—a banker and businessman of German origin who got naturalized a few days before the British government suspended the naturalization process in 1914—economically supported Francis Ernest Bluett Duff, a lawyer and former military officer, who criticized the dispossession of Germans. Thanks to Schroeder's money, he published articles in the *Manchester Guardian* and the *Financial Times* claiming the restitution of confiscated assets to Germans and accusing the British government of adopting Bolshevik methods.<sup>69</sup> In a series of letters sent to the General Secretary of the League of the Nations, Sir Eric Drummond, Bluett Duff also sought unsuccessfully to involve the international organization.<sup>70</sup>

On several occasions, the House of Lords debated the issue of enemy property. Liberals and members of the Labour Party challenged the lawfulness of the liquidation and attacked the governments for repealing a well-established national tradition. In June 1920, Lord Parmoor—a liberal MP and, after 1923, member of the Labour Party with many connections with German personalities and diplomats<sup>71</sup>—insisted on the contradiction between the anti-Bolshevik rhetoric and the treatment of enemy property in the UK. He also underlined the importance of re-establishing economic and financial relations on a solid base. Defending private property was the only way to defend the peaceful relations between states, and to restore the British hegemony: ‘Why should we, a great commercial and industrial race, who have adopted an equitable attitude towards international matters, on this occasion introduce a principle of this kind, not only unjust and inequitable but antagonistic to our own interests?’<sup>72</sup> Replying to him, the Lord Chancellor argued that liquidating enemy assets did not correspond to confiscation since dispossessed individuals were enti-

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<sup>68</sup> On the contacts of Sthamer in the UK, see PAAA, R 264263, German embassy (London) to Zechlin (Berlin), 21 May 1924.

<sup>69</sup> See articles “Ex-Enemy Property Under Peace Treaties,” *Manchester Guardian*, April 3, 1926, and “Properties of Ex-Enemies,” *Financial Times*, April 10, 1926. On the financial support, see BArch, R 2/705, Friedberg (London) to Spiecker (Association of Germans Abroad), 4 Jun. 1925, Friedberg to German embassy (London), 22 Jun. 1925, and BArch, R 2/706, Bluett Duff to undefined person, 14 Feb. 1926, Friedberg to Finance, 23 Feb. 1926.

<sup>70</sup> LNA, R291/10/47478/1059, Bluett Duff to Sir Eric Drummond, 31 Oct. 1925, and Drummond's reply on 6 Nov. 1925.

<sup>71</sup> On the relations between Lord Parmoor and Sthamer, Wilhelm Cuno, and other German personalities close to the issue of confiscated property, see PAAA, R 263995, Sthamer to Ministry of Foreign Affairs, 3 May 1924, R 264263, Lord Parmoor to Sthamer, 30 May 1924, R 246211, F. Bitter to Stresemann, 1 Jul. 1924, Lord Parmoor to Margaret Gärtner, 1 Oct. 1925, and *Wirtschaftliche Gesellschaft* to de Haas (Berlin), 5 Oct. 1925.

<sup>72</sup> HL Deb, 9 Jun. 1920 vol. 40, p. 559.

tled to be compensated by their government. Furthermore, he justified the expropriation as a punitive action against the German war guilt:

*They made this war; and it was a war which in many of its most malignant activities was waged against individuals. It was a war which, as it developed and developed more before our eyes, very frequently destroyed the lives and property of civilians who had nothing whatever to do with the combatant forces of the Crown, and that principle, which I agree was organic and fundamental in the science of international law until August, 1914, was destroyed by the experience and the history of the last war, and humanity learned to face the conclusion that there was no man, woman, or child in this country who was not liable to be affected or destroyed by our enemies if the slightest consideration of policy suggested the adoption of that course.*<sup>73</sup>

In May 1922 a new debate took place at the House of Lords. On that occasion, Lord Buckmaster, a conservative spokesman and judge of the High Court, submitted a resolution on the opportunity to moderate the legislation on the enemy assets. He also suggested increasing the thresholds for restitution. Once again, supporters of the resolution underlined the importance of private property for international stability. ‘Every one of your Lordships must realise that there never was a moment in the world’s history when the rights of private property were being more sharply and violently challenged than they are today. [...] You cannot abandon the principle in one instance and assert it in another. You are embarking on a very dangerous course if you relax your adherence to the fundamental right of a man to hold and to keep what is his own. If anybody wants to see what the end will be if the attack is pursued to dispossession, you have merely to turn your eyes to the East.’<sup>74</sup> Remarkably, before the debate, Lord Buckmaster had received documents and other materials from the German Embassy.<sup>75</sup> On that occasion, the House of Lords approved the resolution and compelled the Board of Trade to extend the powers of the Lord Younger’s Committee.

A few months later, in a speech delivered at the Juridical Society of Glasgow, even Lord Younger attacked the liquidation of enemy assets with similar arguments. Confiscation undermined ‘the true basis of so much of our financial and commercial pre-eminence,’<sup>76</sup> and he reaffirmed his strong commitment to restoring the protection of pri-

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<sup>73</sup> Ivi, p. 564.

<sup>74</sup> HL Deb, 6 Apr. 1922 vol. 50, p. 81

<sup>75</sup> PAAA, R 246210, Friedberg to Reconstruction, 11 Apr. 1922.

<sup>76</sup> Robert Lord Justice Younger, “The Teaching of the Law as to Enemy Nationals and Their British Property during War and after Peace,” *The Scottish Law Review and Sheriff Court Reports* 39, 457 (1923), p. 3.

vate property rights as ‘one contribution of the law to the peace of the world.’<sup>77</sup> His words raised the attention of German diplomacy and revealed the existence of divergences over the liquidation of enemy assets within the British administration.<sup>78</sup> Some months later, a press campaign was launched in the *Times*. In a letter to the newspaper’s editor, in July 1923, Spenser Wilkinson—a professor of military history at Oxford—asked for the immediate restitution of German and Austrian assets. Defined as contrary to the British historical and legal tradition, confiscation was considered detrimental to the national interest. Furthermore, as Wilkinson argued, the Treaty of Versailles did not ensure that Germany could actually compensate its citizens for losses and thus liquidation resulted in an unlawful confiscation of private property. Then, he also added that the liquidation of enemy property caused numerous hardships to British-born individuals, such as women who had married German citizens before the war.<sup>79</sup> A few days later, Gilbert Murray, a literature scholar who taught at Oxford as well, agreed with him, insisting on the contradictions between the spirit of the minority treaties and the measures against German citizens in Great Britain.<sup>80</sup> Other intellectuals expressed similar views.<sup>81</sup> As one of them stated, ‘this sequestration of private property is a blot on [British] reputation, more of a blot than people think. Surely the present Government and Parliament will remove it. Surely, too, the League of Nations will pass a resolution condemning the practice for the future.’<sup>82</sup> Also, the British-German lawyer August Cohn called for a restoration of the protection of private property as ‘a very old and firmly established principle of English law.’<sup>83</sup>

Replying to these objections, F. A. Lindemann claimed that the liquidation of German assets was instrumental in compensating war damages of British subjects that the Versailles Treaty put first. Anyway, German citizens were entitled to be financially restored by their state of origin and thus the British government should not be accused of unfair or unlawful confiscation.<sup>84</sup> Likewise, Charles Jessel—the chairman of the *Imperial Continental Gas Association*, a British corporation that operated in Belgium and Germany—rejected any

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<sup>77</sup> Ivi, p. 4.

<sup>78</sup> PAAA, R 246211, German consulate (Glasgow) to Ministry of Foreign Affairs, 8 Nov. 1922. See also the comments in the local press, “Enemy Nationals. Liberty and Property in War Period. Lord Justice Younger in Glasgow,” *Glasgow Herald*, 3 Nov. 1922.

<sup>79</sup> “Property of Germans in England,” *The Times*, 23 Jul. 1923.

<sup>80</sup> “Ex-Enemies’ Private Property,” *The Times*, 25 Jul. 1923.

<sup>81</sup> “Property of Germans in England,” *The Times*, 27 Jul. 1923.

<sup>82</sup> “Ex-Enemy Property in England,” *The Times*, 4 Aug. 1923.

<sup>83</sup> “Property of Germans in England,” *The Times*, 1 Aug. 1923.

proposals aimed at softening the liquidation of enemy property since the proceeds were crucial for the compensation of British nationals and firms. According to him, also, the protection of their interests was far more important than humanitarian concerns or supposed historical traditions regarding the sanctity of private property. Additionally, like Lindemann, Jessel recalled the paragraph of Article 297 that entitled German nationals to be compensated.<sup>85</sup> Although he did not challenge the principle of liquidation, the *Times* editor appreciated the compromise reached in the Parliament that expanded the possibilities of returning seized assets.<sup>86</sup> But in March 1924, once again, Jessel sent a letter to the newspaper to criticize the recommendations contained in the report of Lord Younger's committee and the decision of the cabinet to accept them. He argued that such a decision damaged the interests of British companies.<sup>87</sup> In the next years, British newspapers published other letters sent by German businessmen who criticized the confiscation as a blow to foreign investors' confidence in the London financial institutions.<sup>88</sup>

In the second half of 1929, when the fate of German property became a matter of international diplomatic dispute, the public debate raged on again. During the negotiations for the Young Plan, indeed, the Experts Committee suggested giving up the right to liquidate enemy property. Unlike other countries, however, the British government still controlled a large amount of property (at least £6 million) that had not yet been liquidated, but it was reluctant to return private assets. That property, as the Treasury argued, did not consist of 'hard-earned saving, but represent[ed] the collection of sums due to this country by financiers of great wealth and their families who have employed every legal artifice to evade their statutory obligations.'<sup>89</sup> In addition to that, German diplomats claimed that the British authorities should have returned £14 million to dispossessed citizens since the sum corresponded to an extra profit over compensation claims of British private interests.<sup>90</sup> Besides the associations of victims, many voices coming from British public opinion publicly supported that request.<sup>91</sup> At the same time, newspapers also published articles about two cases

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<sup>84</sup> "Ex-Enemy Property in England," *The Times*, 2 Aug. 1923.

<sup>85</sup> "Ex-Enemy Property," *The Times*, 7 Aug. 1923.

<sup>86</sup> "Ex-Enemy Property," *The Times*, 8 Aug. 1923.

<sup>87</sup> "Ex-Enemy Property," *The Times*, 19 Mar. 1924.

<sup>88</sup> See the letter sent by Norbert Wrabetz, in "Letters to the Editor," *Financial Times*, 27 Apr. 1926.

<sup>89</sup> NA, T 172/1683, Release of Unliquidated German Property, undated [Oct. 1929].

<sup>90</sup> LSEA, Beveridge Papers, 11/24, 'Expropriation of German private property by the Treaty of Versailles, [by Professor Mendelssohn]', June 1929.

<sup>91</sup> See the letter sent by Robert Donald, "Liquidated German Property," *The Times*, 23 Jul. 1929.

of bribery within the British administration, even though no large-scale scandals ever arose regarding the attitude of public officials.<sup>92</sup> According to Ian Macpherson, a Liberal MP, it was ‘the time to get rid, once for all, of these causes of irritation and ill-will which hinder the restoration of complete harmony and confidence’, and to re-establish ‘our reputation for financial integrity and for scrupulous respect for property entrusted to the safe keeping of London as the financial centre of the world.’<sup>93</sup> Yet the British government—in particular the Chancellor of the Exchequer—stood firmly against such a proposal. In November and December 1929, diplomatic negotiations made little progress, whereas the fate of German property raised high political tensions between the conservative majority and the opposition as well as the outrage in German press. Once again, the greatest opposition to the cabinet was in the House of Lords.<sup>94</sup> Besides Lord Buckmaster, Lord Parmoor, and Lord Younger, over 120 MPs signed a petition to the government asking for the return of all assets and extra profits that the British authorities were still holding under control.<sup>95</sup> Furthermore, associations of victims published pamphlets and sent letters of protest to the government.<sup>96</sup>

By contrast, besides defending the legitimacy of liquidation under the peace treaty, the British cabinet accused the German authorities of using private suffering for political purposes. Indeed, a report of the Treasury argued that ‘the German Government prefers to see the German owners of these properties as missionaries against Reparations in this country by exciting sympathy for their unfortunate fate from the wide circles in this country which hold strong views as to the standards of conduct which our Government should follow.’<sup>97</sup> Despite British allegations, the domestic clash between liberals and nationalists in public opinion and the parliament was real since it touched the core of the fundamental question over the treatment of foreigners in wartime. Anyway, the British government

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<sup>92</sup> “Enemy Debts Scandal. Two Officials Dismissed. Bond Sales Fraud. Agent Disappears,” *Daily Mail*, 2 Sep. 1929. See information referred by the German embassy to Berlin in PAAA, R 77188, Dieckhoff (German embassy in London) to Ministry of Foreign Affairs, 3 Sep. 1929, Finance to Ministry of Foreign Affairs, 4 Sep. 1929, and Dieckhoff to Ministry of Foreign Affairs, 6 Sep. 1929. On the corruption within the British administration, see YA, Borchard Papers, box 57, “United Kingdom,” pp. 100–3.

<sup>93</sup> “German Property in England,” *The Times*, 22 Oct. 1929. See also the letter sent by John Galsworthy, “German Property in England,” *The Times*, 24 Oct. 1929.

<sup>94</sup> See debates at the House of Lords on 29 Oct. and 27 Nov. 1929.

<sup>95</sup> Bitter and Zelle, *No More War on Foreign Investments*, p. 58.

<sup>96</sup> YA, Borchard Papers, box 56, “Ex-Enemy Property. Provisional Reply to Mr. Snowden’s Statement,” undated [1929], and *German Private Property. Confiscation or Release?* (1929), which had been prepared by the German association *Wiederaufbau im Auslande* (Recovery Abroad). See also YA, Borchard Papers, box 56, Arnold Zelle to Edwin M. Borchard, 3 Jan. 1930.

maintained its stance. As recalled by Julius Curtius, at that time German minister of Foreign Affairs, the diplomatic controversy was one of the biggest obstacles to the acceptance of the Young Plan.<sup>98</sup> In December 1929, eventually, the countries reached an agreement that posed an end to the liquidation system. The British cabinet renounced the right to confiscate German property and returned those assets which resulted to be not yet liquidated by September 1929. But extra profits were not redistributed among dispossessed Germans.<sup>99</sup>

### *The Outcome of the Liquidation of Enemy Property*

By December 1933, the British government gained £66,438,928 from the liquidation of property.<sup>100</sup> Enemy property corresponded to more than 270,000 accounts (belonging to 46,152 German nationals).<sup>101</sup> With that sum, it restored war damages suffered by British citizens in the Central Empires (about £40 million) and partly credits due to them by German debtors. By 1931, British creditors (78,000) received about £86 million, whereas German creditors (173,000) were given back £22 million. Overall, the UK allocated more than £100 million to its citizens and firms to repay their claims.<sup>102</sup> Those figures, however, underestimate the real extent of the liquidated property. They did not include liquidation proceeds of German assets in wartime, as well as figures communicated by colonies, which were often fragmentary and incomplete.<sup>103</sup> Many assets lost their value due to inactivity, mismanagement, inflation, or economic crisis. As for restitution, by 1934, the UK returned £9.7 million of private assets belonging to German citizens. Most of them (£6.88 million) were released by the Lord Younger's Committee 'on compassionate

<sup>97</sup> NA, T 172/1683, Liquidation of German Property, 25 Oct. 1929.

<sup>98</sup> Julius Curtius, *Sechs Jahre Minister der Deutschen Republik* (Heidelberg: C. Winter, 1948), pp. 101–2, and Julius Curtius, *Der Young-Plan; Entstellung und Wahrheit* (Stuttgart: F. Mittelbach, 1950), pp. 59–60.

<sup>99</sup> Krüger et al., *Die Beschlagnahme* (1930), pp. 24–35, On the diplomatic negotiations, see documents in PAAA, R 28994k. In the following years, the two governments signed other special agreements to solve the remaining issues. See, for example, the *Exchange of Notes between His Majesty's Government in the United Kingdom and the German Government in Regard to the Liquidation of German Properties. London, July 26, 1932. Berlin, July 27, 1932 / Presented by the Secretary of State for Foreign Affairs to Parliament by Command of His Majesty*, Cmd. 4172 (London: His Majesty's Stationery Office, 1932).

<sup>100</sup> *13th Annual Report of the Controller of the Clearing Office, the Administrator of German, Austrian, Hungarian and Bulgarian Property and the Director of the Russian Claims Department*. (London: His Majesty's Stationery Office, 1934), p. 3.

<sup>101</sup> Simonson, *Private Property*, p. VIII.

<sup>102</sup> "Pre-War Debts and Property," *The Times*, 2 Apr. 1930, and "Clearing Up Enemy Debts," *Financial Times*, 25 Apr. 1931.

<sup>103</sup> For the difficulties in calculating the value and proceeds of the liquidated property, see NA, CO 323/898. John Ward Cutler reported slightly different figures in his work, cf. YA, Borchard Papers, box 57, "United Kingdom," pp. 63–4.

grounds,' whereas the rest were released because of the December 1929 agreement (£2.82 million).<sup>104</sup> Eventually, by 1939, over £279,000 were returned to 155 Germans.<sup>105</sup>

As a result of the confiscation, many economic and financial sectors were wholly 'Englified', and most German capitals were excluded from the country. Altogether, the British leadership achieved most economic nationalist goals, even if countless families were broken and many people experienced irreparable losses. After the war, the German community did not exist anymore. According to the 1921 census, German citizens were only 10,694, while German-born persons were 19,578. The difference likely corresponded to the number of those who had been naturalized as British subjects in the previous decades and were left untouched by authorities. Throughout the 1920s, however, the presence of Germans increased by very little. According to the Home Office, by October 1924, German permanent residents in the country were 19,845.<sup>106</sup> Although the 1931 census data are no longer available due to the fire that destroyed registers during WWII, the World Statistics of Aliens reported only 13,896 German citizens living in the British Isles in 1931. Eventually, census data confirmed that the persecution dramatically impacted the German-speaking community. While a small part acquired naturalization and likely broke, or took hidden, their connections with Germany, the majority of Germans living in Great Britain before 1914 did not come back. Due to the economic persecution and the entry ban, their forced exclusion acquired a permanent character.<sup>107</sup>

## 2.2 France

### *Germans in France before 1914*

Before the war, France was home to one of the largest German communities in Western Europe, consisting of more than 102,000 individuals. Even if it corresponded to 0.2% of the total population, Germans were the fourth largest group of foreigners after Italians, Belgians, and Spaniards, while Austrians (14,681) and Hungarians (3,170) were

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<sup>104</sup> 13th Annual Report of the Controller of the Clearing Office, p. 3.

<sup>105</sup> NA, BT 15/134, Enemy Property Branch. Summary of Probate Cases Referred by Somerset House, 2 Jan. 1939.

<sup>106</sup> NA, BT 203/4, Memorandum by Mr. Southcombe, 17 Dec. 1924.

<sup>107</sup> On the German-speaking community from a German perspective, see C. R. Hennings, *Deutsche in England* (Stuttgart, 1923).



even fewer. Most German citizens resided in the departments close to the border with Germany (44%) and the region of Paris (37%), while smaller groups lived in other important cities such as Lyon, Nice, or Le Havre.<sup>108</sup> Although French authorities expelled 40,000 Germans from Paris during the Franco-Prussian War,<sup>109</sup> France was one of the major destinations of emigrants coming from German territories in the 19<sup>th</sup> century. The real extent of the German-speaking community was even larger than the statistics provided by the census. A significant number acquired French citizenship, although it is hard to have an accurate estimate. According to Alfred Sauvy, between 1890 and 1913, at least 17,185 Germans acquired French nationality. Such number, however, did not include Alsatians and Lorrainians who were likely to possess Reich citizenship and got naturalized in France in the same period (71,599).<sup>110</sup> However, until 1914, citizenship had little or no importance in the life of most population and thus national belonging of foreigners remained fluid and uncertain even on legal terms. Another relevant aspect of the German presence was its great variety in social terms. Like in the British case, besides migrants temporarily in France waiting to reach the American continent, countless workers, businessmen, merchants, or members of wealthy families chose France as their country of residence. Furthermore, in many areas—such as the Champagne region, or territories close to Alsace-Lorraine—there were family, financial, and commercial networks that crossed borders and transcended political divisions. Even if the Franco-Prussian War did not prevent Germans from coming to France, the political tensions fostered the spread of revanchism and Germanophobia in public opinion as well as among institutions. Since the late 1880s, police authorities in Paris and elsewhere put several foreigners of German origin, including businesspeople, managers, and merchants, under surveillance. It was then that police and officials of the Interior began regarding the economic activity of foreigners on French soil as a danger to national security. However, it did not prevent German citizens from living undisturbed in the country. The situation got worse at the beginning of the new century, especially after the Moroccan crises (1905, and 1911). As Stefan Zweig wrote in his well-known book, *The World of*

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<sup>108</sup> Hervé Joly, “L’immigration germanique dans le commerce et l’industrie lyonnais: la rupture de 1914,” in *Conflit et coopération France-Allemagne XIXe-XXe siècle: mélanges en l’honneur d’Anne-Marie Saint-Gille*, ed. Jean-Michel Pouget, vol. 3 (Bern: Peter Lang, 2017), pp. 131–2.

<sup>109</sup> Daniela L. Caglioti, “Waging War on Civilians: The Expulsion of Aliens in the Franco-Prussian War,” *Past & Present* 221, 1 (2013), pp. 161–95.

<sup>110</sup> Alfred Sauvy, “La population étrangère en France et les naturalisations,” *Annales de Démographie Historique* 1989, 1 (1989), p. 318 (the article was originally published in 1927).

*Yesterday*, the hatred of French common people toward Germans was visible in the summer of 1914 before the outbreak of the war.<sup>111</sup>

In economic terms, the German presence was quite relevant as well. Many banks, businessmen, and companies invested vast capital in the Stock Exchange of Paris which was the second-largest world financial center after London before 1914. Wealthy German families (such as Goldschmidt, Rothschild, and Speyer) not only invested relevant sums in the French market, but also owned luxury apartments, real estate, and art collections. The economic and financial interdependence as well as rivalry was a key element of the relations between the two states. Even if diplomatic tensions had an impact on trade relations in the 1880s and 1890s (especially in the colonies), economic and financial entanglement between French and German capital remained strong. In some cases, private business actors participated in joint initiatives, as demonstrated by the investments in the Ottoman Empire.<sup>112</sup> In the French market, German companies were particularly active in some significant industrial sectors. For instance, in the second half of the 19<sup>th</sup> century, as pointed out by Raymond Poidevin, many Germany-based chemical, pharmaceutical, electric, and mechanical corporations as well as insurance companies operated in France and gained significant market shares, often leveraging connections between local German-speaking communities and French entrepreneurs.<sup>113</sup> In some other sectors such as the coal, iron, and steel industry, furthermore, there was a close commercial cooperation between corporations, across France, Germany, Belgium, the Netherlands, Luxembourg, and Great Britain. In particular, the German heavy industry was dependent on iron and phosphoric ore whose second-largest supplier, after Sweden, was France. Despite raising outrage in French public opinion, especially in the nationalist circles, in the decade before the outbreak of the war, large coal companies such as Thyssen, Roehling, Mannesmann, and *Gelsenkirchener Bergwerke*

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<sup>111</sup> Stefan Zweig, *The World of Yesterday: An Autobiography* (Lincoln and London: University of Nebraska Press, 1964), pp. 210–1.

<sup>112</sup> Boris Barth, “Les ententes financières franco-allemandes et l’expansion économique avant 1914,” in *L’économie, l’argent et les hommes : Les relations franco-allemandes de 1871 à nos jours*, eds. Jean-François Eck, Stefan Martens, and Sylvain Schirmann (Vincennes: Institut de la gestion publique et du développement économique, 2018), pp. 15–37.

<sup>113</sup> Raymond Poidevin, *Les relations économiques et financières entre la France et l’Allemagne de 1898 à 1914* (Paris: Ministère de l’économie, des finances et de l’industrie, Comité pour l’histoire économique et financière de la France, 1998), pp. 739–43. On the chemical industry see also Erik Langlinay, “Apprendre de l’Allemagne? Les Scientifiques et Industriels Français de La Chimie et l’Allemagne Entre 1871 et 1914,” in *L’économie, l’argent et les hommes*, pp. 113–29.

A.G. entered into joint ventures with French and Dutch partners to exploit important mineral concessions in Lorraine, Normandie, Morocco, and Algeria.<sup>114</sup>

#### *Postwar Policies*

During the war, French authorities repeatedly claimed that enemy property was only put under sequestration and there was no intention to confiscate it on a large scale. As soon as the armistice was signed, French authorities suddenly changed their attitude. The liquidation of enemy property as a method of reparation for war damages became one of the key points of Allied plans elaborated since late 1918 (*see Chap. One*). Also, the majority of the national press embraced the idea of confiscation as a legitimate punishment.<sup>115</sup> When the diplomatic negotiations on peace treaties were about to start, the French cabinet abandoned its rhetoric about the ‘preservation’ of enemy assets and openly advocated for a large-scale liquidation.<sup>116</sup>

Once again, the Ministry of Justice, and in particular Pierre Jaudon, played a key role in shaping the legal framework of enemy property confiscation. A special committee composed of Jaudon, and other high officials of the Ministry of Justice elaborated a proposal for the liquidation of enemy assets to be inserted into the peace treaty, which later also became the draft text of the French liquidation law.<sup>117</sup> Jaudon presided over the drafting of the peace treaty and French law at almost the same time. In March 1919, when the sub-commission on the enemy property at the peace conference had not yet finished its work, the cabinet presented the bill to the parliament and informed the press of the intention to carry on a general liquidation of German assets.<sup>118</sup> According to the official report, authorities justified that decision as a retaliation against the aggressive policy pursued by the German Empire against French nationals during the war and a legitimate punishment for the responsibility for starting the conflict.<sup>119</sup> The decision caused the shocked reaction of Ger-

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<sup>114</sup> Poidevin, *Les relations économiques et financières*, pp. 520–35, and Fischer, *War of Illusions*, pp. 320–6.

<sup>115</sup> “Les biens ennemis séquestrés qu’on ne vend pas,” *L’Eclair*, 28 Nov. 1918.

<sup>116</sup> “Biens, droits et intérêts ennemis en France,” *Journal du droit international*, 46 (1919), p. 1282.

<sup>117</sup> Gidel and Barrault, *Le Traité de paix avec l’Allemagne*, pp. XIX–XX.

<sup>118</sup> See the press release in *Le Figaro*, 5 Mar. 1919.

<sup>119</sup> BArch, R 3001/7731, *Projet de loi relatif à la liquidation des biens faisant l’objet d’une mesure de séquestre de guerre*, 4 Mar. 1919.

man diplomats who, while hoping for a negotiated peace agreement, protested against the French initiative.<sup>120</sup>

Then, the cabinet was forced to withdraw the bill. Ernest Lafont—a moderate socialist lawmaker who was also close to the *Ligue des droits de l'homme*—had persuaded the Chamber of Deputies to postpone the discussion of the bill from the agenda, causing the furious reaction of Clémentel.<sup>121</sup> Significantly, the cabinet could not approve the confiscation without a vote of the parliament. During the subsequent negotiation between the parliament and the executive, Lafont played a key role in moderating the action of the latter. After finding a compromise with some lawmakers, the government submitted a new bill to the Chamber of Deputies with some minor changes.<sup>122</sup> Contrary to the government's expectations, however, it took several months for parliament to pass the law. Once again, though, Lafont was able to delay the discussion on the bill that was sent to the Committee on Civil Legislation because, as he argued, it was supposed to violate international and national law.<sup>123</sup> Finally, once the Versailles Treaty was signed by Germany, in August 1919, the Chamber of Deputies examined the government's proposal in a plenary session. The debate lasted for a little time, and the parliament approved just a few changes to the text presented by the government. They corresponded to a couple of amendments proposed by Lafont to introduce some procedural safeguards in favor of former owners.<sup>124</sup> That the parliament would have approved the bill by a large majority was certain. Just a few voices criticized it. Lafont was among them. Invoking the respect of private property in international law, he attacked the cabinet since the bill was openly contrary to national and international legal standards and infringed on a well-established tradition dating back to the French Revolution.<sup>125</sup> Criticism also came from another socialist lawmaker, who accused the government of breaking the promise it made during the war to preserve enemy property from expropriation.<sup>126</sup> Nonetheless, the opposition remained isolated and those criticisms had al-

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<sup>120</sup> BArch, R 3001/7731, Ministry of Foreign Affairs to Justice, 8 May 1919.

<sup>121</sup> AN, F/12/7839, Commerce to Justice, 26 May 1919.

<sup>122</sup> BArch, R 3001/7731, *Rapport fait au nom de la commission du commerce et de l'industrie chargée d'examiner le projet de loi relatif à la liquidation des biens faisant l'objet d'une mesure de séquestre de guerre par M. Failliot*, Apr. 1919.

<sup>123</sup> Session of the Chamber of Deputies, *Journal Officiel*, 22 May 1919, p. 2370, and BArch, R 3001/7731, German consulate of Berne to Ministry of Foreign Affairs, 27 May 1919.

<sup>124</sup> See amendments in AN, F/12/7839.

<sup>125</sup> Session of the Chamber of Deputies, *Journal Officiel*, 5 Aug. 1919, pp. 3849–50.

<sup>126</sup> *Ivi*, pp. 3850–3.

most no effect. The Chamber of Deputies<sup>127</sup> and then the Senate<sup>128</sup> approved the liquidation law by a large majority. It entered into force in October 1919. Just a few days after its definitive approval, the French parliament also ratified the peace treaty and put formally an end to the war.

According to the law, the judiciary maintained the responsibility for controlling enemy assets. Presidents of local courts were entitled to liquidate seized assets at the request of the general attorney. As for property exceeding 100,000 francs, the parliament established a special sale procedure. First of all, unlike other assets, that category could be sold only by public auction. Significantly, this requirement has been introduced by the parliament on Lafont's proposal. The French state was also entitled to exercise its right of pre-emption in case property was considered relevant to the national interest or should have been nationalized. In addition to that, the president of the court was not free to determine the fate of those assets, but the judiciary was obliged to follow the mandatory advice of the Consultative Commission, an *ad-hoc* special committee composed of three lawmakers (from both branches of the parliament), high public officials representing some ministries, and two members of trade unions and industrial organizations.<sup>129</sup> The Consultative Commission—whose secretaries were, unsurprisingly, Jaudon and Alphand—was entitled to decide whether assets of high economic value should be liquidated and on what terms. The organ had the faculty to impose a minimum price or other additional limitations (for example, excluding Germans or foreigners from joining the auctions). Despite attempts by some nationalist lawmakers to introduce a specific limitation based on nationality, the law did not automatically prevent Germans or other foreigners from participating in the auctions.<sup>130</sup> The law was applied in the old French departments (including Algeria) and most colonial territories albeit with some exceptions (such as Morocco, for instance). Indeed, even if Lafont sought to extend the validity of the law in Alsace-Lorraine,<sup>131</sup> the cabinet chose to adopt a different regulation, that contained fewer legal, judicial, and procedural safeguards and gave wider discretion to the local administration (*see sub-chapter 2.3*). Like in the British

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<sup>127</sup> Ivi, p. 3866.

<sup>128</sup> Session of the Senate, *Journal Officiel*, 18 Sept. 1919, pp. 1410–7.

<sup>129</sup> Members of the Consultative Commission were Pouille (Senate), Lafont and Puech (Chamber of Deputies), Bricout (Justice), Herbette (Ministry of Foreign Affairs), Deligne and Barret (State Property Office), Cheysson (Finance), Fighiera (Commerce), Borderel (industrialists' association), Sumien (tradeworks).

<sup>130</sup> *Journal Officiel*, 30 Oct. 1919, pp. 12094–6. For the legislation regarding the implementation of the law see Gidel and Barrault, *Le Traité de paix avec l'Allemagne*, pp. 378–501.

case, eventually, intellectual property (such as patents) could not be automatically confiscated. Later, the cabinet issued a decree to regulate the expropriation (and compensation) of industrial property which was regarded as relevant to national defense.<sup>132</sup>

According to the administrative procedure fixed by the Ministry of Justice, courts were obliged to publish the liquidation request in the *Journal Officiel* because appeals could be filed within 60 days. Former owners were not entitled to bring civil actions against confiscation unless they had acquired ‘full’ (*pleno jure*) French nationality (or another citizenship of Allied states) under the provisions of peace treaties, or they had proved to be loyal to France during the war. But authorities did not trust the authenticity of nationality changes. In a circular sent to the courts, the Ministry of Justice warned prosecutors and judges about frauds because ‘the most insidious requests [came from] individuals who, remaining loyal to their country of origin as long as they hope for the success of the aggression, attempt a more than suspicious repudiation [of their nationality] after the defeat.’<sup>133</sup> Courts were also exhorted to carefully examine appeals in close cooperation with the central government. Nonetheless, lawsuits coming from certain categories—such as women of French origin who married enemy citizens, and enemy nationals who were given the residence permit or had French children—deserved special consideration. Eventually, once the deadline of 60 days expired, the court could establish the criteria for the sale. From that moment on, its decisions were unappealable.

#### *Attempts to Moderate Liquidation*

In the early 1920s, the French authorities, along with public opinion, the parliament, and part of the judiciary, were particularly aggressive. ‘It is in the national interest, as the Ministry of Justice stated in March 1920, that [liquidation] does not prolong itself beyond the current year.’<sup>134</sup> Between 1920 and 1923, the *Journal Officiel* reported hundreds of confiscation notices (often containing inaccurate and vague descriptions of assets for sale), and newspapers all over the country were full of auction announcements. Nevertheless,

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<sup>131</sup> *Journal Officiel*, 8 Oct. 1919, pp. 11066–7.

<sup>132</sup> See decree in *Journal Officiel*, 22 Jan. 1920.

<sup>133</sup> ADLC, BIP1/24, circular of the Ministry of Justice to attorneys, 3 Nov. 1919.

<sup>134</sup> PAAA, R 70995, Circular of the French Minister of Justice to the Attorneys General in the Courts of Appeal, 3 Mar. 1920.

lawmakers and the press often accused the government of being too slow.<sup>135</sup> The administration, indeed, faced numerous difficulties. According to the Consultative Commission, by the end of 1920, only one-third of the enemy property had been definitely liquidated.<sup>136</sup> The main obstacle was precisely the large number of lawsuits. Despite the attempts of the French administration to curb this faculty (including the entry ban for German citizens),<sup>137</sup> the courts were flooded with claims coming from former owners and other persons. Also, German diplomacy raised several objections against liquidation in the bilateral negotiations with France. To speed up the procedures, the government issued a decree reducing the deadline to file appeals to 15 days.<sup>138</sup> At the same time, according to some courts, the possibility of bringing civil action was not a procedural right in the proper sense. From a legal point of view, judges conceived it as ‘an act of generous jurisdiction and of special character’ that, if necessary, could be limited or suppressed by the executive.<sup>139</sup> In some cases, local courts did not even comply with the 15-day deadline.<sup>140</sup> Restricting procedural rights confirmed how blatantly the liquidation of enemy property infringed the rule of law.<sup>141</sup> Nonetheless, German authorities exhorted its citizens to defend their rights in every way to hinder and slow down the French administration.<sup>142</sup> In the 1920s, virtually all courts had to solve countless legal controversies, especially those concerning nationality (*see Chapter Five*).

There were other attempts to prevent a general liquidation of enemy assets. The Association of Germans coming from France (*Vereinigung der Deutschen aus Frankreich*) tried to soften the attitude of French authorities claiming that, contrary to what economic nationalists argued, they had contributed ‘to the development of French industry and commerce through their work and initiatives.’ Indeed, ‘as managers of industrial enterprises or as traders, Germans provided work for French employees and workers and in general contributed to the economic development of France.’ In the document, they also underlined

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<sup>135</sup> See the speech of René Lafarge at the Chamber of Deputies who urged the government to accelerate the sale of enemy assets, in *Journal Officiel*, 30 Nov. 1921, pp. 4373–5. Cf. BArch, R/1002, *Geschäftsstelle für deutsche Güter, Rechte und Interessen in Frankreich* to Reconstruction, 3 Dec. 1921.

<sup>136</sup> AN, 20070518/11, notes of the Consultative Commission’s session, 13 Dec. 1920.

<sup>137</sup> See information reported in *Auslandswarte*, 2, 6 (1920), pp. 61–2.

<sup>138</sup> *Journal Officiel*, 1 Feb. 1921, p. 56. See also Gidel and Barrault, *Le Traité de paix avec l’Allemagne*, pp. 405–11.

<sup>139</sup> “Aff. Staller (22 Dec. 1920),” *Journal du droit international*, 48 (1921), p. 222. Cf. also “Aff. Rosenau (23 Jul. 1921),” *Journal du droit international*, 48 (1921), pp. 587–88.

<sup>140</sup> PAAA, R 70995, Lothholz to Daehnhardt, 26 Jun. 1920.

<sup>141</sup> BArch, R 2/1001, *Geschäftsstelle für deutsche Güter, Rechte und Interessen in Frankreich* to Reconstruction, 15 Sep. 1920.

<sup>142</sup> BArch, R 2/1002, *Geschäftsstelle für deutsche Güter, Rechte und Interessen in Frankreich* to Reconstruction, 26 Oct. 1920.

the role that trade could have to promote peaceful relations between the two states.<sup>143</sup> But the petition remained unheard.

German diplomats also tried to negotiate a restitution agreement. Predicting that the general liquidation would have provided the French state with little proceeds, returning the property in exchange for money from Germany seemed a good settlement to many contemporaries.<sup>144</sup> In September 1919, the Swiss journalist Charles Bernard launched a similar proposal in the *Revue Mensuelle*,<sup>145</sup> receiving endorsement from other local newspapers.<sup>146</sup> According to the German Embassy in Switzerland, the International Committee of the Red Cross could be the best intermediary,<sup>147</sup> while the Swiss lawyer Arthur Curti and the former German consul in Lyon, Eduard Loewengard, tried to enter into negotiations with the French government.<sup>148</sup> Maximilian von Montgelas, the Bavarian diplomat, was involved in those efforts, as well.<sup>149</sup> But such initiatives led to nowhere. Once the parliament approved the liquidation law, most German hopes vanished.<sup>150</sup> As directly confirmed by Alphand to the German counterpart, there was no room for negotiation. Besides finding financial resources to compensate French citizens for war damages, he also informed that many private economic lobbies—such as the chemical industry<sup>151</sup>—were hostile to the return of German competitors and advocated the government's hard line.<sup>152</sup>

One of the few diplomatic successes of Germany was the bilateral agreement signed on February 6, 1920. It was aimed at regulating the application of peace treaty provisions regarding private interests in France and Germany. Among the consequences, the two states created a special organ for bilateral negotiations, the Office for German Goods, Rights, and Interests in France (*Geschäftsstelle für deutsche Güter, Rechte und Interessen in Frankreich*). According to the agreement, furthermore, German citizens could apply for restitu-

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<sup>143</sup> PAAA, R 96253, *Vereinigung der Deutschen aus Frankreich* to French government, 12 Jul. 1919.

<sup>144</sup> See the confidential report in PAAA, R 96254, *Ausführungen betr. Entschädigung der Auslandsdeutschen für ihr Vermögen im Feindesland, insbesondere betr. Ratsamkeit des pauschalen Rückkaufs des deutschen Vermögens in Frankreich und betr. Notwendigkeit eiliger Behandlung dieser Frage*, undated [October 1919].

<sup>145</sup> Charles Bernard, "Une proposition favorable aux Allemandes et aux Alliés," *Revue Mensuelle*, Sept. 1919.

<sup>146</sup> See the article on the *La Feuille* reported in PAAA, R 96235, Paul Strassberger to Ministry of Foreign Affairs, 26 Jul. 1919.

<sup>147</sup> PAAA, R 96254, German consulate (Berne) to Ministry of Foreign Affairs, 22 Sept. 1919.

<sup>148</sup> PAAA, R 96254, German embassy in Switzerland to Ministry of Foreign Affairs, 22 Sept. 1919.

<sup>149</sup> PAAA, R 96254, Maximilian von Montgelas to Ministry of Foreign Affairs, 14 Oct. 1919.

<sup>150</sup> See Arthur Curti, "Die Liquidation sequestrierter Vermögen in Frankreich," *Welthandel*, 17 Oct. 1919.

<sup>151</sup> PAAA, R 70995, Zoepfl to Ministry of Foreign Affairs, 11 Dec. 1921.

<sup>152</sup> PAAA, R 70995, report of Daehnhardt (*Geschäftsstelle für deutsche Güter, Rechte und Interessen in Frankreich*), 13 Aug. 1920.



tion of ‘objects of little value, personal or family souvenirs’ under the condition of paying shipping costs.<sup>153</sup> Courts could return personal possessions which were worthless or of little value (up to 300 francs).<sup>154</sup> France promised to inform the former owners of the auctions, but they were obliged to ask for authorization from the authorities if they wanted to participate in auctions of expropriated property.

After March 1920, however, Germans met several hindrances for the release of ‘small assets.’ According to the French government, restitution was a humanitarian act of ‘generosity’ that could be carried out by authorities only on a case-by-case basis.<sup>155</sup> The main reason for that, as Alphand confessed, was the presence of anti-German feelings within the administration and public opinion.<sup>156</sup> By the end of 1920, while 2,367 Germans applied for the return of their personal belongings, French authorities approved only 169 demands. In other 130 cases, the administration even informed applications that their assets had been already sold.<sup>157</sup>

France infringed the agreement signed in February 1920 in other ways. Sale notices were published too late and with incomplete information. As a result, former owners could not participate in the auctions.<sup>158</sup> According to a diplomatic report of the German Embassy, ‘the liquidation of German property did not often give the expected results. The reasons are diverse [...]: sale prices [do] not correspond to the real value of the assets; the publicity [is] often inadequate; the lots to be sold [are] heterogeneous [...]; objects [result] lost or missing; property is often kept in a poor condition due to the damages occurred during the period of their sequestration, before the sale.’<sup>159</sup> However, official complaints had no effect.<sup>160</sup> Furthermore, the authorities posed many obstacles to the return of former enemy citizens to French soil. Unlike the British government, France did not prohibit their entry with a general ban, but the Ministries of Interior and Justice conceded authorization to re-enter the country only if Germans declared to not interfere with the sale of their proper-

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<sup>153</sup> See the text of the agreement in PAAA, R 70995.

<sup>154</sup> BArch, R 2/1001, Ministry of Justice to general prosecutors of the courts of appeal, 3 Mar. 1920.

<sup>155</sup> AN, 20070518/10, Justice to prosecutors of courts of appeal, 11 Jun. 1920.

<sup>156</sup> AN, 20070518/11, notes of the Consultative Commission’s session, 29 Nov. 1920. See also BArch, R 2/1002, Daehnhardt to Reconstruction, 18 Oct. 1920, and PAAA, R 70995, Daehnhardt to Reconstruction, 29 Nov. 1920.

<sup>157</sup> BArch, R 2/1002, Report on the applications for release of personal possessions, 30 Nov. 1920.

<sup>158</sup> BArch, R 2/1001, *Verband der im Ausland geschädigten Inlandsdeutschen* to Reconstruction, 13 Jul. 1920.

<sup>159</sup> PAAA, R 70996, Bischof to Alphand, 30 Oct. 1922.

<sup>160</sup> PAAA, R 70996, Daehnhardt to Reconstruction, 9 Dec. 1922.

ty.<sup>161</sup> In reaction to that, they often asked for the help of relatives and friends having French nationality or hired figureheads to participate in the auctions.<sup>162</sup>

### *Public Debate*

A large part of French public opinion enthusiastically supported the liquidation of enemy property as a way to punish Germany and strengthen the national economy. Even after the end of the war, nationalist rhetoric proved to be still hegemonic in the public discourse and among the policymakers (especially in the Ministry of Justice and the Ministry of Trade). Nonetheless, several voices criticized the choice to carry on an economic nationalist agenda. In late 1919, for instance, French diplomacy warned the Consultative Commission about the risks that extreme nationalism could cause to the national economy. In a report to the Commission, the Ministry of Foreign Affairs argued that ‘it [was] not possible to use the legislation on the enemy property, law of national defense, to the protection of French economic interests.’<sup>163</sup> Criticisms came also from public opinion. Many newspapers complained about the disappointing financial outcome of liquidation, reporting irregularities and cases of corruption.<sup>164</sup> Local authorities were often accused of adopting low standards of transparency in the sale procedures.<sup>165</sup> However, the principle of confiscation was rarely challenged in itself.

One of the few voices condemning the choice to confiscate enemy assets was the *Ligue de droit de l'homme*. Driven by pacifist and humanitarian concerns since its birth after the Dreyfus affair, the League openly disapproved of the liquidation of German property, regarding it as an obstacle to European peace. Committed to promoting political détente between France and Germany after the war,<sup>166</sup> the association repeatedly denounced the harsh treatment of Germans and the confiscation of private assets. But, instead of opposing economic nationalism on a humanitarian basis, it privileged economic and financial

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<sup>161</sup> AN, 20070518/7, Interior to Justice, 6 Aug. 1920.

<sup>162</sup> BArch, R 2/1002, Daehnhardt to Reconstruction, 18 Oct. 1920.

<sup>163</sup> ADLC, BIP11/47, Note of the Ministry of Foreign Affairs to the Consultative Commission, undated [late 1919].

<sup>164</sup> See Lucien Chassaing, “La liquidation des biens allemandes. Ce qu’ont produit le séquestres,” *Journal*, 17 Oct. 1921, “Ou est l’argent ?,” *Aux écoutés*, 23 Oct. 1921, “Les séquestres des biens ennemis,” *Le Petit Bleu de Paris*, 16 Mar. 1922, “Que font les séquestres ?,” *L’Œuvre*, 4 Apr. 1923, “Les gages ruineux,” *La Libre Parole*, 11 May 1923.

<sup>165</sup> “Les séquestres trop peu pressés !,” *Le Petit Bleu de Paris*, 1 Sep. 1922.

<sup>166</sup> Emmanuel Naquet, *Pour l’humanité : la Ligue des droits de l’homme, de l’affaire Dreyfus à la défaite de 1940* (Rennes: Presses universitaires de Rennes, 2014), pp. 311–37.

considerations to show that the liquidation of enemy property could be harmful to the national economy.<sup>167</sup> In December 1920, in a letter to Prime Minister Alexandre Millerand, Ferdinand Buisson, the president of the *Ligue*, suggested that, instead of liquidating that property, France should have reached a restitution agreement with Germany. Stressing that the Versailles Treaty conferred the power to confiscate but did not oblige the Allies to do so, his proposal consisted of returning all seized assets in exchange for a lump sum from the German state. ‘The solution we are outlining, as Buisson wrote, would not be the fairest, but the least unfair and the most advantageous for the French state.’<sup>168</sup> In front of the firm opposition of the French government to accept negotiations with Germany in this regard, however, the position of the League quickly changed. Just a few weeks later, in a report written by the legal committee of the association, the liquidation was considered a legitimate way to eradicate German economic threats in France. The *Ligue* merely asked to avoid unnecessary hardships, for instance returning personal possessions of little value or giving assets back to long-time resident Germans who had married French women and whose sons had fought in the French army.<sup>169</sup>

#### *Economic Nationalism: The Chemical Industry*

Economic nationalism was the platform where public and private interests converged. Confiscation of enemy assets proved to be a powerful tool to promote French private industry, remove foreign capital, and strengthen national security. The Consultative Commission often prohibited German nationals from joining the auctions as a precaution against the risk that former owners could reacquire their property. But restrictions often were applied to foreigners in general. Consequently, authorities ensured that French citizens and companies could benefit from liquidation. For instance, in May 1921, the Consultative Commission established that patents previously owned by German companies could be only sold to French firms.<sup>170</sup> In the matter of the iron and steel industry, the French state benefited national producers and promoted the ‘Frenchness’ of many German- and

<sup>167</sup> *Les Cahiers des droits de l'homme*, 10 Aug. 1921, p. 356. See letters in AN, 20070518/10.

<sup>168</sup> See the letter in *Les Cahiers des droits de l'homme*, 25 Mar. 1921, p. 139.

<sup>169</sup> ‘La Liquidation des Biens Allemands en France,’ *Les Cahiers des droits de l'homme*, 25 Jul. 1921, pp. 328–30.

<sup>170</sup> AN, AJ/28/CCSG/1, register of Consultative Commission’s decisions, 9 May 1921.

Luxemburgish-owned industrial plants situated in Normandie, Moselle, Lorraine, or the Saar region.<sup>171</sup> Similar provisions were adopted in many other individual cases.<sup>172</sup>

Such measures also revealed that conspiracy theories over the alleged German economic invasion or espionage did not remain just war propaganda but shaped the persecutory policies against former enemy citizens even in the postwar years. This was the case of the chemical and dye industry in the region of Lyon where confiscation changed the life of Leopold Eduard Loewengard. Residing in France since the 1880s, he—who was born in Hamburg in 1862—made his fortune as the manager of a dyeing company in Lyon, the *Manufacture Lyonnaise des matières colorants*. Originally founded by French businessmen, in 1885, the *Leopold Cassella & Co.*, a Frankfurt-based company that was one of the most important German chemical corporations, acquired it and opened a branch in France. The plant covered an area of more than 26,000 square meters, and over 300 workers were employed there.<sup>173</sup> Loewengard, who was a nephew of the owners, was appointed as the manager of the factory. Given the importance of the dye and chemical industry in the region, Loewengard acquired a large fortune. On the eve of the war, he owned one of the most elegant villas in the city and also possessed a large art and ancient books collection (including some paintings of Tintoretto and Courbet) that was worth around 1.5 million francs. He also became the representative of the local German-speaking community in 1907 when he was appointed as the first German consul in the Rhone area.<sup>174</sup> But Loewengard was well integrated into local society as well. Besides having married a French woman, according to the press, Loewengard was on good terms with Édouard Herriot, who, beyond holding the office of mayor of Lyon from 1905 to 1940, was an influential member of the Chamber of Deputies.<sup>175</sup> In 1909, the French government named him a knight of the Legion of Honor.

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<sup>171</sup> Jacques Bariéty, *Les relations franco-allemandes après la Première-Guerre mondiale: 10 novembre 1918-10 janvier 1925: de l'exécution à la négociation* (Paris: Pedone, 1977), pp. 144–9.

<sup>172</sup> PAAA, R 70995, German Embassy in Paris to Ministry of Foreign Affairs, 25 Feb. 1921, informing that the court of Le Havre excluded foreigners from joining the auction of assets belonging to Philipp Haag.

<sup>173</sup> *Lyon et la région Lyonnaise en 1906: Economie sociale. Agriculture. Commerce. Industrie. Transports. Navigation-Aéronautique*, vol. 2 (Lyon: A. Rey, 1906), p. 362. On the connection between German chemical industry and subsidies in France, see Gottfried Plumpe, *Die I.G. Farbenindustrie AG: Wirtschaft, Technik und Politik 1904-1945* (Berlin: Duncker & Humblot, 1990), p. 58.

<sup>174</sup> On the German-speaking community in Lyon before the war see Joly, “L’immigration germanique dans le commerce et l’industrie lyonnais,” pp. 134–42.

<sup>175</sup> See articles of the nationalist press: “Echos,” *Action Française*, 30 Jul. 1914, “La villa des espions,” *La Libre Parole*, 13 Nov. 1914, and “Mossieu Herriot dit touch-a-tout,” *Le Ruy Blas*, 3 Sept. 1916.

Apparently, his wealth and good social relations protected him from having trouble with the authorities. However, the French police suspected him and put him under surveillance decades before the war. Back in 1891, he was refused a residency permit by the authorities because his trips to Germany were too frequent. His standard of living appeared equally suspect. According to police reports, by that time local authorities believed that Loewengard was part of a German espionage network although there was no evidence. The company he ran seemed to be the headquarters of activity for this alleged spy network.<sup>176</sup> When in August 1914 he fled to Switzerland with his wife, suspicions turned into certainty for the authorities. Accused of being the head of a spy network operating on Swiss soil to bypass the Allied blockade, since he had been appointed commercial *attaché* of the German Embassy in Berne in April 1915,<sup>177</sup> Loewengard ‘embodied the typical modern German businessman in the region of Lyon,’ as claimed by the Ministry of Foreign Affairs.<sup>178</sup> He was supposed to have been a German agent who, before 1914, had struggled to penetrate within French economy and control strategic companies in preparation for the war.<sup>179</sup> In October 1914, the court of Lyon seized his assets and appointed a legal expert of the State Property Office, Mr. Bouvier, as the administrator of personal possessions. Similarly, the industrial plant was put under sequestration and the court appointed another official of the State Property Office to manage it. Unlike other seized enemy firms whose activity was suspended in wartime, that chemical company kept operating under the judiciary administration.

Once the conflict was over, Loewengard’s attempts to get his property back faced strong resistance from the authorities. In late 1920, the Consultative Commission classified the company he had led as a strategic asset for the national interest. Decisive was the report made by Émile Fleurent to the Commission. Professor of chemistry at the Sorbonne University, Fleurent was head of the Office of Chemical and Pharmaceutical Products (*Office des produits chimiques et pharmaceutiques*) that had been created in September 1914 by the French government to regulate the import of chemical and dye products and protect the

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<sup>176</sup> AN, 19940459/322, reports of Special Railway Commissariat to Lyon Prefecture, 6 Mar. 1903 and 21 Feb. 1904.

<sup>177</sup> He served as a commercial *attaché* until January 1920. See his file in SBA, E2001B#1000/1501#1115\*.

<sup>178</sup> ADLC, BIP6/175, note for the Direction of Political and Commercial Affairs, 2 May 1921.

<sup>179</sup> ADLC, BIP6/175, Justice to Ministry of Foreign Affairs, 29 Nov. 1920.

national industry against German competitors.<sup>180</sup> In the aftermath of the war, the committee continued to operate with the goal of stimulating the economic and scientific development of the French chemical industry.<sup>181</sup> During a session of the Consultative Commission devoted to the treatment of dye companies controlled by enemy citizens, Fleurent exposed his program ‘in the interest of both the National Defense and the French chemical industry, which, since the beginning of the war, has made considerable progress also thanks to the provisions of the Treaty of Versailles.’ In particular, the proposal aimed to promote French private ownership of those companies.<sup>182</sup> Inspired by Fleurent, the Consultative Commission opted for a privatization of the industrial plant of Lyon instead of putting it under public control. The commission placed rigid restrictions on privatization. Only companies with registered offices in France and management composed of French nationals were entitled to acquire the chemical factory in Lyon. As an additional requirement, eventually, for ten years after the sale, the new owners could sell it exclusively to individuals or private companies that complied with the same standards of ‘Frenchness.’<sup>183</sup> However, the strict conditions set by the Commission contributed to prolonging the time of liquidation and reducing the profit for the French state. After a first auction failed, the government nationalized two small land plots and later, in April 1922, the *Compagnie française des produits chimiques et matières colorantes de Saint-Clair-du-Rhône*—a company founded in 1916 that became the third-largest chemical corporations in France in the interwar period—acquired the industrial plant together with goods, patents and licenses at a very low price (about 4 million francs).<sup>184</sup>

Loewengard sought to reverse that decision by appealing to the local court. Yet the judiciary aligned itself with the executive. The court of Lyon rejected two of Loewengard’s lawsuits. In the first one, he unsuccessfully invoked a diplomatic status as a former consul, whereas in the latter his lawyers asked for the restitution of his assets due to the loss of

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<sup>180</sup> Sophie Chauveau, ‘Mobilization and Industrial Policy: Chemicals and Pharmaceuticals In The French War Effort,’ in Roy MacLeod, Jeffrey A. Johnson, eds., *Frontline and Factory: Comparative Perspectives on the Chemical Industry at War, 1914–1924* (Dordrecht: Springer, 2006), pp. 21–30, and Erik Langlinay, ‘The French chemical industry at war: from foreign dependency to the making of a national sector,’ *Entreprises et histoire* 85, 4 (2016), pp. 54–69.

<sup>181</sup> See Erik Langlinay, ‘The French chemical industry at war: from foreign dependency to the making of a national sector,’ *Entreprises et histoire* 85, 4 (2016), pp. 54–69.

<sup>182</sup> AN, 20070518/11, notes of the Consultative Commission’s session, 8 Nov. 1920.

<sup>183</sup> AN, 20070518/12, notes of the Consultative Commission’s session, 7 Nov. 1921. See also the *Cabier des charges* containing the clauses and instructions in ADCL, BIP6/184.

<sup>184</sup> See dossier in ADLC, BIP6/184.

German nationality in 1890 when Loewengard had obtained a citizenship renunciation certificate from his hometown.<sup>185</sup> Nonetheless, he was able to get part of his possessions back. Thanks to the pressure from German diplomacy, and after a long negotiation, the Consultative Commission conceded to return 250,000 francs to Loewengard because of his status as a former consular agent.<sup>186</sup> But that sum corresponded to a tiny fraction of the value of his assets. Most of them, consisting of a villa, hundreds of champagne bottles, paintings, jewelry, and an ancient books collection, were sold at auction in the next years.<sup>187</sup> After some failed auctions, in February 1924, his house together with a huge green area was acquired by a silk businessman and member of the French-Swiss Chamber of Commerce, Jean Louis Wegelin, who paid nearly 1.2 million francs for the house.<sup>188</sup> The final price was much lower than the value initially estimated by the judicial administration.<sup>189</sup> In sum, like in other cases of Germans who had resided in the area of Lyon,<sup>190</sup> through the liquidation of assets, the French government deprived Loewengard of his business and social status while it replaced German capital with French one.

But his story did not end there. The persecution continued until Loewengard's death. In the early 1920s, he came back to France and returned to business operations. According to French diplomacy, for instance, claiming to promote the '*esprit* of harmony and conciliation,' the former manager mediated an agreement between German chemical companies and the *Compagnie nationale des matières colorants*.<sup>191</sup> Later, in 1925, Loewengard was appointed president of the Paris-based branch of the *IG-Farben*, the German chemical industry cartel. To re-enter the market of the former enemy country, the corporation took advantage of the networks and skills of German-speaking businessmen who had lived abroad before the war, such as Loewengard.<sup>192</sup> The initiative aroused the alarm of the press. The

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<sup>185</sup> 'Loewengard c. Procureur de la République et Bonvier', *Journal du droit international*, 49 (1922), pp. 391–6, and 'Loewengard c. Procureur de la République et Bouvier', *Journal du droit international*, 50 (1923), pp. 311–4.

<sup>186</sup> AN, 20070518/12, notes of Consultative Commission's sessions 25 Jul. 1921, 4 and 18 Dec. 1922, 8 and 23 Jan. 1923. See also his personal dossiers in PAAA, R 71001 and ADLC, BIP6/175.

<sup>187</sup> ADLC, BIP6/175, inventory of Loewengard's personal property, 8 Mar. 1915. See also the catalogue of the ancient books collection at the Bibliothèque Nationale de France: *Liquidation des biens allemands - Séquestre de M. Loewengard (ex-consul d'Allemagne). Catalogue des livres* (1923).

<sup>188</sup> ADLC, BIP6/175, Notary Lotard to OBIP, 17 Jul. 1924.

<sup>189</sup> ADLC, BIP6/175, Report to the Consultative Commission, 23 Jan. 1922.

<sup>190</sup> Joly, 'L'immigration germanique dans le commerce et l'industrie lyonnais,' pp. 148–51.

<sup>191</sup> ADLC, BIP6/175, note for Mr. Loewengard, undated [30 Jul. 1920].

<sup>192</sup> For the French-German relations in the field of chemical industry during the interwar period see Hervé Joly, 'Les relations entre les entreprises françaises et allemandes dans l'industrie chimique des colorants des années 1920 aux années 1950, entre occupation, concurrence, collaboration et coopération,' in *L'économie*,

journalist Marcel Espiau presented the return of Loewengard to France as a danger to national security since it allowed the German capital to take control of the French chemical industry.<sup>193</sup> Authorities intervened, as well. The Ministry of Trade reported to the Interior the presence of Loewengard as an economic threat, referring to the accusations of pro-German espionage during the war.<sup>194</sup> Despite lack of evidence, once again economic nationalism and securitarian concerns mingled and resulted in the persecution against foreigners of enemy origin. In August 1926, the War Ministry classified Loewengard as an undesirable foreigner and demanded his expulsion.<sup>195</sup> By the time authorities attempted to enact the measure, however, it was too late. Loewengard had died just a few weeks before.<sup>196</sup>

#### *Economic Nationalism: The Champagne Sector*

State intervention to promote French private ownership also affected other sectors of the national economy such as the champagne market. For decades until 1914, however, the strong cooperation between French and German producers marked the champagne industry. The case of the Mumm company was paradigmatic. Almost nine decades after its establishment in 1827, it became one of the most important and well-known champagne producers employing over 400 farmer families. Overall, in 1913, the Mumm company produced nearly 3 million champagne bottles and exported them to Europe, the United States, the Tsarist Empire, and China.<sup>197</sup> Coming from Frankfurt, the Mumm family kept contact with Germany alive. Unlike other champagne producers of German origin who acquired French naturalization, the Mumms remained German citizens.<sup>198</sup> That choice raised the suspicion of French authorities on them. Since the 1880s, local police put Jacob Mumm and his sons Hermann and Jules under surveillance. But their business partners and managers who came from Germany and were naturalized as French citizens were put under observation. The reason was always the same. Police authorities suspected that they were German agents and that the champagne estate would have been the headquarters of the

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*l'argent et les hommes*, pp. 225–39. On the IG Farben, see Peter Hayes, *Industry and Ideology: I. G. Farben in the Nazi Era* (Cambridge: Cambridge University Press, 1987), and Plumpe, *Die I.G. Farbenindustrie*.

<sup>193</sup> See his articles “La double face de l’«Interessen Gemeinschaft»,” *L’Avenir*, 2 Apr. 1926, and “L’«Interessen Gemeinschaft»,” *Le Progrès de la Côte-d’Or*, 5 Apr. 1926.

<sup>194</sup> AN, 19940459/322, Interior to Commerce, 16 Apr. 1926.

<sup>195</sup> AN, 19940459/322, War to Interior, 11 Aug. 1926.

<sup>196</sup> AN, 19940459/322, Paris Prefecture to Interior, 16 Sep. 1926.

<sup>197</sup> François Bonal, *Champagne Mumm. Un champagne dans l’histoire* (Paris: Arthaud, 1987), p. 88.



Imperial Army in case of invasion. Although the nationalist press repeatedly supported that charge, over the years, police found no evidence of that conspiracy.<sup>199</sup>

The war marked a watershed. Just a few days after the outbreak of the conflict, authorities put Hermann Mumm under arrest and sent him to a concentration camp in Bretagne where he spent the entire wartime. Rather, his wife was allowed to move to Switzerland together with children due to her Russian origin.<sup>200</sup> At the end of 1914, the Reims court sequestered the champagne estate and all private assets belonging to the Mumm family. Being close to the war front, the estate was controlled by military authorities. French troops partly occupied the caves where the champagne bottles were stored and, in the spring of 1918, the area was evacuated during the advance of the German army.<sup>201</sup> In December 1918, eventually, the court appointed the enologist Georges Robinet, one of the closest collaborators of Hermann Mumm as administrator.<sup>202</sup> During the war, the Mumm family became the target of journalistic attacks coming from Leon Daudet. In a series of articles on the *Action Française*, he repeated the usual allegations of espionage against Hermann Mumm. Once again, the spy fever mixed with economic nationalism, and hence demanding the whole eradication of the commercial and financial presence of Germans became commonplace in attacks against Mumm.<sup>203</sup> Despite the difficulties caused by the war and the damage provoked by the military occupation, Mumm's estate was still working at the end of the conflict. According to official estimation, eventually, Mumm's assets (consisting of several land domains, real estate in various French cities, 8 million champagne bottles, etc.) were worth 85 million francs.<sup>204</sup>

Since the autumn of 1918, French private businessmen were interested in acquiring Mumm's company and kept in touch with Jaudon to influence the liquidation process.<sup>205</sup> In July 1920, the Consultative Commission put all assets under liquidation and prohibited

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<sup>198</sup> Bertrand Goujon, "Entre France et Allemagne, les grands négociants en vins de Champagne : approches transfrontalières d'une élite patronale au cours du long XIXe siècle," 2017, <https://halshs.archives-ouvertes.fr/halshs-01553651>, pp. 10–1.

<sup>199</sup> See dossiers of Hermann and Jules Mumm in AN, 19940463/16.

<sup>200</sup> Denis Rolland, *Mumm, une incroyable histoire* (Chaumont: Le Pythagore, 2019), pp. 80–9.

<sup>201</sup> Ivi, pp. 90–3, and Rolland, *Mumm*, pp. 114–8.

<sup>202</sup> Bonal, *Champagne Mumm*, p. 89.

<sup>203</sup> Rolland, *Mumm*, pp. 97–106.

<sup>204</sup> See list published on the *Journal Officiel*, 25 Mar. 1920, p. 4812.

<sup>205</sup> See documents in AN, F/7/15852/2.

Germans from joining the auction.<sup>206</sup> Remarkably, similar rules were applied to sales of other champagne estates belonging to German citizens, as in the case of Wolfgang Giesler.<sup>207</sup> The auction of Mumm's property took place soon after the decision of the commission but there were some doubts about its fairness. Criticism came not only from the German side.<sup>208</sup> The French press also mocked the hurry of the auction (it lasted barely half an hour) and denounced the lack of information about the new owners. Authorities received only an offer. The *Société vinicole de Champagne*, a new company founded just a few days before the auction by French textile industrialists, banks, lawyers, and businessmen in Paris, bought all Mumm's assets for 85 million francs, the minimum price set by the Consultative Commission. Apparently, no champagne or wine producers were involved in that joint venture.<sup>209</sup> Within that group of investors, however, there were Georges Robinet and René Lalou. While the former kept administering the firm until 1928 when he was appointed general director, the latter became a liaison person between the investors and the government. For instance, it was Lalou, a lawyer, who negotiated the rescheduling of the sale payments with the Consultative Commission.<sup>210</sup> Before being elected as chairman of the board at the end of the 1930s, Lalou defended the new company from the judicial appeals of previous owners to prohibit the use of Mumm's trademark abroad. In 1933, thanks to the pressure from Jaudon, the Franco-German MAT dismissed all lawsuits of the Mumm family and ruled that the liquidation of enemy property included the trademark as well. Consequently, the new champagne society founded by Mumm after the war was not allowed to use the Mumm brand to sell its *sekt* abroad.<sup>211</sup>

The commercial success of the Mumm champagne in the interwar period derived from the work of Robinet and Lalou, the new French and 'patriotic' managers. As Mumm's story showed, WWI broke long-time established economic cooperation of the champagne production which crossed the borders between France and Germany. After 1918, the state promoted an economic nationalist program aimed at promoting the 'Frenchness' of the

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<sup>206</sup> AN, 20070518/11, notes of the Consultative Commission's session, 5 Jul. 1920. See the report to the Commission in AN, 20070518/13.

<sup>207</sup> AN, 20070518/11, notes of the Consultative Commission's session, 12 Jul. 1920, and SBA, E4110A#1000/1813#513\*, Swiss Embassy (Paris) to Federal Political Department, 21 Nov. 1928. See also documents in SBA, E2200.41-04#1000/1678#1862\*.

<sup>208</sup> BArch, R 2/1001, Daehnhardt to Reconstruction, 7 and 13 Jul. 1920.

<sup>209</sup> Rolland, *Mumm*, pp. 126–34.

<sup>210</sup> AN, AJ/28/CCSG/2, notes of the Consultative Commission's session, 18 Dec. 1922.

<sup>211</sup> Rolland, *Mumm*, pp. 136–45.

champagne industry. State intervention protected French private investors from foreign capital, preserving their ownership and defending the brand from foreign concurrence. During the interwar period, indeed, France regulated the champagne sector with rigid rules concerning the varieties of grapes, the site of production, and the alcoholic level to create a special brand that could be safeguarded from foreign wine producers. Champagne became a French product and acquired the status of a national symbol. Also, the economic persecution of enemy citizens contributed to that result.<sup>212</sup>

*Economic Nationalism: The Parisian Hotel Business*

Something similar happened to Arthur Eduard Geissler (1856-1921) who, before the outbreak of the war, was active in the hotel business in Paris. Born in Silesia, after being trained as a sommelier, he left his country of origin in 1882 and spent most of his life across Italy, where he worked as comptroller in a hotel in Naples, and then France. There, Geissler bought some hotel structures in Nice and Paris. After marrying Jeanne Jung—an Austrian woman whose father controlled some luxurious hotels in France—Geissler became one of the most important hotel entrepreneurs in Paris. Before the war, he was the manager of the Astoria Hotel, one of the fanciest hotels on the Champs-Élysées, and controlled the *Société des Hôtels l'Etoile*, founded in 1906, which was the largest German-owned company in the field of hotel industry of Paris. Composed of German and Swiss investors, it owned six structures in Paris (Colombia, Beau Site, Campbell, d'Autriche, Malesherbes, or Astoria) and two in Trouville-sur-Mer (Normandie). Eventually, Geissler was part of the Majestic Hotel's board of directors.<sup>213</sup> He was active in local associations and churches of the German-speaking community, too. This was the reason for suspicions by the police. 'He is known to profess hostile attitude toward our country—as police reported in 1909—[...], and he only frequented his compatriots.'<sup>214</sup> Since the 1890s, Geissler was put under surveillance, and his name was included in the list of foreigners to be arrested in case of war. Despite the lack of proof, the Ministry of Interior suspected that he was the head of a spy network in Paris.<sup>215</sup>

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<sup>212</sup> One the story of champagne in 20<sup>th</sup> century see Werner Parravicini, "Pour une histoire franco-allemande du champagne," in Claire Desbois-Thibault, Werner Parravicini, and Jean Pierre Poussou, eds., *Le champagne: une histoire franco-allemande* (Paris: PUPS, 2011), pp. 221–31, and Goujon, "Entre France et Allemagne".

<sup>213</sup> Poidevin, *Les relations économiques et financières*, p. 516.

<sup>214</sup> APP, BA 1092, Individual notice, 27 Mar. 1909.

<sup>215</sup> See reports collected in his personal dossier in APP, BA 1092.

Geissler was arrested on August 3, 1914.<sup>216</sup> Quickly, the French press labeled him as a German agent. Denounced by one of his employees, Geissler was put under trial on charges of espionage, but the civil court of Paris acquitted him due to the lack of evidence.<sup>217</sup> Nevertheless, authorities interned him in a concentration camp in the Pyrenees, while his wife and two children fled to Switzerland. The judiciary promptly sequestered his assets and military authorities requisitioned some hotels to accommodate the war wounded. The verdict of acquittal did not placate the press.<sup>218</sup> According to rumors reported by several newspapers (but probably taking cues from the police), the Kaiser had planned to have dinner at the Astoria Palace as soon as Paris was occupied by his army. The press published even the menu that would be offered to the German Emperor.<sup>219</sup> Newspapers published a letter sent by a military officer a few days before the war declaration, which had been found by the police in Geissler's office. In that document, he was informed that the German army was ready to face a European war, and the officer just mentioned the need for preparation of his company. The content of that document was unclear (as well as its authenticity), but it was sufficient to raise new suspicions.<sup>220</sup> Despite the lack of evidence, Geissler was depicted as a dangerous enemy agent, often with antisemitic tones.<sup>221</sup>

As a result, Geissler was accused of misappropriation and fraud by some of his former business partners. Clearly, in this way, they wanted to exclude him from the company and save it from the risk of being liquidated. But the clash between former partners was quickly overshadowed. As the public prosecutor claimed, behind those financial maneuvers, Geissler endeavored to create a spy network in the country. The press widely covered the trial, and the court's decision was predictable.<sup>222</sup> Once again, spy fever and economic nationalism were mixed. According to public opinion, Geissler was part of a conspiracy that Germany had prepared long before the war.<sup>223</sup> On May 31, 1916, the court of Paris convicted Geissler to three years in prison.<sup>224</sup> His story had a wide echo even in the

<sup>216</sup> APP, BA 1092, certificate released by the prison of La Santé, 23 Aug. 1914.

<sup>217</sup> "Le Directeur de l'hôtel Astoria va bénéficier d'un non-lieu," *L'Écho de Paris*, 21 Aug. 1914. Charles Inman Barnard, *Paris War Days: Diary of an American* (Boston: Little Brown and Company, 1914), p. 100.

<sup>218</sup> "Affaire Geissler," *Journal de droit international*, 52 (1915), pp. 834–5, 1068.

<sup>219</sup> "Le festin manqué," *Le Matin*, 1 Jan. 1916.

<sup>220</sup> "La lettre qui avertit l'Allemand Geissler que le kaiser allait déchaîner la guerre," *La Croix*, 21 Oct. 1915.

<sup>221</sup> "Le Geissler de l'Astoria," *Le Journal Officiel de l'Alimentation des Grand Hotels des Grands Restaurants*, 20 Feb. 1916, pp. 3–9.

<sup>222</sup> For the trial's hearing see "L'Affaire Geissler," *Revue des grands procès contemporaines*, 1916, pp. 23–105.

<sup>223</sup> "Geissler en correctionnelle," *La Liberté*, 17 May 1916, and "Geissler de l'Astoria," *La Presse*, 17 May 1916.

<sup>224</sup> "Geissler condamné," *Le Petit Journal*, 1 Jun. 1916. The text of the decision is in AdP, D1U6 1358.

foreign press, reporting that the decision of the court confirmed the accusations of espionage.<sup>225</sup> Geissler lodged an appeal against that ruling,<sup>226</sup> but in November 1916 the court of appeal confirmed the decision and condemned him to four years in prison.<sup>227</sup> In December 1917, a new lawsuit was dismissed by the Supreme Court.<sup>228</sup> Eventually, due to the constant pressure from the Vatican and Eugenio Pacelli, the Apostolical nuncio in Germany,<sup>229</sup> Geissler was released in March 1918 and sent to Switzerland in accordance with the agreement on the exchange of civilian internees.<sup>230</sup>

Once the war was over, the Astoria Hotel became the symbolic building of the victory over Germany and its ‘treacherous’ citizens. After the armistice was signed in November 1918, a popular demonstration celebrating the victory and the annexation of Alsace-Lorraine paraded in front of the Astoria Hotel on the Champs-Élysées. As written in the caption of a picture taken on that day (*see Fig. 2.1*), crowds were watching the parade ‘from the windows of the Hotel Astoria, German owned before the war, now a hospital. It was in this hotel, it is said, that dinner was to be served to the Kaiser when he entered Paris in 1914. It does not look like a home for the kaiser now.’<sup>231</sup> Later, the British government chose Astoria Hotel to host part of its delegation during the peace conference. After 1920, Astoria became the headquarters of the Commission of Reparations. As other large buildings confiscated from enemy citizens in Paris were used to host diplomatic delegations, the Astoria Hotel was chosen for its capacity rather than for its symbolic value. Yet the strong symbolic relevance of that choice did not go unnoticed in the eyes of contemporaries. When it was finally reopened to tourists at the end of the 1920s, unsurprisingly the German press celebrated the Astoria Hotel as the ‘commemorative monument of Germany’s relentless fight against its oppressors.’<sup>232</sup>

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<sup>225</sup> See the news reported by the Portuguese magazine *Fon-Fon* in September 1916: [http://objdigital.bn.br/acervo\\_digital/div\\_periodicos/fonfon/fonfon\\_1916/fonfon\\_1916\\_036.pdf](http://objdigital.bn.br/acervo_digital/div_periodicos/fonfon/fonfon_1916/fonfon_1916_036.pdf).

<sup>226</sup> “Geissler a fait appel,” *Le Journal*, 15 Jun. 1916.

<sup>227</sup> “L’affaire Geissler en appel,” *Excelsior*, 15 Nov. 1916.

<sup>228</sup> “Nouvelle judiciaires,” *Le Matin*, 8 Dec. 1917.

<sup>229</sup> See documents on Geissler in Pacelli’s online archive: <http://www.pacelli-edition.de/kurzbiografie.html?idno=7048>.

<sup>230</sup> See information on *Journal de droit international*, 55 (1918), pp. 1560–1.

<sup>231</sup> See caption in <https://www.loc.gov/item/2017683198/>.

<sup>232</sup> ADLC, 78CPCOM/592, article published on the *Hamburger Nachrichten*, 14 Mar. 1927.



[Fig. 2.1, Alsace Lorraine celebration parade in front of the Astoria Hotel, November 1918]

The Geissler's fortune was the target of the interests of the French hotel lobby in Paris. Already during the trial, several newspapers—likely close to local private interests—seized the chance of the Geissler affair to promote the ‘Frenchization’ of the hotel industry in the city.<sup>233</sup> In 1917, Victor Duhamel, the head of the General Union of the Hotel Industry in Paris, proclaimed that French hotel industries were planning to create a national association to defend their interests and promote the ‘Frenchness’ of that sector. ‘Our group—as Duhamel claimed—has drawn up a program which it pursues with method and continuity; its motto is: Nationalize the hotel industry.’<sup>234</sup> In October 1918, Duhamel got in touch with Jaudon to negotiate the reallocation of the hotels belonging to enemy citizens.<sup>235</sup> In the aftermath of the war, therefore, authorities and private lobbies cooperated to realize that goal. Just a few months after Geissler died in Hannover (March 1921),<sup>236</sup> the Consultative Commission ordered to liquidate all his assets (now formally inherited by the widow and sons). The amount of property was quite relevant since it consisted of shares for some

<sup>233</sup> “A propos du Boche Geissler,” *La Libre Parole*, 25 Jun. 1915, “Une enquête très sérieuse s’impose,” *Le Ray Blas*, 27 Jun. 1915, and “Notre hôtellerie embochée,” *La Libre Parole*, 27 May 1916.

<sup>234</sup> AN, F/7/15952/2, Paris police report, 12 Sep. 1918.

<sup>235</sup> AN, F/7/15952/2, letter to the General Director of the *Banque de l’Union Parisienne*, 11 Oct. 1918.

<sup>236</sup> See information on *Le Matin*, 28 Mar. 1921, and Georges Claretie, “Arthur Geissler,” *Le Figaro*, 30 Mar. 1921.

million francs. In particular, the French government wished to sell shares of the company which owned those hotels in Paris.<sup>237</sup>

Yet, in June 1922, the *Murland de Grasse Evans*, a company formed by Anglo-Swiss capital, bought those shares for 5.3 million francs becoming the most important hotel company in the French capital at a very low price. The auction caused a huge scandal, and the reaction of the nationalist press and some lawmakers was virulent. Denouncing the lack of transparency and the low price of the seized shares, several newspapers claimed that it was unacceptable that a foreign company bought that kind of property because it was dangerous for national security.<sup>238</sup> Only French private subjects should have been entitled to acquire hotels in Paris.<sup>239</sup> According to some commentators, the real value of those assets was five times bigger than that sum.<sup>240</sup> But the true reason was another. The sale did not meet the expectations of authorities and private groups. Just a few weeks later, the association of the hotel industry in Paris led by Duhamel filed an appeal to the local court and demanded that the sale be declared invalid due to the lack of publicity. With an unprecedented decision, the court of Paris accepted it and did not homologate the sale.<sup>241</sup> Given the opportunity to save their possessions, the son of Geissler, Oscar, together with the *Bund der Auslandsdeutschen*, and the German Association of Hotel Entrepreneurs sought to urge their government to join the auction and repurchase the confiscated property.<sup>242</sup> However, the German government was not interested in such actions. In March 1924, as stated by the Consultative Commission,<sup>243</sup> a new auction was to be held. This time, a French company paid more than 21 million francs and things went according to plan.<sup>244</sup>

Although Geisslers lost most of their possessions in France, Oscar Geissler kept working in France. In the 1930s, he also obtained a French passport. However, he was not

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<sup>237</sup> AN, 20070518/31, report to the Consultative Commission, 7 Nov. 1921, and 20070518/12, notes of the Consultative Commission's session, 7 Nov. 1921.

<sup>238</sup> Albert Monniot, "Les Biens Séquestrés," *La Libre Parole*, 23 Jun. 1922, and "C'est encore l'Astoria !," *L'Intransigeant*, 24 Jun. 1922.

<sup>239</sup> "Les Liquidations a 'L'Amiable'," *L'œuvre*, 23 Jun. 1922, and "A qui sera l'Astoria?," *L'Intransigeant*, 20 Jan. 1924.

<sup>240</sup> BArch, R 2/1004, *Internationaler Hotelbesitzer-Verein* to Reconstruction, 28 Jul. 1922.

<sup>241</sup> The appeal of the Anglo-Swiss company against that decision was rejected, see 'Murland de Grasse Evans c. séquestre d'actions et parts de la Société des Grands Hôtels et Président du Syndicat des Hoteliers,' *Journal du droit international*, 50 (1923), pp. 930–2.

<sup>242</sup> See letters in BArch, R 2/1004.

<sup>243</sup> AN, 20070518/31, report to the Consultative Commission, 30 Apr. 1923.

<sup>244</sup> "L'histoire de l'hôtel Astoria," *Le Progrès de Sétif*, 3 May 1924, and "Société des Hôtels de l'Etoile," *Agence Economique*, 29 Apr. 1924.

able to get his father's social and economic position back.<sup>245</sup> Geissler's case was not isolated. Adolf Hoffmann, who owned the Hotels du Rhin in Paris, lost his property in favor of French private competitors.<sup>246</sup> Eventually, the exclusion of German capital from the Parisian hotel business was ultimately achieved.

### *Economic Nationalism: Artworks and Art Collection*

In the field of art collection, too, authorities intervened to promote national public and French private ownership. Working together with the director of the Louvre, Jean d'Estournelle de Constant, the administration compiled a list of relevant artworks owned by enemy citizens. In the case of Nicolas de Villeroy, whose assets were worth about 15 million francs, the Consultative Commission approved the nationalization of one of the most famous paintings in his collection, the *Self-Portrait* of Albrecht Dürer, which the Louvre acquired for 300,000 francs.<sup>247</sup> Otherwise, the government authorized the sales of many contemporary art collections to private individuals without preventing former owners from joining the auction. For instance, in several auctions in 1921, the Daniel-Henry Kahnweiler's collection—which consisted of several paintings of Picasso, Derain, Rousseau, Gris, or Léger—was sold partly to his figurheads<sup>4</sup> and friends but, for the most part, to his rival Léonce Rosenberg. Even though Kahnweiler lost many of his possessions, the German art merchant came back to France, got naturalized, and opened a new art gallery which remained active until 1940.<sup>248</sup>

In the case of August Cornelius de Ridder, a German gallerist who died in 1914, the French state seized and liquidated his art collection which was inherited by Ridder's heirs. Consisting of 87 paintings (including some works of Rembrandt and Rubens), the art collection was sold to private collectors for 11.6 million francs in 1924.<sup>249</sup> Those sales were often confused, as well as the estimates were superficial. Some newspapers underlined the danger of inflating the art market in France and denounced the public intervention in that

<sup>245</sup> See Oscar Geissler's dossier in AN, 19940448/125.

<sup>246</sup> BArch, R 2/24743, decision of the *Spruchkommission* (Karlsruhe), 28 Sep. 1921.

<sup>247</sup> Mathilde Arnoux, "L'autoportrait de Dürer au Louvre en 1922," *Revue de l'art*, 171 (2011), pp. 59–66.

<sup>248</sup> Pierre Daix, "Die Sammlung Kahnweiler als 'Feindesgut' versteigert (1921-1923)," in *Ein Haus für den Kubismus. Die Sammlung Raoul La Roche: Picasso, Braque, Léger, Gris - Le Corbusier und Ozenfant*, ed. Schmidt, Katharina and Hartwig Fischer (Basel: Gerd Hatje Verlag, 1998), pp. 25–32, and Vérane Tasseau, "Les ventes de séquestre du marchand Daniel-Henry Kahnweiler (1921-1923)," *Archives Juives* 50, 1 (2017), pp. 26–40.

<sup>249</sup> See de Ridder's dossier in PAAA, R 71001.



sector.<sup>250</sup> Also, André Derain criticized the government since those sales were damaging French artists.<sup>251</sup> Eventually, according to German sources, the amount of artistic property confiscated from enemy citizens was worth about 40 million goldmarks.<sup>252</sup>

### *The Case of the Boch Family*

Persecution was not the only way to promote ‘Frenchness’ in the economic field. By adopting a softer approach, the government sometimes hoped to gain the loyalty of some former enemy companies or individuals, as shown by the case of the Boch family. Coming from the Saar region, the Bochs were co-owners of the ceramic company *Villeroy & Boch* together with the Villeroy family. Thus, the company was composed of German and French capital (and, to a lesser extent, Belgian and Luxemburgish). Originally founded in the first half of the 18<sup>th</sup> century, the two families decided to fuse their activities in the 1830s and the new company became one of the most important and well-known ceramic producers in Germany and the rest of Central Europe. Like in the Champagne region, the *Villeroy & Boch* represented an example of the economic and familiar entanglements across the German and French-speaking regions that survived the political tensions after 1871.

During the war, the German authorities attempted to liquidate the French capital of the company, but with no success. In the aftermath of the conflict, the French state had to decide what to do with seized assets belonging to the firm. In October 1919, French diplomacy intervened to avoid the liquidation. In contrast with the rest of the high-middle class in the Saar region, which was supposed to be ‘German of origin, race, culture, and ideal’ and therefore representative of ‘Prussianism,’ the Boch family was considered an exception. Given their French origin, the diplomat Louis Mathieu de Vienne argued that, despite holding German citizenship, they ‘remained of entirely French culture, their general and technical studies were made in France; not only did they continue to speak French

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<sup>250</sup> Paul Cloët, “La vente des séquestres allemands,” *Le Petit Bleu de Paris*, 23 Oct. 1920, and Fernand Rigny, “Œuvres d’art à bon marché,” *Le Figaro*, 16 Nov. 1920. See also the journalistic reports signed by Tabarant with the “La vente des séquestres Uhde et Kahnweiler,” on *Le Bulletin de la vie artistique*, 15 May, 1 and 15 Jun. 1921.

<sup>251</sup> “La semaine artistique,” *Comœdia*, 15 Jun. 1921.

<sup>252</sup> Otto Kümmel, “[Geraubte Kulturgüter]: 2. Bericht auf Erlass des Herrn Reichsministers und Chefs der Reichskanzlei RK 118 II A vom 19. August 1940 und auf Erlass des Herrn Reichsministers für Volksaufklärung und Propaganda BK 9900 - 02/13.8.40/89 - 1/6 vom 20. August 1940: Betr. Kunstwerke und geschichtlich bedeutsame Gegenstände, die seit 1500 ohne unseren Willen oder auf Grund zweifelhafter Rechtsgeschäfte in ausländischen Besitz gelangt sind. Teil I-III: Abgeschlossen 31. Dezember 1940,” 1941, <https://libmma.contentdm.oclc.org/digital/collection/p16028coll4/id/828>, pp. 306–38.

among themselves, but French was, until very recently, the official language of the big company “Villeroy et Boch”, the most important ceramic “firm” in Germany until 1914.<sup>253</sup> Releasing their property could have a political meaning, too. According to French diplomacy, demonstrating benevolence for those pro-French families could be a useful tool to gain the loyalty of the local population and win German influence. ‘It is hence in our interest [...] to attract [this family] to us, to rely on it, to act in the Saar behind its name, to take advantage of the example set by its submission, its loyalty and, eventually, its full support, and finally, to use for the benefit of France, [...] If the assets of the Boch family were not liquidated in France, we would take on a mortgage of reason and sentiment on this family that we would be free to use to the great benefit of French influence in the Saarland.’<sup>254</sup> It was undeniable, as another diplomatic report argued, that the firm could influence its 4,000 workers in the future plebiscite over the fate of the area. On the contrary, liquidating those goods could bring little advantage to France if compared with the political interest in acquiring the Saar territory.<sup>254</sup> Remarkably, just a few months later, the Consultative Commission approved the proposal to release the assets of the *Boch & Villeroy* for political reasons, though some members were skeptical about the effectiveness of such measures.<sup>255</sup> In this case, instead of persecution, the French state sought to use restitution in exchange for loyalty and assimilation.

### *Conclusion of the Liquidation System*

The peak of the diplomatic crisis between France and Germany was reached when the Allies occupied the Ruhr region in January 1923. The consequences weighed on the destiny of confiscated assets as well. The bilateral negotiations were interrupted, and the agreement reached in February 1920 was suspended. It was only at the end of 1923 that the French and German governments returned to negotiate the settlement of pending financial and economic issues.<sup>256</sup> As pointed out by Karl Heinrich Pohl and Ralph Blessing, from that moment on, the relations between the two countries significantly improved and the economic détente became a key issue for both states.<sup>257</sup> Unsurprisingly, in the mid-1920s,

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<sup>253</sup> AN, AJ/30/187, Louis Mathieu de Vienne to Prime Minister, 11 Oct. 1919.

<sup>254</sup> AN, AJ/28/CCSG/1, report to the Consultative Commission, 21 Jun. 1920.

<sup>255</sup> AN, 20070518/11, notes of the Consultative Commission’s session, 15 Nov. 1920.

<sup>256</sup> PAAA, R 70996, Hagens to Ministry of Foreign Affairs, 26 Nov. 1923, and Ministry of Foreign Affairs to Reconstruction, 5 Dec. 1923.

<sup>257</sup> Karl Heinrich Pohl, *Weimars Wirtschaft und die Aussenpolitik der Republik 1924-1926: vom Dawes-Plan zum Internationalen Eisenpakt* (Düsseldorf: Droste Verlag, 1979), and Ralph Blessing, *Der Mögliche Frieden: Die Modernisie-*

the French state released private assets of some specific groups. For instance, the German-speaking evangelic community was given back its church in Paris and hence was able to resume its activity.<sup>258</sup> By January 1924, however, almost 90% of seized assets had been liquidated.<sup>259</sup>

In the aftermath of the Locarno Treaty, the two countries signed some agreements solving economic and financial disputes. Among them, the French delegation led by Alphand negotiated with its German counterparts the resolution to the liquidation of enemy property. Indeed, according to one of the several agreements signed by the two parties in October 1926, the French government renounced liquidating German property which was still under the administration of courts in France and Alsace-Lorraine. Yet colonial territories such as Morocco or French mandates (Togo and Cameroon) were excluded from the agreement since French authorities wished to keep German interests out of the colonial sphere. Likewise, mining concessions in Alsace-Lorraine and German life insurance companies were not considered part of the arrangement.<sup>260</sup> Despite the lukewarm reaction in the German press,<sup>261</sup> Bruno Weil—a German lawyer of Alsatian origin, and legal advisor of the French embassy in Berlin—claimed the agreement was crucial for the economic and commercial cooperation between France and Germany.<sup>262</sup> The number of restitutions was limited,<sup>263</sup> but German diplomacy emphasized the relevance of the settlement, especially from a diplomatic and political point of view. ‘Even if the material significance of the declaration of release must not be overestimated, since by far the largest part of German property in France has already been subjected to liquidation, [...] the declaration of the French government is nevertheless to be welcomed very much as a sign of a more indulgent attitude in the property issue. France hereby takes a step in the direction of restoring the private property, which other states [...] have unfortunately not yet been able to decide to do,

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*zung der Aussenpolitik und die deutsch-französischen Beziehungen 1923-1929* (München: De Gruyter Oldenbourg, 2008).

<sup>258</sup> Christiane Tichy, “Die deutsche evangelische Auslandsgemeinde in Paris 1927-1957,” in *Evangelisch und deutsch? Auslandsgemeinden im 20. Jahrhundert zwischen Nationalprotestantismus, Volkstumspolitik und Ökumene*, eds. Andreas Gestrich, Siegfried Hermle, and Dagmar Pöpping (Göttingen: Vandenhoeck & Ruprecht, 2020), p. 255. See also reports of the Reich Ministry of Finance in BArch, R 2/1005.

<sup>259</sup> BArch, R 2/1004, *Geschäftsstelle für deutsche Güter, Rechte und Interessen in Frankreich* to Reconstruction, 22 Jan. 1924.

<sup>260</sup> Text of the agreement is in PAAA, R 70997. Cf. press news: “Le paiement des dettes d’avant-guerre et la libération des biens allemands séquestrés,” *Le Matin*, 25 Dec. 1926

<sup>261</sup> “La liquidation des biens allemands séquestrés,” *Le Matin*, 26 Dec. 1926

<sup>262</sup> Bruno Weil, “Die Freigabe deutschen Vermögens durch Frankreich,” *Berliner Tageblatt*, 24 Dec. 1926.

<sup>263</sup> See BArch, R 2/1005 and 2/1006.

despite Germany's constant efforts.<sup>264</sup> Remarkably, just a few months after, the two countries signed a commercial treaty, which represented another important step toward the rapprochement in European international relations and the peak of the détente between France and Germany.<sup>265</sup> As a result, for instance, the French state also renounced to exclude German owners from joining auctions of confiscated assets.<sup>266</sup>

In December 1929, a new bilateral treaty settled the very last disputes which were still unsolved from the previous agreement. Under the Young plan, the French reiterated to give up the right of liquidation and released all seized assets that were still under judicial administration in all European and colonial territories. As for Morocco, the two parties agreed on a special process that gave the local government the right to acquire enemy property within three months. Once that deadline expired, however, the local administration was obliged to release enemy assets to former owners. As for the other private economic aspects, the French-German MAT was dismantled and the remaining financial issues were definitively settled.<sup>267</sup> Like in the British case, though, one of the few remaining disputes concerned the extra profit of liquidations, namely the money that the French state realized from the confiscation of German property without spending it on war damage compensations. According to Germany, that sum (consisting of about 25 million francs)<sup>268</sup> had to be considered part of the reparations account or, at least, given back to Germany to compensate dispossessed citizens. Eventually, in January 1933 France refused to do so as a retaliation to the deadlock on reparations, and German diplomacy renounced insisting on that.<sup>269</sup>

Eventually, as communicated by local courts to the Ministry of Justice, by 1924, in the 'old' French departments (including Algeria), 14,686 German assets had been liquidated whereas 2,678 had been released.<sup>270</sup> As for the value of the liquidation, in the early 1930s

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<sup>264</sup> PAAA, R 70997, Ministry of Foreign Affairs to German embassies in London, Rome, Tokyo, Washington, Constantinople, Brussels, Prague, Belgrade, Bucharest, Athens, Warsaw, Montevideo, Rio de Janeiro, Lisbon, Al Cairo, Beijing and consulates of Pretoria, Melbourne, Calcutta, Milan, Montreal, Anvers, Alger, Jerusalem, Beirut, Mombasa, Hong Kong, Baghdad e Lourenco Marques, 7 Jan. 1927.

<sup>265</sup> See Krüger, *Die Aussenpolitik*, pp. 335–9, 339–44, 349–53, 368–72.

<sup>266</sup> PAAA, R 70997, French Ministry of Foreign Affairs to the German embassy in Paris, 15 Feb. 1929.

<sup>267</sup> Hans Krüger et al., eds., *Die Beschlagnahme, Liquidation und Freigabe deutschen Vermögens im Auslande unter Benutzung amtlichen Materials* (Berlin: Heymanns, 1930), pp. 97–104.

<sup>268</sup> Walther Schätzkel, "Die Gemischten Schiedsgerichte Der Friedensverträge," *Jahrbuch des öffentlichen Rechts* 18 (1930), pp. 447–8.

<sup>269</sup> PAAA, R 70997, German embassy in Paris to Ministry of Foreign Affairs, 13 Jan. 1933.

<sup>270</sup> See reports in AN, 20070518/30.

sale profit in France (including Algeria, but except for Alsace-Lorraine) was worth about 1.2 billion francs, and 35 million for German assets in Morocco. In addition to that, French creditors recovered nearly 1 billion francs from German debtors.<sup>271</sup> Some other authors estimated that the sale profit of German property was higher (1.4 billion francs).<sup>272</sup> Furthermore, even though some uncertainties regarding the figures, France obtained about 1.9 billion francs from the liquidation of German property in Alsace-Lorraine.<sup>273</sup> As for released assets, by 1926, it corresponded to almost 60 million francs (in ‘old’ French departments, including Algeria). From a financial point of view, the outcome of liquidation was partly satisfying. Thanks to liquidations, France was able to compensate its citizens and companies which suffered war damages in the German territories during the war. Yet the French state collected just part of the real value of seized German assets. This was particularly true for Alsace-Lorraine. As I pointed out, several factors contributed to that result. Economic crisis, inflation, corruption, and high operating costs sensibly reduced the economic profit for the state budget. That result, however, could not shade some of the major achievements in promoting French private ownership of strategic sectors as well as the reduction of the German capital in the national economy. For vocal supporters of economic nationalism—and interests of private French firms, too—liquidation had been an evident success.

### 2.3 A Borderland in Western Europe: Alsace-Lorraine

#### *A Contested Territory in the Heart of Europe*

The history of Alsace-Lorraine in the 19<sup>th</sup> and 20<sup>th</sup> centuries was similar to that of many other ‘borderlands’ in the European continent. In those territories, especially in Central Eastern Europe, local populations experienced dramatic events such as political changes, economic trauma, extreme violence, mass murders, forced migration, assimilation, or economic persecution. Despite being a mixed territory from a linguistic, religious, national,

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<sup>271</sup> “Rapport fait au nom de la commission des affaires étrangères chargée d’examiner le projet de loi portant approbation de l’accord signé à Paris le 31 décembre 1929 entre la France et l’Allemagne et relatif à la cessation de la liquidation des biens allemands par M. Louis Dubois, député” *Journal officiel de la République française*, 24 Jun. 1930, p. 354.

<sup>272</sup> Hans Krüger et al., eds., *Die Beschlagnahme, Liquidation und Freigabe deutschen Vermögens im Auslande unter Benutzung amtlichen Materials* (Berlin: Heymann, 1930), p. 90.

<sup>273</sup> This number corresponds to the sum between 1.15 billion francs of liquidated assets in 1918-23 (as reported by Louis Cluzel’s report in 1928) and 824 million francs in the period 1923-29 (as claimed by the Louis Dubois’s report in 1930)

or socio-economic point of view and having its peculiarities (such as a local dialect), Alsace-Lorraine became a political, diplomatic, and national battlefield between Germany and France (and their respective nationalisms), especially after the war in 1870-71 when the region became part of the German Empire for almost fifty years.<sup>274</sup> In that period, the region lived through a period of big changes. Its population rose from 1.4 to nearly 1.9 million, and the new state promoted economic growth and prosperity. At the same time, industrial development contributed to deeply changing the social structure of the region, with the presence of a large working class in many cities such as Metz. As pointed out by Alfred Wahl, during that period, the German presence in the region significantly increased due to the massive immigration of public officials, soldiers, workers, teachers, and priests coming from other German regions (mainly Rhineland and Prussia). According to the 1910 census, about 238,000 individuals born in Germany resided in Alsace-Lorraine. Likewise, many thousands of residents of German origin were born to German or mixed parents in those decades. Over so many years, marriages between German- and French-speaking individuals were very common (especially in the major cities like Strasburg, Metz, Mulhouse, and Colmar) and it boosted the integration between the German immigrants (the so-called ‘old Germans’, *Altdeutschen*) and the local population.<sup>275</sup> Such economic and social change was not always smooth. In the Treaty of Versailles (1871), the German Empire did not persecute Francophile elites with expropriation or other restrictive economic measures, and many local wealthy families moved to France without losing their property and business in the region. As pointed out by Máté Rigó, the coming of investors, merchants, and businessmen from Germany changed the composition of the local economic élite. However, due to the Franco-German rivalry, suspicions and political tensions represented a recurring element in the economic life of the region. Especially in the first decade of the 20<sup>th</sup> century,

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<sup>274</sup> However, revanchism did not play a crucial role in the bilateral relations between Germany and France in those years, according to Jean-Jacques Becker, “L’opinion publique française et l’Alsace-Lorraine en 1914,” in *Boches ou tricolores ? Les Alsaciens-Lorrains dans la Grande guerre*, ed. Jean-Noël Grandhomme (Strasbourg: la Nuée bleue, 2008), pp. 39–43.

<sup>275</sup> Alfred Wahl, “L’immigration allemande en Alsace-Lorraine (1871-1918),” *Recherches Germaniques* 3 (1973), pp. 201–17. On the mixed marriages see also François Uberfill and Bernadette Schnitzler, *La société strasbourgeoise entre France et Allemagne, 1871-1924: la société strasbourgeoise à travers les mariages entre allemands et alsaciens à l’époque du Reichsland, le sort des couples mixtes après 1918* (Strasbourg: Société savante d’Alsace, 2001).

hostility toward industrialists and businessmen who were regarded as disloyal by the Imperial authorities fostered economic nationalism among German policymakers.<sup>276</sup>

### *Military Occupation*

When the French troops occupied the region in November 1918, the official propaganda insisted on the ‘return’ of Alsace-Lorraine to France after decades of Prussian domination. The popular enthusiasm for the French army was interpreted by the new government as the ‘implicit’ plebiscite that the inhabitants had already done in favor of France. The war experience contributed to that positive reception. Despite being part of the Reich for decades, during the war, the population of Alsace-Lorraine had been treated with suspicion by German authorities. For instance, soldiers coming from Alsace-Lorraine were systematically sent to the eastern front to avoid desertions or contact with the enemy army.<sup>277</sup> At the local level, persecution against local political activists (socialists, liberals, or democrats) was often based on the charges of being pro-French agitators. Generally, the harsh methods of the German authorities provoked deep divisions within the local society and raised hostility from the local population. In the last stages of the conflict, some nationalist circles also outlined a sort of colonization program intending to strengthen the German presence in the countryside, following the model of the Prussian Settlement Commission that operated in the Eastern regions of the German Empire since the 1880s. Despite being supported by the government, such proposals caused the reaction of local authorities and were never implemented.<sup>278</sup>

More incisive were the measures taken to confiscate firms owned by pro-French families or French nationals and then transfer assets to German citizens. Between 1916 and 1918, the German authorities seized a large amount of enemy property, including assets belonging to ‘disloyal’ Alsatians and Lorrainians, and liquidated a large part of it.<sup>279</sup> In reac-

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<sup>276</sup> Máté Rigó, *Capitalism in Chaos: How the Business Elites of Europe Prospered in the Era of the Great War*, *Capitalism in Chaos* (Ithaca: Cornell University Press, 2022), pp. 25–39, 53–62.

<sup>277</sup> For a comparison between the treatment of soldiers with Polish origin in the German army see Alexander Watson, “Fighting for Another Fatherland: The Polish Minority in the German Army, 1914–1918,” *The English Historical Review* 126, 522 (2011), pp. 1137–66.

<sup>278</sup> Poidevin, “La mainmise sur les biens ennemis,” pp. 570–9.

<sup>279</sup> Hugo Ott, “Kriegswirtschaft und Wirtschaftskrieg 1914–1918. Verdeutlicht an Beispielen aus dem badisch-elsässischen Raum,” in *Geschichte Wirtschaft Gesellschaft. Festschrift für Clemens Bauer zum 75. Geburtstag* (Berlin: Duncker & Humblot, 1974), pp. 342–57; Joseph Schmauch, *Réintégrer les départements annexés : le gouvernement et les services d’Alsace-Lorraine, 1914–1919* (Metz, 2019), pp. 364–5, and Rigó, *Capitalism in Chaos*, pp. 95–102. See also Frédéric Eccard, *Biens et intérêts français en Allemagne et en Alsace-Lorraine pendant la guerre: ouvrage accompagné de*

tion, the French parliament passed a law declaring those sales void. The amount of property owned by French nationals and companies in Alsace-Lorraine was worth almost 2 billion francs. Such a significant bulk of interests was second only to French assets in Belgium. As a result, by dividing the local society, those measures aggravated social tension and hardships caused by war and hunger.<sup>280</sup> Given that situation, the positive reaction of the local population toward French troops in November 1918 should have not been surprising. Divisions, internal struggles, political persecution, and the famine caused by the Allied blockade made the German cause highly unpopular. “The whole population is animated by the fiercest hatred of all that is German—as referred by a high official of the provisional civil administration—It is a real abhorrence. The people suffered terribly for four years.”<sup>281</sup> Such a spirit contributed to the harsh and violent persecution of German citizens in the months after the military occupation.

Driven by the purpose of quickly reintegrating Alsace-Lorraine into France after the ‘unlawful’ German domination, the French leadership adopted strong and exceptional measures.<sup>282</sup> As soon as the new administration was installed, one of the first issues to be solved was the treatment of the German population.<sup>283</sup> From November 1918 on, the civil and military authorities took severe measures to categorize Germans and expel those who were considered disloyal. In particular, in December 1918, the provisional civil administration introduced the four-letter identity card system to classify the population. According to that, the A-card was given to individuals who were considered French by origin, the B-card to inhabitants having at least a parent of foreign origin, the C-card to foreigners with neutral or Allied nationality, and finally the D-card to German, Austrian, or Hungarian citizens. Remarkably, according to that system, members of the same families could have different

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*la traduction des textes allemands relatifs aux mesures législatives et administratives prises à l'égard des biens français, anglais et alliés et d'une liste des principales entreprises françaises séquestrées et liquidées en Alsace-Lorraine et en Allemagne* (Paris: Payot, 1917), and Friedrich Lenz and Schmidt, *Die deutschen Vergeltungsmassnahmen im Wirtschaftskrieg: Nebst einer Gesamtbilanz des Wirtschaftskrieges, 1914-1918* (Bonn und Leipzig: K. Schroeder, 1924).

<sup>280</sup> For an overview of the condition of the Alsatians and Lorrainians during the war, see Jean-Noël Grandhomme, “Les Alsaciens-Lorrains dans la Première guerre mondiale,” in Grandhomme, ed. *Boches ou tricolores ?*, pp. 19–33.

<sup>281</sup> Paul-Albert Helmer (Colmar) to Jules Jeanneney, 2 Dec. 1918, quoted in Schmauch, *Réintégrer*, p. 329.

<sup>282</sup> For this perspective see André Tardieu, *La paix* (Paris: Payot, 1921), pp. 269–70.

<sup>283</sup> On the provisional administration see Schmauch, *Réintégrer*, pp. 297–326.



legal statuses. Overall, authorities released 1,082,650 A-cards, 183,500 B-cards, 55,050 C-cards, and 513,800 D-cards.<sup>284</sup>

Authorities persecuted the last category in many ways. In January 1919, special courts (the so-called *commissions de triage*) were created to examine epuration procedures and mitigate popular outrage against Germans. In a few months, public officials, teachers, political representatives, scholars, priests, socialist activists, trade unionists, workers, and any other individual who was actually or allegedly linked to the previous regime were expelled or spontaneously left the region. Cases of violence, mistreatment, persecution, and private revenge were recurring in those months.<sup>285</sup> Between 1918 and 1920, the policy of ‘de-Germanization’ of the region preceded swiftly and harshly.<sup>286</sup> The exact number of expelled Germans (including those who left the region without an expulsion decree) is not easy to determine. François Uberfill has talked about 300,000 people, while other scholars reduced that figure to half. According to German sources, between 1918 and 1923, about 150,000 refugees coming from Alsace-Lorraine came to Germany.<sup>287</sup> On the contrary, by 1922, about 60,300 Germans were admitted to reside in the region without acquiring French nationality,<sup>288</sup> while 72,849 had been naturalized as French.<sup>289</sup> At best, over half of the German-speaking population had been expelled within a few months, and most of the remaining population was integrated into French citizenship.

#### *Economic Persecution as a Key Factor of the National Integration*

Whether France committed a sort of ‘ethnic-national cleansing’ against Germans in the aftermath of the war, is still a matter of dispute among historians. Many authors such as David A. Harvey, Christiane Kohser-Spohn, and Hendrik Thoß highlighted the harshness

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<sup>284</sup> David A. Harvey, “Lost Children or Enemy Aliens? Classifying the Population of Alsace after the First World War,” *Journal of Contemporary History* 34, 4 (1999), p. 548.

<sup>285</sup> For the reports of mistreatment see BArch, R 904/9, R 904/11, R 904/12, R 904/16, and PAAA, R 96235 and R 96236.

<sup>286</sup> Irmgard Grünewald, *Die Elsass-Lothringer im Reich, 1918-1933 ihre Organisationen zwischen Integration und Kampf um die Seele der Heimat* (Frankfurt am Main: Peter Lang, 1984), pp. 20–33, and Schmauch, *Réintégré*, pp. 327–56.

<sup>287</sup> Jochen Oltmer, *Migration und Politik in der Weimarer Republik* (Göttingen: Vandenhoeck & Ruprecht, 2005), pp. 91–9.

<sup>288</sup> AN, 485AP/5, High General Commissioner (Strasbourg) to Poincaré, 27 Jul. 1922. The majority of them lived in the Moselle region (38,500), and the rest in the Lower Rhine (15,000) and Upper Rhine (6,800). From a social point of view, they were mainly industrial workers and women employed in the house service. e le circa 7,019 naturalizzazioni a norma del trattato di pace.

<sup>289</sup> Volker Prott, *The Politics of Self-Determination: Remaking Territories and National Identities in Europe, 1917-1923* (Oxford: Oxford University Press, 2016), p. 168.

of French authorities in categorizing and expelling German nationals by using the category of ‘cleansing’ to describe the French attitude.<sup>290</sup> In the last few years, similar arguments have been used by the autonomist movement in Alsace-Lorraine to claim administrative decentralization and special linguistic and cultural concessions from the French state.<sup>291</sup> More skeptical is Volker Prott who, rather, has argued that ‘the link between classification and a coercive ethnic policy of purging the region was not straightforward.’<sup>292</sup> Prott has contested the number of 513,000 Germans as D-card holders as well as the number of expelled people, claiming that those figures were lower. Furthermore, according to him, at least half of the German-speaking population in Alsace-Lorraine was allowed to reside and acquire French nationality.<sup>293</sup> Thus, ‘ethnic cleansing’ would be a misleading term, and the supposed ethnic-racial drift of the French policy should be downplayed.<sup>294</sup> Whether it was ‘ethnic cleansing’ or not, the anti-German persecution in the area became a model for other countries that similarly had to cope with the integration of new territories inhabited by large national minorities in the aftermath of the war. Political élites of Belgium, Italy, Romania, Poland, and Czechoslovakia looked at the case of Alsace-Lorraine to learn how to deal with minority issues. In analogy with France, for instance, the Polish leadership conceived the annexation of Western Prussia, the Posen region, and Upper Silesia as a lawful reintegration of territories belonging to Poland from a historical point of view. In the early 1920s, André Tardieu highlighted how the case of Alsace-Lorraine embodied the principle of national self-determination against oppressive empires:

*It was in Strasbourg and Metz that the Tyrol, Trentino, Istria, Croatia, Slovenia, Transylvania, the Greeks of Macedonia and Asia, the Belgians of the Walloon cantons, and the Danes of Slesvig [sic] had found the fertile reason not to despair of the future. It was in the home of Alsace-Lorraine that the oppressed nationalities had warmed up their resolve to live or to resurrect. Alsace and Lorraine have nourished the substance of these hopes and resolutions. The driving force of the French energies, they were the driving force of all*

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<sup>290</sup> Harvey, “Lost Children,” pp. 537–54, Christiane Kohser-Spohn, “Die Vertreibung der Deutschen aus dem Elsass 1918-1920,” in Jerzy Kochanowski and Maïke Sach, eds., *Die Volksdeutschen in Polen, Frankreich, Ungarn und der Tschechoslowakei: Mythos und Realität* (Osnabrück: Fibre, 2006), pp. 79–94, and Hendrik Thoß, “» Purifier–centraliser–assimiler «–Reannexion und Vertreibung im Elsaß und in Lothringen nach 1918,” in Frank-Lothar Kroll, ed., *Vertreibung und Minderheitenschutz in Europa* (Berlin: Duncker & Humblot, 2005), pp. 281–96.

<sup>291</sup> Bernard Wittmann, *Une épuration ethnique à la française : Alsace-Moselle 1918-1922* (Fouenant: Yoran, 2016).

<sup>292</sup> Prott, *The Politics of Self-Determination*, p. 155.

<sup>293</sup> Ivi, pp. 166–70.

<sup>294</sup> Ivi, pp. 177–9.

*the national energies of the contemporary age. And, by completion of justice, the treaty which liberated them has made the same message of liberation shine on the whole of Europe.*<sup>295</sup>

As pointed out by Tara Zahra, Alisson Carrol, and Maté Rigó, for instance, the French system of currency discrimination, the categorization of the population along national and linguistic lines, or the dispossession of enemy subjects were often imitated by other states in Central and Eastern Europe.<sup>296</sup> In other cases, however, Alsace-Lorraine represented a ‘negative’ model. For instance, already in May 1919, when the fate of Upper Silesia was at stake during the negotiations in Paris, British Prime Minister Lloyd George was determined to avoid the danger of a ‘new Alsace-Lorraine’,<sup>297</sup> and sponsored a political solution based on the plebiscite to be held in the region under the international supervision of the winning powers (France, Great Britain, and Italy). Likewise, faced with the treatment of the small provinces of Eupen and Malmedy, throughout the 1920s, the Belgian authorities became more and more skeptical about the effectiveness of the harsh methods of assimilation used by France.<sup>298</sup> In the U.S., finally, some authors who were hostile to confiscatory policies denounced the French attitude toward private property in Alsace-Lorraine as an evil policy to be utterly avoided in similar cases.<sup>299</sup>

The model of Alsace-Lorraine stood out for the radical system of dispossession against German citizens and companies and then the reallocation of private assets into French hands. However, albeit with some exceptions,<sup>300</sup> the liquidation of private property has been often neglected by scholars who concentrated mainly on the treatment of the German population during the armistice period (November 1918-June 1919). Nonetheless, economic persecution lasted throughout the 1920s and it was strictly related to the classifi-

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<sup>295</sup> Tardieu, *La Paix*, p. 275.

<sup>296</sup> Tara Zahra, “The ‘Minority Problem’ and National Classification in the French and Czechoslovak Borderlands,” *Contemporary European History* 17, 2 (2008), pp. 137–65, Alison Carrol, *The Return of Alsace to France, 1918-1939* (Oxford, 2018), pp. 51–80, 119–28, and Maté Rigó, “Imperial Currencies after the Fall of Empires: The Conversion of the German Paper Mark and the Austro-Hungarian Crown at the End of the First World War,” *Central European History* 53, 3 (2020), pp. 533–63, and Rigó, *Capitalism in Chaos*.

<sup>297</sup> F. Gregory Campbell, “The Struggle for Upper Silesia, 1919-1922,” *The Journal of Modern History* 42, 3 (1970), p. 361.

<sup>298</sup> Vincent O’Connell, *The Annexation of Eupen-Malmedy: Becoming Belgian, 1919–1929* (New York: Palgrave Macmillan, 2018), pp. 20–1, 172–8.

<sup>299</sup> Elbridge Colby, “Mut We Rob Our Enemies?,” *America*, 14 Apr. 1923, p. 612.

<sup>300</sup> Cristiane Kohser-Spohn, “Kleineigentümer aus Elsass und Lothringen. Vertreibung und Enteignung nach 1918,” in Dieter Gosewinkel, Miloš Rezník, and Roman Holec, eds., *Eigentumsregime und Eigentumskonflikte im 20. Jahrhundert: Deutschland und die Tschechoslowakei im internationalen Kontext* (Essen: Klartext Verlag, 2018), pp. 143–62.

cation of population, the redefinition of citizenship, and ultimately the integration of the region into the French economic, social, and political system.

*The Decree on the Liquidation of German Property*

On November 30, 1918, the French government prohibited any trade relations with enemy citizens and put all assets belonging to German citizens and companies under sequestration. As in the rest of the country, local courts were charged with their administration. Likewise, the undersecretary of the Prime Minister explained that those measures were initially aimed at seizing those assets rather than liquidating them.<sup>301</sup> The executive urged local authorities to report legal actions taken by enemy citizens to conceal their actual nationality, sell their assets to figureheads, or hide ownership of companies. By 1921, courts examined about 500 cases of sales, declaring void 292 and confirming 208.<sup>302</sup> Furthermore, the civil administration was authorized to declare void all property sales that had taken place since August 1914 and hence return assets to legitimate owners. By doing so, authorities planned to reverse the economic warfare waged by Germany against French citizens.<sup>303</sup> Despite the central government's endeavors to avoid troubles for the local economy, in the first months of the French occupation, the restriction of trade relations with Germany forced some mining firms to stop production due to a shortage of supplies.<sup>304</sup> The branch of the *Disconto-Gesellschaft* in Metz was suddenly closed by French military authorities after the arrest of the director, causing disturbances to French companies as well.<sup>305</sup>

Another relevant provision with devastating economic and financial effects on Alsace-Lorraine was the currency discrimination against Germans. In November 1918, the government imposed a differentiated exchange rate based on nationality. Therefore, while A-card holders enjoyed a favorable exchange rate (1 mark = 1.25 francs), D-card holders were discriminated against with a disadvantageous one (1 mark = 0.83 francs). Among the catastrophic financial consequences, the French state risked going bankrupt in 1919. But

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<sup>301</sup> The decree is reported on the *Journal Officiel*, 7 Dec. 1918. The circular of 11 Dec. 1918 is reported in Anatole Périet, *Séquestres et Liquidations des Biens Allemands en Alsace et Lorraine*, (Paris: Recueil Sirey, 1925), pp. 281–91.

<sup>302</sup> AN, AJ/30/187, High Commissioner of the Republic to Louis Marin, 23 Jun. 1921.

<sup>303</sup> Circular regarding the seizure of enemy assets in Alsace-Lorraine, 14 Dec. 1918, in Périet, *Séquestres et Liquidations*, pp. 292–5.

<sup>304</sup> Schmauch, *Réintégrer les départements annexés*, pp. 364–7.

<sup>305</sup> *Disconto-Gesellschaft in Berlin Geschäftsbericht für das Jahr 1918*, p. 14.

the financial cost was subordinate to the political goal. Through currency discrimination, France contributed to weakening the German presence in the region in favor of the French element.<sup>306</sup> Remarkably, even though not all D-card holders were expelled, authorities carried on the economic persecution on a collective basis. However, official measures taken by military and civil authorities were not the only economic difficulties that many Germans experienced in the weeks following the armistice. Leveraging the vacuum of power created by the retreat of the Imperial army, many businessmen and profiteers seized the opportunity to grab sizeable property at low prices. Forced to sell their property with a short deadline (sometimes a matter of a few hours), several Germans accepted to do so instead of being wholly dispossessed by the French state and then remaining penniless.<sup>307</sup>

The civil administration opted for the confiscation of all enemy assets while the diplomatic negotiation at the Paris Peace Conference was still underway. A few weeks after being appointed as High Commissioner of the Republic, the socialist representative Alexandre Millerand issued a decree for the liquidation of enemy property (April 17, 1919).<sup>308</sup> That move preceded both the central government and the parliament since the law on liquidation of the executive had not yet been approved. The decree largely mirrored the contents of the bill. According to the decree, indeed, local courts were entitled to confiscate and sell property belonging to Germans at the request of the public prosecutor, and the Liquidation Department of the Ministry of Justice—which had been set up by Jaudon in January 1919—was charged to supervise their activity. A Consultative Commission based in Strasbourg was created with the task of regulating the liquidation of most relevant assets. Yet members of the Commission were only four, consisting of representatives of local industrialists, trade unions, and two technical delegates. But there were some fundamental differences as well. The High Commissioner established a special legislative framework that was autonomous and different from that applied to the rest of the country. Another relevant difference concerned the faculty of the Consultative Commission to intervene in the process of liquidation. The body had to issue an advisory report on the liquidation procedure only for assets worth more than 500,000 francs (instead of 100,000 francs, as in the rest of the country). Furthermore, the local administration did not set the public auction as a mandatory system of sales, but privileged discretionary procedures. As the head of the

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<sup>306</sup> Grünewald, *Die Elsass-Lothringer im Reich*, pp. 33–4, and Rigó, “Imperial Currencies,” pp. 538–50.

<sup>307</sup> Rigó, *Capitalism in Chaos*, pp. 121–34.

Alsace and Lorraine Liquidation Department Anatole Périér admitted, ‘the sale by mutual agreement [was] the standard process.’<sup>309</sup> In addition to that, a significant difference concerned the procedural rights of enemy citizens. Besides being prevented from appealing against the liquidation, Germans were prevented from buying their assets back or participating in the public auctions.<sup>310</sup> Potential purchasers were also required to prove their French, Alsatian, or Lorrainian origin, while former Germans who had acquired French nationality through ‘reclamation’ or naturalization were excluded from taking part in the sale process. Similar restrictions concerned managers and board members of private companies. Eventually, public authorities were obliged to examine and approve transfers of enemy assets even after their definitive liquidation. The rationale was to prevent German or foreign companies (such as British or American firms) from bypassing those limitations and ensure the full ‘Frenchification’ of the region.<sup>311</sup> Fearing the socialist mobilization in those months, furthermore, instead of nationalizing industrial activities or entrusting workers’ committees to control them, authorities privileged the reallocation of confiscated enemy property to private actors. ‘The regulations followed in Alsace and Lorraine, as Périér clarified, were inspired by the idea of carrying out a severe selection of the buyers of the German seized property and by the concern of placing ownership of those assets on the heads of persons who were known to be French.’<sup>312</sup>

Parliament had no jurisdiction in the liquidation of German assets in Alsace-Lorraine. However, the issue became a matter of dispute among French institutions. During the parliamentary debate on the liquidation law, besides reporting cases of fraud in the sales of enemy assets in Alsace-Lorraine, Ernest Lafont claimed that the national legislation should have been applied in the new French territory to avoid irregularities. In a letter to the Prime Minister, he also added that by adopting regulatory standards, the French budget would have benefited from higher revenues.<sup>313</sup> His letter caused several troubles. On the one hand, the legislative power sought to assert its role in controlling the civil administration in the newly acquired departments, whereas the executive remarked on its supremacy

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<sup>308</sup> On Millerand, see Schmauch, *Réintégrer les départements annexés*, pp. 449–53.

<sup>309</sup> Périér, *Séquestres et Liquidations*, p. 99.

<sup>310</sup> ‘Decree relating to the liquidation of enemy assets and interests placed under sequestration in Alsace and Lorraine’ (17 Apr. 1919), in <https://archives.haut-rhin.fr/ark:/naan/a011396278707dPZqzo/3aa80fccad>. As for procedures, see also Périér, *Séquestres et Liquidations*, pp. 15–20.

<sup>311</sup> AN, 94AP/211, ‘General clauses and conditions of sales’, 23 May 1919.

<sup>312</sup> Périér, *Séquestres et Liquidations*, p. 100. See also Tardieu, *La Paix*, p. 273–4.

<sup>313</sup> AN, AJ/30/187, Ernest Lafont to Prime Minister, 6 Aug. 1919.

in dealing with those issues. Millerand replied that special regulation was necessary to ensure that confiscated property, particularly industrial plants, could not fall into the hands of Germans or other foreigners.<sup>314</sup> Lafont's letter also revealed the existence of another conflict between the center and periphery within the French administration. Sharing the worries of the socialist lawmaker, the Ministry of Justice advocated the abrogation of Millerand's decree and the enforcement of national legislation in Alsace-Lorraine.<sup>315</sup> Those attempts, however, were unsuccessful. The special legislation was maintained since the War Ministry and the Prime Minister sided with Millerand.<sup>316</sup> By doing so, the French government excluded the parliament from supervising the local administration and preserved administrative discretionary powers in order to reach the goal of rapid 'Frenchification.' The special regulatory regime lasted until February 1923 when the Ministry of Justice standardized the liquidation process across the country and conferred the power of supervision to the Consultative Commission in Paris. From that moment on, a special sub-committee—composed of some lawmakers (including Robert Schuman) and representatives of local economic interests—was charged with the task of controlling liquidation procedures and preventing irregularities and scandals.<sup>317</sup> Nonetheless, despite the administrative centralization, the decree of April 1919 was still in force, while the liquidation law was not applied in the region. Therefore, discriminatory measures against enemy citizens and foreigners as well as opacity in the sales system remained.

### *The Implementation of Liquidation Measures*

Since November 1918, French authorities sequestered all assets belonging to those Germans who were expelled by the region. In most cases, authorities labeled those assets as 'abandoned property.' German families to be expelled were allowed to carry personal possessions up to 40 kilograms and 10,000 marks, but in the case of unmarried individuals or families without children, the threshold was lower. One year after the occupation, in late 1919, France and Germany reached an agreement regarding the restitution of personal property and the creation of a compensation fund (25 million marks) for victims of eco-

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<sup>314</sup> AN, AJ/30/187, General Commissioner to Justice, 20 Aug. 1919.

<sup>315</sup> AN, AJ/30/187, Justice to General Commissioner, 13 Sep. 1919.

<sup>316</sup> AN, AJ/30/187, War to Ernest Lafont, 26 Aug. 1919.

<sup>317</sup> The sub-commission was composed of General Bourgeois and de Leusse (Senate), Robert Schuman (Chamber of Deputies), Houpert (vice-president of the Chamber of commerce in Metz), Herrenschildt (president of the Chamber of commerce in Strasbourg), Debrix (general director of the Société Alsacienne de Banque), Guillaume (general director of mines).

conomic persecution during the war.<sup>318</sup> Although Prott has stressed the relevance of that agreement for the bilateral dialogue between the two countries,<sup>319</sup> it had a very limited impact. According to P  rier, the local administration released about 13,000 small assets, mainly consisting of movable assets (such as furniture) and other personal objects.<sup>320</sup> The administration also adopted a sort of hierarchy among beneficiaries of restitution. Former German citizens who acquired French nationality under peace treaty provisions were able to get their property back, whereas those who got naturalization or authorization to reside in the region were able to receive only the proceeds from the sale.<sup>321</sup>

Altogether, according to the French parliament, by 1923, local authorities issued 16,305 sequestration decrees, mostly in the provinces of Metz (5,179), Strasbourg (3,832), and Mulhouse (3,819) and, to a lesser extent, Colmar (1,372), Saverne (1,085) and Sarreguemines (1,018). Yet liquidation had been ordered in 4,520 cases, restitution occurred in 6,116 cases, whereas the rest of them remained under judicial administration.<sup>322</sup> The released property was worth about 82 million francs.<sup>323</sup> As for the value of liquidated assets, until that period, the administration gained 1.15 billion francs, but the estimated value was twice as high. Between 1923 and 1930, however, the liquidation of German assets granted lower profit (about 885 million francs) to the national budget. By 1930, indeed, the total income corresponded to 1.9 billion francs. Unfortunately, those figures were fragmentary and incomplete. Confiscation had occurred since the first weeks of French occupation, without waiting for the decree in April 1919. Authorities had not registered forced sales, and several assets belonging to Germans had been looted by profiteers. According to German sources, liquidation cases were about 40,000 and the value of private property corresponded to 3 billion marks.<sup>324</sup>

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<sup>318</sup> Kohser-Spohn, "Kleineigent  mer aus Elsass und Lothringen," pp. 148–50.

<sup>319</sup> Prott, *The Politics of Self-Determination*, p. 174.

<sup>320</sup> P  rier, *S  questres et Liquidations*, pp. 54–5. See documents regarding liberation in ADLC, 156QO/14 and 156QO/15.

<sup>321</sup> P  rier, *S  questres et Liquidations*, pp. 104–7.

<sup>322</sup> AN, C//14808, "Rapport fait au nom de la commission d'Alsace-Lorraine charg  e d'examiner le projet de loi portant ratification du d  cret du 28 f  vrier 1923 raillaient au Minist  re de la Justice l'administration des s  questres d'Alsace e de Lorraine, par M. Robert Schuman," 13 Dec. 1923.

<sup>323</sup> See documents in AN, 20070518/15.

<sup>324</sup> Kohser-Spohn, "Kleineigent  mer aus Elsass und Lothringen," p. 148, and BArch, R 2/1040, *Deutsche Leistungen auf Grund des Versailler Vertrages, seiner Vorvertr  ge und der sp  teren Reparationsregelungen bis zum 30. Juni 1931*, p. 52.



Despite the vast amount of seized property, the administrators chosen by courts were only 363, consisting mostly of lawyers, notaries, judges, clerks, and, more rarely, military officers. Courts generally appointed people who were considered loyal from a national point of view (all of them had Alsatian, Lorrainian, or French origin) instead of privileging bureaucrats with economic, financial, and commercial skills.<sup>325</sup> In addition to that, the special legislative framework adopted by the government created a deficit of supervision over the liquidation process. Consequently, the administration of seized assets was often inaccurate, financially opaque, and had an unsatisfactory financial outcome. By contrast, cases of corruption and profiteering were frequent.<sup>326</sup>

### *The Heavy Industry in Alsace-Lorraine*

The French authorities aimed to exclude the German economic presence and transfer private property to French and Alsatian-Lorrainer hands. Economic nationalism was internationally legalized by peace treaties and hence the French state did not lose time implementing that agenda. One of the main targets was the heavy industry which represented the most important business of Alsace-Lorraine. With the ‘return’ of the departments to France, the state took control of half of the European mines and became the second largest steel producer in the world. Besides the right to liquidation, the Treaty of Versailles also gave the possibility to the French government to introduce limitations regarding the property rights of former enemy citizens in the region. German nationals and companies could be prevented from managing or exploiting public services, and acquiring mines, quarries, or metallurgical establishments (Article 73). Additionally, besides the loss of industrial plants, France inflicted a huge blow to the German heavy industry with the exclusion of Luxembourg from the Reich customs system.<sup>327</sup>

Since January 1919, the administration rapidly seized deposits in the region. However, the state cooperated with private interests. The executive charged the Foundry Committee—the industrialists’ association in the iron and steel sector—with redistributing those factories to French producers on an equal basis.<sup>328</sup> As in the rest of the country, also in Alsace-Lorraine the French state either transferred ownership of several factories from Ger-

<sup>325</sup> AN, AJ/30/187, High Commissioner of the Republic to Louis Marin, 23 Jun. 1921.

<sup>326</sup> *Chambre des Députés, n°5357 Session de 1928. Rapport fait par Mr Louis Cluzel. (Séquestre des biens des ressortissants anciens ennemis et liquidation des usines métallurgiques de Lorraine)* (Paris, 1928), pp. 26–31.

<sup>327</sup> Pohl, *Weimars Wirtschaft*, p. 16.

man and Luxembourgish companies to French ones or assigned the mining concessions to French corporations. Nonetheless, the profit for the state budget was often very limited, and in many cases, such a transfer of ownership did not grant the productive supremacy that was expected.<sup>329</sup> In the 1920s, many companies had to deal with the economic crisis and difficulties deriving from supply limitations.<sup>330</sup> As a result, collaboration with German competitors became unavoidable, even in the field of reparations.<sup>331</sup>

Cooperation between the state and private actors did not always turn out to be successful, as in the case of the three most advanced and productive factories in the region, the Knutange, Rombas, and Hagondange plants that employed over 20,000 workers.<sup>332</sup> Before the war, their value was equivalent to 1.5 billion marks (corresponding to about 8 million paper francs). After being seized and put under judicial administration, in October 1919, the local authorities negotiated the sale of plants to three companies controlled by the French capital for 480 million francs (385 for the plants and 95 for the stocks). According to the sale agreements, purchasers would have begun paying those sums only from 1921 onward to avoid a lack of liquidity for the new companies. As soon as the new owners came into the possession of the companies, however, they discovered serious irregularities, such as missed deliveries of goods to other foreign and national companies and a considerable deficit in their budgets. The new companies faced about 170 lawsuits for contract defaults in France and abroad. During one year of judicial administration, the manager of the three plants appointed by the court had been a former navy engineer who had been entrusted with the direction of more than thirty assets of such relevance. His inability to manage such business in a delicate phase as the immediate postwar period resulted in a financial catastrophe. Also, the social tensions with trade unions represented a very difficult task to deal with.<sup>333</sup> In the 1920s, the new owners negotiated with the French authorities a revision

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<sup>328</sup> Bariéty, *Les relations franco-allemandes après la Première-Guerre mondiale*, p. 145.

<sup>329</sup> Ivi, pp. 145–9.

<sup>330</sup> See for example “La situation des usines métallurgiques de Lorraine,” *La Journée industrielle*, 16 Jun. 1922

<sup>331</sup> Charles S. Maier, *Recasting Bourgeois Europe: Stabilization in France, Germany and Italy in the Decade After World War I* (Princeton, 1975), Georges-Henri Soutou, “Une Autre Politique ? Les Tentatives Françaises d’entente Économique Avec l’Allemagne, 1919-1921,” *Revue d’Allemagne* 8, 1 (1976), pp. 21–34, and Conan Fischer, “Scoundrels without a Fatherland? Heavy Industry and Transnationalism in Post-First World War Germany,” *Contemporary European History* 14, 4 (2005), pp. 441–64. On the interactions between German and French economic élites in the interwar period, see Philipp Müller and Hervé Joly, eds., *Les espaces d’interaction des élites françaises et allemandes 1920-1950* (Rennes, 2021).

<sup>332</sup> Bariéty, *Les relations franco-allemandes après la Première-Guerre mondiale*, pp. 145–7.

<sup>333</sup> For the social tensions in Lorraine, see Pierre Schill, “Pain et charbon. Les « gueules noires » de Lorraine contre la vie chère au lendemain de la guerre,” in *Boches ou tricolores ?*, pp. 325–41.

of the sale agreement. In 1924, finally, the sale price of plants was reduced from 385 to 80 million.<sup>334</sup> The actual loss for the French Treasury was huge since they paid only 2% of the plants' pre-war value.<sup>335</sup> A parliamentary inquiry commission defined that case as 'the most lucrative looting that has ever been known.'<sup>336</sup> The story of the mining concessions in the Moselle region revealed that economic nationalism could result in a huge economic and financial loss.

### *The Effects on the Population*

Economic persecution did not affect the interests of German companies. Many ordinary people were also touched by discriminatory measures regarding property rights, as in the case of Emile-Frédéric Keil, a pharmacist in Mulhouse. Albeit having been naturalized as a citizen of the Baden state, Keil was born in Alsace and thus was entitled to be automatically reintegrated into the French nationality under the Versailles Treaty. Despite his Alsatian origin, he was accused by anonymous letters of having a pro-German attitude, and France expelled him and put all his assets under sequestration before the entry into force of the Treaty of Versailles. A short time later, the family also moved to Germany. Yet, after the signing of the peace treaty, Keil claimed to be reintegrated given his Alsatian origin, and sought to get his property back. The court of Mulhouse launched a lawsuit against his reintegration since he was accused of being 'unworthy to become a French citizen due to his conduct during the war.' However, the Supreme Court reversed that ruling and conferred him French citizenship.<sup>337</sup> Nevertheless, recovering his assets or being compensated proved to be impossible. In 1921, declaring his loyalty to France, Keil argued that 'my patriotism is not and has never been on the other side of the border, but on the left bank of the Rhine on the land of Alsace where my grandparents, my parents and I were born.'<sup>338</sup> Some years later, in another petition, Keil claimed to be a victim of unfair measures. He underlined his French origin, stating that even his daughter received a wholly 'French' education and was

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<sup>334</sup> *Chambre des Députés, n°5357 Session de 1928. Rapport fait par Mr Louis Cluzel. (Séquestre des biens des ressortissants anciens ennemis et liquidation des usines métallurgiques de Lorraine)* (Paris, 1928), pp. 35–130.

<sup>335</sup> Rigó, *Capitalism in Chaos*, pp. 157–63.

<sup>336</sup> Ivi, p. 131.

<sup>337</sup> "Aff. Keil," *Journal du droit international*, 48 (1921), pp. 196–7.

<sup>338</sup> AN, 20070518/17, Emile-Frédéric Keil to High Commissioner of the Republic, 22 Jun. 1921.

married to a French military officer.<sup>339</sup> The authorities never allowed the restitution of his property or compensation for losses.<sup>340</sup>

On several occasions, the liquidation of enemy property caused tensions with local society. Many families and firms owned by individuals reintegrated into French citizenship complained about the economic damage caused to the local economy by speculations over those assets.<sup>341</sup> Also, the treatment of Germans who had been authorized to reside in the region was a matter of dispute. According to the Versailles Treaty, they were exempted from confiscatory measures and were also entitled to apply for French naturalization without special restrictions. Of course, authorities were highly suspicious about their ‘sincerity’ and loyalty to France.<sup>342</sup> The local administration endeavored to limit such possibility,<sup>343</sup> and the nationalist press urged the government to adopt harsher measures, especially in the field of liquidation.<sup>344</sup> By contrast, the central government gradually relaxed controls and facilitated the restitution of property to Germans admitted to the residence.<sup>345</sup> In the summer of 1922, however, diplomatic tensions with Germany over reparations suddenly changed the situation. The French cabinet led by Poincaré threatened to expel all German citizens residing in Alsace-Lorraine and seize their possessions as a retaliation against the denial of Germany to pay reparations.<sup>346</sup> The threat of Poincaré raised many concerns among local economic and political circles.<sup>347</sup> Jean Stuhl, a senator who had been elected in the Moselle department, expressed to a high official of the local administration his fears about a new wave of large-scale persecution against German citizens. Fearing retaliation from Germany and thus the resulting inconveniences for the local industry, he praised the government for abstaining from such measures arguing that ‘the history of our regions forbids us—unfortunately—the absolute oblivion of the past.’<sup>348</sup> He was referring to the inevi-

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<sup>339</sup> AN, 20070518/17, Emile-Frédéric Keil to Justice, 19 Jun. 1925 and Emile-Frédéric Keil to Undersecretary of the Prime Minister, 25 Jul. 1925.

<sup>340</sup> AN, 20070518/17, public prosecutor of Mulhouse to court of Strasbourg, 20 Oct. 1925.

<sup>341</sup> “Lettre d’Alsace,” *Journal des débats politiques et littéraires*, 16 Jan. 1920, and “Les biens allemands,” *Journal des débats politiques et littéraires*, 24 Jan. 1920.

<sup>342</sup> Weil, *How to Be French*, p. 241.

<sup>343</sup> On the categorization of Germans admitted residing, see ADLC, 156QO/13, Director of the Justice Department in Alsace-Lorraine to General Commissioner of the Republic, 17 Jul. 1919, Justice to General Commissioner of the Republic, 26 Jul. 1919, and Millerand to Prefects of Strasbourg, Colmar and Metz, 24 Dec. 1919.

<sup>344</sup> Geo London, “Les séquestres des Allemands en Alsace-Lorraine,” *Le Journal*, 20 Jun. 1921.

<sup>345</sup> AN, 20070518/7, circular of the General Prosecutor (Colmar) to local prosecutors, 10 Jul. 1921.

<sup>346</sup> “Les mesures de ‘retorsion’ envisagées par M. Poincaré,” *La Lanterne*, 5 Aug. 1922.

<sup>347</sup> “C’est en Allemagne qu’il nous faut agir,” *Le Petit Bleu de Paris*, 5 Aug. 1922.

<sup>348</sup> AN, 485AP/5, Jean Stuhl to Henri Cacaud, 7 Aug. 1922.

table between the Germans and the French in the region. The representatives of the local chambers of commerce and banks openly criticized those measures,<sup>349</sup> and even local prefects were reluctant to implement them.<sup>350</sup> Nonetheless, the government showed little interest in those complaints. In August 1922, authorities froze all bank accounts of German citizens and expelled 500 of them.<sup>351</sup> In the end, the diplomatic crisis was solved a few weeks later, and seized assets were released.<sup>352</sup>

However, the treatment of residing Germans remained controversial. In 1925, the city council of Forbach, a town close to the German border, sent a petition to the government protesting against the liquidation of property belonging to German families whose naturalization applications had been rejected. It was considered ‘contrary to democratic principles that these people, whose national loyalty and good character are recognized, suddenly lose their property six years after the peace treaty.’<sup>353</sup> Thus, given the resistance of local society, the central government was forced to negotiate a compromise.<sup>354</sup> On some occasions, senators and deputies elected in Alsace-Lorraine intervened with the government and the commissioner on behalf of victims of restrictive measures or their constituents who had ‘enemy’ relatives to attest to their loyalty and demand the return of seized property. Driven by the idea of defending their local homeland, they were committed to promoting particularistic claims instead of supporting the aggressive stance adopted by central authorities.<sup>355</sup>

Resistance against persecutory measures increased in public opinion, too. Since the early 1920s, newspapers reported cases of judicial administrators who were arrested for corruption or mismanagement of seized assets.<sup>356</sup> In 1921, for instance, the vice-president of the court of Strasbourg was forced to dismiss due to allegations of irregularities commit-

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<sup>349</sup> AN, 485AP/5, High Commissioner of the Republic to Poincaré, 13 Aug. 1922.

<sup>350</sup> AN, 485AP/5, High Commissioner of the Republic to Poincaré, 27 Jul. 1922.

<sup>351</sup> AN, 485AP/5, High Commissioner of the Republic to Poincaré, 13 Aug. 1922. See also “Les mesures contre les biens allemands ont été appliquées dès hier midi,” *Le Matin*, 6 Aug. 1922, and the interview with Alphand in “Les mesures de rétorsion,” *La Libre Parole*, 10 Aug. 1922. See also Geo London “On a dressé en Alsace et en Lorraine des listes d’«indésiderables»,” *Le Journal*, 8 Aug. 1922.

<sup>352</sup> “La levée des séquestres sur les biens allemands,” *L’Œuvre*, 25 Aug. 1922.

<sup>353</sup> AN, 19970343/1, resolution of the city council of Forbach, 16 Apr. 1925.

<sup>354</sup> AN, 19970343/1, ‘Note on the condition of German nationals in Alsace-Lorraine whose application for naturalization has been rejected’, redacted by the Ministry of Justice, 18 Jun. 1925.

<sup>355</sup> François Audigier, “Le retour des députés alsaciens au Palais-Bourbon,” *Revue d’Alsace*, 144 (2018), pp. 191–209.

<sup>356</sup> “Un administrateur séquestre arrêté a Metz,” *La Presse*, 21 Oct. 1919, or “Un escroc arrêté,” *Le Petit Provençal*, 11 Jan. 1923.

ted during the judicial administration of several enemy assets.<sup>357</sup> Critical voices reached the parliament as well.<sup>358</sup> The Commission of Inquiry on Illegal Speculation created a subcommittee charged with investigating irregularities related to the liquidation of German assets in Alsace-Lorraine.<sup>359</sup> In April 1921, the Alsatian lawyer Jules Jaeger released the first report denouncing numerous scandals that had happened in the three years before,<sup>360</sup> and a few months later the Chamber of Deputies discussed it during a plenary session. According to Jaeger, abusing their role, many judges and high public officials seized the chance of the anti-German persecution to acquire real estate, commercial activities, and other significant property at a very low price. They often forced German owners to sell their assets ahead of liquidation procedures. For example, the *Maison Rouge*, one of the most famous hotels in Strasbourg, was sold by a German owner to the provisional head of the police and a financial broker in December 1918, but—as the local court ascertained—that sale was declared void and two new French owners were put under trial. Jaeger accused the executive, and in particular the Ministry of Justice, of covering up those irregularities and protecting a corrupted system of sales.<sup>361</sup>

Other lawmakers together with the socialist press denounced how similar abuses caused huge economic and financial losses, such as in the field of potash mines. Potassium represented one of the most significant resources of the region since Alsace-Lorraine almost held the world monopoly of potash mining and processing.<sup>362</sup> After 1918, the supervisor of potash mines appointed by the court Paul Helmer, who was also president of the bar association in Colmar and a member of the Senate, came under attack for his activity. According to the press, he took advantage of his role to build a personal fortune. Instead of nationalizing potash mines, Helmer acquired the shares' majority of the company that controlled the deposits. In December 1921, a French court condemned him to repay 200,000 francs for fraud.<sup>363</sup> In the wake of this scandal, the parliamentary commission

<sup>357</sup> "Le scandale des séquestres des biens allemands en Alsace," *L'Écho de Paris*, 25 Jul. 1921.

<sup>358</sup> AN, AJ/30/187, Jaeger to High Commissioner of the Republic, 29 Jan. 1922.

<sup>359</sup> "Contre la spéculation illicite," *Le Temps*, 27 Feb. 1921.

<sup>360</sup> "Encore des spéculations," *L'Avenir*, 27 Apr. 1921.

<sup>361</sup> Session of the Chamber of Deputies, *Journal Officiel*, 24 Dec. 1921, pp. 5207–12. On the case of the *Maison Rouge*, see PAAA, R 23386, Official report, 19 Jun. 1920, and Rigó, *Capitalism in Chaos*, pp. 121–34.

<sup>362</sup> *Ivi*, pp. 5212–21. See also sessions of 28 Dec. 1921, pp. 5352–64, and 29 Dec. 1921, pp. 5386–99. For the press see "Histoires de brigandes d'Alsace-Lorraine," *Le Populaire*, 24 Dec. 1921.

<sup>363</sup> For the scandal of potassium mines, see "Le futur régime des mines de potasse d'Alsace," *L'Express de Mulhouse*, 6 Apr. 1921; "Les mines de potasse d'Alsace," *L'Écho de Paris*, 18 Aug. 1921; "Le scandale de la liquidation des biens allemands en Alsace et en Lorraine," *Le Matin*, 30 Dec. 1921.

asked the government to launch criminal and administrative investigations on judges who committed irregularities in the liquidation of enemy property.<sup>364</sup> However, the Ministry of Justice avoided undertaking such a large-scale investigation. By contrast, the parliament continued its inquiry. In 1928, a new committee presented a detailed investigation that reported countless cases of abuse, fraud, and irregularities.<sup>365</sup> The official report, however, had no echo in public opinion. Socialist and communist lawmakers rarely denounced those scandals,<sup>366</sup> and even more rarely administrators were convicted of fraud by courts. Eventually, only in the mid-1930s, the association of German refugees from Alsace-Lorraine translated the report to denounce the ‘looting’ committed by France.<sup>367</sup>

By the end of 1925, the diplomatic détente between Germany and France touched Alsace-Lorraine. In November, the press announced that seized property would have partly been released.<sup>368</sup> With the Treaty of Locarno, France suspended liquidations of private property in the areas close to the German border.<sup>369</sup> Finally, with the agreements in October 1926 and December 1929, the French government renounced the right of confiscation given by the peace treaty and released all seized assets that had not been liquidated in the Alsace-Lorraine. Economic persecution was definitively terminated. At the same time, the French administration mitigated discriminatory measures against Germans in the region. Most of them were naturalized, and in 1931 only 11,000 were authorized to reside in the region. Progressively, the French state dismissed persecution and adopted an inclusive agenda to integrate and assimilate the German presence in Alsace-Lorraine.

The outcome of the French policies toward German property was partly disappointing. On the one hand, economic persecution had been a powerful tool to promote the remaking of the region as part of France from a social, economic, and national point of view. Despite low financial profits, the exclusion of foreign capital and German competi-

<sup>364</sup> AN, AJ/30/187, Louis Marin to Justice, 14 Mar. 1922.

<sup>365</sup> *Chambre des Députés, n°5357 Session de 1928. Rapport fait par Mr Louis Cluzel*. See commission’s papers in AN, C//14808.

<sup>366</sup> See BArch, R 2/710, *Geschäftsstelle für deutsche Güter, Rechte und Interessen in Frankreich* to Finance, 8 Dec. 1926, and “Cachin énonce les mesures fiscales que la situation exige et que seul saura imposer le gouvernement ouvrier et paysan,” *L’Humanité*, 11 Dec. 1928.

<sup>367</sup> [Bleicher Albert], *Le Pillage Le plus Fructueux... Die Einträglichste Plünderung, Die Je Begangen Wurde, Die Verschleuderung Der Els. Lothr. Bodenschätze* (Colmar, 1936). See also the report prepared by the German Ministry of Finance in 1934, “Denkschrift über die Verschleuderung der deutschen Gruben und Hüttenwerke in Frankreich,” in YA, Borchard Papers, box 57.

<sup>368</sup> “L’esprit de Locarno,” *Le Phare de la Loire*, 21 Dec. 1925.

<sup>369</sup> See documents in AN, 19970343/1.

tors from key sectors as well as local commerce was one of the main achievements of the French leadership.<sup>370</sup> However, economic nationalism did not ensure the economic recovery of the region and contributed to increasing the ‘malaise’ of Alsace-Lorraine in the interwar period.<sup>371</sup> The population of Alsace-Lorraine decreased by about 300,000, likely as a result of the anti-German persecution.<sup>372</sup> Eventually, as Rigó pointed out, France missed the goals of entirely cutting trade relations between Alsace-Lorraine and German and Central European partners and integrating the departments into the French national economy.<sup>373</sup>

## 2.4 Italy

### *The German-speaking Community in Italy before 1914*

According to the 1911 census, 10,715 German citizens lived in Italy, mainly in main cities such as Milan, Rome, Genoa, Turin, Naples, Venice, Florence, and Catania. Although Germans represented a tiny fraction of the Italian population and were even fewer than the Austro-Hungarians (11,911) or the Swiss citizens (11,421), there were German-speaking communities who had settled in Italy for decades (even before the birth of the Italian state in 1861). Several families created flourishing commercial activities in many cities, including in Southern Italy, and were also integrated into local society. Besides a network of Protestant and Jewish religious groups coming from Germany, there were also several cultural and scientific institutions such as the Archeological Institute, the Biblioteca Herziana, the German Historical Institute in Rome, and the Art History Institute in Florence.<sup>374</sup> In addition to that, Germans acquired a significant position in national economic development. Since the 1890s, German investments played a relevant role in the industrialization of Italy. According to the economic historian Peter Hertner, in the period 1883-1911, the German Empire was the second-largest foreign investor (after Great Britain) in the Italian

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<sup>370</sup> For an overview of the reduction of German firms in Lorraine, see Denis Brunn, “Deux générations d’entreprises allemandes en Lorraine avant et après la Seconde Guerre mondiale,” in *L’économie, l’argent et les hommes*, pp. 145–67.

<sup>371</sup> For the ‘malaise’ of the region, see Carrol, *The return of Alsace*.

<sup>372</sup> Henri Baulig, “La population de l’Alsace et de la Lorraine en 1921,” *Annales de géographie* 32, 175 (1921), p. 21.

<sup>373</sup> Rigó, *Capitalism in Chaos*, pp. 216–9.

<sup>374</sup> For a general overview, see Daniela L. Caglioti, “Germanophobia and Economic Nationalism: Government Policies against Enemy Aliens in Italy during WWI,” in Panayi, ed., *Germans as Minorities*, pp. 149–52.



market. In particular, German private investments were sizeable in ‘new industries’ such as electrical, electromagnetic, and chemical-pharmaceutical sectors. Furthermore, German capital controlled important financial institutions (such as the *Banca Commerciale Italiana*), and owned shareholdings in other banks. Unsurprisingly, most investments were concentrated in Northern Italy (Milan, Genoa, and Turin). But German businesspeople were also active in other economic sectors such as the hotel industry at Lake Garda, Lago Maggiore, or Lake Como, although Swiss investments were prevalent.<sup>375</sup>

#### *Between Diplomatic Negotiations and Economic Nationalism*

In the wake of the war, the Royal Commission for the Post-War (*Reale Commissione per il Dopoguerra*), a special committee composed of lawyers, technical experts, lawmakers, and policymakers, suggested that the cabinet remove all restrictions against enemy citizens except for the seizure of property. Keeping enemy property under public control was linked to diplomatic talks with Germany over the payment of reparations. According to the Commission, the government should have encouraged the return to normal conditions of Italian economic life, without leaving a bargaining tool in negotiations with the defeated country.<sup>376</sup> Unlike the other Allies, however, that recommendation showed that the Italian government was open to compromise on enemy property without carrying out a general confiscation. Indeed, between April and May 1919, when the peace treaty had not been yet signed, the two countries entered into unofficial talks to settle that issue. Negotiations began unbeknownst to the Allies and led nowhere also because of the diplomatic tensions between Italy and the other Allied governments in May 1919 when the Italian delegation left Paris due to the crisis of Fiume. Nonetheless, the Italian move showed that there was room for maneuver on Berlin’s side to reach a restitution agreement. The goal of the Italians was to restore commercial and financial relations and then obtain raw materials and coal at good prices. The revocation of most of the persecutory measures against enemy citizens and the reopening of trade relations between the two countries represented clear signals in this sense.<sup>377</sup> By quickly re-establishing bilateral relations with Italy, German diplomacy also

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<sup>375</sup> Peter Hertner, “Il capitale straniero in Italia (1883-1914),” *Studi Storici* 22, 4 (1981), pp. 767–95.

<sup>376</sup> *Commissione reale per il dopoguerra. Studi e proposte della prima sottocommissione: presieduta dal sen. Vittorio Scialoja questioni giuridiche, amministrative e sociali giugno 1918-giugno 1919* (Roma: Artigianelli, Tip. Artigianelli, 1920), p. 8.

<sup>377</sup> See documents in ASMAECI, Archivio politico e ordinario di Gabinetto 1915 – 1918, b. 406, fasc. «Disin-ternamento dei sudditi nemici».

hoped to undermine the unity of the Allied Powers.<sup>378</sup> A potential restitution of private assets might have been a model for similar agreements with other states that could soften the economic warfare.

At the end of 1919, a delegation of businessmen and diplomats headed by Franz von Herff—a former German consul in Genoa and Milan before the war—came to Italy to that end.<sup>379</sup> On the Italian side, the prospect of terminating the economic war had a good number of supporters. According to Carlo Sforza, the undersecretary of Foreign Affairs, the measure of liquidation contained in the Versailles Treaty was ‘too severe.’ He considered confiscation contrary to international law and disadvantageous from an economic point of view.<sup>380</sup> Prime Minister Francesco Saverio Nitti and other members of the cabinet shared that idea.<sup>381</sup> The official position, therefore, was to settle for the restitution of most German assets apart from certain categories of property to be nationalized for economic reasons, or their historical and artistic relevance.<sup>382</sup> However, besides the political instability of Italy in the early 1920s,<sup>383</sup> the fear that such an agreement could cause tensions with the Allies slowed down the negotiations.<sup>384</sup>

In addition to that, divisions arose within the government. Together with the inter-ministerial committee that coordinated the administration of seized assets, the Ministry of Industry and Trade underlined the opportunity given by the Versailles Treaty. Like in Great Britain and France, it advocated an economic nationalist agenda that consisted in the nationalization of 33 enemy companies operating in ‘strategic sectors’ (such as the electrical

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<sup>378</sup> Josef Muhr, *Die deutsch-italienischen Beziehungen in der Ära des Ersten Weltkrieges (1914-1922)* (Zürich, 1977), pp. 119–20, and Maddalena Guiotto, “Le relazioni italo-tedesche e il trattato di Versailles,” in *La Conferenza di Pace di Parigi fra ieri e domani (1919-1920). Atti del convegno internazionale di studi (Portogruaro-Bibione, 31 Maggio-4 Giugno 2000)*, ed. Antonio Scottà (Soveria Mannelli: Rubbettino, 2003), 253–66.

<sup>379</sup> PAAA, R 7941, Franz von Herff to Paulucci de’ Calboli (Italian ambassador in Switzerland), 20 Sept. 1919, and ASMAECI, Serie Z-Contenzioso, b. 184, fasc. «Beni ed interessi tedeschi in Italia. Proposta tedesca per il riscatto in blocco dei beni e degli interessi dei sudditi germanici», Franz von Herff to Serra, 24 Nov. 1919.

<sup>380</sup> ASMAECI, Serie Z-Contenzioso, b. 184, fasc. «Beni ed interessi tedeschi in Italia. Proposta tedesca per il riscatto in blocco dei beni e degli interessi dei sudditi germanici», Carlo Sforza to Italian Peace Delegation (Paris), 4 Dec. 1919.

<sup>381</sup> ASMAECI, Serie Z-Contenzioso, b. 184, fasc. «Beni ed interessi tedeschi in Italia. Proposta tedesca per il riscatto in blocco dei beni e degli interessi dei sudditi germanici», Francesco Saverio Nitti to Ministry of Foreign Affairs, 5 Dec. 1919.

<sup>382</sup> ASMAECI, Serie Z-Contenzioso, b. 184, fasc. «Beni ed interessi tedeschi in Italia. Proposta tedesca per il riscatto in blocco dei beni e degli interessi dei sudditi germanici», Pietro Bertolini to Carlo Sforza, Dec. 1919.

<sup>383</sup> Between November 1918 and October 1922, when Benito Mussolini was appointed Prime Minister, seven cabinets alternated themselves.

industry or the shipping industry), 62 hotels (including land lots, castles, and mansions) in the region of Lake Garda and Lake Como, and 7 monuments and historical buildings.<sup>385</sup> The Ministry of Foreign Affairs also agreed with that plan. In a confidential report, diplomacy argued that the liquidation of enemy property was instrumental in constraining ‘the German economic intrusiveness’ and ‘consolidating our economic emancipation toward Germany.’ According to the report, the restitution of seized assets should not have permitted the ‘reconstruction of German economic hegemony’ that was perceived as a ‘real danger’ to national security. Therefore, the Ministry of Foreign Affairs encouraged a partial confiscation of German assets that had to be reallocated to Italians.<sup>386</sup> By contrast, Nitti still regarded liquidation as highly problematic. He declared to be ‘favorable to a solution that quickly resolves the issue with greater economic advantage for us, helping to put an end to the current anomalous state of matters.’<sup>387</sup> Returning to a normal situation remained the priority. Also, his successor Giovanni Giolitti—who held the office of Prime Minister between June 1920 and July 1921—shared that opinion. None of them, however, was strong enough to overcome the opposition coming from the Ministry of Industry and public opinion. For instance, a large part of Italian intellectuals sponsored a sort of ‘artistic nationalism,’ consisting of the ‘Italianization’ of artistic and cultural assets previously owned by Germans and Austro-Hungarians. Among them was the renowned art critic Ugo Ojetti.<sup>388</sup> In the early 1920s, they repeatedly urged the authorities to nationalize historical buildings, artistic collections, and scientific institutions.

In November 1920, the bilateral negotiation reached a first result with the restitution of ‘small property.’<sup>389</sup> After returning property belonging to Polish, Czechoslovakian,

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<sup>384</sup> ASMAECI, Serie Z-Contenzioso, b. 184, fasc. «Beni ed interessi tedeschi in Italia. Proposta tedesca per il riscatto in blocco dei beni e degli interessi dei sudditi germanici», Tommaso Tittoni to Carlo Sforza, 9 Sept. 1919.

<sup>385</sup> ASMAECI, Serie Z-Contenzioso, b. 184, fasc. «Beni ed interessi tedeschi in Italia. Proposta tedesca per il riscatto in blocco dei beni e degli interessi dei sudditi germanici», Report to H. E. the Minister of Industry, Commerce and Labor, written by the *Comitato per la sistemazione dei rapporti economici dipendenti dai trattati di pace*, undated [early 1920]

<sup>386</sup> *Proprietà tedesche in Italia*, relazione al ministro degli Esteri, s.d. [agosto 1920], in ASMAECI, Serie Z-Contenzioso, b. 184, fasc. «Beni ed interessi tedeschi in Italia. Proposta tedesca per il riscatto in blocco dei beni e degli interessi dei sudditi germanici».

<sup>387</sup> ASMAECI, Serie Z-Contenzioso, b. 184, fasc. «Beni ed interessi tedeschi in Italia. Proposta tedesca per il riscatto in blocco dei beni e degli interessi dei sudditi germanici», Nitti to Sforza, 20 Mar. 1920.

<sup>388</sup> On Ojetti’s artistic nationalism, see Ugo Ojetti, *I Monumenti Italiani e la Guerra* (Milano, 1917), and Ugo Ojetti, *I nani tra le colonne* (Milano, 1920).

<sup>389</sup> R. D. n. 1840, 7 Nov. 1920.

and French citizens of Alsatian and Lorrainian origin,<sup>390</sup> Italy agreed to release assets belonging to Germans as well. The threshold was set at 50,000 lire. The agreement had been already reached some months earlier, but the divisions within the cabinet delayed it. One of the most controversial issues concerned the value of ‘small property.’ While German diplomacy demanded that assets had to be calculated on pre-war value (before inflation and currency depreciation), the Ministry of Industry relied on post-war value that was significantly lower. By doing so, the Italian administration lowered the threshold and reduced the amount of property to be returned. According to Ulrich von Hassell, at that time a member of the German delegation, after the war, the sum of 50,000 lire hardly corresponded to the value of a lower-class family’s furniture.<sup>391</sup> But the signing of the agreement did not end the controversies. The local administration impeded the liberations in many ways, such as hindering the return of former owners,<sup>392</sup> or rejecting applications for restitution if the applicant was known to be wealthy in his country. Officially, the restitution was a ‘concession’ of the government, and hence judicial appeals or other claims from Germans were not admitted. Furthermore, certain assets were excluded from restitution, especially bank accounts and real estate,<sup>393</sup> whereas personal possessions such as clothes or books were not included in the calculation.<sup>394</sup> German diplomacy reported countless cases of abuse or violation of the agreement but with little success.<sup>395</sup> Some newspapers also criticized the attitude of authorities that represented an obstacle to the restoration of peaceful and fruitful relations with Germany.<sup>396</sup> In the end, however, the impact of the restitution remained very limited. According to the Italian administration, by January 1922, only 130 German citizens were given back their personal property which corresponded to nearly 2 million lire.<sup>397</sup>

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<sup>390</sup> See presidential decrees of 23 February and 5 May 1919, as well as documents in ASMAECI, Serie Z-Contenzioso, b. 183, fasc. «Riscossione dei crediti degli alsaziani in Italia».

<sup>391</sup> ASMAECI, Serie Z-Contenzioso, b. 184, fasc. «Beni ed interessi tedeschi in Italia. Proposta tedesca per il riscatto in blocco dei beni e degli interessi dei sudditi germanici», Hassell to Italian Ministry of Foreign Affairs, 22 Oct. 1920.

<sup>392</sup> For the obstacles to the return, see *Nachrichtenblatt des Bundes der Auslandsdeutschen*, 1, 1 (1919), p. 7, and “Einreise nach Italien,” *Nachrichtenblatt des Bundes der Auslandsdeutschen*, 2, 6 (1920), p. 45.

<sup>393</sup> ASMAECI, Serie Z-Contenzioso, b. 184, fasc. «Beni ed interessi tedeschi in Italia. Proposta tedesca per il riscatto in blocco dei beni e degli interessi dei sudditi germanici», Scheme of deliberation about the liberation of small German property in Italy, 28 Sept. 1920.

<sup>394</sup> ASMAECI, Serie Z-Contenzioso, b. 267, fasc. «Beni tedeschi in Italia (Piccola proprietà)», Giulio Alessio to Italian prefects, 21 Feb. 1921.

<sup>395</sup> PAAA, R 72991, John von Berenberg-Gossler to Ministry of Foreign Affairs, 9 Feb. 1921.

<sup>396</sup> Filippo Naldi, “Le piccole proprietà tedesche in Italia e l’ostruzionismo burocratico,” *Il Tempo*, 18 Oct. 1920.

<sup>397</sup> ASMAECI, Serie Z-Contenzioso, b. 267, fasc. «Beni tedeschi in Italia (Piccola proprietà)», List of small property returned by virtue of R. D. 7 Nov. 1920, 31 Jan. 1922.

The diplomatic efforts of Germany did not prevent the Italian government from implementing the right to confiscation given by the Versailles Treaty. In April 1921, the cabinet of Giolitti issued a royal decree that deprived enemy citizens of their property. The government transferred ownership of all assets under public control to the State Property Office (*Demanio*). Nonetheless, the government kept its faculty to return some of those assets for exceptional reasons.<sup>398</sup> Unlike Great Britain, France, and Belgium, however, the decree strongly curbed the possibility of former owners filing appeals. The inter-ministerial committee was charged with solving any legal controversy arising from that decision, whereas ordinary courts had no jurisdiction on that matter. In particular, the decree created a special administrative court composed of three members of the inter-ministerial committee and two judges. Appeals could be sent to that organ, and the Supreme Court could intervene in the second instance only under strict conditions. Not only was the judiciary deprived by the government of the authority to intervene, but judges took an accommodating attitude toward this policy dismissing all lawsuits for lack of jurisdiction of the commission.<sup>399</sup> The exclusion of the judiciary was aimed to quickly carry on the liquidation. As warned by the Ministry of Industry, if former owners were able to bring civil actions to ordinary courts, they would have provoked significant financial damage.<sup>400</sup>

In December 1921, the government issued a new decree regulating the sale procedure. The confiscated property had to be auctioned according to a schedule the inter-ministerial committee set. As a general rule, former owners were admitted to auctions, but the government had the right to apply restrictions or special conditions excluding them if needed. Finally, the proceeds of the sales were intended to restore war damages suffered by Italian citizens.<sup>401</sup> Administrative discretion and marginalization of the judiciary were the distinctive aspects of the legal framework the Italian government established. The executive

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<sup>398</sup> R. D. n. 470, 10 Apr. 1921.

<sup>399</sup> See the decisions of the Italian High Court 'Possargo c. Ministero Finanze ed Opera Nazionale Combattenti,' *Rivista di Diritto Pubblico*, 17 (1924), II, p. 345, 'Passarge c. Ministero Finanze,' *Giurisprudenza Italiana*, 77 (1925), I, pp. 891–3, 'Gazzerti c. Commissionario beni ex nemici,' *Rivista di Diritto Pubblico*, 18 (1925), II, p. 375, and 'Schöltzel c. Commissario del governo per i beni dei sudditi ex-nemici,' *Giurisprudenza italiana*, 77 (1925), I, pp. 551–2.

<sup>400</sup> ASMAECI, Serie Z-Contenzioso, b. 266, fasc. «Beni tedeschi in Italia. Trattazione generale», Teofilo Rossi (Industry) to Justice, Nov. 1922.

<sup>401</sup> R. D. n. 1962, 22 Dec. 1921

retained autonomy in controlling those assets and both courts and parliament were excluded from intervening in that regard.

Advocates of economic nationalism prevailed within the government.<sup>402</sup> Nevertheless, albeit slowly, the diplomatic negotiations between Germany and Italy went on, and even some newspapers urged the executive to reach an agreement to remove ‘one of the most serious obstacles to the re-establishment of truly cordial relations between Italy and Germany.’<sup>403</sup> While the new minister of Industry and Trade, the liberal-conservative Bortolo Belotti, was open to finding a settlement,<sup>404</sup> his administration kept liquidating enemy assets. In the next months, the Italian ambassador in Germany, the journalist Alberto Frassati, also intervened to arrange an agreement between the two countries.<sup>405</sup> According to the press, however, the diplomatic deadlock was caused not only by the weakness of the Italian cabinets but also by the interference of private lobbies which were interested in acquiring some relevant assets at a low price.<sup>406</sup>

#### *The (Failed) Restitution Agreement (July 1922)*

The turning point occurred during the Genoa conference (April–May 1922). On the sidelines of consultations with the Allies, the delegations of Germany and Italy reached an agreement for the general restitution of private assets that was signed some months later, on July 25, 1922.<sup>407</sup> According to the convention, Italy agreed to release most German assets in exchange for 800 million lire. By contrast, ships, industrial patents, trademarks, and all other companies that had been already liquidated remained under public control or in the hands of new owners. In particular, the Italian government nationalized certain categories of assets: ‘Security-sensitive’ property in Venice, Naples, Anzio, Grosseto, Alghero, and in the newly acquired regions (South Tyrol and Friuli-Venezia-Giulia); historical build-

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<sup>402</sup> On the pressure to promote the Italianness of the pharmaceutical sector, see Daniela L. Caglioti, “Nazionalismo economico e antigermanesimo: La campagna contro i farmaci tedeschi durante la Prima guerra mondiale in Italia,” *Contemporanea* 13, 4 (2010), pp. 681–96.

<sup>403</sup> “L’Italia restituirebbe i beni tedeschi sequestrati dietro pagamento di un miliardo,” *Il Tempo*, 29 Mar. 1921.

<sup>404</sup> PAAA, R 72996, Bortolo Belotti to German embassy, 8 Feb. 1922, and G. Rosati, “Intervista col Ministro Belotti sulla questione dei beni tedeschi,” *La Tribuna*, 11 Feb. 1922.

<sup>405</sup> ASMAECI, Serie Z-Contenzioso, b. 267, fasc. «Beni tedeschi in Italia. Riscatto», Alberto Frassati to Ministry of Foreign Affairs, 10 Jun. 1922.

<sup>406</sup> “I topi e il formaggio,” *Il Paese*, 25 Mar. 1922, and “I beni tedeschi di Milano,” *Il Paese*, 6 Apr. 1922.

<sup>407</sup> For the negotiations, see PAAA, R 72996 and R 72997.

ings in Rome, Naples, Como, and Genoa;<sup>408</sup> electric companies that had concessions for public lighting services in some cities (such as Milan and Brescia); some mines; about 20 companies operating in the electrical, rubber, cars, cement, textile and metallurgic sectors; eventually, mansions, villas, hotels and other touristic activities in the region of Lake Garda and Lake Como. In addition to that, Italy obtained that Italian capital entered into over 20 joint-stock chemical, pharmaceutical, electrical, mechanical, and railroad companies. Eventually, the convention set other special provisions such as the right of pre-emption for Italian citizens in case German owners sold their assets in the three years after the signing of the agreement, or the faculty of the Italian state to take control of other companies and economic activities for national security without paying compensation.<sup>409</sup>

The agreement represented the best compromise between the agenda of economic nationalism, the concerns over national security, and the need to re-establish trade and financial relations between Italy and Germany. On the German side, the agreement marked a relevant diplomatic success. For the first time, Germany obtained that an Allied Power removed all economic restrictions against its citizens and posed an end to the economic war. By doing so, German diplomacy also hoped to achieve similar results in other countries, especially in the United States.<sup>410</sup>

However, the euphoria was short-lived. In the summer of 1922, international tensions regarding reparations prevented the German government from ratifying the convention. As explained by the Chancellor to Konstantin von Neurath, at that time the German ambassador in Rome, the financial crisis forced the state to delay all payments including those related to the agreement with Italy.<sup>411</sup> A few weeks before the signing of the convention, indeed, Germany had asked for a moratorium on reparations provoking the furious reaction of France and Great Britain. As soon as the press spread the news of the agree-

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<sup>408</sup> Here the complete list: villa Massimo (Rome), villa Aldobrandini (Anzio), Villa Farnese (Caprarola), Villa Falconieri (Frascati), Villa Celimontana (Rome), the Zoological Station in Naples, archeological sites owned by the Società Cumana di Stoccarda (Naples), Villa Carlotta (Tremezzo, Como), Villa del Grande (Rome), Villa Nast-Kolb (Rome), the woods of Gariglione (Catanzaro), Villa Mesco (Monte Rosso al Mare, Genoa).

<sup>409</sup> Text of the Italian-German Convention is in PAAA, R 72999 and ASMAECI, Serie Z-Contentenzioso, b. 267, fasc. «Beni tedeschi in Italia. Riscatto».

<sup>410</sup> See the session of the German government on 21 July 1922: Nr. 324 *Kabinettsitzung vom 21. Juli 1922, 17.30 Uhr. 3. Außerhalb der Tagesordnung: Abkommen über deutsches Eigentum in Italien*, in [https://www.bundesarchiv.de/aktenreichskanzlei/1919-1933/00114/wir/wir2p/kap1\\_1/kap2\\_89/para3\\_3.html](https://www.bundesarchiv.de/aktenreichskanzlei/1919-1933/00114/wir/wir2p/kap1_1/kap2_89/para3_3.html).

<sup>411</sup> PAAA, R 73000, Chancellor Wirth to Neurath, 25 Jul. 1922.

ment abroad,<sup>412</sup> the Commission of Reparations communicated that the sum would have been frozen and paid into the reparations' account instead of the Italian government.<sup>413</sup> The agreement embarrassed Italian diplomacy, too, and the press criticized its imprudence.<sup>414</sup> Neurath attempted to save the arrangement by involving a group of banks that would have anticipated the sum to the Italian government, bypassing international controls. Yet his efforts proved unsuccessful. Eventually, in January 1923, the Italian government informed that the convention was declared void due to the lack of ratification from the German side.

### *The Fascist Turning Point*

From the end of 1922, once the diplomatic solution failed, Italy accelerated the procedures of liquidation. To this end, the new government led by Benito Mussolini reorganized the administration of enemy property. The inter-ministerial committee was disbanded and its competence in the matter of liquidation was transferred to a special commissioner, whose presidency was firstly given to Giovanni Giuriati, a member of the fascist party close to the circles of war veterans,<sup>415</sup> and later to Guido Jung, a businessman and one of the most appreciated economic advisor of Mussolini.<sup>416</sup> At the same time, the government created a new jurisdictional commission with the task of examining legal disputes concerning the fate of enemy assets, and it included special provisions to restrict appeals arising from controversies over owners' nationality.<sup>417</sup> In this way, the new fascist cabinet confirmed the exclusion of the judiciary from that sphere and sought to hasten administrative procedures. Then, the Opera Nazionale Combattenti (ONC), a public body representing war veterans, was officially charged with their administration at the local level.<sup>418</sup> By doing so, the fascist government excluded the Ministry of Trade and the local administration from the supervision of enemy assets and chose to entrust it to a public body that repre-

<sup>412</sup> "L'Allemagne ne manque pas d'argent, à l'occasion," *Le Figaro*, 27 Jul. 1922, and "German Deal with Italy: Republic Will Buy Back Confiscated Property for 800,000,000 Lire," *New York Times*, 27 Jul. 1922. See also the report regarding the international reactions in PAAA, R 73001.

<sup>413</sup> PAAA, R 73001, Frérichs (Managing Board of the Finance Service) to secretary of the German delegation at the Commission of Reparations, 10 Aug. 1922.

<sup>414</sup> Luciano Magrini, "I beni tedeschi in Italia e i danni agli italiani in Germania," *Il Secolo*, 4 Sep. 1922.

<sup>415</sup> R. D. n. 481, 4 Mar. 1923.

<sup>416</sup> R. D. n. 57, 24 Jan. 1924. On Guido Jung, see Nicola De Ianni, *Il ministro soldato. Vita di Guido Jung* (Soveria Mannelli, Catanzaro, 2009), and Roberta Raspagliesi, *Guido Jung. Imprenditore ebreo e ministro fascista* (Milano, 2012).

<sup>417</sup> R. D. n. 1118, 10 May 1923.

<sup>418</sup> "I beni ex-nemici e la restituzione della parte italiana," *La Tribuna*, 7 Jun. 1923.



sented the interests of a social group politically close to fascism.<sup>419</sup> From that moment on, the Italian authorities proceeded swiftly with the sale of enemy assets. Most of the sales occurred privately, while only a small minority took place through auction sales.

Generally, former owners could reacquire their property, despite some exceptions (as in the Garda Lake area). Unlike France or Belgium, the Italian government was willing to facilitate the repurchase of enemy citizens.<sup>420</sup> Several reasons contributed to this result. Firstly, in many cases, they were often the only persons interested in paying significant sums to purchase those assets. Another reason was precisely economic nationalism, as Jung directly explained to Mussolini. Since proceeds of liquidation were intended to restore war damages Italian citizens suffered, selling confiscated assets to Germans resulted in making them pay twice, namely by using their money to finance compensations:

*The economic considerations that determined this course of action are that the only way to ensure that the reparations that will be paid from the proceeds of the former enemy property will not actually burden the Italian economy is to provide that in addition to expropriating enemy property to Germans, it will also be paid for with German money. Otherwise, the individuals damaged by the expropriation are Germans, but the reparations and compensation are paid by the Italian economy.*<sup>421</sup>

By doing so, according to Jung, the Italian economy benefited from expropriating and re-selling enemy assets without wasting national wealth. Behind that attitude, however, it is undeniable that structural problems of the Italian economic system played a role, such as the lack of capital and the distribution of wealth. Nevertheless, Mussolini always appreciated the work of Jung. Over two years of activity, he succeeded in liquidating a large part of the enemy assets and the proceeds were enough to support war damages compensations to Italian citizens. By November 1926, according to the Ministry of Finance, 9,096 accounts related to enemy property had been opened by the administration.<sup>422</sup> Most parts of them consisted of German property, whereas Austrian and Hungarian cases were a minority of cases. Throughout its activity, the authorities dealt with legal controversies nearly for each seized property. In particular, the judicial committees issued 1,863 decisions in the

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<sup>419</sup> For criticisms of the antifascist press, see “L’Opera combattenti ed i beni ex-nemici. Una convenzione da chiarire,” *Il Mondo*, 9 Jun. 1923.

<sup>420</sup> PAAA, R 73005, Italian Ministry of Foreign Affairs to Neurath, 3 Nov. 1923.

<sup>421</sup> ASMAECI, Serie Z-Contenzioso, b. 267, fasc. «Beni tedeschi in Italia (Grande proprietà)», report sent by Guido Jung to Benito Mussolini, 2 Jun. 1924.

<sup>422</sup> AST, Archivio Iginio Brocchi (1914-1931), b. 27, fasc. 254, ‘Report to H. E. the Minister on the state of the liquidation operations of former enemy assets,’ 20 Nov. 1926.

first instance and 500 in the second instance, whereas the Supreme Court rejected all appeals (40) as well as the local courts (80). Overall, confiscated assets were worth more than 700 million lire. Proceeds of liquidated property corresponded to 510 million lire, whereas 188 million assets had been released. Restitution of ‘small property’ happened in 494 cases. Yet these figures underestimated the global value of seized assets since they did not include property that had been nationalized. As a result, the government was able to pay war damages compensations (365 million lire).<sup>423</sup>

### *The Return of Germans*

At the same time, thanks to this ‘friendly’ attitude of Italian authorities, German firms and businessmen were able to recover their assets and rebuild commercial relations with Italy. Already in 1921, Theodor Mohwinckel together with other German and Italian partners founded the German-Italian Chamber of Commerce in Milan. In the interwar period, Mohwinckel also became the leader of the German community in Milan and played an important role in the resumption of trade relations between the two countries.<sup>424</sup> But diplomacy confirmed the positive trend in Italy. In the second half of 1924, the embassy in Rome informed its government that Germans managed to take control of the majority of industrial activities.<sup>425</sup> Likewise, the Association of German Citizens in Italy (*Verband der Reichsdeutschen in Italien*) led by Mohwinckel confirmed that ‘among the former enemy countries, Italy is the one that caused the least difficulties for the repatriation of the German colonies. The majority of Germans who lived in Italy therefore immediately returned after the end of the war with the aim to rebuild their prewar existence.’ As the association added, however, the economic recovery faced some difficulties. ‘Some of the Germans were successful in the repurchase of their former property. Almost without exception, however, they had to make debts, [...] not rarely compromising [the economic recovery] partly or altogether. Other Germans are still struggling to buy back their seized property, while still others, whose property has already ended up in other hands through liquidation, are trying

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<sup>423</sup> AST, Archivio Igino Brocchi (1914-1931), b. 28, fasc. 261, State Accounting Office (*Ragioneria dello Stato*) to Igino Brocchi, 6 Jul. 1927.

<sup>424</sup> On Theodor Mohwinckel, see his biography on <https://www.undaradio.com/th-mohwinckel/>. See also Maria Speier, *Das Deutschtum in Italien* (Innsbruck, 1934), pp. 100–2, and Elena Raponi, “La Comunità Tedesca a Milano Tra Otto e Novecento. Il Fondo Disperso Della Biblioteca Del ‘Deutscher Sprachverein in Mailand,’” *Archivio Storico Lombardo* 13 (2008), pp. 278–81.

<sup>425</sup> PAAA, R 73007, Prittwitz to Grünau, 12 Sep. 1924.

to take advantage of their experiences often gained as representatives of German companies.<sup>426</sup>

Throughout the 1920s, many German-speaking communities were able to resume their activities. For instance, the evangelical communities in Rome, Florence, Naples, Genoa, Rapallo, San Remo, Naples, Livorno, Salerno, Palermo, Turin, Bologna, and Venice were given churches and other assets back,<sup>427</sup> and in the next years, they resumed their caritative and hospital action, too.<sup>428</sup> Something similar happened to the scientific and cultural institutions in Rome, Florence, and Naples. In the aftermath of the war, for example, some intellectuals requested to confiscate the book collection of the German Archeological Institute in Rome in order to donate it to the Italian institution.<sup>429</sup> Committed to ‘artistic nationalism’, Ogetti was a vocal supporter of the Italianization of all scientific institutions which operated in Rome.<sup>430</sup> Also, Corrado Ricci, a writer and art historian who worked at the Ministry of Education for more than a decade, was committed to nationalize private artwork collections (such as that owned by Ludwig Pollak) and book deposits of German scientific and cultural institutions.<sup>431</sup> In 1921, the Department of Fine Arts of the Ministry of Education was eager to confiscate all historical, artistic, or archeological property with relevant value.<sup>432</sup> Some years later, the same body managed to use confiscated furniture to decorate consular and diplomatic residences.<sup>433</sup> Yet some other Italian scholars did not share similar purposes and claimed the need to rebuild scientific and academic cooperation with Germany. After several months of negotiations, thanks to the role of the philosopher

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<sup>426</sup> PAAA, R 73008, Association of German Citizens in Italy to Finance, 18 Feb. 1925. On the economic recovery of Germans in Italy, see also “Der Zusammenschluß der Auslandsdeutschen in Italien,” *Auslandswarte*, 4, 12 (1924), p. 209, and “Deutschland und Italien,” *Auslandswarte*, 5, 4 (1925), p. 106.

<sup>427</sup> PAAA, R 72994, Berenberg-Gossler to Ministry of Foreign Affairs, 12 May and 23 Jul. 1921.

<sup>428</sup> For the case of the evangelical community in Rome in the 1920s, see Julia Reiff, “‘Ja, sie hat, bei all ihrer Kleinheit, [...] eine weltgeschichtliche Aufgabe’. Die deutsche evangelische Auslandsgemeinde in Rom 1926-1949”, in *Evangelisch und deutsch?*, pp. 225–7, and Ernst Schubert, *Geschichte der deutschen evangelischen Gemeinde in Rom 1819 bis 1928* (Leipzig: Verlag des Centralvorstandes des Evangelischen Vereins der Gustav Adolf-Stiftung, 1930), pp. 262–78.

<sup>429</sup> For the resolution passed by the *Accademia dei Lincei* in 1920, see *Accademia dei Lincei. Resoconti*, 49 (1920), p. 48.

<sup>430</sup> See his article “La Germania giù dal Campidoglio,” *Corriere della Sera*, 27 Sep. 1919.

<sup>431</sup> On the story of Ludwig Pollak, see Hans von Trotha, *Le ultime ore di Ludwig Pollak* (Palermo: Sellerio, 2022).

<sup>432</sup> Circular of the Department of Fine Arts of the Ministry of Education to Superintendencies, 20 May 1921, in [http://www.14-18.it/documento-manoscritto/ASPMV\\_GGB6F201\\_02/001?search=37a6259cc0c1dae299a7866489dff0bd&searchPos=1](http://www.14-18.it/documento-manoscritto/ASPMV_GGB6F201_02/001?search=37a6259cc0c1dae299a7866489dff0bd&searchPos=1).

<sup>433</sup> Department of Fine Arts of the Ministry of Education to Superintendency of Venice, 12 Jun. 1925, in [http://www.14-18.it/documento-manoscritto/ASPMV\\_GGB6F205/001?search=37a6259cc0c1dae299a7866489dff0bd&searchPos=11](http://www.14-18.it/documento-manoscritto/ASPMV_GGB6F205/001?search=37a6259cc0c1dae299a7866489dff0bd&searchPos=11).

Benedetto Croce, in October 1922, the Italian government released those assets and allowed many of those institutions to resume their activity.<sup>434</sup>

According to Italian censuses, German citizens came back to the country quite soon. While in 1921 their presence on Italian soil (except for the new provinces) was lower than before the war (4,790),<sup>435</sup> in the early 1930s, the number of German residents almost doubled (8,994).<sup>436</sup> Even though it was slightly lower than in the pre-war census, the small German community was nearly wholly rebuilt and renewed.<sup>437</sup> In addition to that, during the interwar period, the tourist flow of Germans to Italy grew rapidly again, so much so that they became the leading group of foreign visitors compared to the British and French.<sup>438</sup>

Thanks to the improvement of the diplomatic relations between the states in the second half of the 1920s,<sup>439</sup> Italy and Germany solved the issue of private property in Italy through a bilateral agreement in September 1927. Following the French example, both states regulated several financial controversies deriving from the war, including the fate of unliquidated assets. In the settlement, the Italian government gave up the right to liquidate German assets and released those that had not been yet liquidated. In addition to that, Italy conceded to return some possessions which had been already liquidated to their former owners. Overall, 57 German citizens benefited from this concession. Germany acknowledged the nationalization of some assets such as villas, art collections, firms, and so on. The list of the latter was nearly identical to that of July 1922 but also included the villa of D'Annunzio and the art collection previously owned by Henry Thode.<sup>440</sup> Later, in January

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<sup>434</sup> Arnold Esch, "Die Lage der deutschen wissenschaftlichen Institute in Italien nach dem ersten Weltkrieg und die Kontroverse über ihre Organisation: Paul Kehrs 'Römische Mission' 1919/1920," *Quellen und Forschungen aus italienischen Archiven und Bibliotheken* 72 (1992), pp. 314–73. One exception was the Zoological Station in Naples which Anton Dohrn had founded in 1870s and that became a public institution in the early 1920s under the direction of one of Dohrn's sons.

<sup>435</sup> *Censimento della popolazione del regno d'Italia al 1° dicembre 1921. Relazione generale*, vol. 29 (Roma: Provveditorato generale dello stato, 1928), p. 276.

<sup>436</sup> *VII Censimento generale della popolazione, 21 aprile 1931: Relazione generale*, vol. 4 (Roma: Provveditorato generale dello stato, 1933), p. 285. Including those foreigners who did not have the residence in Italy, the number increased up to 21,585.

<sup>437</sup> Speier, *Das Deutschtum*, pp. 114–6.

<sup>438</sup> Speier, *Das Deutschtum*, pp. 100–2.

<sup>439</sup> Krüger, *Die Außenpolitik*, pp. 333–5, 407–8. On the relations between Italy and Germany, see Federico Scarano, *Mussolini e la Repubblica di Weimar. Le relazioni diplomatiche tra Italia e Germania dal 1927 al 1933* (Napoli: Giannini, 1996).

<sup>440</sup> The text of the agreement is in PAAA, R 73010. For the diplomatic negotiations, see Friedrich Wilhelm von Prittwitz und Gaffron, *Zwischen Petersburg und Washington: ein Diplomatenleben* (München: Isar Verlag, 1952), pp. 156–7.

1930, after the signing of the Young Plan, Italy agreed to provide a special fund of 5 million lire from the proceeds of the liquidation of German assets as compensation for the victims of economic persecution.<sup>441</sup>

### *The Effects of Economic Nationalism*

However, not all Germans who resided in Italy before the war could come back. Many mansions in Tuscany, Liguria, or the Garda Lake were acquired by Italians or other foreigners.<sup>442</sup> The efforts to exclude foreigners, especially foreign capital from the hotel industry, dated back to the beginning of the century. After the war, nationalist activists and local economic interests seized the opportunity of the liquidation of enemy property to reach their goal.<sup>443</sup> Representatives of the hotel industry urged authorities to prompt the exclusion of ‘enemy’ capital from the touristic sector in the regions of Garda and Como Lakes as well as in the South Tyrol.<sup>444</sup>

The case of Villa del Cagnacco in Gardone Riviera, a town on Garda Lake, was probably the most famous. In 1910, the German art historian Henry Thode (1857-1920) bought it and some land parcels close to that and moved there with his artworks and book collections (including personal possessions belonging to his first wife, Daniela von Bülow, and second wife, the Danish violinist Herta Tagner). Once the war broke out, Thode together with Tagner left Italy for Denmark, but it was only in July 1918 that the prefect of Brescia sequestered the villa with the furniture. Although Thode could hardly be classified as an enemy, his assets became the target of the nationalist campaign to ‘Italianize’ the region of Lake Garda and Como. In late 1920, some friends and collaborators of Gabriele D’Annunzio—the poet who led the military expedition to Fiume—suggested he rent the house after the end of the occupation of the city. In February 1921, benefiting from the

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<sup>441</sup> *Die Beschlagnahme, Liquidation und Freigabe* (1930), p. 112. For the distribution of that sum, see “Verteilung der italienischen Liquidationsüberschüsse,” *Auslandswarte*, 11, 7 (1931), pp. 88–9, “Verteilung der italienischen Liquidationsüberschüsse,” *Auslandswarte*, 11, 8 (1931), p. 100, and “Verteilung der italienischen Liquidationsüberschüsse abgewickelt,” *Auslandswarte*, 12, 1-2 (1932), p. 19.

<sup>442</sup> See lists of sold property sent by German consuls: PAAA, R 73006, Schmidt (Milan) to Ministry of Foreign Affairs, 17 May 1924, Prittitz to Ministry of Foreign Affairs, 27 Aug. 1924, and Neurath to Ministry of Foreign Affairs, 18 Nov. 1924; R 73007, Neurath to Ministry of Foreign Affairs, 23 Feb., 11 May, 7 Jul., 19 Oct. and 12 Nov. 1925; R 73008, Neurath to Ministry of Foreign Affairs, 28 Jan. 1926; R 73010 Neurath to Ministry of Foreign Affairs, 12 Feb. 1927.

<sup>443</sup> See documents in ACS, PCM, b. 130 bis, fasc. «Beni di sudditi tedeschi sulla riviera di Garda (Brescia)» and f. «Beni dei sudditi nemici nella riviera del Garda».

<sup>444</sup> Angelo Mariotti, “La politica alberghiera italiana sul Garda e nell’Alto Adige,” *Le vie d’Italia*, 27, 1 (1921), pp. 661–3.

special treatment of local authorities, the Italian poet moved to Villa del Cargnacco. The Ministry of Trade agreed to rent the mansion at 600 lire per month (instead of 1,000, as originally planned), including the furniture and all personal assets of the Thode family. But the house became a matter of dispute between D'Annunzio and the former owners. After Thode died in late 1920, his widow sought to take their property back by leveraging her Danish origin. To this end, in 1921, Herta Tagner came to Italy and personally met D'Annunzio, who apparently promised to return her property. In the next months, however, fearing that the widow could take the villa back, D'Annunzio endeavored to acquire it, whereas Tagner got in touch with Italian politicians (such as the socialist Claudio Treves, Rodolfo Grandi, or the grandson of the former Prime Minister Zanardelli) and German diplomacy. After some months of hesitation, thanks to the role of Bortolo Belotti, the liberal-conservative minister of Trade who granted the Italian poet special treatment, in November 1921, D'Annunzio managed to buy the villa including furniture, art, and book collections at a very low price (360,000 lire, a price that was far below its market value). Furthermore, because the poet did not have enough money, the Banco di Roma lent him the sum that D'Annunzio never repaid.<sup>445</sup> As the socialist newspaper *L'Avanti!* wrote, 'the story of the poet's villa has a moral. It says that stealing for the homeland is a duty.'<sup>446</sup> In the same period, however, the poet did not miss the opportunity to recall the importance of the Italianization of the region. 'Lake Garda, as he wrote in August 1921, already enslaved at its apex and barbarized for most of its western bank, is remade by the war as totally Italian.'<sup>447</sup> In December 1923, the poet donated the villa to the state, which gave him the right to live there until his death. Tagner's efforts to get his assets back failed. Only at the end of the 1930s, the widow received a small amount of money from the Italian government as compensation for the losses. Once D'Annunzio passed in 1938, his house became the *Vittoriale degli Italiani*, a museum dedicated to his life.<sup>448</sup>

After the rise of fascism, the redistribution of seized enemy assets was also aimed at benefiting certain social groups, such as war veterans, who were politically close to the re-

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<sup>445</sup> For the history of the Villa del Cargnacco and D'Annunzio, see Mario Bernardi, "Storia del Vittoriale. Come D'Annunzio comprò la Villa di Cargnacco," *Quaderni del Vittoriale* 20 (1980), pp. 5–30, Paolo Alatri, *Gabriele D'Annunzio* (Torino: UTET, 1983), pp. 492–4, and Maurizio Serra, *D'Annunzio le Magnifique*, (Paris: Bernard Grasset, 2018), pp. 538–41. For the role of Bortolo Belotti, see Ivano Sonzogni, "Gabriele D'Annunzio, Bortolo Belotti e il Vittoriale degli Italiani," *Quaderni Brembani* 1 (2002), pp. 74–79.

<sup>446</sup> "La villa del patriota," *L'Avanti!*, 12 Aug. 1921.

<sup>447</sup> See the letter of D'Annunzio, 21 Aug. 1921, in *L'Ardente*, Sep. 1921.

<sup>448</sup> See letters of Herta Tager to German diplomacy, in PAAA, Rom (Quirinal), 1255 c.

gime. Unsurprisingly, since 1923, their association was charged with the administration of seized assets. In some cases, local sections could also benefit from the redistribution of land estates Germans or Austro-Hungarians previously owned.<sup>449</sup> The right to liquidate enemy property was also instrumental in reshaping the national composition of newly acquired territories. In the 1920s, the treatment of private property belonging to German citizens residing in the new provinces annexed by Italy, South Tyrol, and Friuli-Venezia-Giulia (especially in the city of Trieste), raised several controversies. In those regions, although German citizens were small groups (2,774 in the South Tyrol, and 794 in the eastern regions), the Italian state stubbornly sought to dispossess them by violating the peace treaty provisions that did not authorize Italy to confiscate German property in areas ceded by other states. Those regions, indeed, had been part of the Habsburg Empire. Driven by securitarian concerns over the sovereignty of new territories, both liberal and fascist leadership feared that German citizens could cause diplomatic intervention from their state and international organizations. After almost one decade, Italy adopted two different strategies to deal with that issue. In Trieste, German citizens succeeded in getting Italian naturalization and then saving their assets from persecution. Thanks to the role played by local economic and political circles (including the local fascist party), Italian authorities accepted to integrate Germans within the national community and thus renounced dispossessing them. On the contrary, given the tension with the local German-speaking community in South Tyrol, the local and central authorities took a different path. Reich citizens were prevented from being naturalized and were forced to leave the region. In the end, after long-lasting negotiations and thanks to the mediation of the German-Italian MAT, in October 1926, Italy reached an arrangement with those citizens, who agreed to lose all their assets and be compensated with a lump sum.<sup>450</sup>

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<sup>449</sup> For the cases of Albarese and Badiola, two estates in Tuscany owned by the Habsburg family, see ACS, PCM, b. 130, fasc «Tenute Alberese e Badiola nel Grossetano».

<sup>450</sup> Cristiano La Lumia, "Nemici di guerra in tempo di pace. Le proprietà tedesche nelle nuove province italiane dopo la grande guerra (1918-1927)," *Studi Storici* 63, 3 (2022), pp. 643–74.

## 2.5 Belgium

### *Germans in Belgium before 1918*

According to the 1910 census, at least 57,000 German citizens lived in Belgium. However, the size of the German-speaking community was likely bigger since authorities did not include thousands of individuals of German ancestry who were stateless or got naturalization. The presence of Germans in Belgium dated back to several decades before the outbreak of the war. Especially in the 19<sup>th</sup> century, thanks to its liberal policies on immigration and business of foreigners, Belgium became a destination for countless German merchants and businesspeople and attracted large investments from the German Empire. According to Fritz Fischer, the amount of German capital invested into Belgian commercial houses was around 160 million marks. But investments were particularly strong in the banking system, the mining industry, and the import-export sector. Antwerp, that was the largest port in Belgium, was a crucial hub for the German trade since 8.8% of its exports and 5.8% of its imports passed through there. Financial and trade relations bound the two countries and created a favorable environment for foreigners who could easily integrate into local society. For example, in Antwerp the population of German origin corresponded to 10% of the inhabitants.<sup>451</sup>

The German invasion marked a turning point that disrupted that situation. In the months following the outbreak of the war, the large German-speaking community suffered the persecution of Belgian authorities. In August 1914, the Belgian state interned 587 individuals and expelled a larger number. In those weeks, however, many Germans spontaneously left the country for fear of the military operations and the violence of popular anti-German riots that occurred in the first weeks after the invasion of the country.<sup>452</sup> On September 18, 1914, the Belgian government also issued a decree on the seizure of enemy assets but the provision remained dead letter due to the military occupation of the country.<sup>453</sup> It was only after the defeat of Germany that the Belgian authorities persecuted enemy subjects on a broad scale. As soon as the German army left Belgium, a wave of popular riots

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<sup>451</sup> Fischer, *War of Illusions*, pp. 326–9.

<sup>452</sup> Frank Caestecker, and Antoon Vrints, “The National Mobilization of German Immigrants and Their Descendants in Belgium, 1870-1920,” in Panayi, ed., *Germans as Minorities*, pp. 130–3.

<sup>453</sup> Pierre-Alain Tallier, ‘Milliard de francs supplémentaire pour le finances publiques? La mise sous séquestre et la liquidation des biens appartenant à des ressortissants des nations ennemies après la Première Guerre



against the so-called *boches* (Germans, Austro-Hungarians, or any other individual of enemy origin) and ‘collaborationists’ occurred throughout the country.<sup>454</sup> In October 1918, the socialist minister of Justice Émile Vandervelde passed a series of measures against Germans, such as expulsions, internment, and revocation of nationality given to enemy subjects after August 1914.<sup>455</sup> The economic persecution started the day before the signing of the armistice.

### *Postwar Persecution*

On November 10, 1918, the government issued a royal decree sequestering private property belonging to Germans, Austro-Hungarians, Turks, and Bulgarians. Following the French model, local courts were responsible for the administration of those assets under the supervision of the Ministry of Justice. Furthermore, all Belgians were obliged to disclose information regarding enemy assets. As for procedural rights, only Belgians and citizens of Allied or neutral states were entitled to appeal judicial decisions, while enemy owners were deprived of such faculty. As the decree declared, sequestration was intended to preserve enemy property and interests, while courts could liquidate frozen assets only exceptionally.<sup>456</sup> Some weeks later, however, the government explained the rationale for the measure. As a circular of the Ministry of the Economy stated, such measures were aimed ‘at preserving these assets and interests, not for the benefit of the sequestered persons, but solely in view of the constitution, for the benefit of the nation, of a sort of collective pledge’ to be for the reparations.<sup>457</sup> As two prominent Belgian lawyers summarized, the goal of the Belgian government was ‘to have one more weapon at the Peace Conference.’<sup>458</sup>

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mondiale’ in Michel Dumoulin and Catherine Lanneau, eds., *La Belgique et les traités de paix: De Versailles à Sèvres (1919-1920)* (Bruxelles: Académie royale de Belgique, 2021), p. 320.

<sup>454</sup> Laurence van Ypersele, ‘The Media and the Transition from War to Peace. The Role of the Media in the Popular Violence of November 1918, Belgium’, in Christoph Cornelißen and Marco Mondini, eds., *The Mediatization of War and Peace: The Role of the Media in Political Communication, Narratives, and Public Memory 1914-1939* (Boston: De Gruyter Oldenbourg, 2021), pp. 147–57.

<sup>455</sup> Caestecker, and Vrints, “The National Mobilization,” pp. 140–3.

<sup>456</sup> *Moniteur belge*, 12–13 Nov. 1918.

<sup>457</sup> ‘Circulaire aux procureurs généraux concernant la gestion des biens et intérêts ennemis placés sous séquestre’, *Moniteur belge*, 19 Mar. 1919, p. 1056. See also Tallier, ‘Milliard de francs supplémentaire’, pp. 321–3, Fernand van Langenhove, *L’Action du Gouvernement Belge Matière Economique pendant la Guerre* (Paris: Presses Universitaires de France, 1927), pp. 180–2.

<sup>458</sup> Léon Raquez, Maurice de Wée, and Albert Houtart, *La loi belge sur les séquestres: Commentaire de l’arrête-loi du 10 novembre 1918* (Bruxelles: Veuve F. Larcier, 1919), pp. 25–6.

Among members of the cabinet, there were divergences around the treatment of enemy property. The Ministry of Foreign Affairs and the Ministry of the Economy, led by Henry Jaspar, advocated for the immediate liquidation of all enemy assets without waiting for the peace negotiations. By contrast, Vandervelde together with the Ministries of the Colonies and Defense argued that confiscation was contrary to international law and hence the government had to wait. As a compromise, the cabinet assigned the supervision of enemy property to the Ministry of the Economy but confirmed the principle of preserving it.<sup>459</sup> Later, however, Jaspar ordered the courts to liquidate certain categories of assets (such as industrial and commercial activities)<sup>460</sup> and pressured the cabinet to pass a liquidation bill. But he faced the strong resistance of Vandervelde and other cabinet members.

Even after the signing of the peace treaty, the Belgian government was cautious about the liquidation. There were some reasons for this. Several cabinet members preferred to use enemy property in the diplomatic negotiations with Germany. The restitution of seized assets could be given as an exchange for the withdrawal of the 6 billion German marks that still circulated in Belgium. Furthermore, some members of the government were contrary to the confiscation because they feared the negative economic and financial impact it could have on the national economy. Due to the strong trade and financial interdependence between Belgium and Germany, the confiscation could provoke unintended negative consequences, especially for the Belgian economy. In addition to that, some of them were concerned about individuals who remained 'loyal' to the Belgian cause, such as stateless persons with German ancestry or married women of Belgian origin, during the war.<sup>461</sup> Indeed, many of them could hardly be regarded as enemies. Unsurprisingly, in the matter of expulsion, Vandervelde took a more flexible approach exempting certain categories for political and humanitarian reasons (such as 'stateless Germans', the elderly, or the missionaries).<sup>462</sup>

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<sup>459</sup> Tallier, 'Milliard de francs supplémentaire', pp. 324–5.

<sup>460</sup> See notes of complain sent by the German delegation at the armistice commission, in BArch, R 904/738, Erzberger to Wils (Belgian delegation), 25 Mar. 1919.

<sup>461</sup> Ivi, pp. 325–7.

<sup>462</sup> Caestecker, and Vrints, "The National Mobilization", pp. 143–5.

The decision to carry on a general confiscation of enemy property came in January 1920. Due to the stalemate of the negotiations with Germany on the withdrawal of German marks from Belgium, the cabinet presented a bill to liquidate all German assets. Significantly, by adopting a legalistic notion of citizenship, the bill contained many provisions to limit the undesired effects of liquidation on families who were supposed to be ‘loyal’ and well-integrated into the local society. According to the government’s proposal, liquidation touched enemy subjects with several exceptions: stateless Germans, former enemy citizens who acquired Belgian or other nationality when the peace treaty entered into force, and women married to German nationals before 1914. Also, Germans who had served the Belgian army, or whose behavior had been loyal to Belgium during the occupation benefited from restitution. Furthermore, enemy assets that Belgians were supposed to heir were exempted from confiscation. Finally, personal belongings with no economic value should have been given back to former owners.<sup>463</sup>

Yet the proposal upset most contemporary observers. From that moment on, there was a fierce debate in the parliament and public opinion on the opportunity of pursuing liquidation. Apart from the United States, no country publicly debated the liquidation of German assets before passing a law more than Belgium. On the one hand, some prominent Brussels-based lawyers strongly criticized the decision to confiscate enemy property. In February 1920, one of the most relevant legal journals in Belgium, the *Journal des Tribunaux*, published an anonymous letter sent by a lawyer who had been appointed administrator of some German assets in Brussels. According to the letter, as soon as the government proposed to liquidate enemy assets, he resigned for conscientious objection because he considered the confiscation illegitimate and contrary to fundamental legal principles.<sup>464</sup> For over a year, the journal published several articles criticizing the bill and the stance of the parliamentary majority. In January 1921, the Brussels Bar Association released a circular asking lawyers to resign as administrators of seized assets for deontological reasons.<sup>465</sup> Two Brussels lawyers, Léon Hennebicq and Fernand Passelecq, were the fiercest foes of liquida-

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<sup>463</sup> Tallier, “Milliard de francs supplémentaire,” p. 327.

<sup>464</sup> “Les avocats et le séquestre des biens ennemis. Un cas de conscience,” *Journal des Tribunaux*, 8 Feb. 1920.

<sup>465</sup> PAAA, R 70373, German embassy in Brussels to Ministry of Foreign Affairs, 12 Jan. 1921. See also “Le régime des séquestres,” *Le XXe Siècle*, 3 Feb. 1921, and “Les Séquestres et le Barreau,” *Journal des Tribunaux*, 3 Apr. 1921, pp. 211–3.

tion.<sup>466</sup> Adopting a legalistic approach, confiscation was not only contrary to international law. As Hennebicq argued, it was unacceptable that Belgium, a country that had been the victim of a blatant crime (such as the German invasion), responded to that by breaking international law. Other authors also stressed the contradiction between the aspiration for a new international system based on the rule of law on a global scale and the application of ‘barbaric’ methods (such as the liquidation of private assets without compensation).<sup>467</sup> According to German sources, some senior judges and royal prosecutors (such as the General Prosecutor at the Supreme Court) were also contrary to the liquidation measures.<sup>468</sup> In addition to legal concerns, many in private business circles were also skeptical about the agenda of economic nationalism. Even the Association of Belgian Industrialists feared that liquidation could result in a ‘complete break with Germany’, provoking serious damages to trade.<sup>469</sup>

Efforts to prevent, or at least mitigate, the dispossession of Germans were unsuccessful. Large segments of the population and the majority of the parliament endorsed the economic persecution of Germans. Nationalism and xenophobia were spread among all political parties and newspapers,<sup>470</sup> and also prominent political personalities supported the liquidation. For instance, the socialist jurist Henri Rolin asserted that, after the Treaty of Versailles, international law recognized the principle of joint liability and hence the distinction between private property and state responsibility was groundless.<sup>471</sup> Such a position influenced the debate on the cabinet’s bill. The parliamentary committee changed the text of the proposal introducing more restrictive measures. In particular, the committee removed most of the exceptions for stateless persons of German origin or those who acquired neutral citizenship and adopted more stringent provisions for Belgian-born women who were

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<sup>466</sup> “Contre la Liquidation des Biens ennemis,” *Journal des Tribunaux*, 6 Mar. 1921, pp. 146–7, and Fernand Passelecq, “Contre la confiscation de la propriété privée ennemie séquestrée,” *Journal des Tribunaux*, 13 Mar. 1921, pp. 162–7.

<sup>467</sup> “Lettre de M. Magnette,” and G. Quetelet, “Contre la confiscation de la propriété privée ennemie,” *Journal des Tribunaux*, 3 Apr. 1921, pp. 215–20.

<sup>468</sup> BArch, R 2/730, Otto Landsberg to Ministry of Foreign Affairs, 9 Jun. 1921.

<sup>469</sup> PAAA, R 70373, notes on Industry and Commerce Council in Belgium, 16 Jan. 1921.

<sup>470</sup> PAAA, R 70373, Riess (?) to Kempff (Ministry of Foreign Affairs), 1 Apr. 1920 and BArch, R 2/730, *Vereinigung Deutsch-Belgischer Flüchtlinge zu Köln* to Chancellor Fehrenbach, 15 Jul. 1920. See for instance “La Liquidation des Biens ennemis,” *Indépendance Belge*, 26 Feb. 1921.

<sup>471</sup> “Lettre de M. Léon Hennebicq à M. Henri-A. Rolin,” *Journal des Tribunaux*, 3 Apr. 1921, p. 215.

married to enemy nationals.<sup>472</sup> Furthermore, the committee rejected all attempts by Vandervelde and other cabinet members to mitigate the liquidation.<sup>473</sup>

In the end, after months of negotiations with the executive, the parliament passed the law almost unanimously. The German ambassador Otto Landsberg, a prominent leader of Social Democrats, noted that dissenting voices came only from two distinguished Catholic lawmakers while socialist parties were *de facto* aligned with nationalist, liberal, and conservative forces.<sup>474</sup> At the Chamber of Deputies, in particular, Charles Woeste—a longtime politician with German ancestry—declared that the bill was contrary to his ethics because it violated fundamental principles of international law and Belgian constitutional law.<sup>475</sup> However, such an opinion, based on a mix of moral and legal concerns, found little support within the parliament. On the contrary, according to the supporters of the confiscation, the unique nature of the ‘total war’ based on the clash of entire peoples was enough to legitimize harsher measures against property rights. Furthermore, Belgium was morally entitled to confiscate German property as a retaliation for the mistreatment of Belgian citizens. By liquidating private assets, the Belgian state could also obtain resources to compensate its nationals for the losses. Just a few days after the Chamber of Deputies passed the law, the liberal statesman Paul-Emile Janson expressed his satisfaction with the decision of the parliament. The confiscation was not only legitimate from a legal point of view. According to Janson, it could be instrumental in strengthening the Belgian economy in some strategic sectors (such as heavy industry) and guaranteeing national security against the German methods of ‘camouflage.’<sup>476</sup> Also in Belgium, economic nationalism, xenophobia, anti-German feelings, and worries about national security were strictly entangled, and found a large support among political parties, institutions, newspapers, and private interests.<sup>477</sup>

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<sup>472</sup> “Projet de loi sur le séquestre e la liquidation des biens ennemis,” Chambre des Représentants, session 1919-1920, n. 350, Séance du 12 juin 1920.

<sup>473</sup> “Comment se fera la liquidation des biens ennemis?,” *La Nation Belge*, 16 Feb. 1921.

<sup>474</sup> BArch, R 2/730, Otto Landsberg to Ministry of Foreign Affairs, 9 Jun. 1921.

<sup>475</sup> Chambre des Représentants. *Annales Parlementaire*, Session 1920-1921, séance du 14 avril 1921, pp. 1021–2.

<sup>476</sup> Paul-Emile Janson, “Biens Allemandes,” *Le Soir*, 18 May 1921.

<sup>477</sup> See also sessions of April 19, 20, 26 and May 4, 1921 at the Chamber of Deputies, while the sessions of July 5 and 6, 1921 for the debate at the Senate.

The Belgian law followed the French model. Courts supervised the administration of confiscated property and the sale procedure, while the government was entitled to acquire assets before being sold at auctions. Parliament also clarified once and for the rules determining who should be regarded as a German citizen. The law contained two key ideas. Firstly, reversing the government's initial proposal, the parliament adopted a broader notion of citizenship based on national origin rather than strictly legal status. Thus, an enemy citizen was each individual who had possessed the German nationality 'at any time' (Article 2). By doing so, stateless Germans and those who acquired neutral citizenship were considered enemies to be dispossessed unless they had proven the loss of German citizenship in legal and substantive terms. Demonstrating it would have been much more challenging and uncertain, whereas authorities and courts were free to classify enemies at their convenience. The other crucial aspect of the determination of nationality concerned individual behavior during the war. As a general rule, only a pro-Belgian stance could persuade authorities or courts to adopt a special treatment, whereas national origin or indifference were not sufficient criteria. As a matter of fact, any exception or special treatment depended upon a severe investigation of the conduct of individuals during the military occupation of Belgium. Therefore, assets belonging to women married to German people, or heirs having Belgian nationality could be released on the condition that they had proved loyalty to the Belgian cause (Article 4). The same was true for provisions regarding the liberation of personal belongings with no economic value. Assets such as furniture or items having a 'sentimental value' could be returned up to 25,000 Belgian francs only provided that the owners had not been 'collaborationists' (Article 6). Consequently, everyone who had served the Belgian army during the war could be exempted from liquidation.<sup>478</sup> Eventually, instead of playing a moderating role, the legislative power radicalized the anti-German persecution seeking to confiscate as much property as possible.<sup>479</sup>

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<sup>478</sup> 'Loi sur le séquestre et la liquidation des biens des ressortissants allemands,' *Moniteur belge*, 23 Nov. 1921, pp. 10530–4.

<sup>479</sup> Caestecker, "Private Property or Enemy Property", pp. 231–3. For the comments on German side see Heinrich W. Herold, "Deutsches Eigentum in Belgien," *Auslandswarte*, 3, 5 (1922), pp. 35–6, and Hans Krüger et al., eds., *Die Beschlagnahme, Liquidation und Freigabe* (1924), pp.152–6. See also Maurice de Wée and Albert Houtart, *Le séquestre et la liquidation des biens allemands en Belgique (Loi du 17 novembre 1921)* (Bruxelles: F. Larcier, 1922).

In addition to this, in May 1922, the parliament passed a new citizenship law that also contained provisions relating to the liquidation procedures.<sup>480</sup> Firstly, the parliament prevented individuals whose country of origin allowed dual citizenship from being naturalized. The rationale of such a provision was to hinder the naturalization of Germans, avoiding the risk of another ‘silent invasion’ in the country.<sup>481</sup> In the following years, courts scrutinized more severely the naturalization applications, especially for those coming from Germany. In many cases, even adopting fallacious motivations from the legal point of view, applications were rejected.<sup>482</sup> More importantly, for three years after the approval of the law, courts were authorized to denaturalize individuals who had acquired Belgian nationality if they proved to be disloyal during the war. The parliament regarded that provision as a ‘war lesson.’ Like Great Britain or France, denaturalization was aimed at persecuting former Germans, whereas the original proposal of including Belgians by birth had been set aside.<sup>483</sup>

According to Frank Caestecker, only 60 individuals of German origin had their Belgian naturalization revoked because of their ‘treason’.<sup>484</sup> One of them was Emilie (Elly) Freya Grah, née Helbert. Born in 1857 to a German-British family living in Hamburg, she married Hans Wilhelm Grah, a Reich citizen who had emigrated to Belgium in the 1870s. Since he obtained the Belgian naturalization in 1897, she also acquired his nationality. At the end of the war, her husband died, but Grah remained a Belgian national and was also compensated for war damages by the Belgian state. Yet, following a complaint of false declaration, in 1923, the court of Liege deprived Mrs. Grah of Belgian nationality since her husband was supposed to have kept his German citizenship. In addition to that, the court argued that he had been a ‘collaborationist,’ since her husband controlled a weapons factory and cooperated with the German army. Driven by the suspicions and the punitive spirit, the judge also ruled that Grah betrayed her ‘adoptive homeland’ because of her behavior during the occupation. Consequently, the court put her assets under sequestration. She

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<sup>480</sup> ‘Loi du 15 mai 1922 sur l’acquisition et la perte de la nationalité,’ *Moniteur belge*, 25 May 1922. Cf. Frank Caestecker, “La législation belge relative à la nationalité, 1918-1984,” in *Devenir Belge: histoire de l’acquisition de la nationalité belge depuis 1830* (Mechelen: Wolters Kluwer, 2016), pp.41–51.

<sup>481</sup> Robert Standaert, *De l’indigénat en Belgique: commentaire de la loi du 15 mai 1922* (Bruxelles: Bruylant, 1923), pp. 69–74.

<sup>482</sup> Caestecker, “La législation belge,” pp. 55–6.

<sup>483</sup> *Ivi*, pp. 114–9. See also Caestecker, “La législation belge,” pp. 42–3.

<sup>484</sup> Caestecker, “La législation belge,” p. 43.

launched a lawsuit against that ruling, but other courts confirmed that decision.<sup>485</sup> Even though Emilie Grah had never possessed German citizenship (since she was born as a British subject), the judiciary considered her an enemy national. The old woman suddenly became penniless. In April 1927, the Supreme Court confirmed the confiscation of her property, consisting of an elegant house, savings, shares, and personal belongings worth over 400,000 Belgian francs. Also, the War Damage Tribunal forced the widow to return the sum she received as compensation.<sup>486</sup> Despite her attempts to reverse the decisions, the Belgian state deprived her of all assets and thus forced her to come back to Germany.<sup>487</sup> In the early 1930s, the woman tried to get part of her personal belongings back but with no success. However, after she died in 1935, her heirs did not surrender. In 1941, the German military occupation authorities demanded that the Belgian state admit the judicial error and return them the proceeds from the sale (consisting of 600,000 francs). However, the issue remained unresolved until 1946-47 when the Belgian state opted for selling her assets that were still under the control of the authorities. Her file was definitely closed in 1970 when the last lot of shares was liquidated.<sup>488</sup>

Despite the triumph of hardliners, the implementation of the liquidation went very slowly. Primarily, the text of the law was published six months later after the definitive approval of the parliament.<sup>489</sup> As a matter of fact, before liquidating German assets, the Belgian government sought unsuccessfully to settle the issue of German marks in Belgium. In the meantime, nationalist circles and newspapers urged the government to fasten the sale procedures.<sup>490</sup> German unwillingness to find a compromise was determined, despite pressures coming from private companies and other victims of losses.<sup>491</sup> Yet after the publication, the sale process proceeded slowly. One of the main causes of the delay was the number of appeals filed by former owners. Notwithstanding that dispossessed Germans were mainly prevented from returning to Belgium,<sup>492</sup> the majority were able to bring civil

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<sup>485</sup> “Elly Helbert c. Procureur du Roi,” *La Belgique Judiciaire*, 1926, pp. 377–81.

<sup>486</sup> See the decision on 14 Apr. 1927 in PAAA, R 70380.

<sup>487</sup> See the dossier in PAAA, R 70380.

<sup>488</sup> See her file in AGR, Ministerie van Financien. Administratie der Domeinen. Dienst van het Sekwester (Eerste WO). Reeks 7400, Dossier 7560.

<sup>489</sup> Tallier, ‘Milliard de francs supplémentaire’, p. 328.

<sup>490</sup> See diplomatic communications in PAAA, R 70375 and R 70376. Cf. articles on the newspapers such as “A propos de séquestres. A quand la liquidation?,” *La Métropole*, 20 Jan. 1922, or “Encore les séquestres,” *La Métropole*, 13 Feb. 1922.

<sup>491</sup> See letters and petitions in PAAA, R 70376 and R 70377.

<sup>492</sup> See news reported in *Nachrichtenblatt des Bundes der Auslandsdeutschen*, 2, 1 (1920), p. 7.



actions through family members, friends, or lawyers they got in touch with through victims' associations or diplomatic authorities. As a matter of fact, courts could not liquidate enemy assets until all legal disputes over confiscated assets were settled. In some cases, controversies over citizenship lasted for years.<sup>493</sup>

The government attempted to speed up the liquidation with little success in 1923,<sup>494</sup> and more effective only in September 1926 by easing sale procedures.<sup>495</sup> Albeit some cases of confiscation had already occurred in 1921,<sup>496</sup> liquidation law was formally extended to German property (mostly consisting of mining concessions given to enemy firms and banks' assets) in the Belgian Congo only in 1923.<sup>497</sup> Release of personal property was likewise quite delayed, though for different reasons.<sup>498</sup> In some cases, those assets could not be released because authorities had already liquidated them.<sup>499</sup> Otherwise, courts refused to release personal assets to persons suspected of having cooperated with the German troops during the war.<sup>500</sup> It was only in July 1929 that Germany and Belgium signed an agreement that put an end to the economic warfare and hence returned the unliquidated assets to Germans.<sup>501</sup> In most cases, these were assets difficult to resell on the market, and the Belgian government nationalized some of them before entering into force of the agreement. In sum, the effects of the restitution agreement were limited and did not change the outcome of the liquidation in social and economic terms.<sup>502</sup>

Another relevant aspect concerned the numerous scandals regarding the administration and sales of confiscated assets that emerged during the 1920s. According to German diplomacy, before the approval of the law in 1921, many sales took place illegally since they followed confidential procedures. When in 1927 a court declared those sales illegitimate, to avoid the risk of other appeals, the government intervened with an ad hoc measure that retroactively recognized their legitimacy.<sup>503</sup> Authorities generally underestimated

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<sup>493</sup> See for example the case of Leo Schoeller in BArch, R 901/90384.

<sup>494</sup> *Moniteur belge*, 13 Apr. 1923.

<sup>495</sup> *Moniteur belge*, 24 Sept. 1926. See also Tallier, 'Milliard de francs supplémentaire', p. 329.

<sup>496</sup> BArch, R 2/730, Hamburg section to center office of the *Reichsausgleichsamt*, 2 Apr. 1921.

<sup>497</sup> See the decree of the Ministry of the Colonies in *Moniteur belge*, 25 Aug. 1925. See also "Au Congo belge," *La Dépêche coloniale*, 29 Aug. 1923.

<sup>498</sup> PAAA, R 70376, *Bund der Auslandsdeutsche* to Ministry of Foreign Affairs, 24 Mar. 1922.

<sup>499</sup> PAAA, R 70376, German embassy in Brussels to Ministry of Foreign Affairs, 16 Nov. 1922.

<sup>500</sup> PAAA, R 70376, German embassy in Brussels to Ministry of Foreign Affairs, 30 Nov. 1923.

<sup>501</sup> Hans Krüger et al., eds., *Die Beschlagnahme, Liquidation und Freigabe* (1930), pp. 106–8.

<sup>502</sup> Cf. documents in PAAA, R 70378 and R 70379.

<sup>503</sup> Hans Krüger et al., eds., *Die Beschlagnahme, Liquidation und Freigabe* (1930), p. 105.

real estate value whereas movable property was often sold ‘from hand to hand.’<sup>504</sup> In the case of a German family living in Brussels, the lawyer that the court appointed as administrator put the furniture and many other personal items up for sale at low prices in front of their house.<sup>505</sup> Another blatant example concerned the possessions of Fritz Norden. Active as a lawyer in Brussels since 1903, during the war, Norden was targeted by a press campaign with anti-German and anti-Semitic tones due to his publications supporting the German invasion.<sup>506</sup> In the aftermath of the war, Norden left the country, and his personal belongings, including a large collection of books, were liquidated instead of being released.<sup>507</sup> Not only German sources reported such scandals. In 1922, Edmond Duysters, a lawyer who had been also a former Catholic lawmaker, was arrested and sentenced to 10 years of prison for misappropriation. Being the administrator of 25 enemy assets, indeed, Duysters stole 2.6 million Belgian francs instead of paying sums to the court.<sup>508</sup> Similar cases occurred elsewhere.<sup>509</sup> On many occasions, administrators received too high remunerations.<sup>510</sup> The case of the Catholic leader Henri Carton de Wiart revealed a conflict of interest at the highest political level. Before serving as prime minister in 1920-21, Carton de Wiart had been appointed administrator of several enemy assets in Brussels (including the German school). According to German reports, Carton de Wiart sold the building of the former German school to Catholic institutions, while some lawyers close to him were guilty of countless irregular activities.<sup>511</sup> Corruption played a relevant role in promoting the confiscation for two reasons. On the one hand, profiteers pushed the Belgian authorities to take a more rigid stance against enemy citizens invoking economic nationalism. However, the mismanagement diminished the proceeds of the state with fraud, sales at low prices, or other irregularities.

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<sup>504</sup> PAAA, R 70374, Germany embassy in Brussels to Ministry of Foreign Affairs, 21 May 1921, and Conze to Reconstruction, 3 Aug. 1921.

<sup>505</sup> PAAA, R 70374, Reconstruction to Ministry of Foreign Affairs, 23 Jun. 1921.

<sup>506</sup> Yasmina Zian, “L’Affaire Norden. Le ‘judéo-boche’ dans la presse belge (1914-1918),” *Les Cahiers de la Mémoire Contemporaine*, 12 (2016), pp. 223–56.

<sup>507</sup> PAAA, R 70380, Fritz Norden to Conte de la Faille, 10 Mar. 1924. See also “Ein Krasses Beispiel Belgischer Liquidationswillkür,” *Deutsche Juristen-Zeitung* 29, 7–8 (1924), pp. 292–3.

<sup>508</sup> “Le cas des séquestres,” *La dernière heure*, 10 Feb. 1922, and “Les Séquestres,” *L’Indépendance belge*, 10 Feb. 1922. See also R 70376, German consulate in Antwerp to Ministry of Foreign Affairs, 8 Sept. 1922.

<sup>509</sup> PAAA, R 70375, German embassy in Brussels to Ministry of Foreign Affairs, 21 Feb. 1922.

<sup>510</sup> Tallier, ‘Milliard de francs supplémentaire’, p. 335.

<sup>511</sup> BArch, R 2/730, Otto Landsberg to Ministry of Foreign Affairs, 9 Jun. 1921.

According to Belgian authorities, measures of sequestrations and confiscations affected 14,500 individuals and companies. But that figure refers only to the number of dossiers, not to the amount of property.<sup>512</sup> It is difficult to determine how much the confiscated property was worth. Estimates ranged from 700 million to over 1 billion Belgian francs.<sup>513</sup> Unfortunately, the Belgian administration provided data on enemy property value many months after the beginning of the sales. In August 1920, the amount of German property (corresponding to 95% of enemy assets) was estimated at 739 million Belgian francs. However, such figures underestimated the real value of many confiscated assets.<sup>514</sup> After one year of sequestering enemy assets, the proceeds of the sale were 156 million Belgian francs (December 1919),<sup>515</sup> and at the end of the 1920s, it corresponded to 687 million,<sup>516</sup> whose only 508 were considered sale profit. By contrast, at least 150 million were given back to former owners. The discrepancies between figures reveal the vagueness of estimates.

According to German calculations, more than half of those assets consisted of securities (company shares, bonds, bank accounts, etc.), and were concentrated in Brussels, Antwerp, and, to a lesser extent, Liege. Large industrial corporations (such as mining firms owned by Thyssen, the *Usine de Désargentation*, shipping companies such as *La Meuse* and *La Fluviale*, chemical companies or firms belonging to Leonhard Tietz and Richard Böcking, and so on), financial institutions (such as the *Deutsche Bank*, or the insurance companies *Victoria* and *Germania*), and aristocratic families (such as the Arenbergs, or the descents of the Duke von Croÿ) were the major owners.<sup>517</sup> Thus confiscation had both deep economic and social effects. As some Belgian newspapers reported, for example, economic activities in Antwerp's port suffered great losses deriving from the economic persecution of Ger-

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<sup>512</sup> Tallier, 'Milliard de francs supplémentaire', p. 336, while Frank Caestecker talks about 11,270 dossiers, cf. Caestecker, "Private Property or Enemy Property", p. 224.

<sup>513</sup> Cf. PAAA, R 70374, German embassy in Brussels to Ministry of Foreign Affairs, 31 Mar. 1921, and R 70375, Landsberg to Ministry of Foreign Affairs, 25 Oct. 1921.

<sup>514</sup> See figures in Tallier, 'Milliard de francs supplémentaire', pp. 337–9.

<sup>515</sup> Tallier, 'Milliard de francs supplémentaire', p. 326.

<sup>516</sup> Caestecker, "Private Property or Enemy Property", p. 224.

<sup>517</sup> BArch, R 2/984, *Schadensfälle mit einem Friedenswert von rd. 1 Million M oder darüber*, undated [1929], and *Quelques indications au sujet du résultat de la liquidation des sequestres*, 18 Jun. 1929. On the liquidation of the assets belonging to the Arenberg family see Bertrand Goujon, *Les Arenberg. Le gotha à l'heure des nations (1820-1919)* (Paris: Presses Universitaires de France, 2017), pp. 900–8.

mans.<sup>518</sup> In December 1930, Paul Crokaert, the president of the International Union of Lawyers and a Catholic member of the Belgian parliament, asserted that the outcome of economic warfare was strongly negative. Liquidation provoked countless legal, judicial, and economic troubles while the Belgian budget gained little profit. Thus, according to him, the lesson to be learned was that the liquidation of enemy property had been a wrong policy that Belgium should have avoided in the future.<sup>519</sup>

The impact on the German-speaking community was negative as well. Most Germans were forced to leave the country with no hope of coming back. Long-time resident families, such as the Müsers who lived over 60 years in Belgium, were shaken by the loss of their property.<sup>520</sup> The German schools in Brussels and Antwerp were already nationalized in 1920 and then used as chairs of military courts.<sup>521</sup> According to Wilhelm von Mallinckrodt, who had been active as a businessman in Antwerp until 1918,<sup>522</sup> the German colony in Belgium dramatically suffered the consequences of economic persecution. “The Germans in Belgium, trusting in the neutrality of Belgium guaranteed by the Reich, had established themselves in that country with real estate and business activities on a scale they would never have dared in any other foreign country. They are now persecuted by the fiercest hatred of the Belgians because of their patriotism and are held responsible for all measures taken by the occupation authorities. As a result, they have lost any possibility of being active again in Belgium.”<sup>523</sup>

Just a small fraction escaped that destiny. Although most enemy subjects were excluded from the country and deprived of their assets, economic persecution also resulted in the assimilation of a minority of the German-speaking community. According to the census, in 1920, at least 8,000 Germans were authorized to reside in Belgium. Likely, many of them sought to obtain Belgian nationality to avoid liquidation measures and safeguard their social standing.<sup>524</sup> Therefore, despite limitations and legal obstacles, in the interwar period,

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<sup>518</sup> PAAA, R 70375, Landsberg to Ministry of Foreign Affairs, 22 Oct. 1921.

<sup>519</sup> Paul Crokaert, “Les séquestres de guerre en Belgique,” *Belgique Judiciaire*, 88 (Dec. 1930), pp. 577–80.

<sup>520</sup> See the Müser case in BArch, R 904/738.

<sup>521</sup> PAAA, R 70374, report written by Soehring (Ministry of Foreign Affairs), undated [1920]. Cf. information reported in [https://www.vrt.be/vrtnws/de/2015/05/03/haus\\_mit\\_geschichtejudischesmuseumbruessel-1-2326339/](https://www.vrt.be/vrtnws/de/2015/05/03/haus_mit_geschichtejudischesmuseumbruessel-1-2326339/).

<sup>522</sup> See obituary in *Auslandswarte*, 10, 13 (1930), p. 167.

<sup>523</sup> PAAA, R 70374, Wilhelm von Mallinckrodt to Ernst von Simson, 29 Mar. 1921.

<sup>524</sup> Nicolas Perrin, and Frank Caestecker, “Les changements de nationalité, 1830-1984 : un aperçu statistique,” in *Devenir Belge*, p. 92.

dozens of Germans—or people having German origin—were naturalized as Belgians (corresponding to more than 20% of the naturalizations in the 1920s and 1930s). Eventually, albeit disappointing on financial terms, the economic persecution achieved its goal of excluding the German-speaking community and, secondarily, integrating it.

*A Minor Borderland: Eupen-Malmedy*

In the wake of the war, Belgium annexed the regions of Malmedy and Eupen. Their extension was small (Malmedy corresponded to 813 km<sup>2</sup>, and Eupen to 176 km<sup>2</sup>), and the population numbered only 65,000 people. Most inhabitants were German-speaking, whereas Walloons represented a small fraction. Yet linguistic distinction was often inaccurate since many local dialects were spoken and the large majority of residents were bilingual. Albeit tiny, however, the two regions represented very mixed borderlands. Above all, their annexation represented one of the few political and diplomatic successes of Belgium at the Paris Peace Conference. Being interested in timber and wool production and the mining sector, Belgium also took over the two districts for military reasons. In August 1914, the German army invaded Belgium crossing Malmedy.<sup>525</sup>

Nevertheless, the integration of the districts proved to be a problematic goal. Belgian and British troops occupied the regions after the armistice in November 1918 until the definition of the peace settlement. According to Article 34 of the Treaty of Versailles, during the six months after it entered into force, Belgian authorities were obliged to open public registers wherein the inhabitants could voice their stance about the future of the region. Once the deadline expired, the League of Nations would have sanctioned the outcome of the consultation. That procedure resembled a plebiscite. Actually, it was a façade. The initiative was held in a climate hostile to the German-speaking component and without an independent military force in the region because Belgian authorities took control of the entire administration. In the end, unsurprisingly, only 276 individuals (mainly former German civil servants and teachers) expressed their negative vote, while the majority accepted to become Belgian. In September 1920, the League of Nations certified the result. Of course, until the Locarno Treaty, Germany openly contested that result.<sup>526</sup> But the victory of the annexationists did not put an end to internal divisions between the Walloons and Germans.

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<sup>525</sup> Sally Marks, *Innocent Abroad: Belgium at the Paris Peace Conference of 1919* (Chapel Hill: The University of North Carolina Press, 1981), pp. 144–6, 153–4.

More than anything else, in the following years the new authorities struggled a lot to make inhabitants of Eupen and Malmedy ‘good Belgians.’<sup>527</sup>

One of the most controversial issues regarded the options system that created legal and diplomatic disputes between Germany and Belgium. In particular, it was unclear the time limits of the validity of the options.<sup>528</sup> In some cases, however, the choice in favor of Germany was fostered by the anti-German attitude of Belgian authorities. It was the case of Johannes Kohl. Since he was born and lived for decades in the Eupen district, Kohl sought to keep his business after the annexation to Belgium. Nonetheless, he soon realized that doing business with Belgians was impossible ‘because they did not want to have anything to do with us Germans—because at that time the Eupen people were still regarded as such.’ Therefore, Kohl decided to move to Germany. He founded a new activity with some relatives in Cologne, but his family remained in the Eupen district due to the lack of housing.<sup>529</sup> Nonetheless, despite his decision, it was very hard for Kohl to obtain the option, and the uncertainty lasted for several months.<sup>530</sup>

Albeit to a lesser extent, the liquidation of enemy property also touched the districts of Malmedy and Eupen. On August 6, 1921, the Belgian Commissioner issued a decree for the sequestration of assets belonging to individuals who remained German citizens after the entry into force of the Treaty of Versailles (January 10, 1920).<sup>531</sup> In January 1922, according to the press, the local court seized thousands of German assets.<sup>532</sup> Yet who was an enemy citizen was a matter of dispute. Furthermore, confiscation caused economic troubles in those small communities and created discontent among the local population. At the end of the summer of 1925, the Belgian government proposed Germany reach an agreement regarding the possibility to revoke the confiscation of 1,400 private assets.<sup>533</sup> Although Duke von Croÿ and Franz von Papen urged the German government to accept Belgian offers, the negotiation failed. In June 1928, the Belgian authorities auctioned several assets belonging to German small farmers, particularly land lots in the areas close to the German

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<sup>526</sup> Ivi, pp. 158–69.

<sup>527</sup> O’Connell, *The Annexation of Eupen-Malmedy*.

<sup>528</sup> Joseph Nisot, “La Nationalité des Habitants des Cercles d’Eupen et de Malmedy après le Traité de Paix de Versailles,” *Journal du Droit International* 48 (1921), pp. 833–40.

<sup>529</sup> BArch, R 901/31310, Kohl to Ministry of Foreign Affairs, 9 Nov. 1921.

<sup>530</sup> BArch, R 901/31310, Kohl to Ministry of Foreign Affairs, 25 Mar. 1922.

<sup>531</sup> See text of the decree in PAAA, R 70374.

<sup>532</sup> “Les biens allemands dans les cantons annexés à la Belgique,” *Le Figaro*, 13 Jan. 1922.

border towns of Prüm and Monschau. Yet thanks to the financial assistance of the German government former owners were able to repurchase those assets and the Belgian authorities did not prevent foreigners from joining the auctions.<sup>534</sup> Still in the summer of 1929, before the signing of the German-Belgian agreement, the German Embassy in Brussels reported sales of private assets.<sup>535</sup>

## Summary

The economic persecution resulted in the exclusion of most German-speaking communities that resided in those states (including several persons who did not possess Reich citizenship but had a ‘wrong’ national origin) and the ‘nostrification’ of relevant sectors of the national economy. After the war, the Western European powers seized the opportunity to reshape the ethnonational composition of their countries, exclude foreign persons or groups whose presence was considered dangerous, and promote an economic nationalist agenda with far-reaching goals. Only in a minority of cases former enemy citizens were allowed to escape persecutory measures by assimilating into national communities or claiming to be citizens of a ‘friendly’ state, neutral country, or stateless.

According to Annex (4) of Article 297 of the Versailles Treaty, proceeds from the sale of enemy property should have restored the private damages that occurred to citizens of the Allied countries due to measures taken by Germany. But that provision was not binding, nor the peace treaty did it indicate what to do with the surplus sums. Besides reparations, the Allies wanted to reach far more ambitious economic and political goals. Liquidation of German property was not only aimed at eliminating a foreign competitor within the domestic and colonial markets or strengthening ‘national’ private investors. It was instrumental in consolidating the national security of the winning states. In each country, many voices across the institutions and public opinion looked at the economic relations with Germany as a cause of insecurity. Wartime propaganda about the alleged methods of ‘penetration’ the German Empire adopted to prepare for the invasion of the country persuaded a large number of policymakers, politicians, journalists, intellectuals, and scholars

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<sup>533</sup> PAAA, R 70377, *Deutsche Übergabekommissar* (Aachen) to Ministry of Foreign Affairs, 27 Aug. 1925.

<sup>534</sup> Hans Krüger et al., eds., *Die Beschlagnahme, Liquidation und Freigabe* (1930), p. 105.

<sup>535</sup> PAAA, R 70378, Germany embassy in Brussels to Ministry of Foreign Affairs, 19 Jun. 1929.

that the confiscation of enemy assets was intended to cut those dangerous ties. Unsurprisingly, as a rule, the governments privatized confiscated assets in strategic sectors (such as the chemical, pharmaceutical, and heavy industries), imposing that new owners should have been 'loyal' citizens or companies, and no foreign capital could take advantage of the reallocation of property. By contrast, just a minority of the enemy assets—such as mines, critical infrastructures, or monuments—became public property. In the case of economic persecution of enemy aliens, state intervention consisted of transferring resources from foreigners (or 'disloyal' nationals) to citizens pursuing a political and economic goal at once.

As a general remark, it should be observed that the confiscation of enemy assets in Western Europe had no redistributive purpose in socio-economic terms. It is important to point this out since an historical commonplace is to associate large-scale reallocation of property with a redistribution in a democratic sense of economic resources. The question of German property after 1918 tells a different story. Western European Governments, unlike Central Eastern and Southeastern European states or Turkey, were primarily concerned with achieving political and economic goals, with no plans for democratization through property redistribution. The main purpose of reallocation of enemy assets, if it can be considered at all, was to strengthen the national element at the expense of foreign hostile presence. While a small percentage of the property was repurchased by former owners, a restricted number of industrialists, entrepreneurs, profiteers and other special categories (such as war veterans) took advantage of their proximity to the public authorities and benefited from sales of those assets. As a result, the confiscation of enemy property had social and economic regressive effects. Governments suffered financial losses because of several factors (such as the economic crisis, postwar inflation, collapse of demand, and—last but not least—the lack of transparency in the selling operations), as they collected far less than the value of those assets. In the end, albeit being politically successful, economic nationalism was revealed to be financially unsatisfactory, and socially regressive.

Another major consequence of the economic persecution against German nationals was their exclusion from the winning countries, especially in the first years after the war. In most of the Allied states, the German presence drastically declined. In particular, in the early 1920s, German-speaking communities nearly disappeared in the old departments of France (–95%), Belgium (–87%), and the UK (–83%), whereas the decline was less radical



in the old provinces of Italy (–56%) (*see Tab. 2.1*).<sup>536</sup> Throughout the 1920s and until early 1930s, albeit slowly, German citizens—though not necessarily the same as those who resided there before the conflict—came back but without reaching pre-war figures in no country. Even if census data do not provide an exhaustive account, it is undeniable that the war-time persecution and the deprivation of private assets uprooted German communities from Western Europe and hindered their return. By contrast, the rapid increase of Germans living in the Netherlands (+271% between 1911 and 1931) confirms that neutral countries were among the favorite destinations of German migrants, merchants, or businesspeople.<sup>537</sup> Of course, there were also Germans who lost their property abroad during the war and moved to ‘friendly’ countries to rebuild their lives. There, they could find a safe place to invest money by avoiding heavy taxes and protecting it from expropriation for political reasons. In the case of Switzerland, although the census reported a decline in the number of German citizens, many of them easily got naturalized. That trend took place already during the war. Notwithstanding the limitations the federal government introduced in 1917,<sup>538</sup> it continued after the war. According to statistics, between 1923 and 1925, most naturalized persons in Switzerland came from Germany.<sup>539</sup>

Country	Census 1910	Census 1920	Census 1930
United Kingdom	53,324	9,389	13,896
France (old departments)	102,271	5,190 (1921) 15,164 (1926)	25,988

<sup>536</sup> In the case of Italian census, I consider only German nationals with permanent residence in the country. In the French and Italian cases, furthermore, these figures are related just to German citizens living in the old French departments (including Algeria) and Italian provinces, without considering territories acquired after WWI (such as Alsace-Lorraine, South Tyrol, or Friuli-Venezia-Giulia).

<sup>537</sup> Katja Happe, “‘Mas suchte Anschluss und fand die deutsche Kirche und Gemeinde’. Die deutschen Kirchengemeinden in den Niederlanden in der ersten Hälfte des 20. Jahrhunderts“, in *Evangelisch und deutsch?*, p. 275. On the German immigrants in the Netherlands, see also Katja Happe, “Deutsche in den Niederlanden 1918-1945: eine historische Untersuchung zu nationalen Identifikationsangeboten im Prozess der Konstruktion individueller Identitäten” (Universität Siegen, 2004).

<sup>538</sup> Regula Argast, “An Unholy Alliance: Swiss Citizenship between Local Legal Tradition, Federal Laissez-Faire, and Ethno-National Rejection of Foreigners 1848–1933,” *European Review of History: Revue Européenne d’histoire* 16, 4 (2009), pp. 511–3.

<sup>539</sup> SBA, E21#1000/131#21561, *Verzeichnisse der Kantone über die eingebürgerten Ausländer für die Jahre 1914-1925*.

Alsace-Lorraine	<i>513,800</i> (1919) <sup>540</sup>	70,434 (1921)	43,012
Belgium	57,010	7,960	12,479
Italy (old provinces)	10,715	4,790	8,994
Netherlands	37,534	56,351	101,955
Switzerland	355,522	219,530	149,833

[Tab. 2.1, German Citizens in Western Europe]

Through the liquidation of property, the Allies had the chance to redefine the national and socio-demographic composition in borderlands that had previously belonged to the German Empire (or the Habsburg Empire). Especially in Alsace-Lorraine—and, to a lesser extent, in Eupen-Malmedy and territories annexed by Italy—new authorities adopted harsher measures to eliminate or assimilate the German presence. For example, in addition to violent expulsions and discriminatory provisions concerning the possibility of acquiring a new nationality, Germans were automatically prevented from purchasing confiscated assets, whereas the local administration sold enemy property exclusively to ‘loyal’ citizens whose national origin was indisputable. As a matter of fact, many persons who acquired French, Belgian, or Italian nationality were often excluded from the reallocation of enemy assets. States followed an aggressive ethnonational policy regardless of the negative economic impact. Western European elites conceived political loyalty, national homogeneity, and sovereignty to be more important than economic or financial benefits. From this point of view, redistribution was largely ethnonational rather than social at heart. In addition to that, the Allied governments nationalized other kinds of assets that were highly symbolic. Authorities confiscated monuments, historical buildings, castles, artworks, or entire art collections due to their ‘national character.’ For instance, as early as the summer of 1916, the Italian government nationalized Palazzo Venezia, which had previously been the Austro-Hungarian Embassy in Rome, because of the ‘Italianness’ of the building. Palazzo Venezia became the office of the Italian Prime Minister, and Benito Mussolini used to appear from

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<sup>540</sup> It corresponds to the number of D-Card holders, recorded in early 1919.

his balcony for his frequent speeches.<sup>541</sup> Many other monuments in Rome or villas near the Garda or Como Lakes shared the same destiny. Likewise, in France, the Château de Chambord—that belonged to a member of the Habsburg family, the Duke of Parma—became public property for the same reason, as well as well-known paintings (such as the Dürer's Self-Portrait) previously owned by enemy subjects entered in the Louvre collection.

Eventually, it is worth noting that the confiscation of German private assets was not an automatic provision set by the peace treaties, but rather a decision taken by each government. The Treaty of Versailles gave the right to winning countries to decide whether to confiscate enemy property, how to do so in terms of classification, and to what extent without any restrictions. Thus, the decision to liquidate enemy assets was entirely within their sovereignty, because neither the League of Nations nor the Mixed Arbitral Tribunals (MATs) could intervene in any way. Behind the choice to confiscate there were several aims, which corresponded to a *mélange* of social and economic interests. In every country, the consensus on expropriation was supported by strong political and economic blocs composed of members of governments, lawmakers, high officials, businesspeople, associations, and newspapers. Such broad coalitions promoted publicly an economic nationalist agenda to strengthen the economic force of the country and foster ethnic-national homogeneity. To do so, they leveraged nationalism, xenophobia, and anti-German feelings in public opinion, especially in the early months after the signing of the peace treaty. Some economic and financial groups, as well as social categories (such as lawyers, or war veterans' associations), pursued often their private interests exploiting nationalism to cover their true intentions and benefiting from the lack of transparency in the administration of enemy assets. In this sense, corruption played a crucial role in radicalizing economic persecution and promoting the dispossession of former enemy citizens, even if it reduced the revenue for states.

In each country, though, there were dissenting voices that sought to stop the looting of enemy assets or at least moderate confiscatory policies. Distinguished jurists such as judges or legal scholars, prominent politicians, free-trade and liberal intellectuals, pacifist and humanitarian associations, and also a few statesmen and businesspeople interested in restoring commercial and financial relations with Germany (and the other defeated coun-

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<sup>541</sup> Claudio Gentile, *La nazionalizzazione di Palazzo Venezia del 1916: cronaca di un'acquisizione e della reazione della*

tries) criticized the expropriation of former enemy citizens. Their arguments were various. Some of them accused the governments of violating international law and striking a pillar of Western civilization consisting of the 'sanctity' of private property. According to them, blaming German citizens for the war was a barbaric act because it did not recognize the distinction between the state and private citizens. Other voices were less magniloquent and adopted a different perspective. Some underlined the economic costs caused by confiscatory provisions. Some others pointed out the unfairness of confiscating assets belonging to individuals having a 'friendly' national origin (such as the wives or widows of German citizens who were born in the winning countries) or adopted a humanitarian stance in defending the situation of people being old or in hard economic situation. Dissenting voices were a minority, but they did their best to curb the confiscatory policies. In this regard, especially the courts played a fundamental role in moderating the executive power. Albeit unevenly, indeed, the judiciary represented one of the most effective counterparts of nationalist forces and helped victims to defend their rights. Whatever the argument was, also German diplomacy closely monitored the debate in public opinion, parliaments as well as in the legal sphere and the governments. But it did something more. Not only the embassies provided victims of persecution with legal assistance and urged flooding the authorities with appeals. Furthermore, the German Ministry of Foreign Affairs actively supported dissenting voices, facilitating the networking between them, or cooperating with them in press campaigns to discredit the Treaty of Versailles and denounce the corruption of the administrations. By doing so, German diplomats hoped to compel Allied governments to sign more convenient restitution agreements. Although those efforts proved to be of little success in most cases, what emerged from the debate in the interwar period was that economic nationalism was not an inevitable choice, but the outcome of a struggle within each country between different socio-political forces and economic interests.

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*Santa Sede* (Roma: Aracne editrice, 2019).

**CHAPTER THREE**  
**A WAR IN PEACETIME:**  
**THE TREATMENT OF GERMAN PROPERTY IN POLAND (1918-1930)**

**Introduction**

Who owns Poland? Who is entitled to exercise property rights or do business in Poland? Who can acquire land property in the Polish territory? The questions, posed in most crude terms, summarize the dilemmas that the leadership of the Second Polish Republic faced from November 1918 onward, when the military defeat of the Central Empires paved the way for the creation of an independent Polish state after over a century under the Prussian, Austro-Hungarian, and Tsarist rule. Contrary to expectations, however, the population residing in the new Polish state was not nationally homogeneous but was highly diverse and fragmented. According to the census, over one-third of the inhabitants of the newly created state could not be classified as Poles but were Ukrainians, Jews, Germans, and so on. Peacemakers quickly realized that the enforcement of national self-determination was a tough task and that the new leaders in Poland, as well as Czechoslovakia, Yugoslavia, and Romania, were dominated by an aggressive ethnonationalism, which did not disdain the use of violence on a large scale against minorities. Also, leadership in those countries was generally committed to adopting strong measures to achieve social and political transformations, such as land reforms. Driven by economic nationalism and concerns about national security, these political leaders were ready to dispossess minorities and socioeconomic élites, particularly those of German-speaking origin, who had been previously linked to former imperial power and whose existence represented (or was perceived by them as) an existential threat to the stability of the new state. The Allies also endorsed these plans as long as such policies served their political purposes in re-organizing the ‘vacuum’ left by the fall of empires in Central Eastern Europe. However, the brutality of national homogenization could also cause political tensions, restrain economic development, and foster instability in the area. Balancing these demands was one of the (failed) goals that the Allies sought to reach in the interwar period also imposing on the newly created states legal and political constraints.

Unlike other minorities (such as the Ukrainians), which could be assimilated into the Polish nationality, Polish policymakers regarded German-speaking communities as irreducibly alien, because of their degree of literacy and the political and diplomatic support from Germany (and nationalist, revisionist, or irredentist circles, too). Rejecting a classic liberal vision based on the distinction between private ownership and sovereignty, Polish political leadership embraced a strongly radical nationalist stance and regarded private property as a direct reflection of national rule. Since minorities, by the mere fact of being nationally, ethnically, or religiously different, were supposed to challenge the right of the titular nations to own their land and hence to embody a domestic menace, dispossessing them was instrumental in securing the existence of the new countries.<sup>1</sup>

In Poland, advocates of those ideas were National Democrats led by Roman Dmowski (1864–1939), a radical nationalist party, which dominated Polish politics in the crucial phase of the immediate postwar years and later. Remarkably, National Democrats were able to create a proper cultural and political hegemony among the Polish élites and other political parties as well as within the state institutions at central and local levels. Together with them, the Catholic Party and the Peasants Party also shared an ethnonationalist vision and an aggressive agenda against national and religious minorities in the economic sphere. As Norman Davies summarized, in the 1920s and 1930s, ‘the political stance of the leading circles was unashamedly nationalist. ‘Polishness’ became the touchstone of respectability.’<sup>2</sup> Of course, there were many contingent reasons for its success. As shown in previous chapters, aggressive nationalism (in the economic sphere, too) was a global phenomenon that the war fostered and radicalized. Additionally, for a country like Poland, whose existence could be challenged by neighboring states, loyalty, and nationality assumed far greater value than elsewhere. As John Connelly argued, the success of ethnic nationalism as the driving force in political discourse and practices was due to this perception, often well-founded, that the newly created state ran the risk of being wiped off the map by Germany

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<sup>1</sup> Jacob T. Levy, “Blood and Soil, Place or Property: Liberalism, Land, and Ethnicity,” in *The Multiculturalism of Fear* (Oxford: Oxford University Press, 2000), pp. 197–206, and Dieter Gosewinkel, “Introduction. Histoire et fonctions de la propriété,” *Revue d’histoire moderne contemporaine* 61, 1 (2014), pp. 7–25, and Charles S. Maier, *Once Within Borders: Territories of Power, Wealth, and Belonging Since 1500* (Cambridge, MA: Belknap Pr, 2016), pp. 91–4. See also Ralph George Hawtrey, *Economic Aspects of Sovereignty* (Longmans, Green, 1952), and Ben Atkinson Wortley, *Expropriation in Public International Law* (Cambridge: Cambridge University Press, 1959), pp. 12 ff.

<sup>2</sup> Norman Davies, *God’s Playground: A History of Poland, 1795 to the Present* (New York: Columbia University Press, 2005), p. 298.

and the Soviet Union.<sup>3</sup> Such a mix of factors decisively contributed to the success of ethnic nationalism, which became the political and cultural bond of Polish politics in the interwar period, whereas the so-called ‘civic nationalism’ embodied by Józef Piłsudski (1867–1935) was left aside. Even if Piłsudski became the first President of Poland in the wake of the war, and then liquidated parliamentary democracy in May 1926 to create an authoritarian regime led by him until his death, he was not able to replace the hegemony of ethnic nationalism that kept inspiring public policies against minorities and Polish strategical vision.<sup>4</sup>

Peacemakers, and especially France, conceded Poland, like all other newly created states, legal and political tools to pursue aggressive nation-building against the German-speaking communities, including the right to confiscate property belonging to Germans, Austrians, and Hungarians. At the same time, Poland, as well as all other newly created states in Central Eastern Europe, were obliged to respect different rules in terms of minority rights and legal guarantees for nationals of the defeated countries. The Versailles Treaty entitled Poland to liquidate assets belonging to German nationals but obliged it to directly compensate them for losses. Also, these subjects could also appeal to the Mixed Arbitral Tribunals in case of violations of their rights (Articles 92 and 297). In addition to that, Poland was obliged to grant nationality to most German residents within its territory and preserve their civil, political, religious, and language rights. Eventually, restricting Polish sovereignty, the League of Nations had the power to intervene in case of controversies between the Polish state and the national minorities. As a result, the Versailles Treaty sought to find an acceptable compromise between nation-building and the protection of minority rights. Nonetheless, the legal framework established by the peace treaties was insufficient to prevent abuse, violations, mistreatment, and persecution. Enforcing the protection of minority rights was in contradiction with the principle of sovereignty and exacerbated the Polish aggressivity.

In the interwar period, Poland liquidated property belonging to German subjects (including private firms, religious institutions, etc.), often regardless of their effective legal status, and did so on a large scale. Land property, small economic activities, urban estate,

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<sup>3</sup> John Connelly, *From Peoples into Nations: A History of Eastern Europe* (Princeton and Oxford: Princeton University Press, 2020).

<sup>4</sup> John Connelly, *From Peoples into Nations: A History of Eastern Europe* (Princeton and Oxford: Princeton University Press, 2020). For a reconstruction of Polish nationalism, see Daniele Stasi, «Polonia restituta». *Nazionalismo e riconquista della sovranità polacca* (Bologna: Il Mulino, 2022).

banks, insurance companies, or large industries were somehow expropriated and reallocated to Polish nationals or companies. Like in Western Europe and the United States, as well as in the rest of Central Eastern Europe,<sup>5</sup> the Polish state carried on a radical social-political agenda based on economic nationalism and rigid exclusion of persons of German origin from their country. Unlike after 1945, however, confiscation of enemy property did not result in nationalization. Most Polish economists and scholars followed traditional free trade doctrines and considered public ownership inefficient.<sup>6</sup> Although the state control over the Polish economy increased throughout the 1920s, just a small part of enemy assets became public property.<sup>7</sup> As a rule, authorities preferred to reallocate German property to Polish private subjects or companies. In addition to that, one of the major goals also consisted of ‘decoupling’ the Polish economy from Germany, by diminishing their interdependence and replacing German capital with Polish or other ‘friendly’ one (namely, French, Italian, or American).<sup>8</sup> The most significant results were achieved in the former Prussian territories like Pomerania, Western Prussia, and the region of Posen, while much more partial were the results in Upper Silesia—where the international organizations intervened more radically to preserve minority rights and avoid confiscation on a large scale—and in the rest of the country (the so-called Congress-Poland, and Galicia). Generally, the German presence was dramatically reduced, and many segments of the national economy were ‘Polonized.’

Unlike other national cases, historiography has devoted much attention to the treatment of the German minority in interwar Poland, as demonstrated by works of Maria Oertel,<sup>9</sup> Harald von Riekhoff,<sup>10</sup> Richard Blanke,<sup>11</sup> Ralph Schattkowsky,<sup>12</sup> Albert Kotowski,<sup>13</sup>

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<sup>5</sup> Máté Rigó, *Capitalism in Chaos: How the Business Elites of Europe Prospered in the Era of the Great War*, *Capitalism in Chaos* (Ithaca: Cornell University Press, 2022).

<sup>6</sup> Wojciech Roszkowski, “The Growth of the State Sector in the Polish Economy in the Years 1918-1926,” *Journal of European Economic History* 18, 1 (1989), p. 108

<sup>7</sup> Roszkowski, “The Growth of the State Sector,” pp. 121–2.

<sup>8</sup> On the Italian economic presence in Poland, see Marcello Benegiamo and Natascia Ridolfi, “L’Ansaldo dei Perrone nell’Europa orientale nel primo dopoguerra: il caso della Polonia,” *Studi Storici* 6, 1 (2015), pp. 157–82.

<sup>9</sup> Maria Oertel, “Beiträge zur Geschichte der deutsch-polnischen Beziehungen in den Jahren 1925-1930” (Berlin, Freie Universität Berlin, 1968).

<sup>10</sup> Harald von Riekhoff, *German-Polish Relations, 1918-1933* (Baltimore, MD: Johns Hopkins Press, 1971).

<sup>11</sup> Richard Blanke, *Orphans of Versailles the Germans in Western Poland, 1918-1939* (Lexington: The University Press of Kentucky, 1993).

<sup>12</sup> Ralph Schattkowsky, “Deutsch-polnischer Minderheitenstreit nach dem Ersten Weltkrieg,” *Zeitschrift für Ostmitteleuropa-Forschung / Journal of East Central European Studies* 48, 4 (1999), pp. 524–54.

<sup>13</sup> Albert S. Kotowski, *Polens Politik gegenüber seiner deutschen Minderheit 1919-1939* (Wiesbaden: Otto Harrassowitz Verlag, 1998).



Raitz von Frentz,<sup>14</sup> Dieter Gosewinkel, and Stefan Meyer.<sup>15</sup> The chapter owes much to them, but my goal is to concentrate the focus on the liquidation of German assets between 1918 and 1930, examining both official measures and effects. Besides diplomatic confrontation on a bilateral and multilateral level, which had been retraced by those historians, I aim to examine what happened in Poland in terms of economic persecution by underlining the plurality of actors who were involved (diplomacy, central government, and local authorities, but also private interests, legal scholars, and victims of expropriation), the reasons behind the choice of radical economic nationalist agenda, and the effects in economic and social terms. Furthermore, I aim to explore the role of economic persecution in the Upper Silesian case, too. Since historiography has usually concentrated on the other Prussian territories, often neglecting the importance of economic considerations in Upper Silesia, my purpose is to provide a comprehensive picture.

### 3.1 Germans and Poles: Minority Status, Loyalty, and Citizenship

#### *German Minority in Poland: International Protection and Loyalty*

When the Provisional Council of State proclaimed the rebirth of the Polish state (October 7, 1918), uncertainties for the new state were many, starting with its borders. What was out of the question was that on the territory of the new state, there were sizable national groups such as Ukrainians, Jews, and Germans, whose presence was generally perceived by a significant part of the Polish leadership (in particular, the National Democrats) as a vital danger for the survival of Poland. The existence of a large German-speaking population, albeit composed of two different macro-categories (former Reich citizens and German-speaking groups), represented a relevant issue particularly in Western Poland and, to a lesser degree, in the rest of the country.<sup>16</sup> Therefore, the exclusion or inclusion of national minorities, which could fuel the territorial claims of neighboring countries regardless of the real commitment of those groups to revisionist plans, was instrumental in building a solid state and loyal citizenship. Nevertheless, exclusion and persecution against Germans

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<sup>14</sup> Christian Raitz von Frentz, *A Lesson Forgotten: Minority Protection under the League of Nations: The Case of the German Minority in Poland, 1920-1934* (New York: St. Martin's Press, 1999).

<sup>15</sup> Dieter Gosewinkel and Stefan Meyer, "Citizenship, Property Rights and Dispossession in Postwar Poland (1918 and 1945)," *European Review of History: Revue Européenne d'histoire* 16, 4 (2009), pp. 575–95.

did not represent an inevitable outcome but were the effect of choices taken by both parties throughout the years that followed the end of the war. Once the Greater Poland Uprising broke out in late December 1918, when Poles took control of Western Prussia, Pomerania, and the Posen region, and later the Allies fixed the demarcation line in February 1919, the coexistence between the two national groups became a matter of dispute.<sup>17</sup> Significantly, as early as March 1919, the German armistice delegation led by Erzberger proposed to create an arbitral commission headed by a Swiss prominent personality or the Pope and assisted by local joint committees to protect minority rights and solve each sort of controversy arising from tensions between the German population and Polish authorities. Although that proposal led nowhere, it demonstrated the importance of that issue for the future of Poland (and Germany).<sup>18</sup>

During the Paris Peace Conference, the Allies realized how difficult the enforcement of the principle of nationality in Central and Eastern Europe was. In the case of Poland, for instance, in his Thirteen Points speech on January 8, 1918, President Wilson posed the constitution of an independent Polish state among the main territorial goals of the Allies. He also added that it ‘should include the territories inhabited by indisputably Polish populations, which should be assured a free and secure access to the sea, and whose political and economic independence and territorial integrity should be guaranteed by international covenant.’<sup>19</sup> As pointed out by Larry Wolf, since late 1918, American experts warned Wilson that territories claimed by Polish political leaders, especially the National Democrat Roman Dmowski, were far from being indisputably Polish. The large presence of Jewish, German, and Ukrainian minorities needed to be recognized and they had to be protected from mistreatment, discrimination, and violence by an international agreement. The news of the anti-Jewish pogrom in Lwów (November 21–23, 1918) confirmed that kind of fear, also showing that the well-known antisemitic attitude of Dmowski could pave the way for a situation like the Romanian one, where the discrimination against Jews had

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<sup>16</sup> Albert S. Kotowski, *Polens Politik gegenüber seiner deutschen Minderheit 1919-1939* (Wiesbaden: Otto Harrassowitz Verlag, 1998), pp. 83–5.

<sup>17</sup> On the role of violent insurrection in the definition of the new Polish state’s boundaries, see Benjamin Conrad, *Umkämpfte Grenzen, Umkämpfte Bevölkerung. Die Entstehung der Staatsgrenzen der Zweiten Polnischen Republik 1918–1923* (Stuttgart: Franz Steiner Verlag, 2014), in particular pp. 112–25, and Jochen Böhrer, *Civil War in Central Europe, 1918-1921. The Reconstruction of Poland* (Oxford: Oxford University Press, 2018).

<sup>18</sup> On Erzberger’s proposal, see documents in BArch, R 904/869.

<sup>19</sup> Text of Wilson’s speech is available online: <https://www.archives.gov/milestone-documents/president-woodrow-wilsons-14-points>.

been a matter of concern among the European Powers since the 1860s and 1870s. Even if Wilson was the first Allied leader who officially recognized the creation of the new Polish state in January 1919, he gradually changed his mind. The Polish strategy, which consisted of presenting the peacemakers with a *fait accompli* in the definition of the political boundaries of the new state, annoyed Wilson and the British policymakers (while the French leadership openly supported Poland), who adopted a more reluctant and skeptical stance. Also, Wilson considered that leaders such as Dmowski and Ignacy Paderewski, the famous pianist and National Democratic representative who became Prime Minister of Poland in early 1919, were unreliable political partners. Overall, like many other Allied personalities, Wilson believed that Poles were immature for self-government and democracy, and the Allies had to create international constraints to limit the Polish sovereignty and preserve minority rights.<sup>20</sup> Therefore, Wilson agreed to force Poland to sign the Minority Treaty together with the Versailles Treaty in order to protect the civil and political rights of national minorities on Polish soil under the supervision of the League of Nations.<sup>21</sup>

The Polish reaction to that imposition was mostly negative. Unlike Romania, however, Paderewski together with the National Democrats did not refuse to ratify the peace treaty, and the Sejm, the lower house of the Polish Parliament, approved it on July 31. As argued by Paweł Korzec, still, the approval was only a tactical move. The text of the Versailles Treaty without the minority treaty was published in the Official Gazette (*Dziennik Ustaw*) several months later, and the translation of the latter was officially made at the end of 1920.<sup>22</sup> As for the German minority in the former Prussian territories, however, the immediate reaction was not negative. On June 30, 1919, the Posen council together with the Bromberg-based German one launched a joint proclamation addressed to ‘our fellow citizens of German nationality’ wherein the central government and local authorities urged

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<sup>20</sup> Larry Wolff, *Woodrow Wilson and the Reimagining of Eastern Europe* (Stanford, California: Stanford University Press, 2020), pp. 168–97. On the stereotypes about Poles, see Anna M. Cienciala and Titus Komarnicki, *From Versailles to Locarno: Keys to Polish Foreign Policy, 1919–25* (Lawrence, Kansas: University Press of Kansas, 1984), pp. 14–5, and Denis Clark, “Poland in the ‘Paris System’: Self-Determination, Stereotypes, and Decisions in 1919,” *Nations and Nationalism* 25, 4 (2019), pp. 1362–85. More generally, on the imagination of Eastern Europe, see Larry Wolff, *Inventing Eastern Europe: The Map of Civilization on the Mind of the Enlightenment* (Stanford, California: Stanford University Press, 1994).

<sup>21</sup> Carole Fink, *Defending the Rights of Others: The Great Powers, the Jews, and International Minority Protection, 1878–1938* (Cambridge: Cambridge University Press, 2006). See also Christian Raitz von Frentz, *A Lesson Forgotten: Minority Protection under the League of Nations: The Case of the German Minority in Poland, 1920–1934* (New York: St. Martin’s Press, 1999), pp. 49–66.

<sup>22</sup> Paweł Korzec, “Polen und der Minderheitenschutzvertrag (1919–1934),” *Jahrbücher für Geschichte Osteuropas* 22, 4 (1974), pp. 523–7.

them to be loyal to the new state, and in exchange for it declared their willingness to respect minority rights (including language, religion, and private property) and the desire of peaceful cooperation between Poles and Germans (*see Fig. 3.1*).<sup>23</sup>

Signals of conciliative spirit also came from official representatives of the German-speaking minority at the Sejm some weeks before the signing of the peace treaty. On March 7, 1919, Josef Spickermann—a lawmaker elected in Łódź who had never possessed Reich citizenship because he belonged to the local German community that resided in the city for decades—promised the loyalty of the German-speaking community to Poland. ‘We, the citizens of German origin, consider Poland our fatherland because we were born here, we spent our youth here, we are attached to the local soil with our entire thinking, and our entire mentality is completely different from that of the Germans abroad, we draw our entire moral strength from this our native soil, only here we feel at home, only here we are completely free, therefore we sacrifice everything for the good of the state.’<sup>24</sup> Remarkably, Spickermann insisted on the emotive and personal attachment to Poland as the local ‘homeland’ (*Heimat*) to underline the allegiance to the new state of those citizens, whose Germanness could coexist with Polish citizenship. As he argued, instead of being an extension of Reich imperialism, and refusing to be identified as Germans Abroad (*Auslandsdeutsche*), Polish citizens of German nationality were natives of Poland and had a strong local attachment that was the emotive and political basis of their allegiance to the new state. Spickermann was not the only voice who defended the loyalty of the German minority, as many other representatives declared their allegiance to the Polish state on several occasions.<sup>25</sup> But those appeals did not get the expected results from both sides.

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<sup>23</sup> “An unsere Mitbürger deutscher Nationalität!,” 30 Jun. 1919, available online on the *Kujawsko-Pomorska Biblioteka Cyfrowa*, URL: <https://kpbc.umk.pl/dlibra/publication/217220?language=de>. See also Ervin Hasbach, “Die Lage der deutschen Volksgruppe in Polen vor dem Zweiten Weltkriege,” *Zeitschrift für Ostforschung* 1, 2 (1952), p. 262.

<sup>24</sup> The speech is reported in Beata Lakeberg, “Das politische Leben der Deutschen in der Zweiten Republik und die Auswirkungen der Teilungszeit,” in Michael G. Müller and Kai Struve, eds., *Fragmentierte Republik?: Das politische Erbe der Teilungszeit in Polen 1918–1939* (Göttingen: Wallstein Verlag, 2017), p. 354.

<sup>25</sup> Korzec, Pawel. “Der Block der Nationalen Minderheiten im Parlamentarismus Polens des Jahres 1922.” *Zeitschrift für Ostforschung* 24, 2 (1975), p. 198.



were likely higher. According to the 1921 Polish census, the German population decreased by more than a million compared to ten years earlier (*see Fig. 3.2*). Out of the total Polish population (21.1 million people), Germans were just 3.9% and represented the fourth-largest national minority after Ruthenians (14.3%), Jews (7.8%), and White Russians (3.9%). Of course, the percentage was higher in Upper Silesia (28.2%), and former Prussian territories (17.3%), while in the rest of the country, it was about 1.4%.

	German census of 1910		Polish census of 1921	
	Number of Germans	German minority as % of total population	Number of Germans	German minority as % of total population
Poznań and Pomorze	1,099,321	38.6	502,967	17.3
Upper Silesia and Teschen	263,698	26.2	292,980	28.2
Galicia	90,114	1.1	39,810	0.5
Other parts of Poland	735,550	4.6	223,067	1.4
All of Poland	2,188,683	7.9	1,058,824	3.9

[Fig. 3.2, The German Population Element in Poland, 1910–21, in Riekhoff, *German-Polish Relations*, p. 204]

What Richard Blanke has called the ‘great exodus,’ touched mostly the urban population and the regions of Western Prussia, Posnania, and Pomerania, and deeply changed the structure of the German presence in those territories. As for Upper Silesia, however, the decrease was lower. Most of those who left were public officials, teachers, and evangelical ministers, but also lawyers, notaries, businesspeople, shopkeepers, and unskilled industrial workers. Conversely, settlers, colonists, and big landowners were more reluctant to leave Poland. Likewise, skilled workers and merchants active in specific sectors were able to preserve their jobs or businesses and replace German customers with Polish ones.<sup>27</sup> Urban presence dramatically decreased in centers like Thorn (–92.6%), Posen (–90-

<sup>27</sup> Blanke, *Orphans*, pp. 32–5.

8%), and Bromberg (−85.2%), while it was more limited in cities close to the German border like Zempelburg (−49.6%), Graudenz (−67.3), and Neutomischel (−45.7%).<sup>28</sup>

Expulsions, violence, and economic persecution played a significant role in forcing Germans to leave the country. But emigration was not only driven by persecution. Many voluntarily left Poland without waiting for any decree of expulsion or persecutory measure. For several of them, the eventuality of living in an unstable, poor, and hostile country was far from being appealing.<sup>29</sup> In some cases, there was a sort of generational clash within the same families. While settlers and farmers were often determined to remain in Poland and were looking for official support from the German government and the Prussian state, their sons and daughters did not want to stay and preferred to emigrate to Germany.<sup>30</sup> Another big ‘push factor’ for German emigration was the Polish-Soviet War in 1920–21. Those who did not want to join the Polish army took the chance to opt for German citizenship and leave the country. They were driven by contingencies and opportunism in choosing a nationality instead of another one. For instance, in late 1920, Erich Schulz, a worker who lived in Bromberg, informed the Polish authorities to opt for German citizenship to avoid the military draft. Therefore, he lost his job and sought unsuccessfully to find new employment. Eventually, in March 1921, Schulz together with his wife was expelled from Poland and resettled in Northern Germany.<sup>31</sup>

General hostility toward the German presence impacted the local trade and the condition of many public and industrial workers, too. In a lengthy report to the Ministry of Reconstruction, the Eastern Federation (*Ostbund*) which represented refugees and displaced persons coming from Poland depicted the difficult situation created by persecutory measures:

*German shopkeepers were forced to employ bilingual staff wherever possible. The German customers were migrating more and more and the shopkeepers could only survive if they were able to attract also Polish clients. These, however, wanted to be served by people who spoke Polish. [...] For political reasons, the Poles attached and still attach great importance to the fact that, as far as possible, negotiations are conducted only in Polish. If, for example, a policeman came to the store to make a statement, or if the owner of the store had to*

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<sup>28</sup> Marian Wojciechowski, “Die deutsche Minderheit in Polen (1920–1939),” in *Deutsche und Polen zwischen den Kriegen Minderheitenstatus und “Volkstumskampf” im Grenzgebiet. Amtliche Berichterstattung aus beiden Ländern 1920–1939* (Oldenbourg: De Gruyter, 1996), p. 6.

<sup>29</sup> Blanke, *Orphans*, pp. 35–47.

<sup>30</sup> PAAA, R 96307, Müller (Bielefeld) to Prof. Neumann Hofer (Detmold), 4 Dec. 1919.



*settle a matter with the administrative or judicial authorities, with the post office or railroad, with the tax authorities, or the professional chamber or with any other official body, which did not necessarily require his presence, [...] it was naturally a great advantage for him if he could send an employee who spoke Polish.*

Many workers were fired by their employers, albeit of German origin, because they were not able to speak Polish. ‘Of course, they had little or no chance of being rehired by other companies because they lacked the knowledge of Polish. Some of them tried to find work elsewhere, but mostly without success.’ The alternative was emigration since, otherwise, there was no way of surviving. Industrial workers and public civil servants shared a similar fate.<sup>32</sup> The emigration from Poland was massive in the early 1920s, but it kept going on in the following two decades. According to the 1931 census, although the total population increased from 21 to 31 million, Germans were only 741,000 (2.3% of the population). Likely, the census data underestimated the real number of Germans who lived in Poland, but other numbers confirmed that decrease. As for the religious composition of the population, the 1931 census revealed that in ten years all denominations enlarged but for the Protestant confession (–17.7%).<sup>33</sup>

#### *Fragmentation and Diversity*

Anyway, what the census data could not wholly catch was the heterogeneous nature of the German-speaking minority of Poland. The census did not consider gray areas such as multiple identities and bilingualism and was inappropriate to depict the diversity and fragmentation of those people. As argued by Winston Chu, Germans were far from being a unitary and homogeneous category. There were at least three different German minorities according to territorial divisions in the former Prussian regions, Upper Silesia, and the rest of the country. In addition to that, these three macro-groups were split along social, religious, and political lines.<sup>34</sup> A further relevant element was that Germans living in the former Prussian territories had to forge a new unitary identity, which had never existed before 1918 because, until then, regional and local identities were predominant over their Germanness. After the war, instead, they elaborated a distinctive character as former Reich citi-

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<sup>31</sup> BAArch, R 2/24770, *Ostbund* (Hamburg) to *Spruchkammer* (Hamburg), 5 Nov. 1922.

<sup>32</sup> BAArch, R 2/24769, *Ostbund* to Reconstruction, 19 Sep. 1922.

<sup>33</sup> Konfessionen (1921; 1931), in: Herder-Institut (Hrsg.): *Dokumente und Materialien zur ostmitteleuropäischen Geschichte. Themenmodul "Zweite Polnische Republik"*, bearb. von Heidi Hein-Kircher. URL: <https://www.herder-institut.de//digitale-angebote/dokumente-und-materialien/themenmodule/quelle/46/details.html>.

<sup>34</sup> Riekhoff, *German-Polish Relations*, pp. 206–14.



zens who were different from Germans residing in the rest of Poland. Also, the German state played a role in forging and nurturing this difference since it privileged former Reich citizens by allocating most financial support to them.<sup>35</sup> On the contrary, German-speaking communities living in the rest of the country, which had never possessed Reich citizenship and were national minorities at the time of the Tsarist Empire, were more indifferent to Germany, and generally hostile to the ‘population policy’ (*Volkstumspolitik*) waged by German-based revisionist and nationalist groups or minority organizations controlled by former Prussian nationals.<sup>36</sup> The diversity and fragmentation, which are typical of all German-speaking communities across the world, also characterized the German presence in Poland.<sup>37</sup>

Throughout the 1920s and 1930s, the political organizations representing the interests of Germans in the former Prussian territories received large financial, economic, political, and legal support from the German authorities (including Prussia) and semi-private nationalist organizations such as the *Deutsche Stiftung*.<sup>38</sup> Subventions, support for credits, and any other actions were primarily aimed at preserving the German presence in Poland in cultural and economic terms. While it is undeniable that many actors conceived that support to sustain revisionist aims, however, diplomacy and public authorities were deeply worried about the flow of migrants from Poland, especially in the early 1920s, and sought to stop the arrival of countless refugees, displaced persons, and migrants. Due to the lack of resources and the economic crisis, the presence of unemployed refugees, who received assistance from public and private organizations, represented a serious threat to domestic stability since the Weimar Republic was unable to grant housing and jobs to all of them. Consequently, allocating subventions and credits to the German minority in Poland was instrumental in preventing a refugee crisis. As Annamarie H. Sammartino argued, ‘German revanchist fantasies became a justification for keeping the Germans in Poland from moving to Germany, and German imperial aims ironically evolved as a consequence of the limits of

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<sup>35</sup> Chu, *The German Minority*, pp. 82–92.

<sup>36</sup> Chu, *The German Minority*, pp. 92–113, and Ingo Eser, “„...so geht es bei einer geordneten Planwirtschaft nicht weiter«. Die Bildungspolitik deutscher Minderheitenparteien und -verbände in Mittelpolen und der Zentralismus des «Deutschen Schulvereins» in Bromberg,” in Müller and Struve, *Fragmentierte Republik*, pp. 370–95.

<sup>37</sup> H. Glenn Penny, *German History Unbound: From 1750 to the Present* (Cambridge: Cambridge University Press, 2022).

<sup>38</sup> Norbert Krekeler, *Revisionsanspruch und geheime Ostpolitik der Weimarer Republik*, *Revisionsanspruch und geheime Ostpolitik der Weimarer Republik* (Stuttgart: Deutsche Verlags-Anstalt, 1973).

German resources.<sup>39</sup> Only after 1924, the situation stabilized mainly due to exogenous factors, such as the end of the economic crisis. However, tensions over the fate of the German minority kept being a matter of dispute between the two states.

### *The Conundrum of Nationality*

Determining who should be a Polish citizen represented another major controversy the new state had to solve. Being aware of the importance of that issue, the peacemakers sought to provide a coherent legal framework within the peace settlement. According to Article 91 of the Versailles Treaty, all German nationals 'habitually resident' in Polish territories were entitled to become Polish *ipso facto*. But the peacemakers made a significant exemption to that rule, meeting the demands of the Polish delegation. As a result, Reich citizens who had fixed their residence in Polish territories after January 1908 could not automatically acquire the new nationality but only thanks to a special authorization of the Polish authorities. The reason for the exclusion was tied to the Expropriation Law passed by Germany in 1908 when authorities facilitated the confiscation procedures of the Prussian Settlement Commission to promote the establishment of German colonists. Furthermore, within two years, all German nationals resident in Poland had the right to keep their German nationality, and in case of option for the latter, they were obliged to leave Poland and move to Germany together with their families and movable assets. Instead of providing a definitive solution, Article 91 caused a series of legal and diplomatic troubles concerning its interpretation. The main problems involved the definition of habitual residence, which Polish authorities routinely denied to Germans, and the treatment of optants whose legal status was contentious due to the lack of uniformity in the procedure concerning the declaration of option. Unsurprisingly, thanks to legal uncertainties and procedural hurdles, the Polish authorities took the chance to deny nationality to Germans, then expel them and confiscate all their assets. Indeed, the regulation of citizenship was strictly related to the right of liquidation of enemy property, as stipulated in Articles 92 and 297 of the Versailles Treaty. Conversely, German diplomacy was determined to restrict the effects of confisca-

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<sup>39</sup> Annemarie H Sammartino, *The Impossible Border: Germany and the East, 1914-1922* (Ithaca: Cornell University Press, 2010), p. 97.

tion, and thus provided a wholly different interpretation of citizenship provisions contained in the peace settlement.<sup>40</sup>

In addition to international treaties, the national legislation also posed other obstacles. The citizenship law passed in January 1920 by the Sejm chose an *ius soli*-based system instead of an *ius sanguinis* one. As a rule, the choice of the territorial principle chosen was instrumental in integrating a highly heterogeneous and fragmented country like Poland. Furthermore, besides the Minority Treaty, the Polish constitution (March 1921) officially guaranteed the full protection of life, liberty, and property to all citizens, ‘without distinction of extraction, nationality, language, race, or religion.’ (Article 95).<sup>41</sup> Even if the Polish state recognized such principles, the enforcement of nationality provisions was far more discretionary and contentious.

The case of the optants was emblematic. Between 1920 and 1926, about 160,000 individuals were denied the right to choose Polish citizenship. Their fate became a matter of confrontation between the two countries. According to German authorities, many of them were choosing to keep their nationality only to avoid the military draft.<sup>42</sup> Among them, there were also some Polish-speaking subjects.<sup>43</sup> Once the Versailles Treaty entered into force, German diplomacy sought to reach an agreement with the Polish side to settle all disputes on nationality, especially the treatment of optants. In February 1920, the government elaborated a first draft convention between the two countries. For several years, bilateral negotiations and international efforts done by the League of Nations led nowhere. In August 1924, eventually, a conference held in Vienna sought to settle the issue under the supervision of Georges Kaeckenbeeck, who initiated the arbitration between the two countries following the model of the Upper Silesian Conference in 1921-22. In the end, the two parties reached an agreement granting fair compensation to dispossessed optants and the right of residence for those who were still in Poland. However, optants residing close to

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<sup>40</sup> Ralph Schattkowsky, “Deutsch-polnischer Minderheitenstreit nach dem Ersten Weltkrieg,” *Zeitschrift für Ostmitteleuropa-Forschung / Journal of East Central European Studies* 48, 4 (1999), pp. 524–30.

<sup>41</sup> Dieter Gosewinkel and Stefan Meyer, “Citizenship, Property Rights and Dispossession in Postwar Poland (1918 and 1945),” *European Review of History: Revue Européenne d’histoire* 16, 4 (2009), pp. 577–9. For the text of the 1921 Polish constitution, see <http://libr.sejm.gov.pl/tek01/txt/kpol/e1921.html>.

<sup>42</sup> PAAA, R 96315, German Passport Office (Posen) to Foreign Affairs, 22 Jan. 1920, and Hausleutner (Bromberg) to Interior (Prussia), 9 Feb. 1920.

<sup>43</sup> PAAA, R 96315, *Reichswanderungsamt* to Foreign Affairs, 5 Mar. 1920.

the border were obliged to leave the country by December 1926.<sup>44</sup> Despite all efforts to find a diplomatic solution, most of the optants were expelled and deprived of property.<sup>45</sup>

The attitude of Polish diplomacy was also ambiguous. Throughout the 1920s, Poland oscillated between the search for a peaceful relationship with Germany and tensions and diplomatic confrontations. A major factor in the dualism of Polish policies toward the neighboring state and the German minority was the lack of coordination between the central government and the local authorities. While Polish diplomacy constantly sought a *détente* in bilateral relations,<sup>46</sup> efforts were often frustrated by the aggressive stance of local authorities, especially in former Prussian territories. Due to the weakness of Polish executives, in domestic affairs, local interests often prevailed over diplomatic considerations thereby contributing to isolating Poland in international relations.<sup>47</sup> The legal status of a large part of the German minority remained unclear, especially in the former Prussian territories where the de-Germanization policies were far more aggressive, and its rights were under the constant menace of being curtailed by the Polish authorities.

### 3.2 Property Rights and Citizenship after the War (1918-1926)

#### *The Early Measures Against German Property*

The economic persecution of Germans and Austro-Hungarians took place immediately after the armistice. In Boryslaw, one of the main centers of the petroleum industry in the former Habsburg Empire and controlled by Polish forces after November 1918, the

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<sup>44</sup> On the Vienna Convention (30 Aug. 1924), see <http://ungarisches-institut.de/dokumente/pdf/19240830-1.pdf>. See also *Actes et documents de la Conférence germano-polonaise tenue à Vienne du 30 avril au 30 août 1924* (Manz, 1924).

<sup>45</sup> Riekhoff, *German-Polish Relations*, pp. 59–70; Blanke, *Orphans*, pp. 65–7; Schattkowsky, “Deutsch-polnischer Minderheitenstreit,” pp. 530–53; Wojciechowski, “Die deutsche Minderheit,” p. 8.

<sup>46</sup> See, for instance, the official guidelines released by the Ministry of Foreign Affairs in the summer of 1921, in 03. August 1921, *Warschau – Allgemeine Instruktion des Außenministers der Republik Polen K. Skirmunt mit Leitlinien für die polnische Außenpolitik*, in: Herder-Institut (Hrsg.): *Dokumente und Materialien zur ostmitteleuropäischen Geschichte. Themenmodul "Zweite Polnische Republik"*, bearb. von Heidi Hein-Kircher. URL: <https://www.herder-institut.de//digitale-angebote/dokumente-und-materialien/themenmodule/quelle/27/details.html>.

<sup>47</sup> For an overview of the problems related to the treatment of minorities, see the Polish confidential memorandum for the cabinet signed on August 26, 1926: *Anhang zum Protokoll mit dem Titel "In der Minderheitenangelegenheit"*, in: Herder-Institut (Hrsg.): *Dokumente und Materialien zur ostmitteleuropäischen Geschichte. Themenmodul "Zweite Polnische Republik"*, bearb. von Heidi Hein-Kircher. URL: <https://www.herder-institut.de//digitale-angebote/dokumente-und-materialien/themenmodule/quelle/1143/details.html>.

new authorities took control of German and Austro-Hungarian oil companies.<sup>48</sup> Likewise, in Galicia, Poles put German mining and oil companies under sequestration.<sup>49</sup> Throughout the country, local authorities put a few dozen ‘abandoned’ industrial plants under compulsory control.<sup>50</sup> However, the early measures against enemy property were taken by local authorities without a coordinated strategy from Warsaw.<sup>51</sup> After October 1918, the central government struggled to be recognized by local committees in Lublin or Posen. Fragmentation and polycentrism resulted in a lack of coordination in many regards, including the treatment of enemy property.

The Posen Supreme People’s Council (*Naczelna Rada Ludowa*), which was the official organ recognized by the central Polish government and was composed of National Democratic (such as Wojciech Korfanty and Władysław Seyda) and Catholic representatives (like Stanisław Adamski), proved to be very aggressive toward German-speaking subjects. Since March 1919, for instance, all banks were obliged to communicate to local organs the presence of credits due to Reich nationals and German military authorities, or private accounts belonging to them, and transactions on their behalf were frozen.<sup>52</sup> Consequently, all bank accounts belonging to Reich nationals were held under sequestration. At the end of August 1919, the General Liquidation Office of Commissariat for the Polish Lands under former Prussian rule (*Główny Urząd Likwidacyjny. Komisariat dla Ziemi Polskich pod byłym panowaniem pruskim*) prohibited the transfer of land property unless authorized by the Office itself and declared void all transactions concerning property between private citizens or between private nationals and public authorities after October 1918.<sup>53</sup> Consequently, for instance, all German insurance companies operating in Polish areas were prevented from signing new contracts, and agreements previously reached with private subjects were to be terminated within three months. In addition to that, Polish authorities seized all local insurance companies which were subsequently placed under the special administration of

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<sup>48</sup> See a copy of the seizure decree (20 May 1919), in NARA, RG 131, UD143.

<sup>49</sup> PAAA, R 96308, *Gesellschaft für Bergbau und industrielle Unternehmungen* to Ministry of Foreign Affairs, 4 Jul. 1919.

<sup>50</sup> Roszkowski, “The Growth of the State Sector,” p. 115.

<sup>51</sup> On the first local organs created between 1918 and 1919 to run administration in Poland, see Andrzej Ajnenkiel, “The Establishment of a National Government in Poland, 1918,” in Paul Latawski, ed., *The Reconstruction of Poland, 1914-23* (New York: Palgrave Macmillan, 1992), pp. 133–43.

<sup>52</sup> PAAA, R 96308, *Reichsbank-Hauptstelle* to *Reichsbank-Direktorium*, 18 Mar. 1919.

<sup>53</sup> PAAA, R 96308, Text of the decree in German language, 22 Aug. 1919.

the Liquidation Office.<sup>54</sup> The consequences were negative for the local economy without distinctions between Germans and Poles, as argued the President of the Reich Association of Private Insurance. The danger of confiscation also provoked countless indirect negative consequences on companies, small firms, and businessmen in the ceded territories that were not directly touched by restrictive measures. According to the Demobilization Committee in Breslau, local merchants were no longer providing credit for firms in the ceded areas but demanded to be paid only in kind.<sup>55</sup> Additionally, economic boycotts, violence, and other discriminatory actions significantly contributed to worsening the situation of Germans and accelerating their migration.<sup>56</sup> Predictably, before leaving the country, many local businessmen were somehow forced to sell their activities at a very low price to profiteers. From a legal point of view, those measures targeted not only people who were formally entitled to become Polish nationals, according to the peace treaty, but were also putting the jobs of Polish employees at risk.<sup>57</sup> But that perspective did not seem to worry the Posen Council.

Dominating the situation was above all confusion. In those weeks, for instance, fake news about the exemption of Germans from confiscation also spread in newspapers, and the German government was often forced to deny it.<sup>58</sup> Also, criteria regulating the enforcement of discriminatory provisions were still undefined. At that time, the peace treaty's provisions about citizenship had not been entered into force, and the National Assembly had not yet passed a nationality law. As a result, who was an enemy citizen was left to local authorities' discretion. According to a local German notary, for instance, Polish authorities approved only 8 out of 67 sale contracts because they regarded the purchasers as 'loyal' subjects, in particular Poles or Catholic Germans. In the eyes of Polish authorities, as the notary argued, Catholic Germans enjoyed a relatively better status than Evangelical ones.<sup>59</sup>

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<sup>54</sup> PAAA, R 96308, *Reichsverband Ostschutz* to Ministry of Foreign Affairs, 25 Sep. 1919, and see also R 96309, *Victoria Allgemeine Versicherungs A. G.* to Ministry of Foreign Affairs, 24 Oct. 1919.

<sup>55</sup> PAAA, R 96308, *Demobilisierungsausschuss der Stadt Breslau* to Ministry of Foreign Affairs, 10 Jul. 1919.

<sup>56</sup> For a general overview, see Keely Stauter-Halsted, "Violence by Other Means: Denunciation and Belonging in Post-Imperial Poland, 1918–1923," *Contemporary European History* 30, 1 (2021), pp. 32–45.

<sup>57</sup> PAAA, R 96309, Dr. W. Rohrbeck (*Reichsverband der Privatsicherung*) to Ministry of Economy, 22 Oct. 1919.

<sup>58</sup> See, for instance, F. Lusensky "Das deutsche Privateigentum in den östlichen Gebieten," *Vossische Zeitung*, 22 Jul. 1919

<sup>59</sup> On the position of German-speaking Catholics, see Albert S. Kotowski, "Polnischer Staat, katholische Kirche und die deutschen Katholiken in Polen 1918–1939," *Kirchliche Zeitgeschichte* 15, 1 (2002), pp. 128–49, and Dietmar Müller, *Bodeneigentum und Nation: Rumänien, Jugoslawien und Polen im europäischen Vergleich 1918–1948* (Göttingen: Wallstein Verlag GmbH, 2020), pp. 294–5.

In other cases, instead, they prevented Germans of the Protestant or Jewish faith from selling their private assets.<sup>60</sup>

In the case of the Jewish urban communities (especially in Posen), whose members were generally assimilated into the German component and were also close to Prussian nationalism, Polish authorities submitted them to double discrimination.<sup>61</sup> National Democrats, and notably Dmowski, together with the Catholic party embraced a vehement anti-semitic platform and perceived that Jews in Poland were irreducible enemies of the nation.<sup>62</sup> That many of them were also culturally and politically close to Germany reinforced the perception of hostility. Among the victims of the early economic measures, was the Kantorowicz family in Posen. Throughout the 19<sup>th</sup> century, thanks to their liquor distillery business (the *Hartwig Kantorowicz AG*), they became one of the most prominent and wealthiest families in the city and were a relevant component of the local economic and social élite (also in the Jewish community).<sup>63</sup> Once Germany lost the war, their situation became rapidly difficult. Between 1918 and 1919, Ernst Kantorowicz (1895–1963), who would become a well-known historian in Germany and later the United States, served in the Free Corps (*Freikorps*) during the First Polish Uprising in Posen, and unsuccessfully fought against the cession of his city of origin to Poland. In the following months, the family moved to Berlin, but before Polish authorities forcibly took away property, the owner of the liquor business Franz Kantorowicz, who was Ernst's cousin, sold it to a local Polish bank for 20 million marks.<sup>64</sup>

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<sup>60</sup> PAAA, R 96307, Draft reply of the Ministry of Foreign Affairs, 10 Nov. 1919.

<sup>61</sup> Alan Levenson, "The Posen Factor," *Sbofar* 17, 1 (1998), pp. 72–80, and Jan Rybak, "Jewish Nationalism and Indifference between Posen and Poznań: The Jewish People's Council, 1918–1920," *The Leo Baeck Institute Year Book* 65, 1 (2019), pp. 107–26. On the relationship between Germans and Jews in Eastern Europe during the war Tobias Grill, "Pioneers of Germanness in the East? Jewish-German, German, and Slavic Perceptions of East European Jewry during the First World War," in Tobias Grill, ed., *Jews and Germans in Eastern Europe: Shared and Comparative Histories* (Oldenbourg: De Gruyter, 2018), pp. 125–59. On the appeal of German culture for the local Jewish middle class, see Ernst Toller, *I Was a German: The Autobiography of Ernst Toller* (New York: W. Morrow, 1934), p. 12, and Marcel Reich-Ranicki, *Mein Leben* (Stuttgart: Deutsche Verlags-Anstalt, 2009), pp. 14–8.

<sup>62</sup> Even Monsignor Ratti, at that time Apostolic Nuncio in Poland, regarded Jews as a dangerous element for the Polish nation. See Morozzo della Rocca, "Achille Ratti e la Polonia (1918-1921)," in *Achille Ratti Pape Pie XI. Actes Du Colloque de Rome (15-18 Mars 1989) Organisé Par l'École Française de Rome En Collaboration Avec l'Université de Lille III - Greco N° 2 Du CNRS, l'Università Degli Studi Di Milano, l'Università Degli Studi Di Roma - «La Sapienza», La Biblioteca Ambrosiana* (Rome: École Française de Rome, 1996), p. 108.

<sup>63</sup> Adam S. Labuda, "Ein Posener Itinerar zu Kantorowicz," in *Geschichtskörper. Zur Aktualität von Ernst H. Kantorowicz*, ed. Wolfgang Ernst and Cornelia Vismann (München: Fink, 1998), pp. 73–91, and

<sup>64</sup> On the history of the Kantorowicz liquor business, see <https://www.alrich.eu/seite/483517/geschichte-der-firma-hartwig-kantorowicz.html>.

The aggressive policy toward Germans, especially in Western Prussia, Pomerania, and the Posen region, derived from decades of violent nationalism and Prussianization policies. Unsurprisingly, the National Democrats were highly suspicious about the loyalty of Reich citizens, who could keep ties with their country of origin even if they acquired Polish nationality. But Poles persecuted Germans in the rest of the country, too. The government in Berlin, for instance, received a lot of letters coming from Łódź-based businessmen, families, and widows, who lost their assets without receiving any compensation.<sup>65</sup> In early May 1919, the Central Council of the German Socialist Republic (*Zentralrat der Deutschen Sozialistischen Republik*) informed the cabinet that, according to a representative of the local soldiers' council, German citizens in Łódź (whose number was estimated to be around 20,000 people) feared to be dismissed, lose their property and then be expelled.<sup>66</sup> Also, timber producers and other business circles in ceded territories asked for protection from the government against the danger of expropriation.<sup>67</sup> It was clear that the margins for peaceful coexistence or integration were getting tighter and tighter. What is more, the peace treaty gave a unique opportunity to take radical action in the economic sphere to achieve full 'Polonization.' Nonetheless, local business circles tried to cooperate with the Polish side and cut political connections with Prussia. The case of the Posen Tramways Company confirmed it. Despite being a subsidiary of a German electric corporation, which had a license for the city's public transport until 1942, the board sought to cooperate with Polish partners. 'We have considered adding Polish members to our Supervisory Board in accordance with the political changes.' By doing so, the management aimed to show loyalty to the new state and distance themselves from pro-German imperialist circles:

*The tramway has never played a political role, since it has considered its task only in the development of the transport of the city of Posen. [...] The company, as is generally acknowledged, has contributed significantly to the prosperous development of the city of Posen and, as a result, has flourished well itself; one of the reasons for this was the close connection of the company with the Gesellschaft für elektrische Unternehmungen and its technical services and experience. A separation, as it would entail a liquidation, would undoubtedly be highly detrimental not only to the company but also to the traffic conditions of Posen it-*

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<sup>65</sup> PAAA, R 96309, Emma Lombard to Ministry of Foreign Affairs, 20 Jan. 1920, and R 96310, Emma Ebhardt to Ministry of Foreign Affairs, 28 Jan. 1920.

<sup>66</sup> BArch, R 43-I/542, *Zentralrat der deutschen sozialistischen Republik* to German cabinet, 3 May 1919.

<sup>67</sup> PAAA, R 96308, D. A. Homan to Ministry of Foreign Affairs, 16 Jul. 1919



*self; on the other hand, it is by no means necessary due to the reorganization of the conditions according to the situation described above.*<sup>68</sup>

This example revealed efforts to separate private business from the political sphere to preserve the material interests of firms and private citizens. But they were often frustrated by the aggressive policy of Polish authorities.

*The General Liquidation of Enemy Property (July 1920)*

In the aftermath of the war, the central government in Warsaw was unable to coordinate the liquidation activities of local committees.<sup>69</sup> It was only at the end of 1919 that attempts to centralize and standardize the confiscation procedures taken by the cabinet obtained some results. In June 1919, a few days after the signing of the peace treaty, the National Democratic Party and the Peasants Party presented a parliamentary motion demanding that the government approved a law for the seizure and liquidation of all enemy private assets in the country like what had already occurred in the UK and other Allied countries.<sup>70</sup> But the cabinet seemed still hesitant.

Due to the lack of resources to expropriate all German assets, Polish diplomacy was looking for alternative solutions. One of these was to negotiate with Germany the renunciation of expropriation in exchange for an advantageous trade agreement. During the bilateral talks in October 1919, the Polish delegation signed a draft agreement containing that clause. The reaction of the central government, however, was furious. The cabinet risked internal crisis and, after a tumultuous session, repudiated the draft and confirmed its intention to liquidate German property regardless of the economic damage that would have derived from it.<sup>71</sup> In November 1919, the Polish government informed Germany to be determined to liquidate at least some categories of German private assets that were considered relevant for the national interest. But they did not specify which ones.<sup>72</sup> The Warsaw government opted to pursue economic persecutory policies against Germans. On November 20, following the example of Alsace-Lorraine, the National Assembly passed a law im-

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<sup>68</sup> PAAA, R 96309, *Gesellschaft für elektrische Unternehmungen* to Ministry of Foreign Affairs, 2 Oct. 1919.

<sup>69</sup> On the economic integration of Poland, see Zbigniew Landau, "The Economic Integration of Poland 1918-23," in Latawski, ed., *The Reconstruction of Poland*, pp. 144-157.

<sup>70</sup> PAAA, R 96308, translated article published on the *Kurier Warszawski*, 17 Jun. 1919.

<sup>71</sup> Ralph Schattkowsky, "Aspekte polnischer Deutschlandpolitik nach dem Ersten Weltkrieg," *Zeitschrift für Ostforschung* 42, 2 (1993), pp. 211-3.

<sup>72</sup> PAAA, R 96309, Wróblewski to Ernst von Simson, 9 Nov. 1919.

posing former Prussian territories a highly discriminatory forced currency exchange, and prohibiting payments to German citizens.<sup>73</sup> Meanwhile, the Ministry of Finance officially recognized the Posen Liquidation Committee as a branch of the Ministry for the Former Prussian Territories.<sup>74</sup>

But the turning point occurred a year later. Once the peace treaty entered into force (January 10), the Sejm first passed the citizenship law (January 20), and then turned its attention to the implementation of provisions on enemy property. As pointed out by Dieter Gosewinkel and Stefan Meyer, because of discrimination between German residents in Polish territories before and after 1908, the Versailles Treaty ‘paved the way for discrimination in matters of landed property acquisition based on nationality. Ethnic distinctions within nationality law could thus justify ethnic distinctions in the right to acquire property.’<sup>75</sup> Likewise, Klaus Richter underlined that, after WWI, the exercise of property rights according to liberal standards was not an obvious choice. ‘After years of expropriation and confiscation under German occupation and in Revolutionary Russia, it was far from evident that the new states should put the maintenance and protection of private property at the core of their constitutions.’<sup>76</sup> Another significant step toward the implementation of the economic persecution against Germans was financial assistance from France. In the early weeks of 1920, the National Democrat leader Kasimierz Olszowski, who served as a high official in the Ministry of Treasury, signed a financial agreement with the French Minister of Finance Louis-Lucien Klotz for granting a loan to Poland aimed at financing the liquidation of German property and creating French-Polish private joint venture to replace German, Austrian, and Hungarian capital.<sup>77</sup>

On March 4, 1920, the Sejm passed the law for the registration of all private assets belonging to German citizens and legal entities (including debts and credits, pensions, bank accounts, insurance contracts, securities, etc.), regardless of their residence. All Polish citizens, companies, banks, or corporations were obliged to declare the presence of that kind

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<sup>73</sup> Ustawa z dnia 20 listopada 1919 r. o walucie w obrębie bylej dzielnicy pruskiej, URL: <https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU19190910492>

<sup>74</sup> The first president was Władysław Dobrogojski. See information in PAAA, R 901/87235.

<sup>75</sup> Gosewinkel and Meyer, “Citizenship, Property Rights,” p. 579.

<sup>76</sup> Klaus Richter, *Fragmentation in East Central Europe: Poland and the Baltics, 1915-1929* (Oxford: Oxford University Press, 2020), p. 260.

<sup>77</sup> Georges Soutou, “Les Mines de Silésie et la rivalité franco-allemande, 1920-1923: Arme économique ou bonne affaire?,” *Relations Internationales*, 1 (1974), p. 137.

of private assets within two months and, in case of violation, they could be punished with pecuniary penalties and even imprisonment.<sup>78</sup> As the Polish cabinet openly stated, the goal consisted in ‘de-Germanizing property’ (*do odniemczenia stanu posiadania*).<sup>79</sup> The only exemption regarded Prussian civil servants, who had been admitted to keeping their jobs according to the German-Polish bilateral agreement (November 15, 1919). Needless to say, at that time, the regulation of citizenship in the ceded areas was far from being solved, and hence the Polish government was determined to put as much German property as possible under control without scrupulously examining the legal status of owners. A few days later, the National Assembly also restricted the possibility for foreigners to acquire land property in Poland.<sup>80</sup>

The Sejm passed three liquidation laws in the summer of 1920. Both of them were emergency measures taken at a critical time for the Polish state when the Soviet troops threatened the existence of the Polish state. The Red Army not only pushed the advance of Pilsudski’s army but, in July 1920, launched a counterattack that culminated in the Battle of Warsaw (August 13–25). Poland and Communist Russia signed the armistice only a few months later (October 18).<sup>81</sup> The three laws were passed by the Sejm on July 14 and 15. The first one concerned the transfer of public ownership (including assets of the Hohenzollern family) from the Prussian and German states to Poland in the application of Article 256 of the Versailles Treaty. Among the consequences of the transfer of public property, the Polish government canceled all sale contracts between German farmers and the Prussian Settlement Commission after October 1918 and consequently evicted all colonists from their farms (including those who had not signed any sale contract with the Prussian Settlement Commission). As stated above, the Posen Council had already begun doing the same some months earlier, but the Sejm legitimized and gave full legal force to those

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<sup>78</sup> Ustawa z dnia 4 marca 1920 r.

o rejestracji i zabezpieczeniu majątków niemieckich, URL: <https://sip.lex.pl/akty-prawne/dzu-dziennik-ustaw/rejestracja-i-zabezpieczenie-majatkow-niemieckich-16876422>. Rozporządzenie Wykonawcze z dnia 10 czerwca 1920 r. do ustawy z dnia 4 marca 1920 roku, o rejestracji i zabezpieczeniu majątków niemieckich. (Dz. Ust. Nr 25, poz. 153), URL: <https://sip.lex.pl/akty-prawne/dzu-dziennik-ustaw/rozporzadzenie-wykonawcze-do-ustawy-z-dnia-4-marca-1920-roku-o-16877271>. For the parliamentary debate, see *Sprawy i sprawy stenograficzne ze 126 posiedzeni Sejmu Ustawodawczego z dnia 4 marca 1920 r.*, pp. 57–61.

<sup>79</sup> *Wniosek w sprawie projektu ustawy o rejestracji i zabezpieczeniu majątków niemieckich*, 18 Feb. 1920.

<sup>80</sup> Ustawa z dnia 24 marca 1920 r. o nabywaniu nieruchomości przez cudzoziemców, URL: <https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU19200310178>.

<sup>81</sup> Stephan Lehnstaedt, *Der vergessene Sieg: Der Polnisch-Sowjetische Krieg 1919-20 und die Entstehung des modernen Ost-europa* (München: Beck, 2019).

measures.<sup>82</sup> A second law concerned agrarian reform which should be implemented across the country. Even if the Polish state allocated 500 million marks, it remained a dead letter, and the Supreme Administrative Court in Warsaw rejected the law as unconstitutional.<sup>83</sup>

More relevant was the third law that the Polish cabinet had drafted at the beginning of July.<sup>84</sup> On July 15, the Sejm finally approved the Liquidation Law to enforce Article 297 (b). According to the president of the parliamentary committee on liquidation, Zygmunt Seyda, through this measure, the Polish state could reverse the ‘extermination policy’ (*eksterminacyjna polityka*) that the German Empire had carried out in the previous decades.<sup>85</sup> Besides ordering the liquidation of all German assets registered in Poland, the law established three different sale procedures. Private assets could be sold by the owner himself within 6 months, nationalized by the Polish state, or put under ‘compulsory purchase.’ In any case, the profit from the liquidation was intended to be paid as compensation to former owners (except for administrative fees). To oversee the procedure there was a Central Liquidation Office in Warsaw composed of three members chosen by the Ministry of Foreign Affairs, the Prosecutor’s Office, and the Ministry of Finance. At the local level, the central organ cooperated with two sub-committees based in Posen and Warsaw, which were responsible for the former Prussian territories (Posen) and the rest of the country (Warsaw). As for the right to file appeals, Germans were entitled to bring civil actions at the Administrative Supreme Court in Warsaw.<sup>86</sup>

According to the law, the committees set the rules for the sale, published liquidation notices in the Polish Monitor (*Monitor Polski*), and supervised the administration assets. However, the committees had another crucial faculty. Such organs examined the nationality of owners and had to ensure that the purchasers were loyal Polish nationals. Albeit obliged

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<sup>82</sup> Ustawa z dnia 4 marca 1920 r. o przelaniu praw skarbowych państw niemieckich na Skarb Polski. For the parliamentary debate, see *Sprawozdanie stenograficzne ze 163 posiedzenie Sejmu Ustawodawczego z dnia 14 lipca 1920 r.*, pp. 3–6.

<sup>83</sup> Ustawa z dnia 15 lipca 1920 r. o wykonaniu reformy rolnej, URL: <https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU19200700462>. Dietmar Müller, *Bodeneigentum und Nation: Rumänien, Jugoslawien und Polen im europäischen Vergleich 1918-1948* (Göttingen: Wallstein Verlag GmbH, 2020), pp. 209–16.

<sup>84</sup> *Projekt ustawy o likwidacji majątków prywatnych w wykonaniu traktatu pokoju podpisanego w Wersalu dn. 28 czerwca 1920 r.*, 7 Jul. 1920.

<sup>85</sup> *Sprawozdanie stenograficzne ze 164 posiedzenia Sejmu Ustawodawczego z dnia 15 lipca 1920 r.*, p. 5.

<sup>86</sup> Ustawa z dnia 15 lipca 1920 r. o likwidacji majątków prywatnych w wykonaniu traktatu pokoju, podpisanego w Wersalu dnia 28 czerwca 1919 roku, URL: <https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU19200700467>. For a legal overview, see Stefan

to wait for the decision of the police authorities or local administration (voivodes) regarding the acquisition of Polish citizenship, the committees often disregarded such limitations. In most cases, the committees autonomously determined the legal status of Germans.<sup>87</sup> As a result, it was common that persons entitled to acquire Polish citizenship suffered the arbitrary deprivation of property. According to Udo Rukser (1892–1971), a lawyer who assisted dozens of Germans in preserving their property rights in Poland throughout the 1920s and the early 1930s, the law offered no guarantees to owners and, by contrast, allowed profiteers to steal. Furthermore, six months was a too short deadline to sell private assets and revealed that the main goal of Poles was to liquidate German assets at the lowest price.<sup>88</sup> German diplomacy shared those remarks. In a report sent to the Ambassador in Warsaw, the Ministry of Foreign Affairs denounced that the procedures would result in a severe diminution of property value. Also, the Posen local authorities had already sold private assets to relatives of high officials or wealthy local businessmen. Germany was ready to assist its citizens against such violations in the national courts and MATs.<sup>89</sup> As for the German-Polish MAT, since late 1920, victims of Polish measures asked Germany to accelerate the creation of the arbitral court, which could be ‘a protection against the unfair liquidation provisions of Poland.’<sup>90</sup> After months of negotiation and difficulties in selecting the members, in March 1921, the two countries agreed on the choice of Paul Moriaud (1865–1924), a Swiss jurist and dean of Law School at Geneva University, as president.<sup>91</sup> But MAT’s activity started only in September. Only at that time, the legal and administrative framework has been definitively established.

### *The Enforcement of Liquidation and the German Resistance, 1920–23*

Enforcing the liquidation law proved to be a difficult task for the Polish administration. The first session of the Liquidation Committee in Posen was held on April 30, 1921. Among his members, Kazimierz Kierski (1873–1944), a lawyer and journalist close to the

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Dembiński, “Stwierdzenie Obywatelstwa i Likwidacja Dóbr Niemieckich,” *Ruch Prawniczy, Ekonomiczny i Socjologiczny* 7, 1 (1927), pp. 22–34. See also Oertel, *Beiträge zur Geschichte*, pp. 183–5.

<sup>87</sup> For the creation of the Central Liquidation Office and its local branches, see decree passed on November 22, 1920. See also Kazimierz Kierski, *Likwidacja majątków niemieckich według traktatu pokoju: Z dodaniem odnoszących przepisów traktatu oraz ustawodawstwa polskiego* (Poznań: Ministerstwo B. Dzielnic Pruskiej, 1921), and Jan Zoltowski, “La liquidation des biens allemandes en Pologne,” *Revue politique et parlementaire* 113 (October 1922), pp. 78–9. See also Dembiński, “Stwierdzenie Obywatelstwa,” pp. 25–6, 33–4.

<sup>88</sup> Udo Rukser, “Das Liquidationsgesetz,” *Posener Tageblatt*, 16 Aug. 1920.

<sup>89</sup> PAAA, R 266613, Foreign Affairs to Embassy (Warsaw), 11 Sep. 1920.

<sup>90</sup> BArch, R 3001/7454, *Schutzverband für deutsches Vermögen in Polen* to Reconstruction, 16 Nov. 1920.

National Democrats in Posen, stood out for his anti-German attitude with many articles in local newspapers.<sup>92</sup> But procedures went very slowly. According to Polish sources, at first, German owners generally agreed to sell their property voluntarily. Things changed soon, and Polish authorities faced countless cases of passive resistance (for example, property damage and vandalism) and, later, assault on public officials or other forms of violent defense.<sup>93</sup> Often, however, it was the German state that suggested adopting such dilatory tactics. For instance, the Ministry of Finance urged firms and private citizens to decline to communicate that kind of information.<sup>94</sup> In particular, about 14,000 private citizens, companies, and banks (including those based in Germany) feared losing around one billion mark investments.<sup>95</sup> For instance, in 1921, the *Deutsche Bank* closed its branches in Posen, Bromberg, Hohensalza, and Thorn due to the hostile conditions of the Polish market,<sup>96</sup> while the *Disconto-Gesellschaft* kept only the Posen branch open.<sup>97</sup> But the obstacles to the liquidation were various, including the economic damage to the Polish economy. For instance, a group of German firms sent a petition to the Polish government to exempt debts and credits from registration and liquidation. Otherwise, as they argued, the abrupt interruption of economic relations between German and Polish private subjects would have resulted in massive damage to the national economy.<sup>98</sup> The lack of resources certainly restricted the possibility for Poland to confiscate those assets. Unlike Western European Powers and the United States, the obligation of directly compensating Germans represented a serious problem. In addition to that, France did not keep the promise of supporting Poland with adequate financial means to confiscate German assets, and in the early 1920s, the Olszowski-Klotz agreement turned out to be largely insufficient.<sup>99</sup> Also, another cause of difficulties was the unpreparedness and the lack of organization within the Polish ad-

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<sup>91</sup> BArch, R 3001/7453, Göppert to German Embassy (Warsaw), 25 Mar. 1921.

<sup>92</sup> PAAA, R 265087, German Consulate (Posen) to Foreign Affairs, 7 May 1921, and R 266609, German Consulate (Posen) to Foreign Affairs, 8 Dec. 1921.

<sup>93</sup> Zenon Szczawiński, *Likwidacja majątków niemieckich w Polsce* (Warszawa: Rola, 1923), p. 13.

<sup>94</sup> PAAA, R 266612, Finance to Foreign Affairs, 26 Jun. 1920.

<sup>95</sup> PAAA, R 265087, *Deutscher Gläubigerschutzverein für Polen und Litauen* to Interior (Prussia), 24 Jul. 1921.

<sup>96</sup> *Geschäftsbericht des Vorstands der Deutschen Bank für das Jahr 1921*, p. 16. On the activities of the *Deutsche Bank* in Central Eastern Europe, see Alexander Nützenadel, "The End of the World Economy: War, Revolution, and Inflation," in Werner Plumpe, Alexander Nützenadel, and Catherine Schenk, *Deutsche Bank: The Global Hausbank, 1870 – 2020* (London: Bloomsbury Publishing, 2020), p. 255.

<sup>97</sup> *Disconto-Gesellschaft in Berlin Geschäftsbericht für das Jahr 1921*, p. 12.

<sup>98</sup> PAAA, R 266612, Petition of the *Deutsch-polnische Verein zur Pflege und Förderung der gegenseitigen Handelsbeziehungen* to Polish government, 19 Apr. 1920

ministration which contributed to slowing down the procedures of registration, management, and sale of private assets.<sup>100</sup> In many cases, for instance, the assessment of property value done by Polish officials was often inaccurate. The first public notification of liquidation was published in the Official Gazette at the end of December 1922, more than two years after the approval of the law.<sup>101</sup> Such a system encouraged abuses and corruption at every level. Eventually, until mid-1923, the bilateral talks between Germany and Poland over the citizenship issue contributed to slowing the general liquidation of enemy assets.

German diplomacy played a key role in helping private citizens, colonists, firms, and banks to avoid the loss of property. Assisting Germans threatened with the loss of their assets were not only Berlin diplomacy but a network of associations, lawyers, business circles, and nationalist organizations based in Germany or Poland. Among them, one of the most prominent lawyers who worked together with the Ministry of Foreign Affairs, associations, and private citizens was Erich Kaufmann (1880–1972). Between 1921 and 1933, besides his academic activity as a professor of International Law at Bonn University, he became the official legal advisor of German diplomacy, serving as a delegate in many international conferences (such as in Geneva and Vienna) and being appointed as the official representative of Germany in judicial cases before the Permanent Court of International Justice. Furthermore, he was also the lawyer of many German victims of Polish measures before the MAT or a legal advisor to them. After the war, Kaufmann was probably the leading expert in Germany on the legal issues of the Versailles Treaty in Eastern Europe, especially in the fields of private international law and minority rights.<sup>102</sup> Even the Polish coun-

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<sup>99</sup> Georges Soutou, “L’impérialisme du pauvre : La politique économique du gouvernement français en Europe Centrale et Orientale de 1918 à 1929: Essai d’interprétation,” *Relations Internationales*, no. 7 (1976), pp. 225–6.

<sup>100</sup> On the administrative problems of the Polish state, see Keely Stauter-Halsted, “Violence by Other Means: Denunciation and Belonging in Post-Imperial Poland, 1918–1923,” *Contemporary European History* 30, no. 1 (2021), pp. 38–40.

<sup>101</sup> PAAA, R 265088, German Consulate (Posen) to Foreign Affairs, 9 Jan. 1923.

<sup>102</sup> On Kaufmann’s biography, see Frank Degenhardt, *Zwischen Machtstaat und Völkerbund. Erich Kaufmann (1880–1972)* (Baden-Baden: Nomos, 2008), especially pp. 95–109. See also Karl Josef Partsch, “Der Rechtsberater Auswärtigen Amtes 1950–1958. Erinnerungsblatt zum 90. Geburtstag von Erich Kaufmann,” *Zeitschrift für ausländisches öffentliches Recht und Völkerrecht* 30 (1970), pp. 223–36; Hermann Mosler, “Erich Kaufmann Zum Gedächtnis,” *Zeitschrift für ausländisches öffentliches Recht und Völkerrecht* 32 (1972), pp. 235–8; Manfred Friedrich, “Erich Kaufmann,” *Der Staat* 26, 2 (1987), pp. 231–49; Stephen Cloyd, “Erich Kaufmann,” in Arthur J. Jacobson et al., *Weimar. A Jurisprudence of Crisis* (Berkeley Los Angeles London: University of California Press, 2000), pp. 189–96; Christian Tomuschat, “Erich Kaufmann,” in *Orden pour le Mérite für Wissenschaften und Künste. Reden und Gedenkworte*, vol. 37 (Wallstein Verlag GmbH, 2008), 219–36; Jochen Rozek, “Erich Kaufmann (1880–1972),” in *Staatsrechtslehrer des 20. Jahrhunderts: Deutschland - Österreich - Schweiz* (Oldenbourg: De Gruyter, 2018), pp. 263–80.

terparts admitted his ability in legal matters. ‘The Germans have a man whom none of us can stand up to, Professor Kaufmann. He throws around not only decisions of the highest court of his own country, but also of the Belgian, American, Polish, etc., that we are simply beaten down.’<sup>103</sup> Thanks to his personal connection with Carl Georg Bruns, the legal expert of the German minority in the former Prussian territories, in the summer of 1919, the Bromberg People’s Council asked Kaufmann to compile a commentary on the peace treaty provisions about the ceded regions to Poland.<sup>104</sup> As Kurt Graebe wrote to him in 1934, when the Nazi regime dismissed Kaufmann from his role due to his Jewish origin, ‘for 15 years, you have fought for us and with us at all times, and with the full commitment of your person, you have represented our interests in diplomatic negotiations, at the League of Nations, before the Hague Court, before the Mixed Court of Arbitration and at the Foreign Office with emphasis and with great success. Many thousands of hectares of German land could be saved from annulment and liquidation by Poland, and where this was no longer possible, thousands of settlers, tenants, and landowners could be paid compensation, which enabled them to resettle in the Reich. Not less important was your work to preserve the existence of our ethnic group against the threat of emigration and to maintain the German schools in all parts of Poland.’<sup>105</sup>




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<sup>103</sup> Degenhardt, *Zwischen Machtstaat*, p. 90.

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Degenhardt, *Zwischen Machtstaat*, pp. 90–1, and Erich Kaufmann, *Die Rechtsverhältnisse der an Polen abgetretenen Ostmark* (Berlin: Grenzboten, 1919). On Carl Georg Bruns, see his papers in DSHI, 100 Bruns.

<sup>105</sup> PAAA, R 214/99386, Graebe to Kaufmann, 15 Feb. 1934.



[Fig. 3.3, A picture of Erich Kaufmann in the 1960s]

Polish lawmakers representing the German minority and other organizations of the German-speaking communities contributed as well. On several occasions, they presented resolutions denouncing the attitude of the Polish administration, because it was confiscating assets belonging to Polish nationals of German origin.<sup>106</sup> Many of them were also personally touched by the danger of expropriation. For instance, Erwin Hasbach (1875–1870), who served as a member of the Sejm (1920–22) and then at the Senate (1922–30), owned extensive estates in Pomerania, and after the war had been authorized by Poles to acquire a large land lot covering 1,800 hectares close to Thorn. Nevertheless, he was afraid of being a victim of liquidation or agrarian reform.<sup>107</sup> But Polish authorities reacted against those efforts, as shown by the case of the *Treuhand in Polen*. Created in September 1920 by representatives of the German minority in Bromberg and Posen, it was a joint venture composed of local banks, chambers of commerce, business circles, and lawyers, and aimed at providing Germans with capital and legal assistance against Polish measures.<sup>108</sup> In a few weeks, however, many of its leaders were expelled from the country,<sup>109</sup> and some others were arrested or interned.<sup>110</sup> But they did not desist and within a few weeks resumed their activities.<sup>111</sup>

### *The Turning Point of 1923*

During a cabinet session on March 23, 1923, several ministries complained about the poor results of liquidation procedures and policies toward minorities. Until that moment, the Polish administration recorded about 92,000 private assets to be liquidated (including 140,000 hectares of land property), but most of them were still owned by Germans.<sup>112</sup> Especially in the former Prussian regions, the policy of de-Germanization was proceeding too slowly and leaving German economic and commercial interests untouched. Therefore, the cabinet decided to re-organize the administrative structure in order to re-

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<sup>106</sup> See, for instance, the interpellation of April 23, 1923 in PAAA, R 265088, *Deutsche Rundschau*, 25 Apr. 1923.

<sup>107</sup> PAAA, 266609, German Embassy (Warsaw) to Foreign Affairs, 20 Jan. 1922.

<sup>108</sup> PAAA, R 266613, *Schutzverband für deutsches Vermögen in Polen* (F. Lusensky) to Foreign Affairs, 4 Oct. 1920.

<sup>109</sup> PAAA, R 266613, German consulate (Posen) to Foreign Affairs, 8 Nov. 1920.

<sup>110</sup> PAAA, R 265087, German consulate (Posen) to Foreign Affairs, 25 Jan. 1921.

<sup>111</sup> PAAA, R 265087, *Schutzverband für deutsches Vermögen in Polen* to Foreign Affairs, 3 Feb. 1921.

launch the liquidation. Considering it a matter of national security, the government reaffirmed that the confiscation was aimed at defending Poland against any possible military menace and promoting the settlement of Polish colonists in Western regions.<sup>113</sup> The main promoter of that breakthrough was Prime Minister Władysław Sikorski (1881–1943), who had announced during an official visit to Posen a more aggressive policy against Germans, including the expropriation of their assets, the expulsion of all optants and a reform of the legal status of the Evangelical Church.<sup>114</sup> Sikorski, a well-known general who had stood out for his ability during WWI, led the first cabinet after the first elected President of Poland had been killed by a nationalist terrorist, and showed his intention to adopt harsh measures to preserve the stability of the Polish state. Between 1923 and 1924, Polish authorities adopted several discriminatory measures against some groups of disloyal subjects (such as German-speaking protestant pastors), or institutions like German schools. At the local level, many civil servants of German origin were dismissed, as well as authorities compiled a list of individuals who, despite opting for Poland, were regarded as Germans, or had a pro-German attitude, to be arrested in case of war. In the second half of 1923, German consular authorities reported hundreds of expulsion decrees against subjects who were supposed to be German nationals. Furthermore, another important decision taken by Sikorski's cabinet was the forced dissolution of the *Deutschtumsbund*, which was the major German association in Poland.<sup>115</sup>

As a result, the liquidation committees relaunched the liquidation of property belonging to enemy subjects. Among them, there were also associations, caritative or religious institutions, or hospitals such as childcare institutions in Samter (Posen), the Deaconess Hospital in Czarneków, and the Patriotic Women Association.<sup>116</sup> Some months later, a sports society of Posen called *Germania* was confiscated, too.<sup>117</sup> In Thorn, for instance, the German consulate informed that local authorities were carrying on 'hidden' confiscations by revoking the licenses of pharmacists of German origin and expelling them.<sup>118</sup> Excep-

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<sup>112</sup> Jan Zoltowski, "La liquidation des biens allemandes en Pologne," *Revue Politique et Parlementaire* 113 (October 1922), p. 79.

<sup>113</sup> Kotowski, *Polens Politik*, pp. 97–8.

<sup>114</sup> Kotowski, *Polens Politik*, pp. 98–100.

<sup>115</sup> Kotowski, *Polens Politik*, pp. 113–22.

<sup>116</sup> PAAA, R 265088, Interior (Prussia) to Foreign Affairs, 5 Sep. 1923, and German consulate (Posen) to Foreign Affairs, 6 Sep. 1923.

<sup>117</sup> PAAA, R 263995, German consulate (Posen) to Foreign Affairs, 24 Apr. 1924.

<sup>118</sup> PAAA, R 265088, German consulate (Thorn) to Foreign Affairs, 28 Aug. 1923.

tionally, though, the cabinet invited the Liquidation Committee to release personal possessions with no significant economic value.<sup>119</sup> At the same time, the administration relaunched the liquidation of German assets on a large scale with two significant decisions. In October 1923, firstly, the Central Committee of Liquidation in Warsaw reached a special agreement with a Polish bank to fund its activities and hence provided the administration with enough money to confiscate private assets.<sup>120</sup>

Another significant step was the renewal of the Liquidation Committee's staff in Posen. In January 1924, the cabinet appointed Bohdan Winiarski (1884–1969) as president of it.<sup>121</sup> Being a professor of International Law at Posen University, he was a prominent legal scholar and jurist who, like Kaufmann, combined his academic expertise, especially in the field of agrarian law and history of political institutions in Poland, with a political and public commitment to the Polish nationalism. He was also close to the National Democrats. During the war, he stood for his criticisms against the German military occupation authorities and the education policies in Germany which were discriminatory against Poles.<sup>122</sup> In 1919 he joined the Polish delegation at the Paris Peace Conference and served as a delegate at the League of Nations in 1923. Winiarski was a vocal supporter of ultranationalist policies. As a member of the Union for the Defense of the Western Borderlands (*Związek Obrony Kresów Zachodnich*), a nationalist association that was vigorously committed to the de-Germanization of the country, he embodied the strong anti-German attitude of the National Democratic leadership. Together with other prominent international legal scholars like Zygmunt Cybichowski, he was probably the most famous jurist who repeatedly criticized the minority treaty and other international limitations of Polish sovereignty. Nonetheless, Winiarski was also well-known outside of Poland. Besides having studied at Paris and Heidelberg, he was a member of the Institute of International Law, some of his books were translated into foreign languages, and during WWII he became the head of the Polish Bank in London and later was elected at the International Court of Justice at The Hague in 1946 (and then served as president of it between 1961 and 1964).<sup>123</sup>

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<sup>119</sup> See information in *Auslandswarte*, 3, 21–22, (1923), p. 296.

<sup>120</sup> PAAA, R 265089, German embassy (Warsaw) to Foreign Affairs, 18 Oct. 1923.

<sup>121</sup> PAAA, R 264026, German consulate (Posen) to Foreign Affairs, 8 Jan. 1924.

<sup>122</sup> PAAA, R 264026, German consulate (Posen) to Foreign Affairs, 11 Feb. 1924.

<sup>123</sup> Jan Sandorski, *Bohdan Winiarski: prawo, polityka, sprawiedliwość* (Poznań: Wydawn. Poznańskie, 2004), pp. 69–74. See also Korzec, “Polen und der Minderheitenschutzvertrag,” pp. 527–32. As for his books, cf. Bohdan Winiarski, *Ustrój polityczny ziem polskich w XIX wieku* (Fischer i Majewski, 1923), and the French translation



[Fig. 3.4, Bohdan Winiarski]

From the very first press conference, Winiarski showed his will to make a decisive breakthrough in the liquidation process.<sup>124</sup> Among his most controversial actions was the decision to carry on confiscation, even in disagreement with other administrative authorities about the nationality of the owners. Thanks to the support of the central government, according to Winiarski, the Liquidation Committee was entitled to settle controversies about the legal status of German subjects autonomously.<sup>125</sup> In the following months, many people who had acquired Polish nationality and possessed official documents confirming it received liquidation notices from the Winiarski's committee. Even the League of Nations' exhortation to suspend procedures until a bilateral agreement on the status of former

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*Institutions politiques en Pologne au XIXe siècle* (Paris, 1924). See also his biographical profile in <http://www.archpan.poznan.pl/wp-content/uploads/2021/04/Materia%C5%82y-Bohdana-Winiarskiego-1884-1969-sygn.-P-III-99.pdf>

<sup>124</sup> PAAA, R 264026, German consulate (Posen) to Foreign Affairs, 28 Jan. 1924.

<sup>125</sup> PAAA, R 264026, German consulate (Posen) to Foreign Affairs, 13 Feb. 1924.

German citizens was reached had no effect.<sup>126</sup> Public opinion and local nationalist associations like the Union for the Defense of the Western Borderlands openly supported the new course inaugurated by Winiarski.<sup>127</sup> According to Kierski, for instance, Poland should have not allowed the presence of more than 200/250,000 citizens of German origin on national soil and exhorted the Liquidation Committee to liquidate as much property as possible to reach that goal.<sup>128</sup> In an interview with the local newspaper, *Dziennik Poznański*, Winiarski promised to finish his job within two or three years, thanks to the fact that the Liquidation Committee had enough financial means to confiscate German assets without waiting for the voluntary sales.<sup>129</sup> Some weeks later, replying to criticisms coming from German diplomacy, he also stated that the Polish executive was entitled to freely interpret the minority treaty according to its national interest.<sup>130</sup> Besides land property, the Liquidation Committee targeted some productive sectors, where the presence of German capital was considered to be dangerously excessive, such as the sugar companies. As reported by the consulates in Posen and Thorn, Winiarski ordered the seizure of company stock held by Polish shareholders of German origin, which were sold only to 'loyal' subjects, in order to manipulate the membership of their boards of directors.<sup>131</sup>

By May 1927, when Winiarski was dismissed by the government, the Liquidation Committee in Posen carried on its aggressive policy against Germans, often regardless of their legal status. Economic persecution went on despite efforts done by Germany, the German-Polish MAT, the League of Nations, and to a lesser degree part of Polish leadership to soften the expropriation process. It repeatedly violated national legislation, as well. The case of Paul von Magnus (1845–1930), the son of Heinrich Gustav, a well-known chemist and physicist at Berlin University, was emblematic of what happened to thousands of people and families. Magnus was the owner of a large estate (321 hectares) in Rogowo, a small village halfway between Posen and Bromberg, which belonged to his family since the 1860s. Besides the main mansion, it included forests, arable fields, pastures, and a farm

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<sup>126</sup> PAAA, R 264026, German consulate (Thorn) to Foreign Affairs, 5 Mar. 1924 and German consulate (Posen) to Foreign Affairs, 6 Mar. 1924.

<sup>127</sup> PAAA, R 264026, German consulate (Posen) to Foreign Affairs, 16 Jan. 1924.

<sup>128</sup> PAAA, R 264026, German consulate (Posen) to Foreign Affairs, 7 Mar. 1924.

<sup>129</sup> PAAA, R 263995, German consulate (Posen) to Foreign Affairs, 29 Apr. 1924.

<sup>130</sup> PAAA, R 264263, German consulate (Posen) to Foreign Affairs, 5 Jun. 1924.

<sup>131</sup> PAAA, R 265779, German consulate (Posen) to Foreign Affairs, 10 Nov. 1925, and German consulate (Thorn) to Foreign Affairs, 16 Dec. 1925. See also PAAA, R 263783, German consulate (Posen) to Foreign Affairs, 9 Apr. 1926, and R 265363, German consulate (Posen) to Foreign Affairs, 1 Dec. 1926.

employing more than 120 workers. As a resident in Rogowo since the late 19<sup>th</sup> century, according to the Versailles Treaty, Magnus was entitled to automatically acquire Polish nationality. But local authorities saw it differently. In May 1923, the Liquidation Committee in Posen informed Magnus of its intention to liquidate his property since he was supposed to be a German national. Although Magnus claimed to be a Polish citizen, authorities replied that he had a dual residence (in Berlin and Rogowo) which was not recognized by the Polish legislation, and hence he could be considered a 'habitual resident' in Poland. Therefore, Magnus ran the risk of being expelled and deprived of all his property. In the following months, however, he appealed to the local prefecture asking for a nationality certificate, but it was denied to him. Conversely, local authorities notified him of an expulsion decree. Then, assisted by the German-Polish lawyer Udo Rukser, Magnus filed a lawsuit to the Supreme Administrative Court in Warsaw against the expulsion decree. Nonetheless, between May and December 1923, administrative procedures went on very slowly. But the situation rapidly deteriorated in 1924. On March 21, some Polish officials (including a policeman) arrived at Magnus's house informing him that the Liquidation Committee appointed as forced administrator Count Grocholski, a young member of the Polish aristocratic family. While they made a value assessment of Rogowo and took control of the farm, Magnus was obliged to provide Count Grocholski and his clerk with housing and food. In addition to that, Magnus together with his family could be evicted at any moment. As he wrote to his son in Germany, 'Count Grocholski is a young man, had estates in Podolia and Volynia, and he is Polish. His father was an equerry of the former Tsar; therefore, the son also studied in St. Petersburg. [...] Why does this young man have more rights to the estate than we, who have been here for 25 years on this estate, which has been in the family since 1862, while Gr[ocholski] has never lived here?'<sup>132</sup>

In the following weeks, Magnus experienced a very difficult situation. Deprived of income and physically isolated, his family had to live side by side with Grocholski. More than anything, they realized that the risk of losing all their possessions was highly likely. 'The feeling of being so completely betrayed and defrauded, as we now have, as a result of the circumstances surrounding us in the immediate proximity, is gradually becoming very demoralizing. I, at 79, and your mother, at 67, are no longer the youngest and feel helpless in the face of unscrupulous power.' The physical presence of Polish officials gave them the

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<sup>132</sup> PAAA, R 264026, Paul von Magnus to Arthur von Magnus, 22 Mar. 1924.

impression of prevarication and abuse of power. "The clerk never greets us, and certainly never talks to us—perhaps he cannot speak German. He slips furtively through the doors of the house, but he never opens his mouth, probably because he almost always has a burning cigarette in it. This has been our lord and master for a week now, to whom everything here is subject!"<sup>133</sup> On April 25, Polish authorities informed him about the eviction decree, while Count Grocholski had officially bought the farm from the Polish state. German diplomacy, lawyers, and the Magnus family sought to stop the procedure by invoking the League of Nations.<sup>134</sup> But Grocholski, thanks to his connections with the Polish diplomatic and government circles, proved to be stronger than them. Attempts to invalidate his purchase contract were unsuccessful, and therefore since June 1924, he was legally entitled to evict Magnus from Rogowo at any time, as he did by submitting an eviction application to the court.<sup>135</sup> Then, authorities suspended water and electricity in the house as well as prevented Magnus from using the kitchen. The situation was desperate.<sup>136</sup> On the same days, the Council of the League of Nations discussed the treatment of German-speaking settlers and colonists in Poland, which was accused of violating the minority treaty by the British delegate Lord Parmoor.<sup>137</sup> But, once again, the League was unable to protect Magnus as all other victims of Polish measures from the consequences of mistreatment.<sup>138</sup> His case became public domain, and local newspapers defended the attitude of Polish authorities claiming that Germany was wrongly meddling in the domestic affairs of Poland.<sup>139</sup>

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<sup>133</sup> PAAA, R 264262, Paul von Magnus to Arthur von Magnus, 9 Apr. 1924.

<sup>134</sup> PAAA, R 264263, Arthur von Magnus to Foreign Affairs, 24 May 1924. On his case, see also LNA, R1643/41/6180/28740, R1688/41/30675/34944, R1688/41/30675/35926, and R1688/41/30675/36365.

<sup>135</sup> PAAA, R 264263, German consulate (Posen) to Foreign Affairs, 12 Jun. 1924.

<sup>136</sup> PAAA, R 266008, German consulate (Posen) to Foreign Affairs, 18 Jun. and 19 Jun. 1924.

<sup>137</sup> See his letter to Ramsay MacDonald, in NA, PRO 30/69/200, Lord Parmoor to Ramsay MacDonald, 15 Mar. 1924.

<sup>138</sup> PAAA, R 264404, Session of the League's Council, 17 Jun. 1924.

<sup>139</sup> See articles of *Kurjer Poznański*, 6 Jul., 9 Jul., and 10 Jul. 1924, in PAAA, R 264404.



[Fig. 3.5, Picture of Rogowo's mansion in the 1930s, in <https://www.grocholski.pl/pl/rogowo/>]

On July 6, the eviction ruling became binding, and Grocholski took possession of the Rogowo estate. 'For health reasons, further resistance was not to be expected, the M[agnus] family now decided to leave it by themselves, and for this purpose, they went to Rogowo by car.' Together with German officials from the consulate, Magnus spent his last hours taking his remaining personal possessions before departing. Polish officials prevented him from carrying part of the furniture since it was supposed to belong to the house. In the evening, in the presence of the new owner, 'after the furniture van left the estate, the keys were handed over to the Count. Thus ended the departure from Rogowo.'<sup>140</sup> Polish authorities paid Magnus 190,000 zloty as compensation for the loss.<sup>141</sup> Only one year later, the Supreme Administrative Court in Warsaw ruled that the Liquidation Committee had

<sup>140</sup> PAAA, R 264404, Report of Rudnick (German consulate in Posen), 7 Jul. 1924.



violated Maganus's rights by ignoring his nationality status and without waiting for a definitive examination of his case. Instead of restoring his property, however, the court assigned him a higher compensation.<sup>142</sup> The case of Magnus summarized the brutal attitude of Polish authorities. Disregarding legal national and international obligations, the Liquidation Committee carried on economic persecution of German-speaking subjects, regardless of their status as Polish citizens. Nostrification consisted of reallocating their assets to Polish nationals, whose loyalty was considered unquestionable. Political or social considerations about a democratizing process were left out of the question. Likewise, whether the reallocation was transparent or lucrative for the state, was almost irrelevant. What most mattered was the national origin of the owners.

In May 1927, the central government suddenly dismissed Winiarski. The official reason was a corruption scandal revealing some misappropriations involving Winiarski.<sup>143</sup> Likely, behind that decision, there were political reasons. After Pilsudski's coup d'état, many personalities close to National Democratic circles were forced to leave. Additionally, at that time, Polish diplomacy was seeking to end the aggressive policies toward the German minority in order to reach an agreement with Berlin. Unsurprisingly, the German circles greeted the news with 'jubilation.' With the departure of Winiarski, the activity of the Liquidation Committee in Posen slowed down, even if without completely stopping.<sup>144</sup>

In sum, according to Winiarski, Polish authorities recorded 93,000 assets belonging to German subjects. Most of them were credits, debts, shares, properties, bank accounts, insurance contracts, mortgages, and other small sums of money, while only 9,000 consisted of land lots, companies, small firms, real estate, and caritative or religious property.<sup>145</sup> By November 1926, as reported by German sources, Poland confiscated 355,000 hectares.<sup>146</sup> Of them, only one-third had been sold through voluntary agreements in the early 1920s, while the majority were directly expropriated by the Polish administration. Property be-

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<sup>141</sup> PAAA, R 263995, German consulate (Posen) to Foreign Affairs, 24 Apr. 1924. According to the exchange rate rates, at that time, it corresponded to \$266, whose actual value is around \$4,000.

<sup>142</sup> PAAA, R 265779, Udo Rukser to Foreign Affairs, 3 Dec. 1925. Text of the decision is reported in Stefan Dembiński, "Stwierdzenie Obywatelstwa i Likwidacja Dóbr Niemieckich," *Ruch Prawniczy, Ekonomiczny i Socjologiczny* 7, 1 (1927): 23–4.

<sup>143</sup> PAAA, R 264753, German consulate (Posen) to Foreign Affairs, 25 May 1927.

<sup>144</sup> Winiarski's successor was a high official of the Interior, Stanislaus Zieliński, 'a very capable lawyer, but indolent.' See PAAA, R 264753, German consulate (Posen) to Foreign Affairs, 5 Jul. 1927.

<sup>145</sup> PAAA, R 266835, German consulate (Posen) to Foreign Affairs, 6 Jan. 1925.

<sup>146</sup> PAAA, R 267144, Report on the Liquidation Procedure, 15 Nov. 1926.

longing to German public entities corresponded to 370 items (mainly buildings, real estate, land lots, etc.), and Polish authorities liquidated about 10,000 credits due to German firms and individuals, whose value was worth 181 million marks.<sup>147</sup> Furthermore, by 1927, 272 were industrial and commercial plants touched by confiscatory measures.<sup>148</sup> According to official data, by 1931, in the former Prussian regions, Polish authorities liquidated 3,973 land lots (over 170,000 ha)—whose majority (3,860) consisted in small farms (under 100 ha) and only 113 were large rural property—and 1,888 assets consisting of urban rural estate (1,609), commercial and industrial factories (249), and humanitarian institutions (30). By contrast, only 356 land lots (about 24,000 ha) and 178 private assets of other nature (118 urban estate; 39 firms; 21 humanitarian institutions) were still owned by Germans.<sup>149</sup> In the rest of the country, however, liquidation went differently. Out of more than 1,500 assets to be confiscated, only 316 were actually liquidated since most of them were given back to former owners by authorities. Likely, in the latter category, the most important case of liquidation concerned the Warsaw gas company.<sup>150</sup>

As for the economic impact of those measures, several commentators from both sides underlined that the liquidation system caused a general pauperization of the local economy. From 1920 on, because of the risk of expropriation and the absence of owners, many business activities (including rural ones) were closed or left in a state of dereliction. There were a few private investments to modernize or relaunch economic activities under seizure or at risk of being expropriated after the war. Likewise, the state of maintenance of property held by the Polish state often deteriorated dramatically. The compulsory administrators appointed by the Liquidation Committees proved incapable or indifferent to the good management of the property under seizure. Cases of corruption and theft were frequent. Thus, the Polish administration reallocated those assets quite slowly and with a very low profit for the state. In many cases, new owners resold the liquidated assets within a few years, frustrating redistributive efforts.<sup>151</sup> Conversely, many small and big landowners who wished to preserve their assets were highly indebted to banks and financial institutions but

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<sup>147</sup> PAAA, R 266384, Finance to Foreign Affairs, 7 Nov. 1924.

<sup>148</sup> Sprawozdanie Stenograficzne z 4 posiedzenia Sejmu Rzeczypospolitej z dnia 13 stycznia 1931 r., p. 16.

<sup>149</sup> Sprawozdanie Stenograficzne z 21 posiedzenia Sejmu Rzeczypospolitej z dnia 11 marca 1931 r., p. 22.

<sup>150</sup> Sprawozdanie Stenograficzne z 21 posiedzenia Sejmu Rzeczypospolitej z dnia 11 marca 1931 r., p. 44.

<sup>151</sup> See, for instance, the reports of the German consulate in Posen, in PAAA, R 266835, German consulate (Posen) to Foreign Affairs, 4 Dec. 1924, and R 265839, German consulate (Posen) to Foreign Affairs, 13 Jan. 1925. See also PAAA, R 263730, Kurt Graebe to Kilburger (Königsberg), 29 Oct. 1926.

suffered the effects of the agrarian crisis and economic boycott.<sup>152</sup> Profiteers did not miss the opportunity to take advantage of that situation, regardless of their nationality. In February 1925, for instance, the German consulate in Danzig reported that a local grain company controlled by former German nationals together with an Eastern Prussian bank was speculating on confiscated property in Poland. According to the consul, they ‘are neither anti-German nor pro-Polish. They are described to me as good merchants who undertake any business which offers the chance of profit.’<sup>153</sup>

### 3.3 A German Victory: The Case of Upper Silesia

#### *Property Rights and the Partition of Upper Silesia (1918-1921)*

In the last few decades, Upper Silesia has been the object of several studies that sought to retrace Central European history by escaping from methodological nationalism. Being a borderland, whose population was characterized by a high mixture of linguistic, religious, and national identities and hardly could be classified either as German or Polish, Upper Silesia has become the prototype of ‘national indifference’ in the age of nationalism. Throughout the 19<sup>th</sup> and 20<sup>th</sup> centuries, rather, it has been one of the main victims of opposite nationalisms (German, Polish, and to a lesser degree, Czechoslovakian), which sought to re-make the nationality of inhabitants through exclusion, assimilation, or simply denying local peculiarities.<sup>154</sup> As James Bjork has argued, Upper Silesia was ‘neither German nor Pole’ but embodied a peculiar example of national indifference thanks to regional identity whose core consisted of Catholicism and a dialect composed of German and Polish words.<sup>155</sup> As for the aftermath of WWI, historians mainly concentrated on disputes around

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<sup>152</sup> PAAA, R 263730, German consulate (Posen) to Foreign Affairs, 13 Aug. 1926.

<sup>153</sup> PAAA, R 265831, German consulate (Danzig) to Foreign Affairs, 28 Feb. 1925.

<sup>154</sup> T. Hunt Tooley, *National Identity and Weimar Germany: Upper Silesia and the Eastern Border, 1918-1922* (Lincoln: University of Nebraska Press, 1997); Manfred Alexander, “Oberschlesien im 20. Jahrhundert: Eine mißverstandene Region,” *Geschichte und Gesellschaft* 30, 3 (2004), pp. 465–89; James Bjork, *Neither German nor Pole Catholicism and National Indifference in a Central European Borderland* (Ann Arbor, Michigan: University of Michigan Press, 2008); Tim Wilson, *Frontiers of Violence: Conflict and Identity in Ulster and Upper Silesia 1918-1922* (Oxford: Oxford University Press, 2010); Tomasz Kamusella et al., eds., *Creating Nationality in Central Europe, 1880-1950: Modernity, Violence and (Be) Longing in Upper Silesia* (London: Routledge, 2016); Brendan Karch, *Nation and Loyalty in a German-Polish Borderland: Upper Silesia, 1848–1960* (Cambridge: Cambridge University Press, 2018).

<sup>155</sup> Since the late 1990s, a regionalist movement asserting a specific Upper Silesian identity different from the Polish one has claimed a special status within the post-1989 Polish state. For a general overview, see Tomasz

national identities, focusing on the period of the plebiscite held in March 1921. Research has privileged focusing on religious, linguistic, and national identities, as well as political violence in order to explain the political movements (such as separatism) or the attitude of the population in the plebiscite. But, without denying the relevance of these aspects, historians have usually neglected the role of economic considerations, especially those concerning the protection of property rights, in forging the fate of Upper Silesia after 1918, and especially in the aftermath of the plebiscite.

The dispute around private property deeply concerned Upper Silesia and influenced the attitude and decisions taken by several actors, including the German and Polish governments, the Allied policymakers, and the local economic and political forces, to determine its status in the interwar period. In the aftermath of the war, the region became a contested borderland whose fate was relevant not only for Germany and Poland but also for the stability of the European continent due to its relevance for coal and steel mines. After 1918, 'Upper Silesia was both literally and metaphorically at the center of European economic and political affairs.'<sup>156</sup> Being the second-largest industrial region of Germany after the Rhineland, until 1914, it covered 23% of the German coal and steel needs and exported a large share of it to neighboring countries. But its industrial district also included zinc, lead, and silver mines, metal processing factories, chemical and fertilizer companies, and electric plants.<sup>157</sup> Also, the agrarian sector was significant, but it was controlled by a small group of aristocratic families that owned most of the land property in the region. Even if the war provoked a dramatic drop in industrial production, Upper Silesia remained economically highly attractive to the Polish national claims. In his memorandum to the British government about the boundaries of the future Polish state, nationalist leader Roman Dmowski included the region and considered it a key asset for the economic stability of Poland. Unlike other authors, such as the American geographer Leon Dominian, who strongly influenced Wilson's stance in the aftermath of the war, his claim was not based on either historical or ethnic considerations.<sup>158</sup> Upper Silesia was not part of the Kingdom of Poland at the time of its partition in the 18<sup>th</sup> century, since it had been ceded to the Bohe-

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Dominik Kamusella, "Poland and the Silesians: Minority Rights à La Carte?," *Journal on Ethnopolitics and Minority Issues in Europe* 11, 2 (2012), pp. 42–74.

<sup>156</sup> Peter Leśniewski, "Britain and Upper Silesia, 1919-1922" (Ph.D Thesis, University of Dundee, 2000), p. 9.

<sup>157</sup> Leśniewski, "Britain and Upper Silesia," p. 21.

<sup>158</sup> Leon Dominian, *The Frontiers of Language and Nationality in Europe* (New York: Henry Holt and Company, 1917), pp. 126–7.

mian crown in 1335, then became part of the Habsburg Empire until 1742 when Frederik the Great annexed it to Prussia. Additionally, the national-linguistic composition of the region according to the 1910 census did not show a clear Polish-speaking majority, because about 57% of inhabitants were classified as Poles and were predominantly concentrated in the Eastern and rural districts.<sup>159</sup>

Nevertheless, as Dmowski claimed, assigning Upper Silesia to the new Polish state was mainly aimed at providing it with a proper solid industrial base to the detriment of Germany.<sup>160</sup> The nationalist leader kept asserting that idea also during the Paris Peace Conference,<sup>161</sup> and, in March 1919, the Polish delegation confirmed that ‘any modern state seeking to establish the basis for free and prosperous economic development must have, first and foremost, iron production.’<sup>162</sup> Only in this way, Poland could have been economically and politically independent from Germany and Russia. Furthermore, the Treaty should have entitled the new state to liquidate German property and thus free the region from the artificial dominance of a ‘small minority of plutocrats over the entire Polish population.’<sup>163</sup> The draft treaty (May 7, 1919) initially met Dmowski’s demands and conferred Poland the right to liquidate German property in that region as well. As a matter of fact, Polish authorities had the chance to undermine the German economic presence from Upper Silesia both in industrial and agrarian sectors. Conversely, in the observations on the peace treaty sent to the Allies (May 29), the German delegation argued that the cession of Upper Silesia to Poland had no legal or historical ground and did not respect the principle of self-determination. More importantly, the loss of the region could have caused a tremendous economic disadvantage to Germany, which risked being wholly unable to meet reparation obligations, and other European countries (like the UK), whose coal supply also depended on Upper Silesian production.<sup>164</sup> Even if the German delegates did not mention the issue of private property, they were aware of the economic and financial danger that the

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<sup>159</sup> Great Britain. Foreign Office. Historical Section, *Upper Silesia* (London: H. M. Stationery Office, 1920), p. 5.

<sup>160</sup> “Dmowski’s Memorandum on the Territory of the Polish State 26 March 1917,” in Latawski, ed., *The Reconstruction of Poland*, pp. 196–9.

<sup>161</sup> See another Dmowski’s note about Polish frontiers, “Note sur les frontières occidentales de l’État Polonais (3 Mar. 1919),” in: Herder-Institut (Hrsg.): *Dokumente und Materialien zur ostmitteleuropäischen Geschichte. Themenmodul "Zweite Polnische Republik"*, bearb. von Heidi Hein-Kircher. URL: <https://www.herder-institut.de/digitale-angebote/dokumente-und-materialien/themenmodule/quelle/9/details.html>.

<sup>162</sup> *La Haute Silésie: son union économique avec les autres territoires de la Pologne* (Paris: Impr. Levé, 1919), p. 3.

<sup>163</sup> *La Haute Silésie*, p. 11.

expropriation of German companies represented. Clearly, Germany and Poland were struggling to take control of the industrial district of Upper Silesia, and private ownership of coal mines played a significant role in the dispute.

The Allies, too, were aware of the relevance of that issue, and the arguments of German delegates persuaded the British leadership to adopt a different stance. Since the day after the German note, Prime Minister Lloyd George together with his closest collaborators on Eastern European territorial matters (James Headlam Morley, Philip Kerr, Maurice Hankey, and the Polish-British historian Lewis Namier) realized that the cession of Upper Silesia to Poland could have jeopardized the postwar stability. As several historians have pointed out, the British leadership was generally hostile to Dmowski's aggressive nationalism also due to his openly anti-Semitic stance, and generally adopted a more moderate attitude than French or American diplomacy.<sup>165</sup> But the main reason behind the British decision was the economic impact of Upper Silesia's cession. Being aware of the consequences that expropriation of mines and the expulsion of German-speaking management could cause, Lloyd George wanted to avoid the risk of a 'new Alsace-Lorraine,'<sup>166</sup> and endorsed the option to hold a plebiscite under international supervision to determine the fate of the region. Another risk was the sabotage of coal mines and industrial plants made by Germans themselves as retaliation in case of cession to Poland.<sup>167</sup> Committed to re-establishing the economic stability of Europe, the British Prime Minister struggled to persuade Wilson and Clemenceau and finally succeeded.<sup>168</sup>

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<sup>164</sup> 'Observations of the German Delegation on the conditions of peace (May 29, 1919)' in FRUS, 1919, vol. VI, URL: <https://history.state.gov/historicaldocuments/frus1919Parisv06/d89>.

<sup>165</sup> Paul Latawski, "Roman Dmowski, the Polish Question, and Western Opinion, 1915-18: The Case of Britain," in Latawski, ed., *The Reconstruction of Poland*, pp. 1-12, and Piotr Wandycz, "Dmowski's Policy at the Paris Peace Conference: Success or Failure?" in Latawski, ed., *The Reconstruction of Poland*, pp. 117-32. See also Leśniewski, "Britain and Upper Silesia," pp. 31-4. On the attitude of Lloyd George between 1919 and 1920, see Norman Davies, "Lloyd George and Poland, 1919-20," *Journal of Contemporary History* 6, 3 (1971), pp. 132-54.

<sup>166</sup> F. Gregory Campbell, "The Struggle for Upper Silesia, 1919-1922," *The Journal of Modern History* 42, 3 (1970), p. 361.

<sup>167</sup> Katherine Waite, "From the Archive: The Paris Peace Conference and Upper Silesia," in *British Online Archives*, 7 Aug. 2020, URL: <https://microform.digital/boa/posts/category/articles/376/from-the-archive-the-paris-peace-conference-and-upper-silesia>.

<sup>168</sup> Alma Luckau, *The German Delegation at the Paris Peace Conference* (New York: Columbia University Press, 1941), pp. 88-90; M. L. Dockrill and Zara Steiner, "The Foreign Office at the Paris Peace Conference in 1919," *The International History Review* 2, 1 (1980), p. 80; Leśniewski, "Britain and Upper Silesia," pp. 52-5; Volker Prott, *The Politics of Self-Determination: Remaking Territories and National Identities in Europe, 1917-1923* (Oxford: Oxford University Press, 2016), pp. 131-42; Denis Clark, "Poland in the 'Paris System': Self-Determination, Stereotypes, and Decisions in 1919," *Nations and Nationalism* 25, 4 (2019): 1376-7.

Economic considerations played a significant role in changing President Wilson's attitude as well, even though he generally supported Polish claims. During a meeting with his collaborators, on June 3, while Colonel House and other delegates were debating around the historical belonging of Upper Silesia to Poland, Secretary of State Robert Lansing stated that the real dispute concerned the coal mines and the economic effects of the peace treaty. Some delegates underlined that the liquidation of private assets was an 'unusual procedure' and also highly problematic. According to Frank William Taussig, an American economist who was the advisor for commercial settlement, 'the Polish government may take it from the people who now own it, and the valuation is fixed by the Polish government, without any control or supervision of any kind. I think that is one of the worst provisions of the treaty.' Also, Alexander Mitchell Palmer, who led the Alien Property Custodian since October 1917, claimed that the application of the clause concerning the right to confiscation to borderlands like Alsace-Lorraine and Upper Silesia could have caused 'unexpected results.' Later, he added that 'it is astonishing to me that there should exist in Silesia any such effect as has been outlined, and I think Silesia ought to be treated by itself. A large territory like that should have special clauses covering it, because this particular language which we have adopted for application under totally different circumstances, has an unexpected effect.' Another American delegate for economic questions, Bernard M. Baruch, warned about the consequences of expropriation. 'The economic feature of the Silesian question should be taken up and have special treatment as regards the distribution of the assets, and also the questions of private property and other matters of that kind, and I think that it does require and is entitled to special treatment.' Significantly, on that occasion, Wilson admitted that the liquidation of German property in the region 'had escaped my notice,' but remained skeptical about that possibility.<sup>169</sup>

In the end, after a heated discussion with Lloyd George, he accepted to hold a plebiscite despite his personal mixed feelings toward a popular referendum in the region. Wilson feared that the population was not free to express their vote due to the concentration of wealth and property in the hands of a few agrarians and industrialists of German nationality. To avoid such a risk, the presence of an international military contingent had to pro-

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<sup>169</sup> Papers of Woodrow Wilson (*The Papers of Woodrow Wilson Digital Edition*. Charlottesville: University of Virginia Press, Rotunda, 2017), vol. 60, *A Discussion with the American Delegation*, 3 Jun. 1919, pp. 57–71, URL: <https://rotunda.upress.virginia.edu/founders/WILS-01-60-02-0024>.

protect the inhabitants from violence and pressure from Germans.<sup>170</sup> Furthermore, he insisted on inserting clauses preventing Poland from liquidating private assets and ensuring that both countries could receive coal.<sup>171</sup> Conversely, the French delegation sided with the Polish one and aimed at creating a strong state which could confront both Germany and the Bolshevik regime. In the matter of property rights, France hoped to replace the German capital in Central and Eastern Europe and cooperate with Polish private and public actors to take control of German companies in Upper Silesia.<sup>172</sup> Nonetheless, in June 1919, Clemenceau had to give up before the British firmness, and thus the Allies agreed to change the original peace settlement. According to Article 88 of the Treaty of Versailles, therefore, a plebiscite had to be held under international supervision even if the date was not specified. Until that moment, ‘mineral products, including coal, produced in any part of Upper Silesia that may be transferred, shall be available for purchase by Germany on the same terms as by the Poles themselves,’ and more significantly prevented Poland from exerting the right of liquidation in that time.<sup>173</sup> It was the only significant diplomatic success that German diplomacy achieved at the Paris Peace Conference. According to Headlam-Morley, ‘we have also got important concessions to Germany giving them a right to purchase coal from Upper Silesia even if the mines are eventually transferred to Poland and freeing them from the danger of confiscation of German property in the territories transferred to Poland.’<sup>174</sup>

Once the peace treaty was ratified (January 10, 1920), the French, British, and Italian troops arrived in Upper Silesia. Yet the situation was far from being peaceful. After four years of war, which exhausted the population with inflation, economic crisis, and hunger, Upper Silesia became the scene of violence and fighting between paramilitary groups supported by Berlin and, on the other hand, Warsaw (and Paris). In addition to nationalist tensions, the economic crisis exacerbated the social tensions between workers and industri-

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<sup>170</sup> “Notes of a Meeting Held at President Wilson’s House in the Place des Etats-Unis, Paris, on Tuesday, June 3, 1919, at 4 p.m.,” in FRUS, 1919, vol. 6, <https://history.state.gov/historicaldocuments/frus1919Parisv06/d20>. See also Larry Wolff, *Woodrow Wilson and the Reimagining of Eastern Europe* (Stanford, California: Stanford University Press, 2020), pp. 214–27.

<sup>171</sup> Leśniewski, “Britain and Upper Silesia,” p. 55.

<sup>172</sup> Georges Soutou, “Les mines de Silésie et la rivalité franco-allemande, 1920-1923: Arme économique ou bonne affaire?,” *Relations Internationales*, 1 (1974), pp. 136-37

<sup>173</sup> ‘Reply of the Allied and Associated Powers to the observations of the German Delegation on the conditions of peace (June 16, 1919),’ in FRUS, 1919, vol. VI, URL: <https://history.state.gov/historicaldocuments/frus1919Parisv06/d93>.



alists, which only partly overlapped with national divisions. The presence of the international contingent did not curb the escalation of violence. Rather, in the case of French troops, they openly supported the Polish paramilitary organizations. According to Tim Wilson, between November 1918 and April 1922, at least 2,800 people died because of violent confrontations.<sup>175</sup> At the same time, in the wake of the war, local parties and industrialists gave birth to a regionalist movement whose goals ranged from creating a separate state to claiming a special status within the Prussian state according to the evolution of the political situation both at the international and local level. By insisting on the peculiarities of Upper Silesian identity from a religious and linguistic point of view, that movement sought to embody a sort of third option to the fight between German and Polish states and defend Upper Silesia from the opposite nationalist projects.<sup>176</sup>

Without diminishing the importance of local identity and self-perception, the regionalist movement mostly wished to re-establish the stability of a region, that was shaken by the war, the economic crisis, and violence. Many local industrialists and agrarians sided with the regionalist movement to preserve their interests (and property, too) from confiscation and heavy taxation,<sup>177</sup> but separatism turned out to be a short-lived project (like other separatist movements in Eastern Prussia or Rhineland). Generally, all main Upper Silesian social and economic actors tried to leverage regionalism to get protection from Berlin. Unsurprisingly, after the treaty was signed, chambers of commerce, companies, and local economic interests were worried about the danger of expropriation and urged the central gov-

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<sup>174</sup> Letter of Headlam-Morley to Mr G. Saunders, 12 Jun. 1919, in James Wycliffe Headlam-Morley, *A Memoir of the Paris Peace Conference, 1919*, ed. Russell Bryant (London: Methuen, 1972), p. 144.

<sup>175</sup> Ralph Schattkowsky, *Deutschland und Polen von 1918/19 bis 1925: deutsch-polnische Beziehungen zwischen Versailles und Locarno* (Frankfurt am Main: Lang, 1994), pp. 26 ff.; Tooley, *National Identity*, pp. 24–52; Raitz von Frentz, *A Lesson Forgotten*, pp. 73–9; Bjork, *Neither German nor Pole*, pp. 174–89; Tim Wilson, *Frontiers of Violence*; Jochen Böhrer, *Civil War in Central Europe, 1918–1921. The Reconstruction of Poland* (Oxford: Oxford University Press, 2018), pp. 104–15; Karch, *Nation and Loyalty*, pp. 96–114; Filippo Ruschi, “«...Non c’è che da risolvere il problema dell’Alta Slesia»: ordine internazionale, egemonia ed autodeterminazione nell’età della Società delle Nazioni,” *Politica.eu*, 2020, pp. 41–73. On the international contingent, see Andreas Kiesewetter, ed., *Italien und Oberschlesien 1919–1922: Dokumente zur italienischen Politik in der oberschlesischen Frage 1919–1921* (Würzburg: Königshausen & Neumann, 2001). On the German role in supporting the paramilitary groups and pro-German organizations, see Peter-Christian Witt, “Zur Finanzierung des Abstimmungskampfes und der Selbstschutzorganisationen in Oberschlesien 1920–1922,” *Militär-geschichtliche Zeitschrift* 13, 1 (1973), pp. 59–76.

<sup>176</sup> Schattkowsky, *Deutschland und Polen*, pp. 65–94; Ralph Schattkowsky, “Separatism in the Eastern Provinces of the German Reich at the End of the First World War,” *Journal of Contemporary History* 29, no. 2 (1994), pp. 305–24; Tooley, *National Identity*, pp. 56–62; Andrea Schmidt-Rösler, “Autonomie- und Separatismusbestrebungen in Oberschlesien 1918–1922,” *Zeitschrift für Ostmitteleuropa-Forschung* 48, 1 (1999), pp. 1–49; Bjork, *Neither German nor Pole*, pp. 196–211.

<sup>177</sup> Bjork, *Neither German nor Pole*, p. 197.

ernment to defend them.<sup>178</sup> For instance, in August 1919, the Breslau-based *Feldmühle Papier- und Zellstoffwerke AG*, one of the most important paper mills at that time, asked for a meeting with diplomatic representatives to define the official strategy to preserve property rights in Upper Silesia. ‘We need to clarify the question of the treatment of German property, should Upper Silesia become Polish, in order to be able to assess whether and what measures can be taken to secure our Upper Silesian property.’<sup>179</sup> For example, the chamber of commerce of Oppeln reported to the Ministry of Foreign Affairs the case of a widow, whose husband was an Upper Silesian merchant. Since she inherited his property in the region, expropriation was a vital danger for her.<sup>180</sup> But a similar concern was widespread also among white collars. The Mining and Metallurgy Association communicated to the government that ‘numerous middle-level civil servants and workers in private and state industry’ feared being expropriated by Poland and were determined to leave the region in case an official waiver had not come. The consequences of that decision would have been devastating for the local coal industry.<sup>181</sup> In sum, due to the chaotic situation and the uncertain fate of Upper Silesia, local authorities, private companies, and ordinary people asked the central government for advice and official support.<sup>182</sup> Nonetheless, as for private property, Polish authorities generally respected the treaty’s provisions and also abstained from recording German assets.<sup>183</sup> In alternative to the regionalist option, between 1920 and 1921, some industrial concerns sought to negotiate a financial partnership with French industrial groups in exchange for the promise of avoiding liquidation from Poland. The House of Hohenlohe, which owned several zinc and coal mines, instructed Kurt von Kleefeld (1881–1934), a lawyer and industrialist close to business circles (and also Stresemann's brother-in-law), to deal with French investors. Yet German diplomacy intervened to block that project since it wanted to prevent French capital from entering Upper Silesia, and by contrast, encouraged an agreement between local industrial concerns and German interests from Rhineland

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<sup>178</sup> PAAA, R 96309, *Regierungspräsident* (Oppeln) to Ministry of Interior, 5 Sep. 1919, *Sagorscher Stuhl- und Sägewerke* to Ministry of Foreign Affairs, 9 Oct. 1919, and *Oberschlesischer Berg- und Hüttenmännischer Verein* to Ministry of Foreign Affairs, 21 Oct. 1919.

<sup>179</sup> PAAA, R 96308, *Feldmühle, Papier- und Zellstoffwerke A. G.* to Ministry of Foreign Affairs, 2 Aug. 1919.

<sup>180</sup> PAAA, R 96308, *Handelskammer* (Oppeln) to Ministry of Foreign Affairs, 19 Sep. 1919.

<sup>181</sup> PAAA, R 96309, *Oberschlesischer Berg- und Hüttenmännischer Verein* to Ministry of Foreign Affairs, 21 Oct. 1919.

<sup>182</sup> PAAA, R 96309, *Regierungspräsident* (Oppeln) to Ministry of Interior, 5 Sep. 1919, and *Sagorscher Stuhl- und Sägewerke* to Ministry of Foreign Affairs, 9 Oct. 1919.

<sup>183</sup> PAAA, R 266613, German Embassy (Warsaw) to Ministry of Foreign Affairs, 16 Aug. 1920.

(such as Hugo Stinnes).<sup>184</sup> Those examples highlighted the increasing cooperation between public and private actors to preserve German ownership with the broader political purpose of keeping alive the German economic strength in the region.

#### *After the Plebiscite*

The plebiscite was finally held on 20 March 1921. Virtually, all the inhabitants went to the polls since the turnout reached 99%. Across the region, Germany won with a significant majority (59.4%), receiving votes also from many Polish-speaking citizens (*see Fig. 3.6*). The outcome blatantly contradicted predictions about the supposed political loyalty of the Polish-speaking population to the new state. Likely, relevant portions of the population were driven by a more pragmatic attitude, which led them to appreciate Germany as a better solution than becoming part of the Polish state. Yet Poland won in most parts of the industrial sector in Eastern Upper Silesia, probably thanks to the ability to mobilize the working-class vote in a social-patriotic sense (*see Fig. 3.7*).<sup>185</sup>

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<sup>184</sup> Soutou, “Les Mines de Silésie,” pp. 137–46, 153.

<sup>185</sup> Blanke, *Orphans*, pp. 26–31; Schattkowsky, *Deutschland und Polen*, pp. 48–63; Bjork, *Neither German nor Pole*, pp. 214–66; Karch, *Nation and Loyalty*, pp. 114–47. On the plebiscites after WWI, see Benjamin Conrad, “Volksabstimmungen als ultima ratio? Die Plebiszite an Polens Grenzen nach dem Ende des Ersten Weltkriegs,” *Zeitschrift für Ostmitteleuropa-Forschung* 64, 2 (2015), pp. 174–94.



[Fig. 3.6, Map showing the results of the Upper Silesian Plebiscite]

Contrary to peacemakers' expectations, the plebiscite in Upper Silesia did not solve the diplomatic controversy about the fate of that contested borderland.<sup>186</sup> Rather, it provoked further tensions and disputes at the international and local levels. Whether Upper Silesia could remain wholly German or be partitioned, and in case of the latter along which lines, became a matter of dispute among the Allied Powers. At the same time, Germany and Poland intended to present the Allies with a *fait accompli*. In May 1921, the so-called Third Polish Uprising broke out to hasten the arrival of Free Korps (*Freikorps*) from Germany which were determined to ensure the German control of the region and avoid the partition. Because of the French complicity, the international contingent was unable to prevent new military confrontations, and thus the region was virtually divided between the Prussian administration and the Polish councils.

The plebiscite, still, did not change the political rhetoric of both parties which sought to persuade the Allies. From the Polish side, local political parties, labor unions, and professional organizations together with other associations (such as sports or female ones) converged on a nationalist solution, often putting together anti-capitalist and anti-German rhetoric.<sup>187</sup> Alternatively, like before the plebiscite, Polish propaganda sought to demonstrate that the Upper Silesian economy did not depend on Germany but was just a 'surplus' to it.<sup>188</sup> Also, German industrialists were generally depicted as agents of Prussian imperialism who had no real connection to the local dimension, and expropriation could be a political tool to free the region from foreign control.<sup>189</sup> Polish supporters were particularly committed to refuting Keynes' arguments (but also other authors') which had a large audience in British and American public opinions. In his well-known book devoted to the economic consequences of the Versailles Treaty, written in late 1919, Keynes argued that Upper Silesia 'economically [was] intensely German; the industries of Eastern Germany depend upon it for their coal; and its loss would be a destructive blow at the economic struc-

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<sup>186</sup> Brendan Karch, "Plebiscites and Postwar Legitimacy," in Marcus M. Payk and Roberta Pergher, eds., *Beyond Versailles: Sovereignty, Legitimacy, and the Formation of New Politics after the Great War* (Bloomington, Indiana: Indiana University Press, 2019), pp. 16–37.

<sup>187</sup> See petitions in LNA, R632/11A/14827/16379.

<sup>188</sup> *The Economic Value of Upper Silesia for Poland and Germany Respectively. Materials Collected from Official Statistics*. (London: St. Catherine Press, 1921), and American-Polish Chamber of Commerce and Industry, *Upper Silesia in Its Economic Relation to Poland and Germany* (New York: American-Polish Chamber of Commerce and Industry, 1921). See also "La questione economica dell'Alta Slesia," *L'Economista d'Italia*, 23 Apr. 1921.

<sup>189</sup> See, for instance, Jan Kucharzewski, *Le dilemme de la Haute-Silésie* (Lausanne: Imprimerie de la Société suisse de publicité, 1921), and Wincent Rzymowski, *Pologne et Haute-Silésie* (s.l.: Société de publications internatio-

ture of the German State.’<sup>190</sup> His words aroused the anger of Polish policymakers who made efforts to demonstrate that their claims were also economically feasible, that Poles were able to run a national state as in Western Europe, and that a cession to Poland would have not led to catastrophic results for the continent.<sup>191</sup> Indisputably, after the plebiscite, the economic dimension remained a prominent factor in the debate about the fate of the region. For instance, Sidney Osborne, an American journalist who devoted a book to the Upper Silesian situation after the plebiscite, sought to demonstrate that not only Poles were unfit for self-government, but the partition was also contrary to its ‘natural’ economic and political unity. Upper Silesia, as he argued, was strictly integrated within the German economic system from a commercial and industrial point of view, and not only for the coal mines. ‘Out of the natural, political, and economic unity of the land has been created a perfect solidarity in its industry, and to cut away any part of the structure, would be to demolish the whole and to destroy the upbuilding work of civilization that has been created by the devoted energies of many generations of men.’<sup>192</sup> Unsurprisingly, Upper Silesian German-speaking circles progressively abandoned separatist aims and sided with the German official position, insisting on the economic unity of Upper Silesia and the importance of preserving it in order to foster the European postwar recovery.<sup>193</sup>

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nales, 1921) and the English version, *Upper Silesia and Poland* (Warsaw: International Publication Society, 1921).

<sup>190</sup> John Maynard Keynes, *The Economic Consequences of the Peace* (New York: Harcourt, Brace and Howe, 1920), p. 85.

<sup>191</sup> See, for instance, A. Wierzbicki, *The Truth about Upper Silesia, a Speech Made in the Polish Diet on January 28th 1921* (Warsaw: Diet of the Polish Republic, 1921).

<sup>192</sup> Sidney Osborne, *The Upper Silesian Question and Germany's Coal Problem* (London: G. Allen and Unwin, 1921), p. 119.

<sup>193</sup> See petitions of the *Oberschlesischer Ausschuss* in LNA, R632/11A/14827/16524. See also Tooley, *National Identity*, pp. 72–6. On the pro-German propaganda, see Wilhelm Volz, *La question de la Haute-Silésie et ses fondements économiques et géographiques* (Breslau: Marcus, 1921), and “Die wirtschaftliche Einheit Oberschlesiens,” *Deutsche Allgemeine Zeitung*, 18 Jun. 1921.



[Fig. 3.7, Pro-Polish Cartoon, 1921, in Kazimierz Grus and Antoni Romanowicz, *Górny Śląsk. La Haute Silésie. Upper Silesia* (Odbito w Drukarni Narodolraj: Krakowie, 1921), p. 3]

At the international level, the fate of the industrial district, and ownership of factories and mines, remained the major political controversy. While Germany claimed its sovereignty over the entire region, Poland replied that Eastern Upper Silesia was indisputably Polish according to the principle of self-determination. Two years after the Paris Peace Conference and a plebiscite, the dispute concerned the same problem. British leadership wished to preserve the Upper Silesian industrial capacity, whereas France wanted to strengthen the Polish economy. Over six months, British, French, and Italian diplomats negotiated on the partition's line without reaching any agreement. To break the stalemate, the Conference of Ambassadors charged the Council of the League of Nations to settle the dispute. Eventually, the decision came on October 20, 1921. According to the Allied note, Upper Silesia had to be partitioned into two parts. Even if Germany kept control of most of it (9,756 out of 12,969 square kilometers), the Allies assigned Poland 1/3 of the region and 44% of the population (about 980,000 inhabitants over 2.3 million). The industrial district went almost entirely to Poland. About 4/5 of coal mines, 4/5 of coal production, 2/3



of steel production, all zinc mines, and several other factories, steel mills, blast furnaces, and power plants were on Polish territory.<sup>194</sup> The total value of industrial production in the Polish area (consisting of 32 million tons of coal, 641,000 tons of iron, and 168,600 tons of raw zinc) was nearly \$100 million.<sup>195</sup> As for territorial division, French diplomacy reached a big success and consequently, Poland largely benefited from that result.<sup>196</sup>



[Fig. 3.8, Partition of Upper Silesia, in Karch, *Nation, and Loyalty*, p. 145]

<sup>194</sup> Riekhoff, *German-Polish*, pp. 47–8, and Urszula Zagóra-Jonszta, “Sanacja śląska wobec niemieckiego kapitału w górnośląskim przemyśle,” *Studia Ekonomiczne* 236 (2015), p. 36.

<sup>195</sup> George A. Finch, “Upper Silesia,” *The American Journal of International Law*, 16, 1 (1922), pp. 78–9.

<sup>196</sup> On the negotiations, see Joseph F. Harrington, “The League of Nations and the Upper Silesian Boundary Dispute 1921–1922,” *The Polish Review* 23, 3 (1978), pp. 86–101; Leśniewski, “Britain and Upper Silesia,” pp. 401–57; Frédéric Dessberg, “France and the Problem of the Borders of Poland, 1919–1923: The Province of Posen, Danzig, Upper Silesia, and Vilnius,” in Bojan Aleksov and Aliaksandr Piahnanau, eds., *Wars and Betweenness: Big Powers and Middle Europe, 1918–1945* (Budapest; New York: Central European University Press, 2020), pp. 63–80.



But the diplomatic note also went beyond the territorial partition of Upper Silesia. 'Because of the geographical distribution of the population and the mixture of ethnic elements, any division of this region would have meant leaving sizeable minorities on both sides of the borderline and severing important interests. Under these circumstances, the decision taken includes measures intended to guarantee, in the common interest, the continuity of economic life in Upper Silesia as well as the protection of minorities.'<sup>197</sup> The Allies recognized that political boundaries did not coincide with economic ones, and the economic integrity of Upper Silesia had to be preserved for a while in order to soften the consequences of the partition. For instance, one of the consequences of the partition was the division of property between the two states. 'The industrial area was partitioned along the very line where the density of the population was greatest and industrial works were most concentrated. This frontier line split up the property of various industrial concerns, cut off foundries from mines, manufacturing plants from their raw-materials bases, and the people from their places of work. It cut across railway lines, tramways, water supply pipes, and so on.'<sup>198</sup>

Strengthened by the lessons of borderlands in Central and Eastern Europe, where the birth of new states created countless obstacles to trade and recovery as well as political tensions, the Allies imposed that, regardless of new political boundaries, Upper Silesia enjoyed a 15-year special regime and hence Poland and Germany had to negotiate a bilateral agreement under the supervision of the League of Nations to regulate each aspect of the economic, financial, social, administrative, and political life of the region. In addition to that, the Allies fixed a set of requirements for the bilateral negotiations. As the American delegate to the Commission of Reparations had written some months earlier, the Upper Silesian basin was the 'natural source of supply of coal for all the countries of Central Europe' and therefore the 'solution for the of the problem of Upper Silesia will require adequate measures against economic warfare.'<sup>199</sup> Among them, in particular, two conditions emerged as the fundamental pillars of the Allied plan, the protection of minority rights and the suspension of the right of liquidation. According to the diplomatic note, 'Poland shall renounce for fifteen years the benefit of Articles 92 and 297 concerning the expropriation

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<sup>197</sup> PAAA, R 267342, Note of the Conferences of Ambassadors, 20 Oct. 1921.

<sup>198</sup> Robert Machray, *The Problem of Upper Silesia* (London: G. Allen & Unwin Limited, 1945), p. 88.

<sup>199</sup> LNA, R632/11A/14746/14746, "A Study of the Upper Silesian Question with Suggestions as to the Economic Clauses of the Treaty or Protocol Fixing the Definitive Settlement," of Guy E. Greer, 13 May 1921.

of industrial establishments, mines or deposits,' unless this is essential to ensure the maintenance of the exploitation. More than civil, religious, and cultural rights, the security of private property, especially in the industrial field, represented the crucial requirement to ensure the preservation of the economic integrity of Upper Silesia.<sup>200</sup> Even Czechoslovak leader Edvard Beneš recognized that, if the agreement was to work, significant guarantees of property rights needed to be established.<sup>201</sup> Furthermore, the Allies imposed stricter conditions for implementing the protection of minority and property rights since Poland and Germany were bound to give birth to local arbitral organs (such as the Mixed Commission and the Arbitral Tribunal) to settle all disputes concerning the bilateral agreement. If compared with the minority rights protection system of the League of Nations, the Upper Silesian case showed a considerable improvement in the legal and political mechanism established by the Allies, and it was the result of the strong political will to preserve stability in the area. Nonetheless, once the Allies had fixed the general conditions, it was up to the two countries to define the contents of the treaty.

#### *Bilateral Negotiations*

The diplomatic note did not find a good reception in Germany. The German Democratic Party (*Deutsche Demokratische Partei*, DDP) exited the majority, and the government resigned protesting against the '*Diktat* of Geneva' as it was called. The partition of Upper Silesia, despite the victory in the plebiscite, was largely perceived as an injustice.<sup>202</sup> Even David Hunter Miller, a former American delegate at the Peace Conference, wrote a legal opinion for the German government just a few days before the definitive decision of the League of Nations arguing that partition was contrary to the Treaty of Versailles and contrary to the principle of self-determination.<sup>203</sup> Some German jurists considered the decision of the League of Nations unlawful and contrary to international law.<sup>204</sup> Behind that negative reaction, also emotive elements played a significant role. Eugen Schiffer (1860–1954), a Silesian lawyer and Democratic lawmaker, who was minister of Justice, re-

<sup>200</sup> Georges Kaeckenbeeck, *The International Experiment of Upper Silesia: A Study in the Working of the Upper Silesian Settlement, 1922-1937* (Oxford: Oxford University Press, 1942), pp. 3–11.

<sup>201</sup> Cienciala and Komarnicki, *From Versailles to Locarno*, p. 297, note 116.

<sup>202</sup> See petitions and protests sent to the League of Nations, in LNA, R632/11A/14724/16279.

<sup>203</sup> LNA, R632/11A/14724/16279, Legal Opinion of David Hunter Miller to Chancellor Wirth, 25 Sep. 1921.

<sup>204</sup> H. Kraus, "Oberschlesien in juristischen Licht," *Deutsche Juristen-Zeitung* 26, 19–20 (1921), pp. 650–7, and Karl Elster, "Oberschlesien!," *Deutsche Juristen-Zeitung* 26, 21–22 (1921), pp. 722–4.

signed from his office and caused the political crisis.<sup>205</sup> But a pragmatic approach soon prevailed. It was Schiffer himself who, despite claiming that the Allied decision violated the Treaty of Versailles, admitted the impossibility of preventing the partition. The cabinet had to resign because otherwise ‘it would be wrong not to take into account the natural feeling of the people.’ Yet it was better to adopt a collaborative approach.<sup>206</sup> In a few days, a new cabinet led by Catholic leader Karl Joseph Wirth was created, and political leaders of major parties underlined that diplomacy had to reach the best economic and financial conditions for the German interests in the Polish Upper Silesia.<sup>207</sup> Replying to nationalist forces which urged the government to refuse to send delegates to the negotiations with Poland, Chancellor Wirth replied that ‘our first duty is not to abandon (*very true! among the Social Democrats*) the hundreds of thousands of German comrades who are to be made Poles by the decision of the Allied Powers, and to attempt at least to mitigate as far as possible the impoverishment of prosperous areas threatened by the partition of Upper Silesia (*very true! among the Social Democrats*).’ And then he also added that ‘the Upper Silesian question is not a specifically German-Polish problem, but a European and a world political problem, namely a world-economic (*weltwirtschaftliches*) problem.’<sup>208</sup> The protection of the economic integrity of the region was the priority also for other political leaders, such as Herman Müller (SPD), Carl Ulitzka (Zentrum), and Walther Schücking (DDP). Upper Silesia was ‘an economic entity that must be preserved as a whole,’ to avoid a ‘second Alsace-Lorraine.’<sup>209</sup> Insisting on economic ties was instrumental in defending the German presence in Eastern Upper Silesia and also involving the Allies in the dispute to curb the Polonization process. For that purpose, the safeguarding of property rights acquired a central role.

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<sup>205</sup> Bruce B. Frye, *Liberal Democrats in the Weimar Republic: The History of the German Democratic Party and the German State Party* (Carbondale: Southern Illinois University Press, 1985), pp. 120–1, and Hellmut Seier, “Dauer und Wandel im politischen Verhalten Eugen Schiffers 1889 – 1922,” in Thilo Ramm, ed., *Eugen Schiffer: Ein Nationalliberaler Jurist und Staatsmann 1860 - 1954* (Baden-Baden: Nomos Verlagsgesellschaft, 2006), p. 89.

<sup>206</sup> Cabinet session, 21 Oct. 1921 in *Akten der Reichskanzlei. Weimarer Republik. Online Edition*, URL: [https://www.bundesarchiv.de/aktenreichskanzlei/1919-1933/0001/wir/wir1p/kap1\\_2/kap2\\_120/para3\\_1.html](https://www.bundesarchiv.de/aktenreichskanzlei/1919-1933/0001/wir/wir1p/kap1_2/kap2_120/para3_1.html).

<sup>207</sup> Peter Krüger, *Die Aussenpolitik der Republik von Weimar* (Darmstadt: Wissenschaftliche Buchgesellschaft, 1985), p. 79.

<sup>208</sup> Proceedings of the Reichstag, 1920/24, 26 Oct. 1921, pp. 4734–5.

<sup>209</sup> Ivi, p. 4740.



[Fig. 3.9, General Session of the Polish-German Negotiation, Geneva, 1922]

In November, the government chose the delegates for the bilateral negotiations. Significantly, Eugen Schiffer was appointed as head of the delegation due to his Silesian origin.<sup>210</sup> Together with him, the central government and the Prussian state sent several technical experts, diplomats, high officials, scholars, and lawmakers such as the Catholic Silesian leader Ulitzka. Among them, most notable were diplomats Theodor Lewald and Otto Göppert, the high official of the Ministry of Justice Franz Schlegelberger (1876–1970), who was among the most important legal experts in the field of the economic private sphere related to the peace settlement,<sup>211</sup> and eventually Erich Kaufmann, the legal advisor of the Ministry of Foreign Affairs (*see Fig. 3.10*). All of them were jurists who played a crucial role in defending the private interests of German business in Eastern Upper Silesia against the danger of expropriation.<sup>212</sup> A very similar profile had the Polish delegation, which was mostly composed of law-trained high officials, diplomats, and political representatives. Leading it was the lawyer and businessman Kazimierz Olszowski (1865–1933),

<sup>210</sup> On his appointment, see Seier, “Dauer und Wandel,” pp. 90–1, and Thilo Ramm, “Jurist und Politiker,” in Ramm, ed., *Eugen Schiffer*, pp. 163–4.

<sup>211</sup> For instance, he was the author of a study on the compensation for losses caused by the peace treaty, *Die Ausführungsgesetze zum Friedensvertrag vom 31. August 1919: nebst den Entschädigungsrichtlinien und den gesamten Ausführungs- und Ergänzungsvorschriften* (Berlin: F. Vahlen, 1920). He later became a distinguished member of the Nazi regime, serving as Minister of Justice in 1941–42.

<sup>212</sup> On the composition of the delegation, see BArch, R 43-I/361.

who was one of the National Democratic political leaders of the Polish provisional government in 1917–18 and became head of Polish diplomacy in Paris, and then ambassador in Germany in the 1920s.<sup>213</sup> Furthermore, another important delegate was Zygmunt Seyda (1876–1925), a lawyer and National Democratic representative in former Prussian territories, who also worked at the Ministry of Justice and stood out as being one of the most prominent supporters of the anti-German policies, since it joined the committee on minority rights.<sup>214</sup>

Between November 1921 and May 1922, the talks between Germans and Poles took place in Geneva and Upper Silesia in three different rounds. In the beginning, during the first round of negotiations in Geneva (November–December 1921), both delegations worked on good terms, thanks to the general improvement of bilateral relations in late 1921 and the role of Felix Calonder, the Swiss statesman, who had been chosen by the League of Nations as arbiter and mediator, and the League's officials who closely cooperated with Polish and German delegates.<sup>215</sup> Since the first meeting (November 23), Calonder claimed that the preservation of economic unity and protection of minority rights represented the most significant aspects to be defined,<sup>216</sup> and both Schiffer and Olszowski agreed on the importance of reaching an agreement on minority rights which could serve as a 'moral basis' for the relations between the two countries.<sup>217</sup>

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<sup>213</sup> See his biography in *Internetowy Polski Słownik Biograficzny*, URL: <https://www.ipsb.nina.gov.pl/a/biografia/kazimierz-olszowski-1865-1933-prawnik-i-dyplomata>.

<sup>214</sup> For his profile, see *Internetowy Polski Słownik Biograficzny*, URL: <https://www.ipsb.nina.gov.pl/a/biografia/zygmunt-seyda>.

<sup>215</sup> Cabinet session, 30 Nov. 1921, in *Akten der Reichskanzlei. Weimarer Republik. Online Edition*, URL: [https://www.bundesarchiv.de/aktenreichskanzlei/1919-1933/0001/wir/wir1p/kap1\\_2/kap2\\_162/para3\\_1.html](https://www.bundesarchiv.de/aktenreichskanzlei/1919-1933/0001/wir/wir1p/kap1_2/kap2_162/para3_1.html). On the German-Polish relations, see Schattkowsky, *Deutschland und Polen*, pp. 217–8.

<sup>216</sup> LNA, R633/11A/17237/18172, Minute of the first general session, 23 Nov. 1921.

<sup>217</sup> LNA, R633/11A/17237/18172, Minutes of the third general session, 24 Nov. 1921.



[Fig. 3.10, The German delegation at Geneva with Felix Calonder, March 1922]

Twelve special commissions were created to examine each aspect of the future agreement, and the 10<sup>th</sup> sub-committee was responsible for regulating minority rights and other legal matters. That the right of liquidation represented an issue of controversy became evident during its session on December 13, 1921. Insisting on the idea of Upper Silesia as an ‘economic unity,’ German delegates argued that the recognition of acquired rights excluded the faculty of liquidating private assets according to Article 297 of the Treaty of Versailles, even if compensation had to be paid by the Polish state. ‘In any case, liquidation in this sense is the opposite of respect. The fact that a resident deprived of his property receives money can in no way compensate for the destructive effect of the property seizure on his relationship with the new state and on the relations of the two countries among them.’ In his reply, Seyda affirmed that there was no contradiction between the Treaty of Versailles and the protection of acquired rights. Additionally, the diplomatic note of October 1921 could not revoke the right given by the peace settlement.<sup>218</sup> The next day, in the presence of Kaufmann on the German side, the two delegations still discussed the issue. According to Schlegelberger, the Allied decision prevented Poland from exerting its right

of liquidation. As a matter of fact, he argued, the right to domicile and other legal guarantees recognized by the Allies could be ‘meaningless if Poland was allowed to liquidate the rights of residents, e.g. the farmer’s estate.’ Remarkably, for the first time, a German delegate was explicitly mentioning the protection of property rights as a proper way to defend the private interests of ordinary people, such as small farmers. However, although the exemption concerned only industrial property, factories, mines, and other assets belonging to companies, Schlegelberger did not mention it and preferred talking about small owners and common citizens. The adoption of humanitarian arguments against Poles proved to be an effective rhetorical weapon to fight against the counterpart. Indeed, Polish delegates were defensive and replied with legalistic (and hardly persuasive) arguments.<sup>219</sup> Another matter of dispute concerned the citizenship of residents in Upper Silesia. According to Germans, the provisions of the peace treaty regarding nationals who fixed their residence in former Prussian territories after 1908 and were not entitled to acquire Polish citizenship did not apply to Upper Silesia since the Expropriation Law of the Prussian Settlement Commission was not applied to the region. They denied that before the war Germanization had touched Upper Silesia. Therefore, the peace treaty’s provisions reversing that policy ought to be excluded from the Polish-German agreement. Yet Polish delegates strongly disagreed and replied that Upper Silesia underwent the aggressive policies of Prussian authorities which had tried to alter its ethnic-national composition.<sup>220</sup> The dispute over citizenship, once again, was strictly related to the faculty of liquidating private property and revealed that the link between ownership and citizenship raised vivid tensions between the countries. At the end of the first rush of negotiations, when delegations reached an agreement on the majority of affairs, the fate of property rights was still pending.

According to Georges Kaeckenbeeck (1892–1973), at that time a young Belgian jurist who actively cooperated with the redaction of the Geneva Convention concerning Upper Silesia and then became a key personality as president of the Arbitral Tribunal established in Upper Silesia until 1937, the dispute whether Poland possessed the right to liquidate German property in the Polish part of Upper Silesia had become ‘embittered and very

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<sup>218</sup> LNA, R634/11A/17237/18817, Minutes of 10<sup>th</sup> sub-committee’s session, 13 Dec. 1921.

<sup>219</sup> LNA, R634/11A/17237/18817, Minutes of 10<sup>th</sup> sub-committee’s session, 14 Dec. 1921.

<sup>220</sup> LNA, R634/11A/17237/18817, Minutes of 10<sup>th</sup> sub-committee’s session, 15 Dec. 1921.

threatening.<sup>221</sup> Rather, as Schiffer informed the cabinet in January 1922, most points of contention were being settled and the negotiations on the matter of liquidation were also going on even if 'slowly at first sight.'<sup>222</sup> He was confident that the two parties could reach a compromise in that regard during the second round of talk which took place in Upper Silesia. Meanwhile, however, Polish nationalist leader Wojciech Korfanty affirmed that Germans intended to extend the exemption from liquidation after the end of the special regime in Eastern Upper Silesia and thus leverage its temporary suspension to strengthen their political and economic influence in the region.<sup>223</sup> Korfanty's hardline proved that the Polish position was hardening due to domestic pressure. During a session of the Polish cabinet, Olszowski informed the other members of the government that the position of Poland was weak from a legal and political point of view. The Allied note posed sharp limits to the right of liquidation and somehow expropriation was contrary to the spirit of the agreement on Upper Silesia. Nonetheless, according to the Central Liquidation Office in Warsaw, Polish delegates could offer some very limited concessions in that regard, such as renouncing the expropriation of commercial activities and movable assets. Still, no concession had to be made in the field of industrial property such as coal mines or shares of heavy industrial firms.<sup>224</sup> It was evident that the Polish authorities did not want to renounce their right to liquidate German property in Eastern Upper Silesia and thus adopted a very hard line, against the Allied decision.

#### *International Law and National Interest in the Geneva Convention concerning Upper Silesia*

That the fate of private property represented one of the major issues in the negotiation about Upper Silesia became more and more evident.<sup>225</sup> At the local level, for instance, the category of public officials was particularly worried about the danger of losing their jobs and private assets and urged the government to defend their interests in the talks with

<sup>221</sup> Kaeckenbeeck, *The International Experiment*, p. 15. On Kaeckenbeeck, see his profile written by Michael Erpelding on *Société française pour le droit international*, URL: <http://www.sfdi.org/internationalistes/kaeckenbeeck/>.

<sup>222</sup> BArch, R 43-I/362, Schiffer to Chancellor Wirth, 22 Jan. 1922.

<sup>223</sup> BArch, R 43-I/361, Interior to Lewald, Göppert, and Schiffer, 3 Dec. 1921.

<sup>224</sup> Protokoll der 12. Sitzung des Politischen Komitees des Ministerrates der Polnischen Republik vom 24. Januar 1922, Schreiben des Außenministeriums vom 23. Januar 1922 an das Ministerratspräsidium bzgl. des Antrags von Kazimierz Olszowski, in: Herder-Institut (Hrsg.): *Dokumente und Materialien zur ostmitteleuropäischen Geschichte. Themenmodul "Zweite Polnische Republik"*, bearb. von Heidi Hein-Kircher. URL: <https://www.herder-institut.de/digitale-angebote/dokumente-und-materialien/themenmodule/quelle/1118/details/1680.html>.

<sup>225</sup> PAAA, R 83064, Report on German Property of the Legal Department of the Ministry of Foreign Affairs to Chancellor, 17 Dec. 1921.



Poland. In January 1922, the Polish government promised to renounce the liquidation of those public officials and industrial workers as long as they did not leave the region.<sup>226</sup> Likewise, after months of negotiations, Polish authorities reassured the *Deutsche Bank* and the *Disconto-Gesellschaft* that no confiscatory measure would have touched its activity in Upper Silesia, and therefore branches in Kattowitz and other cities would have remained open.<sup>227</sup> After the Geneva Convention on Upper Silesia, furthermore, the *Disconto-Gesellschaft* opened a new branch.<sup>228</sup> But the German-speaking population did not trust Polish authorities and expressed their concern about the risk of being persecuted.<sup>229</sup> Also, some foreign newspapers acknowledged that the dispute over property rights concerned not only Germany and Poland but also private businesspeople (especially British ones) who were worried about the danger of losing their investments in some local companies owned by Germans (such as the mines controlled by the Prince of Hohenlohe).<sup>230</sup> The entanglement between private and public interests in the fate of private companies was a crucial element behind the diplomatic negotiations. In the German case, for the entire period of negotiation, Schiffer, Göppert, Kaufmann, and other delegates had several confidential meetings with agrarians and representatives of the heavy industry. Partly, the latter influenced the position of the diplomatic representatives, especially in the matter of liquidation, and became the hardliners against the Polish proposals. At the same time, however, Schiffer and other delegates were not just passive spokesmen, but coordinated their efforts with business circles, banks, and other economic local actors, seeking to find a compromise between the national and private interests. The letters exchanged between Schiffer and the banker Hjalmar Schacht, Kurt von Kleefeld, and Georg von Thaer, who besides being governor of the German Upper Silesia was the intermediary with agrarians, proved the collaboration between diplomacy and private interests.<sup>231</sup> On the Polish side, something similar took place. Between February and April 1922, Paris accelerated the talks for a partnership between the French and Polish capital, together with some British banks, and Italian

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<sup>226</sup> PAAA, R 83064, German Embassy (Warsaw) to Ministry of Foreign Affairs, 30 Dec. 1921 and 9 Jan. 1922.

<sup>227</sup> *Geschäftsbericht des Vorstands der Deutschen Bank für das Jahr 1921*, p. 16, and *Disconto-Gesellschaft in Berlin Geschäftsbericht für das Jahr 1921*, p. 12. On the activities of the *Deutsche Bank* in Upper Silesia, see Nützenhadel, "The End of the World Economy," p. 255.

<sup>228</sup> *Disconto-Gesellschaft in Berlin Geschäftsbericht für das Jahr 1922*, p. 12.

<sup>229</sup> PAAA, R 83064, *Interessenvertretung der Beamten gefährdeter Gebiete* to Ministry of Foreign Affairs, 12 Jan. 1922.

<sup>230</sup> "Une entente germano-britannique pour sauvegarder les biens allemands en Haute-Silésie polonaise," *La Journée industrielle*, 8 Dec. 1921.

<sup>231</sup> See letters in PAAA, R 24748.

and Japanese investors, to take over German companies in Upper Silesia.<sup>232</sup> Furthermore, several delegates were personally involved in private enterprises that aspired to take control of coal mines in Upper Silesia. For instance, the secretary of the delegation, Jerzy Kramsztyk (1888–1942/43), an economist of Jewish origin who was employed at the Ministry of Industry, was among the owners, and also a member of the governing body, of Robur, the Katowice-based Association of Upper Silesian Mines.<sup>233</sup> Thanks to that, he became ‘one of the richest persons in Poland’ in the 1930s before dramatically dying in the Warsaw ghetto during WWII.<sup>234</sup>

When the third round of negotiations in Geneva was about to start, it was clear that the property dispute was the biggest controversy between the two parties.<sup>235</sup> Differently from some months earlier, the dialogue seemed more difficult. Unsurprisingly, according to the Swiss journalist Edouard Bauty, who closely followed the negotiations, the compromise was quite far.<sup>236</sup> As Olszowski communicated to Calonder, the issue of liquidation was likely to be solved through an arbitral decision since the two delegations had very distant positions.<sup>237</sup> But Calonder hoped that the two countries could reach an agreement without his intervention.<sup>238</sup> Between February and April, both Germans and Poles were committed to defending their interpretations but from different perspectives. While Polish delegates claimed that liquidation was motivated by historical reasons and was instrumental in supporting the nation-building of the new state, German ones adopted a different point of view which mostly referred to international law and humanitarian principles. Claiming to be committed to reaching a fair agreement that could promote European stability and the re-establishment of peaceful relations in Central Eastern Europe, German delegates proved to

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<sup>232</sup> Georges Soutou, “La politique économique de la France en Pologne (1920-1924),” *Revue Historique* 251, 1 (1974), pp. 108–9. See also Roszkowski, “The Growth of the State Sector,” p. 118, and Benegiamo and Ridolfi, “L’Ansaldo dei Perrone.” See also articles in German newspapers about the foreign investments in Polish Upper Silesia, “Die lachenden Nußgenießer,” *Frankfurter Zeitung*, 29 Nov. 1921, and “Oberschlesien. Die planmäßige Überfremdung,” *Kölnische Zeitung*, 8 Dec. 1921.

<sup>233</sup> See information in <https://sztetl.org.pl/pl/miejscowosci/k/398-katowice/103-handel-przemysl-uslugi/182855-robur-zwiazek-kopaln-gornoslaskich-w-katowicach>.

<sup>234</sup> See decision of the Claims Resolution Tribunal, in re Accounts of Jerzy Kramsztyk, 18 Nov. 2004, URL: [https://crt-ii.org/awards/apdfs/Kramsztyk\\_Jerzy.pdf](https://crt-ii.org/awards/apdfs/Kramsztyk_Jerzy.pdf).

<sup>235</sup> “Silesian Treaty Halted: Germany Refuses to Agree to Poles’ Liquidation of German Property,” *New York Times*, 11 Jan. 1922, and “Les Négociations germano-polonaise,” *Journal des débats politiques et littéraires*, 28 Feb. 1922.

<sup>236</sup> Edouard Bauty, “Les conférences de Genève,” *Gazette de Lausanne*, 4 Mar. 1922. On the role of Calonder as mediator, see his article “La tâche de M. Calonder,” *Gazette de Lausanne*, 10 Mar. 1922.

<sup>237</sup> LNA, R634/11A/17237/19622, Olszowski to Calonder, 11 Mar. 1922.

<sup>238</sup> LNA, R634/11A/17237/21047, Minutes of the general session, 14 Feb. 1922.

be more consistent with the ‘spirit of conciliation’ of the League of Nations. Adherence to the liberal principles of the League was a rhetorical and diplomatic strategy to defend the German national interest in Upper Silesia. One of the architects of that strategy, for instance, was Erich Kaufmann who was not only an expert in international law but thanks to his nationalist belief was deeply committed to defending the rights of German-speaking minorities in newly created states. Unlike during the Paris Peace Conference, when recalling Wilsonian ideals to change the draft treaty was unsuccessful, in the early 1920s, such a strategy proved to be far more effective. Conversely, Polish stubborn insistence turned out to be a failure.

German delegations sent three legal opinions arguing that Poland had no right of liquidation in Eastern Upper Silesia. Two of them had been written by foreign jurists such as Arnold Struycken (1900–1955),<sup>239</sup> and Roland E. L. Vaughan Williams (1866–1949), a British prominent lawyer belonging to a family of barristers and judges.<sup>240</sup> Both authors argued that the right of liquidation had no legal or historical ground due to the different regulations followed by the Treaty of Versailles and the Allied Note in determining the fate of a region, which did not belong to the Kingdom of Poland in 1772. Furthermore, admitting the Polish claim would be in contrast with the spirit of preserving the economic unity of Upper Silesia. Unsurprisingly, it was the lobby of German agrarians in Upper Silesia who commissioned those legal opinions and sent them to Calonder.<sup>241</sup> The author of the third legal opinion was Kaufmann himself, who embraced a very similar position. In a detailed text, which was also full of references to foreign jurisprudence and international doctrine about the protection of vested rights, Kaufmann concentrated his focus on the rationale of liquidation within the peace treaty and the Paris international system. Unlike other territories such as Alsace-Lorraine, Western Prussia, or Pomerania, where peacemakers had conceived expropriation as a proper way to de-Germanize those areas and somehow restore the ‘natural’ and historical ethnic-national presence, Upper Silesia underwent a different

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<sup>239</sup> LNA, R634/11A/18794/18794, Prof. Arnold Stuycken, *Rechtsgutachten über die Frage, ob dem Polnischen Staate in den Polen zuerkannten Gebietsteilen Oberschlesiens das im Art. 297 des Vertrages von Versailles vorgesehene Recht auf Liquidation deutschen Eigentums zusteht*, 6 Jan. 1922. He was a Dutch lawyer who served as secretary in several MATs throughout the 1920s and later became secretary of the Permanent Court of Arbitration of the Hague, judge at the Mixed Courts of Egypt, and eventually played a key role in writing the European Convention on Human Rights

<sup>240</sup> LNA, R634/11A/18794/18794, Roland Edmund Lomax Vaughan Williams, *The Polish Zone of Upper Silesia. Opinion*, 14 Jan. 1922.

<sup>241</sup> LNA, R634/11A/18794/18794, Georg von Thaer to Calonder, 12 Jan. and 24 Jan. 1922.

treatment. ‘The main principle here is not the de-Germanization of the property (*Besitzstandes*) but, on the contrary, its preservation to maintain economic life in this land, which forms an economic whole despite the division and whose importance for European economic life is recognized.’<sup>242</sup> Although Poles claimed that liquidation could be also aimed at protecting national security from the political use of private property in Eastern Upper Silesia, Kaufmann replied that the Allied Note had fixed rigid conditions to exercise that faculty, and additionally, there was no reason to derogate from the principle of respecting vested rights. Otherwise, liquidation could be in blatant contradiction to preserve Upper Silesian economic integrity.

After weeks of exchanging notes, memoranda, legal opinions, and counter-opinions, the climax of tension was revealed during the public session held in Geneva on 23 March. On that occasion, the two delegations could express their positions in front of the press. Remarkably, the only divergence between them concerned the regulation of property rights and the right of liquidation, since all the other matters had been definitively settled. Nonetheless, the lack of agreement in that regard represented a true danger to the outcome of the negotiation. Opening the session, Calonder insisted on the importance of mediation and conciliation, and exhorted both parties, ‘while defending the opposite interests of their respective countries, [to] never lose sight of the fate of the population of Upper Silesia.’<sup>243</sup> But a fierce duel between Schiffer and Olszowski took place that day. The first to take the floor was the head of the German delegation. After invoking the ‘spirit of conciliation,’ Schiffer claimed that the liquidation was a means of war and contradicted the Allied intention to bring peace to Upper Silesia. Then, he added that, while the Allied Note ‘established a principle long recognized as common to all civilized nations,’ giving Poland the faculty of expropriate private assets consisted of ‘[abolishing] this recognition after it has just been pronounced if it were to be followed immediately by a provision which would permit the elimination, abrogation, and destruction of rights of all kinds by liquidation. What does the term liquidation mean? It means the right to appropriate at one’s own discretion the property [...]: it means the erection of arbitrariness on the precipice of right,’ and it also denied ‘common sense and the sentiment of justice.’ Furthermore, in continuity with the rhetorical strategy followed until that moment, Schiffer mentioned neither the

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<sup>242</sup> LNA, R634/11A/18794/18794, Erich Kaufmann, “Das Polnische Liquidationsrecht in Oberschlesien,” *Recht und Wirtschaft* 11, 1 (1922), p. 2

heavy industry nor the interests of agrarians and industrialists in Eastern Upper Silesia. Instead, he referred to the rights of the living population, the 330,000 Germans in the Polish territory, and ordinary people whose lives and homes were in danger:

*The Geneva Note stipulates that the entire resident population is entitled to a right of residence for 15 years. Would it not be a mockery of this right of residence if the person entitled to it had to expect to be driven arbitrarily from his house and farm, from the home of his ancestors, and to be forcibly separated from everything that had become dear to him? Do we really want to speak of a right of residence, if the doctor might be expelled from his house and the clientele, won by faithful professional work and bound to him by mutual trust, could be alienated from him? It should not be objected that the person concerned would be fully compensated. It would be to misjudge the moral value of the property, that moral value which in truth is the essence of labor, if one were to suppose that the owners care only about having a certain monetary value in their hands: their whole external and internal existence is essentially connected with the things on which their activity is based.*

The ‘moral value’ of property rights somehow went beyond legalistic considerations of whether Poland was entitled to exercise the faculty of liquidation or not. By quoting the prominent jurist Friedrich von Savigny (‘The right is not given for itself, it is the life itself, only looked at from a special side’), he concluded that ‘the contract we are trying to conclude is such a law, and the human skin on which this law is to be written is the Upper Silesian human skin. This skin is not only ticklish but also bloody, torn, bruised, and twitched under every hard touch.’<sup>244</sup> As a matter of fact, Schiffer adopted humanitarian rhetoric and showed a commitment to putting Upper Silesian interests before the German ones. That strategy was consistent with Calonder’s wish and the general mood of the League of Nations, whereas he was clever to avoid any reference to land property or ownership in the industrial sector.

In his reply, Olszowski chose to concentrate on the fact that the Allied Note only established a temporary suspension of liquidation, concerning some special categories of private assets (coal mines, industrial factories, etc.). But it did not deprive Poland of a faculty, which had been given by Articles 92 and 297 of the Versailles Treaty. According to the head of the Polish delegation, the suffering of Upper Silesia derived from the aggressive

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<sup>243</sup> LNA, R634/11A/17237/21047, Minutes of the general session, 23 Mar. 1922.

<sup>244</sup> PAAA, R 83065, *Plaidoirie du Plénipotentiaire d’Allemagne le 23 mars 1922* in *Documents relatifs à la genèse des dispositions de la convention de Genève concernant la liquidation*, undated [1925]. For a brief summary of Schiffer’s speech, see LNA, R634/11A/17237/21047, Minutes of the general session, 23 Mar. 1922.

policy, that the Prussian authorities had pursued since the 1880s. The region ‘fell victim to the Germanization policy in the same way as other parts of the Reich inhabited by Poles,’ and thus the new state was entitled to reverse it also by removing the German presence through expropriation. Olszowski regarded the German request as unacceptable because the liquidation was a ‘matter of domestic domain’ and no international institution or bilateral arbitration could interfere with that.<sup>245</sup> It was evident that Olszowski adopted a very different stance than Schiffer’s. The priority went to the defense of Polish sovereignty and national interest, while considerations about the economic integrity of Upper Silesia were left aside.

At the end of the session, the situation seemed to be worse than previously. During the debate, both parties appeared to be very nervous. According to Kaeckenbeeck, only ‘an effort of self-control’ of both delegates prevented the situation from being worse.<sup>246</sup> Also, in his memoir, Schlegelberger talked about the emotive tension between the delegations.<sup>247</sup> Three days later, however, the negotiation was interrupted, and both parties left Geneva.<sup>248</sup> On April 3, Calonder invited Schiffer and Olszowski to join a new informal meeting to find an agreement, which could avoid the danger of arbitration.<sup>249</sup> Indisputably, Calonder was aware that an arbitral decision could not be truly resolute and could be a matter of further controversy, or even the failure of the negotiation. Given the high tension between the two countries, was highly probable that his intervention became the occasion of not signing the agreement and resuming the conflict with unpredictable consequences. Between April 8 and 11, several meetings were held and despite some steps from both sides, no solution was reached.<sup>250</sup> Both delegations were taking things too far to get the best possible outcome, and the risk was very high. Behind the German intransigence, there was also strong pressure from business circles. Just a few days before coming back to Geneva, on behalf of agrarians, von Thaer urged Schiffer to refuse any compromise on that matter that could concede Poland the possibility of expropriation,<sup>251</sup> and the industrialists demanded that

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<sup>245</sup> LNA, R634/11A/17237/21047, Minutes of the general session, 23 Mar. 1922.

<sup>246</sup> Kaeckenbeeck, *The International Experiment*, p. 17. See also Edouard Bauty, “Passe d’armes germano-polonaise,” *Gazette de Lausanne*, 25 Mar. 1922.

<sup>247</sup> Menno Aden, *Franz Schlegelberger Staatssekretär im Reichsjustizministerium von 1931-1942* (s.l.: Traugott Bautz, 2020), p. 25.

<sup>248</sup> Edouard Bauty, “La fin des négociations germano-polonaises,” *Gazette de Lausanne*, 28 Mar. 1922.

<sup>249</sup> LNA, R633/11A/17237/18779, Calonder to Schiffer, 3 Apr. 1922.

<sup>250</sup> PAAA, R 83065, Minutes of informal meeting between Schiffer and Olszowski, 9 Apr. 1922.

<sup>251</sup> PAAA, R 24746, Georg von Thaer to Schiffer, 5 Apr. 1922.

Germans prevented Polish authorities from keeping the faculty of liquidating stocks and shares of coal corporations.<sup>252</sup> On April 12, when Calonder's ultimatum was about to expire, there was a turning point. In the morning, also thanks to the mediation of the League of Nations' technical staff, the two delegations reached a general settlement, and in the afternoon a special committee composed of only four delegates gathered to write the text of the agreement (*see Fig. 3.11*). They were Schlegelberger and Kaufmann for the German side, while Polish delegates were Witold Prądzyński (1882–1952), a diplomat and administrative judge, and the secretary of the Polish delegation Kramsztyk. It is remarkable that the special committee was mainly composed of jurists (but for Kramsztyk) who shared a similar background since Prądzyński graduated from the University of Berlin and worked as a lawyer in Germany until 1919 and could speak in the same language. Significantly, even if all of them were vocal supporters of nationalist positions, they were able to reach an agreement overcoming the diplomatic deadlock through legal means. Between the afternoon of 12 April and the following morning, the four delegates feverishly worked in a very tense atmosphere where the arrangement always seemed on the verge of failing. In the end, the two parties agreed on a text which was accepted by the Polish government through a telegram arrived in Geneva at 5 p.m.<sup>253</sup> Some minutes later, Calonder communicated to the press the positive outcome of the negotiation. 'At half-past five the crowded audience was still waiting, in a tensely strained atmosphere which eloquently showed how deeply public opinion realized the importance of the issue for the future of peace. At 5.40 p.m. the President and the plenipotentiaries arrived, and M. Calonder, after apologizing for the delay, expressed his deep gratification at being able to announce that a complete agreement had just been reached between Germany and Poland on the question of the liquidation of German property in Polish Upper Silesia. The relief was intense, and the audience burst into applause.'<sup>254</sup> Even if three days later Germany signed the Treaty of Rapallo with the Soviet Union (April 16) and consequently the tension with Poland raised once again, the understanding remained untouched.<sup>255</sup> Eventually, after drafting the definitive text (in the French language), the Convention on Upper Silesia was signed in Geneva one month later, on May 15.

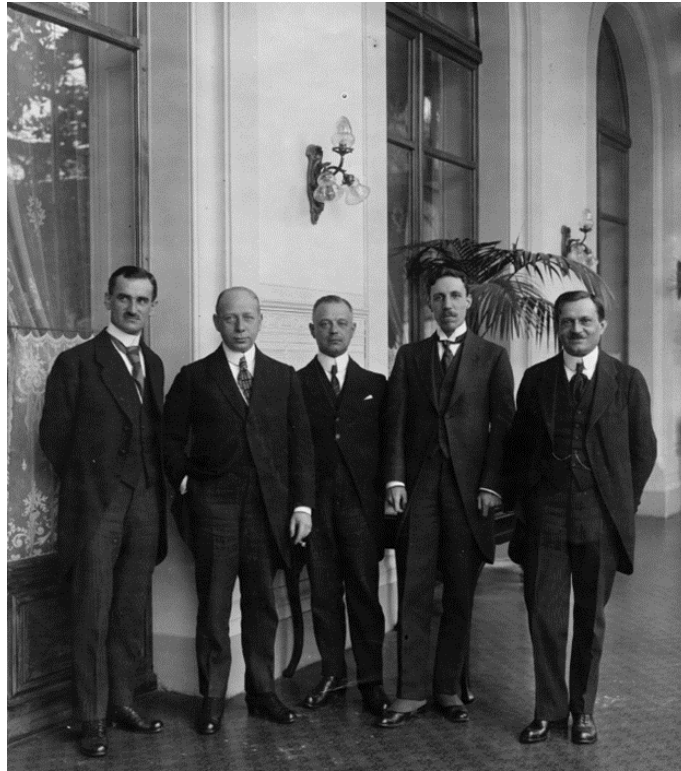
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<sup>252</sup> PAAA, R 24746, General manager of Bergrat Williger Company to Schiffer, 6 Apr. 1922.

<sup>253</sup> PAAA, R 266609, Summary of the Negotiations, undated [Apr.-May 1922].

<sup>254</sup> Kaeckenbeeck, *The International Experiment*, p. 19. See also Edouard Bauty, "De difficiles négociations," *Gazette de Lausanne*, 14 Apr. 1922.

<sup>255</sup> Schattkowsky, *Deutschland und Polen*, pp. 218–9.



[Fig. 3.11, German-Polish Draft Committee, April 1922]

In addition to provisions concerning the protection of vested rights (Articles 4–5), nationality and options (Articles 25–63), and minority rights (Articles 64–146), the Convention devoted an entire section to regulate the liquidation of property rights (Articles 6–23). For the duration of the special regime in Upper Silesia (15 years), Poland was entitled to expropriate only companies, plants, and mines belonging to the ‘big industry’ as well as the large land property but renounced to exercise the right of liquidation of all other assets owned by German nationals or corporations controlled by them (Article 6). As for the industrial sector, the faculty of liquidation, as recognized by the Treaty of Versailles, was restricted to coal factories, chemical companies, or any other activity related to the heavy industry which employed at least 600 workers (Article 8). In addition to that, Polish authorities were bound to follow a very strict procedure to notify their intention to expropriate those assets and had to finish the process within 4 years of notification (Article 10). Unlike the Treaty of Versailles, until the notification, German owners fully disposed of their property without any restrictions since Poland was not able to seize or take control of assets



through special measures (Article 11). As for large land ownership, which was defined as property exceeding 100 hectares of arable land (without considering forests or other non-cultivable lots) (Article 12), Polish authorities were entitled to expropriate only up to 1/3 of Upper Silesian arable land (Article 13). As for the procedure, Polish authorities had to notify their intention until January 1925 and conclude the process within two years (Article 15). In addition to those provisions, the Convention established that individuals acquiring Allied or neutral nationality as well as Polish citizenship 'by full right' at the date of 15 April 1922 were exempted from expropriation (Article 18). Eventually, German owners enjoyed to right to be adequately compensated by Polish authorities (Article 22) and were also entitled to appeal to the Permanent Court of International Justice in case of violation of their rights (Article 23).<sup>256</sup>

The difference with the Treaty of Versailles could not have been more blatant. According to Kaeckenbeeck, 'the net result of the Polish threat to liquidate was, in all the cases, to give absolute immunity against liquidation.'<sup>257</sup> Poland was formally entitled to expropriate heavy industry and land property, but such faculty was generally limited by time constraints and procedural restrictions. Additionally, the Polish government needed large financial resources to implement it and had to do so as soon as possible before the expiration date in 1925. Another significant element was that ordinary people were completely exempted from the danger of liquidation and consequently, the regulation of nationality became far less problematic. Unlike the Versailles Treaty, moreover, German owners also could appeal to international courts and thus had a real power to defend their rights. One of the most significant results of the Convention was that the treatment of private property in Upper Silesia was not left to national sovereignty and could not be considered only a matter of domestic policy. Instead, the Permanent Court of International Justice could intervene, and Germany could do so as well. In addition to that, the arbitral organs (the Mixed Commission and Arbitral Tribunal) were also able to settle legal disputes and interfere to protect individual rights in case of violation.<sup>258</sup> Between 1923 and 1937, the Arbitral Tribunal chaired by Kaeckenbeeck examined more than 4,000 cases. In the end, it was Schiffer himself who underlined the importance of the result reached by German delegates. 'This expropriation is so limited and subject to so many conditions and prerequisites that it

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<sup>256</sup> *Convention Germano-Polonoise Relative à La Haute Silésie Faite à Genève Le 15 Mai 1922*. (Genève, 1922)

<sup>257</sup> Kaeckenbeeck, *The International Experiment*, p. 107.

is almost irrelevant from a material point of view. [...] The whole liquidation [...] is internally undermined and has no real practical impact on the economic life of Upper Silesia.<sup>259</sup>

### *The Economic War of Position*

The signing of the Convention appeared to be a significant step toward the post-war appeasement between Poland and Germany, and hence the stability of Europe.<sup>260</sup> With 606 articles and countless annexes, it was the longest and most elaborate treaty ever signed up to that time. According to many contemporaries like Sarah Wambaugh, the American sociologist and official of the League of Nations who thoroughly examined the plebiscites after 1918, the positive outcome of such a long and difficult negotiation was a significant victory for the League of Nations as well since it proved to be able to play a key role in fostering peaceful relations by settling diplomatic controversies in contested borderlands through adopting creative legal means.<sup>261</sup> As Kaeckenbeeck argued, the purpose of the negotiation on Upper Silesia was ‘the elimination of chaos and violence through legal order and legal process,’ and it did so. Furthermore, the Convention represented a ‘great experiment’ due to its innovative system of enforcement of minority rights.<sup>262</sup> Historians like Harald von Riekhoff and, more recently, experts of legal history such as Nathaniel Berman and Michel Erpelding have positively assessed the Convention as an effective legal settlement to ensure peace and the true success of the League of Nations.<sup>263</sup>

But the perception of the outcome was far different in Germany and Poland. As Walter Simons wrote to Schiffer, it was ‘a great and undeniable success,’ and also ‘the first considerable political achievement which Germany has achieved since the defeat.’<sup>264</sup> For the first time, German diplomacy obtained sharp success in preserving minority rights and economic interests in a ceded territory, and more significantly Poland had been politically

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<sup>258</sup> Raitz von Frentz, *A Lesson Forgotten*, pp. 80–5.

<sup>259</sup> PAAA, R 24747, Schiffer to Franz von Stockhammern (Ministry of Finance), 15 Apr. 1922.

<sup>260</sup> “The Last Act in Silesia,” *Manchester Guardian*, 27 Apr. 1922, and Ed. Ch., “La fin d’un conflit,” *Journal de Genève*, 15 May 1922. Far less enthusiastic was the reaction on French press, see for instance “Le sort de la Haute-Silésie est-il enfin réglé?,” *L’Echo national*, 12 Jun. 1922.

<sup>261</sup> Sarah Wambaugh, “A New Kind of Frontier,” *The Annals of the American Academy of Political and Social Science* 108, 1 (1923), pp. 174–7.

<sup>262</sup> Kaeckenbeeck, *The International Experiment*, p. 23.

<sup>263</sup> Riekhoff, *German-Polish*, pp. 48–51, Nathaniel Berman, “‘But the Alternative Is Despair’: European Nationalism and the Modernist Renewal of International Law,” *Harvard Law Review* 106, 8 (1993), pp. 1792–903, and Michel Erpelding, “Local International Adjudication: The Groundbreaking ‘Experiment’ of the Arbitral Tribunal for Upper Silesia,” in Erpelding, ed., *Peace through Law*, pp. 277–322.

<sup>264</sup> PAAA, R 24748, Walter Simons to Schiffer, 26 Apr. 1922.

defeated at the international level by adopting the language of rights and embracing a liberal agenda. And yet, instead of sincerely adhering to liberal internationalism, German diplomats and jurists leveraged international law and humanitarian rhetoric to defend national and private business interests. The Convention on Upper Silesia demonstrated that nationalism could reach significant achievements within the Paris peace system through patient and clever diplomatic work.<sup>265</sup> Even Schlegelberger expressed a positive judgment in his memoir written in the spring of 1945. “The agreement also gave a certain satisfaction, because it showed that Germany had succeeded in saving some of the things that had already been considered lost.”<sup>266</sup> Nonetheless, the real extent of success escaped the notice of public opinion, whose reaction was far less enthusiastic. In front of the Reichstag, for instance, Schiffer defended his efforts and claimed that besides the protection of minority rights Germany ‘succeeded overall in achieving the main purpose of the agreement, which is to ensure the maintenance of economic life.’<sup>267</sup> Similar views echoed in the speech of other Catholic, Social Democratic, and Democratic lawmakers, who shared a positive judgment of the diplomatic success. Although conservative and nationalist parties, including the DVP of Stresemann, strongly criticized the cabinet, and together with the Communist Party voted against the ratification of the Convention, it was approved by the Reichstag.<sup>268</sup>

Conversely, Poles were aware of the diplomatic failure at Geneva. As Schiffer communicated to the Ministry of Foreign Affairs, ‘the Polish delegation considers the agreement a serious defeat. The director of the Polish Ministry of Justice, Pradzinski, who led the Polish negotiations, told Privy Councilor Schlegelberger that the dispatch from the Polish Ministry of Foreign Affairs authorizing Mr. Olszowski to conclude the agreement stated that “there was no alternative but to run the gauntlet.”’<sup>269</sup> Also, Polish sources confirmed it. During the parliamentary debate on the ratification of the treaty, Korfanty could not hide the limitations that the Convention imposed on the liquidation right.<sup>270</sup> Another lawmaker clarified that Poles ‘will have to fight many hard battles in the economic field for

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<sup>265</sup> See legal commentaries: Eugen Schiffer, “Der Deutsch-Polnische Vertrag über Oberschlesien,” *Deutsche Juristen-Zeitung* 27, 11–12 (1922), pp. 329–33; Theodor Lewald, “Das Minderheitenrecht im Deutsch-Polnischen Abkommen über Oberschlesien,” *Deutsche Juristen-Zeitung* 27, 17–18 (1922), pp. 524–30.

<sup>266</sup> Aden, *Franz Schlegelberger*, p. 26.

<sup>267</sup> Proceedings of the Reichstag, 1920/1924, 30 May 1922, p. 7691.

<sup>268</sup> For the debate, see Proceedings of the Reichstag, 1920/1924, 30 May 1922, pp. 7687–700.

<sup>269</sup> PAAA, R 24747, Schiffer to Ministry of Foreign Affairs, 15 Apr. 1922.

<sup>270</sup> Sprawozdanie stenograficzne z 313 posiedzenie Sejmu Ustawodawczego z dnia 16 maja 1922 r., pp. 6–8.

our just rights [...] against German capitalism.<sup>271</sup> According to Aleksander Roman Szczepański (1882–1937), who served as the Polish representative at the Upper Silesian Mixed Commission in the second half of the 1920s, the Convention's provisions concerning German property rights were extremely advantageous for Germany and penalized the Polish sovereignty so much to prevent the enforcement of expropriation.<sup>272</sup>

Undoubtedly, as emerged during the negotiation, the protection of property rights was a fundamental pillar within the legal and political framework established by the Convention. One of the first consequences of the negotiation, for instance, was that French policymakers abandoned all projects for economic penetration in Upper Silesia, leaving room for the inflow of Austrian and Czechoslovakian capital in the region.<sup>273</sup> But Polish authorities were determined to seize all possible opportunities to carry on the Polonization of the local economy, or at least the exclusion of German (and Austrian) capital,<sup>274</sup> and hence local German-speaking business circles were still truly concerned. The German Upper Silesian Association for the Protection of Minority Rights in Polish Silesia (*Deutsch-Oberschlesischer Volksbund für Polnisch-Schlesien zur Wahrung der Minderheitsrechte*)<sup>275</sup> informed the government of the financial problems provoked by the fact that Poland formally kept the right of liquidation. "The German mortgage banks and especially the German savings banks are now beginning to cancel mortgages granted on real estate in Polish Upper Silesia. This procedure can result in a severe disadvantage for the Germans. The landowner is forced to borrow money from Polish lenders and the danger of gradual transfer of the property from German to Polish hands arises."<sup>276</sup> The German government allocated large sums to finan-

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<sup>271</sup> Sprawozdanie stenograficzne z 313 posiedzenie Sejmu Ustawodawczego z dnia 16 maja 1922 r., p. 25.

<sup>272</sup> Aleksander Szczepański, *Górny Śląsk w świetle wykonania Konwencji Genewskiej* [Upper Silesia in light of the execution of the Geneva Convention] (Warszawa: Nakł. Księg. F. Hoesicka, 1929), pp. 72–5, 78–82.

<sup>273</sup> Soutou, "La Politique Économique," pp. 109–10. See also "Oberschlesien und das französische Kapital," *Frankfurter Zeitung*, 7 Nov. 1922, and "Der deutschösterreichische Einfluss in der ost-oberschlesischen Industrie," *Deutsche Bergwerks-Zeitung*, 7 Sep. 1923.

<sup>274</sup> On the foreign investments in Poland between 1923 and 1925, see "Foreign Investments in Polish Industries," *Commerce Reports*, 12 Feb. 1923, "Die ausländischen Finanzgruppen in Ost-Oberschlesien," *Deutsche Bergwerks-Zeitung*, 11 Sep. 1924, "Englisches Kapital in Polnisch-Oberschlesien?," *Deutsche Bergwerks-Zeitung*, 9 Aug. 1925, and "Die Auslandskapital in Ost-Oberschlesien," *Deutsche Bergwerks-Zeitung*, 21 Aug. 1925. Cf. Joseph S. Davis, "Economic and Financial Progress in Europe, 1923–24," *The Review of Economics and Statistics* 6, 3 (1924), p. 238.

<sup>275</sup> On the association, see Kotowski, *Polens Politik*, pp. 69–73. For a general overview of the German associations in Upper Silesia in the 1920s and 1930s, see Piotr Greiner and Ryszard Kaczmarek, "Vereinsaktivitäten der Deutschen in Polnisch-Oberschlesien 1922–1939," *Zeitschrift für Ostmitteleuropa-Forschung* 45, 2 (1996), pp. 221–35.

<sup>276</sup> PAAA, R 7363, Ullitz (*Deutsch-Oberschlesischer Volksbund für Polnisch-Schlesien zur Wahrung der Minderheitsrechte*) to Ministry of Foreign Affairs, 6 Aug. 1922.

cially support the industrial sector and the agrarian interests. In some cases, it contributed to the success of unscrupulous businessmen like Friedrich Flick, who leveraged nationalism to build an industrial empire.<sup>277</sup> Also, agrarians were quite lukewarm about the outcome of the negotiation and considered it only a partial success.<sup>278</sup>

As a matter of fact, from that moment on, a kind of economic war of position began and involved both parties. In November 1922, the local Polish administration created a special department for the liquidation of German assets in the region.<sup>279</sup> According to the German consulate in Katowice, in 1923, Polish Silesian leader Korfanty was seeking to acquire shares of German-owned coal companies,<sup>280</sup> and in late 1924 several Polish voices confirmed that the government wished to notify the liquidation of the land property before the expiration date established by the Convention.<sup>281</sup> Some pro-German voices did not hesitate to define Polish policies as a ‘proof of undemocratic, fascist spirit.’<sup>282</sup> At the same time, diplomacy suggested landowners delay and obstacle bureaucratic procedures as much as possible.<sup>283</sup> In the end, in January 1925, the Polish authorities published the list of 12 landowners whose property (a total of 13,799 hectares) had to be expropriated according to Article 15 of the Convention. Among them, there were Prince Lichnowsky (who had Czechoslovakian nationality), Gabriele von Ruffer (a Polish citizen), Baroness Rothschild-Goldschmidt, the family von Oppersdorff (whose father Hans was a pro-Polish supporter while his son Wilhelm openly sided with Germany), and George von Thaer (who had opted for German citizenship).<sup>284</sup> Just a few days after the notification, German diplomacy was determined to file an appeal to the Permanent Court of International Justice, and Kauf-

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<sup>277</sup> Alfred Reckendrees, “Business as a Means of Foreign Policy or Politics as a Means of Production? The German Government and the Creation of Friedrich Flick’s Upper Silesian Industrial Empire (1921–1935),” *Enterprise & Society* 14, 1 (2013), pp. 99–143.

<sup>278</sup> PAAA, R 24748, Wojacek to Walter Simons (?), 12 May 1922.

<sup>279</sup> “Zur Liquidation des deutschen Besitzes in Ost-Oberschlesien,” *Der Ost Express*, 25 Nov. 1922.

<sup>280</sup> PAAA, R 83064, General Consulate (Katowice) to Ministry of Foreign Affairs, 26 Sep. 1923. Korfanty was personally involved in private business operating in the region, see “Oberschlesien als modernes Klondike,” *Weser-Zeitung*, 11 Apr. 1922, and “Eine polnisch-französische Aktiengesellschaft zur Ausbeutung der ehemals preußischen fiskalischen Grubern in Oberschlesien,” *Posener Tageblatt*, 9 Jun. 1922.

<sup>281</sup> PAAA, R 83064, General Consulate (Poznan) to Ministry of Foreign Affairs, 18 Dec. 1924.

<sup>282</sup> PAAA, R 266384, Frank (Kattowitz) to Foreign Affairs, 15 Oct. 1924.

<sup>283</sup> PAAA, R 83064, *Regierungspräsident* (Breslau) to Ministry of Foreign Affairs, 5 Dec. 1924.

<sup>284</sup> PAAA, R 83064, General Consulate (Katowice) to Ministry of Foreign Affairs, 10 Jan., 13 Jan., and 20 Feb. 1925.

mann, ‘who has taken an outstanding part in the formulation of these provisions,’ shared that idea.<sup>285</sup>

On that occasion, the Ministry of Foreign Affairs also planned to appeal against the expropriation of the nitrogen factory in Chorzów (Königshütte). In July 1922, Polish authorities seized the plant together with intellectual property since they declared void the sale contract signed in December 1919 between the German government and two private companies, the *Oberschlesische Stickstoffwerke* and the *Bayerische Stickstoffwerke*. Employing more than 2,000 workers, the Chorzów factory was one of the most important and advanced chemical companies of the region, and Ignacy Mościcki (1867–1946), a brilliant chemistry scholar, who would have become president of the Polish Republic between 1926 and 1939, was appointed as administrator. According to Poland, that cession was irregular because it was aimed at circumventing provisions about the confiscation of public property as established by Article 256 of the Versailles Treaty and the Polish legislation on July 14, 1920.<sup>286</sup> The legal dispute started in late 1922 when the two companies—financially supported by German diplomacy—appealed to the Polish local court and then the German-Polish MAT, but without succeeding. Between 1925 and 1929, however, the Permanent Court of International Justice issued six judgments (August 25, 1925; May 25, 1926; July 26, 1927; October 10, 1927; December 16, 1927; September 13, 1928), and three orders (November 21, 1927; September 13, 1928; May 25, 1929) to regulate the controversy regarding Chorzów factory and other German interests.<sup>287</sup> Significantly, throughout the 1920s, the Court was almost entirely committed to solving disputes concerning Upper Silesia. Unsurprisingly, the legal representative of Germany was Erich Kaufmann. Thanks to his ability and network of contacts in the international legal world, Germany was able to win all appeals. Despite being sentenced to restitution, the Polish government repeatedly refused to enforce the decision and sought unsuccessfully to reverse it. In the end, the Court ruled that Poland had to grant full pecuniary compensation to the two companies and the German state, but the factory remained under Polish control.<sup>288</sup> As for land property, most Polish measures were re-

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<sup>285</sup> PAAA, R 83064, Report of the Ministry of Foreign Affairs, 24 Jan. 1925.

<sup>286</sup> PAAA, R 267342, *Bayerische Stickstoff-Werke* to Ministry of Foreign Affairs, 17 Jul. 1922.

<sup>287</sup> All decisions are entirely online available, URL: <https://www.icj-cij.org/pcij-series-a>.

<sup>288</sup> See documents in PAAA, R 267342, R 83064, R 83065, R 266005, and R 7363. See also Kaeckenbeeck, *The International Experiment*, pp. 108–15, and Richter, *Fragmentation*, pp. 265–6. On the relevance of the Chorzów case for the legal doctrine regarding the compensation of foreign-owned property, see Daria Davitti, “1917 and Its Implications for the Law of Expropriation,” in *Revolutions in International Law: The Legacies of 1917*, ed. Kathryn Greenman et al. (Cambridge: Cambridge University Press, 2021), pp. 295–302.

pealed, too, and only a small part of it was expropriated and redistributed. International organs proved to be only partly successful since they were unable to fully enforce their decisions. As Kaufmann claimed, German minorities in other newly created states, as well as the Hungarian-speaking colonists in Romania, could benefit from the jurisprudence of the Court, since it would have given a blow to attempts to expropriate property rights in those countries.<sup>289</sup> His intuition proved to be true. Given their relevance for the agrarian reforms in Central Europe, the Romanian judge left the court since his country did not recognize that decision.<sup>290</sup>

Throughout the 1920s and 1930s, Poland tried in every way to wholly Polonize the region. Although the Geneva Convention represented an obstacle to that policy, local authorities were determined to do so.<sup>291</sup> After Pilsudski's coup d'état (May 1926), the new local governor (*Wojewoda*) Michał Tadeusz Grażyński (1890–1965), who replaced his rival Korfanty, pursued an aggressive anti-German policy which included the elimination of the German and more generally foreign economic presence.<sup>292</sup> Also, in early 1927, the central government outlined its policy toward national minorities, and openly set as a primary goal the Polonization of the industrial sector in Upper Silesia.<sup>293</sup> It could be achieved through many ways such as expropriation or the dismissal of German-speaking engineers or workers. In July 1927, the German consulate in Kattowitz confirmed that Polish authorities were seeking to replace German capital in the region and discourage new investments from German companies by all means. They also seemed determined to pursue such a policy after the expiration of the treaty.<sup>294</sup> As a general rule, the Geneva Convention held Polish attempts back. In addition to the Permanent Court, the local arbitral organs limited the power to expropriate private assets belonging not only to German-speaking Polish nationals

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<sup>289</sup> PAAA, R 267342, Report of Caro (General Manager of *Oberschlesische Stickstoffwerke*) to Ministry of Foreign Affairs, 1 Feb. 1926.

<sup>290</sup> Erich Kaufmann, "Der Begriff der Liquidation im Liquidationsregime des Versailler Vertrages und des deutsch-polnischen Abkommens über Oberschlesien," in Kaufmann, *Gesammelte Schriften*, vol. 2, p. 177.

<sup>291</sup> On the Polonization of the public sector, see Maria Wanda Wanatowicz, "Die Deutschen im staatlichen Sektor des öffentlichen Lebens in Großpolen, Westpreußen und Oberschlesien nach dem Ersten Weltkrieg," *Zeitschrift Für Ostmitteleuropa-Forschung / Journal of East Central European Studies* 48, 4 (1999), pp. 570–7. On the German-Catholic population, see Albert S. Kotowski, "Polnischer Staat, katholische Kirche und die deutschen Katholiken in Polen 1918–1939," *Kirchliche Zeitgeschichte* 15, 1 (2002), pp. 133–9.

<sup>292</sup> Kotowski, *Polens Politik*, pp. 148–52.

<sup>293</sup> Kotowski, *Polens Politik*, p. 139.

<sup>294</sup> PAAA, R 267144, German consulate (Kattowitz) to Foreign Affairs, 18 Jul. 1927.

but also to other national minorities.<sup>295</sup> Last but not least, the lack of financial resources represented another significant limit to the Polish policies.<sup>296</sup> Until the early 1930s, more than 80% of coal mines and land property belonged to German owners, and technical and administrative staff of heavy industry was composed of Polish citizens of German origin.<sup>297</sup> It was only the economic crisis after 1929 that paved the way for public intervention in the private sphere. In the 1930s, several Upper Silesian companies suffered a shortage of capital and liquidity, and the Polish state seized the opportunity to take control of many of them through the bankruptcy process.<sup>298</sup> In addition to that, in the interwar period, the emigration of Germans from the region impacted the local minority whose size was significantly shrunk.<sup>299</sup>

### 3.4 ‘Der Kampf um dem Boden.’ Liquidation or Agrarian Reform?

#### *Reversing the Prussian Settlement Commission*

In the aftermath of WWI, Polish leadership was confident in promoting nation-building by allocating the land to Poles. Since 75% of the population lived in the countryside in 1921, the importance of land, both economically and symbolically, should not be surprising. As Dietmar Müller summarized in his book on the agrarian reforms in Central Eastern Europe between 1918 and 1948, ‘the decisive factor in this national development plan was property, and specifically concrete property of land (*Grund und Boden*) as well as the mythologized ownership of the titular nations.’<sup>300</sup> Redistribution of land along national lines was instrumental in creating a sizeable community of loyal and active citizens in the democratic process, whose common element consisted of sharing the same language and

<sup>295</sup> See, for instance, the decision ‘Steiner and Gross v. Polish State,’ 30 Mar. 1928 in Hersch Lauterpacht and Arnold Duncan McNair Baron McNair, eds., *Annual Digest of Public International Law* vol. IV (1935), pp. 291–2.

<sup>296</sup> Kaeckenbeeck, *The International Experiment*, p. 107.

<sup>297</sup> Hauser, “Die deutsche Minderheit in der Wojewodschaft Schlesien 1922–1939,” p. 972.

<sup>298</sup> Zagóra-Jonszta, “Sanacja śląska,” and Barbara Danowska-Prokop, “Proces polonizacji przemysłu górno-śląskiego w latach 1922–1939” *Nierówności społeczne a wzrost gospodarczy*, 57, 1 (2019), pp. 270–8.

<sup>299</sup> Blanke, *Orphans*, pp. 32–5, and Hauser, “Die deutsche Minderheit in der Wojewodschaft Schlesien 1922–1939,” p. 969. For a general account of the German minority in the early 1930s, see Hans Lukascheck, “The Germans in Polish Upper Silesia,” in Otto Eduard Lessing, *Minorities and Boundaries: A Series of Papers* (The Hague: M. Nijhoff, 1931), pp. 96–108.

<sup>300</sup> Müller, *Bodeneigentum und Nation*, p. 34.



possibly the same religion, and hence belonging to a unitary nationality.<sup>301</sup> Such a nationalistic conception aimed at excluding national minorities and replacing socialism among the peasantry.<sup>302</sup> Once again, the idea of a ‘rural republic’ was inspired by the revolutionary French model but echoed popular ideas within the conservative and nationalist circles across Europe (including Germany) and the United States.<sup>303</sup>

One of the major goals of Polish policymakers consisted of reversing the Germanization of land property pursued by Prussia since the late 19<sup>th</sup> century. Created in 1886, the Prussian Settlement Commission (originally called *Königlich Preussische Ansiedlungskommission in den Provinzen West Preussen und Posen*) was entitled to transfer land property belonging to Polish landowners and redistribute it to German settlers coming from other German regions. Such a body was instrumental in carrying on an ethnonational policy against the Polish element to strengthen the German presence and, at the same time, agrarian reform with social intents in Eastern regions of the German Empire. Between 1886 and 1918, thanks to 1 billion marks granted by the state and private banks (such as the Peasant’s Bank in Danzig or the Middle-Class Bank of Breslau), the Commission acquired 828 large estates (430,000 hectares) and 631 farms and promoted the settlement of 22,000 German families. On a territorial level, it mainly concentrated its activities in those districts where changing the ethnic composition of the population was regarded as more desirable, such as Bromberg or Marienwerder. After March 1908, the Prussian government allowed the Commission to expropriate up to 70,000 hectares to achieve its objective. Nonetheless, the Commission faced greater obstacles from the Polish circles, which boycotted its activity and financially supported Polish landowners. After 1901, ‘more than 80 percent of all estate land was purchased from Germans,’ and the Commission proved to be unable to invert the demographic trend or change the ethnonational composition of Eastern regions. As Scott M. Eddie argued, despite all efforts, the Commission was only a ‘waste of money.’<sup>304</sup>

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<sup>301</sup> Klaus Richter, “‘An Orgy of Licence?’ Democracy and Property Redistribution in Poland and the Baltics in Their International Context, 1918–1926,” *Nationalities Papers* 46, 5 (2018), pp. 791–808.

<sup>302</sup> Teichova, “East-Central and South-East Europe,” pp. 904–5.

<sup>303</sup> On the popularity of France as a political model for the interwar Poland, see Cienciala and Komarnicki, *From Versailles to Locarno*, pp. 14–5.

<sup>304</sup> Scott M. Eddie and Christa Kouschil, “The Ethnopolitics of Land Ownership in Prussian Poland, 1886–1918 - The Land Purchases of the Ansiedlungskommission,” Report (Trondheim Studies on East European Cultures and Societies, 2002); Scott M. Eddie, “Ethno-nationality and property rights in land in Prussian Poland, 1886–1918: buying the land from under the Poles’ feet?,” in Engerman, Stanley L., and Jacob Metzger, eds., *Land Rights, Ethno-Nationality and Sovereignty in History* (London, New York: Routledge, 2004), pp. 56–86;

Thanks to the Versailles Treaty, Poland was able not only to reverse the Prussian policies but to go even further. The new authorities, however, faced a far more difficult situation than they expected. The extremely diverse social, economic, and ethnonational composition of Polish territories, as well as the presence of strong opposition to agrarian reforms among Polish economic élites, contributed to the unevenness of Polish measures. Furthermore, it was a matter of controversy among Polish political parties, too. Whereas National Democrats were very close to Polish large estate owners and were generally contrary to any agrarian reform, peasants' parties strongly endorsed it. Since National Democrats and peasants' parties often formed coalition governments, such a divergence was among the causes of political instability that characterized the Second Polish Republic until 1926. The first land reform, passed by the Sejm in July 1920, 'was purely a crisis measure,' and was annulled by the Supreme Administrative Court in Warsaw.<sup>305</sup> The Polish constitution (March 1921) echoed some of these divisions, as well. As stated by Article 99, private ownership enjoyed full protection from the state, which could limit or abolish property rights for public utility only against compensation. It also added that 'only a statute may determine to what extent property, for reasons of public utility, shall form the exclusive property of the state, and in how far rights of citizens and their legally recognized associations to use freely land, waters, minerals, and other treasures of nature, may be subject to limitations for public reasons.' Besides liberal principles, however, the Sejm inserted a specific provision about land property. Since the land was 'one of the most important factors of the existence of the nation and the state,' the commerce of land lots should be regulated by law and, more significantly, the state was entitled to carry on an agrarian reform according to liberal guarantees for landowners and also principles of efficiency and productivity (by creating 'agricultural units capable of regular production') in order to promote a class of small and middle farmers.<sup>306</sup> The constitution mixed traditional liberalism with a notion of social function, consisting of promoting economic growth and contributing to the stability of the

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Scott M. Eddie, "The Prussian Settlement Commission and Its Activities in the Land Market, 1886–1918," in *Germans, Poland, and Colonial Expansion to the East: 1850 Through the Present*, ed. Robert L. Nelson (London: Palgrave Macmillan, 2009), 39–64. See also Nipperdey, *Deutsche Geschichte*, 2 vol., pp. 275–6; Hollyamber Kennedy, "Infrastructures of 'Legitimate Violence': The Prussian Settlement Commission, Internal Colonization, and the Migrant Remainder," *Grey Room* 76 (2019), 58–9; Daniel Benedikt Stienen, "Das Ansiedlungsdorf als nationaler Schmelztiegel?," *Geschichte und Gesellschaft* 47, 4 (2021), pp. 563–88.

<sup>305</sup> Richter, *Fragmentation*, p. 254.

<sup>306</sup> Text of the 1921 Constitution is <http://libr.sejm.gov.pl/tek01/txt/kpol/e1921.html>.

state.<sup>307</sup> But such a compromise delayed the agrarian reform instead of promoting it. Until December 1925, central and local authorities adopted the tool of liquidation to assault German ownership and pursue an ethnonational policy. As a result, the social dimension of public intervention was left aside. Since 1920, the measures of confiscation also targeted land property owned by colonists, farmers, or cooperatives.

One of the most relevant cases concerned the fate of about 24,000 German colonists who had leased land lots from the Prussian Commission without being *pleno iure* owners. Between late 1918 and early 1919, fearing the consequences of the war, the Commission ceded those land lots to settlers. But local Polish authorities did not recognize the agreement stipulated between the Commission and the Peasant's Bank of Danzig for the transfer of land estates. Additionally, the Prussian Commission also transferred to the bank its right to repurchase those farms in case colonists sought to sell them, died, or were accused of mismanagement. By doing so, Prussian authorities sought to prevent Poland from making use of those legal prerogatives to evict colonists. Since the contract had been signed after 7 October 1918, Poles argued that it should be considered void and thus the Polish state was legally entitled to succeed Germany as the legitimate owner of those land lots according to Article 256 of the Versailles Treaty.<sup>308</sup> That decision raised a big controversy between the two states because, with the so-called Annulation Law (July 14, 1920), Poland canceled renting contracts and expelled those colonists from the country. Although it was not strictly speaking an expropriation, the decision consisted of depriving those settlers of their farms and allocating them to Polish-speaking settlers. From the German side, likewise, the political relevance of their case was clear. As the Prussian Ministry of Agriculture wrote in late 1919, 'the future of German presence and culture in the areas to be ceded depends on the preservation of the property of our settlers.'<sup>309</sup>

Between 1919 and 1922, the expulsion of about 24,000 settlers became a matter of dispute between the German minority and the Polish government, which also involved the League of Nations and the Permanent Court of International Justice. Even if the League's Council declared the eviction as illegitimate and contrary to the minority treaty, Poland replied that the international organization had no competence to intervene in the issue. In

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<sup>307</sup> Müller, *Bodeneigentum und Nation*, pp. 81–90.

<sup>308</sup> Oertel, *Beiträge zur Geschichte*, pp. 185–90, and Blanke, *Orphans*, pp. 68–72.

February 1923, the Council of the League of Nations asked for a legal opinion from the International Court of Permanent Justice, that delivered it in September 1923. Originally drafted by John Bassett Moore (the United States), Max Huber (Switzerland), and Wang Chung-hui (China),<sup>310</sup> the legal opinion sided with the League of Nations, and Germany. ‘Although the law does not expressly declare that the persons who are to be ousted from the lands are persons of the German race, the inference that they are so is to be drawn even from the terms of the law.’ The Court stressed the contradiction between the Minority Treaty and the Polish policies. ‘The effect of the enforcement of the law of July 14th, 1920, would be to eradicate what had previously been done, so far as de-Germanization would result from requiring the settlers in question to abandon their homes. But, although such a measure may be comprehensible, it is precisely what the Minorities Treaty was intended to prevent. The intention of this Treaty was no doubt to eliminate a dangerous source of oppression, recrimination, and dispute, to prevent racial and religious hatreds from having a free play, and to protect the situations established upon its conclusion, by placing existing minorities under the impartial protection of the League of Nations.’<sup>311</sup> In addition to that, as the judges claimed, Poland violated the principle of respecting private rights in case of territorial change as well as discriminated against those settlers whose treatment was regarded as unfair and unequal.

However, the Court’s opinion did not change the fate of German colonists. After their eviction, Poland agreed to compensate them for the revocation of contracts, but procedures went slowly due to political and financial problems. Between 1923 and 1935, Poland allocated more than 1.2 million gold zloty (corresponding to about \$134,000), covering only part of the damage. Many applications were rejected and a large part of the settlers received compensation several years after the eviction.<sup>312</sup>

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<sup>309</sup> PAAA, R 96307, Ministry of Agriculture (Prussia) to Ministry of Foreign Affairs, 13 Nov. 1919, 19 Dec. 1919, and 24 Jan. 1920.

<sup>310</sup> See the letter of Moore to Edwin M. Borchard, 8 Sep. 1931 in LoC, Moore Papers, box 63. See also Ole Spiermann, “Judge Wang Chung-Hui at the Permanent Court of International Justice,” *Chinese Journal of International Law* 5, 1 (2006), pp. 115–28, and Ole Spiermann, “Judge Max Huber at the Permanent Court of International Justice,” *European Journal of International Law* 18, 1 (2007), pp. 115–33.

<sup>311</sup> See text of “German Settlers in Poland,” Advisory Opinion, 10 Sep. 1923, in [https://www.icj-cij.org/sites/default/files/permanent-court-of-international-justice/serie\\_B/B\\_06/Colons\\_allemands\\_en\\_Pologne\\_Avis\\_consultatif.pdf](https://www.icj-cij.org/sites/default/files/permanent-court-of-international-justice/serie_B/B_06/Colons_allemands_en_Pologne_Avis_consultatif.pdf).



[Fig. 3.12, Pictures of German settlers in Poland, 1926, in PAAA, R 263730]

Besides those colonists, in the summer of 1920, the Posen Liquidation Committee seized the Potato-Drying Cooperative (*Kartoffel-Trocknungsgenossenschaft*) and planned to replace local directors with Polish citizens. According to Germans, its holding and business were worth more than 30 million marks and represented one of Pomerania's most lucrative

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<sup>312</sup> PAAA, R 263783, *Fürsorgestelle für Ansiedler* to Foreign Affairs, 26 Feb. 1926, and R 82419, German consu-

rural cooperatives.<sup>313</sup> Restrictive measures also touched bank accounts, savings, and other small sums deposited in local banks but owned by cooperative members, and deprived farmers, servants, and daily workers of their possessions.<sup>314</sup> According to the German consulate in Posen, compensation for expropriated land lots corresponded to 1/10 of their pre-war value. As a consequence, many colonists preferred to sell their land property before the expropriation decree of the Liquidation Committee, in order to obtain a higher amount of money.<sup>315</sup> Unsurprisingly, most beneficiaries of expropriated land lots were generally veterans, war disabled, and big companies that operated in the agricultural sector.<sup>316</sup> Polish lawmakers denounced the opacity of the reallocation process and the widespread corruption as well. In many cases, for instance, beneficiaries were often unable to run farms.<sup>317</sup> German diplomacy seized the opportunity to discredit Polish authorities denouncing its corruption and inability.<sup>318</sup>

Until October 1923, according to the Ministry of Agrarian Reform, parcellation was proceeding very slowly, and many colonists were often reluctant to settle in Eastern and Northern Poland due to the poor conditions of life. But a major factor was the fear of a Russian invasion and the subsequent dispossession of land.<sup>319</sup> Another reason was the hostility of a large part of Polish society against such a project. Polish elites (including the Catholic Church) feared the consequences of the agrarian reform and opposed measures that could threaten their interests.<sup>320</sup> At the same time, however, there were banks and financial institutions that advocated the parcellation of land property, especially in Western regions. The most important was the Union of Commercial and Economic Companies (*Związek Spółek Zarobkowych i Gospodarczych*), the most important bank in Posen which con-

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late (Posen) to Foreign Affairs, 28 May 1935.

<sup>313</sup> PAAA, R 265087, German consulate (Posen) to Foreign Affairs, 6 Apr. 1921.

<sup>314</sup> PAAA, R 266609, German consulate (Posen) to Foreign Affairs, 29 Jul. 1922.

<sup>315</sup> PAAA, R 265088, German consulate (Posen) to Foreign Affairs, 20 Sep. 1923.

<sup>316</sup> PAAA, R 265089, German consulate (Posen) to Foreign Affairs, 6 Nov. 1923, and 28 Nov. 1923.

<sup>317</sup> PAAA, R 265089, German consulate (Posen) to Foreign Affairs, 4 Dec. 1923. See also Christhardt Henschel, "Front-line Soldiers into Farmers. Military Colonization in Poland after the First and Second World Wars," in Hannes Siegrist and Dietmar Müller, eds., *Property in East Central Europe: Notions, Institutions, and Practices of Landownership in the Twentieth Century* (New York: Berghahn Books, 2014), pp. 144–62.

<sup>318</sup> PAAA, R 265089, Department IV-a (Poland) to Press Department, 15 Dec. 1923.

<sup>319</sup> *Protokół 93. posiedzenia Komitetu Politycznego Rady Ministrów RP 1 października 1924*, in: Herder-Institut (Hrsg.): *Dokumente und Materialien zur ostmitteleuropäischen Geschichte. Themenmodul "Zweite Polnische Republik"*, bearb. von Heidi Hein-Kircher. URL: <https://www.herder-institut.de//digitale-angebote/dokumente-und-materialien/themenmodule/quelle/1115/details.html>.

<sup>320</sup> On the protests of the Catholic clergy against the agrarian reform, see PAAA, R 265089, German consulate (Posen) to Foreign Affairs, 18 Oct. 1923.

trolled more than 350 private companies (including publishers, and many grocery firms) and smaller financial institutions. The Union's management, which was also composed of Catholic priests, openly supported the economic nationalist agenda and the nostrification policy of the industrial and agricultural sectors, asking the executive for a strong reform against German landowners.<sup>321</sup> Significantly, divisions along regional, local, and social lines also characterized the German side. Even if massive emigration and economic persecution reduced social diversity among the Germans, causing an overrepresentation of the agrarian world over the urban interests, however, efforts to centralize the resistance against Polish measures proved to be unsuccessful. Besides conservative-nationalist notables and large estate owners coming from former Prussian territories (such as Hasbach, and other lawmakers representing the German minority at Sejm), there were small and middle farmers in Pomerania and the region of Posen who created their associations. For instance, since 1919, the large landowners tried to create a 'united front' through the General Farmers' Association (*Hauptbauernverein*), which was deeply tied to the *Deutschtumsbund*. But the results were poor. In the 1920s and 1930s, a large part of German farmers preferred to maintain their associations (such as the *Westpolnische Landwirtschaftliche Gesellschaft*, the *Verband deutscher Ansiedler*, or the *Landbund Weichselgau*).<sup>322</sup>

Eventually, according to German calculations, by November 1925, the Polish administration liquidated 85,000 hectares, revoked settlers' leasing contracts for ca. 60,000 hectares, and benefited from the voluntary sales of 30,000 hectares. In sum, before passing an agrarian reform, Poland had already expropriated 175,000 hectares while more than 116,000 hectares were still to be liquidated by the administration under Articles 92 and 297 of the Versailles Treaty.<sup>323</sup>

### *The Agrarian Reform*

On December 28, 1925, the Sejm finally approved a new agrarian reform, reaching a compromise between divergent interests among parties and agrarian organizations. Władysław Grabski, a Polish economist who served as Minister of Finance and Prime Minister between 1923 and 1925, was the architect of that result. According to the law, the

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<sup>321</sup> PAAA, R 265089, German consulate (Posen) to Foreign Affairs, 29 Oct 1923.

<sup>322</sup> Hauser, "Die deutsche Minderheit in den Wojewodschaften Posen und Pommerellen 1919-1939," p. 276, and Chu, *The German Minority*, pp. 71–2, 77–9.

<sup>323</sup> PAAA, R 265779, German Agent of the German-Polish MAT to Foreign Affairs, 9 Nov. 1925.



government was authorized to distribute up to 200,000 hectares annually by granting full compensation to landowners, who were to be paid with 40% cash and 60% state bonds. However, there were significant exceptions. No land estates smaller than 180 hectares could be affected by parcellation, but in Eastern regions, the threshold was raised to 300 hectares. Remarkably, each year, the government (specifically the Ministry of Agrarian Reform) was obliged to publish a list of land lots to be voluntarily redistributed or forcibly expropriated. Apparently, there were no discriminatory provisions against the minorities, and former Prussian territories were to be treated like the rest of the country. When the government published the first list of land lots to be parceled out, however, a very different scenario emerged. Unsurprisingly, most of the land estates affected by the reform were located in the Western regions and belonged to Polish nationals of German origin. Between 1926 and 1939, as pointed out by Dietmar Müller, the presence of German-sounding names in those lists was always prevalent (5 times more than 50%, 4 times more than 60%, 3 times more than 70%, and once more than 90%). In that period, Poland parceled out 132,00 hectares belonging to German-speaking owners while only 67,000 belonged to Polish nationals. Additionally, value assessments were a highly contentious matter because, according to German owners, Polish authorities systematically underestimated them.<sup>324</sup> Even after Pilsudski seized power, when Germany hoped for a softer approach to the treatment of the German minority, discriminatory policies went on.<sup>325</sup> Once again, the issue of loyalty was at stake. On several occasions, organizations representing German settlers and farmers reaffirmed to be loyal to the Polish state, as demonstrated by the fact that many of their sons were doing the military draft.<sup>326</sup> But none of those actions changed the attitude of Polish authorities.

German diplomacy was deeply aware of the consequences deriving from the enforcement of the agrarian reform. 'If we actually succeeded, which we will certainly not, in freeing the owners from the danger of liquidation, we would expose them to a far greater menace, namely the agrarian reform. The liquidation is, after all, a process that is under a certain international guarantee and, in particular, should be carried out against adequate

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<sup>324</sup> Oertel, *Beiträge zur Geschichte*, pp. 232–5, and Müller, *Bodeneigentum und Nation*, pp. 216–20, 306–9.

<sup>325</sup> Müller, *Bodeneigentum und Nation*, pp. 309–12.

<sup>326</sup> PAAA, R 263730, Minutes of the meetings between the Association of German Settlers and the Ministry of Agrarian Reform, 2 Nov. 1926, and 4 Nov. 1926.



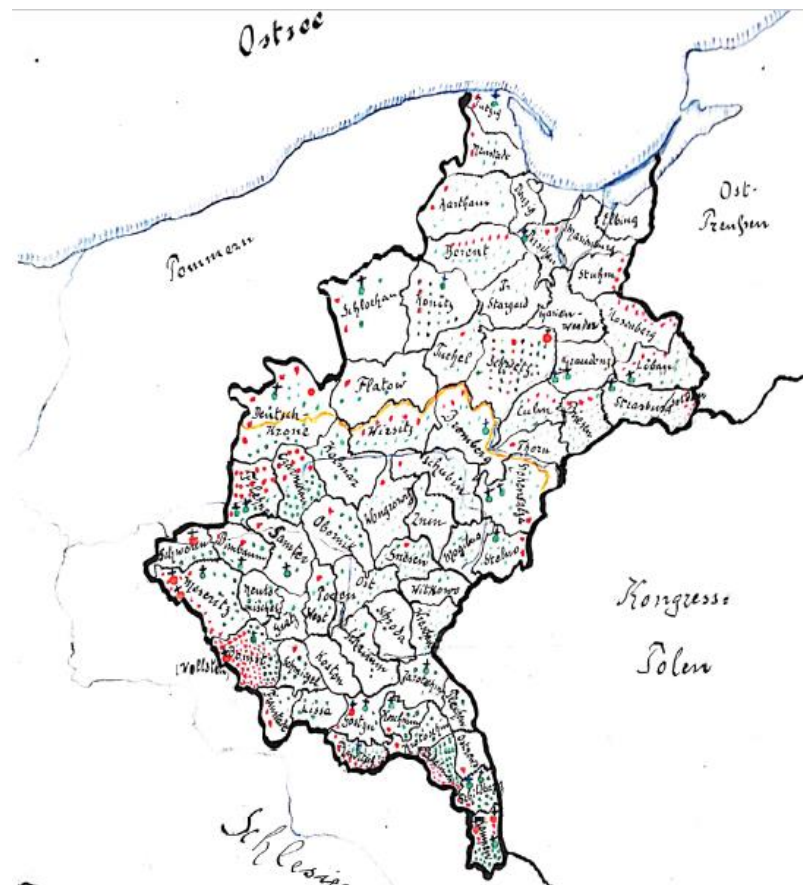
compensation.<sup>327</sup> Several financial resources were allocated to German settlers and landowners to overcome economic difficulties. Settlers were generally composed of numerous families who faced the economic crisis, the chronic lack of liquidity, and the constant menace of losing their assets.<sup>328</sup> On several occasions, furthermore, the German minority sent petitions to the League of Nations denouncing the discriminatory attitude of the Polish government, which violated the minority treaty. Also, German lawyers highlighted the countless cases of abuse of the newly created states in international public opinion. For instance, Erwin Loewenfeld, who was close to the German minorities in Czechoslovakia and Poland, denounced the mistreatment of national groups in Central Eastern Europe in a lecture at the Grotius Society in London. ‘Of all private rights property is one of the most important [...]. The minorities justly complain that in many countries they are subjected to land legislation which in many cases leads to actual confiscation.’<sup>329</sup> In contradiction to principles such as equality before the law and the due process of law, Loewenfeld claimed that the violations of procedural rights represented a major threat against national minorities in those countries. Once again, pro-German circles were leveraging liberalism not only to protect the individual and collective rights of minorities but also the economic and political interests of the German state in that area.

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<sup>327</sup> PAAA, R 264656, Note of Department IV Po 8961, undated [Jun. 1925].

<sup>328</sup> PAAA, R 265089, German consulate (Thorn) to Foreign Affairs, 5 Nov. 1923.

<sup>329</sup> Erwin Loewenfeld, “The Protection of Private Property under the Minorities Protection Treaties,” *Transactions of the Grotius Society* 16 (1930), p. 44.



[Fig. 3.13, Übersicht nach Kreisen über den der Liquidation unterliegenden deutschen Grundbesitz in Posen u. Pomerellen, Feb. 1929, in PAAA, R 82511]

In the end, even if Polish land reform involved 2.6 million hectares (which was slightly less than in Romania and Lithuania), it had a very moderate impact. The 1925 agrarian law affected only 6.9% of arable land, far less than what happened in Lithuania (50%), Romania (12%), and Yugoslavia (8%). Due to the widespread resistance of Polish economic élites, the social effects of land reform were much less radical than expected. By contrast, the impact on the German minority was more significant, since it generally contributed to reducing the presence and influence of large estate owners (such as the Thurn und Taxis) or members of the local German community. Together with the liquidation measures, small and middle-class farmers of German origin were also affected by discriminatory measures. In that regard, the League of Nations or the MAT proved to be unable to change the Polish policies.

### 3.5 A Short-Lived Peace: The *Liquidationsabkommen* of October 31, 1929

#### *In Search for a Peaceful Coexistence*

Efforts to achieve peaceful relations between Germany and Poland did not cease despite countless diplomatic and political controversies or reciprocal mistrust. Neither bilateral talks nor the League of Nations achieved a resolute agreement on the problems concerning the status of the German minority and the end of the liquidation process. But things seemed to get better in the second half of the 1920s, especially after Pilsudski's coup d'état in May 1926. From that moment on, the Minister of Foreign Affairs August Zaleski (1883–1972), and the Polish ambassador in Berlin Olszowski decisively opted for a conciliant attitude toward Germany to achieve a political and economic détente. After the signing of the Locarno Treaty, the position of Poland became problematic due to the diplomatic isolation following the rapprochement between France and Germany. But, at the same, the pragmatic and conciliant attitude of German diplomacy opened glimmers for peaceful relations in Central Eastern Europe. In particular, reaching a commercial agreement was instrumental in putting an end to the customs war launched by Germany in June 1925 as a response to the new customary regime adopted by Poland some months earlier. Yet Polish diplomacy was aware that, to do so, it was also necessary to turn down the tension over the German minority and the treatment of private property belonging to German subjects. Openness from Poland found a positive reception from Gustav Stresemann and Ulrich Rauscher. Even if historians have long debated the sincerity of Stresemann's foreign policy, pointing out his ambiguity toward Poland and revisionist aims in Eastern territories, it is undeniable that, until his death, the German Minister of Foreign Affairs was committed to reaching an agreement with Warsaw and establishing 'normal' relations with it.<sup>330</sup> To do so, Stresemann was determined to leverage German economic strength, which could be a powerful tool to peacefully influence international relations.<sup>331</sup> Even more explicit was Rauscher's stance. Given his background as a journalist close to the SPD and President Ebert, he embodied a different position from the mainstream nationalist and aggressive tone of domestic public opinion or carrier diplomats. After being appointed as ambassador

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<sup>330</sup> Riekhoff, *German-Polish Relations*, pp. 311–7, and Chu, *The German Minority*, pp. 49–53. On Stresemann, see Jonathan Wright, *Gustav Stresemann* (Oxford: Oxford University Press, 2002), and Karl Heinrich Pohl, *Gustav Stresemann: The Crossover Artist* (New York: Berghahn Books, 2019).

<sup>331</sup> Karl Heinrich Pohl, *Weimars Wirtschaft und die Außenpolitik der Republik 1924–1926: vom Dawes-Plan zum Internationalen Eisenpakt* (Düsseldorf: Droste Verlag, 1979).

in Warsaw in April 1922, Rauscher openly supported a conciliative position, which rejected aggressive revisionism or irredentism and embraced an *etatiste* vision based on the supremacy of the German state's interest before that of the national minority. Due to his personal ability and reputation as a 'dove' within German diplomacy, Rauscher was also able to create several fruitful personal relations with many Polish policymakers and diplomats, including even Pilsudski, who trusted him.<sup>332</sup> Furthermore, between June 1928 and March 1930, Hermann Müller (1876–1931)—the last Social-Democratic Chancellor during the Weimar Republic—supported their efforts, and embraced a conciliative stance, even if he did not wholly exclude the remote possibility of a territorial revision in the future.<sup>333</sup>

Both countries had to deal with internal resistance from military circles, and nationalist forces in public opinion and within the administration. But the opposition had more than just political reasons. In the German case, for example, there was strong opposition coming from industrialists and agrarians, who were generally contrary to making concessions to Poland in the commercial sphere although it could complicate the negotiation over the German minority and the end of liquidation.<sup>334</sup> Thus, the *détente* efforts achieved significant results only after several years.<sup>335</sup> While in the mid-1920s German consulates in Posen and Thorn kept informing the government about the liquidation procedures carried out by Polish authorities,<sup>336</sup> in November 1925 the Polish government agreed to initiate a new round of bilateral talks in Warsaw and Berlin to find a compromise on the application of Article 297.<sup>337</sup> Even if the German presence in Poland had sizably declined, there were still about 12/15,000 colonists and 183,000 hectares, in addition to an undetermined amount of property belonging to the Protestant Church, German-speaking associations, and private companies, to be preserved from confiscation.<sup>338</sup> According to the Ministry of Foreign Af-

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<sup>332</sup> Riekhoff, *German-Polish Relations*, pp. 55–9, and Kurt Doss, *Zwischen Weimar und Warschau: Ulrich Rauscher, deutscher Gesandter in Polen, 1922–1930: eine politische Biographie* (Düsseldorf: Droste, 1984), pp. 79–123.

<sup>333</sup> Lars Lehmann et al., "Ein Sozialdemokrat im Auswärtigen Amt: Gutachten des Instituts für Zeitgeschichte zur Bedeutung Hermann Müllers für die Außenpolitik der Weimarer Republik," *Vierteljahrshefte für Zeitgeschichte* 69, 1 (2021), pp. 121–54, in particular pp. 152–3, and Rainer Behring, "Hermann Müller und Polen. Zum Problem des außenpolitischen Revisionismus der deutschen Sozialdemokratie in der Weimarer Republik," *Archiv für Sozialgeschichte* 55 (2015), pp. 299–320. On Müller's biography, see Peter Reichel, *Der tragische Kanzler: Hermann Müller und die SPD in der Weimarer Republik* (München: dtv Verlagsgesellschaft, 2018).

<sup>334</sup> PAAA, R 265779, *Reichsverband der deutschen Industrie* to Foreign Affairs, 18 Dec. 1925, and *Zentralverband des Deutschen Großhandels* to Foreign Affairs, 22 Dec. 1925.

<sup>335</sup> Oertel, *Beiträge zur Geschichte*, pp. 196–224, and Riekhoff, *German-Polish Relations*, pp. 137–50. On German revisionism, ethnic nationalism, and irredentism, see Chu, *The German Minority*, pp. 26–49.

<sup>336</sup> See documents in PAAA, R 265779.

<sup>337</sup> PAAA, R 263701, Zechlin to Rauscher, 8 Nov. 1925.

<sup>338</sup> PAAA, R 263701, 'Minutes of the meetings in Posen on November 16 and 17, 1925.'

fairs, at least 65,000 hectares belonged to large landowners (such as the Thurn und Taxis family), while the rest consisted of 5/6,000 small farms and some hundred urban plots.<sup>339</sup> During the early meetings, the head of the German delegation Otto Göppert stressed that, after Locarno, the new political situation in Europe fostered ‘a considerable détente [...], which offers the chance for stabilization and cannot remain without influence on the friendly and neighborly relations of our countries.’ Consequently, both countries should be committed to removing obstacles such as the faculty of confiscating German property in Poland, and solving pending controversies such as the appeals to the MAT.<sup>340</sup> However, on the other hand, Germans found a very intransigent position embodied by Winiarski, who led the Polish delegation. Unsurprisingly, he argued that the German request was unacceptable, and the bilateral commission was not allowed to discuss the issue.<sup>341</sup> Once the two delegations met in Berlin three weeks later, Göppert declared that the German government was willing to ‘make some sacrifices’ in the commercial and economic sphere to preserve his nationals’ property rights in Poland. But Winiarski adopted a delaying tactic.<sup>342</sup> While the diplomatic talks were going very slowly, the Liquidation Committee in Posen kept publishing notices of liquidation. In December 1925, for instance, it deliberated the confiscation of 132 owners whose assets consisted of 1,500 hectares.<sup>343</sup> Polish delegates rejected the proposal to stop liquidation procedures during the bilateral negotiations, and in April 1926 the negotiation was interrupted.

In July 1926, for the first time after Pilsudski seized power, Rauscher and Zaleski met personally, and the new Polish government declared its willingness to find a compromise.<sup>344</sup> But the regime was unable, and also partly reluctant, to do so. Several local newspapers called for a continuation of confiscation. Additionally, the Ministry of Interior and the Liquidation Committee were against any sort of concession. In November, after a personal conversation with Pilsudski, Rauscher obtained that Poland did not use the faculty of

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<sup>339</sup> PAAA, R 267144, Foreign Affairs to Finance, 14 Feb. 1927.

<sup>340</sup> PAAA, R 263701, Minutes of the meeting, 24 Nov. 1925.

<sup>341</sup> PAAA, R 263701, Minutes of the meeting, 25 Nov. 1925.

<sup>342</sup> PAAA, R 263701, *Negociations Polono-Allemandes concernant le mode d'application de l'art. 297 du Traité de Versailles. Procès-verbal de la séance tenue à Berlin, le 22 Décembre 1925.*

<sup>343</sup> PAAA, R 263701, German consulate (Posen) to Foreign Affairs, 14 Jan. 1926.

<sup>344</sup> PAAA, R 263730, Rauscher to Dirksen, 18 Jul. 1926, and Foreign Affairs to German consulate (Posen), 4 Aug. 1926.

liquidation throughout the negotiation.<sup>345</sup> At the same time, the German ambassador informed that he was seeking to mediate between the Polish government and the Thurn und Taxis family regarding the fate of the Krotoszyn estate, which belonged to the aristocratic family since 1819. Rauscher's plan consisted of ceding arable plots to Poland but exempting the forest areas where several German families lived and worked.<sup>346</sup> However, his efforts did not lead to a definitive result. While local powers were still carrying on liquidation procedures, both parties were far from reaching a solution.<sup>347</sup> Local newspapers, like the ultranationalist *Kurier Poznański*, contributed to stiffening the Polish position and worrying the German circles.<sup>348</sup> In September 1927, the Polish cabinet exempted some categories of movable assets (such as shares, securities, and credits) from liquidation.<sup>349</sup> The diplomatic deadlock remained until 1929. As Pilsudski told Rauscher in February 1929, the Ministry of Interior opposed any sort of concession and hindered the negotiation in every way.<sup>350</sup> To find a way out, the German ambassador suggested raising the issue both in international public opinion with a press campaign against Poland and at the League of Nations through another collective petition of the German minority. 'If we succeed in creating the necessary dissuasive global echo for them, it is still to be hoped that the Poles will come to their senses when they see the consequences which I have so often predicted for them as being to be expected.'<sup>351</sup>

In June 1929, the Council of the League of Nations exhorted Poland to find an arrangement with Germany. Thanks to Stresemann's ability, French diplomacy sided with Germany and the majority of the Council urged Poland to find a definitive compromise over the regulation of nationality and the property rights matter. It was a significant diplomatic success achieved by Berlin, as Poland was dramatically isolated in international relations. Between July and August, delegates from both countries met in Geneva under the supervision of the Japanese diplomat Adatci and Kaeckenbeeck, but no solution was

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<sup>345</sup> PAAA, R 267144, Rauscher to Foreign Affairs, 14 Nov. 1926, and Diplomatic Note of Zaleski to Rauscher, 21 Dec. 1926.

<sup>346</sup> PAAA, R 267144, Rauscher to Zechlin, 28 Oct. 1926. See also PAAA, R 265363, Rauscher to Dirksen, 23 Dec. 1926, and Zechlin to Rauscher, 28 Dec. 1926.

<sup>347</sup> On domestic pressure on the Polish cabinet, see PAAA, R 267144, Rauscher to Foreign Affairs, 25 Sep. 1927.

<sup>348</sup> PAAA, R 265363, German consulate (Posen) to Foreign Affairs, 31 Dec. 1926.

<sup>349</sup> Rozporządzenie Rady Ministrów z dnia 17 września 1927 r. w sprawie zwolnienia z likwidacji niektórych majątków, praw i interesów niemieckich [...], in ..., URL: <https://sip.lex.pl/akty-prawne/dzu-dziennik-ustaw/zwolnienie-z-likwidacji-niektorych-majatkow-praw-i-interesow-16873950>.

<sup>350</sup> PAAA, R 82511, Rauscher to Foreign Affairs, 19 Feb. 1929.

found.<sup>352</sup> The tension between the two countries reached its peak in September 1929, when the negotiations over the Young Plan revealed that Poland and the UK were the only major countries reluctant to renounce the right of liquidation.<sup>353</sup>

#### *The Agreement on Liquidation in October 1929*

On October 2, 1929, Stresemann sent a report to Chancellor Müller illustrating the diplomatic situation after the first round of talks about the Young Plan. As for Poland, he informed that the Ministry of Foreign Affairs (together with the Finance and Economy) was willing to negotiate a bilateral agreement in Warsaw to solve all pending issues concerning private claims and the customs regime. Stresemann openly supported Rauscher's plan to reach a compromise for the renunciation of liquidation in exchange for the withdrawal of all private claims against Poland. It was one of the last political and diplomatic actions to promote the *détente* between Germany and Poland taken by Stresemann, who would die the next day from a heart attack.<sup>354</sup> But it was Rauscher who played a crucial role in solving the controversy. In the following days, he feverishly worked to reach a definitive compromise. In a series of talks with Zaleski, Pilsudski, and other Polish political and diplomatic high officials, the German ambassador sought to overcome resistance from the Polish side. Also, the French ambassador contributed to persuading Zaleski to accept the German proposal.<sup>355</sup>

In the end, on October 31, they signed the agreement. According to the final text, Poland officially renounced to confiscation power given by Articles 92 and 297 of the Versailles Treaty and its government accepted to release all private assets whose liquidation was ongoing. Furthermore, the two countries agreed to lapse all private claims deriving from the military occupation or measures related to the peace settlement. As a consequence, all German nationals were no longer entitled to ask for compensation due to the loss of private assets or other damage caused by Polish insurrections between 1918 and 1922. Overall, the German state renounced 538.7 million marks of private claims. But, in exchange for that, about 900 small farms, 34 large estates for about 55,000 hectares, and private assets in cities were exempted from the liquidation, and also Poland gave up the

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<sup>351</sup> PAAA, R 82511, Rauscher to Foreign Affairs, 2 May 1929.

<sup>352</sup> See documents in PAAA, R 265012, R 264655, R 264372, and R 264451.

<sup>353</sup> Cf. documents in PAAA, R 265931.

<sup>354</sup> PAAA, R 265931, Stresemann to Müller, 2 Oct. 1929.

right to re-acquire lots belonging to settlers who bought the land property from the Prussian Settlement Commission. According to German sources, 12,000 colonists who managed small farms (corresponding to 15 hectares each) could benefit from the latter provision.<sup>356</sup> In sum, the agreement was aimed at bringing an end to the long-lasting controversy over property rights and citizenship of the German minority in Poland, but it could contribute to stabilizing the bilateral relations between the two countries.

In a lengthy report to the Ministry of Foreign Affairs, Rauscher defended his action and regarded the agreement as the ‘greatest service which the German state has been able to provide to its minority in Poland’ since the League of Nations proved to be largely ineffective to preserve their rights and interests. But the agreement had relevant political effects, too. ‘The consequences of the war between Germany and Poland have been liquidated, the past no longer burdens the present and the future. [...]. We thus recognize Poland as a member of the European family of nations, like any other state, without any special affinity being associated with it. Politically speaking, however, it is a complete renunciation of the idea of the “seasonal state” [...] and it is a renunciation of the more or less popular hope that Poland is a country in which one could count with almost certainty on the occurrence of a catastrophe and in the end even of a disintegration.’ Rauscher, still, was aware that it could raise a large opposition in Germany and within the German minority. ‘Of course, the minority fears that the relationship between the two states will one day normalize to such an extent that their interests will no longer be represented with the same energy as before by the German Reich [...]. To put it openly: the minority is interested in an improvement of German-Polish relations in practice, as what has been achieved today shows, but ideally and in principle it fears the undeniable consequences of a *détente*.’ As a reply to those concerns, however, Rauscher expressed a sharp *etatiste* conception of the relations with Poland, where the minority’s interest was far less important than the state’s one. ‘I have repeatedly taken occasion to specify my position to the effect that the wishes of the minority must not be the leading factor in German-Polish relations, but that the guidelines are naturally to be determined from the needs of Reich policy.’ Rauscher argued that the normalization of bilateral relations was instrumental in creating the premises for fruitful economic and political development in Eastern Europe for Germany and with significant benefits for the minority

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<sup>355</sup> PAAA, R 265931, Rauscher to Foreign Affairs, 14 Oct. 1929.

<sup>356</sup> Riekhoff, *German-Polish Relations*, pp. 150–1.



as well. 'We kept a completely free hand for the future representation of minority complaints. In return, we have normalized our relations with Poland, thus creating a free path for the economic penetration of this country. Moreover, we have deprived the Poles of the possibility of presenting themselves as threatened by us, thus depriving them of the basis on which they could repeatedly appeal to the sentimentality or egoism of the former Allies. All that is needed now is the decision to exploit all these advantages and to draw all these consequences to turn the treaty now concluded, beyond its national significance, into an instrument of economic and political expansion.'<sup>357</sup>

### *The Reaction in Germany and Poland*

Even if Rauscher conceived the agreement as a significant political success, both countries reacted very badly. In Germany, for instance, public opinion was very hostile to the agreement as well as the ratification of the commercial treaty, as emerged in late October 1929 when the agreement had not been yet signed. When some newspapers openly talked about the ongoing negotiation in Warsaw, nationalist circles, agrarian associations of Eastern Prussia, and conservative parties revolted against the cabinet denouncing the danger for the preservation of the German presence in Poland.<sup>358</sup> Also, the Catholic *Zentrum* exposed its concerns about the agreement with Poland and declared its contrariety.<sup>359</sup> The death of Stresemann also contributed to paving the way for voices contrary to a rapprochement with Poland. Three weeks after the signing of the agreement, Chancellor Müller depicted the situation to Rauscher in very bad terms. 'The atmosphere in Germany is so unfavorable because the large public knows the content of the treaties only in rough form. The text has not yet been published, but is, it is claimed, in the hands of lawyers from all sorts of interest groups. These groups work within the framework of the nationalist parties or are very close to them. They mutually feed each other with anti-Polish arguments.' As Müller claimed, nationalist forces were too pretentious and raised exaggerated expectations in public opinion, but at the same time, showed little interest in taking care of the concrete situation of German colonists living in Poland. 'Our nationalists pretend that we must reg-

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<sup>357</sup> PAAA, R 82437, Rauscher to Foreign Affairs, 1 Nov. 1929.

<sup>358</sup> PAAA, R 82436, *Heimabund-Ostpreußen* to Foreign Affairs, 21 Oct. 1929, and Freiherr Wilhelm von Gayl (DNVP) to Robert Weismann (Prussian State Ministry), 25 Oct. 1929. Cf. the article "Die Liquidations- und Handelsvertrags-Verhandlungen mit Polen," *Ostland. Wochenschrift für den gesamten Osten*, 1 Nov. 1929. See also the parliamentary interpellation presented on October 24, in Reichstag Documents, 1928/30, Interpellation No. 1387, and

<sup>359</sup> PAAA, R 82437, Carl Ullrich to Müller, 31 Oct. 1929.

ulate the entire domestic Polish legislation [...]. They completely overlook the fact that in this case the last opportunity is given to save the 12,000 peasants of German origin in Poznan. This is a national problem of the first rank [for Poland] and therefore it should be regarded as a great concession on our side.’<sup>360</sup> The ratification by the Reichstag did not placate worries about the Polish attitude. On the same day the liquidation agreement was ratified, the Ministry of Foreign Affairs sent a telegram to Rauscher asking to intervene against the discriminatory application of the Polish agrarian reform. In a letter to Müller, Rauscher echoed his ideas and also complained about the stance of Berlin diplomacy, which was too pretentious and hence worsened the situation with the neighboring country. Also, thanks to his good relations with the Polish government, Rauscher obtained that it declared to avoid discrimination against German-speaking citizens. But it seemed without effects. In those weeks, Julius Curtius, who replaced Stresemann, was increasingly stiffening the official foreign policy because of the domestic attacks coming from the right-wing parties.<sup>361</sup>

Among the most critical voices, there was the prominent agricultural economist Max Sering (1857–1939). Being a vocal supporter of nationalist aims, including the colonization of Eastern Prussian territories and, after 1918, the defense of German-speaking minorities in Central Eastern Europe, Sering harshly criticized the cabinet for signing the agreement with Poland within the Young Plan. Between January and March 1930, in a series of articles published in the conservative newspaper *Deutsche Allgemeine Zeitung*, he argued that, despite legal obligations, the Young Plan gave Poland the political and ‘psychological’ confidence to carry on its aggressive policies against the German minority such as the agrarian reform or the denial to compensate those colonists who had been expelled in the early 1920s. Sering’s position showed that, once again, the conservative and right-wing parties were deeply disappointed by the strategy of leveraging international law and the League of Nations to preserve minorities, and hoped for a more muscular policy in Polish affairs.<sup>362</sup> Sering was not the only prominent scholar who openly criticized the government. In opposition to the official stance of the Ministry of Foreign Affairs, Erich Kaufmann sided with nationalist and conservative forces, as well. Together with distinguished jurists Walter Simons (at that time, president of the High Court in Leipzig) and Heinrich Triepel, he

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<sup>360</sup> AdsD, Nachlass Hermann Müller, 1/HMAG000030, III, 80, Hermann Müller to Ulrich Rauscher, 21 Nov. 1929.

<sup>361</sup> AdsD, Nachlass Hermann Müller, 1/HMAG000030, III, 82, Rauscher to Müller, 19 Feb. 1930.

<sup>362</sup> Sering’s articles are collected in AdsD, Nachlass Hermann Müller, 1/HMAG000031, III, 89–93.

contested the constitutionality of the Liquidation Agreement arguing that it contradicted Article 112, par. 2 of the Weimar Constitution concerning the right of diplomatic protection for citizens and was in contrast with the international law. Thanks to that provision ‘the German citizen may dare to operate abroad if he can rely on the fact that the country of origin supports him for the protection of his legitimate interests and that he is not left to the arbitrary power of the foreign state, and if the foreign state also knows that every German is entitled to this protection.’<sup>363</sup> According to Kaufmann, the government was not entitled to revoke its protection of private interests since it left its nationals without any adequate compensation and thus violated another constitutional provision concerning the protection of private property (Article 153). Additionally, the agreement deprived German citizens of the judicial protection granted by the MAT and contradicted the fundamental principle of the natural judge (Article 105).<sup>364</sup> Likewise, both Simons and Triepel asserted that the agreement resulted in a confiscation of private assets without adequate compensation, albeit on foreign territories, and had to be passed by a qualified majority because it contradicted Article 153 of the Weimar Constitution. Furthermore, instead of Poland, the German state was obliged to restore losses deriving from the agreement.<sup>365</sup> Due to the relevance of these scholars, the Müller cabinet commissioned a legal opinion supporting the ratification of the agreement to Carl Schmitt and Gerhard Anschütz, respectively law professors in Munich and Heidelberg. The latter, who was probably the most prominent expert on the Weimar Constitution at that time, replied to Kaufmann that, rather than being an inalienable right, diplomatic protection had to be weighted with the national interest. ‘It must necessarily be considered legitimate that [...] protection can be denied in certain cases in the higher interest of our foreign policy. A state treaty is [...] not already and only unconstitutional because it, because of those higher interests, restricts the right of protection of the Reich.’ In addition to that, Anschütz argued that the renunciation of private claims to Poland cannot be regarded as an expropriation from a legal point of view. However, unlike what Kaufmann, Triepel, and Simons claimed, Article 153 did not concern the treatment of private property on foreign soil and hence the ratification of the agreement did not contra-

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<sup>363</sup> Erich Kaufmann, “Die Frage der Vereinbarkeit des deutsch-polnische Abkommens vom 31. Oktober 1929 mit der Reichsverfassung,” in *Gesammelte Schriften*, vol. 1, p. 430.

<sup>364</sup> Kaufmann, “Die Frage der Vereinbarkeit,” pp. 430–49.

<sup>365</sup> Walter Simons, Heinrich Triepel, and Erich Kaufmann, *Rechtsgutachten über den verfassungsändernden Charakter der deutsch-polnischen Liquidations-Abkommens* (Berlin: [s.e.], 1930), pp. 21–61.

dict the constitutional provisions.<sup>366</sup> Also, Schmitt adopted a very similar stance and denied that constitutional provisions could interfere with the foreign policy of the German state. Unsurprisingly, in his vision, individual rights had to give way to national political interests.<sup>367</sup>

While the domestic debate in Germany showed a large nationalist majority against the agreement, it is worth noting that most representatives of the German minority in Poland disagreed with nationalist voices. The *Kattowitzer Zeitung* considered the agreement a historical step toward an improvement of the Germans' condition in Poland.<sup>368</sup> More blatantly, the *Posener Tageblatt*, one of the most important newspapers close to the conservative leadership of the German minority, published an article titled "Thank You!" to mark the endorsement of the agreement.<sup>369</sup> In a letter to Curtius, Kurt Graebe, one of the main political leaders of the German minority in Poland, expressed his deep satisfaction with the reached compromise. Although the German minority was still worried about some minor legal aspects, he looked at the agreement as an additional 'guarantee of our property.'<sup>370</sup> The Evangelical Church in Poland shared a similar view.<sup>371</sup> Once again, the debate about the Liquidation Agreement confirmed that the material interests of Germans in Poland did not coincide with nationalist claims in Germany, and the latter could pursue political goals that were detrimental to the German communities abroad. In the end, however, the Reichstag approved the Young Plan, including the Liquidation Agreement with Poland in February 1930.<sup>372</sup>

Something similar happened in Poland. Despite the limitations imposed by Pilsudski's regime, the National Democratic opposition and the Polish nationalists in the former Prussian territories publicly opposed the ratification of the Liquidation Agreement and the Young Plan.<sup>373</sup> Unsurprisingly, one of the most vocal opponents was Winiarski, who in January 1930 and March 1931 gave two speeches at the Sejm calling for the rejec-

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<sup>366</sup> PAAA, R 82441, Gerhard Anschütz, "Rechtsgutachten betreffend den Entwurf eines Gesetzes über die Abkommen zur Regelung von Fragen des Teils X des Vertrages von Versailles," p. 4.

<sup>367</sup> PAAA, R 82441, Carl Schmitt, "Verfassungsrechtliches Gutachten zu dem deutsch-polnische Abkommen vom 31. Oktober 1929." On Schmitt's legal opinion, see Volker Neumann, *Carl Schmitt als Jurist* (Tübingen: Mohr Siebeck, 2015), pp. 172–4.

<sup>368</sup> PAAA, R 82437, *Ost-Express*, 4 Nov. 1929.

<sup>369</sup> "Dankel," *Posener Tageblatt*, 2 Mar. 1930.

<sup>370</sup> PAAA, R 82437, Graebe to Curtius, 10 Nov. 1929.

<sup>371</sup> PAAA, R 82443, *Evangelisches Konsistorium* (Posen) to *Evangelischer Oberkirchenrat*, 26 Feb. 1930.

<sup>372</sup> See text of the agreement in RGBl, 1930, II, p. 539.

tion of the two treaties. Allowing German citizens to remain and hold numerous farms on Polish soil was, in his view, a military threat to Poland.<sup>374</sup> Conversely, prominent Polish voices, including the General Procurator Kierski, whose anti-German attitude was well-known, sided with the government,<sup>375</sup> and the Sejm ratified the Young Plan, together with the German-Polish Agreement, in March 1931.<sup>376</sup> Nonetheless, due to the rapid deterioration of relations, also caused by the strong nationalist reaction against the bilateral rapprochement,<sup>377</sup> the commercial treaty signed in March 1930 was not ratified, and thus the customs war still went on until March 1934, when the Nazi regime and Poland signed the German–Polish non-aggression pact. But, at that time, the domestic and international situation in both countries was deeply changed, and Rauscher’s hopes had long vanished.

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<sup>373</sup> PAAA, R 82437, Daily Report on the Polish Press, 4 Nov. 1929.

<sup>374</sup> Bohdan Winiarski, *Zachód Zagrożony: Umowa Polsko-Niemiecka z 31 Października 1929 r.: Przemówienie Wygłoszone w Warszawie Dn. 19 Stycznia 1930 r.* (Warszawa: Towarzystwo Opieki nad Kresami, 1930), and *Sprawozdanie Stenograficzne z 21 posiedzenia Sejmu Rzeczypospolitej z dnia 11 marca 1931 r.*, pp. 27–43. See also Sandorski, *Bohdan Winiarski*, pp. 69–73.

<sup>375</sup> Kazimierz Kierski, “Polsko-Niemiecki Układ Likwidacyjny,” *Ruch Prawniczy, Ekonomiczny i Socjologiczny* 10, 1 (1930), pp. 88–98.

<sup>376</sup> Oertel, *Beiträge zur Geschichte*, pp. 224–32, and Riekhoff, *German-Polish Relations*, pp. 153–60.

<sup>377</sup> On the influence of domestic political situation on German foreign policy, see William G. Ratliff, “Julius Curtius, the Minorities Question of 1930-1931, and the ‘Primat der Innenpolitik’,” *German Studies Review*, 12, 2 (1989), pp. 271–88.

## Summary

In 1910, according to census data, more than 2.1 million German-speaking individuals resided in the (future) Polish territory. Ten years later, they shrunk by half to 741,000 in 1931. No matter how contentious the census data are, the negative trend is undeniable. The creation of a Polish state resulted in the significant diminution of the German presence in those areas. Some authors have defined it as a ‘soft ethnic cleansing,’ although other scholars have disagreed with that definition.<sup>378</sup> Neither the League of Nations, nor Germany was able to halt that process, but could only slow it down. Among the reasons behind this process, economic persecution played a significant role. In the aftermath of the war, local authorities and then the central government seized private assets belonging to Germans, even if they were entitled to acquire Polish nationality. In a few years, owners were expelled, and their property was reallocated by Polish authorities to ‘loyal’ citizens, that is, people of Polish nationality. National Democrats, but also the other parties in the government coalitions and then the regime of Pilsudski, opted for an aggressive economic nationalism as a means for achieving ethnonational homogeneity and strengthening the Polishness of the national economy. Persecution took place despite repeated declarations of loyalty by representatives of the German minority. If part of it was driven by revanchism, a large portion was eager to find an arrangement to remain in Poland, but such desire clashed with the radical nationalist aims of the new state. At the same time, most of the Polish leadership chose to carry on persecution against minorities despite diplomatic interests. Diplomacy repeatedly sought to soften persecution to reach a *détente* in the bilateral relations with Germany and to avoid isolation provoked by aggressivity and violations of international obligations (such as the treaty on minorities). But in that regard, too, all governments chose otherwise, preferring the stubborn defense of sovereignty and giving priority to national security. Only in the case of Upper Silesia, however, Poland had to accept a renunciation to liquidation and better protection of German rights and interests in the region. Economic persecution was terminated between 1929 and 1930 when the Liquidation Agreement marked a significant improvement in bilateral relations and posed an end to legal and diplomatic controversies over citizenship and the measures of confiscation. However, the *détente* was short-lived. A wave of nationalism rose in both countries, influencing governments and resulting in the failure of further attempts to improve relations. In Po-

land, also, land reform kept affecting mainly members of the German minority, frustrating diplomatic efforts and exacerbating the resentment of the minority toward the Polish state.

Germany significantly lost a large part of its influence on Poland, but—by contrast—the economic persecution did not result in a decisive improvement to Polish economic development, as Alice Teichova has pointed out, due to financial and political constraints, it did not stimulate technological progress or production, nor did it promote massive investments in the agricultural sector, which remained largely underdeveloped.<sup>379</sup> Altogether, economic nationalism proved to be very disappointing from an economic point of view.<sup>380</sup> But, looking at the political side, the outcome was very different. Between 1919 and the late 1930s, the amount of German property (and capital) largely declined. The portion of land belonging to German settlers, cooperatives, or large landowners shrank by nearly 500,000 hectares. Confiscation measures touched any kind of assets, including industrial factories, properties, or small firms. It is unknown what the value of the liquidated assets was. According to German sources, until mid-1926, private losses in Poland were worth about 1.2 billion marks.<sup>381</sup> Thanks to several factors, including the economic persecution of the German minority, furthermore, Polish leadership managed to disentangle the national economy from Germany. According to official statistics, in 1924, the Polish trade was heavily dependent on the neighboring state which was its first trade partner. More than one-third of total imports came from Germany (34.5%), and the latter also absorbed almost half of its exports (43.2%). Five years later, before the world economic crisis, both imports and exports were diminished (respectively, 27.3% and 31.2%), and in 1934 they reduced to 13.5% and 16.6%.<sup>382</sup> Likewise, data on foreign investments showed that, in 1937, Poland had managed to attract investors from France (27.1%), and the United States (19.2%), while Germany was only the third-largest foreign investor (13.8%).<sup>383</sup> Poland experienced a trend very similar to what occurred in other countries in Western Europe or the United States, where the German economic presence diminished as a consequence of

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<sup>378</sup> Kotowski, *Polens Politik*, p. 96 and Chu, *The German Minority*, pp. 63–9.

<sup>379</sup> Teichova, “East-Central and South-East Europe,” pp. 897–904.

<sup>380</sup> Teichova, “East-Central and South-East Europe,” pp. 906–7.

<sup>381</sup> BArch, R 2/1040, *Übersicht über den Wert des verlorenen deutschen Auslandsbesitzes und über die bisher mitgeteilten Liquidationsergebnisse*, Jul. 1926.

<sup>382</sup> See figures in Riekhoff, *German-Polish Relations*, p. 389.

<sup>383</sup> Teichova, “East-Central and South-East Europe,” p. 923, and more generally on foreign capital, see pp. 911–27.

the economic persecution of private interests through legal and political devices contained in the peace treaties.



## CHAPTER FOUR

### THE TREATMENT OF GERMAN PROPERTY IN THE UNITED STATES (1917-1934)



[Fig. 4.1, Rogers, W. A., *The breath of the Hun*, ca. 1918. <https://www.loc.gov/item/2010717783/>]

#### Introduction

The protection of private property as a fundamental individual right has played a crucial place in the U.S. political discourse since the late 18<sup>th</sup> century. The Fifth Amendment of the Constitution states that no person can ‘be deprived of life, liberty, or property, without due process of law, nor shall private property be taken for public use, without just compensation,’ putting property among the most important rights enjoyed by individuals. Overall, it makes an explicit connection between the rule of law (the ‘due process’) and the

safeguard of private ownership against the government. In addition to that, compensation for expropriation is mentioned as a basic principle of the American legal system.<sup>1</sup> A mere online search is enough to come across countless articles by lawyers, legal think tanks, commentaries, etc., which clearly state that the American Constitution ‘venerates’ property rights as the foundation of individual independence, democracy, and ultimately freedom. Someone has defined property rights as the ‘infrastructure of democracy.’<sup>2</sup> Nowadays, such celebration of property rights often comes from neoliberal and conservative voices whose aim is to ‘rebalance’, namely, to fight against, judicial orientations and legislation that are perceived as too leftist and un-American. More generally, still, property rights have always been a matter of dispute in legal and political terms in U.S. history, even in the public and cultural sphere.<sup>3</sup> Furthermore, despite the Constitution or other rulings of the Supreme Court celebrating them, ambiguity and duplicity have characterized the attitude toward private property.

If property rights played a key role in the political discourse or in justifying contractual practices (including slavery), at the same time, restrictions over ownership and confiscation on a large scale without compensation repeatedly occurred in American history since its very beginning.<sup>4</sup> Several historians have examined such contradiction, and not only in the last few years. The deprivation of land against the indigenous peoples, and the confiscation of property belonging to royalists during the American Revolution,<sup>5</sup> or the Civil War,<sup>6</sup> are only a few examples of the blatant contradiction between public discourse and historical facts. In the late 19<sup>th</sup> and 20<sup>th</sup> centuries, other cases confirmed it. In contrast to the Constitution, restrictions to property rights touched specific categories of individuals, both foreigners and citizens. In the case of the former, some authors have talked about ‘weakened property rights’ as a permanent legal handicap for those who did not possess American nationality. According to Allison Brownell Tirres, in the 19<sup>th</sup> century, ‘both the federal

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<sup>1</sup> For the text, see <https://constitution.congress.gov/constitution/amendment-5/#:~:text=No%20person%20shall%20be%20held,the%20same%20offence%20to%20be>.

<sup>2</sup> Joseph William Singer, “Property Law as the Infrastructure of Democracy,” SSRN Scholarly Paper (Rochester, NY: Social Science Research Network, 2011), <https://papers.ssrn.com/abstract=1832829>.

<sup>3</sup> Simone Knewitz, *The Politics of Private Property: Contested Claims to Ownership in U.S. Cultural Discourse* (Lanham, Maryland: Lexington Books, 2021).

<sup>4</sup> Christopher Kobrak and Jana Wüstenhagen, “The Politics of Globalization: Deutsche Bank, German Property and Political Risk in the United States After World War II,” *Entreprises et histoire* 49, 4 (2007), pp. 57–9.

<sup>5</sup> Marcus Gallo, “Property Rights, Citizenship, Corruption, and Inequality: Confiscating Loyalist Estates during the American Revolution,” *Pennsylvania History: A Journal of Mid-Atlantic Studies* 86, 4 (2019), pp. 474–510.

government and the states employed property law as a tool of immigration regulation in the nineteenth century.<sup>7</sup> Between the 1830s and 1860s, the abolition of land ownership restrictions for foreigners in several states (but not all of them) was mostly aimed at promoting the immigration of white colonists, and at the same time preventing the acquisition of land lots from black people, natives, or uncivilized immigrants (especially Asians). Later, however, many states kept, or re-introduced, limitations to ensure that only loyal subjects could own land property, and thus foreigners could not take control of American soil. Significantly, in the era of the so-called ‘first globalization,’ many states adopted restrictions to ownership based on nationality and other measures against foreign economic presence.<sup>8</sup> As a result, it confirmed the ambiguous and contradictory nature of globalization that besides breaking down barriers and crossing state borders prompts political rivalries, protectionism, or nationalism.

Likewise, restrictions on property rights were often influenced by economic nationalism. As Dana Frank has pointed out, a strong nationalist (and often rough) vision of economic affairs and international trade dated back to the American Revolution, and frequently reappeared in U.S. history.<sup>9</sup> Unsurprisingly, what is more, Alexander Hamilton and other economists in the early 19<sup>th</sup> century were among the first theorists of neomercantilism.<sup>10</sup> Such a view also impacted the regulation of ownership within the country. During the two World Wars, the combination of economic nationalism and large-scale expropriation of property belonging to enemy aliens showed how far was the discourse about property rights from the wartime practice. According to many authors, the United States embodied a strong pro-liberal vision in which civilians could not be persecuted as enemies during wars; thus, nationality and property rights were separate dimensions. ‘No nation has done more during the period of its existence than has the United States in breaking away from the old strict rule which sanctioned the confiscation of enemy property found within its jurisdic-

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<sup>6</sup> Daniel W. Hamilton, *The Limits of Sovereignty: Property Confiscation in the Union and the Confederacy During the Civil War* (Chicago: University of Chicago Press, 2007).

<sup>7</sup> Allison Brownell Tirres, “Ownership without Citizenship: The Creation of Noncitizen Property Rights,” *Michigan Journal of Race & Law* 19 (2013), pp. 1–52, here p. 4.

<sup>8</sup> Mira Wilkins, *The History of Foreign Investment in the United States to 1914* (Cambridge, MA: Harvard University Press, 1989), pp. 566–85.

<sup>9</sup> Dana Frank, *Buy American: The Untold Story of Economic Nationalism* (Boston: Beacon Press, 1999).

<sup>10</sup> Eric Helleiner, *The Neomercantilists: A Global Intellectual History* (Ithaca New York: Cornell University Press, 2021), pp. 36–45.

tion at the outbreak of war.<sup>11</sup> Unsurprisingly, the United States stood out from the European powers (especially the UK) and pioneered the emergence of a consensus in international law about the protection of private property from restrictive measures. Many claimed that history and legal tradition supported that view. But whether it was true or not was a matter of dispute. Also, what happened during WWI, and later in WWII, utterly contradicted that vision.<sup>12</sup>

Since late 1917, the U.S. government seized and then confiscated a huge amount of property belonging to citizens and companies with enemy nationality (mostly German, and to a lesser degree Austro-Hungarian, Ottoman, and Bulgarian). Like in the British or French cases, the aim was to Americanize many key industrial sectors, eliminate German capital and competitors, and provide American firms with technology in some economic fields, but also to remove the German presence in the U.S. society, exclude disloyal subjects, and finally foster the forced integration of the German-American community. In the United States, too, economic nationalism was mingled with concerns regarding national security. After the long era of the ‘first globalization’ and the growth of economic interdependence between Germany and the United States, the German presence in the American economy rose to a significant degree. It is enough to say that until 1914 Germany was the second-largest foreign investor in the United States, and in some sectors, it was the major one. For this reason, however, the large German capital in the American market, especially in industrial key sectors for the war efforts, raised concerns about the economic independence of the country and mingled with paranoid fears concerning the dangers of espionage and disloyalty of the large German-speaking immigrant communities. Like in other European countries, the end of the war did not lead to the release of seized assets but enabled winning countries to re-make their national economy, re-organize trade relations, and promote the strengthening of national private actors. As the Red Scare in 1919/1920 clearly showed, total wars and mobilization of the internal front had long-lasting consequences in the following years. Additionally, whether the enemy property could be confiscated or re-

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<sup>11</sup> Warren Martin and Joshua Reuben Clark Jr, *American Policy Relative to Alien Enemy Property* (Washington, D.C.: U.S. Government Printing Office., 1926), p. 4.

<sup>12</sup> On WWII, see Kobrak and Wüstenhagen, “The Politics of Globalization,” and also Hans W. Baade, “Die Behandlung des Deutschen Privatvermögens in den Vereinigten Staaten nach dem Ersten und Zweiten Weltkrieg,” in *Der Schutz des privaten Eigentums im Ausland. Festschrift für Hermann Janssen zum 60. Geburtstag* (Heidelberg: Verlagsgesellschaft Recht und Wirtschaft, 1958), pp. 11–28, and Hans-Dieter Kreikamp, *Deutsches Vermögen in den Vereinigten Staaten: d. Auseinandersetzung um seine Rückführung als Aspekt der deutsch-amerikanischen Beziehungen 1952-1962* (Stuttgart: Deutsche Verlags-Anstalt, 1979).

turned had a strong impact on the economic and commercial relations with defeated states, and the recovery of the world economy as it had previously been before WWI. The troubled fate of German seized property in the United States between the two wars showed paradoxes, contradictions, social and economic struggles, and ultimately the weakness of liberalism in the 1920s and 1930s.

In this chapter, I aim to retrace the treatment of private property during and after WWI by pointing out policies adopted by the federal government, private actors, and German diplomacy; the political and legal debate around the fate of enemy property in the interwar period; the consequences that economic nationalism had both on American economy and society, including the German-American community. In the first part, I examine the ‘special relationship’ between the two countries in the long 19<sup>th</sup> century and the years of neutrality, by underlining the gap between a strong economic interdependence and the political distance between Berlin and Washington. In the second one, I concentrate on the wartime economic persecution that occurred between 1917 and 1921, when the peace treaty with Germany was finally signed. In particular, I focus on the action of the Alien Property Custodian, the federal agency that administered and promoted the confiscation of enemy assets on a large scale. Thirdly, I retrace the long and difficult debate that took place in the United States throughout the 1920s and the early 1930s to decide what to do with enemy property. I aim to examine measures taken by Congress and presidential administrations to restore German seized assets and compensate American private war damages, and the debate in public opinion about the policies to be pursued in that matter. The struggle between liberal voices and supporters of economic nationalism invested the United States like no other country in Europe and highlighted the duplicity of the American institutions toward property rights. In the last two parts, finally, I explore the economic consequences of enemy persecution in the economic sphere, and the large German-American community which was touched, too, by the anti-German economic crusade with significant effects on its integration within the country and in colonial territories.

## 4.1 Germany and the United States: A Special Relationship in the Era of Globalization

### *General Overview*

For much of the 19<sup>th</sup> century, good political relations, a generally positive assessment of the German immigrants, and the admiration of the U.S. leadership toward the scientific and academic German system marked the relationship between the United States and the German states. After the birth of the German Empire, however, such a special relationship began to deteriorate, especially in political and diplomatic terms. The agrarian competition within the European market since the 1880s and the political tensions deriving from the aggressive policies pursued during the Wilhelmine era contributed to generating suspicions toward the German Empire and its leadership, as well as the naval rearmament race was among the main reasons for the Great Rapprochement between the United States and the UK in the last decades of the 19<sup>th</sup> century and the early 20<sup>th</sup> century.<sup>13</sup> Despite the German state's bad reputation in American public opinion,<sup>14</sup> the economic and financial relations between the two countries became increasingly strong. Having reached industrial development in the second half of the 19<sup>th</sup> century, Germany and the United States experienced astonishing rates of economic growth in steel production as well as in other new industrial fields.

Before 1914, despite the bad political relations, the economic interdependence between the two countries increased significantly, and the mutual exchange in terms of knowledge—thanks to the large presence of German-speaking immigrants, too—remained intense.<sup>15</sup> Being the largest world debtor country before WWI, the United States was one of the most attractive Foreign Direct Investment (FDI) markets, and Germany was the second largest foreign investor in the U.S. market after Great Britain.<sup>16</sup> At the same time, the

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<sup>13</sup> On the political, diplomatic, and scientific relations between the two countries, see Alfred Vagts, *Deutschland und die Vereinigten Staaten in der Weltpolitik*, 2 vols. (New York: Macmillan, 1935) and Alfred Vagts, "Hopes and Fears of an American-German War, 1870-1915 I-II," *Political Science Quarterly* 54, 4 (1939): 514–35 and *Political Science Quarterly* 55, 1 (1940): 53–76. See also Volker R. Berghahn, *American Big Business in Britain and Germany: A Comparative History of Two "Special Relationships" in the 20th Century* (Princeton and Oxford: Princeton University Press, 2015), pp. 75–88.

<sup>14</sup> Elisabeth Piller, *Selling Weimar: German Public Diplomacy and the United States, 1918-1933* (Stuttgart: Franz Steiner Verlag Wiesbaden gmbh, 2021), pp. 58–66.

<sup>15</sup> Vagts, *Deutschland und die Vereinigten Staaten*, vol. I, pp. 426–81, Berghahn, *American Big Business*, pp. 57–75, and Piller, *Selling Weimar*, pp. 66–79.

<sup>16</sup> Wilkins, *The History of Foreign Investment in the United States to 1914*.

United States was the country in which the largest share of German investment abroad was concentrated (about 15%). According to Mira Wilkins, before 1914, German capitals were worth about \$1.1 billion, corresponding to more than 1/7 of the total FDI in the United States (\$7.1 billion).<sup>17</sup> Remarkably, German investments concentrated in sectors (such as the railway, chemistry, electric industry, and steel production) that were typical of the so-called Second Industrial Revolution, and in some cases, they widely exceeded British or French capital. As for intellectual property, for instance, Germany was the first in terms of registered patents and licenses, as well as the partnership between German and U.S. financial systems (namely, banks or insurance companies) was strong.<sup>18</sup> Additionally, the two countries were crucial commercial partners whose trade volume had constantly increased in the early 20<sup>th</sup> century at the expense of the U.S.-British commercial exchange. Germany largely depended on the U.S. market for raw materials, cotton, or food, but also the United States relied on the German market for dyestuff or chemical products.<sup>19</sup> German and U.S. private firms were competing in many sectors but also interdependent with each other in many cases. German shipping companies such as the HAPAG owned by Albert Ballin or the *Norddeutscher Lloyd*, for example, operated in North American ports in competition with U.S. and British operators, whereas *Standard Oil* cooperated permanently with the Hamburg-based Riedemann company for the oil transport in Germany as well as for the partnership in some petroleum fields in New Jersey.<sup>20</sup>

To summarize, the United States and Germany were financially and commercially interdependent countries whose economic growth before 1914 largely benefited from that kind of ties. Both countries were well integrated within the so-called ‘first globalization’, and their spectacular emergence as world industrial powers benefited from that. Additionally, their economies were mutually dependent not only on raw materials, goods, and food but also on technology and knowledge transfer. Last but not least, the large German-

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<sup>17</sup> Mira Wilkins, *The History of Foreign Investment in the United States, 1914-1945* (Cambridge, MA: Harvard University Press, 2009), p. 9. Some authors gave slightly different figures. According to Thomas R. Kabisch, *Deutsches Kapital in den USA: von der Reichsgründung bis zur Sequestrierung (1917) und Freigabe* (Stuttgart: Steiner, 1982), they were about \$800 million, whereas in the late 1930s some economists estimated the figure to be around \$950 million, see Cleona Lewis and Karl T. Schlotterbeck, *America's Stake in International Investments* (Brookings Institution, 1938), p. 537.

<sup>18</sup> Wilkins, *The History of Foreign Investment in the United States to 1914*, pp. 169–71, 176, and *The History of Foreign Investment in the United States, 1914-1945*, p. 57.

<sup>19</sup> For an overview of the German trade relations before WWI, see Marcel Boldorf, “Außenhandel und Blockade,” in Marcel Boldorf, ed., *Deutsche Wirtschaft im Ersten Weltkrieg, Deutsche Wirtschaft im Ersten Weltkrieg* (Oldenbourg: De Gruyter, 2020), pp. 479–85.

speaking immigrant community significantly contributed to deepening the ties and connection between Germany and the United States, and thus ultimately consolidating their special relationship. Being the largest European immigrant community after the Anglo-Saxon component, German-Americans also represented one of the most important parts of American society and economy. The presence of German-speaking immigrants on American soil dates to the pre-revolutionary period in the late 17<sup>th</sup> and early 18<sup>th</sup> centuries, but since the 1830s and 1840s immigration from German territories became massive with peaks in 1846–1857, 1864–1873, and 1880–1893. As a result, before WWI, the German-speaking community represented the largest immigrant group in the country before the Irish, Russian, or Italian ones. According to the 1910 census, there were 9,187,000 German-speaking individuals living in the country. Of them, 8,646,402 had *at least* one German-born parent, and 2,501,333, were born abroad, representing the largest foreign-born community in the country (18%). As for nationality, yet, the prewar census did not clarify how many were still Reich citizens or were naturalized. Such a presence was concentrated in rural and urban areas of the Midwest (Wisconsin, Iowa, Michigan, Ohio, etc.), but large communities lived in cities like New York (about 800,000), Chicago (400,000), Milwaukee, Philadelphia, Baltimore, and so on. Smaller groups also lived in other states, including the Hawaii Isles, Puerto Rico, and the Philippines. Consequently, across the country, there were countless churches, schools, cultural societies, and newspapers that were in the German language, as well as many towns and small cities were called with names recalling the country of origin. Using terms like ‘German’ hardly caught the extremely heterogeneous variety that distinguished that immigrant community. Being various for religious, geographical, linguistic, social, political, citizenship, gender, and age reasons, what characterized the German-speaking presence in the United States mainly were its diversity and fragmentation. Thus identity, nationality, and self-understanding were fluid and mobile dimensions where multiple belongings and hybrid identities could coexist. Being part of the larger German ‘Emigrant Nation’ and at the same time an American loyal citizen, for instance, was a common situation for many immigrants of German origin, and it did not raise any particular issue in everyday life.<sup>21</sup>

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<sup>20</sup> For a general overview, see Wilkins, *The History of Foreign Investments in the United States to 1914*, pp. 383–415.

<sup>21</sup> I will quote only some of the most significant works retracing the long history of the German presence in the country, such as Frank Trommler and Joseph McVeigh, eds., *America and the Germans*, 2 vols. (Philadelph-



Nonetheless, economic interdependence, migratory trends, and social connection did not automatically lead to removing political differences, concerns, or obstacles between the two countries. In the case of Germany, the gap between the new economic élite and the political-military leadership aggravated the contradictions of globalization. The rising tensions among imperialist powers in the early 20<sup>th</sup> century, indeed, did not spare the United States, where suspicions about the ‘world politics’ of the Wilhelmine Empire mingled with nativist sentiment toward immigrants and hyphenated communities and concerns regarding the national security in connection with the economic sphere. The war detonated that mix of worries, fears, and feelings, becoming the ‘perfect storm’ for deep change in the economic, social, and political relations between Germany and the United States.

#### *Neutrality (1914–17)*

After August 1914, the European conflict led to a reorganization of the economic interests in the United States. Despite being neutral, the economic warfare and the blockade pursued by the Entente heavily impacted American trade and financial relations. Since 1914, in particular, the trade volume between Germany and the United States decreased significantly.<sup>22</sup> According to Count Johann Heinrich von Bernstorff, who was the Imperial ambassador until 1917, German companies faced enormous difficulties in trading due to the restrictions imposed by the UK and France, and similarly raising funding within the U.S. market to support the war effort was a near-impossible challenge.<sup>23</sup> In March and December 1916, for instance, the British navy blocked two ships that were transferring relevant German securities to Europe and seized sums corresponding to more than \$10 million.<sup>24</sup> Despite limitations, however, many financial transactions likely took place through other neutral countries (such as the Netherlands, Sweden, or Switzerland). Additionally, some German companies increased their market share in some key sectors like the dyestuff or pharmaceutical production, revealing the American dependence on Germany and raising concerns about the danger of foreign competition for national security in case of war.

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ia: University of Pennsylvania Press, 1985), and H. Glenn Penny, *German History Unbound: From 1750 to the Present* (Cambridge: Cambridge University Press, 2022), pp. 62–74, 114–23.

<sup>22</sup> Berghahn, *American Big Business*, p. 118.

<sup>23</sup> Johann Heinrich Graf von Bernstorff, *My Three Years in America* (New York: C. Scribner’s sons, 1920), pp. 80–100.

<sup>24</sup> Lewis and Schlotterbeck, *America’s Stake*, pp. 122–3.

Such fears were spreading in American business circles as well as within the Wilson administration as anti-German hostility grew in public opinion in the country together with suspicions about the loyalty of the large immigrant community of German and Austro-Hungarian origin.<sup>25</sup> At the same time, German corporations sought to protect their interest by cloaking true ownership of assets, creating shelly companies, or appointing figureheads as managers or owners.<sup>26</sup> Among those strategies, there was also the possibility to get U.S. citizenship. In 1915 Karl Georg Frank, physicist and manager of the New York branch of Siemens, applied for naturalization ‘because he considered this as the only way to prove his integrity beyond doubt toward the American authorities and also the local business community.’<sup>27</sup> Such strategy proved to be successful since in April 1917 police authorities arrested Frank together with other German managers (such as Hugo Schmidt, head of the local branch of *Deutsche Bank*) and Austro-Hungarian ones (like Julius Pirmitzer) on charges of being enemy agents but the Siemens manager was released due to his U.S. citizenship.<sup>28</sup> Frank’s case was not isolated, while in many cases ownership of companies was transferred to U.S. citizens—especially family members—or neutral nationals to avoid seizure or confiscation as it was taking place in the Allied countries.<sup>29</sup> Similar operations became increasingly frequent in early 1917 when unrestricted submarine warfare led to the breaking of diplomatic relations between the two countries and finally to war. Nevertheless, those attempts proved to be only partly successful and did not avoid suffering the consequences of economic warfare. In February 1917, Max W. Stoehr acquired all shares of the Botany Worsted Mills, a textile firm in New Jersey employing more than 6,000 workers, from his father and brothers since he was a U.S. naturalized citizen. Yet in April 1918, the Alien Property Custodian sequestered the company considering it enemy property, and Stoehr’s appeal was dismissed by the Supreme Court because judges ‘concluded that the contract was not prompted by commercial motives, nor based on an estimate of mutual advantages,

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<sup>25</sup> Wilkins, *The History of Foreign Investment in the United States, 1914-1945*, pp. 28–30, and Frederick Luebke, *Bonds of Loyalty: German-Americans and World War I* (DeKalb: Northern Illinois University Press, 1974), pp. 83–198.

<sup>26</sup> Wilkins, *The History of Foreign Investment in the United States, 1914-1945*, pp. 31–2.

<sup>27</sup> BArch, R 901/31758, German embaassy (Cedahurst, NY) to Chancellor, 24 Oct. 1915.

<sup>28</sup> Wilkins, *The History of Foreign Investment in the United States, 1914-1945*, p. 46, and Caglioti, *War and Citizenship*, p. 252. On Julius Pirmitzer, head of the *Transatlantic Trust Company*, see Susan Glanz, “Lives and Deaths of a Hungarian Bank in New York,” *Hungarian Journal of English and American Studies (HJEAS)* 20, 1 (2014), pp. 131–55.

<sup>29</sup> On the case of a transaction between German and Dutch citizens that was invalidated by American authorities, see the decision of the Court of Appeals of the District of Columbia, *Schrijver v. Sutherland* (1927) in <https://casetext.com/case/schrijver-v-sutherland>.

and was not intended as a genuine business transaction, but was made to avoid inconveniences which otherwise could ensue from a state of war.<sup>30</sup> Remarkably, Stoehr turned to Berlin asking for support from German diplomacy and received it.<sup>31</sup> It was only in 1923 that the ruling was reversed and Stoehr was able to get his property back thanks to his U.S. citizenship.<sup>32</sup>

## 4.2 The Treatment of Enemy Property between War and Peace (1917-1921)

### *Enemy Property After War Declaration*

Worries about the fate of German property in the United States spread within German business circles and political leadership after breaking the diplomatic relations between the two states. Being aware of the consequences of economic persecution in the Allied countries, diplomacy sought to remedy the devastating consequences that war with the U.S. would have on German interests abroad. Just a few days before the severance of diplomatic relations, following the model of similar treaties signed with Japan, Serbia, and Italy in 1914-15, and recalling the U.S.-Prussian commercial treaty of 1799 that guaranteed protection of property rights in wartime on a reciprocal basis, the German government prepared an agreement draft for the safeguard of private interests in case of war.<sup>33</sup> Such efforts appeared, yet, belated and contradictory. President Wilson released a press statement declaring the intention ‘in no circumstances [to] take advantage of a state of war to take possession of property to which international understandings and the recognized law of the land give it no just claim or title. It will scrupulously respect all private rights alike of its citizens and the subjects of foreign states.’<sup>34</sup>

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<sup>30</sup> See text of the decision *Stoehr v. Wallace* (1921) in <https://supreme.justia.com/cases/federal/us/255/239/>.

<sup>31</sup> PAAA, R 95328, *Kammgarnspinnerei Stöhr & Co.* to de Haas (Ministry of Foreign Affairs), 11 Jan. 1921, and Diplomatic Note to American Commissioner, 18 Jan. 1921, and R 95329, Max Stöhr to Bücher (Ministry of Foreign Affairs), 1 Feb. 1921.

<sup>32</sup> Wilkins, *The History of Foreign Investment in the United States, 1914-1945*, pp. 114–5. On the Botany Worsted Mills, see <http://streettotheleft.weebly.com/botany-worsted-mill.html>. See also documents concerning his case in PAAA, R 95329, DAW to Ministry of Foreign Affairs, 10 Feb. 1921.

<sup>33</sup> BArch, R 3001/7738, *Verständigung zwischen Deutschland und den Vereinigten Staaten von Amerika wegen der Behandlung der beiderseitigen Staatsangehörigen und ihres Eigentums nach dem Abbruch der diplomatischen Beziehungen/Agreement between Germany and the United States of America concerning the treatment of each others citizens and their private property after the severance of diplomatic relations*, 5 Feb. 1917.

<sup>34</sup> BArch, R 3001/7738, *Statement given to the Press*, 8 Feb. 1917.

The agreement, however, was not signed by the U.S. government, but many voices confirmed that the war would have not disturbed the business activity of German companies in the country. In March 1917 the prominent jurist John Bassett Moore, for instance, reassured German and Austro-Hungarian insurance companies that they could keep their business as usual.<sup>35</sup> Also, Wilson confirmed it since those insurance companies employed more than 8,000 American citizens.<sup>36</sup> After the declaration of war (April 1917), German military and civil leadership hoped to avoid the harsh consequences of economic warfare by granting a soft treatment to American citizens and property in Germany and the occupied territories.<sup>37</sup> The prudent approach proved to be irrelevant and worthless since it did not avoid restrictive measures taken by the U.S. government. In December 1917 the German government started to seize American property and since March authorized its liquidation. In the end, 159 American companies were liquidated in Germany and the occupied territories, such as the *Standard Oil* interests in Romania—being worth over \$8 million—after the Bucharest treaty.<sup>38</sup> Nonetheless, there was a big difference between the two countries since the amount of American property under German control corresponded to a small fraction of the German assets seized by the U.S. In addition to that, the German Empire adopted restrictive measures as a retaliation for the sequestration and liquidation of property belonging to its nationals. On the American side, economic persecution was not immediately implemented by the Wilson administration. On April 6, 1917, in a Presidential Proclamation, Wilson promised to respect enemy aliens' rights as long as they would have remained loyal to the U.S. government.<sup>39</sup> However, concerns about the 'disloyalty' of German citizens, or immigrants of German origin, had already led Wilson and the Attorney General to enact restrictions against enemy aliens and create private associations supporting public authorities in controlling the enemy population. From April 1917 on, furthermore, anti-

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<sup>35</sup> "Opinion on the legal position of the United States branches of foreign insurance companies, their lawful continuance in business during war and the interests of their policy holders," in John Bassett Moore, *The Collected Papers of John Bassett Moore*, ed. Edwin M. Borchard, Joseph P. Chamberlain, and Stephen Duggan, 7 vols. (New Haven: Yale University Press, 1944), vol. IV, pp. 176-187.

<sup>36</sup> Wilkins, *The History of Foreign Investment in the United States, 1914-1945*, p. 47.

<sup>37</sup> BArch, R 3001/7738, War Ministry to civil government and military authorities, 18 Apr. 1917.

<sup>38</sup> Caglioti, *War and Citizenship*, pp. 259–60, and Mira Wilkins, *The Maturing of Multinational Enterprise: American Business Abroad from 1914 to 1970* (Cambridge, MA: Harvard University Press, 1974), pp. 23–4. On Standard Oil interests in Romania and other territories militarily occupied by the Central Empires, see George Sweet Gibb and Evelyn H. Knowlton, *History of Standard Oil Company (New Jersey): The Resurgent Years, 1911-1927* (New York: Harper, 1956), pp. 233–37, 322, and Wilkins, *The Maturing of Multinational Enterprise*, p. 7.

<sup>39</sup> See text of the Proclamation in James Anderson Gathings, *International Law and American Treatment of Alien Enemy Property* (Washington: American Council on Public Affairs, 1940), pp. 63–4.

German feelings, nativism, and superpatriotism resulted in a wave of violence—including some lynchings—against Germans, or people somehow regarded as ‘disloyal’ across the country.<sup>40</sup> Authorities registered 600,000 Germans living on American soil but interned only about 10,000 of them.<sup>41</sup>

*The Trading with Enemy Act (1917–1918)*

Just a few months after the approval of the Sedition Act (May 16) and the Espionage Act (June 15), Congress passed the Trading with Enemy Act (TEA) on October 6, 1917, which was followed by two Executive Orders (October 12 and 29). It was the first step of economic persecution on a broad scale. According to the new legislation, the administration was entitled to seize all property belonging to enemy aliens (including individuals residing in enemy territory or whose economic activity was based in enemy territory regardless of their nationality) with the aim to preserve enemy property for the duration of the war. At the same time, companies together with officers, directors, stockholders, or any private citizen were compelled to declare to the authorities the existence of enemy assets. Conceived as a protective provision that should respect property rights and international law, as many courts confirmed also after the war, the TEA was not originally aimed at confiscating enemy property or promoting economic nationalism.<sup>42</sup> In that regard, it mostly followed the British model, and only secondarily the French one, but unlike those countries Congress established a consistent legal framework since the very beginning. Enemy aliens were also entitled to appeal seizure orders both judicially and addressing the President. To implement those measures, the Wilson administration created a special federal agency, the Alien Property Custodian (APC), that was appointed to manage enemy assets as a trustee without the faculty of selling them. In addition to that, Congress established that the APC should operate under the supervision of the Department of Commerce and the Federal Reserve Board.

The legalist approach and guarantees set by Congress, yet, were short-lived. The state of emergency approved by the U.S. government to address wartime necessities was

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<sup>40</sup> Caglioti, *War and Citizenship*, pp. 228–34.

<sup>41</sup> On the internment of German enemy citizens during WWI in the United States, see Jörg Nagler, *Nationale Minoritäten im Krieg: “feindliche Ausländer” und die amerikanische Heimatfront während des Ersten Weltkrieges* (Hamburg: Hamburger Edition, 2000).

<sup>42</sup> Gathings, *International Law*, pp. 64–71, and Carl Zollmann, “The Return of Property by the Alien Property Custodian,” *Michigan Law Review* 21, 3 (1923), pp. 277–9.

the basis for overcoming any legal limitation, constitutional principles, and ultimately rule of law. Executive orders and then amendments to TEA changed its rationale and broadened discretionary powers up to permitting the liquidation of seized property. In early 1918, being exhorted by American business circles, the APC urged President Wilson to confer the right to alienate and sell the enemy property to American citizens. Worried by the Brest-Litovsk treaty and the risk of a German victory,<sup>43</sup> Wilson increasingly shared a deep hostility toward the German people and believed the conspiracy theories concerning the ‘hidden maneuvers’ of enemy business.<sup>44</sup> Leveraging these fears, the APC’s efforts proved to be successful. Since March 1918, Wilson and then the U.S. Congress enabled the APC to sell enemy property only to American citizens in order to eliminate the supposed economic menace of the German private business and ‘divorce German capital from American industry and commerce.’<sup>45</sup>

In the ensuing months, meeting with private economic interests, the APC exceeded its original mission by adopting wide discretionary powers and embodied the aspirations to promote an economic nationalist agenda and safeguard national security. The APC had the power to seize each kind of property belonging to several categories of subjects: citizens of enemy nationality; people residing abroad having trade relations with enemy countries; interned civilians or POWs; official agents of enemy states; women married to enemy nationals; individuals of enemy nationality who made propaganda against the United States in foreign countries; people reported by Allied blacklists; each person who had resided or visited enemy territory since August 1914; eventually, enemy-based companies (including subsidiaries).<sup>46</sup> Like in the British case, the TEA became the legal device that permitted the executive to interfere with private transactions and thus regulate the private economy for national political purposes. The faculty to seize any kind of property, the wide discretion left to the APC, as well as the broad definition of enemy aliens, enabled the federal government

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<sup>43</sup> Adam Tooze, *The Deluge the Great War, America and the Remaking of Global Order, 1916-1931* (London: Penguin, 2015), pp. 108–23, and Nicholas Mulder, *The Economic Weapon: The Rise of Sanctions As a Tool of Modern War* (New Haven; London: Yale University Press, 2022), pp. 61–3.

<sup>44</sup> On Wilson’s hostility toward German people, see Manfred F. Boemeke, “Woodrow Wilson’s Image of Germany, the War-Guilt Question, and the Treaty of Versailles,” in Manfred F. Boemeke, Gerald D. Feldman, and Elisabeth Glaser, eds., *The Treaty of Versailles: A Reassessment after 75 Years* (Washington, D.C.; Cambridge; New York: German Historical Institute; Cambridge University Press, 1998), pp. 603–18.

<sup>45</sup> Zollmann, “The Return of Property,” pp. 280–1, Gathings, *International Law*, pp. 77–8, and Hans Wehberg, “Das amerikanische Gesetz über den Handel mit dem Feinde,” *Weltwirtschaftliches Archiv* 13 (1918), pp. 261–85.

<sup>46</sup> NARA, RG 131, UD 15, *Bulletin of Information issued by Alien Property Custodian*, 8 Jun. 1918.

to radically intervene in American society, too. As Benjamin A. Coates and Nicholas Mulder have pointed out, the TEA became the foundation for the mechanism of sanctions even in peacetime. From that moment on, Congress left wide powers to the Executive in regulating the economic sphere according to political needs and circumstances, without revoking that faculty until the late 1970s.<sup>47</sup>

### *The Alien Property Custodian*

Pretty soon, consequently, the APC gained strong autonomy operating without limitations and in a direct link with President Wilson.<sup>48</sup> Appointed to lead the agency was Alexander Mitchell Palmer (1872–1936), a Quaker lawyer and banker, who was a member of the House of Representatives for the Democratic Party and a close friend of Wilson. Reversing his previous pacifist and pro-German attitude, Palmer embraced a radical stance based on anti-German paranoia and extreme economic nationalism. Echoing conspiracy theories of Allied propaganda regarding the ‘silent invasion’ of German agents through economic activity and the alleged plans to enslave foreign countries by controlling some key industrial sectors, Palmer became a champion of superpatriotism and economic liberation from ‘Germany’s industrial army on American soil.’<sup>49</sup> But he was not the only public official sharing similar ideas. Paul Fuller, head of the War Trade Intelligence that actively cooperated with APC and contributed to economic warfare, argued that ‘the republic was almost entirely dependent upon their Hun capitalists.’<sup>50</sup> All of them believed that economic nationalism had implications not only in the commercial and financial sphere but also was instrumental in protecting national security. Like in the UK or France, these two aspects were deeply intertwined and were supposed to justify legal exceptions and extensive violations in the matter of property rights.

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<sup>47</sup> Benjamin A. Coates, “The Secret Life of Statutes: A Century of the Trading with the Enemy Act,” *Modern American History* 1, 2 (2018), pp. 151–72, and Nicholas Mulder, “The Trading with the Enemy Acts in the Age of Expropriation, 1914–49,” *Journal of Global History* 15, 1 (2020), pp. 81–99.

<sup>48</sup> Joachim Scholtyseck, “Ein transatlantischer Wirtschaftskrieg im globalen Wettstreit,” in Dieter Ziegler and Jan-Otmar Hesse, eds., *1919 – Der Versailler Vertrag und die deutschen Unternehmen, 1919 – Der Versailler Vertrag und die deutschen Unternehmen* (Oldenbourg: De Gruyter, 2022), p. 292.

<sup>49</sup> A. Mitchell Palmer, “Germany’s Industrial Army on American Soil,” *Central Law Journal* 87 (July 26, 1918), pp. 61–4.

<sup>50</sup> Paul Fuller, “The Government’s Part,” *The Nation’s Business*, June 1919, p. 22.

Mostly known for his role in the persecution during the Red Scare in 1919–1920, Palmer’s career and political fortune started with his activity as Custodian in late 1917.<sup>51</sup> In a few weeks, he organized an efficient and formidable system of investigation and administration of seized property. ‘I began to receive in large numbers informal and incomplete reports, as Palmer wrote in 1918, [...] it was necessary to promptly build up a very considerable organization.’<sup>52</sup> Thanks to the discretionary powers granted by Wilson’s support to Palmer, the APC concentrated a large political, economic, and financial power in the hands of the government. In January 1918, Custodian’s employees were 293, but one year after they increased to 700 with two offices in Washington DC and New York.<sup>53</sup> The core of APC’s staff was composed of officials coming from the Bureau of Investigation, the War Trade Board, and the Departments of Justice and Treasury, and the majority were lawyers, accountants, and businessmen.<sup>54</sup>

The director of the APC’s Bureau of Investigations, in particular, was Francis P. Garvan (1875–1937), a Yale-educated lawyer and government official, who became one of the closest Palmer’s collaborators and in March 1919 replaced him as Custodian. Between 1917 and 1919, he coordinated a sweeping investigation across the country to find the enemy property. Cooperating with federal agencies, state and municipal authorities, private companies, patriotic associations (such as the *American Protective League*), and ordinary people, Garvan’s New York-based office aimed at discovering commercial frauds or other legal tricks to camouflage enemy ownership.<sup>55</sup> In a few weeks, for instance, its staff examined more than 250,000 telegrams exchanged between the United States, Germany, and Austria-Hungary between 1915 and 1917.<sup>56</sup> Palmer admired particularly Garvan’s capacity, and in May 1918 he promoted Garvan to Managing Director of the APC’s New York branch, including management and sales departments. Describing him as a ‘warmhearted, nimble-witted, pugnacious Irishman’, the Custodian appreciated that Garvan had ‘a way of breaking down these German fellows and making them confess the truth.’<sup>57</sup> The investigative ac-

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<sup>51</sup> Stanley Coben, *A. Mitchell Palmer: Politician*, *A. Mitchell Palmer: Politician* (New Haven and London: Columbia University Press, 1963), pp. 131–5.

<sup>52</sup> NARA, RG 131, UD 1, Report of the Alien Property Custodian, January 18, 1918, p. 2.

<sup>53</sup> Scholtyssek, “Ein transatlantischer Wirtschaftskrieg im globalen Wettstreit,” p. 293.

<sup>54</sup> NARA, RG 131, UD 3, Report of Alien Property Custodian, 18 Jan. 1918.

<sup>55</sup> On the *American Protective League*, see NARA, RG 65, UD 14-16.

<sup>56</sup> Wilkins, *The History of Foreign Investment in the United States, 1914-1945*, pp. 47–8. On the investigative activity, see NARA, RG 131, UD 143, *Digest Confidential Files. Bureau of Investigation*, 1917-1919, and RG 131, UD 199.

<sup>57</sup> Coben, *A. Mitchell Palmer*, p. 130.



tivity involved not only commercial transactions but also each kind of economic connection with enemy subjects. APC seized bank accounts, savings, insurance policies, or small sums of money belonging to German nationals, involving often individuals and families who, despite being U.S. citizens, had German origin or relatives. Through its activity, as a result, authorities scrutinized the loyalty of many immigrants, naturalized subjects, and foreigners on American soil whose legal status was undefined or raised suspicions. Unsurprisingly, the Bureau of Immigration or other federal agencies often consulted APC in cases concerning the expulsion or admission of alleged enemy citizens as well as naturalization applications, even though the Custodian was not officially competent in such matters.<sup>58</sup>



[Fig. 4.2, Francis P. Garvan, 1919, <https://www.loc.gov/pictures/item/2016870018/>]

The initiatives of APC also received support from private subjects, business circles, and professional associations. Cooperation between public and private actors was crucial, as in many other matters deriving from wartime administration. One of the most involved categories was the lawyers. As Palmer argued, ‘the work of the Alien Property Custodian

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<sup>58</sup> See the abundant documentation in NARA, RG 131, UD 6, and RG 118, *Reports of Special Agents, 1917 –*

has been distinctly a lawyer's job. It is one of the few agencies for conducting war operations where the lawyer as such could wield an effective blow in his country's cause. Hundreds, even thousands, of lawyers, have participated in this great work, and theirs will be the glory if, in the great business of capturing enemy property in this country, we have weakened the enemy and strengthened our country in time of war, and moved forward with decisive step to greater progress for our people in the paths of everlasting peace and universal freedom.<sup>59</sup> Insisting on the importance of patriotism for professional activity, Palmer exhorted lawyers to break attorney–client privilege and thus disclose documents relating to enemy property. Nationalism justified derogations to professional deontology.



[Fig. 4.3, Alexander Mitchell Palmer (fourth from right) and the APC's Executive Staff, 1918, <https://www.loc.gov/pictures/item/2016869332/>]

Besides lawyers, another crucial partner for the APC was the private business. Far from being impartial, several officials—including Palmer—had deep connections with American corporations, banks, or insurance companies, and in many cases, some of them

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1918.

were businessmen who were temporarily employed by public authority. Among them, for instance, there was Joseph F. Guffey, a businessman and manager, who was active in the oil sector. Close to President Wilson, whose pupil he had been at Princeton, Guffey entered the public service and in a few months was appointed by Palmer as Director of the APC Sales Bureau in New York. As later investigations revealed in the 1920s, he abused his position to make money. Generally, since the beginning of its activity, the APC appointed entrusted mostly banks, corporations, and trust companies as depositaries of seized assets with the purpose to ‘interfere as little as possible with the ordinary channels of domestic trade, business, and banking.’<sup>60</sup> One of the first decisions taken by the APC in November 1917, for example, was to entrust *Standard Oil* as a depositary of dividends due to enemy companies and subjects.<sup>61</sup> As a result, unlike many European countries, the management of the enemy property was almost entirely left in the hands of private actors. Conflict of interest, however, was manifest such as in the chemical sector. Garvan established a direct relationship with Charles H. Herty (1867–1938), a chemist and scholar who led the *American Chemical Society* and was directly linked to American companies. Herty initially helped the Bureau of Investigation,<sup>62</sup> and quite soon cooperated with the APC in the ‘Americanization’ of the chemical and pharmaceutical industry.<sup>63</sup> Instead of ensuring good administration of the seized assets, private interests, economic nationalism, and corruption dictated the actions of the trustees. Lacking any impartial control over their activity and depriving owners of the possibility to interfere with the administration of their property, the APC was responsible for wasting wealth, closing firms, and financial crimes. According to a report by the Comptroller General, which examined APC’s activity in the mid-1920s, mismanagement had been so poor that the figures reported by the Custodian were considered unreliable.<sup>64</sup>

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<sup>59</sup> A Mitchell Palmer, “The Enforcement of the Alien Property Law before and after the War,” *Central Law Journal* 88 (February 14, 1919), p. 125.

<sup>60</sup> NARA, RG 131, UD 1, Report of the Alien Property Custodian, January 18, 1918, p. 9.

<sup>61</sup> NARA, RG 131, UD 4, Minutes of the Noon Conference, 14 Nov. 1917.

<sup>62</sup> EUA, Charles H. Herty Papers, b. 101, f. 1, Joseph H. Choate to Charles H. Herty, 15 Apr. 1918.

<sup>63</sup> Kathrin Steen, *The American Synthetic Organic Chemicals Industry: War and Politics, 1910-1930* (University of North Carolina Press, 2014).

<sup>64</sup> *Administration of the Office of the Alien Property Custodian. Message from the President of the United States Transmitting in Response to Senate Resolution No. 299, a Copy of the Report Made by the Comptroller General to the President of the United States Relative to His Investigation of the Administration of the Office of the Alien Property Custodian.* (Washington: Govt. print. off., 1926), p. 5.

## *Figures and Sales*

According to the official report by the APC in February 1919, in the wake of the war, it controlled about 32,000 trusts of German seized property, and its value was worth about \$800 million (corresponding to \$13.7 billion in current value terms).<sup>65</sup> Yet those figures likely underestimated the real value of German assets since either some of them had been already sold at that time or some others had not yet been seized. Being defined as the ‘biggest business man’ in the country by the *New York Times*,<sup>66</sup> Palmer headed what was probably the largest bank and trust company in the world. It controlled ‘property scattered from the Philippine Islands and Hawaii to the coast of New England, consisting of industrial plants, such as chemical and woolen mills, steamship lines, banks, land and cattle companies, salmon factories, gold, silver, and other precious mines of metal, and other miscellaneous industrial plants, to say nothing of thousands of parcels of real estate and trusts represented by securities and liquid assets.’<sup>67</sup> The APC invested a large part of the enemy property into Liberty Bonds—government bonds to finance the U.S. war effort. ‘I am the biggest buyer of Liberty bonds in America, as Palmer said in October 1918, I have got something like \$60,000,000 worth, and it is a poor day when I don’t subscribe for \$1,000,000 more. For me it is an easy as well as a pleasant task, because I buy Liberty bonds with the Kaiser’s own money. [...] We have made every dollar of German money in America fight the Germans.’<sup>68</sup> In other cases, companies provided the U.S. army with goods and products, like magnetos for airplanes, uniforms, or dyestuff, which were relevant for the war effort.<sup>69</sup>

Yet the majority of seized property was meant to be sold. Since early 1918, the APC was overwhelmed by letters and appeals to sell enemy assets to American companies and nationals. Nationalism and private interests found common ground. ‘We are associated with and shall represent a group of gentlemen—as the Coffin & Company wrote to the

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<sup>65</sup> *Alien Property Custodian Report: A Detailed Report by the Alien Property Custodian of All Proceedings Had by Him Under the Trading with the Enemy Act During the Calendar Year 1918, and to the Close of Business on February 15, 1919* (Washington, D.C.: U.S. Government Printing Office, 1919). For the calculation of the U.S. dollar in current value terms, see <https://www.usinflationcalculator.com/>.

<sup>66</sup> ‘Palmer Is Biggest Big Business Man,’ *New York Times*, 15 Dec. 1918.

<sup>67</sup> *Hearings Before the Committee on Interstate and Foreign Commerce, House of Representatives, Sixty-seventh Congress, Fourth Session, on H.R. 13496, Session of 21 Dec. 1922*, pp. 4–5.

<sup>68</sup> BArch, R 3001/7738, ‘How German Wealth in United States is being turned into Liberty Bonds and used in war against its owners,’ *The Official U.S. Bulletin*, 9 Oct. 1918.

<sup>69</sup> Wilkins, *The History of Foreign Investment in the United States, 1914-1945*, pp. 48–9.

APC on March 1918—who desire such information and details as may enable them to bid intelligently for such of the alien properties which are now or may come into your hands, as may seem to them to offer favorable business opportunities. In this association, there are not and will not be included any but patriotic Americans, wholly free from German sympathies.<sup>70</sup> In March 1918, finally, President Wilson authorized the APC to liquidate enemy property. According to presidential regulations, the enemy property had to be sold through public auctions, but only American citizens were entitled to bid. As the APC stated in sale procedures, indeed, officials could exclude categories of purchasers or individuals in case ‘there is a possibility that the control might revert to or be in sympathy with alien owners,’ and only secondarily ‘there is danger of monopoly, restriction of competition or some similar condition affecting the public policy or welfare.’<sup>71</sup> Remarkably, the APC intended not only to avoid enemy property returning to previous owners but going to foreigners, regardless of Allied or neutral citizenship. Additionally, APC’s regulations mentioned monopoly or restriction of competition as a danger even though it did not pay much attention to avoiding that risk.

To implement the liquidation of enemy property, Palmer created the Advisory Committees in New York and Washington DC, two special ad hoc organs composed of businesspeople, bankers, and other seemingly independent experts with the task of supervising sale procedures. Officially, the goal was to guarantee that liquidation followed a lawful and fair process. Nonetheless, once more, conflict of interest and opacity characterized the redistribution of enemy assets, and the supervision of those organs did not prevent speculators like Guffey from personally profiting from their position. Between April 1918 and 1931, furthermore, President Wilson and his successors issued 136 executive orders authorizing derogations to regular sale procedures.<sup>72</sup>

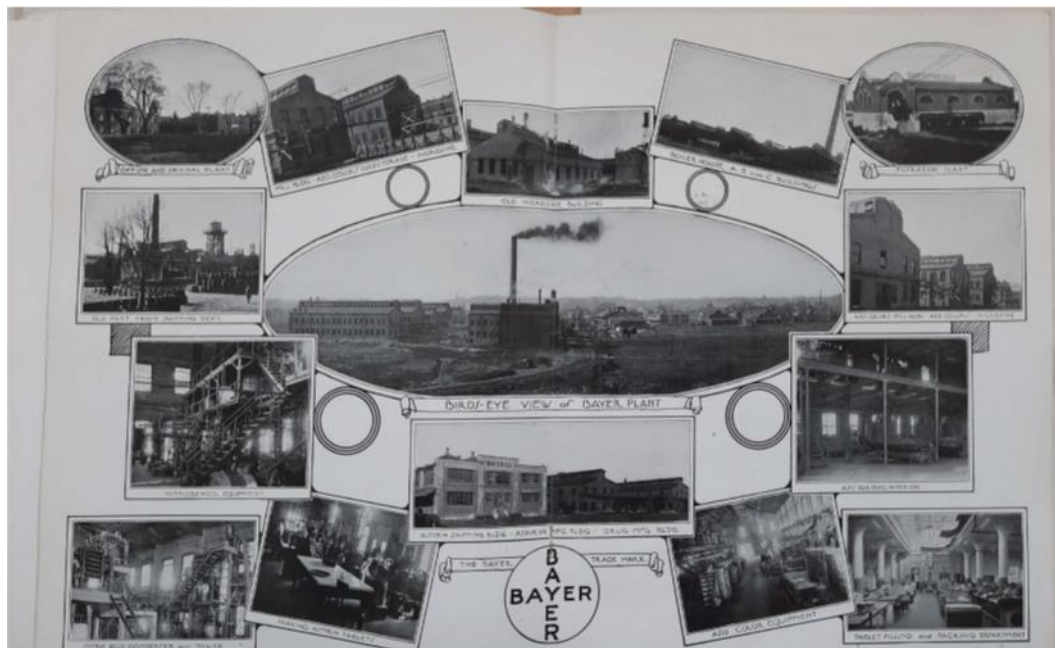
Over two years, from July 1918 to June 1920, when sales were suspended, the Advisory Committees on Sales in New York and Washington DC examined about 430 sales of enemy companies, including some of the most relevant cases (such as *Magneto-Bosch*, *Bayer*, *Beiersdorf*, *Chemical Foundation*, *Beer Sondheimer & Co*, *Mumm Champagne*, or the plantations owned by Germans in the Hawaii Isles and the Philippines). Unsurprisingly, all of them

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<sup>70</sup> NARA, RG 131, UD 210, Coffin & Company to Office of the Custodian of Alien Property (New York).

<sup>71</sup> NARA, RG 131, UD 4, Minutes of the Noon Conference, 6 Jun. 1918.

were bought by U.S. firms or nationals. For instance, the *Beer Sonderheimer & Co. Company*, which was active in the mining, steel, and chemical sectors, was sold for \$1 million to *Colgate Bank*. In the case of the U.S. branch of the *Bayer Company*, in December 1918, its shares and the plant in New York State together with the license for aspirin were sold to its main competitor, the Sterling Products Co., at only \$5 million.<sup>73</sup> Likewise, the *Pebeco Company* that produced toothpaste and beauty creams (like Nivea) lost its patents, while the American competitor benefited from the sale.<sup>74</sup>



[Fig. 4.4, The Bayer Company Plant, 1918]

As a general rule, German companies were sold to businesspeople and firms that were close to Palmer (and Garvan, too) at a very low price. Americanization proved to be a very profitable deal for many speculators, businesspeople, and companies that could at

<sup>72</sup> NARA, RG 131, UD 1, Indices to the Executive Orders and Proclamations Affecting the Alien Property Bureau, undated [1935].

<sup>73</sup> NARA, RG 131, UD 58, Sale Book of the Bayer Company, June 1918. See also Jan-Otmar Hesse and Elisa Poletto, “L’interconnessione globale dell’economia di Weimar. De-globalizzazione o mutamento della globalizzazione economica?”, in Christoph Cornelissen and Gabriele D’Ottavio, eds., *La Repubblica di Weimar: democrazia e modernità* (Bologna: Il Mulino, 2021), p. 138.

<sup>74</sup> Geoffrey Jones and Christina Lubinski, “Managing Political Risk in Global Business: Beiersdorf 1914–1990,” *Enterprise & Society* 13, 1 (2012), pp. 85–119.

once eliminate their foreign competitors and acquire factories, intellectual property, or any other productive asset.<sup>75</sup> To be sold were not only large companies of enemy nationality but also small economic activities such as breweries that supporters of prohibitionist measures (like Palmer) regarded as unpatriotic.<sup>76</sup> The APC confiscated artworks and art collections, too, like the paintings of Aaron S. Dray at the Ehrich Galleries,<sup>77</sup> or personal possessions like jewelry and luxury items which the New York sale office privately assigned to unknown purchasers (among whom there was probably the head of the bureau).<sup>78</sup> Unfortunately, it is impossible to estimate the real sale proceeds since the APC left only partial and fragmentary data in that regard.

*Between War and Peace (1919–21)*

The signing of the armistice did not stop the APC's activity. Still, it made it even more feverish.<sup>79</sup> On November 4, 1918, the U.S. Congress amended the TEA to make sale procedures easier, while the APC carried on further investigations to find more enemy property in the United States and even abroad (specifically in the UK, Germany, and Switzerland).<sup>80</sup> As stated by a circular sent by Palmer, indeed, 'the signing of the armistice will have no appreciable effect upon the volume of work of the Alien Property Custodian. [...] [The] work here is just as much a war service as it was before the armistice was signed, and it will continue to be a war service as long as the office is in existence, which is liable to be for considerable time to come.'<sup>81</sup> In a public speech, he declared that seized property would not be returned to achieve an 'industrial disarmament,' and that peace should have freed the world 'from the menace of its autocratic industrialism.'<sup>82</sup> After Palmer was appointed as Attorney General in March 1919, Garvan became the head of the APC and kept liquidating enemy property. Palmer and Garvan were aware that the domestic and international situation was changing especially after the poor results for Wilson at the mid-term election.

<sup>75</sup> For a general overview, see Scholtyseck, "Ein transatlantischer Wirtschaftskrieg im globalen Wettstreit," pp. 292–303.

<sup>76</sup> Luebke, *Bonds of Loyalty*, p. 256.

<sup>77</sup> NARA, RG 131, UD 4, Minutes of the Noon Conference, 16 Apr. 1918.

<sup>78</sup> *Report Made by the Comptroller General to the President of the United States Relative to His Investigation of the Administration of the Office of the Alien Property Custodian*, pp. 40–6.

<sup>79</sup> Coben, *A. Mitchell Palmer*, pp. 135–7.

<sup>80</sup> "Here To Look For "Enemy" Property: Expects To Get Several Hundred," *Los Angeles Times*, 6 Apr. 1919. As for abroad investigations, see NARA, RG 131, UD 143, *Digest Confidential Files. Bureau of Investigation, 1917–1920*, and *Investigations for Alien Property Custodian in Europe*, Aug.–Oct. 1919.

<sup>81</sup> NARA, RG 131, UD 5, Official Order signed by A. Mitchell Palmer, 12 Nov. 1918.

<sup>82</sup> "German Industrialism As Menace To Peace," *New York Times*, 8 Nov. 1918.



Thus, despite growing dissatisfaction with the APC's methods,<sup>83</sup> both of them were committed to selling as much property as possible before being stopped by the President or Congress. After the signing of the peace treaty with Germany, the American delegation in Paris recommended Garvan restrict the liquidation and return 'all small property and that belonging to purely private investors and innocent individuals.' Liberalism seemed to reappear after the wartime mobilization. 'Especially since other nations will be influenced by our attitude, the United States should adopt the highest standard possible.'<sup>84</sup> Meanwhile, domestic cohesion on economic persecution began to dissolve. Critical voices arose in the press. Senator Gilbert Hitchcock (Nebraska–Dem.) declared that the APC had crossed legal limits fixed by Congress, and thus it risked creating a serious obstacle to the reestablishment of diplomatic relations with Germany.<sup>85</sup>

In July 1919 the U.S. government officially resumed trade relations with Germany, and private companies from both countries promptly reestablished contacts. At that time, negotiations mostly concerned a trade agreement on sending food to Germany in exchange for dye products. Supporters of economic nationalism criticized such a decision, considering it a hazardous move and a 'misfortune.' In a letter to Garvan, Herty urged the APC to persuade President Wilson to keep the economic blockade (including the TEA) until Congress had passed more effective protectionist legislation.<sup>86</sup> Although the state of war between the United States and Germany was not officially revoked until 1921, however, economic relations quickly recovered.<sup>87</sup> Precarious diplomatic relations did not hinder German diplomacy and business circles from negotiating restitution agreements. In January 1919, Walter Simons—head of the Legal Department of the German Ministry of Foreign Affairs—clearly stated that restitution of German property in the United States was of crucial relevance for national interest in economic and legal terms.<sup>88</sup> If the United States restored the seized property, German diplomacy believed, then the other winning countries would also do the same.<sup>89</sup> Such a view was a part of Germany's belief in the United States as a po-

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<sup>83</sup> NARA, RG 131, UD 6, *New York Trust Company* to Francis P. Garvan, 14 Apr. 1920.

<sup>84</sup> NARA, RG 131, UD 5, American Mission to Garvan, 7 Jul. 1919.

<sup>85</sup> BArch, R 3001/7738, "Palmer Scored by Hitchcock," *New York American*, 30 Aug. 1919.

<sup>86</sup> EUA, Herty Papers, box 101, Herty to Garvan, 30 Jun. 1919.

<sup>87</sup> Werner Link, *Die amerikanische Stabilisierungspolitik in Deutschland 1921-32* (Düsseldorf: Droste Verlag, 1970), pp. 58–63, Peter Krüger, *Die Aussenpolitik der Republik von Weimar* (Darmstadt: Wissenschaftliche Buchgesellschaft, 1985), p. 147, and Berghahn, *American Big Business*, pp. 137–9.

<sup>88</sup> PAAA, R 25854, Report signed by Walter Simons, 23 Jan. 1919.

<sup>89</sup> NARA, RG 131, UD 143, William Coffin (General consul in Berlin) to State Secretary, 10 Dec. 1920.



litical, diplomatic, economic, and financial partner capable of moderating the UK and France. Although Wilson disappointed hopes of a ‘just peace’ in 1919, German diplomacy kept placing its trust in Washington.<sup>90</sup> Private bankers, businesspeople, lawyers, and informal emissaries of both countries met on several occasions but negotiations led nowhere.<sup>91</sup> Werner Link has labeled those attempts as ‘amateurish’ and counterproductive since, as in the case of bilateral talks with Italy in the same period, German diplomacy reached no concrete result while foreign press alarmed Allied governments.<sup>92</sup>

In the wake of the war, however, something changed in the action of the APC. In the first of 1919, the Custodian returned property belonging to enemy citizens who had ‘friendly’ nationality or resided in Allied countries, such as Alsatians and Lorrainians, Poles, Czechoslovakians, Romanians, or Italians.<sup>93</sup> Another significant change concerned the criteria regulating the classification of enemy subjects. Instead of residence, adhering to the letter of the Treaty of Versailles, the APC considered citizenship the only valid criterion to determine the status of the enemy subject.<sup>94</sup> Also, Congress amended the TEA on two occasions. In June 1920, following the State Department’s recommendations, the seized property was returned to the diplomatic and consular staff of former enemy countries, neutral and Allied citizens residing in Germany, Austria, Hungary, Bulgaria, and the Ottoman Empire, and finally Bulgarian and Ottoman nationals.<sup>95</sup> Later, in February 1921, Congress adopted APC’s proposal, and a new amendment restored property owned by American-born women married to German or Austro-Hungarian citizens.<sup>96</sup> The impact of those provisions, yet, was very limited,<sup>97</sup> and procedures often remained unclear.<sup>98</sup>

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<sup>90</sup> Peter Berg, *Deutschland und Amerika, 1918-1929: Über das deutsche Amerikabild der zwanziger Jahre* (Lübeck: Matthiesen, 1963), and Klaus Schwabe, *Woodrow Wilson, Revolutionary Germany, and Peacemaking, 1918-1919: Missionary Diplomacy and the Realities of Power* (Chapel Hill: University of North Carolina Press, 1985).

<sup>91</sup> On these informal negotiations, see PAAA, R 95327, R 95328, and R 95329.

<sup>92</sup> Link, *Die amerikanische Stabilisierungspolitik*, p. 61. On the foreign press, see articles published on French newspapers: “L’Amérique fera-t-elle cadeau à l’Allemagne de 3 milliards de biens séquestrés?” *L’Intransigeant*, 26 Sep. 1920, “Des banquiers américaines offriraient à l’Allemagne plusieurs milliards de crédit,” *Le Matin*, 22 Nov 1920, and Georges Berot, “Les accords financiers germano-américains,” *La Lanterne*, 26 Mar 1921.

<sup>93</sup> NARA, RG 131, UD 4, Minutes of Noon Conferences, 21 Nov. and 23 Dec. 1918, 6 Feb., 13 Feb., 20 Feb., 22 Apr., and 13 May 1919.

<sup>94</sup> NARA, RG 131, UD 143, Lucien H. Boggs (Legal Section of the APC) to Mansfield Ferry, 11 Dec. 1919.

<sup>95</sup> NARA, RG 131, UD 143, Department of State to Attorney General, 5 May 1920.

<sup>96</sup> NARA, RG 131, UD 143, Alien Property Custodian to John J. Esch, 14 Dec. 1920.

<sup>97</sup> Zollmann, “The Return of Property,” pp. 286–7.

<sup>98</sup> Karl Hirschland, “Das deutsche Eigentum in Amerika,” *Vossische Zeitung*, 4 Sep. 1920.

*The Treaty of Berlin and the Enemy Property (1921)*

The state of war, however, persisted between the two countries. The Senate rejected the ratification of the Versailles Treaty on two occasions, while German efforts to involve American diplomacy in the negotiations regarding the reparations were unsuccessful.<sup>99</sup> Once in office, the new Republican administration led by President Harding worked on a restoration of diplomatic relations with the former enemy countries. One of the major issues was the fate of the enemy property, which should be solved, according to Harding, 'upon the most fair and righteous basis.'<sup>100</sup> German diplomacy welcomed that effort as a decisive move toward financial stabilization and a revision of the Versailles system.<sup>101</sup> After a few months of negotiation, the best solution was to sign a treaty whose text was identical to that of Versailles but for the provisions regarding the League of Nations and war crimes.<sup>102</sup> As for private property, thus, the Treaty of Berlin (August 25, 1921) accorded the U.S. government the right to liquidation, but Congress passed the Knox-Porter resolution and imposed some restrictions on that faculty. According to the parliamentary document, German seized property 'shall be retained by the United States of America and no disposition made [...] until such time as the German Government has made suitable provisions for the satisfaction of all claims against the German Government of all persons, wheresoever domiciled, who owe permanent allegiance to the United States of America and who have suffered [...] loss, damage, or injury to their persons or property, directly or indirectly.'<sup>103</sup> As a result, Congress changed the Versailles system and bound the government to make the fate of private property entirely dependent on the restoration of war damages suffered by American citizens. More significantly, thus, Congress suggested a way to negotiate a bilateral agreement for the restitution of unliquidated property which both diplomatic representatives could follow. How to reach an arrangement in that regard proved to be more arduous than initially seemed, and both countries struggled to find a way to do so.

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<sup>99</sup> Krüger, *Die Aussenpolitik*, pp. 147–8.

<sup>100</sup> Link, *Die amerikanische Stabilisierungspolitik*, p. 97.

<sup>101</sup> Berg, *Deutschland und Amerika*, pp. 66–71, and Link, *Die amerikanische Stabilisierungspolitik*, pp. 98–100.

<sup>102</sup> Link, *Die amerikanische Stabilisierungspolitik*, pp. 89–97.

<sup>103</sup> Here is the text of the resolution and the Treaty of Berlin: [https://wwi.lib.byu.edu/index.php/US\\_Peace\\_Treaty\\_with\\_Germany](https://wwi.lib.byu.edu/index.php/US_Peace_Treaty_with_Germany). See also the majority report *Terminating State of War with Germany and Austria-Hungary: Report to Accompany S.J. Res. 16* (Washington, D.C.: U.S. Government Printing Office, 1921), and the dissenting opinion of the Democratic minority *Peace with Germany: Report. To Accompany S. J. Res. 16*. (Washington, D.C.: U.S. Government Printing Office, 1921). On the legal interpretation given by Congress, see Gathings, *International Law*, p. 89.

Unsurprisingly, the German side was determined to reach a solution. Organizations like the German-American Business Association (*Deutsch-Amerikanischer Wirtschaftsverband*, DAW) or the industrialists' associations, bankers like Carl Melchior and Max Warburg, and statesmen like Gustav Stresemann (who was a member of the DAW's board) met with diplomats to accelerate the negotiations.<sup>104</sup> 'Given the extraordinary importance of the German private property still held in the United States for our entire national economic life—as the German Association of Industry and Trade wrote in October 1921—the question of what should be done with this private property is of fundamental relevance not only for those directly concerned but for the entire German economic life, especially for all circles of trade and commerce.'<sup>105</sup> Some positive signals came from the American side, too. President Harding fired Palmer and Garvan, and seemed open to reaching an agreement in a short time. In a meeting with German diplomats, John Foster Dulles (1888–1959), at that time an international law lawyer very close to the Republican party and American business circles, argued that restitution of German property was in American national interest as well. But he warned about the resistance against that decision embodied by public opinion, organizations of American citizens who suffered economic war damages in Germany, and overall industrial and financial groups supporting economic nationalism.<sup>106</sup> In late 1921, after meeting some high officials (such as Owen Young), congressmen, and private businesspeople, Carl Bergmann—manager of the *Deutsche Bank* and former undersecretary of Finance—drafted a restitution agreement and sent it to the State Department, the APC, and Congress but without success.<sup>107</sup> Ambiguity, still, marked the position of the Harding administration.

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<sup>104</sup> PAAA, R 95330, Ministry of Foreign Affairs to Wilhelm Cuno (Hamburg-Amerika-Linie), Stimming (Norddeutsche Lloyd), Otto Heins (Bosch Magneto), Duisberg (Elberfelder), Gustav Stresemann (DAW), Carl Melchior (Max Warburg Bank), Alfred Merton, Paul von Schwabach, Franz Urbig (Diskontogesellschaft, Berlino), Mankiewicz (Deutsche Bank), Süß, Bücher (Reichsverband der Deutschen Industrie), and Frank (Verein zur Wahrung der Interessen der chemischen Industrie Deutschlands), 21 Oct. 1921.

<sup>105</sup> PAAA, R 95330, Deutscher Industrie und Handelstag to Ministry of Foreign Affairs, 28 Oct. 1921.

<sup>106</sup> PAAA, R 118080, Notes, 29 Jul. 1921. See also PAAA, R 95330, Paul C. Schnitzler to Ernst Gideon Beck, 13 Sep. 1921.

<sup>107</sup> NARA, RG 59, Entry 3656, Report of the Division of Western European Affairs, 2 Nov. 1921, and PAAA, R 118080, Notes of the meeting between Carl Bergmann and U.S. officials in Washington, 5 Dec. 1921, and Carl Bergmann to Castle, 8 Dec. 1921. On the role played by the management of the *Deutsche Bank* in the re-establishment of financial relations between Germany and the United States in the 1920s, see Alexander Nützenadel, "The End of the World Economy: War, Revolution, and Inflation," in Werner Plumpe, Alexander Nützenadel, and Catherine Schenk, *Deutsche Bank: The Global Hausbank, 1870 – 2020* (London: Bloomsbury Publishing, 2020), pp. 262–5.

### 4.3 Restitution or Confiscation? Property Rights at the Crossroads (1921-1934)

#### *Private Property and the World Economy After WWI*

“There is the crux of the whole situation. It is a matter of national honor, of national principle, of national policy, and of national pride.”<sup>108</sup> With these words, in the early 1920s, a writer posed the impasse over the fate of German properties under the control of the federal government. There was more than a diplomatic controversy at stake. Whether the United States should promote the re-establishment of a liberal world trading system or embrace a more protectionist and nationalist course in international economic matters was a matter of dispute, and the fate of German property was a test case for that issue.<sup>109</sup> At stake, was also the relationship with Germany. In the interwar period, the U.S. government and American business oscillated between cooperation and competition in their relationship with the former enemy state. On one hand, the European recovery largely depended on the economic and financial stabilization of Germany. American capitals played a key role in that regard with the Dawes and Young plans between 1924 and the early 1930s, and thus the United States became the main financial and commercial partner of the Republic of Weimar, whose stability in the second half of the 1920s derived from American investments. In that view, economics and business were strong diplomatic and political weapons. As Frank Costigliola has argued, a large part of the American (and Republican) leadership in the 1920s believed that the U.S. government had to leverage its financial and economic supremacy to rebuild ‘an economically viable, bourgeoisie-dominated, and at least outwardly pacific Germany integrated into the capitalist West’ since, otherwise, the European instability could pose a serious threat to the American prosperity.<sup>110</sup> While being a global economic and financial power, still, the U.S. policies in the domestic sphere were also marked by protectionism and isolationism. As a result, the Republican administrations were often reluctant to take political responsibilities deriving from American strength and preferred adopting economic and financial means (as demonstrated by the Dawes and Young Plans). This ambiguity frustrated diplomatic efforts and contributed to making postwar reconstruction weak. As shown also by the troubled and exhausting negotiation of a commercial

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<sup>108</sup> Elbridge Colby, “Must We Rob Our Enemies?,” *America*, 14 Apr. 1923, p. 612.

<sup>109</sup> Elisabeth Glaser-Schmidt, “German and American Concepts to Restore a Liberal World Trading System after World War I,” in Hans-Jürgen Schröder, ed., *Confrontation and Cooperation: Germany and the United States in the Era of World War I, 1900-1924* (Providence, RI: Berg Publishers, 1993), pp. 353–76, here pp. 354–5.

treaty between the two countries (that was signed in December 1923 but ratified only in February 1925), however, reaching economic peace was by no means an easy task.<sup>111</sup> As a result, contradictions, ambiguities, and hesitancy were typical of the American policymakers facing challenges deriving from WWI.

By contrast, economic nationalism received large support even after the end of the war. Americanization of the national industry inspired the behavior of many managers, scientists, and lawmakers even in the aftermath of the war. German industries operating in iron and steel, chemical, pharmaceutical, dyestuff, cotton, and shipping sectors were sold to American firms by the APC. Likewise, insurance companies, banks, or other financial institutions were often closed to help their U.S. competitors. Unsurprisingly, in a letter to Garvan in May 1919, the scientist and scholar Herty reported the worries of business circles about the need to prevent German competitors from re-entering the American market and thus urged him to take a decisive stance in defense of the U.S. industry.<sup>112</sup>

Among the goals of the APC's economic nationalist agenda, was the technological transfer of intellectual property from German to American corporations. Over ten years, between 1917 and 1927, the APC seized 11,988 patents, 3,166 copyrights, and 1,728 trademarks. More than half of that intellectual property had been sold to American companies and individuals, and a large part was given in concession to other subjects with U.S. nationality. Until 1927, the APC returned only a small fraction to previous owners (133 as patents, copyrights, and trademarks) but still kept 77 licenses under control.<sup>113</sup> The federal government promoted the development of some industrial sectors by canceling the technological gap between foreign and American companies. More than physical property (such as plants, machinery, etc.), by doing so, the APC met the interests of American producers who had previously suffered the competition of German companies. Economic historians like Gottfried Plumpe, Kathrin Steen, and Mira Wilkins have usually focused on the chemical sector which benefited the most from this large-scale technological reallocation. The

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<sup>110</sup> Frank Costigliola, "The United States and the Reconstruction of Germany in the 1920s," *The Business History Review* 50, 4 (1976), p. 477–502, here p. 501.

<sup>111</sup> On the U.S. ambiguous position, see Link, *Die amerikanische Stabilisierungspolitik*, pp. 52–7, 63–76, and on the commercial treaty, pp. 190–9, and 324–37. See also Berg, *Deutschland und Amerika*, and "Germany and the United States: The Concept of World Economic Interdependence," in Carole Fink, Axel Frohn, and Jürgen Heideking, eds., *Genoa, Rapallo, and European Reconstruction in 1922* (Cambridge: Cambridge University Press, 1991), pp. 83–9.

<sup>112</sup> EUA, Herty Papers, box 101, Herty to Garvan, 7 May 1919.

<sup>113</sup> NARA, RG 131, UD 143, *Patents*, undated [1927].

*Chemical Foundation*, a corporation created in February 1919 by the APC and American producers, purchased about 4,500 German-owned patents only for \$271,000. That price largely underestimated the real value of the intellectual property, which was estimated to correspond to \$8 million. It was Wilson himself who approved the private sale of those patents, derogating from the ordinary procedure. The goal of the *Chemical Foundation* was perfectly coherent with economic nationalism. "The licenses must be all American, whether an individual or a corporation, ability, and equipment to manufacture under the license, and general market conditions as to needs and requirements of the chemical trade."<sup>114</sup> As a result, from that moment on, American chemical firms could obtain a license from the Chemical Foundation to use a patent in exchange for a fee, and each patent could be simultaneously exploited by many firms. Until the early 1940s, the Chemical Foundation collected about \$7.5 million in royalties and another \$1 million from other sources. During the same period, it invested a large sum in chemistry research, and other initiatives oriented to the spread of chemical education in schools and elsewhere.<sup>115</sup> To be appointed as president of the corporation was Garvan; in the meantime, he was still leading the APC. Unsurprisingly, the scholar Herty described him as the 'the strongest ally the chemists have had.'<sup>116</sup> Garvan was not the only APC official to get a relevant position in the Chemical Foundation's executive staff. Joseph H. Choate Jr., who had overseen investigations to find enemy firms in the chemical sector, became a top manager of the new corporation. Thanks to the support offered by physicians and pharmaceutical associations, scholars, scientists, and private firms, the *Chemical Foundation* was committed to promoting economic nationalism in public opinion as well as within government circles and defending wartime conduct. Especially Garvan was active in this persistent propaganda, also involving the most prominent American universities and scholars.<sup>117</sup> Likely, in the 1920s, the chemical concern lobbied hard for Congress to hinder restitution and avoid official investigations.<sup>118</sup> In 1922, Miller challenged the ownership of patents by claiming that sales had been unfair and irregular, and the APC is-

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<sup>114</sup> EUA, Herty Papers, box 101, Chemical Foundation to Herty, 6 Jun. 1919.

<sup>115</sup> Kathryn Steen, "Patents, Patriotism, and 'Skilled in the Art' USA v. The Chemical Foundation, Inc., 1923-1926," *Isis* 92, 1 (2001), pp. 91-122. See also Coben, *A. Mitchell Palmer*, pp. 147-8, and Coates, *The Secret Life*, pp. 156-60. On the lawsuit against the Chemical Foundation, see NARA, RG 131, UD 9.

<sup>116</sup> EUA, Herty Papers, box 101, Herty to Garvan, 8 Apr. 1920.

<sup>117</sup> See documents in EUA, Herty Papers, boxes 101 and 103. On the conference of Garvan at Yale University, see LoC, Moore Papers, box 204, Borchard to Moore, 21 Apr. 1921.

<sup>118</sup> See letters and petitions sent to the Department of State, like that one in NARA, RG 59, Entry 3656, Frederic Beall West to Charles E. Hughes, 16 Aug. 1922. Cf. also telegrams sent to Borah, in LoC, Borah Pa-

sued a suit against the *Chemical Foundation*. But in 1926 courts, including the Supreme Court, agreed with the latter and confirmed the lawfulness of patents' confiscation. On some occasions, German firms reached special agreements with the *Chemical Foundation* for the ownership of their previous patents. *Schering AG*, a pharmaceutical company that was strongly oriented to foreign markets, came back into possession of its licenses and patents thanks to a legal trick. It did not directly operate in the U.S. market, but it did so through a subsidiary, *Schering & Glanz*, that was legally an American-incorporated company. Claiming to be the owner of patents due to their long-term use before and after the war, in 1929, the latter signed an agreement with the *Chemical Foundation* for the transfer of intellectual property and then sold all patents and licenses to its parent company in Germany.<sup>119</sup>

As shown by *Schering's* case, preventing German competitors from returning to the American market was not wholly successful. In a few years, like in other European countries, the chemical and pharmaceutical industry regained a relevant position within the United States.<sup>120</sup> It demonstrated that despite economic nationalism American companies still needed foreign partners to be competitive in the country and abroad, and did not wholly embrace economic nationalism. German companies acquired a relevant position also in new sectors, such as the production of celluloid and other relevant chemical materials for the film industry, and established new partnerships with American firms. Likewise, many German economic actors bypassed restrictions on the U.S. market by other means such as subsidiaries or the employment of naturalized managers (like the director of *Siemens* American branch, Karl Georg Frank, or the Warburg family members who were American citizens).<sup>121</sup> At the same, however, the recovery did not reach the prewar levels. The German chemical concern, *IG Farben*, and other relevant companies (like *Bosch*) found serious obstacles to re-enter the former enemy markets.<sup>122</sup> Despite supporting liberal policies in international economic relations, German companies faced the consequences of wartime economic nationalism. In the chemical sector, for instance, the development of strong na-

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pers, box 105. See also "American Chemistry Menaced," *The American Journal of Clinical Medicine* 29, 8 (Aug. 1922), pp. 547–50.

<sup>119</sup> Christopher Kobrak, *National Cultures and International Competition: The Experience of Schering AG, 1851-1950* (Cambridge: Cambridge University Press, 2002), pp. 159–67.

<sup>120</sup> Scholtyseck, "Ein transatlantischer Wirtschaftskrieg im globalen Wettstreit," pp. 307–9.

<sup>121</sup> Link, *Die Stabilisierungspolitik*, pp. 367–74, and Wilkins, *The History of Foreign Investment in the United States, 1914-1945*, pp. 115–21.

<sup>122</sup> Gottfried Plumpe, *Die I.G. Farbenindustrie AG: Wirtschaft, Technik und Politik 1904-1945* (Berlin: Duncker & Humblot, 1990), pp. 124–9.

tional concerns hindered German actors from regaining previous world market hegemony.<sup>123</sup> More generally, in the interwar period, German investments in the United States were marginal and very limited. Unlike the prewar situation, additionally, they were wholly absent from the oil and mining sectors as well as from public utilities and banking or insurance businesses.<sup>124</sup> In the end, economic nationalism did not become the mainstream force determining trade policy in the United States. Supporters of it had to come to terms with a strong liberal consensus with deep roots in the American political discourse and, on the other hand, the need for the national industry to rebuild solid economic and financial relations with foreign partners, especially German ones. Nonetheless, the expropriation of enemy property, and the spread of economic nationalism, left its mark on the industrial development and economic structure. Though not integral, Americanization reached significant results in strategic sectors and significantly contributed to excluding enemy subjects (notably Germans) from the national market.

*What To Do? The Restitution of Small Property in March 1923*

Once Warren G. Harding, a Republican Senator from Ohio, was elected President after Wilson, the policies toward the German property still held by the APC seemed to take a different course. In March 1921, the new President appointed Thomas W. Miller (1886–1973) as Garvan’s successor at the head of the APC, and he served in that position until his resignation in 1925 because of a corruption scandal. Being one of the founders of the American Legion, a war veterans’ organization, Miller seemed a pleasant choice for nationalist circles, damaged citizens’ associations, and American businesspeople who were hostile to returning the enemy property. Yet the new Custodian embraced a different attitude. He stopped the liquidation of seized property and launched investigations into sales concerning German companies’ licenses. Overall, he showed his readiness to negotiate with German counterparts an agreement to restore war damages and return private property.<sup>125</sup>

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<sup>123</sup> Peter Hayes, *Industry and Ideology: I. G. Farben in the Nazi Era* (Cambridge: Cambridge University Press, 1987), pp. 12–34, Plumpe, *Die I.G. Farben*, pp. 100–14, 120–4, 129–30, and Wilkins, *The History of Foreign Investment in the United States, 1914-1945*, pp. 122–34. See also Harm Schröter, “Risk and Control in Multinational Enterprise: German Businesses in Scandinavia, 1918-1939,” *The Business History Review* 62, 3 (1988), pp. 420–43.

<sup>124</sup> Wilkins, *The History of Foreign Investment in the United States, 1914-1945*, p. 391.

<sup>125</sup> “Seized Property Up,” *Washington Post*, 17 Mar. 1921, and “May Soon Restore Aliens’ Property,” *Evening Star Washington*, 25 Mar. 1921. See also YA, Borchard Papers, box 60, “Speech by Thomas W. Miller, Alien Property Custodian, Before the National Republican Club of New York City,” 14 Jan. 1922.



Since January 1922, Miller came in contact with German diplomats and American lawyers who were working for the settlement of the issue. One of them was Edwin M. Borchard, a Yale professor of International Law, who acted as a lawyer representing some German companies and was close to the embassy. In a letter to Miller, he argued that the confiscation of enemy property not only was a lawless measure but also contrary to the American legal tradition and its economic interest in protecting U.S. investments abroad.<sup>126</sup> Negotiations between Miller and German diplomacy led to the creation of the German-American Mixed Claims Commission, a bilateral semi-judicial organ that was tasked with examining American war damages claims to be restored and military occupation costs.<sup>127</sup> The commission, however, merely determined the extent of war damages but how to pay back the acknowledged losses was still an open question.<sup>128</sup> Altogether, in more than a decade of activity, the German-American Mixed Claims Commission examined about 20,400 claims that were worth more than \$200 million.<sup>129</sup> Significantly, that kind of organ was a permanent forum of the bilateral relationship between the two countries, and thus the diplomatic dialogue on financial issues never interrupted and contributed to solving the controversy over private property.

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<sup>126</sup> PAAA, Washington 1316, Borchard to Miller, 18 Jan. 1922.

<sup>127</sup> See documents of the Mixed Claims Commission in *Reports of International Arbitral Awards. Mixed Claims Commission (United States v. Germany) Constituted under the Agreement of August 10, 1922, Extended by Agreement of December 31, 1928*, 7–8 vols. (United Nations, 2006).

<sup>128</sup> Hermann Janssen, *The Return of Seized Private Property to German, Austrian and Hungarian Nationals in 1928: History and Structure of USA War Claims Settlement Act 1928* (Düsseldorf: Econ-Verlag, 1955), pp. 46–8, and Gathings, *International Law*, p. 90.

<sup>129</sup> Scholtyseck, “Ein transatlantischer Wirtschaftskrieg im globalen Wettstreit,” p. 306.



[Fig. 4.5, Thomas W. Miller, 1920, <https://lccn.loc.gov/2014710298>]

At the same time, in Congress, the restitution became a matter of dispute. On one hand, the champion of U.S. isolationism William Borah (Idaho-Rep.; 1865–1940) became the most prominent supporter of the complete restitution of seized assets to former owners. His position was strongly influenced by Borchard, who was lobbying on behalf of German business circles and drafted many bills concerning the return of seized property.<sup>130</sup> Private citizens, some of whom lived in his constituency, played a role, too.<sup>131</sup> After gaining notoriety for his vocal opposition to the Treaty of Versailles, Senator Borah embodied the response to Wilsonianism also in the domestic sphere for many actors such as the majority of the Republican party or the German immigrant community, whose economic interests had been heavily damaged by the APC. In sum, all of them looked at him as the outstanding voice who could reverse the previous attitude, thanks also to the new course in the administration. But Borah faced stubborn opposition. Senators like Oscar W. Underwood (Alabama-Dem.) or Henry Cabot Lodge (Massachusetts -Rep.), associations like the *Lusitania Claimants Committee*, some American companies and chambers of commerce, and also

<sup>130</sup> See letters between Borah and Borchard in LoC, Borah Papers, box 105, and PAAA, R 95329, Notes by de Haas, 15 Jul. 1921.

<sup>131</sup> LoC, Borah Papers, box 105, Falck Mercantile Company (Idaho) to Borah, 27 Dec. 1921, Max Lowy (Kern Company, New Orleans) to Borah, 14 Feb. 1922, and Lafferty a Borah, 27 Mar. 1922, and similar letters in box 127.

the State Department led by Charles H. Hughes were contrary to restitution.<sup>132</sup> Also, the veterans' organization American Legion joined the opposition to Borah's bill.<sup>133</sup> Some authors challenged the legal argument that the liquidation of enemy property resulted in its confiscation. According to one of them, on the contrary, such an idea was only a rhetorical 'myth' promoted by pro-German propagandists. There was no confiscation since the Treaty of Versailles, and that of Berlin too, granted dispossessed Germans, Austrians, and Hungarians the right to claim compensation from their government.<sup>134</sup> Whether defeated states were able to compensate those citizens or not was considered irrelevant to the choices to be taken by the U.S. government. Behind such a heterogeneous coalition, there was a mix of private interests, anti-German hostility, economic nationalism, and diplomatic cautions. 'Why are some many of our leading statesmen inclined to be so punctilious and ethical for the welfare of German interests?' was the provocative question raised by a private citizen to Borah.<sup>135</sup> Another telegram stated outraged: 'Your protecting German individuals' interest before Americans is a shame. It proves you haven't an idea of what was going on in Germany before and during the late war.'<sup>136</sup> On the other hand, commenting on Underwood's bill to definitely confiscate all German property, Borchard stated that 'the shellshock under which the makers of the Treaty of Versailles suffered, is still evident in the utterances of some of the men in our Congress.'<sup>137</sup> The persistence of those feelings in public opinion, even four years after the end of WWI, showed how hard it was to get rid of wartime passions and divisions in order to reach a full 'demobilization of spirits.'

After months of negotiations, in December 1922, during a Congressional session, Miller proposed the restitution of small property, namely assets whose worth was no more than \$10,000. Going beyond the examples of the UK, Italy, Belgium, and Japan,<sup>138</sup> the APC was willing to return most trusts (over 28,000) to ordinary people, removing the 'hateful'

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<sup>132</sup> See letters to Miller in NARA, RG 131, UD 9, in particular petitions sent by the New York Chamber of Commerce, 25 Jan. 1925, and 1 Mar. 1923. See also Samuel Flagg Bemis, "Shall We Forget The Lusitania?," *Outlook*, 30 Aug. 1922.

<sup>133</sup> PAAA, R 95330, Borchard to A. D. Lasker (President of the *US Shipping Board*, Washington), 22 Nov. 1921. For the intransigent position of the American Legion in the relations with Germany, see Piller, *Selling Weimar*, p. 129.

<sup>134</sup> William Campbell Armstrong, "The Confiscation Myth," *American Bar Association Journal* 9, 8 (1923), pp. 485–528.

<sup>135</sup> LoC, Borah Papers, box 105, E. S. Ullmann (New York) to Borah, 27 Jul. 1922.

<sup>136</sup> LoC, Borah Papers, box 105, Arnold Ettinger (Atlantic City) to Borah, 21 Jul. 1922.

<sup>137</sup> LoC, Borah Papers, box 105, Borchard to Borah, 21 Jul. 1922.

<sup>138</sup> The APC collected materials coming from other countries, and examined legislative measures taken in all Allied states. For the foreign legislation, see boxes in NARA, RG 131, UD 143.

consequences of economic persecution, but without losing the economic weapon against Germany. According to Miller, therefore, restitution of small property was worth no more than \$125 million, whereas the APC was still entitled to hold about \$450/500 million of unliquidated enemy property to restore war damages suffered by American citizens.<sup>139</sup> During the congressional hearings, Miller dealt with the reluctance of congressmen and War Department officials who especially defended the chemical industry's interests. Many of them echoed wartime arguments regarding the weakness of the American chemical industry toward the German one and claimed that confiscation of intellectual property had been the right choice for the country.<sup>140</sup> It was clear that the *Chemical Foundation*, the chemical industry lobby—whose president was the former Custodian Garvan—had a strong influence on the federal government and Congress. On the other side, Borchard, too, joined Congress hearings. He sought to persuade congressmen to release all enemy property without a threshold or linking to reparations, insisting on the importance of the traditional respect of property rights and the national interests to be a safe market for foreign investments.<sup>141</sup>

Despite criticisms coming from Borchard and other pro-restitution voices (as shown in the minority report by the Committee on Interstate and Foreign Commerce), Congress finally passed the law (the so-called Winslow Act) in March 1923.<sup>142</sup> It was one of the most generous provisions in terms of property restitution to former enemy citizens, notably Germans, especially if compared with similar measures adopted in the early 1920s in the other Allied states. Furthermore, citizens of neutral citizenship or stateless persons were entitled to get all their assets back (including intellectual property in case it had not yet been liquidated). Still, the major weakness was the procedural system set by the law. Former enemy citizens were not entitled to automatically get property back but had to apply for restitution. Many of them did not live in the United States anymore and faced hurdles in communication as well as in fiscal matters and inheritance rights.<sup>143</sup> Also, American citizens whose property had been seized by the APC since they were residing in enemy territo-

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<sup>139</sup> *Alien Property: Hearings Before the Committee on Interstate and Foreign Commerce, House of Representatives, Sixty-seventh Congress, Fourth Session, on H.R. 13496*, Session 22 Dec. 1922, pp. 4–16.

<sup>140</sup> See declarations of Col. Hull (War Department), and Pickens Neagle (Legal Office of the Navy) in *ivi*, pp. 45–84.

<sup>141</sup> *Ivi*, pp. 195–235. See also LoC, Moore Papers, box 198, Borchard to Moore, 19 Jan. 1923.

<sup>142</sup> Amending the Trading with the Enemy Act, Report, Mr. Newton of Minnesota from the Committee on Interstate and Foreign Commerce, February 8, 1923.

<sup>143</sup> “Zur Freigabe deutschen Eigentums in Amerika,” *Auslandswarte*, 3, 8 (1923), pp. 110–1.

ry experienced similar problems.<sup>144</sup> Between 1923 and 1924, an APC's special commission came to Germany to collect applications for restitution,<sup>145</sup> but until the summer of 1925 authorities processed barely half of the 22,000 applications received.<sup>146</sup> According to the APC annual report in 1926, about \$42 million had been restored according to the Winslow Act's provisions, while the majority of restitution followed other ways.<sup>147</sup> Major problems emerged in cases involving companies.<sup>148</sup> Only in May 1926, thanks to a new amendment, Congress eased the procedures.

*The Restoration of the American Tradition: The Struggle for the Restitution of Enemy Property*

In no other country, partly but for the UK and Belgium, the treatment of enemy property raised such a lively public debate as in the United States. Throughout the 1920s, Congress, newspapers, and journals discussed whether German-seized assets should be either released or confiscated, but controversy also concerned the U.S. policy toward German recovery and European matters as well as the role of the country in the re-establishment of the world economy. As in the UK, the dispute over enemy property involved crucial political themes such as property rights and liberalism. Amid a fierce struggle over Wilsonianism and the future position of the United States in the postwar arena, as well as during the presidential elections in 1920, several authors, journalists, and legal scholars criticized the government for the systematic violations of civil rights in wartime and during the Red Scare. The persecution of enemy aliens, as well as foreigners or political activists, fostered the spread of nativist and xenophobic sentiment in public opinion. Disappointed by Wilson, progressive and liberal circles were also concerned about the peace treaties and the attacks on the capitalist system coming from Bolshevism and wartime planned economy.<sup>149</sup> Mistreatment of property rights and economic nationalism might have promoted monopolistic, or oligopolistic, industrial concentration, but they also feared that it could foster a protectionist turn in international trade. Oddly enough—as progressive intellectuals claimed—what was criticized about the German Empire's autocratic economic and political system threatened to occur in the United States because of policies regarding the treatment of enemy aliens' property rights. Together with them, economic lobbies, law-

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<sup>144</sup> Gathings, *International Law*, pp. 94–5.

<sup>145</sup> See documents in NARA, RG 131, UD 11.

<sup>146</sup> Both Lilienthat, "Das deutsche Eigentum in Amerika," *Auslandswarte*, 5, 8 (1925), pp. 3–4.

<sup>147</sup> "Das deutsche Eigentum in Amerika," *Auslandswarte*, 6, 7 (1926), p. 219.

<sup>148</sup> Gathings, *International Law*, pp. 96–7.

yers, judges, scholars, congressmen, German newspapers, associations representing immigrants of German origin, and private citizens joined that campaign to persuade the federal government and Congress to release seized property. All of them, typically, based their reasoning on a peculiar mix of legal and historical arguments with calls to restore morality and realistic considerations regarding American private interests abroad. That combination of realism, legalism, and moralism demonstrated the diversity of interests and positions within that liberal coalition.

Most critical voices came from legal scholar circles. Some lawyers published pamphlets asking for the release of the enemy property and criticizing the government.<sup>150</sup> Among them, there was also Arthur Garfield Hays, champion of civil rights in the first half of the 20<sup>th</sup> century and one of the co-founders of the American Civil Liberties Union.<sup>151</sup> Yet, as in the case of Abraham W. Lafferty—a former congressman who had served as an official at the APC during the war and then turned into a lawyer of many former enemy citizens—many of them were in contact with the German embassy, and private companies, and thus their efforts were part of the German strategy to influence public opinion.<sup>152</sup> Similar attempts were rarely successful.

There were also prominent voices that supported that view. One of them was John Bassett Moore (1860–1947). Professor of International Law at Columbia University, he probably was the most well-known American legal scholar in the field of international law. He had served as a legal advisor of the Department of State on several diplomatic disputes and arbitration almost uninterruptedly between the 1880s and 1914, and after WWI was elected as the U.S. judge at the Permanent Court of International Justice until resigning in

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<sup>149</sup> Piller, *Selling Weimar*, pp. 52–3.

<sup>150</sup> Alfred E. Clark, *The Enemy Property Seized During the War* (Oregon: Clark, Middleton & Clark, 1920), Michael Hoke Smith, *The Return of German Property Seized by the United States During the World War* (Washington: Press of Byron S. Adams, 1922), or Iredell Meares, *The Confiscation Fact: Or, National Honor Demands the Return of Enemy-Owned Property* (Wilmington: Star publishing Company, 1924).

<sup>151</sup> Arthur Garfield Hays, *Enemy Property in America: A Survey of the Trading with the Enemy Act, the Decisions of the Courts Under That Act, the Traditions and Policies of the United States Government with Regard to Enemy Property, Together with the Text of the Act Annotated, the Treaties of Peace with Germany and Austria, and Provisions of the Versailles Treaty Relating to Enemy Property* (Albany: Bender & Co., 1923). See also “Feindliches Eigentum in den Vereinigten Staaten von Amerika,” in Hans Krüger et al., eds., *Die Beschlagnahme, Liquidation und Freigabe deutschen Vermögens im Auslande unter Benutzung amtlichen Materials*, (Berlin: Heymann, 1924), pp. 129–42.

<sup>152</sup> Phelan Beale, Schnitzler Paul C., and A. W. Lafferty, *In Re Causa of German Property Owners* (New York: The Evening Post Job Printing Office, 1921), and A. W. Lafferty, “Should America Return Private German Property,” *Illinois Law Review* 15 (1920–1921), pp. 79–98.

1928.<sup>153</sup> In the mid-1920s, Moore published a book—significantly entitled *International Law and Some Current Illusions*—deploring the drift taken by states and international legal doctrine. As he argued, since 1914 statesmen and public opinion had increasingly talked about morality and democracy in international affairs and emphasized the relevance of international law but in the meantime, belligerents’ wartime practices showed ‘the progressive degradation of its standard of conduct.’<sup>154</sup> Even more disturbing for Moore was that peace treaties did not stop this process but contributed to codifying it. The violation of property rights by confiscating enemy aliens’ assets represented one of the most blatant examples since it marked the dissolution of the distinction between combatants and non-combatants. Illusions of progress, as Moore argued, concealed a retreat toward backward conceptions that ultimately threatened civilization. In the American case, in particular, Moore underlined the contrast between the national legal tradition—rooted in Hamilton’s writings and diplomatic practice—and the deviation taken by the U.S. government during the war.<sup>155</sup> As a result, restoring property rights was the only way to re-establish American dignity and morality.

The jurist who was mostly involved in the fight against the confiscation of enemy property was Edwin M. Borchard (1884–1951). Being a pupil and close friend of Moore, he shared with him a strong realist, liberal, and pro-business approach to international law as well as a traditional stance on the matter of internationalism. Opposing the U.S. entry into the war in 1917, in the ensuing years, Borchard became very skeptical toward Wilsonianism and his fight for democracy, considering it too much pro-British and detrimental to the U.S. interest. Hostility toward the Versailles Treaty and the League of Nations was rooted in his anti-imperialist and liberal view of international affairs. While some authors have enlisted him among isolationist hardliners in the interwar period,<sup>156</sup> still, Borchard’s vision embodied an alternative internationalism to Wilsonianism, closer to legal realism and the

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<sup>153</sup> Edwin Borchard, “John Bassett Moore,” *American Bar Association Journal* 32, 9 (1946), pp. 575–82, and Edwin Borchard, “In Memoriam: John Bassett Moore,” *The American Journal of International Law* 42, 1 (1948), pp. 98–101.

<sup>154</sup> John Bassett Moore, *International Law and Some Current Illusions and Other Essays* (New York: MacMillan, 1924), p. 24.

<sup>155</sup> Ivi, pp. 1–39.

<sup>156</sup> Selig Adler, *The Isolationist Impulse: Its Twentieth-Century Reaction* (London ; New York: Abelard-Schuman, 1957), *passim*.

so-called ‘dollar diplomacy’ of the early 20<sup>th</sup> century.<sup>157</sup> Far from supporting the disentanglement of the United States from the rest of the world, or any nationalist and autarkic agenda, Borchard aimed at re-establishing global connections, especially on economic and financial terms, similarly to as they were before WWI. Only a solid system of protection of private property and a minimum standard of treatment for foreigners might have restored the world economy. Together with Moore and Borah, in the interwar period, he was committed to re-establishing what he deemed the historically rooted ‘true’ American legal and political tradition in international affairs and thus worked to support U.S. neutrality, especially in the late 1930s and 1940s.<sup>158</sup> During WWII, Borchard became the inspirator of the America First Committee, founded by some of his students including the future U.S. President Gerald Ford.<sup>159</sup>

In the 1920s, however, much of his academic and political activity was devoted to fighting against confiscatory policies toward enemy citizens. In a letter to Moore, he expressed his outrage for the APC and Palmer. ‘The more I learn of what the A.P.C. has done, the more do I feel the disgrace he has put on our country. If the wanton and malicious destruction of private property is a mark of Bolshevism, then Palmer is the Bolshevik *par excellence* in the U.S.’<sup>160</sup> In his view, the liquidation of the enemy property was a dangerous precedent in international law, since it weakened one of the pillars of capitalist globalization such as the protection of private property. ‘It was a shock to find that the Treaty [of Versailles] adopts the principle of the practical confiscation of private enemy property and investments. [...] It constitutes an assault from above upon the sanctity of

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<sup>157</sup> For a critical account of the category of isolationism in U.S. history, see Brooke L. Blower, “From Isolationism to Neutrality: A New Framework for Understanding American Political Culture, 1919–1941,” *Diplomatic History* 38, 2 (2014), pp. 345–76.

<sup>158</sup> On his biography, see Herbert W. Briggs, “In Memoriam: Edwin M. Borchard, 1884–1951,” *The American Journal of International Law* 45, 4 (1951), pp. 708–9, and Charles E. Clark, “Edwin Borchard,” *The Yale Law Journal* 60, 7 (1951), pp. 1071–72. Cf. Justus D. Doenecke, “Edwin M. Borchard, John Bassett Moore, and Opposition to American Intervention in World War II,” *Journal of Libertarian Studies* 6, 1 (1982), pp. 1–34, Jonathan Zasloff, “Law and the Shaping of American Foreign Policy: The Twenty Years’ Crisis,” SSRN Scholarly Paper (Rochester, NY: Social Science Research Network, 2003), pp. 9–13, Hatsue Shinohara, *US International Lawyers in the Interwar Years: A Forgotten Crusade* (Cambridge: Cambridge University Press, 2012), and Benjamin Allen Coates, *Legalist Empire: International Law and American Foreign Relations in the Early Twentieth Century*, (New York: Oxford University Press, 2016), pp. 80, 168, and 175. See also David J. Bederman, “Appraising a Century of Scholarship in the American Journal of International Law,” *The American Journal of International Law* 100, 1 (2006), pp. 20–63, and Olivier Zajec, “Legal realism et international realism aux États-Unis dans l’entre-deux-guerres. Les convergences réformistes négligées de la science politique et du droit,” *Revue française de science politique* 65, 5–6 (2015), pp. 785–804.

<sup>159</sup> Walter Block, ed., *I Chose Liberty: Autobiographies of Contemporary Libertarians* (Auburn: Ludwig von Mises Institute, 2011), p. 189.



private property at a time when that institution, which lies at the foundation of our social structure, is being challenged from below in a degree never before known.”<sup>161</sup> Defending the investments abroad from unlawful confiscation represented a crucial element of his scientific beliefs and political action.<sup>162</sup> Furthermore, like German statesmen such as Stresemann or Rathenau, he believed that only the German economic recovery could solve the European political stability and help the United States rebuild the world economy.<sup>163</sup> Consequently, returning enemy property could open a new phase in postwar international relations, and restore investors’ confidence. ‘How can we in an industrial age, when the whole economic system depends upon the mobility of capital, put this cancer into the system by which at the outbreak of unpleasantness with any country the private property of enemy citizens is immediately jeopardized and perhaps wiped out?’<sup>164</sup>

Behind his genuine commitment to the protection of property rights, yet, there were other reasons. In addition to teaching at the Yale Law School, in the 1920s and 1930s, Borchard worked as a lawyer and legal consultant for many American and German firms—such as Standard Oil, the Riedemann family, or the electric colossus AEG— as well as banks, the DAW, and prominent personalities (like the president of the German central bank Hjalmar Schacht). Thus, he was often committed to reaching restitution of seized property for some of his clients and actively lobbied on their behalf. Also, he was in close contact with the German embassy in Washington. Finally, it is worth mentioning that Borchard came from a German-Jewish family who migrated from Poznan to the United States in the 1860s, and many of his relatives still lived in Germany at that time.<sup>165</sup> Despite being fully assimilated into American society, Borchard never lost his family ties with Germany. Throughout the 1920s, he visited his family’s country of origin on several occasions, and in

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<sup>160</sup> LoC, John Bassett Moore Papers, box 42, Borchard to Moore, 28 Jul. 1920.

<sup>161</sup> Edwin M. Borchard, “Common Sense in Foreign Policy,” *The Journal of International Relations* 11, 1 (1920), p. 39.

<sup>162</sup> See, for instance, his activity at the International Law Association: “Protection of Private Property,” *International Law Association Reports of Conferences* 36 (1930), pp. 301–62, and “Private Property,” and “The Effect of War on Enemy Property,” *International Law Association Reports of Conferences* 37 (1932), pp. 58–64, and 245–8.

<sup>163</sup> On the awareness of Stresemann and Rathenau about the importance of the United States for the economic recovery of Germany, see Gerald D. Feldman, *The Great Disorder: Politics, Economics, and Society in the German Inflation, 1914-1924* (New York ; Oxford: Oxford University Press, 1997), pp. 148–9, and Berg, “Germany and the United States,” p. 81, and Manfred Berg, *Gustav Stresemann und die Vereinigten Staaten von Amerika: weltwirtschaftliche Verflechtung und Revisionspolitik 1907-1929* (Baden-Baden: Nomos, 1990).

<sup>164</sup> *Alien Property: Hearings Before the Committee on Interstate and Foreign Commerce, House of Representatives*, Session of 11 Jan. 1923, p. 212.

<sup>165</sup> His family tree is available at <https://www.geni.com/people/Edwin-Borchard/6000000004315598885>.

1925 became the first scholar to spend a three-month visiting period at the University of Berlin since the end of the war.<sup>166</sup> Unsurprisingly, Borchard was in touch with German diplomats and ambassadors,<sup>167</sup> while Berlin's diplomacy and victims' associations made all efforts to leverage his reputation and prestige to delegitimize the Versailles system and spread the opposition toward the liquidation of enemy property.<sup>168</sup>



[Fig. 4.6, Edwin Borchard, 1937, <https://lccn.loc.gov/2016871458>]

Together with Borchard, many leading intellectuals, jurists, and politicians shared that position. As early as 1920, *The Nation*—a progressive journal headed by Oswald Garrison Villard—openly criticized Palmer and denounced the corruption in the APC's administration.<sup>169</sup> Later, another progressive journal, *The New Republic* whose head was Herbert Croly, joined that press campaign. Editorials and anonymous articles repeatedly attacked

<sup>166</sup> "Yale Professor Honored," *New York Times*, 30 Jul. 1925. On the academic relations between Germany and the United States, see Piller, *Selling Weimar*, pp. 211–73.

<sup>167</sup> PAAA, Washington 1317, Borchard to Baron von Thermann, 5 Jul. 1922.

<sup>168</sup> BArch, R 2/1040, Ministry of Foreign Affairs to Finance, Dec. 1924, and ADLC, BIP11/47, *Bund der Auslandsdeutschen* to Aristide Briand and Ramsay MacDonald, 28 Mar. 1924. Cf. also A. E. Ritchie, "Liquidated German Property," *The Saturday Review of Politics, Literature, Science and Art* 148, 17 Aug. 1929, pp. 183–4.

the government and Congress, demanding the unconditional return of enemy assets. The author of those attacks was often Borchard.<sup>170</sup> Besides *The Nation*, other journals like *Foreign Affairs*<sup>171</sup> and *The American Monthly*<sup>172</sup> shared a similar view. The *Foreign Policy Association* led by James G. McDonald sided against the confiscation of German property and supported its integral restitution,<sup>173</sup> and was endorsed by John Foster Dulles and former Attorney General under Taft administration George W. Wickersham.<sup>174</sup> According to Dulles, in particular, the American economic and financial hegemony was at stake. He believed that the Allies wanted ‘to force us to use the confiscated German property to satisfy our claims,’ since they feared the negative consequences of restitution for them. ‘They realize what a tremendous prestige would be given American investments and deposits in American banks if we should return seized property, whereas they have confiscated it. I know that foreign bankers are exceedingly anxious to put us in a position where we will not have this great advantage over them which will influence future banking and investing relations. The attitude of the foreign bankers in this respect affords, of course, convincing evidence of the practical advantage which we would gain in following the course which is dictated by international morality.’<sup>175</sup> In his case, too, realistic considerations mixed with the call to morality.

Those initiatives did not go unnoticed by the German embassy. Gradually aware of the importance of public diplomacy, as Elisabeth Piller has recently highlighted,<sup>176</sup> German ambassadors and diplomats in Washington not only informed the Ministry of those actions but were committed to promoting the circulation of materials and connecting those voices among each other.<sup>177</sup> German private business closely followed the American debate over

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<sup>169</sup> Canadian, “German Property and Allied Honor,” *The Nation*, January 24, 1920, L.E.X., “Mr. Palmer as Alien Property Custodian,” *The Nation*, June 19, 1920, and A. E. Hinrichs, “The Spread Eagle vs. Alien Property Rights,” *The Nation*, November 10, 1920.

<sup>170</sup> Edwin M. Borchard, “The Alien Property Custodian,” *The New Republic*, 21 Sep. 1921, “The Sequestered Alien Property,” *The New Republic*, 2 Aug. 1922, and Edwin M. Borchard, “The Week,” *The New Republic*, 7 Aug. 1922.

<sup>171</sup> “How America Has Dealt And Is Dealing With Ex-Enemy Property,” *Foreign Affairs*, 5, 10, Apr. 1924, pp. 200-201.

<sup>172</sup> Edmund von Mach, “The Alien Property Custodian,” *The American Monthly*, Sep. 1921, pp. 207–11.

<sup>173</sup> “Return All The Alien Property,” *News Bulletin of the Foreign Policy Association*, 7 Jul. 1922.

<sup>174</sup> PAAA, Washington 1317, John Forster Dulles to James G. McDonald, 24 Jun. 1922, and George W. Wickersham to James G. McDonald, 27 Jun. 1922.

<sup>175</sup> PAAA, Washington 1317, John Forster Dulles to James G. McDonald, 24 Jun. 1922.

<sup>176</sup> Piller, *Selling Weimar*.

<sup>177</sup> See, for instance, PAAA, R 95330, Report by the Press Department of the Ministry of Foreign Affairs, 17 Oct. 1921, or Washington 1317, General Consulate in New York to Ministry of Foreign Affairs, 19 May 1922.

the fate of enemy assets and urged diplomacy to somehow intervene.<sup>178</sup> However, efforts to influence U.S. policy proved mostly to be ineffective.

Some high officials of the Harding and Coolidge administrations echoed such a view. According to a report published in 1926 by advisors of the Attorney General, for instance, economic persecution seemed a senseless policy since at that time Germany was unable to be an economic threat to the United States. It was a wartime hysteria whose consequences had been long-lasting and nefarious. 'Many supported the measure, not because they believed either in its wisdom or in its efficacy but because they were unwilling to deny to those responsible for the conduct of the war any power such persons deemed necessary to win the war. The American people accepted the measure in the same spirit.' The report, yet, found an explanation 'in a contagious European hysteria with which we had become infected,' and thus 'in what might be termed a national brainstorm, we abandoned a century and a third of active policy and practice, and joined with war-ridden Europe in turning back for almost a third of a millennium the clock of progress toward humanizing the savagery and suffering of war.'<sup>179</sup> As a result, 'this retreat without justifiable cause approached the proportions of a national disaster. It falsified a century and a third of unvarying policy, it repudiated a principle that we announced in our very first contact with foreign nations, and which we embodied in congressional act at the very first opportunity that was presented. This retreat showed the ease with which private property might be seized in times of trouble it carried with it the sinister suggestion that confiscation might, if desired, be readily accomplished. These are dangerous ideas in the present state of world thought.'<sup>180</sup>

Finally, besides Borah, other congressmen coming from the Republican party or belonging to the Progressive field committed to the pro-restitution cause. The majority of them were representatives of midwestern states (like Wisconsin or Ohio) where the presence of large German immigrant communities pushed them to reverse Democratic and Wilsonian policies. Among them, for instance, there was Robert La Follette (1855–1925), a Wisconsin Senator who ran for the presidency in the 1924 elections as an independent candidate of the Progressive Party.<sup>181</sup> Unsurprisingly, voices coming from the German-

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<sup>178</sup> PAAA, R 80356, *Verein zur Wahrung der Interessen der chemischen Industrie Deutschlands* to Ministry of Foreign Affairs, 7 Oct. 1921.

<sup>179</sup> Martin and Reuben Clark Jr, *American Policy*, pp. 16–7.

<sup>180</sup> Ivi, p. 18.

<sup>181</sup> NARA, RG 131, UD 143, Robert La Follette to Thomas W. Miller (APC), 12 May 1922.

American community took a clear stance, too. For example, the *Steuben Society of America*, a New York-based organization, which had been founded in 1919 with the goals of giving the German-Americans a unitary political action and showing their patriotic loyalty to the United States, and some newspapers in German language (like the *New Yorker Staats-Zeitung*) endorsed those efforts. In their petitions, too, they insisted on legal arguments (by quoting Moore's words), and appeals of restoring the 'moral standard' and the 'national honor' to remedy the wartime hysteria.<sup>182</sup>

*Congressional Negotiations and Economic Nationalists, 1924–1928*

The struggle for the restitution of German assets held by the APC involved Congress and the federal government but faced the resistance of private and public actors. The Winslow Act had only partially solved the issue, while the diplomatic stalemate over German reparations to the Allies froze negotiations concerning the war damages compensation between Germany and the United States. The economic crisis and the hyperinflation that swept the German Republic contributed to leaving the matter unresolved.

In late 1923, as Borchard commented, however, the APC was 'still seizing funds in large amounts and will continue to do so until stopped by Congress. Annuities and interests and dividends, instead of being paid to their true owners are being paid over to him. [...] This whole proceeding is disgraceful, now that the war has been over so long, and should be terminated.'<sup>183</sup> As a result, in January 1924, Harry B. Hawes (Missouri-Dem.) presented a bill to the House of Representatives for the restitution of enemy assets, and an identical proposal was made by Borah to the Senate.<sup>184</sup> Once more, Borchard had drafted that document.<sup>185</sup> On that occasion, however, some impediments brought the initiative to fail. On one hand, the government had not yet taken a clear stance due to the installation of the new Coolidge administration and the ongoing diplomatic talks about the Dawes

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<sup>182</sup> Steuben Society of America, "Return of Alien Property to the Owners," *The Progressive*, 1 Oct. 1925, and "Befürworten Herausgabe deutschen 'Feindeigentums'," *New Yorker Staats-Zeitung*, 7 Nov. 1925. On the *Steuben Society*, see Frederik Luebke, "The Germans," in John Higham, ed., *Ethnic Leadership in America* (Baltimore: Johns Hopkins University Press, 1978), pp. 71–4, and Piller, *Selling Weimar*, p. 179.

<sup>183</sup> LoC, Borah Papers, box 146, Borchard to Borah, 11 Dec. 1923.

<sup>184</sup> H. R. 5850, To Repeal an Act entitled "An Act to define, regulate and punish trading with the enemy, and for other purposes", 68th Congress, 1st Session, 21 Jan. 1924, and S. 2505, To Repeal an Act entitled "An Act to define, regulate and punish trading with the enemy, and for other purposes", 68th Congress, 1st Session, 16 Feb. 1924.

<sup>185</sup> LoC, Borah Papers, box 146, Borchard to Borah, 13 Feb. 1924.

Plan.<sup>186</sup> At the same time, yet, protests come from the organizations of damaged Americans. In a letter to Borah, a representative of the *Texaco Company*—whose plant in Antwerp had been seriously damaged by German military occupation—argued that his bill lacked effective guarantees to restore war private losses.<sup>187</sup> Since the Dawes Plan did not bring any solution in that regard,<sup>188</sup> the situation was the same one year later, when Borah introduced another bill. Once more drafted by Borchard, it established the abolition of the APC and the restitution of all enemy assets as well as entitled dispossessed owners to appeal against irregular sales (especially in the case of intellectual property).<sup>189</sup> The reaction of opponents was furious. The Texaco Company publicly attacked Borah,<sup>190</sup> and the Western Electric Company did so as well.<sup>191</sup> Another American steamship company urged the APC to resist that possibility.<sup>192</sup> In March 1925, with the support of the U.S. Chamber of Commerce, a group of companies created the *American War Claimants Association* to defend their claims.<sup>193</sup> A group of Democratic senators vigorously opposed Borah's bill, and even the Republican administration was contrary to his plan.<sup>194</sup> Likely, behind such a stance, once again, the Chemical Foundation played a relevant role, since it feared the danger of losing chemical patents and licenses obtained after the end of the war with the APC's collusion. In that situation, Borchard published a long essay in the *New York Times* and a letter to the *New York Tribune's* editor to support Borah's efforts.<sup>195</sup> Among those who strongly challenged the liberal position of Borchard and Moore, there was the legal advisor of the State Department

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<sup>186</sup> LoC, Borah Papers, box 146, Andrew T. Mellon (Treasury) to Chairman of the Committee on Interstate and Foreign Commerce of the House of Representatives, 5 Mar. 1924, and Miller to Borah, 10 Mar. 1924.

<sup>187</sup> LoC, Borah Papers, box 146, C. B. Ames a Borah, 25 Feb. 1924.

<sup>188</sup> Link, *Die amerikanische Stabilisierungspolitik*, pp. 398–9. See also Edwin M. Borchard, "Das beschlagnahmte Privateigentum und die amerikanische Ansprüche," *Deutsche Juristen-Zeitung* 30, 11 (1925), pp. 841–46.

<sup>189</sup> LoC, Moore Papers, box 197, S. 4250, A Bill to repeal entitled "An Act to define, regulate and punish trading with the enemy, and for other purposes," and box 54, Borchard to Moore, 16 Feb. 1925.

<sup>190</sup> LoC, Bassett Moore Papers, box 197, C. B. Ames, *Senator Borah and the Alien Property Fund*, 1925.

<sup>191</sup> William P. Sidley, "How About the Alien Property Fund?" *Nation's Business*, May 1925.

<sup>192</sup> NARA, RG 131, UD 143, *Luckenbach Steamship Company* to APC, 3 Jul. 1925, and *American Steamship Owners' Association* to Frederick C. Hicks (APC), 5 Aug. 1925.

<sup>193</sup> LoC, Bassett Moore Papers, box 198, Moore to Frederick C. Hicks, 6 May 1925, Chamber of Commerce of the United States to Borchard, 10 Jun. 1925, and *To the members of the American War Claimants Association*, 20 Jun. 1925.

<sup>194</sup> LoC, Borah Papers, box 171, Borchard to Borah, 6 Feb. 1925, and 11 Feb. 1925, and Mellon to Borchard, 13 Feb. 1925. Cf. "America May Keep German Property Seized In The War," *New York Times*, 11 Feb. 1925, and "Coolidge's Position on Property," *New York Times*, 13 Feb. 1925. See also "M. Coolidge et M. Borah iront-ils à la rupture?," *L'Information financière, économique et politique*, 13 Feb. 1925, "La restitution des biens allemands provoque un conflit entre MM. Coolidge et Borah," *Paris-soir*, 13 Feb. 1925, and "Zur Frage der Freigabe des deutschen Eigentums in Amerika," *Auslandswarte*, 6, 1 (1926) pp. 19–20.

<sup>195</sup> Edwin M. Borchard, "Alien Property A Deep Issue," *New York Times*, 22 Feb. 1925, and also his letter to the *New York Tribune*, in "By Right of Treaty: Use of German Private Property for American War Sufferers," 26 Oct. 1925.

and professor at Columbia Edgar Turlington. Unlike Borchard, he argued that there was no historical basis for the non-confiscation doctrine in the legal and judicial tradition of the United States. On the contrary, circumstances led to different results, and thus the government was free to take the most convenient stance according to the contingencies.<sup>196</sup>

The debate carried on for at least a year without achieving significant results. It was only in March 1926 that the Coolidge administration changed its position. In the previous months, German diplomacy started a negotiation with American counterparts on a plan, that had been also accepted by German business circles.<sup>197</sup> As a result, the Treasury Department, in particular, released a plan to meet American and German interests consisting of the liberation of private property in exchange for a lump sum from the German state.<sup>198</sup> Embracing liberal arguments, the government experts claimed that the ‘moral justification’ for holding enemy property (and its constitutionality, too) was ‘doubtful.’ Additionally, ‘looking the matter from the standpoint of a great commercial nation,’ they claimed, ‘it would appear sound policy for us to continue as we have in the past to recognize the sanctity of private property of other nationals.’<sup>199</sup> The *American Claimants Association* endorsed it as well, and admitted that the Treasury’s plan could solve ‘a continual cause of disturbance in the relations between the two governments and their nationals.’<sup>200</sup> Once again, Democrats and some Republican congressmen were able to boycott the bill thanks to the imminence of midterm elections. Senator Garner (Texas-Dem.) defined the plan as the ‘most stupendous steal,’ while some newspapers (like the *New York Herald Tribune*) launched a press campaign against the government’s plan. As a result, there was no majority to pass the bill.<sup>201</sup>

Due to the good results for the Republicans, however, Congress examined a new bill presented by Representative William Raymond Green (Iowa-Rep.) that consisted of re-

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<sup>196</sup> Edgar Turlington, “Treatment of Enemy Private Property in the United States before the World War,” *The American Journal of International Law* 22, 2 (1928), pp. 270–91. According to Borchard, his position was strongly influenced by the Department of State that was hostile to return enemy property, see LoC, Moore Papers, box 59, Borchard to Moore, 8 May 1928.

<sup>197</sup> Janssen, *The Return of Seized Private Property*, pp. 54–8.

<sup>198</sup> YA, Borchard Papers, box 55, *Analysis of the Treasury Plan for Liquidation of German and American Claims Settlements*, undated [1926].

<sup>199</sup> YA, Borchard Papers, box 59, *The problem of Germany’s financial obligations towards the United States growing out of the war in connection with the problem of the German private property*, 26 Mar. 1926.

<sup>200</sup> YA, Borchard Papers, box 55, *Reasons for supporting the Treasury Plan for paying American War Claims and returning German Property*, 26 Jan. 1926.

<sup>201</sup> Janssen, *The Return of Seized Private Property*, pp. 58–9.

leasing 80% of the German property and holding 20% of it to pay reparations. Among the provisions contained in the new bill, however, unlike the Borah's, ownership of patents was fully confirmed by the government.<sup>202</sup> The Coolidge administration endorsed it, and German diplomacy also did so. With some hesitations, also Borchard considered it a good compromise 'considering the bad channels into which we have gotten. It is not an ideal settlement, but I presume there is no value in now making any fundamental objections.'<sup>203</sup> It took two years, though, to reach a definitive result.<sup>204</sup> The Settlement of War Claims Act was finally passed by Congress in March 1928. It marked a turning point in the matter of private property and war damages claims. German property (and also Austrian and Hungarian assets) was largely released as in no other winning country. Additionally, it established clear and transparent procedures through an arbitral bilateral commission to compensate Americans and, remarkably, Germans who suffered pecuniary losses deriving from wartime measures. According to the law, German ships, intellectual property, and telegraphic stations were held by the APC as a pledge to pay war damages.<sup>205</sup> Borchard welcomed that provision as evidence of American wisdom, and difference, against European policies (mostly British ones). 'By refusing to follow that retrogressive precedent, the United States has furnished the world with an example of good judgment and integrity of far-reaching importance in international relations, possibly greater in its constructive effect than the signature of treaties to maintain peace by force.'<sup>206</sup> Gustav Stresemann regarded it as the opening of a new phase of German-American relations,<sup>207</sup> and similarly, Theodor Heuss did so.<sup>208</sup> The United States, albeit with too much emphasis, was seen as the only liberal power in the international sphere that could oppose the Franco-British entente, and especially German observers regarded it as a key player for international economic stabil-

<sup>202</sup> LoC, Borah Papers, box 221, Borchard to Borah, 14 Dec. 1926.

<sup>203</sup> LoC, Borah Papers, box 240, Borchard to Borah, 10 Feb. 1928.

<sup>204</sup> Janssen, *The Return of Seized Private Property*, pp. 62–73.

<sup>205</sup> Gathings, *International Law*, pp. 97–8, Janssen, *The Return of Seized Private Property*, pp. 74–93, and Edwin M. Borchard, "The Settlement of War Claims Act of 1928," *The American Journal of International Law* 22, 2 (1928), pp. 373–9. See also Hans W. Baade, "Die Behandlung Des Deutschen Privatvermögen in Den Vereinigten Staaten Nach Dem Ersten Und Zweiten Weltkrieg," in *Der Schutz des Privaten Eigentums im Ausland. Festschrift für Hermann Janssen zum 60. Geburtstag* (Heidelberg: Verlagsgesellschaft Recht und Wirtschaft, 1958); Burkhard Jähncke, "Die Bemühungen privater Interessenvertreter um die Freigabe des deutschen Vermögens in den USA nach dem Ersten und Zweiten Weltkrieg," in Michael Wala, ed., *Gesellschaft und Diplomatie im transatlantischen Kontext: Festschrift für Reinhard R. Doerries zum 65. Geburtstag* (Stuttgart: Franz Steiner Verlag, 1999), pp. 345–54; Michael Wala, *Weimar und Amerika: Botschafter Friedrich von Prittwitz und Gaffron und die deutsch-amerikanischen Beziehungen von 1927 bis 1933* (Stuttgart: F. Steiner, 2001), pp. 25–36.

<sup>206</sup> Edwin M. Borchard, "American Foreign Policy," *The Saturday Review of Literature*, 22 Sep. 1928, p. 145.

<sup>207</sup> "M. Stresemann expose la situation économique de l'Allemagne," *La Volonté*, 19 Apr. 1928.



ity.<sup>209</sup> The restitution of seized property encouraged the re-establishment of solid economic relations at a global level. In 1928, the *Deutsche Bank* was able to recover 13 million marks,<sup>210</sup> which was, though, only a small part of its \$4.3 million seized assets.<sup>211</sup> Still, procedures went slow. Until April 1929, applications for restitution were 2,855 but only a minority of them had been examined by the U.S. authorities. As a result, 1,740 applications were still pending and the released property was worth about \$111 million.<sup>212</sup> Once again, inheritance rights and other legal obstacles slowed the process.<sup>213</sup>

### *Scandals*

Like in other countries such as France or Italy, where official investigations revealed exorbitant gains irregularly made by profiteers and ‘sharks’ (*pescecani*), in the United States something similar occurred. Once the war was over, and Wilson’s presidency as well, public opinion raged against him and the Democrats, and the Republican administrations launched many inquiries, especially into the APC’s management. ‘These investigations, as the American historian Walter S. Sanderlin claimed, were a prominent and inevitable phase of the post-war reaction.’<sup>214</sup> Resentment and outrage were among the most common and dangerous long-lasting consequences that each belligerent country had to face in the post-war decades. Denouncing corruption was aimed at political purposes. In the case of investigations into the APC and its staff, raising scandals and opening trials were instrumental in distancing the new Republican administration from the Wilson one. German diplomacy together with private companies and German-American organizations leveraged those cases to discredit on a moral level the confiscation of enemy property. Likewise, in the mid-1920s, a huge scandal also touched Thomas W. Miller and the Attorney General during the Harding administration Harry Daugherty, who were both indicted for releasing assets of a German company in exchange for bribes. On that occasion, their case showed that Repub-

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<sup>208</sup> Theodor Heuss, “Kriegsschädenschlussgesetz,” *Die Hilfe* 34, 7 (1928), p. 151.

<sup>209</sup> Piller, *Selling Weimar*, pp. 44–50.

<sup>210</sup> *Geschäftsbericht des Vorstands der Deutschen Bank für das Jahr 1928*, p. 24.

<sup>211</sup> Nützenhadel, “The End of the World Economy,” p. 263.

<sup>212</sup> Hans Krüger et al., eds., *Die Beschlagnahme, Liquidation und Freigabe deutschen Vermögens im Auslande unter Benutzung amtlichen Materials*, (Berlin: Heymann, 1930), p. 181.

<sup>213</sup> Botho Lilienthal, “Ein Jahr Freigabeentwicklung in Amerika,” *Auslandswarte*, 9, 7 (1929), pp. 137–8.

<sup>214</sup> Walter S. Sanderlin, “The Indictment of Joseph F. Guffey,” *Pennsylvania History: A Journal of Mid-Atlantic Studies* 30, 4 (1963), p. 465.

licans were dangerously close to the business circles and what's more, to foreign economic forces.<sup>215</sup>

From 1917 to 1921, the Bureau of Investigation (BOI), as it was called at that time the FBI, helped the federal authorities in hunting enemy aliens and other dangerous subjects across the country. J. Edgar Hoover began his rise precisely profiting from the war-time hysteria and the Red Scare, and often cooperated with Palmer. Once the Harding administration took office, in 1922, the BOI launched investigations into the APC's activity. Among the first to be interrogated was Charles F. Downey, a New York attorney, who had served as the Chief of the Division of Audits in Washington DC between 1918 and 1921. His task consisted of supervising sales and audits and approving them. 'On asking how the office and its work impressed him – his answer was: Rotten from the beginning to the end.' According to Downey, Garvan was the main responsible for irregularities and violations. His guiding principle was, as Downey had announced it, 'To seize properties, rightly or wrong – and if it was done illegally to let them fight and prove it.' In his deposition, Downey reported many cases of corruption, misappropriation, and favoritism. For instance, the Magneto Bosch property had been sold for \$2 million less than its value, and Garvan himself approved the sale despite Downey's objections.<sup>216</sup> The *Magneto Bosch's* sale had already raised the attention of the press during Palmer's congressional hearings to be confirmed as Attorney General in 1919. Some months earlier, in December 1918, the APC had sold the *Bosch's* plant—which was producing magnetos for the army—to some American businessmen close to the former manager of the company. In the 1920s, the Department of Justice issued a suit against Palmer, Garvan, and other beneficiaries of the sale, but the trial ended in a deadlock, and in 1930 the government deferred to pursue the charges.<sup>217</sup>

Investigations revealed widespread corruption within the APC. The governor of the Philippines, Francis Burton Harrison, who was also a political supporter of Palmer, seized all German assets in the American colony and appointed his brother Archibald and other close friends as administrators. Since his brother also headed the *National Bank*, a company close to Burton acquired German assets thanks to the bank's easy financing. His case forced Palmer to remove Burton from his office, and some sales were revoked. In the end,

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<sup>215</sup> Frank Bösch, "Politische Skandale in Deutschland und Großbritannien," *Aus Politik und Zeitgeschichte* 7 (2006), pp. 25–32.

<sup>216</sup> NARA, RG 60, Entry 387, Downey's Deposition, 2 Feb. 1922.

still, the new administrator confirmed all of them and thus allowed Burton to control seized enemy assets.<sup>218</sup> In 1930, a federal investigation ascertained Burton's crimes, but the Department of Justice launched no lawsuit.<sup>219</sup> In the case of Joseph F. Guffey, director of the APC's Sales Bureau in New York, he used a technique adopted by his predecessor. The scam consisted of depositing the money from the sales of enemy assets in a bank instead of depositing it into the Treasury's account. The sum was left in the bank for several weeks and by doing so, interest increased that money. Once the sale profit was deposited into a government account, Guffey withheld the interests that were used to buy stocks and shares for private purposes. While being charged to the court, however, in 1924, Guffey had no further troubles since the government suspended the legal action. Likewise, despite being involved in other scandals (such as Magneto Bosch's one), he was not convicted.<sup>220</sup>

Congress sought to launch official investigations, too. In March 1924, Borchard sought to persuade Borah to form a committee of inquiry against the APC's officials and the Chemical Foundation for irregularities and corruption. He aimed to reveal the APC 'mal-administration in the flag of patriotism,'<sup>221</sup> and restore 'common decency and honesty.'<sup>222</sup> At that time, however, it was impossible to do so.<sup>223</sup> It was only in 1926 that Borah's resolution was passed by Congress to create a congressional committee,<sup>224</sup> but it never worked since the Senate refused to fund it.<sup>225</sup> It was the federal government to give some information in that regard. In late 1926, the Comptroller General released a report by which many irregularities were recorded, and Borah commented that 'it showed the worst system of looting this country ever has known.'<sup>226</sup> Yet it did not open any new official investigation.<sup>227</sup> Curiously, the only high official to be convicted for fraud and bribery was Garvan's successor Thomas W. Miller. In 1925, however, the court sentenced him to five years of prison since he took a bribe of \$50,000 from a German-American insurance company to turn a blind eye to false documents asserting its Swiss nationality. In 1927 another

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<sup>217</sup> Coben, *A. Mitchell Palmer*, pp. 142–7. For the investigations, see NARA, RG 60, Entry 387.

<sup>218</sup> Coben, *A. Mitchell Palmer*, pp. 141–2.

<sup>219</sup> NARA, RG 131, UD 68, Report of Investigation as to the Seizure, Management and Sale in the Philippine Islands by Francis Burton Harrison of Properties owned in 1918 by Germans, 14 Jan. 1930.

<sup>220</sup> Coben, *A. Mitchell Palmer*, pp. 140–1, and Sanderlin, "The Indictment."

<sup>221</sup> LoC, Borah Papers, box 146, Borchard to Borah, 7 Mar. 1924.

<sup>222</sup> LoC, Borah Papers, box 146, Borchard to Borah, 21 Mar. 1924.

<sup>223</sup> LoC, Borah Papers, box 146, Borah to Borchard, 10 Mar. and 22 Mar. 1924.

<sup>224</sup> "Alien Property Inquiry Is Voted," *Sunday Washington Star*, 4 Jul. 1926.

<sup>225</sup> "Alien Property Inquiry Move Afoot in Senate," *Washington Post*, 21 Dec. 1926.

<sup>226</sup> "Attack In Senate May Bring Inquiry On Alien Property," *Washington Post*, 23 Dec. 1926.

court convicted him to a one-and-half year of prison for steering some audits of enemy property. Although the Attorney General under the Harding administration Harry Daugherty was corrupted by the insurance company as well (in his case, also, the bribe was higher than Miller's), the court absolved him. As a result, the only one to be jailed had facilitated the return of the enemy property, while those who had committed the most blatant crimes got away with it.<sup>228</sup>

*A Short-Lived Agreement and the Great Depression (1929–1939)*

Given the slow implementation of the Congress measures, in 1929-30, German diplomacy was committed to reaching a definitive solution to pending questions. Finally, coinciding with the definition of the Young Plan, in December 1929, the United States and Germany signed a bilateral agreement in that regard. The German government was obliged to pay reparations for American private war losses in exchange for the restitution of assets that were still held by the APC. Overall, according to the schedule set by the June 1930 convention, it agreed to pay \$9.7 million in 1930 and 'the sum of 40,800,000 reichmarks [\$9.7 million] per annum from April 1, 1930 to March 31, 1931, in satisfaction of mixed claims.'<sup>229</sup> According to Friedrich von Prittwitz und Gaffron, the German ambassador in Washington from 1928 until 1933, the agreement was an 'important phase in the history of the rapprochement of the two countries in the post-war period.'<sup>230</sup> Remarkably, like in the Polish case, the resolution of the diplomatic controversy over seized private property was regarded as a decisive step toward demobilization and peace. Still, such hopes were short-lived. The Great Depression blew up the Young Plan, and hence the diplomatic dispute over reparations made those efforts in vain. Despite President Hoover's payments moratorium (June 1931), Germany refused to comply with the Young Plan's obligations, including the 1929 bilateral agreement with the United States. As a result, in 1934, the U.S. government suspended the convention and kept using seized private property still held by the APC to pay war damages. Until that moment, the United States returned about \$550 million of German assets—consisting mostly of sale proceeds or dividends, more rarely physical property—to former owners, while the global profit for the government (excluding the

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<sup>227</sup> See *Administration of the Office of the Alien Property Custodian*.

<sup>228</sup> See documents in NARA, RG 131, UD 49, and UD 262.

<sup>229</sup> 'Statement Issued to the Press by the Secretary of the Treasury (Mellon) on June 23, 1930,' in <https://history.state.gov/historicaldocuments/frus1930v03/d74>.

<sup>230</sup> Krüger, *Die Aussenpolitik*, p. 500.

merchant ships) was around \$662 million.<sup>231</sup> In the late 1930s, still, restitution was sometimes reversed by courts. In 1937, for instance, the Supreme Court ruled that restitution according to the 1928 Settlement of War Claims Act had been an act of ‘grace’ and thus it did not confer any proper rights to beneficiaries. As a result, some funds belonging to *Deutsche Bank* and *Disconto Gesellschaft* were put under federal control again to pay reparations.<sup>232</sup> By January 1941, in the end, Germany had paid more than \$154 million to 6,482 U.S. claimants for private war damage.<sup>233</sup> In June 1934, the APC lost its status as a federal agency, was absorbed into the Department of Justice, and became the Alien Property Bureau. Nonetheless, it was still responsible for the management of the few enemy assets until 1942, when the Roosevelt administration re-enacted enemy property legislation.<sup>234</sup>

#### 4.4 The German-American Community and the Economic Warfare

##### *Germans, German-Americans, or Americans?*

WWI marked a dramatic phase in the history of the German-American community in the United States. After the outbreak of the war, however, things quickly changed. Even if the United States declared to remain neutral, the European war mobilized public opinion and the immigrant communities in support of one or the other side. Due to the spread of nativist sentiments and growing hostility toward hyphenated communities in the country, whose roots dated back at least to the end of the 19<sup>th</sup> century,<sup>235</sup> multiple belongings were questioned by a large part of American society, and loyalty became a matter of dispute even before the U.S. war declaration. In the case of the German-American community, many organizations, groups, and individuals openly showed sympathy toward the German Empire’s cause, by organizing humanitarian initiatives (like the aid for the Eastern Prussian population) or opposing the anti-German propaganda.<sup>236</sup> At the same time, however, there

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<sup>231</sup> Lewis and Schlotter, *America’s Stake*, pp. 124–5, 534.

<sup>232</sup> ‘Supreme Court of the U.S., Cumming v. Deutsche Bank und Discontogesellschaft,’ 1 Feb. 1937, in Hersch Lauterpacht and Arnold Duncan McNair Baron McNair, eds., *Annual Digest of Public International Law Cases* (London New York Toronto London: Longmans, Green Butterworths, 1941), pp. 492–501.

<sup>233</sup> Wilkins, *The Maturing of Multinational Enterprise*, p. 42.

<sup>234</sup> On the WWII economic persecution, see Wilkins, *The History of Foreign Investment in the United States, 1914–1945*, pp. 516–36.

<sup>235</sup> Also in that regard, too big is the literature on that topic. Thus, I refer only to the recent issue of the *Journal of American History*, 109, 2, Sept. 2022, edited by Maddalena Marinari.

<sup>236</sup> Elisabeth Piller, “To Aid the Fatherland. German-Americans, Transatlantic Relief Work and American Neutrality, 1914–17,” *Immigrants & Minorities* 35, 3 (2017), pp. 196–215.

was no consensus about the relationship with the country of origin. Dislike for the autocratic German Empire, for example, was a widespread sentiment in those communities with a strong republican and socialist background.<sup>237</sup> Nonetheless, in addition to the pro-British attitude of American public opinion, the emotive reaction to the sinking of Lusitania in May 1915, when about 1,200 people died (including several American citizens), contributed to creating a hostile mood toward German-Americans whose multiple identities were regarded as a highly problematic matter.<sup>238</sup>

After April 1917, the situation rapidly deteriorated. Germanophobia, spy fever, hysteria, and violence spread across the country. German associations were forced to close, the use of the German language was banned in schools, churches, libraries, theaters, and more generally the public sphere, and the publication of newspapers was interrupted. Some local authorities forbade playing music or songs composed by German authors and changed the names of the streets or towns. Individuals of German origin were often forced to publicly show their loyalty by kissing the flag or swearing in front of the population. Many individuals changed their names or surnames because they sounded too German. In some cases, however, it was not enough. In Collinsville, a small town in Illinois, the inhabitants lynched Robert Prager a young worker of German origin in April 1918.<sup>239</sup> Even if some communities did not adopt such an aggressive attitude,<sup>240</sup> the federal government tolerated those measures and often established cooperation with local authorities to enforce enemy aliens' legislation concerning massive registration and internment.<sup>241</sup>

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<sup>237</sup> On the socialist party in Wisconsin, see Arnaldo Testi, *Il socialismo americano nell'età Progressista: Il Social-Democratic Party del Wisconsin, 1900-1920* (Venezia: Marsilio, 1980).

<sup>238</sup> On the neutrality period, see Luebke, *Bonds of Loyalty*, pp. 83–198.

<sup>239</sup> Luebke, *Bonds of Loyalty*, pp. 3–26, 225–59. As for Wisconsin, see La Vern J. Rippley, *The Immigrant Experience in Wisconsin* (Boston: Twayne, 1985), pp. 94–115, and La Vern J. Rippley, "Wisconsin German-Americans and World War I: Wisconsin, 'The German-American Homefront,'" *Yearbook of German-American Studies* 50 (2015), pp. 129–50; for the case of Cincinnati and other cities in Ohio, see Don Heinrich Tolzmann, *Cincinnati's German Heritage* (Bowie, MD: Heritage Books, Inc, 1994), Michael D. Thompson, "Liberty Loans, Loyalty Oaths, and the Street Name Swap: Anti-German Sentiment in Ohio, Spring 1918," *Yearbook of German-American Studies* 33 (1998), pp. 139–56; for the case of Osage County (Missouri), see Petra DeWitt, "Searching for the Meaning of Loyalty: A Study of the German-American Experience During World War I in Osage County, Missouri," *Yearbook of German-American Studies* 39 (2004), pp. 77–92.

<sup>240</sup> It is the case of Big Cypress in Texas, see Jared Donnelly, "Questioned Loyalties: Big Cypress German-Americans during World War I," *Yearbook of German-American Studies* 45 (2010), pp. 129–46.

<sup>241</sup> Luebke, *Bonds of Loyalty*, pp. 267–302, Jörg Nagler, *Nationale Minoritäten im Krieg: "feindliche Ausländer" und die amerikanische Heimatfront während des Ersten Weltkrieges* (Hamburg: Hamburger Edition, 2000), and Katja Wüstenbecker, *Deutsch-Amerikaner im Ersten Weltkrieg: US-Politik und nationale Identitäten im Mittleren Westen* (Stuttgart: Steiner, 2007).

Remarkably, the armistice did not lead to the end of Germanophobia. Instead, the anti-German hysteria mixed with anti-immigrant and anti-Communist paranoia. During the Red Scare, the persecution of foreigners and radical political activists was often perceived as a continuation of wartime action. As Regin Schmidt has written, ‘anti-German passions of the war were therefore transferred to the Bolsheviks,’<sup>242</sup> but there was even something more. Such passions were often mixed up and confused. Francis Scott Fitzgerald, too, reported that aggressive hodgepodge in his works. In *May Day*, one of the short novels included within his *Tales of the Jazz Age* (1920), one of the protagonists witnesses the riots against socialist activists during the First May of 1919 in New York, when Germany had been already defeated. Remarkably, rioters regarded socialists as both unpatriotic traitors and friends of the enemy states: ‘From downstairs in the lower hall their cries were now quite audible. “—damn Socialists!” “We’ll go get those Bolsheviks!” “Pacifists!— Aah—h-h!” “Pro-Germans! Boche-lovers!” The next five minutes passed in a dream.’<sup>243</sup>

When Robert Beyer arrived in Boston in early 1920, his entrance into the country raised the attention of the press. Stating that he was the first German male adult to re-enter the city, some newspapers published resentful articles (together with his picture) denouncing him as the chemist who invented some gas poison components used by the German army against American soldiers (*see Fig. 4.7*). The *Washington Post* added that he was heading to Chicago where he got a good position by an American company, while another newspaper suggested organizing in Boston a welcome committee composed of ‘doughboys’ (namely, American war veterans). By doing so, the nationalist press was spreading anti-immigrant and nativist fears in continuity with wartime.<sup>244</sup> It did not matter that they were propagating fake news, since Beyer was neither German nor employed by that American company, but rather a Swiss businessman who was seeking to find buyers for some inventions.<sup>245</sup> Former enemy citizens were still regarded with hostility, and there was even something more. Beyer’s case undoubtedly acquired more relevance due to his supposed role connection to the chemical industry. Somehow, as those articles suggested, he embodied the danger of the physical and economic silent invasion of Germans into the country.

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<sup>242</sup> Regin Schmidt, *Red Scare: FBI and the Origins of Anticommunism in the United States, 1919-1943* (Copenhagen: Museum Tusculanum Press, 2000), p. 25.

<sup>243</sup> Francis Scott Fitzgerald, “May Day,” *The Smart Set*, 62, 3 (July, 1920), p. 24.

<sup>244</sup> EUA, Herty Papers, box 101, Newspaper clipping (*New York Tribune?*), Jan. 1920 (?), and “German Poison Gas Chemist Lands in America,” *The Washington Post*, 17 Jan. 1920.

<sup>245</sup> “Not in Harvester Employ,” *The Harvester World*, Jan. 1920, p. 14.

American business had to carry on the fight to ensure economic national independence from abroad, and thus national security as well. Palmer's and Garvan's long shadow extended to the entire postwar period.



[Fig. 4.7, Newspaper clipping about Robert Beyer]

Persecution resulted in excluding enemy citizens from the country, who often rebuilt ties with their state of origin. After the war, indeed, many German immigrants came back to their country both spontaneously and forcibly.<sup>246</sup> According to Alfred Vagts, between 1914 and 1924, 'ethnic Germans' (including Austrians or German-speaking Swisses, but excluding Jews and those who acquired another nationality after 1918) who left the United States to return to Germany were at least 37,984.<sup>247</sup> In addition to them, in the same period, the United States expelled hundreds of Germans so the number should be estimated at 40,000.<sup>248</sup> Traces of that movement could be found in the archives. Many Germans asked the authorities of their country to release a passport to come back (and likely to re-

<sup>246</sup> Penny, *German History Unbound*, pp. 210–1, and Jochen Oltmer, *Migration und Politik in der Weimarer Republik* (Göttingen: Vandenhoeck & Ruprecht, 2005).

<sup>247</sup> Alfred Vagts, *Deutsch-Amerikanische Rückwanderung: Probleme, Phänomene, Statistik, Politik, Soziologie, Biographie* (Heidelberg: Carl Winter, 1960), p. 38.

<sup>248</sup> On expulsions, see *ivi*, p. 22.



immigrate to other places).<sup>249</sup> Among them, for instance, there was Johannes Boelke who had emigrated to the United States in 1913. His return to Germany explicitly linked to the new political course in the country. In a letter to the National Assembly in Weimar he asked ‘what I have to do to keep my citizenship as a German’ since ‘I want to return to my homeland as soon as my circumstances permit, to participate in the development of our young German Republic.’<sup>250</sup> Despite difficulties in retracing the reasons as well as trajectories of return and re-departures, anti-German persecution (even in the economic sphere) likely contributed to that result.

More than immigration to Germany, still, persecution urged victims to break ties with their country of origin. As a result, anti-German persecution led to accelerating the Americanization of that community.<sup>251</sup> Of course, assimilation into U.S. society was an ongoing process for the majority of German immigrants, especially those who had lived in the country for generations. As for citizenship, for example, the Bancroft treaties signed in the 1850s and 1860s between the United States and German states contributed to facilitating the acquisition of U.S. nationality.<sup>252</sup> Without overestimating the impact of war, yet, it is undeniable that WWI accelerated, often dramatically, that phenomenon.<sup>253</sup> Applications for naturalizations boomed already in the period just before the war declaration, and between 1917 and 1918 about 480,000 Germans proved their loyalty by acquiring U.S. nationality.<sup>254</sup> At least, 75,000 of them had been previously classified as enemy aliens but benefited from a legislative measure passed by Congress to facilitate the naturalization.<sup>255</sup> Yet authorities and public opinion kept being suspicious of them. Like in the UK, France, and Italy, many voices (including former President Teddy Roosevelt) warned about the risk of dual allegiance due to the German Nationality Law of 1913.<sup>256</sup> In November 1917, the Bureau of

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<sup>249</sup> See documents in BArch, R 901/31759.

<sup>250</sup> BArch, R 901/31760, Johannes Boelke to National Assembly (Weimar), 19 Aug. 1919.

<sup>251</sup> Christopher Capozzola, *Uncle Sam Wants You: World War I and the Making of the Modern American Citizen* (Oxford: Oxford University Press, 2008), pp. 178–204.

<sup>252</sup> Caglioti, *War and Citizenship*, p. 92.

<sup>253</sup> Luebke, *Bonds of Loyalty*, p. 329, and in particular Walter D. Kamphoefner, “The German-American Experience in World War I: A Centennial Assessment,” *Yearbook of German-American Studies* 49 (2014), pp. 3–30. For a general overview of some recent works on local German-speaking communities, see the review of Petra DeWitt in *Central European History* 56, 2 (2023), pp. 298–305.

<sup>254</sup> Adam Goodman, “Defining American: The Bureau of Naturalization’s Attempt to Standardize Citizenship Education and Inculcate ‘the Soul of America’ in Immigrants during World War I,” *Journal of American History* 109, 2 (2022), p. 329.

<sup>255</sup> Luebke, *Bonds of Loyalty*, p. 282.

<sup>256</sup> LoC, Moore Papers, Borchard to Borah, 30 Nov. 1917. See also Theo. H. Thiesing, “Dual Allegiance in the German Law of Nationality and American Citizenship,” *The Yale Law Journal* 27, 4 (1918), pp. 479–508,

Naturalization launched a wide-ranging investigation of naturalization applications to find fraud or other irregularities, even in the prewar years.<sup>257</sup>

The case of the physician Johannes von Tiling was emblematic. Born in Riga as a Russian subject in 1875 from a family of German origin, he had first moved to Germany and later the United States in 1903, where Tiling became a well-known physician in Poughkeepsie (New York State) and was also a member of the local Board of Health. Among his patients, for instance, there was the automobile tycoon, Henry Ford. Despite being naturalized years before the war (1909), in March 1917, federal authorities put him under surveillance and accused him of being naturalized by fraud in May 1918 asking the court to revoke his citizenship.<sup>258</sup> He privately kept a strong connection to Germany—though was not his proper country of origin—and was a close friend of enemy aliens living in the same area. According to federal agents, in May 1915, Tiling expressed his loyalty to the Kaiser and his wish for the German victory in private letters. Significantly, he was not charged with being a spy, publicly supporting the German cause, or doing dangerous activities, but it was his private sphere to be at stake. Authorities questioned Tiling's personal and deep beliefs to demonstrate per persistence of his Germanness as evidence of his political engagement. In his reply, Tiling rejected having any connection to the German-speaking community or any organizations connected to it. 'He did not wish to be identified with the German-American element in this country having repeatedly refused to join a German singing society, a German odd fellow lodge, a German University League, or any other German-American society.'<sup>259</sup> Instead of underlining the unfairness of the allegations, to avoid suspicions, Tiling publicly rejected his belonging to the German-American community.<sup>260</sup> In the end, his strategy proved to be successful and the court dismissed the charges confirming that he was an American citizen.<sup>261</sup> Tiling's case was not isolated. Thanks to the lack of identity papers and the uncertainty regarding the nationality status of many immigrants, in

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and David Jayne Hill, "Dual Citizenship in the German Imperial and State Citizenship Law," *The American Journal of International Law* 12, 2 (1918), pp. 356–63.

<sup>257</sup> See documents in NARA, RG 85, Entry 1408–1410.

<sup>258</sup> "Charge Dr. Tiling With Disloyalty," *New York Times*, 10 May 1918.

<sup>259</sup> BArch, 901/31758, *US vs Johannes Herman Martin Augustus von Tiling*, Dec. 1918.

<sup>260</sup> "Von Tiling Denies Loyalty To Germany," *New York Times*, 9 Jul. 1918.

<sup>261</sup> "Court Upholds Von Tiling," *New York Times*, 7 Jun. 1919.

the following decades, citizenship became a frequent matter of dispute in legal and diplomatic terms between Germany and the United States.<sup>262</sup>

### *The Role of Economic Persecution*

Overall, according to the 1920 census, the foreign, and especially German, presence dramatically declined in the United States. Compared to ten years earlier, foreign-born individuals decreased by 631,826. As for the German-speaking presence, there was a difference of 482,291 less than in 1910. The reasons for this diminution were many, and only a small fraction consisted of expulsion or immigration from the country. Firstly, many people who had been previously classified as Germans were then classified as Poles, French, Czechoslovakians, Italians, Belgians, Danes, etc., according to the territorial changes that occurred after the war. In addition to that, the ban on the German language in the public sphere all over the country caused a general decline of its use in many communities and thus forced assimilation into American society.

Significantly, unlike Great Britain, the U.S. government did not apply specific restrictions on the arrival of citizens with former enemy nationality. Nonetheless, the immigration quotas from 1921 progressively reduced the possibility for Germans to come to the United States. As a result, in the early 1920s, immigration from Germany steadily increased until reaching a peak in 1923 when more than 115,000 Germans arrived in the United States escaping from the severe economic crisis of their country. From that point, the flow reduced again up to 10,000 in the early 1930s.<sup>263</sup> According to the 1930 census, yet, emigration did not reverse the slow decline of German-American presence. In that year, people born in Germany were about 1.6 million, slightly fewer than ten years earlier.<sup>264</sup> Eventually, it is worth mentioning that the Bancroft treaties were revoked after the declaration of war and never revived. According to Article 298 of the Treaty of Versailles (later incorporated within the Treaty of Berlin in 1921), all bilateral conventions or agreements between Germany and the winning powers lapsed unless otherwise stipulated. Since the U.S. government never re-activated them, facilitations to acquire American citizenship were no longer

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<sup>262</sup> See BArch, R 901/31760, 901/31761, and PAAA, Washington, R 1434 and 1435.

<sup>263</sup> Penny, *German History Unbound*, p. 66, and Jochen Oltmer, "Migration – Deutschland in Daten," *Deutschland in Daten*, March 1, 2016, <http://www.deutschland-in-daten.de/en/migration/>.

<sup>264</sup> See data in *World Statistics of Aliens: A Comparative Study of Census Returns, 1910-1920-1930* (Geneva: International Labour Office, 1936), p. 96.

valid, and thus becoming a U.S. citizen became more difficult than previously.<sup>265</sup> To summarize, even if the decline reported by the census did not wholly consist of departures and physical exclusion from the United States, it highlighted that WWI had a significant impact on the decline of German-American presence in terms of identity and visibility.

Whereas many abandoned their German identity to acquire the status of loyal citizens, especially in the eyes of the authorities, wartime persecution caused the disappearance of ‘Germanness’ in the public sphere but not in the private one. To avoid suspicions or doubts about political loyalty, they adopted the strategy of silently preserving the German identity.<sup>266</sup> Several German-Americans did not cut their personal or family ties with the larger German-speaking network, even if they became U.S. nationals. As H. Gleen Penny recently pointed out, such connections showed a surprising level of resiliency since they survived after the anti-German persecution on a global scale and did so thanks to almost exclusively family relations.<sup>267</sup> It proved that belonging to the German-speaking network could be distinguished by political allegiance even after the war. As proof of that, in the case of the German-American community, once communications between the two countries were re-opened, the number of letters exchanged between the two sides of the Atlantic Ocean jumped back to prewar volume, as shown by the collection of private letters *German Heritage in Letters*.<sup>268</sup> Another evidence of that was the flow of \$150 million to Weimar coming from the German-speaking communities in the United States.<sup>269</sup> Consequently, the wartime persecution generally resulted in dissimulating the persistence of belonging to the German-speaking community, even if they acquired new citizenship. In June 1919, for instance, Eugene Haas replied to his uncle, Eugen Klee, a musician who settled in Philadelphia in the early 1900s and became a U.S. national. After the interruption of communications between them due to the war, Haas noted that his uncle did not forget his national belonging even if he had got new citizenship: ‘what made me especially happy was what was not in the letter explicitly, but what I could read between the lines - *the old and faithful love for our inherited customs and ways, despite your new nationality*. Quite often we had asked ourselves, when we read about hostile movements against Germany on the side of Ameri-

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<sup>265</sup> See details in <https://lawexplores.com/international-relations/>.

<sup>266</sup> La Vern J. Rippley, “Ameliorated Americanization: The Effect of World War I on German-Americans in the 1920s,” in Trommler and McVeigh, *America and the Germans*, vol. 2, pp. 223–5.

<sup>267</sup> Penny, *German History Unbound*, pp. 97–104, and 188–9.

<sup>268</sup> See <https://germanletters.org>.

<sup>269</sup> Piller, *Selling Weimar*, p. 137.

cans, in the press because I could just imagine how these waves must have seethed around you in your respected position.<sup>270</sup>

As a general rule, historians who retraced the story of the German-American community did not generally pay enough attention to the economic consequences of the anti-German persecution. In the works of Frederick C. Luebke, La Vern J. Rippley, and Frank Trommler, the economic dimension has been generally neglected.<sup>271</sup> Local banks, stores, and small businesses whose German-sounding names reminded the origin of their owners (or just founders) were forced to change their denomination to publicly remove that trace of the past. The *Germania Bank* in Milwaukee (Wisconsin) became the *National Bank of Commerce*, or the *Germania Life Insurance Company* in Saint Paul (Minnesota) changed its name to *Guardian Life*.<sup>272</sup> Another usual proof of loyalty that German-Americans were often forced to do was the subscription to Liberty Bonds, and it was common that many people did so publicly. Such initiatives were almost a sort of ‘loyalty tax’ that many German-Americans were required to pay at their own expense.<sup>273</sup> Apparently, such events confirmed that public opinion and authorities sought to remove any German element in the public sphere in order to ensure the loyalty of U.S. nationals of German origin. But the economic warfare against enemy aliens affected that community, too.

The seizure of enemy property mainly concerned large corporations, banks, or insurance companies, and hence most parts of the seized property consisted of shares, plants, firms, intellectual property, and so on. Nonetheless, the APC’s action touched the German-American community as well. Plenty of sources show how far the government went in the search and persecution of disloyal and dangerous subjects. Due to the lack of documents proving nationality status, being regarded as an enemy citizen just because of the German-sounding names or family relations was commonplace. Thus, the APC together with local authorities, semi-private organizations, and ordinary citizens carried out wide-ranging in-

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<sup>270</sup> “Eugen Haas to Eugen Klee, June 29, 1919.” Eugen and Emma Klee Papers, Joseph P. Horner Memorial Library, accessed from *German Heritage in Letters*, November 11, 2022, <https://germanletters.org/items/show/13> (italics are mine).

<sup>271</sup> On the historiography about the German-American community, see James M. Bergquist, “German Americans,” in *Multiculturalism in the United States. A Comparative Guide to Acculturation and Ethnicity*, ed. John D. Buenker and Lorman A. Ratner (Westport, Conn. and London: Greenwood Press, 2003), pp. 168–72.

<sup>272</sup> Luebke, *Bonds of Loyalty*, pp. 270–1, and Rippley, “Ameliorated Americanization,” p. 229.

<sup>273</sup> Luebke, *Bonds of Loyalty*, pp. 273–77, and Barbara Wiedemann-Citera, *Die Auswirkungen des Ersten Weltkrieges auf die Deutsch-Amerikaner im Spiegel der New Yorker Staatszeitung, der New Yorker Volkszeitung, und der New York Times, 1914-1926* (Frankfurt am Main: Peter Lang, 1993), pp. 85–7.

vestigations to reveal the real extent of enemy property across the country. In the American Protective League official bulletin, *The Spy Glass*, for instance, it was possible to find similar ads: ‘Mr. Palmer is not content with the progress made. He has appealed to A[merican] P[rotective] L[eague], therefore, to aid him in discovering, particularly in the smaller communities, such enemy-owned concerns as are not yet in his hands.’<sup>274</sup> And words were followed by facts. In Kansas, for instance, a private citizen directly addressed Garvan, at that time head of the APC’s investigative office, to report a suspected enemy subject whose name was Stromer. ‘I am advised [Stromer] is a pro German, he has considerable property, draws a pension of \$25.00 per month from our Government and am told refused to contribute to Red Cross, YMCA or buy liberty bonds. I think it would be well to investigate this party, have him interned and use his property for the benefit of the U.S.A., and all pro Germans likewise.’<sup>275</sup> In another case, in Indianapolis, a priest spontaneously informed the local authorities and the APC that he was the executor of a parishioner but heirs resided in enemy territory, and thus legacy could be considered enemy property to be seized.<sup>276</sup>

The economic persecution was radical and deeply penetrated American society without distinctions of gender, age, social class, religion, or political beliefs, but according only to principles of enemy nationality or residence in enemy territory. As a result, the APC held under control countless small sums of money consisting of savings, bank accounts, small activities, pensions, insurance policies, inheritance, as well as houses, furniture, and personal objects.<sup>277</sup> Since the status of citizenship was often uncertain due to the lack of identity papers or other documents concerning nationality, by using its wide discretionary powers, the APC was able to carry on a ‘loyalty screening’ of the German-American population on a large scale and thus clear grey areas and suspicions.<sup>278</sup> In California, for instance, the APC was informed by a local agent. ‘There is a very large German element here, but as far as I know, they have all become American citizens. At the moment I do not recall any German here who is not a naturalized citizen of the United States.’ According to the re-

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<sup>274</sup> “Wanted: More Millions of Enemy Property,” *The Spy Glass*, 5, 10 Aug. 1918.

<sup>275</sup> NARA, RG 131, UD 204, J W. Eaglin to Garvan, 29 Apr. 1918.

<sup>276</sup> NARA, RG 131, UD 204, John E. Hollett to Garvan, 24 May 1918.

<sup>277</sup> Similar cases were reported by German sources, too; see PAAA, R 96378, Johanna and Elisabeth Koeller (Barmen) to Ministry of Foreign Affairs, 1 Oct. 1919, and Karsch to Ministry of Foreign Affairs, 10 Oct 1919.

<sup>278</sup> On the lack of identity papers and its consequences in the field of citizenship, see Christopher Capozzola, “Legacies for Citizenship: Pinpointing Americans during and after World War I,” *Diplomatic History* 38, 4 (2014), pp. 713–26.

port, many activities changed their names but loyalty was undisputed. ‘The Guaranty Trust & Savings Bank, of this City, was originally the German American Trust & Savings Bank, and was largely patronized by German Americans. The Officers of the Bank are loyal Americans.’ There was only one case that raised some worries. ‘There is a very wealthy German here named Max Kuehnrich, a member of the California Club [...]. He was for some years Manager of the Eastside Brewing Company in Los Angeles, and one of the principal shareholders. At the beginning of the war he went to his native City, Munich, and was very active in raising money. He may be an American citizen now, but I doubt it. His sympathies are certainly with Germany.’<sup>279</sup> Whether the APC carried on other investigations on him or seized his assets is unknown. Yet economic persecution also concerned American-born citizens of German origin like Herman A. Metz. Born in New York to a German family, he became a prominent businessman in the chemical sector with strong ties to German firms in the United States. Despite serving as a Democratic member of the House of Representatives between 1913 and 1915, and repeatedly proving his patriotism after the outbreak of the war, Metz came under the APC’s attack. In 1918, the federal agency seized \$590,000 consisting of his shares in the Farbwerke-Hoechst Company claiming that the firm was actually owned by a German company and was also involved in trade with enemy countries. According to the allegations, Metz was only a figurehead to cloak the true ownership of the firm. In the end, he filed an appeal against the APC, and in 1921 the New York court returned his seized property.<sup>280</sup>

In many cases, too, the seizure of small property deeply affected relatives of enemy citizens who were American-born or U.S. nationals. The case of American-born women married to enemy citizens represented a blatant example of that kind of persecution. Due to the American citizenship law, and like the majority of national legislations in other countries across the world, as a general rule, women acquired the nationality of their husbands. During the war, wives, and even widows, were regarded as enemy citizens even if they were not born in those countries. Persecution against enemy aliens in the United States made no

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<sup>279</sup> NARA, RG 131, UD 204, Mortimer (H.B.M. Consul) to Garvan, 16 Apr. 1918.

<sup>280</sup> On his case, see LoC, Moore Papers, box 198, and Steen, *The American Synthetic*, *passim*. See also “Metz Wins War Fight: Judge Mayer Restores \$590,000 Stock Seized by Alien Property Custodian.” *New York Times*, 3 Jul. 1921.

exception. In many states, American-born women were interned,<sup>281</sup> and their assets were seized as well. In their case, the APC aimed at stopping the flow of money to enemy citizens that could happen through American-born wives and widows, and at the same time scrutinizing their national loyalty. Sally Lewis Hilprecht (born Crozer) came from a wealthy prominent family in Pennsylvania, and in 1903 married the German archeologist Hermann V. Hilprecht. During the war, he spent all the time in Germany and was able to return to the United States only after the armistice where he got naturalized. Nonetheless, the APC sequestered assets belonging to his wife causing many troubles for them. In a letter to the Legal Department of the APC, her lawyer underlined that despite her nationality the woman was a loyal American national. ‘The loyalty of the family as a whole was considered to be unquestioned,’ and to prove that she had ‘invested a large amount in Liberty Bonds.’<sup>282</sup> In the aftermath of the war, in 1921, Congress passed special provisions to release property belonging to American-born women, but owners needed a long time to get assets back. In 1925, Emilie Bek (née Binder of Aurora), for instance, applied for the restitution of the property seized from her husband, a German jeweler with a branch in New York, but she faced some obstacles. Initially, a lower court dismissed her appeal stating that if she received half of the money her husband would be entitled to half of what she got. The court sought to prevent German citizens from indirectly recovering part of their property.<sup>283</sup> But the Court of Appeals reversed the first instance ruling and returned her part of the seized assets due to her birth as an American citizen.<sup>284</sup> Economic persecution could touch disloyal citizens as well. The most blatant case was Grover Cleveland Bergdoll, a member of a wealthy brewing family in Pennsylvania, who leaped to the headlines for being a draft dodger in the wake of the war. In 1918 he deserted the U.S. Army since he skipped the medical control, but police arrested him only in 1920. During the transportation to prison, Bergdoll escaped, went to Canada, and finally fled to Germany where he resided until 1939 to avoid prison. Significantly, as a retaliation against his stance, Miller ordered the seizure

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<sup>281</sup> See, for instance, the case of Oregon, Kimberly Jensen, “From Citizens to Enemy Aliens: Oregon Women, Marriage, and the Surveillance State during the First World War,” *Oregon Historical Quarterly* 114, 4 (2013), pp. 453–73.

<sup>282</sup> NARA, RG 131, UD 143, Stellwagen to Boggs (APC), 24 Mar. 1920.

<sup>283</sup> “German Wife’s \$30,000 Suit Here Mixes Laws,” *Washington Post*, 9 Oct. 1925.

<sup>284</sup> “Rights of American Wife of Alien Fixed,” *Washington Post*, 3 Nov. 1925.



of his property (about \$600,000) due to his presence on enemy soil, and that measure lasted until he came back to the United States and was finally imprisoned during WWII.<sup>285</sup>

In the end, as a general rule, the APC abstained from liquidating private property consisting of small assets, savings, and other personal possessions of citizens living in the country since the official goal was to eliminate German capital from the American relevant industries.<sup>286</sup> Although the APC did not always respect such a provision, throughout the 1920s, Congress and the administration released a large part of those assets. Nonetheless, economic persecution lasted several years after the end of the war, and administrative hurdles together with judicial disputes made the restitution procedure slower. Consequently, German Americans, albeit without having enemy nationality, suffered the effects of deprivation, economic restrictions, and dispossession caused by legislation on enemy property.

*American Colonies: The Hawaii Isles, the Philippines, and Puerto Rico*

The economic persecution crushed many German-speaking communities, often very small ones, living on the periphery of the United States and notably in its Pacific and Atlantic colonies. In the Hawaii Isles, at that time only an American territory, the authorities seized the *Hackfeld & Company*. Founded by immigrants coming from Bremen in the 1850s, it was one of the five largest companies operating in the sugar trade and was the owner of several plantations. Furthermore, it was the center of the small German community in Honolulu (no more than 500/600 individuals), composed mainly of the company's employees and their families, who also created a Lutheran church, a school, a hospital, and a newspaper in the German language. Economic persecution ruined the life of the community. The APC seized the company and sold it to the *American Factors* in August 1918. As a result, ownership and management were wholly Americanized, and thus foreign presence in the sugar trade was weakened. Yet former owners sought to get their company back. In 1923, J. C. Pflueger, grandson of the founder, claimed to be a Hawaii Isles citizen, and thus a U.S. national since 1900. The Department of Justice returned him \$3 million, consisting of half of Hackfeld & Company's sales profit, but the latter remained in American hands. Later, Pflueger filed suit against the new owners for fraud, but while losing it, obtained payment from the government for the rest of the company's sale (consisting of \$3.5 mil-

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<sup>285</sup> See documents in NARA, RG 131, UD 247.

<sup>286</sup> NARA, RG 131, UD 15, *Bulletin of Information issued by Alien Property Custodian*, 8 Jun. 1918.

lion). Nonetheless, the federal authorities investigated him and discovered that Pflueger had produced false documents concerning his nationality. Since 1914, as the government claimed, he had cloaked the true ownership of the company and defrauded the authorities. In 1939, a court convicted Pflueger's heirs, and three years later the Supreme Court confirmed the ruling.<sup>287</sup> Likewise, the German small community in Puerto Rico disappeared after the war. Consisting of less than 200 individuals but with strong commercial and financial relations with cities of origin (Bremen and Hamburg), it was active in the coffee and sugar trade and plantation. Economic persecution led to dispossessing them and transferring local companies to American citizens.<sup>288</sup>

In the Philippines, too, the APC and the local authorities reached the goal of excluding German business circles. In 1918, Governor Francis Burton Harrison—who had been appointed as the local agent of the APC—seized 16 German companies producing tobacco, cocoa, and palm oil, and operating in other relevant sectors (such as the railway or public utilities). Significantly, they were active in key sectors of the local economy and were integrated into the global trade networks. In a few months, Harrison liquidated those firms by selling them to a company indirectly controlled by himself and his brother Archibald. They were able to take control of prominent local industries at a very low price. That case was among the most blatant episodes of corruption, and even if the APC entrusted the management of enemy assets to another agent instead of Harrison, sales were finally confirmed. At once, the exclusion of the German economic presence went together with Americanization and the private interests of high local officials.<sup>289</sup>

Finally, the U.S. government urged some Latin American states like Guatemala, Nicaragua, Haiti, Honduras, Cuba, and Panama to seize the private property of Germans living in those countries and sell those assets to American buyers. The main reason was that the German economic presence in the region was astonishingly high. According to George F. W. Young, German capital invested in Latin American countries was about 4.5

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<sup>287</sup> Sandra E. Wagner-Seavey, "Effect of World War I on the German Community in Hawaii," *Hawaiian Journal of History* 14 (1980), pp. 109–40, and Frederick Bernays Wiener, "German Sugar's Sticky Fingers," *Hawaiian Journal of History* 16 (1982), pp. 15–47.

<sup>288</sup> Humberto García-Muñiz, "The U.S. Alien Property Custodian vs. German Business in New York and Puerto Rico during the First World War," *Centro Journal* 31, 3 (2019), pp. 93–121.

<sup>289</sup> NARA, RG 131, UD 143, *Report of the Properties taken over by Alien Property Custodian in the Philippine Islands*, 1919, and RG 131, UD 68, *Report of Investigation as to the Seizure, Management and Sale in the Philippine Islands by Francis Burton Harrison of Properties owned in 1918 by Germans*, 14 Jan. 1930.

billion marks (\$1.1 billion), especially in Argentina, Brazil, Mexico, Venezuela, and Guatemala.<sup>290</sup> Unsurprisingly, the United States seized the chance to weaken, and eliminate, its enemy competitors in the region. Unlike during WWII, however, local governments mostly resisted the pressure. Only in Guatemala, the government confiscated some electric companies owned by German corporations but released the rest of the seized assets (including coffee plantations) and promoted the growth of trade relations with Germany in the inter-war period.<sup>291</sup> Brazil, rather, sequestered German property but after 1919 fully restored it.<sup>292</sup> In Peru, the U.S. government managed to help American companies take over enemy businesses, but altogether German capital remained generally untouched.<sup>293</sup> Other neutral states like Mexico or Argentina rejected the demands of the Allies to disclose information about German assets in their countries.<sup>294</sup> That kind of pressure, yet, showed that, far from being an anti-imperialist power, the United States exercised power over neighboring states in order to strengthen its economic and political hegemonical position in the continent, in competition with British attempts to gain a relevant position in Latin America.<sup>295</sup>

### *The Politics of Revenge*

In the aftermath of the war, German-Americans wanted to leave behind the season of persecution, suspicion, and hardship. In many cases, they silently came to terms with Americanization, especially in the public sphere, by giving up their own German identity. But the silence and the retreat to the private dimension were not the only reactions of the postwar phase. Part of the German-American community was engaged in rebuilding its status within U.S. society, but resentment, rage, and a spirit of vengeance were widespread feelings among those who had suffered the consequences of persecution. Once the war-time restrictions were removed, and Wilson's policies were increasingly coming under attack by a large spectrum of actors and voices, the new political situation paved the way to renew the German public presence. In a few years, new associations and organizations rep-

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<sup>290</sup> George F. W. Young, "German Capital Investment in Latin America in World War I," *Jahrbuch Für Geschichte Lateinamerikas* = *Anuario de Historia de América Latina* (JbLA), 25 (1988), pp. 215–39.

<sup>291</sup> Stefan Rinke, *Latin America and the First World War* (Cambridge: Cambridge University Press, 2017), pp. 168–9. On the economic persecution of German-speaking communities in Latin America during WWII, see Max Paul Friedman, *Nazis and Good Neighbors: The United States Campaign against the Germans of Latin America in World War II* (Cambridge: Cambridge University Press, 2003).

<sup>292</sup> Young, "German Capital Investment," p. 238.

<sup>293</sup> Ivi, pp. 238–9.

<sup>294</sup> LoC, Moore Papers, box 198, The Transfer By German Nationals of Property Held Abroad, 10 Jul. 1919.

representing the German-American community were founded, as well as some newspapers in the German language were published. Georg Sylvester Viereck, a journalist, and politician engaged in the protection of Germanness in the United States, became the vocal representative of German-American associations (like the *Steuben Society* or the *German-American Citizens' League of the United States*), even if his radicalism and closeness to ethnic nationalism were regarded as dangerous and overall counterproductive. Of course, the majority of German-Americans wished to avoid that persecution could repeat shortly, and thus preferred to remove any possible link between them and German ethnicity, at least in the public sphere. Many voices insisted on the fact that German-Americans were loyal and trustworthy citizens, whose customs, religion, or language did not interfere with political allegiance. In any case, however, German-Americans remained politically divided (as they were socially, geographically, etc.) and unable to influence federal policies.<sup>296</sup>

Nevertheless, one of the main efforts was the reversal of wartime policies, also concerning economic persecution. The 'politics of revenge', as it has been called by Frederick C. Luebke, had a chance to emerge in the 1920 presidential elections.<sup>297</sup> The Republican candidate, Senator Warren G. Harding from Ohio, for instance, easily beat his Democratic opponent in Wisconsin (71%), winning in all counties of the state.<sup>298</sup> Also, Republicans won in other Upper Midwest states with large percentages.<sup>299</sup> Likely, the poor results of Democrats in those states were due to the anti-Wilson mood of the German-Americans. The Harding administration raised big hopes, but after four years results were poor. Such a trend was confirmed in the 1924 and 1928 presidential elections, too, when Republican candidates always beat Democratic and Progressive opponents.<sup>300</sup> Yet, in those years, the pro-Republican stance of German-Americans weakened, and in some areas, Progressive candidates gained a prominent position. For instance, Robert La Follette, who held a seat in the Senate for Wisconsin from 1906 until 1925 as an independent Republican and later as a Progressive, became another champion of German-American interests. Since 1914, indeed, he strongly supported the neutralist cause and voted against the war declaration in

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<sup>295</sup> Phillip A. Dehne, *On the Far Western Front: Britain's First World War in South America* (Manchester: Manchester University Press, 2010).

<sup>296</sup> Luebke, "The Germans," pp. 64–70.

<sup>297</sup> Luebke, *Bonds of Loyalty*, pp. 323–7.

<sup>298</sup> Rippley, "Ameliorated Americanization," pp. 123–4.

<sup>299</sup> Tolzmann, *Cincinnati*, pp. 151–6.

<sup>300</sup> Tolzmann, *Cincinnati*, pp. 158–61.

April 1917 together with a few pro-German congressmen. From that moment on, his engagement attracted the votes of German-Americans, who largely supported him until he died in 1925.<sup>301</sup>

As for the economic persecution, Senator Borah became the champion of German-Americans who desired to dismantle the APC system and also facilitate restitution procedures.<sup>302</sup> Together with him, several congressmen, especially those whose constituencies were largely composed of German immigrants or their descendants, supported restitution plans in Congress and lobbied the APC to return seized property. Such opposition to economic persecution was not immediately visible, especially in the public sphere, due to fears of instigating reactions of public opinion. But archives are full of letters, petitions, and other requests concerning the liberation of assets that usually reached authorities by confidential means. In May 1922, for instance, La Follette reported to Miller the case of a 'constituent' concerning the inheritance left to a blind brother living in Germany, since it was still under the APC's control, and asked him to release that small property.<sup>303</sup> In another case, Adolph A. Aympump urged his local Senator to intervene on his behalf for the loss of personal property during the war. In particular, federal authorities arrested him in April 1918 considering him an enemy agent, and even if they later released him due to his American citizenship, Aympump lived constantly under police surveillance. In his case, however, police seized a bank book whose worth was \$10,000, but authorities never returned it.<sup>304</sup> In addition to them, as I pointed out, pro-restitution voices like Borchard were deeply entangled with German-Americans (and even just German) interests.

In sum, despite being a silent, politically weak, and divided group, in the interwar period, both German-American organizations and private individuals sought to counter wartime persecution by removing the long-lasting consequences of seizure and confiscation of enemy property. Due to the xenophobic climate of American public opinion, such activism operated under the radar or avoided direct link to Germanness. Instead, recalling the American liberal tradition to support restitution offered more possibilities to be successful.

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<sup>301</sup> Rippley, "Ameliorated Americanization," pp. 95–6, 104–11, 123–6, and "Wisconsin German-Americans," pp. 131–3. See also Luebke, "The Germans," pp.

<sup>302</sup> See letters in LoC, Borah Papers, boxes 105, 127, and 171.

<sup>303</sup> NARA, RG 131, UD 204, Robert La Follette to Thomas W. Miller, 12 May 1922.

<sup>304</sup> NARA, RG 131, UD 204, Adolph A. Aympump to Albert Johnson, 26 Apr. 1922.

Even if the fate of seized assets depended on several factors (also at the international level), the German-American community endeavored to play a role, and partly did so.

## Summary

Between 1917 and the 1930s, the United States also joined the economic war against Germany that the Allies started at the very beginning of the conflict. Despite the initial reassurance that the federal government would have not infringed property rights of enemy citizens, the Alien Property Custodian put an immense bulk of private property under its control without being accurately controlled by Congress. In less than a year, the federal agency controlled nearly one billion dollars of enemy property (mostly belonging to German citizens and corporations). But, more significantly, thanks to an executive order signed by Wilson and later also approved by Congress, the Custodian launched the massive liquidation of enemy assets under sequestration beginning in March 1918. Embracing a radical economic nationalist agenda, Alexander Mitchell Palmer and then his successor Francis P. Garvan sold most industrial factories, intellectual property, and financial institutions to a small group of American citizens and companies with the explicit intent to ‘Americanize’ (that is, to pursue ‘nostrification’) the most important industries where foreign capital had had dominant position until the outbreak of the war. Adopting a ‘paranoid’ view of the relationship between economics and politics, Palmer and Garvan justified their action as a way to preserve the United States from the ‘silent invasion’ of German industrialists who were supposed to get control of vital industries and thus put under their control the country. Thanks to the lack of transparency, between 1918 and 1920, the Custodian was responsible for countless cases of bribery and corruption that enabled a restricted group of businesspeople and high officials (including even Garvan) to take control of large sources of wealth at prices below market value.

Since the United States did not ratify the Versailles Treaty, the state of war was formally valid until August 1921 when the Treaty of Berlin finally put an end to the war between Germany and the United States. Since the treaty stipulated that the agreement took up the text of the Versailles Treaty (but for articles on the League of Nations), the U.S. government was entitled to liquidate enemy property exactly like other Allied Powers. What distinguished the United States from the latter, however, was the presence of a strong opin-

ion movement hostile to the confiscation of private property. During the 1920s, indeed, a large group of intellectuals and lawyers (including prominent international law scholars such as John Bassett Moore and Edwin M. Borchard, who respectively taught at Columbia and Yale) together with prominent leaders of the Republican Party (such as Senator Borah) and representatives of the German-American community were committed to persuading Congress and the President to release enemy property. Unlike other European countries (with the partial exception of Great Britain), public opinion stood against the liquidation of enemy assets still under the Custodian's control. Leveraging rhetoric on the American tradition of preservation of property rights and the diplomatic interests of the United States in protecting its private investments abroad from expropriation, they mobilized a heterogeneous coalition of newspapers, intellectuals, associations, and members of Congress. Yet they faced resistance from beneficiaries from the sales, members of the federal administration (including the State Department) as well as supporters of economic nationalism in universities, economic lobbies, newspapers, and Congress. Eventually, after years of political negotiations (and talks with German diplomacy), between 1920 and 1928, Congress passed several amendments to the TEA that conceded the return of a good portion of enemy assets under sequestration. The amount of restitution was larger than what was returned by any other Allied state which made use of Article 297 of the Versailles Treaty. Due to the 1929 economic crisis and then the diplomatic tensions over reparations, however, throughout the 1930s, the Custodian still held part of enemy assets (mostly belonging to German banks, insurance companies, and large corporations) under its control and continued to work until the outbreak of the Second World War.

Nevertheless, the policies of economic persecution that the Custodian carried out in that period produced significant results on the American economy and society. Advanced industrial sectors such as the chemical and pharmaceutical industries, the oil industry, and the banking and insurance sectors, were actually 'Americanized' by the authorities. As a result, the presence of German private investments largely declined. If, before the war, the German Empire had been the second-largest investor in the United States (but coming in as the top investor in some key sectors), in the interwar period, Germany lost that prominent position (in some cases, its economic presence disappeared) and never recovered it. However economic persecution also impacted other aspects of national life. Undoubtedly, the confiscation of enemy property was not the primary reason for the introduction of restrictive measures on immigration but the persecution of Germans, Austrians, and Hungar-

ians contributed to persuading some of them to return to Europe in the early 1920s. More significantly, economic warfare touched the lives of millions of German-Americans who directly or indirectly suffered the consequences of the sequestration and liquidation of enemy property. Since many of them were born in Germany or had at least one parent of German origin, and did not acquire U.S. nationality, their legal status was undefined. Therefore, to avoid the risk of being classified as enemy aliens, several thousands were naturalized between 1917 and 1918. But others were not so lucky and underwent the effects of persecution. Otherwise, many German-Americans, despite having U.S. citizenship, had relatives in Germany or in the United States who retained their nationality and thus were categorized as enemy citizens by federal authorities. The Custodian did not only seize investments or property belonging to large banks and corporations but put under its control all private assets that were owned by enemy citizens. As a result, restrictive measures touched small local businesses (for example, breweries), houses, land lots, savings, bank accounts, pensions, legacies, and any other small sum of money that could be classified by authorities as having 'enemy character.' Besides being persecuted by authorities or regarded with suspicion by public opinion, a large part German-American community renounced its hyphenated identity, at least in the public sphere, but also tried to avoid the loss of property. Nevertheless, in the decade that followed the war, a significant portion of that community silently supported all initiatives of congressmen, associations, and other prominent personalities who were committed to releasing enemy assets. After having suffered persecution, including the economic one, they followed the 'politics of revenge' to punish Democrats, as electoral results confirmed, and contributed to getting the end of economic warfare.



## CHAPTER FIVE

### A COMPARATIVE ASSESSMENT OF ECONOMIC WARFARE

#### 5.1 A General Overview

##### *An Assessment of the Liquidation of Enemy Property*

The Versailles Treaty provided winning countries with the international legal framework to continue economic warfare against citizens of the defeated states after the end of the conflict, and the Allied governments promptly implemented the provision of Article 297 (b). Although local authorities in many countries often anticipated the legislation of central governments, the liquidation measures were passed in the UK (August 1919) and France (October 1919), then Poland (July 1920), Italy (April 1921), and Belgium (November 1921). The United States followed a slightly different path due to the lack of ratification of the Versailles Treaty. But President Wilson formally gave the Alien Property Custodian the faculty to liquidate enemy assets months before the end of the war (March 1918), and that provision remained in force after the Berlin Treaty (August 1921), which conferred *ex post facto* legitimacy to the expropriation.

Either by decree (as in the UK and Italy) or by law (like France, Belgium, and Poland), the core of the measures was identical in all the countries. Governments confiscated private property belonging to former enemy citizens on a collective basis without paying directly to them compensation (which was incumbent on the defeated states) and adopting special administrative procedures in derogation from ordinary legislation. The Polish case was a partial exception because the Versailles Treaty imposed that newly created states directly paid compensation to dispossessed citizens with the sale profit of their assets. Nonetheless, this partially different legal framework did not prevent Poland from carrying on the confiscation of enemy assets on a large scale, neither ensured that German nationals received adequate and full pecuniary compensation. Measures implementing Article 297 often omitted or limited guarantees under the constitution or ordinary law, restricted the right to file lawsuits through legal and administrative obstacles, and created special administrative organs with wide discretionary power that controlled large segments of national economy.

Lack of control, weak procedural rights, and administrative opacity revealed how the Western Powers and the newly created states openly violated fundamental liberal principles such as the rule of law and property rights. The Allies were able to control relevant sections of the national economy and determine the fate of tens of thousands of people whose lives depended on private assets. The amount of confiscated property was sizeable in economic terms (*see Tab. 1*). The Allies took control of a wide array of assets, consisting of big and small companies, industrial factories, buildings, land lots, savings, bank accounts, securities, but also intellectual property (such as licenses, patents, and trademarks), art collections, ships, goods, villas, and countless householding objects. In continuity with wartime, states could interfere in private economic life on an unprecedented scale, virtually at no cost.

Regardless of how the administration of seized assets worked, the low sale profits made by nearly all states (in each case, profits were far lesser than their nominal value) are clear evidence of the financial fiasco of the liquidation of enemy property. Several factors contributed to such a disappointing result. Despite exceptional procedures, the implementation of liquidation was slow almost everywhere. There were legal and judicial controversies over almost every seized asset. Not only former owners did everything they could to hinder confiscations, but selling those assets raised unexpected economic, legal, and diplomatic problems. In all countries, enemy property was auctioned off as the standard mode of sale, but each state introduced limitations and exceptions regarding some categories of assets that could be sold or reallocated only to ‘reliable’ subjects. There were often insufficient buyers, or in some sectors, there was a danger of economic shocks because of putting too many assets on the market (such as real estate or artworks). In the Polish case, until 1923-24, the lack of financial resources prevented the authorities to implement the confiscation of German property. On some occasions, bilateral negotiations with defeated countries delayed the liquidation procedures, whereas the winning countries signed often special agreements among them to avoid damaging the interests of allied or neutral citizens in the regulation of debts and credits related to enemy property.<sup>305</sup> The economic crisis in the postwar years, the inflation, as well as the long-time suspension of economic activity for

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<sup>305</sup> See for example the agreements between the UK and France (January 1920), Belgium (March 1923), or the United States (January 1927), or the French-Polish Convention (February 1922).

many firms, contributed to the unsatisfactory sales results, too.<sup>306</sup> Eventually, the opacity of the sales process, the administrative discretionary methods, and corruption also had a significant role in lowering the sales proceeds. Despite being a financial fiasco, however, the political outcome was different.

Country	Number of 'accounts'	Nominal value	Sale profit
The United Kingdom	46,152	£98.7 million	£66 million
France (old departments including Algeria)	17,052	1.6 billion francs	1.29 billion francs
Alsace-Lorraine	16,305	2.6 billion francs	1.9 billion francs
Belgium	14,500	1 billion Belgian francs	508 million Belgian francs
Italy	9,096	700 million lire	369 million lire
Poland	92,000	1.2 billion goldmarks	n.a.
The United States	31,818	\$800 million	\$662 million

[Table 1, Amount of German property and sale profit]<sup>307</sup>

From a bureaucratic point of view, there were some differences. In most countries, the governments created special bodies or agencies tasked with the management and liquidation of enemy assets, whose jurisdiction and powers derogated from the ordinary administration. Besides civil servants and diplomats, their staff was composed of businesspeople, bankers, politicians, lawyers, and economists who came from civil society and were generally chosen for their technical expertise and political loyalty. The Custodian of Enemy Property in the UK, the Alien Property Custodian in the United States, the War Veterans National Agency (*Opera Nazionale Combattenti*) in Italy (after 1923), and the Polish Liquidation

<sup>306</sup> For a general overview of the economic impact of WWI, see Charles H. Feinstein, Peter Temin, and Gianni Toniolo, "The Legacy of the First World War," in *The World Economy between the World Wars*, by Charles H. Feinstein, Peter Temin, and Gianni Toniolo (Oxford: Oxford University Press, 2008), pp. 21–38.

<sup>307</sup> In present-day terms, in the UK, the nominal value corresponds to £2.9 billion (€ 3.4 billion); in France and Alsace-Lorraine, it corresponds respectively to €2.1 billion and €3.5 billion; in Italy, it corresponds to €682 million; in Belgium, it corresponds to €1.1 billion; in the United States, it corresponds to \$14 billion (€12.8 billion); in Poland, it corresponds to €5.8.

Committee followed this example. By contrast, France and Belgium assigned those tasks to the judiciary power, whereas Italy entrusted local prefectures with the administration of enemy assets (until 1923). However, courts and prefectures had not enough skilled staff to administer and control such an amount of property and therefore strictly cooperated with representatives of local society, who were often appointed as administrators of enemy assets. In addition to that, the executive power in France, Belgium, and Italy created inter-ministerial committees to coordinate the activity of local authorities and settle all disputes between central and local organs. Regardless of which kind of system they followed, all governments struggled to adopt uniform rules and take full control of the liquidation process which avoided irregularities and corruption. But efforts led to poor results. While the British government was able to centralize the administration of enemy assets in Europe (but had nearly no control of what happened in the Commonwealth), in other countries local authorities often prevailed over cabinets and parliaments, or even ad hoc agencies acquired so much influence that neither the executive nor the legislative power could effectively control them (as it happened in the United States until the mid-1920s). Besides having wide power and being entitled to follow exceptional procedures, special organs, inter-ministerial committees, and local courts could be easily manipulated and corrupted by private interests and profiteers. Nonetheless, the UK and the United States where special bodies had staff with technical expertise in the economic and financial field were able to administer enemy assets more profitably. Conversely, where the governments chose to assign the administration of enemy assets to judges or civil servants with a legal background (like France, Belgium, Italy, and Poland), the result was economically negative.

In each country, eventually, the administration had to cooperate with Offices of Private Interests established by German diplomacy or representatives of the German state at the MATs. Such organs had to regulate disputes concerning private economic interests arising from the provisions of the peace treaty on a bilateral scale. They provide former owners with information regarding their property and legal assistance, but they also cooperated with the Allies, especially with diplomacy and organs devoted to the liquidation of enemy assets, to settle practical and legal controversies. In this sense, albeit with many difficulties, those offices were a weak counterpart to the opaque and discretionary practices and represented a sort of forum for the dialogue between former enemy countries.

Parliaments played an ambiguous role in moderating the government. In the UK, the House of Lords—and more rarely the House of Commons—often criticized the government and sought to curb the expropriation of enemy assets, but with little success. In the United States, after the war, Congress progressively re-gained control of the activity of the Alien Property Custodian and passed amendments to the TEA which resulted in the restitution of several assets belonging to families and individuals. Thanks to an active group of Republican lawmakers, Congress could moderate the aggressive stance followed until 1920, although it did not reach a whole restoration of enemy assets. But the British and American were exceptional. In France, Belgium, and Poland, by contrast, the legislative power followed a different path. In the wake of the war, between 1919 and 1921, parliaments approved harsh confiscation laws, even in opposition to the government's intentions, and thus contributed to radicalizing the economic persecution of former enemy citizens. The most extreme case was Italy where the parliament, due to its fragility and indifference, played no role in that field, especially after October 1922 Mussolini became head of the government.

In the following years, however, things slightly changed in some states. Through parliamentary investigations and resolutions, several lawmakers revealed countless scandals and the harsh and unfair application of confiscatory provisions. Representatives of the German minority in Poland, or lawmakers coming from Alsace-Lorraine stood out for their opposition to the liquidation of enemy property. But protests came too late, when the confiscation had been already carried out by the administration, or remained unheard from the governments. Therefore, none of those actions could actually reverse the stance taken after the war. As shown by bilateral agreements signed in the second half of the 1920s and then the Young Plan, the end of economic warfare could be reached only through diplomatic ways whereas no legislative power was strong enough to achieve such a goal. Another reason for this weakness was the lack of coordination between the political parties. In most cases, members of different political groups agreed on an aggressive nationalist platform that included the 'nostrification' of the economy. Regardless of being Catholics, Socialists, Liberals, Conservatives, Republicans, or Democrats, lawmakers shared a similar view on the opportunity of liquidating enemy assets to compensate private war damages suffered by fellow citizens and national companies, but also to expropriate key assets for national security reasons. Wartime propaganda—including conspiracy theories about the supposed 'silent penetration' of Germans—, xenophobia, and hostility toward former en-

enemy states left almost no space for opposition in the early 1920s. Socialists and Catholics generally aligned themselves with ultranationalist voices. Opposition was a rare exception. Besides representatives of national minorities in Poland and a large part of the Republican Party in the United States, only a few isolated personalities or very small groups, sometimes together with humanitarian, pacifist, and religious associations, openly opposed the confiscation of enemy assets. All of them adopted liberal and humanitarian arguments, criticizing the liquidation of enemy assets as an illiberal and ‘Bolshevik’ measure that was contrary to international law and posed a serious threat to the economic recovery after the war. Neither Socialists nor Communists adopted a different rhetoric. Those few voices who opposed the confiscation sided with intransigent liberals, whereas the rest of them did not even propose to redistribute wealth (apart from an Italian Socialist lawmaker in 1922 and a representative of the French Communist Party in the late 1920s).<sup>308</sup> In sum, almost none of the political parties in the interwar period chose the opposition to the economic persecution of enemy assets as part of their programs and thus left wide discretion to the executive power, sharing an agenda based on aggressive economic nationalism.

As for the role of the judiciary, courts represented a stronger balance against the executive power. After the war, judges sought to take a more independent stance from the government. Due to the high number of appeals tribunals were tasked with solving controversies and disputes regarding several aspects of expropriation procedures. Among those controversies, the most relevant concern was the definition of citizenship which could determine the exemption from confiscation (*see Chap. Six*). Especially in the UK, Belgium, France, and, to a lesser degree, the United States, courts showed a more equilibrate stance than governments and parliaments. Although they did not challenge the legal framework of the liquidation, many judges sought to enforce basic principles of law in cases of blatant abuses, even against executive power and public opinion. In this regard, Italy was a negative exception since liberal cabinets and the fascist regime prevented *a priori* the judiciary from intervening in the liquidation process, depriving former owners of the possibility to bring civil actions to ordinary courts. Anyway, judges could intervene only in individual

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<sup>308</sup> In Italy, in 1922, the Socialist lawmaker Tommaso Tonello asked for the assignation of a large land estate belonging to the Habsburg family in Veneto to a local farmers’ cooperative, see *Atti Parlamentari della Camera dei Deputati*, Legislatura XXVI, Discussioni, 29 Mar. 1922, p. 3736. In France, the Communist lawmaker Jacques Peïrot, who came from Alsace-Lorraine denounced the government’s choice to sell iron and steel firms to private groups instead of nationalizing it, see *Journal officiel de la République française. Débats parlementaires. Chambre des députés*, 7 Feb. 1929, p. 398.

cases where former owners lodged against liquidation procedures. Appeals were expensive and time-consuming, only people who had enough money (often provided by Germany) did so, and the result was far from being certain. Most victims of expropriation were not able to file appeals in foreign courts, afford lawyers, or receive financial assistance from the German state.

Eventually, it is worth mentioning the role played by the League of Nations and international courts such as the MATs and the Permanent Court of International Justice. None of them altered the policies on economic warfare. Since the liquidation of the enemy property was a matter of exclusive national sovereignty, international organs were not legally entitled to intervene and also were not strong enough to challenge that principle even when confronted with blatant abuses.<sup>309</sup> According to the Versailles Treaty, however, there was a different standard between Western Powers and the Central Eastern European states. Thanks to the minority treaties and other provisions, the League of Nations and the Permanent Court of International Justice could intervene in the treatment of German assets in Poland if petitions or appeals were issued by the German states, the minority, or other countries. Consequently, diplomatic delegates and public opinion repeatedly condemned Poland for its persecution and discrimination of the German-speaking minority. Apart from the case of Upper Silesia in May 1922, when the League of Nations played an important role as a mediator between Germany and Poland on Upper Silesia, contributing to excluding German assets in the region from confiscation, the minority protection system proved to be unable to avoid discriminatory measures and protect property rights of Germans in Poland. Likewise, the Mandates Commission examined several appeals against the confiscation of property in the former German colonies, but once again the League did not significantly affect the policies of mandatory powers. Even the Permanent Court of International Justice, which ruled against Poland on several occasions, could not restore ownership of German colonists or firms but was only able to ensure adequate compensation. In addition to that, the MATs generally renounced moderating the Allied Powers in the field of the enemy property although they had often room to maneuver in some cases (like in controversies regarding stateless people whose property was liquidated, *see Chap. Six*). Un-

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<sup>309</sup> Between 1921 and 1924, some associations representing victims of economic persecution sent petitions to the League of Nations to denounce the violations of property rights committed by the Allies. See documents in LNA, R291/10/15979/1059, R291/10/32416/1059, and R384/10/40530/23760. As a top-ranking official

surprisingly, in the 1920s, German legal commentators gave a strongly negative assessment of their jurisprudence—‘a comedy of law and jurisdiction’—underlining that the MATs were animated by the punitive spirit of the Versailles Treaty.<sup>310</sup> Presidents of MATs, who were mainly jurists coming from neutral countries (such as the Netherlands or Switzerland), refused to intervene in that kind of matter to avoid diplomatic tensions with the winning countries. Only in a few cases, they endeavored to mediate between the parties on an informal level, as in the case of German assets in South Tyrol. Once again, international and bilateral judicial organs lacked the political strength to challenge the framework settled by the peacemakers.<sup>311</sup>

### *The Social Consequences of Economic Nationalism*

Contrary to widespread assumptions about the hostility of private business actors against confiscation and expropriation on the basis that similar measures might represent a threat to the market, the fate of enemy property after WWI showed that ‘nostrification’ met the interests of a set of domestic private actors in each country, including the private business circles. Therefore, economic nationalism was not wholly a top-down process. Behind the ‘nostrification’ of enemy property, there were political alliances between governments and domestic actors, mostly private economic interests, parts of the state bureaucracy, representatives of professional categories, academic circles, political parties, large sectors of public opinion, and, more rarely, trade unions.<sup>312</sup> All of them agreed on policies that selectively protected property rights ensuring that ownership of some groups could not be subject to expropriation.<sup>313</sup> Governments safeguarded the protection of property rights as far as owners remained loyal citizens of the state, whose national origin and citizenship coincided.

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of the League wrote, however, ‘it is out of question that any practical action should be taken on the petitions,’ see LNA, R291/10/32416/1059, Note from Mr. McKinnon Wood to Captain Walter, 7 Jan. 1924.

<sup>310</sup> Walter Schätzel, *Das deutsch-französische Gemischte Schiedsgericht, seine Geschichte, Rechtsprechung und Ergebnisse* (Berlin: Stülke, 1930), p. 15. See also Heinrich Triepel, *Virtuelle Staatsangehörigkeit. Ein Beitrag zur Kritik der Rechtsprechung des französisch-deutschen Gemischten Schiedsgerichtshofs* (Berlin: F. Vahlen, 1921), Karl Strupp, “The Competence of the Mixed Arbitral Courts of the Treaty of Versailles,” *The American Journal of International Law* 17, 4 (1923), pp. 661–90, Paul De Auer, “The Competency of Mixed Arbitral Tribunals,” *Transactions of the Grotius Society* 13 (1927), pp. XVII–XXX, Walter Schätzel “Die Gemischten Schiedsgerichte Der Friedensverträge,” *Jahrbuch des öffentlichen Rechts* 18 (1930), pp. 378–455.

<sup>311</sup> On the MATs, see Helene Ruiz Fabri and Michel Erpelding, eds., *The Mixed Arbitral Tribunals, 1919-1939: An Experiment in the International Adjudication of Private Rights* (Baden-Baden: Nomos Verlagsgesellschaft, 2023).



In the interwar period, public and private actors often cooperated in shaping the policies on enemy property. Domestic actors often forced governments to take stronger measures or soften them, exploiting economic nationalism for their interests. In France and Italy, for instance, private interests played a key role in excluding German capital (and other foreign groups, too) from the hotel industry in Paris or the region of Garda and Como Lakes, even at the expense of convenience for the public finances. Something similar happened in the champagne sector in France as well. Leveraging aggressive nationalist propaganda against champagne producers of foreign nationality in France, a group of bankers and businessmen urged the state to re-allocate firms owned by enemy citizens to French nationals, and then create a strict legal framework to protect the Frenchness of the champagne production. Likewise, scientific and medical associations, together with scholars, in the United States, France, Italy, and Poland openly supported the ‘nostrification’ of the chemical and pharmaceutical industry. The creation of private monopolies should have ensured national autonomy from German producers and prompted national development as well.

There were also actions in the opposite direction, as well as confrontations among social actors. In borderlands like Alsace-Lorraine, Upper Silesia, former Prussian territories in Poland, South Tyrol, or Friuli-Venezia-Giulia, where political interests often seemed to prevail over economic considerations, domestic business actors and profiteers (including many civil servants) embraced chauvinist rhetoric and openly supported economic nationalism for their own interests. But they also clashed with other groups who strongly opposed that kind of policy. In Alsace-Lorraine, the expropriation of coal mines and modern industrial plants was instrumental in increasing the productivity of French private concerns to the detriment of German groups. Apparently, in that case, national and private interests were perfectly coincident. Nonetheless, despite largely benefiting from reallocation, French coal producers endorsed a conciliative orientation of the government toward Germany and foreign competitors like Thyssen, Stinnes, and Krupp revealing that competition and coexistence were strictly intertwined in the area. Additionally, throughout the 1920s, aggressive economic nationalism against Germans in Alsace-Lorraine provoked increasing opposition

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<sup>312</sup> On the political alliances between governments and social forces in prompting expropriations, see Marcelo Bucheli and Stephanie Decker, “Expropriations of Foreign Property and Political Alliances: A Business Historical Approach,” *Enterprise & Society* 22, 1 (2021), pp. 247–84.

<sup>313</sup> Bucheli and Decker, “Expropriations of Foreign Property,” p. 263.

in local society. The violent exclusion of German subjects resulted in divisions and troubles suffered by a lot of individuals, families, and communities where national belonging was far more blurred than legislation and policymakers could think. In the second half of the 1920s, opposition to economic persecution reached the French Parliament, whose investigation of corruption in the administration of German seized property in Alsace-Lorraine revealed political discontent among local lawmakers rather than a frank examination of all abuses and violations committed by the French government. Similarly, in Trieste, the local business actors opposed the aggressive policies of the central authorities against German-owned companies and openly supported an assimilationist agenda, that offered protection of property rights in return for cutting all ties with the former country of origin. In Prussian territories ceded to Poland, there were bitter divisions among social actors mostly along ethnonational lines, albeit not exclusively. In Upper Silesia, for instance, the national confrontation between Poland and Germany divided political parties, trade unions, the Catholic church, and economic actors along national lines, but also caused the birth of a separatist movement that sought to preserve the Upper Silesian society from the partition and violence. Although Polish-friendly actors generally endorsed the 'nostrification' of German property, most of the local economic actors opted for a political solution that could avoid the devastating effects of confiscation. But divisions could arise even among actors who shared the same nationality. In interwar Poland, for instance, the agrarian reform was supported by political parties, nationalist forces, and social groups (like the war veterans), but also banks and private companies that hoped for excluding German colonists and landowners in western regions. At the same time, however, a large coalition of interests, composed of Polish landowners, the Church, and the National Democratic Party, was contrary to the implementation of reforms that could challenge the economic and social power of those groups. Quite curiously, their position was coincident with that of national minorities and was successful in delaying the approval of a land reform (which was passed by the Sejm only in late 1925) and then curbing its implementation.

Eventually, the liquidation of enemy assets in the aftermath of WWI contradicted another cliché relating to expropriation. Confiscation of foreign-owned property is usually associated with the idea of redistribution, on the grounds that states deprive foreigners of relevant portions of national wealth and then reallocate property according to social demo-

cratic principles through nationalization, collectivization, or redistribution.<sup>314</sup> In the case of German property, though, with the partial exception of land property in Poland, none of the Allied Powers adopted such a social stance. By contrast, most states chose either to auction off confiscated assets or to transfer them on a discretionary basis. Nationality was the only criterion that could restrict the crowd of possible new owners. Beneficiaries were mostly domestic private companies, businesspeople, and social groups close to the state bureaucracy (lawyers, notaries, officers, civil servants, and, to a lesser degree, war veterans). Consequently, instead of promoting equality or social intents, the expropriation of German assets resulted in favoring national loyal groups, often strengthening monopolistic or oligopolistic concerns, and therefore having regressive effects as well. On some occasions, former owners could re-acquire their assets or were able to get their property back through judicial means. But it did not mean wealth redistribution at all. State bureaucracies sometimes returned seized assets by adopting a mix of criteria based on nationality, political considerations, and social conditions. Some socially fragile categories, such as women or widows of ‘friendly’ nationality, elderly people, large families, orphans, disabled persons, etc., could benefit from partial or integral restitution of their property. But administrative and judicial procedures were discretionary, expensive, and time-consuming. Bureaucracy and judges often disregarded provisions about restitution according to political, social, gender, or moral discriminating factors.

#### *The Humanitarian and Political Effects of Restitution*

The Allies did not liquidate all private property belonging to German citizens. Between 1919 and the early 1930s, through bilateral agreements, voluntarily or otherwise, the Allied governments returned some categories of private assets. The role played by German diplomacy was crucial because, after signing the peace treaty, the strategy of reaching restitution arrangements became one of the main goals of the Ministry of Foreign Affairs. The purpose was twofold. On the one hand, restitution agreements could relieve the condition of misery experienced by many victims of dispossession who had been deprived of almost every asset, including everyday objects and other personal belongings. Besides the humanitarian purpose, German diplomats leveraged those negotiations to re-open the diplomatic channels after five years of war and soften some of the provisions imposed by the Ver-

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<sup>314</sup> See, for instance, Ludwig von Mises, *Human Action* (Auburn: Ludwig von Mises Institute, 1998), pp.

sailles Treaty.<sup>315</sup> In August 1919, as Georges Clemenceau wrote to the German delegation, the Allies did not want to liquidate personal effects or worthless souvenirs and thus were willing to sign bilateral agreements to release ‘small property’ according to the circumstances.<sup>316</sup> In the early 1920s, all winning countries somehow respected that promise (*see Tab. 2*). However, what made the difference was the threshold set by both parties that, in most cases, remained very low. The only exception was the United States, where the threshold was particularly high and was aimed at returning private assets to all families and individuals. But the process to get property back was often complicated, and only a small part of the former owners succeeded.

A second wave of restitution began after the Conference of Locarno, when the political rapprochement between France and Germany paved the way for the partial revocation of persecutory measures, and culminated with the Young Plan that put an end to the economic warfare against enemy citizens. Although the convention between Germany and France signed in December 1926 was a significant turning point, the most important restitution agreements were those signed with Poland and the United States in 1929. Although only a small part of enemy assets was given back, and its impact from an economic and financial point of view was very limited, those agreements marked a significant step toward the demobilization of economic warfare throughout the 1920s and removed a constant matter of confrontation between former belligerent countries. In sum, besides their humanitarian purpose, similar arrangements played an important role in promoting the political détente.

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<sup>315</sup> BArch, R 2/1024, ‘Record on the treatment of German property in hostile foreign countries and the coverage of German debit balances in the compensation procedure (Articles 296, 297, 298 of the peace treaty),’ 21 Aug. 1920. See also Krüger, *Die Außenpolitik*, pp. 78–9.

<sup>316</sup> PAAA, R 96235, Georges Clemenceau to German Delegation, 28 Aug. 1919.

Country	Restitution of 'small' property	Date	Threshold of 'small' property	Restitution of unliquidated assets	Amount of released property
The United Kingdom	Bilateral agreement	31 Dec. 1920	£400/500	28 Dec. 1929	£9.7 million
France (including Algeria)	Bilateral agreement	6 Feb. 1920	300 francs	22 Dec. 1926	2,933 accounts
Alsace-Lorraine	Bilateral agreement	15 Nov. 1919	300 francs	22 Dec. 1926	82 million francs
Italy	Bilateral agreement	7 Nov. 1920	50,000 lire	1 Sep. 1927	188 million lire
Belgium	Liquidation law (Art. 6)	6 Jun. 1921	25,000 Belgian francs	15 Aug. 1929	n.a.
The United States	Amendments to the TEA	5 Jun. 1920, 4 Mar. 1923	\$10,000	10 Mar. 1928 28 Dec. 1929	\$550 million
Poland	Administrative circular	Oct. 1923	n.a.	31 Oct. 1929	10,000 families

[Table 2, Restitution of German Property]

States voluntarily released seized assets for other political reasons, i.e., to assimilate subjects who acquired a 'friendly' nationality or proved to be loyal nationals. Disputes on nationality status revealed a lot of cases where connections with Germany were lost or were only apparent. All states adopted provisions to exempt women who became German citizens by marriage but were born in the UK, France, Belgium, or the United States. Also, sons or daughters of German subjects who acquired another nationality, served the Allied armies during the war, or were integrated into the local society could benefit from similar provisions. In many cases, however, judiciary power played a key role and compelled the executive to release those assets (*see Chap. Six*). But restitution could be also aimed at demobilizing the hostility toward the former enemy countries as well. In the case of the scientific and cultural institutions in Italy, for instance, the government returned buildings, books collection, and other seized property with the aim of re-establishing connections with Germany. In Poland, too, the end of the economic warfare in October 1929 should have resulted in peaceful coexistence with the German-speaking minority in Western regions. These examples demonstrate that restitution could also be a powerful tool to regulate the foreign presence by integrating those subjects instead of excluding them.

After years of internment, expulsion, and economic persecution, the presence of Germans in the Allied countries dramatically decreased. According to the census data, between 1910 and 1930, the German population almost disappeared in the UK, France, and Belgium, or largely declined in the United States and Poland (*see Table 3*). In the latter countries, the presence of German-speaking communities was far more significant in numerical terms than in Western Europe and had so specific peculiarities that it is possible to define them as a national minority (in Poland) or a large immigrant community (in the United States). However, it is remarkable that economic persecution took place also there and contributed to the declining trend. Although the Russian case has remained out of the present study, it is undeniable that economic persecution also contributed to the decline of the German presence in the Soviet Union.

In none of these countries, with the partial exception of Italy, did the German population reach the pre-war levels. But those policies had a global impact, too. According to the *World Statistics of Aliens*, in the interwar period, Germans kept being the second-largest group of foreigners in the world, after the British subjects, but declined in absolute terms and percentages nearly everywhere, dropping from 3.4 million to 2.25 million.<sup>317</sup> Apart from Asia, the number of German citizens declined in all continents, especially in America and Europe. Even in Oceania, the decrease was impressive. In New Zealand, they dropped from about 4,000 (1910) to 800 (1930), and in Australia, from 32,990 (1910) to 3,672 (1930).<sup>318</sup> Although census data can provide only a partial picture of the composition of the population and cannot give an exhaustive reconstruction of what happened to victims of economic persecution who avoided the loss of property changing their legal status, or breaking ties with their country of origin,<sup>319</sup> the decline of the German presence in the Allied countries, and in the rest of the world, is an indisputable event. After the war, being a German, or being classified as such, was highly problematic and provoked countless

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<sup>317</sup> *World Statistics of Aliens: A Comparative Study of Census Returns, 1910-1920-1930* (Geneva: International Labour Office, 1936), p. 58. For a general overview of the German emigration in the interwar period, see Jochen Oltmer, "Migration – Deutschland in Daten," *Deutschland in Daten*, March 1, 2016, <http://www.deutschland-in-daten.de/en/migration/>.

<sup>318</sup> *World Statistics of Aliens*, p. 152.

<sup>319</sup> According to German sources, in the UK, the German-speaking community wholly disappeared and only those who acquired the British naturalization remained in the country, see Hans Mützel, "Das Deutschtum im Nachkriegs-England," *Auslandswarte*, 7, 12 (1927), pp 389–90.

troubles for those individuals who fell into that group.<sup>320</sup> Besides immigration restrictions, economic warfare in the aftermath of the war contributed to that result because it prolonged the persecution of former enemy citizens and prevented their return, at least in the short term. Dismantling the material foundations of their presence, the Allies destroyed the lives of tens of thousands of families and individuals who lost almost everything. Victims could either remain in Germany or go abroad but in other countries.

Significantly, the persecution of former enemy citizens impacted the presence of Germans even in countries that had remained neutral during the war. One of them was the Netherlands, and the Dutch colonies as well, where German citizens in the early 1930s were three times as large as in the prewar period.<sup>321</sup> As a representative of the *Bund der Auslandsdeutschen* wrote in 1923, ‘many Germans look to Holland as an El Dorado.’<sup>322</sup> But other sources confirmed that the country was perceived by immigrants as a ‘paradise.’<sup>323</sup> Alternatively, a significant portion of Germans chose to migrate to Central and South America, where economic persecution had a lower impact also because local governments returned most assets to former owners and privileged German private investments instead of British or U.S. ones.<sup>324</sup> Other countries like Spain also experienced a growth in the German presence albeit on a small scale. Already during the war, about 50-60,000 German refugees moved to Spain,<sup>325</sup> and many of them sought to get naturalized in order to avoid economic persecution.<sup>326</sup> In the following decades, German foreigners rose from 3,312 (1910) to 8,411 (1930).<sup>327</sup> Among them, some families residing in Morocco were expelled by French

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<sup>320</sup> On restrictions to immigration of Germans in former enemy countries, see Walter Jung, “Wiederausreise der vertriebenen Auslandsdeutschen,” *Auslandswarte*, 2, 13 (1922), pp. 5–6, and Georg von Liebermann, “Die deutsche Auswanderung nach dem Kriege,” *Auslandswarte*, 4, 4 (1924) pp. 37–8.

<sup>321</sup> In Indonesia, German citizens increased from 1,406 (1910) to 6,867 (1930), see *World Statistics of Aliens*, p. 132.

<sup>322</sup> Carl Gollnick, “Bei den Deutschen in Holland,” *Auslandswarte*, 3, 15 (1923), p. 226.

<sup>323</sup> ‘I went to the Netherlands with the feeling that the Netherlands are a paradise,’ is a statement done by a German houseworker in the early 1920s, reported by Katja Happe, “‘Mas suchte Anschluss und fand die deutsche Kirche und Gemeinde’. Die deutschen Kirchengemeinden in den Niederlanden in der ersten Hälfte des 20. Jahrhunderts“, in Andreas Gestrich, Siegfried Hermle, and Dagmar Pöpping, eds., *Evangelisch und deutsch?: Auslandsgemeinden im 20. Jahrhundert zwischen Nationalprotestantismus, Volkstumspolitik und Ökumene* (Göttingen: Vandenhoeck & Ruprecht, 2020), p. 275. On the German immigration to the Netherlands, see also Katja Happe, “Deutsche in den Niederlanden 1918-1945: eine historische Untersuchung zu nationalen Identifikationsangeboten im Prozess der Konstruktion individueller Identitäten” (Universität Siegen, 2004).

<sup>324</sup> H. Glenn Penny, “Latin American Connections: Recent Work on German Interactions with Latin America,” *Central European History* 46, 2 (2013), pp. 362–94.

<sup>325</sup> Gunther Mai, *Die Marokko-Deutschen 1873–1918* (Göttingen: Vandenhoeck & Ruprecht, 2014), p. 644.

<sup>326</sup> Marcella Aglietti, *In nome della neutralità. Storia politico-istituzionale della Spagna durante la prima guerra mondiale* (Roma: Carocci, 2017), pp. 150–1, 154.

<sup>327</sup> *World Statistics of Aliens*, p. 132.

authorities during the war and later resettled in the areas of Morocco controlled by Spain.<sup>328</sup> A different trend took place in other neutral countries like Denmark and Luxembourg, where the German presence remained more or less stable,<sup>329</sup> and Switzerland where Germans decreased from 219,530 (1910) to 134,561 (1930). In these countries, however, many Germans likely got naturalized, especially in Switzerland and Luxembourg, benefiting from business-friendly policies and linguistic and cultural affinities.

Country	Census 1910	Census 1920	Census 1930
The United Kingdom	53,324	9,389	13,896
France (old departments)	102,271	5,190	25,988
Alsace-Lorraine	513,800 (1919)	70,434	43,012
Belgium	57,010	7,960	12,479
Italy (old provinces)	10,715	4,790	8,994
Poland	2.1 million	1.05 million	741,000
The United States <sup>330</sup>	2.3 million	1.68 million	1.6 million
The Netherlands	37,534	56,351	101,955
Switzerland	219,530	149,833	134,561

[Table 3, German Population in Europe and the U.S. between 1910 and 1930]<sup>331</sup>

Besides the decline in physical presence, the persecution of German nationals and private companies resulted in huge transformations in the economic sphere. The most sig-

<sup>328</sup> Mai, *Die Marokko-Deutschen*, pp. 804–15.

<sup>329</sup> In Denmark, the number of German citizens slightly declined from 34,000 (1910) to 29,994 (1930), whereas in Luxembourg it rose from 21,000 (1910) to 22,000 (1930).

<sup>330</sup> Instead of citizenship, in the U.S. census, the population is classified by birth country.

<sup>331</sup> Data are taken by *World Statistics of Aliens: A Comparative Study of Census Returns, 1910-1920-1930* (Geneva: International Labour Office, 1936). On Italy, see *Censimento della popolazione del regno d'Italia al 1° dicembre 1921. Relazione generale*, vol. 29 (Roma: Provveditorato generale dello stato, 1928), and *VII Censimento generale della popolazione, 21 aprile 1931: Relazione generale. pt. 1. Testo. pt. 2. Tavole*, vol. 4 (Roma: Tipografia Failli, 1933). On France, see *Résultats statistiques du recensement général de la population effectué le 7 mars 1926. Tome I. Cinquième partie : Etrangers et naturalisés* (Paris: Imprimerie Nationale, 1931), and *Résultats statistique du recensement général de la popu-*



nificant consequence of the economic warfare touched the financial relations of the German state with foreign countries. After 1918, from being a capital-exporting country, Germany turned into the world-largest debtor nation.<sup>332</sup> Due to the burden of reparations, the Weimar Republic was in serious need of foreign capital to stabilize the economy and currency, and after the Dawes Plan bank loans and private investment from the United States flooded the German market.<sup>333</sup> Before the economic crisis in 1929, about 1,100 American companies operated on the German market, and foreign investments were worth \$139 million.<sup>334</sup>

But economic warfare greatly impacted the presence of German capital and private companies abroad. Large investments in the UK, the United States, France, Belgium, and Poland were lost and most of them were not recovered in the decades after the war. The Allies waged the ‘nostrification’ of key industries, such as the chemical or pharmaceutical sectors or coal and steel factories, but also of public utility firms, banks, insurance companies, shipping corporations, etc. Intellectual property was transferred to national companies which were able to take advantage of licenses to fill the technological gap. Private stockholders of enemy nationality were generally dispossessed. As for land property, even in countries where governments did not wage agrarian reforms, land estates, and farming activities were transferred to ‘friendly’ citizens. But economic nationalism also affected the tourist business, the hotel industry, and other non-strategic sectors. In some regions, especially in borderlands, the eradication of the German economic presence was so radical that virtually any economic activity was regarded as sensitive to national security. As a result of the aggressive economic nationalism after 1918, the Allied states introduced severe limitations to the return of German private capital or discouraged access to their own markets. Managers and businessmen of foreign nationality (especially those coming from former enemy states like Germany) were prevented from entering the country or were closely put under surveillance by police authorities. As a rule, foreigners (including private companies)

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*lation effectué le 8 mars 1931. Tome I. Cinquième partie : Etrangers et naturalisés* (Paris: Imprimerie Nationale, 1936). On the British case, see data in [www.findmypast.co.uk](http://www.findmypast.co.uk).

<sup>332</sup> Karl Heinrich Pohl, *Weimars Wirtschaft und die Außenpolitik der Republik 1924-1926: vom Dawes-Plan zum Internationalen Eisenpakt* (Düsseldorf: Droste Verlag, 1979), p. 20.

<sup>333</sup> Charles H. Feinstein, Peter Temin, and Gianni Toniolo, “International Capital Movements in the 1920s,” in *The World Economy between the World Wars*, by Charles H. Feinstein, Peter Temin, and Gianni Toniolo (Oxford: Oxford University Press, 2008), pp. 77–84.

<sup>334</sup> Volker R. Berghahn, *American Big Business in Britain and Germany: A Comparative History of Two “Special Relationships” in the 20th Century* (Princeton and Oxford: Princeton University Press, 2015), p. 187.

were often prevented from acquiring certain categories of assets such as land property, strategic factories, and estate in areas close to the borders, or practicing some professions. Banks, insurance companies, and corporations encountered legal, bureaucratic, and political obstacles, or renounced in advance to return to those markets until political conditions improved and restrictions were lifted in the second half of the 1920s.<sup>335</sup>

Nonetheless, many corporations endeavored to regain the international market share that got lost after the war, and their efforts were often successful despite some limitations. In the second half of the 1920s, the nominal value of exports was higher (11.2 billion marks) than before the war (8.6 billion marks). As for the type of export, the war accelerated the trend that saw the share of finished goods, especially metallic products, machineries, and chemical products, exceed well over half of total exports (59.1% in 1925-29 while it was 53.3% in 1910-13), whereas food exports halved (from 9.4% to 4.8%).<sup>336</sup> Nonetheless, the war did not alter the trade balance trend that remained negative in the aftermath of the war. As for the import structure, however, the German industry was less dependent on imported raw materials, semi-finished and finished goods than in the prewar period. The import volume compared to the production index stood at 102% in 1910-13 but did not go beyond the maximum value of 82% in 1927-28. Similarly, the export dependence of the German industry shrank from 95% (1913) to 77% (1926). Economic warfare contributed to making the German industry more independent from importation of foreign products and also less dependent on exports than previously. The only significant exception concerned the dependence on iron ore whose import volume grew from 98% of the production index before the war (1913) to 191% (1929).<sup>337</sup> On a general level, at the end of the 1920s, Germany accounted for 9% of the world export share which was lower than the pre-war figure (13%) but astonishing given the devastating effects of the war and the decline of the European share of the world economy.<sup>338</sup> Unsurprisingly, the weight of exports and imports on the gross national product respectively dropped from 17.5% (1910-13) to

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<sup>335</sup> On the British case, see Panikos Panayi, "German Business Interests in Britain During the First World War," *Business History* 32, 2 (1990), p. 254.

<sup>336</sup> Hoffmann, *Das Wachstum*, p. 153.

<sup>337</sup> Hoffmann, *Das Wachstum*, p. 163.

<sup>338</sup> Detlev Peukert, *The Weimar Republic: The Crisis of Classical Modernity* (London: Allen Lane, 1991), p. 133.

14.9% (1925-29) and 20.2% (1910-13) to 17% (1925-29).<sup>339</sup> Without being isolated or de-globalized, however, Germany was less integrated into world economy than before the war.

Although private business actors were aware of operating in a ‘world economic state of war’ (*weltwirtschaftliche Kriegszustand*), they showed a surprising level of resilience and flexibility, maintaining strong ties with foreign markets, and thus Germany remained dependent on international market.<sup>340</sup> At the same time, throughout the 1920s, the turnover of several corporations which suffered heavy losses abroad remained lower than pre-war levels. According to an association of victims of economic persecution, in 1928, the volume of sales and export of 72 damaged firms corresponded to ¼ of the pre-war value.<sup>341</sup> Also, in 1925, the British Department of Overseas Trade observed that the recovery of German private investments abroad was taking place quickly, even within the British Empire, but faced difficulties deriving from the lack of adequate financing.<sup>342</sup> Power companies, like *Siemens* and *AEI*, concentrated their energies on European markets and despite some good results, they did not recover the pre-war levels.<sup>343</sup> More successful were the efforts of the chemical concern *IG Farben*, even thanks to the failure of the ‘chemical disarmament’ planned by the Allies in the aftermath of the war.<sup>344</sup> Even in this case, however, its turnover remained lower than before the war. The presence of new national monopolies, such as *Du Pont*, *Montecatini*, or the *Imperial Chemical Industry*, which largely benefited from the expropriation of German competitors, prevented the possibility of regaining the

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<sup>339</sup> Hoffmann, *Das Wachstum*, p. 151.

<sup>340</sup> Jan-Otmar Hesse, “Fortsetzung des Wirtschaftskriegs. Die Neuordnung der globalen Wirtschaft nach Versailles und die deutschen Unternehmen,” in Dieter Ziegler and Jan-Otmar Hesse, eds., *1919 – Der Versailler Vertrag und die deutschen Unternehmen, 1919 – Der Versailler Vertrag und die deutschen Unternehmen* (Oldenbourg: De Gruyter, 2022), pp. 374–93. See also Anna Karla, “Westeuropas Wiederaufbau: Made in Germany? Baumaterial aus Deutschland im Versailler Vertrag,” *Zeithistorische Forschungen / Studies in Contemporary History* 13, 3 (2016), pp. 426–41. On the difficult conditions of international trade after WWI, see the petition sent to the German government by the chambers of commerce abroad in July 1927, in BArch, R 43-I/798, *Ostasiatischer Verein* (Hamburg-Bremen) to Chancellor Marx, 20 Jul. 1927.

<sup>341</sup> BArch, R 43-I/799, *Bemerkungen der Arbeitsgemeinschaft für den Ersatz von Kriegs- und Verdrängungsschäden zu dem dem Reichstag zugegangenen Entwurf eines Kriegsschädenschlußgesetzes*, Jan. 1928.

<sup>342</sup> See reports of the Department of Overseas Trade, in NA, BT 90/21/5 and 90/21/6.

<sup>343</sup> Harm G. Schröter, “Europe in the Strategies of Germany’s Electrical Engineering and Chemical Trusts, 1919-1939, in Volker Rolf Berghahn, ed., *Quest for Economic Empire: European Strategies of German Big Business in the Twentieth Century* (Oxford: Berghahn Books, 1996), pp. 47–9.

<sup>344</sup> Jeffrey Allan Johnson and Roy Macleod, “The War the Victors Lost: The Dilemmas of Chemical Disarmament, 1919–1926,” in *Frontline and Factory: Comparative Perspectives on the Chemical Industry at War, 1914–1924*, ed. Roy Macleod and Jeffrey Allan Johnson, Archimedes (Dordrecht: Springer Netherlands, 2006), pp. 221–45.

quasi-monopoly of the pre-war years.<sup>345</sup> Instead, although after the war, in 1919-1920 Germany was virtually without a merchant fleet (1% of the world share), shipping corporations ‘possessed everything needed to run ships—expertise, networks, personnel, wharves, even cash—and it was only a matter of time before they got their hands on the one thing they lacked.’ As Michael B. Miller pointed out, ‘despite the colossal loss in capital assets, companies turned tidy profits on the Swedish ore trade or by converting their facilities to war-contracted business. During and after the war they received voluminous state handouts. Banks and steel companies invested in them. [...] Only the cosmopolitan, highly networked culture of maritime business can explain the rapidity with which they rejoined the club. [...] By 1926 HAPAG was back to 879,000 grt, NDL [*Norddeutscher Lloyd*] to 613,000 grt, Hansa to 230,000 grt, and Hamburg Süd to 152,000 grt—and they kept growing after that. Once ships were sailing again, network resources assured that all else fell into place.’<sup>346</sup>

Although economic warfare strongly limited the presence of German business activities in the Allied countries for a long time, it also stimulated German enterprises and banks to adopt alternative strategies to avoid, or mitigate, the political risk abroad, and to look for other foreign markets. After 1918, German private business actors moved to countries that had remained neutral during the war, such as Switzerland, the Netherlands, Sweden, and Argentina, or concentrated their efforts to expand in regions where the need for foreign capital was impelling and there was a less aggressive stance of local governments, like Southeastern Europe or Kemalist Turkey.<sup>347</sup> Among the legal techniques adopt-

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<sup>345</sup> Peter Hayes, *Industry and Ideology: I. G. Farben in the Nazi Era* (Cambridge: Cambridge University Press, 1987), pp. 12–31, and Gottfried Plumpe, *Die I.G. Farbenindustrie AG: Wirtschaft, Technik und Politik 1904-1945*, *Schriften zur Wirtschafts- und Sozialgeschichte* (Berlin: Duncker & Humblot, 1990), pp. 100–14, 120–4, 129–30.

<sup>346</sup> Michael B. Miller, *Europe and the Maritime World: A Twentieth-Century History* (Cambridge: Cambridge University Press, 2012), pp. 237–8.

<sup>347</sup> Jan-Otmar Hesse, “Die globale Verflechtung der Weimarer Wirtschaft. De-Globalisierung oder Formwandel?” in Christoph Cornelißen and Dirk Van Laak, *Weimar und Die Welt: Globale Verflechtungen Der Ersten Deutschen Republik* (Göttingen: Vandenhoeck & Ruprecht GmbH & Co, 2020), pp. 364–7, and Christof Dejung and Andreas Zangger, “British Wartime Protectionism and Swiss Trading Companies in Asia during the First World War,” *Past & Present* 207, 1 (2010), p. 210. For Scandinavian countries, see Harm Schröter, “Risk and Control in Multinational Enterprise: German Businesses in Scandinavia, 1918-1939,” *The Business History Review* 62, 3 (1988), pp. 420–43. On the relationship between economic presence and informal imperialism in Southeastern Europe, see Stephen G. Gross, *Export Empire: German Soft Power in Southeastern Europe, 1890–1945* (Cambridge: Cambridge University Press, 2016). On Argentina, see H. Glenn Penny, “Latin American Connections: Recent Work on German Interactions with Latin America,” *Central European History* 46, 2 (2013), pp. 375–6. See also Shakila Yacob, “Trans-Generational Renewal as Managerial Succession: The Behn Meyer Story (1840–2000),” *Business History* 54, 7 (2012), pp. 1166–85, and “Rising of the Phoenix: Mitigating Political Risk through Knowledge Management—Behn, Meyer & Co., 1840–1959,” *Enterprise & Society* 19, 4

ed to avoid the political risks of confiscation, many companies developed the so-called ‘cloaking,’ that is ‘the art of concealing the true ownership of a company from authorities’ through naturalization, shell companies, etc., or prompted the off-shore economy in tax havens and other business-friendly.<sup>348</sup> According to Christophe Farquet, who concentrated on capital flight from Germany to Switzerland, between 1919 and 1921, the amount of wealth that left the first country to the latter was between 1.5 and 2 billion Swiss francs.<sup>349</sup> In the same period, an even higher sum, between 1.8 and 2.4 billion Swiss francs, concerned the transfer of German assets to the Netherlands.<sup>350</sup> By the end of 1921, around 7 billion goldmarks of private capital left Germany.<sup>351</sup>

Also, private business actors were able to get back to those foreign markets, especially in Latin America and East Asia, where local governments waged economic warfare under pressure from the British Empire or the United States but did not exercise their right of liquidation in order to facilitate the return of foreign investments. In these cases, local governments promoted a sort of political alliance with European private investors having a different nationality than British, French, or American ones to break the economic and financial dependence of their countries on imperial powers.<sup>352</sup> In Guatemala and Costa Rica, for instance, in the 1920s and the 1930s, the presence of German investors quickly grew, and it prompted the recovery of trade relations with the port of Hamburg, to the point that Germans exceeded the prewar levels of commercial traffic at the Suez Canal.<sup>353</sup> Also, in

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(2018), pp. 946–78; Máté Rigó, *Capitalism in Chaos: How the Business Elites of Europe Prospered in the Era of the Great War*, *Capitalism in Chaos* (Ithaca: Cornell University Press, 2022).

<sup>348</sup> Gerard Aalders and Cees Wiebes, *The Art of Cloaking Ownership: The Secret Collaboration and Protection of the German War Industry by the Neutrals: The Case of Sweden* (Amsterdam: Amsterdam University Press, 1996). See also Christopher Kobrak, *National Cultures and International Competition: The Experience of Schering AG, 1851-1950* (Cambridge: Cambridge University Press, 2002), and Christopher Kobrak and Jana Wüstenhagen, “International Investment and Nazi Politics: The Cloaking of German Assets Abroad, 1936–1945,” *Business History* 48, no. 3 (2006), pp. 399–427.

<sup>349</sup> Christoph Farquet, “Quantification and Revolution: An Investigation of German Capital Flight after the First,” EHES Working Paper (European Historical Economics Society (EHES), 2019), p. 11.

<sup>350</sup> Farquet, “Quantification and Revolution,” p. 13.

<sup>351</sup> Farquet, “Quantification and Revolution,” p. 14.

<sup>352</sup> Christina Lubinski, *Navigating Nationalism in Global Enterprise: A Century of Indo-German Business Relations*, New edition (Cambridge: Cambridge University Press, 2022).

<sup>353</sup> Thomas Schoonover, “Germany in Central America, 1820s to 1929: An Overview,” *Jahrbuch Für Geschichte Lateinamerikas = Anuario de Historia de América Latina (JbLA)* 25 (1988), pp. 54–7, and Christiane Berth, *Biografien und Netzwerke im Kaffeehandel zwischen Deutschland und Zentralamerika 1920–1959* (Hamburg: Hamburg University Press, 2014). The case of Nottebohm, a coffee planters’ family in Guatemala, has been examined by Max Paul Friedman, *Nazis and Good Neighbors: The United States Campaign against the Germans of Latin America in World War II* (Cambridge: Cambridge University Press, 2003), pp. 167–8, and Christiane Berth, “Kaffee als politisches Druckmittel? Der schwierige Wiederaufbau der Handelsnetzwerke zwischen der Bundesrepublik

China, India, Shanghai, and Siam, private German companies and banks were able to rebuild most of their activities and, in the mid-1920s, the turnover often exceeded the pre-war levels.<sup>354</sup> Even in Egypt, where the British authorities managed to prevent the return of German residents, after 1923, most of the restrictive measures were lifted and Germany became the second-largest trade partner of the country.<sup>355</sup>

Another significant exception concerned the British mandate in Tanganyika. After the ban against the entry of former enemies lapsed, between the end of 1925 and the summer of 1928, about 1,300/1,400 Germans came back to the former colony. They were usually former colonial settlers who active in the cultivation of coffee, coconut, and agave. Thanks to the loans the German state granted them, they were able to rebuild their activity. As Heinrich Schnee reported, ‘the funds provided by the government were made available in advance to a local private company, the *Deutsche Tanganyika-G.m.b.H.*, controlled by the German Ministry of Foreign Affairs, and used by this company mainly for loans to the emigrating settlers. These varied in individual cases from 8 to 14,000 marks, of which the first third was to be paid out before departure, the second after land acquisition, and the third after appropriate investment.’<sup>356</sup> However, German settlers experienced a situation of legal and economic fragility. Most of them were not owners of the land they cultivated and could be expelled from the mandate at any time due to their nationality. In addition to that, because of debts incurred to return to the colony, the settlers suffered from a lack of liquidity and an inability to make large investments. Nonetheless, German authorities looked at their presence from a political point of view. As the German consul in Mombasa (Kenya) reported, in the international scenario after the Treaty of Locarno, ‘the settlement pro-

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Deutschland und Guatemala in den 1950-er Jahren,” in *Händler, Pioniere, Wissenschaftler: Hamburger in Lateinamerika*, ed. Jörn Helmuth Arfs and Ulrich Mücke (Münster: Lit, 2010), pp. 67–88.

<sup>354</sup> On the cases of China and Shanghai, see Mathias Mutz, “«Ein Unendlich Weites Gebiet Für Die Ausdehnung Unseres Geschäfts». Marketingstrategien Des Siemens-Konzerns Auf Dem Chinesischen Markt (1904 Bis 1937),” *Zeitschrift Für Unternehmensgeschichte / Journal of Business History* 51, 1 (2006): 93–115; Ghassan Moazzin, “From Globalization to Liquidation: The Deutsch-Asiatische Bank and the First World War in China,” *Cross-Currents: East Asian History and Culture Review* 16 (2015), pp. 66–9; Tobit Vandamme, “The Rise of Nationalism in a Cosmopolitan Port City: The Foreign Communities of Shanghai during the First World War,” *Journal of World History* 29, 1 (2018), pp. 62–3. On India, see Christina Lubinski, “Global Trade and Indian Politics: The German Dye Business in India before 1947,” *The Business History Review* 89, 3 (2015), pp. 503–30, and Lubinski, *Navigating Nationalism*. On Siam, see the case of Adolf Linz in Chapter 6.

<sup>355</sup> Wolfgang Schwanitz, “Changing or Unknown Identities? The Example of the Deutsche Orientbank AG in Cairo and Alexandria (1906-1931),” in *Changing Identities*, by Joachim Heidrich (Berlin, Boston: Klaus Schwarz Verlag, 2021), pp. 401–16.

<sup>356</sup> GStAPK, VI. HA NI Heinrich Schnee, Nr. 24, *Aufzeichnung über den wirtschaftlichen Wiederaufbau in Ostafrika*, s.d. [July/August 1928].

gram represents an attempt, and at this stage the only practical way, to regain by peaceful means at least a part of what we have lost in East Africa under the Treaty of Versailles.<sup>357</sup>

The example of the largest German bank, the *Deutsche Bank*, was symptomatic of the long-lasting effects of economic warfare in terms of exclusion and resilience. In 1873, the German bank opened its first European branch in London, which rapidly became the most important office specializing in financing overseas trade. With more than 300 employers, the London branch had a 'balance sheet of 218 million marks,' corresponding to 1/10 of the *Deutsche Bank*'s assets in 1913, and 'the majority of all foreign trade financing and trading in foreign exchange and precious metals, was carried out there.'<sup>358</sup> A few days after the outbreak of the war, in August 1914, the British authorities appointed an official accountant with the task of supervising all operations to avoid that money could flow to Germany. In September 1916, when most liabilities have been settled, the government closed the branch and seized all assets, including the bank's building which was confiscated and sold to Barclays in June 1917 for £230,000.<sup>359</sup> Due to the volume of business handled by the London branch, the Board of Trade concluded the liquidation of activities in 1928. Because of the financial restrictions imposed by the British authorities and fears of losing investments in case of a new conflict, the *Deutsche Bank* returned to the City in 1973, and it was only in the 1980s that employers exceeded the pre-1914 number.<sup>360</sup> Something similar happened to the Brussels branch. Opened in 1910, it operated until late 1918 when Belgian authorities seized and later liquidated all assets belonging to the German bank. The building, auctioned off in 1928, was acquired by a Belgian bank, the *Volksbank van Leuven*. Like in the British case, the *Deutsche Bank* re-entered the Belgian market only in October 1978.<sup>361</sup> In the United States, after the possibility of opening a foreign branch in New York replacing the London one failed between 1914 and 1916,<sup>362</sup> the *Deutsche Bank* indirectly entered

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<sup>357</sup> GSStPK, VI. HA NI Heinrich Schnee, Nr 24, Report of the German consul Speiser (Mombasa), 5 Jul. 1928.

<sup>358</sup> Alexander Nützenhadel, "The End of the World Economy: War, Revolution, and Inflation," in Werner Plumpe, Alexander Nützenhadel, and Catherine Schenk, *Deutsche Bank: The Global Hausbank, 1870 – 2020* (London: Bloomsbury Publishing, 2020), p. 215.

<sup>359</sup> Nützenhadel, "The End of the World Economy," p. 216.

<sup>360</sup> On the London branch of the *Deutsche Bank*, see [https://www.bankgeschichte.de/news/detail/18730308-london?language\\_id=1](https://www.bankgeschichte.de/news/detail/18730308-london?language_id=1).

<sup>361</sup> On the history of the *Deutsche Bank* in Belgium, see [https://www.db.com/news/detail/20180816-deutsche-bank-celebrates-40-years-in-belgium?language\\_id=1](https://www.db.com/news/detail/20180816-deutsche-bank-celebrates-40-years-in-belgium?language_id=1), and "100 years ago: Deutsche Bank goes to Belgium," *Bank and History. Historical Review*, 21 (2010), pp. 1–8. See also Nützenhadel, "The End of the World Economy," pp. 224–5.

<sup>362</sup> Nützenhadel, "The End of the World Economy," pp. 217–9.

the American market in the 1920s and again in the 1960s, but the New York branch was inaugurated only in 1979.<sup>363</sup> In Italy like in other secondary markets, the *Deutsche Bank* operated through other local financial institutions and only established a branch in 1986.<sup>364</sup> Restrictions and political risks urged the *Deutsche Bank* to find alternative markets where states could give reassurances against confiscations or other aggressive measures. During the war, and especially after 1918, the *Deutsche Bank* turned its attention to neutral countries that showed a business-friendly stance like Switzerland, the Netherlands, Scandinavian countries, Latin America, and, to a lesser degree, Spain. In particular, Amsterdam acquired growing importance as trade finance, and thus German private banks and companies moved there through mediators or opening branch offices.<sup>365</sup> In July 1921, the *Deutsche Bank* opened a branch in Amsterdam with the intention of re-establishing ties with clients previously managed by the London and Brussels offices.<sup>366</sup> In a few years, far exceeding expectations, the Amsterdam branch's turnover reached beyond the pre-war level of closed offices.<sup>367</sup> After the fusion with the *Disconto-Gesellschaft* in 1929, which was also active in the Dutch market, the volume of the business largely increased and wholly compensated for losses provoked by the war.<sup>368</sup> The Istanbul office experienced a similar fate. Opened in 1909, the second foreign branch after London, the office in Istanbul strongly stimulated the expansion of German private capital in the Ottoman Empire, like investments in the railway sector in Mesopotamia and Syria or the oil concessions.<sup>369</sup> In January 1919, however, the British and French military occupation authorities seized German assets in the Ottoman Empire and closed the *Deutsche Bank* office in Istanbul. After the Treaty of Lausanne in 1923, the British administration released the bank's assets from seizure, and the

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<sup>363</sup> On the history of the *Deutsche Bank* in the United States, see <https://country.db.com/usa/company/history/> and <https://country.db.com/usa/company/history/chronicles>.

<sup>364</sup> On the Italian case, see [https://www.deutsche-bank.it/il-gruppo.html?language\\_id=1](https://www.deutsche-bank.it/il-gruppo.html?language_id=1).

<sup>365</sup> Albert Broder, "Un aspect des mouvements de capitaux en Europe entre 1917 et 1925: Les relations Etats-Unis / Allemagne et l'attitude de la France," in Ilja Mieck and Pierre Guillen, eds., *Nachkriegsgesellschaften in Deutschland und Frankreich im 20. Jahrhundert / Sociétés d'après-guerre en France et en Allemagne au 20e siècle* (Oldenbourg: De Gruyter, 1998), pp. 53–5, and Nützenhadel, "The End of the World Economy," pp. 223–5.

<sup>366</sup> *Geschäftsbericht des Vorstands der Deutschen Bank für das Jahr 1921*, p. 16.

<sup>367</sup> *Geschäftsbericht des Vorstands der Deutschen Bank für das Jahr 1922*, p. 20, and *Geschäftsbericht des Vorstands der Deutschen Bank für das Jahr 1923*, pp. 17, 21.

<sup>368</sup> *Geschäftsbericht des Vorstands der Deutschen Bank für das Jahr 1929*, p. 29.

<sup>369</sup> Gerald D. Feldman, "Die Deutsche Bank vom Ersten Weltkrieg bis zur Weltwirtschaftskrise 1914-1933," in Lothar Gall et al., eds., *The Deutsche Bank, 1870-1995* (München: C.H. Beck, 1995), p. 201, and Nützenhadel, "The End of the World Economy," pp. 221–3. On the presence of German capital in Turkey before the war, see Fischer, *War of Illusions*, pp. 298–306.



new Turkish government renewed concessions for financial operations.<sup>370</sup> Re-opened in 1923, the Istanbul branch quickly prompted the return of German capital and became a crucial partner for local companies in national development until August 1944 when the diplomatic relations with Germany were broken off and the Turkish government put German private property under sequestration.<sup>371</sup>

## 5.2 In Search for a Transnational Solution: Enemy Property and the Reparations

### *From Versailles to London (1920-1924)*

Once the Treaty of Versailles was signed, German diplomacy struggled to reverse the system of liquidation of private property. Besides bilateral negotiations with each former enemy country, throughout the 1920s, German diplomats and technical experts fought against Article 297 of the Versailles Treaty by seeking a multilateral agreement on private property within the scheme of reparations. The peacemakers gave wide discretion to Allied governments in determining the fate of enemy assets and separated this issue from the reparations due to the winning countries, but Germany sought to reach a revision of that rule. The establishment of the amount of the reparations, and the following disputes over its fulfillment, represented the occasion to raise the matter of private property on an international scale. The purpose of Germans was twofold. On the one hand, diplomacy sought to include the amount of confiscated property within the reparations account in order to reduce the demand of the Allies. But, on the other, German experts hoped to reach an international agreement that could stop the ongoing confiscation procedures in many Allied countries and allow Germany to compensate its citizens with higher sums thanks to a reduction of the financial burden of reparations.

The first attempts were made one year after the signing of the treaty. In an interview with the French newspaper *Le Petit Journal*, the banker and manager of the *Disconto-Gesellschaft* Franz Urbig, who closely cooperated with the German government as a technical expert for the negotiations with the Allies, declared that the restitution of seized assets was among the goals to re-establish the economic stability in Germany as well as in Eu-

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<sup>370</sup> Nützenhadel, "The End of the World Economy," pp. 223, 227.

<sup>371</sup> *A Century of Deutsche Bank in Turkey* (Berlin: Deutsche Bank, 2009), that is available online: [https://country.db.com/turkey/documents/Centenary-book.pdf?language\\_id=1](https://country.db.com/turkey/documents/Centenary-book.pdf?language_id=1).

rope.<sup>372</sup> Some months later, at the Brussels Conference (December 1920), the German delegation tried to raise the matter of private property as part of the negotiation over reparations. Carl Melchior also had informal talks with Belgian delegates on that possibility.<sup>373</sup> In April 1921, when the London Conference was about to begin, Germany suggested including the confiscation of private property within the reparations account.<sup>374</sup> While the diplomatic efforts of Germany were unsuccessful, the Reparations Commission did not abstain from directly intervening in the discussion about the budget of the German state. In January 1921, it released an official statement urging Germany to cut the allocation of funds for compensating dispossessed Germans.<sup>375</sup> Between late 1921 and the summer of 1922, diplomacy sought to reach bilateral agreements with the United States, Belgium, and Italy on the restitution of private property in exchange for some million golden marks to force the UK and France to join a similar solution, but negotiations led nowhere or, like in the case of Italy, met with the resistance of the Reparations Commission. One of the few positive results of German diplomacy was the official renunciation of Paragraph 18 of Annex II, Section VIII of the Versailles Treaty, which enabled the Allies to confiscate private property belonging to German nationals or firms as retaliation in case of the unfulfillment of reparations obligations. Significantly, the rule applied to assets owned by citizens after the ratification of the peace treaty and thus posed an obstacle to new German private investments in those countries. Except for France, between 1921 and 1923, all Allied governments waived that faculty in order to normalize political and economic relations with the defeated state.<sup>376</sup> As for enemy property seized during the war, however, the Allies were reluctant to accept a common solution that could restrict their sovereignty. The diplomatic controversy over reparations together with the limited room for maneuvering of Germany contributed to frustrating all efforts.

Once the negotiation for an international financial plan to overcome political and economic deadlock became more and more concrete between 1923 and 1924, after the

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<sup>372</sup> Marcel Ray, "Les propositions financières de l'Allemagne," *Le Petit Journal*, 1 Oct. 1920.

<sup>373</sup> BArch, R 2/1024, German Delegation to General Secretary of the Brussels Conference, 18 Dec. 1920, and Report of the talk with Mr. Lepreux, member of the Allied delegation, signed by Carl Melchior, 21 Dec. 1920.

<sup>374</sup> "Les propositions allemandes," *Le Temps*, 28 Apr. 1921.

<sup>375</sup> The text of the statement on 'German State Finances and the German Budget,' released on January 11, 1921 is reported in PAAA, R 246210, Friedberg (London) to Lord Younger, 24 Jul. 1922, and Friedrich Wilhelm Bitter and Arnold Zelle, *No More War on Foreign Investments. A Kellogg Pact for Private Property* (Philadelphia: Dorrance & Co., 1933), p. 64.

huge crisis provoked by the occupation of Ruhr, many voices were raised in Germany to demand the inclusion of the issue concerning private property within annuities fixed by the Dawes Plan.<sup>377</sup> A reason for optimism was that the Experts' Report recognized among the causes of the German incapacity to meet international obligations the loss of most foreign assets. Whereas before the war the value of private property was about 28 billion goldmarks, in 1923 the amount corresponded to a quarter of that sum (6.75 billion). Additionally, the Report added that, in any case, private funds could not be expropriated by Germany to pay reparations and thus were not available for them.<sup>378</sup> By excluding the possibility of seizing private property to pay reparations, the Experts' Committee was somehow suggesting abandoning economic warfare contained in the peace treaties.

Newspapers, refugee associations, lawmakers, and prominent representatives of the business circles claimed either the restitution of un-liquidated property or an international loan which gave Germany enough financial resources to re-evaluate compensation for lost private assets. Also, the Reichstag passed several motions in that sense, and even the Bavarian state joined those efforts.<sup>379</sup> As a result of that campaign, in May 1924, the Ministry of Finance expressed the position that diplomacy should adopt at the imminent London Conference. As for the restitution of un-liquidated property, the delegation had to negotiate the inclusion within the annuities of the Dawes Plan of sums paid by Germany to free those assets that were still under Allied control. For that purpose, the government was ready to give important public assets (such as the railways) as a pledge for payment. Otherwise, diplomacy had to negotiate to insert in the annuities all sums that the German state allocated as compensation for dispossessed citizens.<sup>380</sup> Rather, the Ministry of Foreign Affairs replied that such a plan could result in a heavier financial burden for Germany consisting of about 10/12 billion goldmarks (corresponding to four or five annuities) and thus an obstacle to the economic recovery of the country.<sup>381</sup> In the end, the Ministry of Finance insisted that, even if restitution was a remote possibility, diplomacy should persuade the Allies to consider liquidation of private assets in the reparations account and include at least a part of

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<sup>376</sup> Nicholas Mulder, "A Retrograde Tendency": The Expropriation of German Property in the Versailles Treaty," *Journal of the History of International Law* 22, 1 (2020), pp. 15–22.

<sup>377</sup> On the Dawes Plan, see Krüger, *Außenpolitik*, pp. 218–47, and Leonard Gomes, *German Reparations, 1919–1932: A Historical Survey* (London: Palgrave Macmillan, 2010), pp. 141–57.

<sup>378</sup> Gomes, *German Reparations*, p. 150.

<sup>379</sup> See petitions, articles, and other documents in BArch, R 2/703.

<sup>380</sup> BArch, R 2/703, Finance to Foreign Affairs, late May 1924.

<sup>381</sup> BArch, R 2/703, Foreign Affairs to Finance, 6 Jun. 1924.

compensation funds within the annuities.<sup>382</sup> At the same time, associations representing dispossessed Germans tried to raise the matter in the international debate as well. The *Schutzverband der Liquidationsgeschädigten im Reich* sent three open letters to British Prime Minister Ramsay MacDonald, the Italian head of the government Benito Mussolini, and French President of the Republic Gaston Doumergue. As the association wrote, in spite of the duty to compensate Germans who lost their assets according to Article 297 (i), ‘the great distress and financial ruin of the German state did not permit of the compensation’ and victims were left without adequate financial support. ‘Five years have already elapsed without bringing relief to these sufferers for the common cause. We appeal to your human sympathy in the interest of these sufferers at the approaching negotiations, to authorize the German government to include in its reparations budget a sum to indemnify those who have suffered by the liquidation of their property.’ That decision could ‘slightly affect the bulk of the reparations payments but would be of enormous assistance to the thousands of Germans living in indigence.’<sup>383</sup> Only the French Ministry of Foreign Affairs replied to it and committed to urging Germany to give adequate compensation to its citizens but did not take any stance about the inclusion of sums within the Dawes Plan.<sup>384</sup>

#### *German Property and the Dawes Plan: The Diplomatic Efforts*

All efforts were unsuccessful. Once the London Scheme entered into force (September 1, 1924), they included neither the liquidation of assets nor sums due to compensation.<sup>385</sup> Instead of giving up, instead, both diplomacy and associations of victims put a lot of effort into changing the Dawes Plan on diplomatic, legal, and public levels. Public opinion in Germany played a significant role in urging the government in that direction. The liberal newspaper *Berliner Tageblatt*, for instance, openly advocated the need for negotiation on private property.<sup>386</sup> In a letter to the Minister of Finance, the Hamburg-based businessman O’Swald claimed that the Dawes Plan was a good opportunity to grant ‘adequate compensation’ to victims of economic persecution, who paid a ‘double-reparation’ because of the loss. Also, the government could seize the opportunity to achieve significant diplomatic results because public opinions in former enemy countries were hostile to confisca-

<sup>382</sup> BArch, R 2/703, Finance to Foreign Affairs, 30 Jun. 1924.

<sup>383</sup> BArch, R 2/703, *Schutzverband der Liquidationsgeschädigten im Reich* to Ramsay MacDonald, 21 Jul. 1924.

<sup>384</sup> BArch, R 2/703, French Ministry of Foreign Affairs to *Schutzverband der Liquidationsgeschädigten im Reich*, 5 Aug. 1924.

<sup>385</sup> BArch, R 2/703, Finance to other ministries, 9 Sep. 1924.

tion.<sup>387</sup> On October 21, 1924, therefore, the German government sent a note to the Reparations Commission asking to insert the matter of private property within the Dawes Plan, in particular sums allocated by the German state to compensate its citizens.<sup>388</sup> While the American banker and technical expert Owen Young suggested opening a discussion on that,<sup>389</sup> the British and French delegates, reflecting the views of their governments, were openly contrary to accepting that perspective.<sup>390</sup> Legal and financial committees of the Reparations Commission expressed negative opinions.<sup>391</sup> In February 1925, the Commission officially rejected the proposal arguing that the issue of compensation was part of German sovereignty, and also the Dawes Plan could not concern obligations, which had been already regulated.<sup>392</sup> The outcome did not surprise German diplomacy. But it did not give up since public opinion was urging the government to intervene. As some high officials admitted, behind the diplomatic attempts, there were mostly domestic political reasons since the cabinet wanted to show its commitment to defending the interests of dispossessed citizens, although a positive outcome was highly unlikely.<sup>393</sup> From that moment on, the Ministry of Finance together with diplomats and associations of victims prepared a twofold strategy. On the one hand, they pursued the path of arbitration according to the rules set by the Dawes Plan. In case of controversies between the Allies and Germany, indeed, the London agreement gave the possibility to create an Arbitral Tribunal to settle disputes. On the other hand, the government promoted a press campaign supporting the repeal of liquidation and an international solution to that problem.

### *An International Press Campaign*

While diplomacy was seeking to reach an agreement, associations of victims and other voices close to the business circles were pursuing a propagandistic strategy to persuade Allied governments to accept the German proposal. According to Friedrich Bitter, a Hamburg-based businessman close to local economic interests, the government should have supported a mobilization of public opinion in other countries. ‘It seems to us urgently

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<sup>386</sup> “Reichsregierung und Liquidationsgeschädigte,” *Berliner Tageblatt*, 16 Oct. 1924.

<sup>387</sup> BArch, R 2/704, O’Swald to Luther (Finance), 30 Oct. 1924.

<sup>388</sup> BArch, R 2/704, Dr. Meyer to Reparations Commission, 21 Oct. 1924.

<sup>389</sup> BArch, R 2/704, Report on the negotiation in Paris concerning the inclusive amounts, 10 Nov. 1924.

<sup>390</sup> ADLC, BIP11/47, Clearing Office to Alphand, 17 Nov. 1924.

<sup>391</sup> AN, AJ/6/242, Opinion of the Legal Committee, 5 Nov. 1924, and Financial Service to Secretary of the Reparations Commission, 17 Dec. 1924.

<sup>392</sup> BArch, R 2/704, Note of the Reparations Commission, 25 Feb. 1925.

<sup>393</sup> BArch, R 2/705, Official Report, 9 Mar. 1925.

desirable to persuade well-known jurists and politicians of the neutral and former enemy countries to endorse our claim, and, if possible, to influence public opinion in our favor with the help of the foreign press. The well-known neutral and Anglo-Saxon scholars of international law, from whom we can expect a favorable opinion, should be asked for legal opinions.<sup>394</sup> Diplomats, too, shared his remarks about the importance of involving foreign legal scholars coming from neutral and Allied countries in the press campaign. The presence of scholarly personalities would have made diplomatic attempts more credible.<sup>395</sup> Legal opinions and press articles should have illustrated ‘the confiscatory measures against German private property, little known abroad until now, with their social, world economic and general political consequences.’<sup>396</sup> As a matter of fact, the authorities began leveraging academic articles for political purposes some months earlier. In December 1924, the Ministry of Foreign Affairs promoted the circulation of a paper published by Edwin M. Borchard in the *American Journal of International Law*.<sup>397</sup> Since the American jurist harshly criticized the Treaty of Versailles for the liquidation of enemy property, his prominent position as professor of International Law at Yale University was instrumental to the diplomatic interests of Germany. ‘Excerpts from the article were sent to a number of foreign missions with the request that Borchard’s remarks be disseminated as widely as possible. According to the reports, the article has been forwarded by most of the representations to the relevant trade press or to German-friendly newspapers. Excerpts of Borchard’s remarks have also been published in a number of countries, such as Japan, China, and Yugoslavia.’<sup>398</sup> Also, the *Bund der Auslandsdeutschen* addressed a petition to British Prime Minister Ramsay MacDonald, attaching Borchard’s article.<sup>399</sup> In addition to that, public funds were necessary to wage a press campaign in several countries.<sup>400</sup> In September 1925, the Ministry of Finance allocated 100,000 marks but stressed that the financial and diplomatic support should have remained confidential.<sup>401</sup>

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<sup>394</sup> BArch, R 2/705, *Wiederaufbau im Auslande* (Friedrich Bitter) to Karpinski (Finance), 2 Apr. 1925.

<sup>395</sup> BArch, R 2/705, Report, 30 Jun. 1925.

<sup>396</sup> BArch, R 2/705, *Bund der Auslandsdeutschen* to Karpinski (Finance), 9 Jul. 1925.

<sup>397</sup> Edwin M. Borchard, “Enemy Private Property,” *The American Journal of International Law* 18, 3 (1924), pp. 523–32.

<sup>398</sup> PAAA, R 2/1040, Foreign Affairs to Finance, 31 Dec. 1924.

<sup>399</sup> *The Confiscation of German Private Property and the Dawes Scheme, edited by the Bund der Auslandsdeutschen* (Berlin: Otto Stollberg & Co., 1925), pp. 15–8.

<sup>400</sup> BArch, R 2/705, *Aktenaufzeichnung über die Besprechung, die am 24. Juli 1925 im Reichsfinanzministerium stattgefunden hat*, 24 Jul. 1925.

<sup>401</sup> BArch, R 2/706, File Record, 16 Sep. 1925.

In the following years, the *Schutzverband* sent many other letters to foreign political leaders,<sup>402</sup> and the *Bund* did so as well. The association published a pamphlet (in the English language) collecting petitions, letters, and other documents exchanged with the British Prime Minister and Foreign Office, the League of the Human Rights in France, and Seymour Parker Gilbert, the American agent at the Reparations Commission. By quoting Keynes, Nitti, and other prominent politicians who strongly criticized the Versailles system, the *Bund* argued that it was absurd ‘to penalize a small group of German nationals by the loss of their private property for a fault committed by their government,’ and that the ‘sanctity of private property’ had been violated by the Allies. But it could be restored if ‘the Allied and Associated Powers decide to make use of an opportunity presented [*sic*] by the Dawes Scheme, of providing for the injured persons a compensation for the property lost.’ The tone of those documents echoed a liberal conception that called for a restoration of international law in order to reach a truly fair peace.<sup>403</sup> In those years, most efforts were concentrated in Great Britain, where public opinion seemed to be more open to lifting measures against Germans, including the restoration of seized assets. The debate, which took place also in popular newspapers like the *Times* or *Manchester Guardian*, showed that many scholars, journalists, economists, and businesspeople embraced a liberal stance against the economic nationalist agenda adopted by the government (*see Chap. Two*). Behind some of them, however, there was the interference of German diplomacy. For instance, Captain Bluett Duff, who published some articles against the confiscation of enemy property, received documents and materials from German associations, and funds from Bruno Schroeder, a British-naturalized banker of German origin.<sup>404</sup> Also, the German government expressed its full support to the initiative of Charles Bernard to publish an international investigation of measures of expropriation against Germans, Austrians, and Hungarians, and the Ministry of Finance also suggested diplomacy involving Borchard.<sup>405</sup>

Besides the national debates, the German strategy counted on mobilizing international forums. One of them was the International Law Association (ILA), where delegations of international law scholars from various countries debated legal aspects and sought to coordinate the doctrinal and jurisprudential orientations. Although jurists defended their

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<sup>402</sup> BArch, R 2/704, Letters to French President of the Republic, French Minister of Foreign Affairs, French Prime Minister, and Belgian Minister of Foreign Affairs, 18 Nov. 1924.

<sup>403</sup> *The Confiscation of German Private Property*, p. 8.

<sup>404</sup> BArch, R 2/706, Friedberg (London) to Foreign Affairs, 23 Feb. 1926.

autonomy from the political power, many delegations closely worked with the legal experts of the ministries of foreign affairs of their countries.<sup>406</sup> During the 1924 conference in Stockholm, the ILA passed a resolution condemning the confiscation of private property belonging to enemy citizens as ‘a relic of barbarism.’<sup>407</sup> In the 1926 conference held in Vienna, the report of the committee for the protection of private property<sup>408</sup> stated that the peace treaties ‘introduce[d] a departure from modern international practice in empowering the victorious Powers to retain and liquidate the property of enemy nationals.’ But it also added that the ‘confiscation [was] in no instance countenanced’ and ‘safeguards [were] provided in particular cases for protecting such property from expropriation,’ because Article 297 (i) granted German nationals the right of compensation.<sup>409</sup> Thus the committee proposed a resolution stating that the peace treaties respected the principle of inviolability of private property. Remarkably, the report was also relevant to the treatment of German minorities in Central Eastern Europe and raised a heated debate among delegates. Walter Simons expressed his strong disagreement. ‘I as an international lawyer cannot concede to the drafters that the owners have received a good method of compensation in this matter.’ As he added, ‘never has a Treaty given a right of expropriating the individuals on the side of the other party who have entrusted their property to the legislation of the land of their domicile, and that is done in these Treaties; and more than that, these Treaties have given a new debtor to the expropriated persons at the same time that they have made this debtor insolvent by the methods of the Treaty. I think that is not good law, and, therefore, I reserve the methods of the compensation while I agree with the principle of the Committee’s conclusions.’<sup>410</sup> August Cohn, a British-naturalized lawyer of German origin, asked for eliminating passages about the legality of confiscation within the peace treaties.<sup>411</sup> Erwin Loewenfeld, who was part of the German delegation, and Borris M. Komar, an American

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<sup>405</sup> BArch, R 2/1005, Finance to Foreign Affairs, 6 Mar. 1925.

<sup>406</sup> In the case of the German delegation, in 1924, Erich Kaufmann played a key role as a mediator between lawyers and diplomacy, see Frank Degenhardt, *Zwischen Machtstaat und Völkerbund. Erich Kaufmann (1880-1972)* (Baden-Baden: Nomos, 2008), pp. 99–100.

<sup>407</sup> Fraser, R. S. “Nationality and Expatriation,” *International Law Association Reports of Conferences*, 33 (1924), p. 73.

<sup>408</sup> Among the members there were Justice Russell, Frederick Pollock, Roland Vaughan Williams, René Brunet, Leslie Brierly, Wyndham A. Bewes, Arnold D. McNair, and Hugh H. L. Bellot.

<sup>409</sup> “Report of the Protection of Private Property Committee,” *International Law Association Reports of Conferences* 34 (1926), pp. 245–6.

<sup>410</sup> “Report of the Protection,” p. 252.

<sup>411</sup> “Report of the Protection,” p. 262.



judge, agreed with Simons.<sup>412</sup> Eventually, the ILA passed a new resolution that found a compromise between opposite visions. It stated that ‘the principle that private property ought to be inviolable is recognised by the Peace Treaties, although the mode of carrying it out is unsatisfactory.’<sup>413</sup> The debate was not simply a doctrinal matter but had relevance for the national interests of each state. Significantly, Erwin Loewenfeld, who joined the German delegation, informed the Ministry of Foreign Affairs of negotiations and his efforts to change the report according to German interests.<sup>414</sup> In ILA’s conferences of 1930 and 1932, the treatment of private property kept being a big topic in the debate on international law.<sup>415</sup>

In the end, however, the press campaign in the Allied countries and international forums had little success. Although the initiative contributed to raising a public debate against the confiscation of enemy property in the UK and the United States (*see Chap. Two and Four*), it did not achieve its main purpose. The British, French, and Italian governments kept an intransigent policy against any possible revisionist attempt in the field of private property. If concessions could be made, it would only have been at the national level, as demonstrated by the bilateral agreements with France (1926) and Italy (1927) for the restitution of unliquidated assets or the negotiations with the United States. The rulings of the Arbitral Tribunal would have confirmed that stance.

#### *The Arbitral Tribunal of Interpretation and the Decisions of 1927 and 1928*

Despite having a low chance of success, the Ministry of Finance turned to one of the most prominent legal experts in the field of reparations and private rights. Unsurprisingly, the ‘well-known expert’ with enough experience was Erich Kaufmann.<sup>416</sup> Once appointed as the official representative of the German state,<sup>417</sup> he took part in the preparatory works of the Ministry of Foreign Affairs and the Ministry of Finance together with the as-

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<sup>412</sup> “Report of the Protection,” pp. 263–7, 269–70.

<sup>413</sup> “Report of the Protection,” p. 273.

<sup>414</sup> PAAA, R 246212, Hugh H. L. Bellot to Loewenfeld, 8 Jul. 1926, and Loewenfeld to Martius (Foreign Affairs), 12 Jul. 1926.

<sup>415</sup> “Protection of Private Property,” *International Law Association Reports of Conferences* 36 (1930), pp. 301–362, and “Private Property,” and “The Effect of War on Enemy Property,” *International Law Association Reports of Conferences* 37 (1932), pp. 58–64, 245–8.

<sup>416</sup> BArch, R 2/705, Report, 7 Apr. 1925.

<sup>417</sup> BArch, R 2/705, *Besprechung vom 1. Juli 1925 über die Note der Reparationskommission wegen der inclusive amounts vom 30. Mai 1925*, 1 Jul. 1925.

sociations.<sup>418</sup> Kaufmann also suggested choosing The Hague or Geneva as the location of the Arbitral Tribunal because a ‘calm atmosphere’ could prevail in those cities, and explained in broad terms what should have been his strategy to create a favorable climate.<sup>419</sup>

Besides Kaufmann, the Ministry of Finance chose Albrecht Mendelssohn-Bartholdy (1874–1936) as judge of the Arbitral Tribunal.<sup>420</sup> The choice was far from accidental. Being a professor of civil law at Hamburg University and director of the *Institut für auswärtige Politik*, Mendelssohn-Bartholdy was another high-profile personality with a legal background and international reputation. Kaufmann, too, expressed admiration for him and hoped for close cooperation in preparing the official strategy.<sup>421</sup> But, as Jan Stöckmann pointed out, he embodied a peculiar and apparently contradictory stance. On one hand, coming from an educated well-known middle-class family, Mendelssohn-Bartholdy was a liberal scholar who, during the interwar period, openly called for international cooperation through legal and judicial means. He was also a pioneer in the field of International Relations in Germany because the institute led by him was the first academic institution devoted to the study of political science in international affairs. At the same, however, Mendelssohn-Bartholdy was animated by a staunch patriotism, whose commitment was often very close to nationalism. Although there were some political divergences between him and Erich Kaufmann, both shared a similar trajectory. Besides supporting the German cause during the war, sometimes in crude forms, he strongly criticized the Versailles Treaty, supported a revisionist agenda (in 1930, for instance, he suggested that Germany should leave the League of Nations), and put his expertise at the service of the national cause on many occasions between 1919 and 1933. Even after leaving Germany in 1934, due to his Jewish roots and liberal creed, a high diplomatic official defended him asserting that he had done ‘a good service for the German case.’<sup>422</sup>

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<sup>418</sup> BArch, R 2/705, Report on the meeting between high officials, associations, and Kaufmann, 16 Jul. 1925.

<sup>419</sup> BArch, R 2/705, Erich Kaufmann to Brand (Foreign Affairs), 23 Jul. 1925.

<sup>420</sup> Stabi, Nachlass Albrecht Mendelssohn-Bartholdy, MA Nachlass 2, 32, Fischer (Finance) to Mendelssohn-Bartholdy, 24 Jun. 1925.

<sup>421</sup> Stabi, Nachlass Albrecht Mendelssohn-Bartholdy, MA Nachlass 2, 33, Kaufmann to Mendelssohn-Bartholdy, 15 Jul. 1925.

<sup>422</sup> Jan Stöckmann, *The Architects of International Relations: Building a Discipline, Designing the World, 1914-1940* (Cambridge: Cambridge University Press, 2022), p. 256, Elisabeth Piller, *Selling Weimar: German Public Diplomacy and the United States, 1918-1933* (Stuttgart: Franz Steiner Verlag, 2021), pp. 250–1, and Jan Stöckmann, “Studying the International, Serving the Nation: The Origins of International Relations (IR) Scholarship in Germany, 1912–33,” *The International History Review* 38, 5 (2016), pp. 1061–70. On Mendelssohn-Bartholdy’s life, see Alfred Vagts, “Albrecht Mendelssohn Bartholdy. Ein Lebensbild,” *Mendelssohn-Studien* 3 (1979), pp.

The treatment of Germans in the Allied countries was not a new theme for Mendelssohn-Bartholdy. In February 1918, he published an article in the *Norddeutsche Allgemeine Zeitung* against the definition of enemy national followed by the British legal doctrine, condemning the economic warfare against neutral citizens or naturalized subjects of German origin as contrary to principles of international law.<sup>423</sup> In the aftermath of the war, he remained close to the issue of enemy property. Two of his closest friends were Max Warburg and Carl Melchior, who were financial experts of the German delegation at the Paris Peace Conference and were also personally involved in the matter of liquidation of private property. Additionally, they played a key role in funding the *Institut für auswärtige Politik*. Furthermore, in December 1921, Mendelssohn-Bartholdy joined the Second Congress of the Germans Abroad, organized by *Bund der Auslandsdeutschen* in Hamburg, where the loss of private assets and the reconstruction of the economic presence abroad were among the main topics.<sup>424</sup> After his appointment as a judge at the Arbitral Tribunal, the Ministry of Finance explained that the issue of compensation represented the most important matter<sup>425</sup> because the goal of the government was ‘to take away a threatening burden from our financially exhausted people.’<sup>426</sup> As Walter Simons, president of the Leipzig Supreme Court and close friend of Mendelssohn-Bartholdy, wrote to him, together with Kaufmann, they were waging a ‘fight’ (*Kampf*) against the Reparations Commission in the name of the ‘German law.’<sup>427</sup>

After negotiations between Germany and the Allies, the composition of the Arbitral Tribunal was defined in June 1925. Besides Mendelssohn-Bartholdy, other members were Thomas Nelson Perkins (1870-1937), an American lawyer and businessman who became president of the court, and Charles Rist (1874-1955), a French economist and vice-president of the Bank of France. In addition to them, both parties appointed two other ex-

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201–25; Gisela Gantzel-Kress, “Albrecht Mendelssohn Bartholdy: Ein Bürgerhumanist Und Versöhnungsdiplomat Im Aufbruch Der Demokratie in Deutschland,” *Zeitschrift des Vereins für Hamburgische Geschichte* 71 (1985), pp. 127–43; Rainer Nicolaysen, “Albrecht Mendelssohn Bartholdy (1874-1936) Jurist — Friedensforscher — Künstler,” *Rabels Zeitschrift Für Ausländisches Und Internationales Privatrecht / The Rabel Journal of Comparative and International Private Law* 75, 1 (2011), pp. 1–31.

<sup>423</sup> Albrecht Mendelssohn-Bartholdy, “Der Feind im englischen Kriegerrecht,” *Norddeutsche Allgemeine Zeitung*, 14 Feb. 1918.

<sup>424</sup> See proceedings of the congress in PAAA, R 60244.

<sup>425</sup> Stabi, Nachlass Albrecht Mendelssohn-Bartholdy, MA Nachlass 2, 32, Fischer (Finance) to Mendelssohn-Bartholdy, 24 Jun. 1925.

<sup>426</sup> Stabi, Nachlass Albrecht Mendelssohn-Bartholdy, MA Nachlass 2, 33, Reinhold (Minister of Finance) to Mendelssohn-Bartholdy, 20 Mar. 1926.

perts coming from neutral countries, namely Marc Wallenberg, a Swedish banker, and A. G. Kröller, a Dutch industrialist. As the British delegate at the Reparations Commission acutely argued, ‘the tribunal is not purely legal in composition, but forms a happy combination of men distinguished in business, economic science, and law, just such a combination as might be trusted to give an interpretation of a document written by business men in the spirit in which it was composed.’<sup>428</sup> Between 1925 and 1928, the Arbitral Tribunal examined seven claims issued by the German government concerning inclusive amounts, but the main one regarded the inclusion of sums for the compensation of dispossessed citizens. In particular, the court issued two rulings on the matter of private property in 1927 and 1928. On behalf of the German government, Kaufmann argued that the Allies regarded the German property as a pledge for reparations since the Paris Economic Conference (June 1916), and the Versailles Treaty established an explicit connection between the liquidation of private property and the reparations, including the compensation of war damages suffered by Allied nationals. Furthermore, because of the duty to pay reparations to the Allies and the economic crisis, Germany had been unable to meet the obligation to restore its own nationals who lost their assets. Consequently, by including sums due to victims of expropriation within the Dawes Plan, Germany would have been able to meet its obligations deriving from the Versailles Treaty.<sup>429</sup> By contrast, the Reparations Commission replied that the German claims had no legal foundation since sums bound to compensate its nationals could not be included in the reparations’ account, which concerned payments due to the Allied Powers. Additionally, they stated that the Dawes Plan was not aimed at including other kinds of payments than reparations under Article 231 of the Versailles Treaty. Besides legalistic arguments, the experts of the Reparations Commission reaffirmed the principle of national sovereignty contained in the Versailles Treaty that excluded the liquidation of private property and the compensation of German nationals from international regulation.<sup>430</sup> In the counterreply, Kaufmann insisted on the fact that the Allies conceived the liquidation of German private assets as a way to ‘satisfy themselves for their claims

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<sup>427</sup> Stabi, Nachlass Albrecht Mendelssohn-Bartholdy, MA Nachlass 2, 33, Simons to Mendelssohn-Bartholdy, 29 Mar. 1926.

<sup>428</sup> John Fischer Williams, “The Tribunal for the Interpretation of the Dawes Plan,” *The American Journal of International Law*, 22, 4 (1928), p. 798.

<sup>429</sup> BArch, R 2/708, *Denkschrift der Deutschen Regierung über die dem Schiedsgericht für die Auslegung des Sachverständigenplans auf Grund des Schiedsvertrages vom 25. März 1926 vorgelegten Fragen*, signed by Erich Kaufmann, 1926.

<sup>430</sup> BArch, R 2/709, *Contre-Mémoire de la Commission des Réparations et Annexe*, signed by Jacques Lyon, Massimo Pilotti, John Fischer Williams, and J.-M. Marx, 19 Oct. 1926.

against their debtor Germany out of a pledge belonging to a third person.’ Instead of using the term confiscation, the Allies chose to define their action as a liquidation, implying they were ‘using’ private assets to repay a debt. As a result, it was impossible to separate realization and compensation, and the duty of Germany to restore its citizens was not a domestic matter. Furthermore, only by including additional sums within the Dawes Plan, Germany would have been able to fulfill the obligation to grant adequate and fair compensation for the loss of private property and therefore respect the principles of international law concerning the expropriation.<sup>431</sup>

In early 1927, German newspapers raised hopes about the good result of the arbitral procedure.<sup>432</sup> But they were soon disappointed.<sup>433</sup> On January 29, 1927, the Arbitral Tribunal rejected the German claim on private property.<sup>434</sup> As a German newspaper wrote, ‘the decision reached in The Hague demonstrates the worthlessness of arbitration. Germany has lost all major arbitration cases since the war; the decisions have always been in favor of the stronger party. [...] Since the breach of promise at Versailles, this decision is perhaps the greatest stain of shame; it has strengthened political criminality anew. The Allies grabbed private property for 9 billion, but they do everything they can so that what they have stolen cannot and will not be replaced.’<sup>435</sup> Conversely, as Fischer Williams noted, ‘the decision of 1927 would, had it been given in favor of Germany, have reduced the amount of the Dawes Annuities by something like 9,000,000,000 gold marks – say, \$1,800,000,000 or £450,000,000 – a much larger sum, so far as the writer knows, than has ever been at issue in any lawsuit, national or international.’<sup>436</sup> It was clear that the magnitude of the German claims in financial terms was one of the greatest obstacles to accepting them. In a letter to Mendelssohn-Bartholdy, Nelson Perkins argued that ‘our Tribunal is not and cannot

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<sup>431</sup> BArch, R 2/709, *Reply of the German Government in the matter of the Questions submitted to the Arbitral Tribunal for the Interpretation and Application of the Experts’ Plan under the Arbitration Treaty of March 25, 1926*, signed by Erich Kaufmann, 1926.

<sup>432</sup> Dr. Fuchs (*Verein Wiederaufbau im Auslande*), “Das Haager Schiedsgericht,” *Hamburger Fremdenblatt* 6 Jan. 1927; Dr. Curt Victorius, “Die Entschädigung der Liquidationsopfer,” *Berliner Tageblatt*, 9 Jan. 1927; “Der Haager Entscheid zum Dawes-Plan,” *Deutsche Allgemeine Zeitung*, 19 Jan. 1927.

<sup>433</sup> “Die Entscheidung gegen Deutschland,” *Deutsche Allgemeine Zeitung*, 30 Jan. 1927. See also “Die Geschädigten des Haager Schiedsspruchs,” *Deutsche Allgemeine Zeitung*, 31 Jan. 1927.

<sup>434</sup> See text of the decision in Thomas N. Perkins and E. N. van Kleffens, “Created under the Provisions of Annex II to the London Agreement of August 9, 1924, between the Reparation Commission and the German Government,” *The American Journal of International Law* 21, 2 (1927), pp. 344–49.

<sup>435</sup> “Der Raub des Privateigentums,” *Hamburger Nachrichten*, 3 Feb. 1927.

<sup>436</sup> Fischer Williams, “The Tribunal for the Interpretation,” pp. 801–2.

be an accounting agency,' and believed that only diplomatic negotiations could lead to a definitive result in that regard.<sup>437</sup>

Nevertheless, the German government filed a new appeal to the Arbitral Tribunal, which re-examined the issue a year later. Once again, behind that choice, domestic economic actors played an important role in urging the cabinet to insist on that issue.<sup>438</sup> During the confidential sessions, in May 1928, Mendelssohn-Bartholdy argued that the Arbitral Tribunal should have followed a substantive approach instead of a legalistic one. The court 'is not very well qualified in the interpretation of laws; its members have been chosen not to interpret textually, but to explain the spirit of the Plan.' Since the Dawes Plan was a financial scheme drafted by businessmen and not an international treaty written by jurists and diplomats, it 'denotes a clear change of atmosphere.' Consequently, in his view, the Dawes Plan was aimed at reaching 'a new economic peace,' and 'the sanctions, which had been quite legitimate under the treaty of Versailles, cannot be regarded as legitimate any longer, once the Dawes Plan had been accepted.' Therefore, the regulation of disputes over the liquidation of German property should have been included in the financial agreement on reparations. Other judges, however, did not share his view. The French judge disagreed with the 'moral' interpretation of the Dawes Plan given by Mendelssohn-Bartholdy and added that they were not entitled to 're-made the Treaty [of Versailles].' But other judges insisted on the financial impact of German claims. Wallenberg argued that the Dawes scheme could not include 'uncertain deductions from the annuities, which could reduce the annuities to nothing' since it risked 'destroy[ing] the Plan.' Even the American delegate Nelson Perkins expressed his negative vote. Once again, the financial magnitude of German claims was seen even by neutral lawyers as exceeding the scope of the Dawes Plan.<sup>439</sup> As Nelson Perkins later wrote in a confidential letter to Mendelssohn-Bartholdy, 'my feeling was and is that to adopt you contention would have been to act as a treaty-making body, and I did not feel and do not feel that we had any right to do that.'<sup>440</sup> On May 29, 1928, the Arbitral Tribunal definitely rejected the German claim arguing that sums devoted

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<sup>437</sup> Stabi, Nachlass Albrecht Mendelssohn-Bartholdy, MA Nachlass 2, 34, Nelson to Mendelssohn-Bartholdy, 29 Jun. 1927.

<sup>438</sup> BArch, R 43-I/799, *Bemerkungen der Arbeitsgemeinschaft für den Ersatz von Kriegs- und Verdrängungsschäden zu dem dem Reichstag zugegangenen Entwurf eines Kriegsschädenschlußgesetzes*, Jan. 1928.

<sup>439</sup> Stabi, Nachlass Albrecht Mendelssohn-Bartholdy, MA Nachlass 2, 35, Minutes of the private session, May 1928.

<sup>440</sup> Stabi, Nachlass Albrecht Mendelssohn-Bartholdy, MA Nachlass 2, 35, Perkins to Mendelssohn-Bartholdy, 13 Aug. 1928.

to the compensation of German nationals had no relevance for the payment of reparations. "The liquidation of German property, rights and interests in the territories of Allied or Associated States does not directly affect the equilibrium of the German budget. The compensation that Germany is obliged to pay to her nationals in respect of such liquidated property must be considered as part of Germany's domestic. The indirect connection of such compensation payments to the German budget does not justify the inclusion of the liquidation proceeds in the Dawes annuities. Nor does the liquidation affect the stability of German currency."<sup>441</sup> Judges defended the principle that the treatment of enemy property was a matter of national sovereignty, and no international body could interfere with that. But, once again, the fear of the financial effects motivated their orientation. "The amount at stake in the latter case (May, 1928) could not be ascertained with exactitude, but for the British Government alone it amounted to something like \$150,000,000. For Belgium an adverse decision would have had a great effect both upon Belgian finances and upon certain delicate negotiations of a financial character which are understood to be pending between Belgium and Germany."<sup>442</sup>

The German reaction was furious. Mendelssohn-Bartholdy openly criticized the decision of the Arbitral Tribunal and underlined the lack of economic appeasement among the European countries.<sup>443</sup> According to Simons, the ruling showed 'how difficult it is for Germany to obtain fair and reasonable treatment on its obligations under the Peace of Versailles.' Stating that he had always been very skeptical about the outcome of the arbitration, Simons regarded the call of judges 'as much a declaration of bankruptcy of diplomacy as the call to arms.'<sup>444</sup> The Dawes Plan was not aimed at correcting the 'original sin' of the Versailles Treaty and proved to be only a partial and partial solution to the economic problems left unsolved by the Paris Peace Conference. Unsurprisingly, the Allies were far more pleased. In the *American Journal of International Law*, the British delegate Fischer Williams praised the arbitral method as the best way to deal with similar issues:

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<sup>441</sup> "Arbitral Tribunal of Interpretation created under the Provisions of Annex II to the London Agreement of August 9, 1924, between the Reparation Commission and the German Government," *The American Journal of International Law*, 22, 4 (1928), p. 913.

<sup>442</sup> Fischer Williams, "The Tribunal for the Interpretation," p. 802.

<sup>443</sup> PAAA, R 246212, Albrecht Mendelssohn-Bartholdy, "Haager Schiedsspruch und Dawes-Plan," *Wirtschaftsdienst. Weltwirtschaftliche Nachrichten* 23 (8 Jun. 1928).

<sup>444</sup> Stabi, Nachlass Albrecht Mendelssohn-Bartholdy, MA Nachlass 2, 35, Simons to Mendelssohn-Bartholdy, 12 Jun. 1928.

*That questions of such importance should have been settled thus quietly and reasonably with considerably less fuss or excitement than that which often attends a cause celebre in domestic jurisdiction, is a proof at any rate of the possibility of the prevalence of reasonable methods in international affairs and may be taken as a sign that the world after all is making some progress. [...] One practical lesson may perhaps be drawn from these cases, and that is the inestimable value of an arbitration clause for the decision of disputes as to the interpretation of an international instrument. The greater part of international disputes at the present time relates to the interpretation of some international instrument. It ought to become common form that every treaty, convention or protocol should include at any rate an arbitration clause for questions of interpretation.*<sup>445</sup>

Confidentially, however, he expressed more realistic considerations and regarded the court's decision 'eminently satisfactory' since, once and for all, German claims had been rejected and no possibility to appeal was given.<sup>446</sup>

#### *The Liquidation of the Past in the Young Plan*

Some months later, the diplomatic situation drastically changed. In September 1928, France, the UK, and Germany agreed on the appointment of a committee of technical experts for a solution to the reparations issue. But this time the common purpose was to reach a definitive compromise in the financial matters that could bring a political détente in international relations. To do so, the agreement should have dealt with all pending issues, including the economic warfare against private citizens of the defeated states. While the Dawes Plan did not directly touch that problem, in the summer of 1929, technical experts expressed a recommendation in that sense. "To assure the general confidence indispensable for the successful working of this plan, the Committee recommends that the Government make no further use [...] of their rights to seize, retain and liquidate property, rights and interests of German nationals or companies controlled by them [...] and that the outstanding questions concerning such property should be definitely cleared up within one year after the coming into force of this plan by arrangements between the Governments concerned and Germany."<sup>447</sup> The suggestion was a significant turning point from the attitude adopted until that moment because the problem of the enemy property could definitely be settled through a multilateral agreement. The spirit of the new agreement consisted of

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<sup>445</sup> Fischer Williams, "The Tribunal for the Interpretation," p. 802.

<sup>446</sup> NA, T 194/163, John Fischer Williams to Goodchild, 31 May 1928.



the ‘Liquidation of the Past,’ as the economic committee devoted to that kind of matter was called. It also echoed the ‘Final Liquidation of the World War,’ launched by the entente between Stresemann and Briand at the previous session of the League of Nations (June 1929).<sup>448</sup> Despite calls for cooperation and détente, however, the negotiation was laborious and often risked failing.<sup>449</sup> Among the causes, there was also the controversy between the British and German governments over the sums deriving from the liquidation of private property that exceeded the amount of war damage paid to British nationals (*see Chap. Two*). According to Article 3, Section C (a) of The Hague Agreement (January 20, 1930), the Allies undertook ‘to make no further use of their right to seize, retain and liquidate the property, rights and interests of German nationals or companies controlled by them, in so far as not already liquid or liquidated or finally disposed of,’ and to regulate the cessation of liquidation through bilateral treaties with Germany. As a matter of fact, the Young Plan included agreements for the restitution of unliquidated property with Great Britain, the United States, France, Canada, Belgium, New Zealand, Australia, Poland, and Italy.<sup>450</sup> Eventually, at the same time, the Allies renounced the right of liquidating property belonging to nationals of Austria, Hungary, and Bulgaria. In the end, in March 1930, the Reichstag approved definitely approved it and the Plan entered into force on May 17, 1930.

Although the Young Plan turned out to be a flop since payments were suspended after little more than one year, after eleven years—and sixteen from the beginning of the war—the enemy property ceased to be a matter of dispute, and economic warfare against citizens of the defeated states was demobilized. Indeed, bilateral agreements were still in force despite the collapse of the reparations payment system. There was only a relevant exception, where the convention was denounced, and thus economic warfare kept operating. In the United States, the dispute over reparations resulted in the revocation of the restitution agreement signed in December 1929, consequently resuming the sale of the private assets still held by the Alien Property Custodian. Nonetheless, as Peter Krüger argued, the Young Plan posed an end to the ‘unfortunate chapter’ (*unselige Kapitel*) of the liquidation of German assets.<sup>451</sup> Such a decision had a high symbolic value since it provided Germany and the Allies with a real solution for the economic war against private citizens. The liquidation

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<sup>447</sup> YA, Borchard Papers, box 56, *German Private Property. Confiscation or Release?* (s.l., 1929), p. 38

<sup>448</sup> Krüger, *Außenpolitik*, p. 489.

<sup>449</sup> Gomes, *German Reparations*, pp. 166–79.

<sup>450</sup> The text of the Young Plan, including all bilateral treaties, is reported in RGBl, 1930, II, pp. 37 ss.

of private property ceased to be a matter of diplomatic and political contentions between former belligerent states. By contrast, in terms of restitution, the real extent of bilateral agreements was very limited. Only a small number of assets were restored, and a minority of victims benefited from restitution. Furthermore, the Young Plan did not take into account the issue of compensation, which remained at Germany's charge.

### 5.3 Justification and Critique of the Liquidation of Enemy Assets

The Versailles Treaty became the subject of intense and passionate discussion in both the winning and defeated countries since its draft version went public on May 7, 1919. Provisions on economic warfare, especially the right to liquidate enemy property, drew criticism from Germany, but many authors in the Allied countries also felt uncomfortable with that provision. It was hard to avoid the impression that expropriating private assets on a collective basis and without directly paying compensation represented a blatant violation of property rights, regardless of what justification could be given by the Allies. After more than four years in which respect for international law had been one of the main arguments of the Allied propaganda, and President Wilson outlined a liberal solution for the future world order without adopting a punitive approach, the peace treaties patently contradicted many of those premises. In the 1920s and the early 1930s, furthermore, although a large alliance of political, social, and economic actors in each winning country supported the liquidation of enemy property and, more generally, policies based on economic nationalism, the consensus was not unanimous. Especially in the British and American public debate, scholars, intellectuals, pacifist and humanitarian activists, lawyers, journalists, judges, and law-makers criticized the decision taken at the Paris Peace Conference and attacked policies followed by the Allied states in the aftermath of the war. These criticisms encountered approval from the public opinion in Germany as well as diplomacy, which sought to leverage those voices to prompt restitution and mitigate the Allied measures. The expropriation of enemy property raised sincere concerns among liberal circles about the risks posed by the Versailles Treaty—and economic nationalism deriving from its provisions—to the recovery of international trade and the stability of Europe.

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<sup>451</sup> Krüger, *Außenpolitik*, pp. 500–1.

### *Justifying the Expropriation*

Criticisms raised a serious issue, and it is not accidental that, since mid-1919, the peacemakers developed a series of arguments to defend their decision, and often also to distort their true intentions, which were alternatively based on justification, minimization, denial, or mystification. The first occasion when the Allies had to defend the choice of confiscating private property owned by citizens of the defeated states was in June 1919. In a series of diplomatic notes, the German delegates contested the draft treaty, including the liquidation of property. The core of German objections challenged Article 297 for legal and economic reasons. Far from being a fair expropriation according to the standard of international law, the liquidation of German property violated basic principles such as the rule of law and the duty of granting adequate compensation. The rationale also appeared controversial. According to German delegates, it was also illegitimate to use private property belonging to banks, companies, and citizens to meet their country's obligations. The distinction between private and public spheres wholly disappeared, contradicting one of the pillars behind the liberal conception of private property. Besides legal objections, eventually, the German delegation argued that imposing harsh measures on the defeated state the Versailles Treaty prevented the economic recovery of Germany because it was deprived of all its investments abroad and entirely lost the merchant fleet. Forced to take on huge debt in reparations, and economically isolated from the rest of the world, Germany would have faced enormous difficulties, and a slow recovery would have also prevented it from paying reparations.

In the official reply, delivered to the German delegation on June 16, 1919, the Allies rebutted all criticisms. As for the use of private property to meet state duties, the winning countries admitted that 'as a general principle, a country should endeavor to avoid making use of the property of a part of its nationals to meet State obligations; but conditions may arise when such a course becomes necessary.' The war forced each belligerent to use private assets for the collective effort and given the inability of Germany to pay reparations its investments abroad were 'a class of assets which are readily available' to do so. Even if the peacemakers did not fully explain it or admit diverting from the rules of the 1899 and 1907 Hague Conventions, they introduced the principle of collective responsibility between states and citizens in international law. Furthermore, the Allies stated that 'the method of using this property laid down by the Treaty [could not] be considered, either in principle or

in the method of its application, as a measure of confiscation.’ The reason was that private property was directly linked to German capability to pay reparations and proceeds of sales could be considered part of the reparation account. Additionally, as they argued, German citizens were entitled to be compensated for the losses by their own state, and this legal guarantee protected them from unlawful dispossession.<sup>452</sup> The diplomatic note was clearly defective and very superficial but, above all, denied the true nature of the liquidation and chose a very legalistic tone. As for the economic damage imposed on Germany, indeed, the diplomatic reply did not contain any reference. Apparently, the treatment of enemy property was just related to German duties to pay reparations, whereas the political purposes of confiscating enemy property—such as economic nationalism, national security, conspiracy theories about the silent invasion of German business in foreign countries, and the aim to change the ethnic-national composition of borderlands—were left aside. Eventually, the Allies referred to the compensation clause to avoid the definition of confiscation and rather preferred the term liquidation. By doing so, they believed it was enough to reply to allegations of violating international law and using Bolshevik methods.

The diplomatic reply to the German delegation was the only official document produced by the peacemakers to publicly explain their actions. Other authors, however, added new details and further reasons to justify it. The Allied note recalled one of the most frequent commonplaces about the collective nature of the war. Since the early beginning of the conflict, many authors insisted on the idea that not only states but also peoples were fighting a fierce war. Mobilization did involve the entire society of each belligerent, and the idea of ‘total war’ was developed to describe such an enormous national effort.<sup>453</sup> Unsurprisingly, such a set of ideas shaped the peace settlement as well. Just as war had been among nations, so also peace would concern peoples. Once come back to the United States, the Secretary of State, Robert Lansing, clearly expressed this point, that also was consistent with the Wilsonian ideals. ‘The Treaty of Peace by its terms and method of ne-

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<sup>452</sup> Reply of the Allied and Associated Powers to the Observations of the German Delegation on the Conditions of Peace, in FRUS, 1919, vol. VI, pp. 978–80.

<sup>453</sup> On the collective nature of the conflict, see Siegert, *Staatshaftung*, pp. 251–6, and 264–5. See also La Lumia, “Giuristi all’attacco,” and Cristiano La Lumia, “From Protection to Liquidation. The Case of the Milanese Jurists and Enemy Alien Property (1915–1920),” *European Review of History: Revue Européenne d’histoire* 28, 2 (2021), pp. 199–219. As for the debate about the total war, see David Bell et al., “Autour de la guerre totale,” *Annales historiques de la Révolution française*, 366 (2011), pp. 153–70. For the continuity between the colonial wars and WWI, see Dieter Langewiesche, “‘Savage War’ as ‘People’s War’: Nineteenth-Century African Wars, European Perceptions, and the Future of Warfare,” *The Journal of Modern History* 94, 3 (2022), pp. 537–63.

gotiation makes the nation the unit of responsibility and of right. The treaty is an agreement between sovereign states and imposes obligations upon nations, not upon individuals. Thus, it announces to mankind that the nationalistic idea is to be preserved as the basis of society and that nation will deal with nation as in the past.<sup>454</sup> In the case of Germany, thus, not only the state and its former political leaders (such as the Kaiser) were considered guilty of the war since before 1914 they were planning a premeditated conflict with imperialistic aims. Also, private citizens shared that responsibility and were obliged to pay with their assets in analogy with the civil and commercial law principle of joint liability.<sup>455</sup> According to a British legal expert, confiscating enemy property was totally justified by the imperialistic goals of the Wilhelmine Empire because German citizens and companies could benefit from its hegemony and the ruin of the enemy countries. ‘it is just and right that enemy nationals should be deliberately penalised by the loss of their private property, as they were the persons, who were intended to benefit by the widespread economic ruin willfully inflicted by the Central Powers on the nationals of the Allied Powers.’<sup>456</sup> To justify the ‘confusion’ of private and public interests provoked by the treaty, an Italian jurist adopted a similar argumentation. He underlined that the new legal framework created by the peace treaty was consistent with the ‘democratic’ trend of that time. The expansion of individual rights had to be accompanied by an augmentation of duties as well. ‘[It is no] longer permissible to separate one’s own responsibility from that of the social organism of which one is part, under the pretext of being a dissenting or uninterested member. The Motherland does not want uninterested and inactive citizens, she wants the efforts of all for all; she is an equally loving mother to all her children, but the children cannot but be united with her in good and bad times.’<sup>457</sup> As a result, citizens shared a joint responsibility with their state, and thus their private property could be used for social purposes, such as the payment of reparations as in the German case.<sup>458</sup>

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<sup>454</sup> Robert Lansing, “Some Legal Questions of the Peace Conference,” *The American Journal of International Law* 13, 4 (1919), p. 633.

<sup>455</sup> For a legal and diplomatic overview of the Article 297, see <https://history.state.gov/historicaldocuments/frus1919Parisv13/ch19subch4>.

<sup>456</sup> Paul Frederick Simonson, *Private Property and Rights in Enemy Countries: And Private Rights Against Enemy Nationals and Governments Under the Peace Treaties with Germany, Austria, Hungary, Bulgaria, and Turkey* (London: E. Wilson, 1921), p. IX.

<sup>457</sup> La Lumia, “From Protection to Liquidation,” p. 213.

<sup>458</sup> See also Giannino Ferrari delle Spade, “Dell’occupazione di territorio austro-ungarico in seguito all’armistizio e sull’incamerabilità dei beni privati tedeschi nelle Provincie annesse all’Italia,” *Rivista di Diritto Internazionale*, 19, 6 (1927), pp. 460–1.

Many jurists considered the deprivation of private property a fair punishment for a guilty nation. According to Alexandre Mérignhac, a French legal scholar, Germany had to pay for the economic exploitation of the occupied regions during the war.<sup>459</sup> Another French expert of international law admitted that the peace treaty violated principles about the protection of property rights but found a good reason for that in the pillage and destruction of Belgium and Northern France during the war.<sup>460</sup> In a paper delivered in front of the *Grotius Society*, a British association of international law jurists, Claud Mullins argued that ‘the existence of the right to confiscate enemy property was in a sense humanitarian.’ Instead of being a backward step, it marked a significant shift in advance. ‘The penalties attaching to enemy character were transferred from the individual to his property. The original result of war was death or enslavement for all enemies. The confiscation of property was thus an advance in civilization.’<sup>461</sup> That provision caused hardships for many citizens of the defeated countries, but those suffered by Allied nationals were far bigger. As a result, sacrificing the rights of the former to safeguard those of the latter was wholly justified. Replying to critics of the peace settlement, Mullins accused them of lacking realism and asserted that the threat of confiscation might have been a powerful tool to maintain peace in the future instead of being a cause of instability:

*The right [of liquidation] must be maintained, however generally and however long that weapon is kept in its sheath. Then as to the clauses on the subject in the Peace Treaties, I submit that they were inherently just and practical. In these days of international trade, what is popularly termed “big business” is more than ever a powerful influence in national affairs, and I suggest that it will be a powerful factor in preventing wars if “big business” knows that the makers of an unsuccessful war—and more and more the growing spirit of international solidarity will result in an aggressive war being unsuccessful—will run the risk of losing all its private property, rights and interests in the countries attacked, and that certainly such property will be held as security for the payment of claims. The principles of these sections of the Peace Treaties will, I submit, be a factor making for future peace between nations.*<sup>462</sup>

The British lawyer was consciously echoing the arguments in favor of the economic sanctions inserted within the Covenant of the League of Nations. The confiscation of private property would have urged private business actors to avoid a situation like the July cri-

<sup>459</sup> Alexander Mérignhac, *La guerre économique allemande* (Paris: Sirey-Tenin, 1919).

<sup>460</sup> Eugene Audinet, “Des restrictions apportées aux droits patrimoniaux des sujets ennemis dans la guerre de 1914-1918,” *Revue Générale de Droit International Public*, 27 (1920), p. 355.

<sup>461</sup> Claud Mullins, “Private Enemy Property,” *Transactions of the Grotius Society* 8 (1922), p. 94.

<sup>462</sup> Mullins, “Private Enemy,” p. 103.

sis of 1914. Once again, albeit implicitly, Mullins was arguing that German economic interests somehow played a role in supporting the decisions taken by Chancellor Bethmann-Hollweg and Kaiser Wilhelm II to go to war.

Mullins' paper was a typical example of how internationalists conceived economic warfare as a deterrent against war. Nonetheless, legal scholars and other authors in the Allied countries did not embrace such a liberal and realist vision but depicted a biased picture to justify such practices. The source of the most explicit and blatant misrepresentation of the reasons behind the liquidation of German property was Pierre Jaudon, probably the person who mostly contributed to writing Article 297 in its definitive form (*see Chap. One*). In a preface to a legal commentary on the private economic section of the peace settlement, he claimed that the confiscation was a lawful retaliation against the Central Empires. While implicitly admitting that such a method contrasted with fundamental liberal principles about the protection of private property, Jaudon blamed Germany for having waged an economic war against the Allies which was at odds with international law. It was the decision taken by the Bundesrat on November 1914, as he claimed, that paved the way for the indiscriminate expropriation of private interests on German soil, whereas the French government was engaged to resist the 'war methods' of the Wilhelmine Empire and safeguard the distinction between civilians and military. 'This is a principle of German inspiration,' as Jaudon stated.<sup>463</sup> Consequently, in 1919, the Allied Powers felt compelled to retaliate against the defeated states. His mystification could not be greater and more blatant since he mentioned neither the blockade nor the fact that France began seizing enemy property some weeks earlier than November 1914. Likewise, Gilbert Gidel and Henri Émile Barrault, lawyers and authors of that legal commentary whose preface was written by Jaudon, agreed with him. Germany was responsible for the dispossession of French nationals in Alsace-Lorraine and thus should be considered guilty of violations of international law in the economic private sphere. The two authors sought also to demonstrate that the treaty did not truly violate the property rights of enemy citizens since it enabled them to be financially restored by their state, and by doing so the Allies respected the fundamental principle of compensation for expropriation.<sup>464</sup>

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<sup>463</sup> Preface of Jaudon to Gidel and Barrault, *Le Traité de paix*, p. X.

<sup>464</sup> Gidel and Barrault, *Le Traité de paix*, pp. 9–16.

Another rhetorical strategy was to underplay the real extent of the confiscation. Like his French colleagues, the British legal scholar Ernest J. Schuster (1850–1924), who came from a German family and naturalized in the UK in the 1870s, argued that depriving enemy citizens of their property was little if compared to German atrocities, especially in occupied territories. ‘In view of the far-reaching destruction of private property in the war regions, the extensive removal of plant and machinery from places occupied by enemy forces, and the havoc caused by submarine and aerial warfare, the confiscation of enemy private property locally situate in the territories of the victorious Powers cannot consistently be objected to on humane or ethical grounds.’<sup>465</sup> Later, he admitted that the treaty would have probably caused ‘much undeserved hardship to some persons, and that, on the other hand, they will confer undeserved advantages on others.’ But, he added, ‘the infliction of pecuniary loss on persons who have remained immune from the dangers of the battleline and of the trenches cannot be considered an evil from the public point of view.’<sup>466</sup> Replying to allegations of having committed an unlawful confiscation, for instance, an American lawyer also argued that confiscation was just a rhetorical myth. On the contrary, the peace treaty established a fair system to repay war damages suffered by private citizens of the winning countries, while German nationals were entitled to be compensated by their own state. From a legal point of view, thus, the Treaty of Versailles adopted a fair solution that was consistent with the basic principles of the rule of law and international law.<sup>467</sup>

Another set of ideas to justify the vast expropriation of Germans, Austrians, and Hungarians was national security (*see below*). In France, Belgium, and the United States, many voices were committed to exploiting Article 297 to remove the dangerous economic presence of foreigners who controlled key industrial sectors of the national economy and could treacherously behave during a military conflict. Through articles, speeches, and pamphlets, Alexander Mitchell Palmer, Henri Hauser, Francis P. Garvan, and Paul-Emile Jan-son combined economic nationalism and national security to justify the confiscation of enemy assets. Even Harold Temperley, the British historian who first retraced the history of the Peace Conference, admitted that, besides using private assets to compensate their own citizens, the Allies conceived the liquidation of private property as a way to defend the ‘na-

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<sup>465</sup> Ernest J. Schuster, “The Peace Treaty in Its Effects on Private Property,” *British Year Book of International Law* 1 (1920/1921), p. 168.

<sup>466</sup> *Ivi*, p. 189.



tional security' and 'eliminate German economic penetration.'<sup>468</sup> In his memoir, also, André Tardieu admitted that the liquidation clause was mostly aimed at liberating the French economy from the alleged German hegemony and thus reversing the 1871 peace settlement.<sup>469</sup> A variation of this argument was adopted by representatives of the newly created states. According to Temperley, 'it was felt on reconsideration that there was not sufficient justification for giving them the right of disposition of German property in order to meet German obligations to their nationals.' Therefore, the peacemakers established that states like Poland, Czechoslovakia, and Yugoslavia 'should [have been] permitted to liquidate enemy property in order to remove German economic penetration within their borders.'<sup>470</sup> In the interwar period, legal scholars and jurists coming from those countries defended the expropriation, even against national minorities that enjoyed the protection of the minority treaties, as a way to rebuild the 'natural' ethnonational relationship on their soil after decades of Germanization policies.<sup>471</sup>

In conclusion, the justification for liquidating enemy assets after the war was based on a set of various arguments, not entirely overlapping, which mixed legal, political, and economic considerations. The realist approach of Mullins, together with the positions of authors coming from the newly created states, was probably the clearest rhetorical argument supporting the economic persecution of private interests and was consistent with liberal internationalism that conceived the use of sanctions, also against private citizens, as a tool to prevent military confrontations. But this vision coexisted with ultranationalist arguments that mixed realist considerations about the stability of the newly created states and concerns about the risks of unrestricted international trade. Punishing a country that was deemed guilty of war, reversing its ethno-nationalist aggressive policies in Central Eastern Europe, and preserving national security from foreign economic 'invasion' were likely the most coherent and frankest admissions of the true nature of liquidation of enemy property.

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<sup>467</sup> William Campbell Armstrong, "The Confiscation Myth," *American Bar Association Journal* 9, 8 (1923), pp. 485–528.

<sup>468</sup> Harold William Vazeille Temperley, ed., *A History of the Peace Conference of Paris* (London: H. Frowde, 1920), vol. 5, p. 86.

<sup>469</sup> Tardieu, *La paix*, p. 452.

<sup>470</sup> Temperley, ed., *A History of the Peace*, p. 105.

<sup>471</sup> Alexandre Baschmakoff, "Sequestre et Liquidation Des Biens Ennemis Dans Les Territoires Transfères, Particulièrement En Ce Qui Concerne l'Ancien Empire d'Autriche-Hongrie et Le Royaume Des Serbes, Croates et Slovenes," *Journal du Droit International* 50, 1 (1923), pp. 26–45, and Ferrari delle Spade, "Dell'occupazione di territorio austro-ungarico."

In his well-known book published in 1944, *The Great Transformation*, Karl Polanyi argued that, in the long 19<sup>th</sup> century, for more than one hundred years, the protection of private property in wartime represented one of the pillars of the international capitalistic order since it ensured the stability of the world economy even in case of military conflicts. Indeed, trade and business interactions—and international finance above all—were generally at odds with military conflicts. Partly in contrast to Lenin, who considered financial capital responsible for imperialism, Polanyi asserted that ‘business and finance were responsible for many colonial wars, but also for the fact that a general conflagration was avoided.’ As he added, ‘for every one interest that was furthered by war, there were a dozen that would be adversely affected. International capital, of course, was bound to be the loser in case of war; but even national finance could gain only exceptionally, though frequently enough to account for dozens of colonial wars, as long as they remained isolated.’<sup>472</sup>

While nationalism and industry tended to make wars ‘more ferocious and total,’ by contrast, liberalism sought to build bulwarks against those risks, such as rules of international law that could defend private business from the negative effects of military confrontations. The proof of ‘the precise nature of this strictly pragmatic system’ was that ‘effective safeguards were erected for the continuance of peaceful business in wartime.’ As demonstrated by the cases of the Crimean War and the Spanish-American War, ‘in respect to the status of enemy aliens, the service of loans held by enemy citizens, enemy property, or the right of enemy merchantmen to leave port, the nineteenth century showed a decisive turn in favor of measures to safeguard the economic system in wartime.’<sup>473</sup> In the 20<sup>th</sup> century, Polanyi noted, the trend was reversed and economic relations were strongly influenced by political and military considerations.

Considering this, it should come as no surprise that most critics of the provisions concerning private property in the Versailles Treaty were staunch liberals, who looked at the codification of the right to liquidate private property on a vast scale within international law as a threatening obstacle to the rebuilding of the world economy and hence the maintenance of peace. That is precisely why many of them considered the Versailles Treaty

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<sup>472</sup> Karl Polanyi, *The Great Transformation: The Political and Economic Origins of Our Time* (Boston: Beacon Press, 2001), p. 16.

a backward step that interrupted the progress of international law and returned to outdated practices dating back to the Middle Ages. One of the earliest critics of the peace treaties was the well-known journalist and pacifist Norman Angell, who before 1914 had tried to persuade the political and military rulers in Europe that a military conflict was damaging and unsuitable for an economically interdependent world.<sup>474</sup> In the sequel of his best-seller *The Great Illusion*, published in 1921, he argued that the Versailles system was not a stable and solid order to ensure stability and peace in Europe. The continuation of economic warfare was among the most controversial and highly problematic aspects of that legal and political framework. Angell asserted ‘the Treaty returns to the Tribal conception of a collective responsibility, and [...] it wipes away the distinction heretofore made in International Law, between the civilian citizen and the belligerent Government.’ In his view, it was absurd that ‘an Austrian who has lived and worked in England or China or Egypt all his life, and is married to an English woman and has children who do not speak a word of German, who is no more responsible for the invasion of Belgium than an Icelander or a Chinaman, finds that the savings of his lifetime left here in the faith of British security, are confiscated under the Treaty in order to satisfy the claims of France or Japan.’ Furthermore, he underlined the blatant contradiction between the assertions of international justice and the content of the treaty. ‘Whenever attention is directed to what the defenders of the Treaty like to call its «sternness» (as when it deprives English born women and their children of their property) we are invited to repress our misgiving on that score in order to contemplate the beauty of its «justice» and to admire the inexorable accuracy with which reward and punishment are distributed. It is the standing retort to critics of the Treaty: they forget its «justice».’<sup>475</sup>

The writings of John Bassett Moore and Edwin M. Borchard, whose ideological aversion to the Paris peace settlement was deeply rooted in their liberal and pro-business conception of international law, are full of similar observations. Their commitment to urging the U.S. Congress to release enemy assets demonstrated how much their theoretical positions were strictly intertwined with political action (*see Chap. Three*). Along with a large

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<sup>473</sup> Polanyi, *The Great Transformation*, pp. 16–7.

<sup>474</sup> On his life, see Martin Ceadel, *Living the Great Illusion: Sir Norman Angell, 1872-1967* (Oxford: Oxford University Press, 2009).

<sup>475</sup> Norman Angell, *The Fruits of Victory: A Sequel to “The Great Illusion”* (London: W. Collins Sons, 1921), p. 79.

number of legal scholars and lawyers across Europe and the United States,<sup>476</sup> including those coming from Germany and Austria,<sup>477</sup> a significant part of the international legal community was openly contrary to the measures of confiscation as well as economic warfare in peacetime, like sanctions.<sup>478</sup> Also, pacifist associations and humanitarian activists sided with them, sharing a similar pro-liberal stance. Driven by the idea of restoring the protection of private property in the international arena, all of them shared the fear that—in addition to the October Revolution and the wave of nationalizations in Latin America, especially after the Mexican Revolution—the treatment of enemy property could be a deadly blow for the liberal capitalistic order since the attack to those principles came from ‘within.’<sup>479</sup> According to liberal circles, disregarding the minimum standard of treatment for foreigners and adopting an aggressive economic nationalism could prevent the rebuilding of international trade, discourage private investments, and provoke a prolonged economic crisis whose outcome would have been a new world conflict.

In the interwar period, besides opposing nationalist policies concerning property rights in each country, there were also international initiatives to raise awareness in international public opinion. Between 1927 and 1934, Charles Bernard, a Swiss journalist, gathered documents, letters, and opinions of legal scholars in Europe and North America against the wartime expropriation measures.<sup>480</sup> Despite gathering several documents, Bernard’s initiative was unable to involve the League of Nations. A League’s high official wrote that there was no reason to reply to his numerous letters.<sup>481</sup> Nonetheless, the League was the protagonist of the most significant attempt to remove restrictions against foreigners and prompt international economic recovery.<sup>482</sup> Efforts to remove at least part of discriminatory

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<sup>476</sup> Among them, there were Charles de Boeck, Gilbert Gidel, Lord Younger, Charles Gide, Georges Sausser-Hall, Charles Hughes, Georges Scelle, John Maynard Keynes, James A. Gathings, and Arthur Garfield Hays.

<sup>477</sup> Erich Kaufmann, Albrecht Mendelssohn-Bartholdy, Walther Schücking, Hans Wehberg, Walther Schätzel, Erwin Loewenfeld, Udo Rukser, Alfred Verdroß, Carl Georg Bruns, Ernst Rabel, Josef Partsch, Eugen Schiffer, Erich-Hans Kaden, Rudolf Blühdorn, and Stefan von Szaszy.

<sup>478</sup> On the debate over sanctions, see Mulder, *The Economic Weapon*, pp. 156–75.

<sup>479</sup> On the impact of the Mexican and October Revolutions on the protection of property rights, see Kate Miles, “1917,” and Daria Davitti, “1917 and Its Implications for the Law of Expropriation,” in *Revolutions in International Law: The Legacies of 1917*, ed. Kathryn Greenman et al. (Cambridge: Cambridge University Press, 2021), pp. 271–314.

<sup>480</sup> Charles Bernard, ed., *Le séquestre de la propriété privée en temps de guerre: enquête de droit international*, 4 vols. (Paris: M. Giard, 1927-1934).

<sup>481</sup> See documents in LNA, R3754/3A/8661/8661.

<sup>482</sup> Patricia Clavin and Jens-Wilhelm Wessels, “Transnationalism and the League of Nations: Understanding the Work of Its Economic and Financial Organisation,” *Contemporary European History* 14, 4 (2005), pp. 465–92, and Patricia Clavin, *Securing the World Economy: The Reinvention of the League of Nations, 1920-1946* (Oxford: Oxford University Press, 2013).

measures based on citizenship and preserve the minimum standard of treatment for foreigners (including private companies) to ease international trade and protect foreign investments through a multilateral convention led nowhere.<sup>483</sup> In addition to that, the attempts of the International Red Cross and other humanitarian agencies to protect the rights of civilians in wartime through international conventions, like the *Tokyo Draft* (1934), were unsuccessful.<sup>484</sup> It is worth mentioning that also neoliberal thinkers shared the same concerns and worries about the risk of the new political trend after WWI. Although Ludwig von Mises or Frederick Hayek did not mention the liquidation of enemy property, the efforts of neoliberal circles in the 1920s and 1930s against economic nationalism coincided with those of Borchard and other personalities who shared the same concerns.<sup>485</sup> In sum, despite their efforts, liberal—and neoliberal—critics of the Versailles Treaty achieved poor results. Apart from the United States, they were too weak to oppose the large political and social alliances supporting the liquidation of enemy property, and the risk of being manipulated for the interests of the defeated states also contributed to discrediting their positions.

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<sup>483</sup> Jasper Theodor Kauth, “Fremdenrecht und Völkerbund. Das Scheitern der International Conference on the Treatment of Foreigners 1929,” *Archiv des Völkerrechts*, 56, 2 (2018), pp. 202–28, and Madeleine Lynch Dungy, “Writing Multilateral Trade Rules in the League of Nations,” *Contemporary European History* 30, 1 (2021), pp. 60–75.

<sup>484</sup> Caglioti, *War and Citizenship*, pp. 313–9.

<sup>485</sup> Slobodian, *Globalists*, pp. 34–42.



## **PART TWO. THE EFFECTS OF ECONOMIC WARFARE ON CITIZENSHIP**

## CHAPTER SIX

### THE EFFECTS OF THE ECONOMIC PERSECUTION ON CITIZENSHIP IN THE INTERWAR PERIOD

#### Introduction

Determining who was the enemy citizen to be persecuted represented one of the most challenging and controversial problems for the Allied Powers. Already during the war, separating friendly subjects from enemy foreigners, or loyal citizens or disloyal ones, was no easy matter. To that end, all states adopted different criteria to determine the ‘enemy character’ of individuals and firms. In the first years of the conflict, for instance, the British authorities considered the domicile instead of nationality as the principal marker for enemy subjects. Conversely, France and Italy adopted a formalistic approach that privileged citizenship instead of domicile. Anyway, neither domicile nor citizenship were sufficient parameters to pinpoint individuals whose national origin differed from their legal status and conducted suspicious activities. For example, states did not want to persecute all enemy aliens but introduced ‘positive’ discrimination for those who belonged to ‘friendly’ nationalities. Throughout the war, exemptions from persecution touched certain groups, such as Alsatians, Lorrainians, Poles, Italians, Slavs, Romanians, or Czechoslovaks who, despite being formally citizens of the Central Empires, benefited from privileged treatment for political reasons. By late 1917, for example, French authorities released over 18,000 residence cards for enemy citizens belonging to ‘oppressed nationalities,’ particularly to Austrian subjects coming from Galicia (2,663) who were classified by the government as Poles. Authorities also granted a special treatment to 1,932 ‘properly Germans’ and 706 ‘properly Austro-Hungarians’ who, despite not having a ‘friendly’ national origin, enjoyed a better treatment for other reasons.<sup>1</sup> Similarly, the German Empire relieved Tsarist subjects of German origin from persecution. In the case of the Ottoman Empire, such a system was carried to the extreme point. Ottoman subjects to be persecuted in the Allied states were practically only Turks, whereas all other national, religious, or ethnic groups—Jews, Armenians, Italians, and so on—were generally exempted from persecutory

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<sup>1</sup> Léon Schirmann, *Les Manipulations Judiciaires de La Grande Guerre : Comment on Fabrique Des Coupables* (Triel-sur-Seine: Italiques Eds, 2006), p. 133.



measures.<sup>2</sup> By promoting the claims of those national groups on the principle of self-determination, overall, the Allies sought to gain their sympathies and weaken counterparts, but the Central Empires did the same on the other side.

As a result, each country adopted a mixed set of criteria to classify the enemy citizens. While certain groups were exempted from persecution, many individuals suffered the persecution because they were supposed to be secretly attached to enemy countries due to their national origin despite having citizenship of the Allied countries (or the Central Empires) by naturalization or birth. Citizens of enemy origin who had acquired foreign citizenship by naturalization could not be certain of their status.<sup>3</sup> France, Great Britain, and Italy passed denaturalization laws even before the end of the military confrontation. But persecution also targeted minorities whose members had never possessed enemy nationality and were citizens of their states of residence by birth. For example, Italian-speaking subjects in the Habsburg Empire, and German-speaking communities in the Russian Empire were perceived as hostile by the public opinion and then persecuted by the authorities with restrictive measures. In other cases, states targeted minorities that were considered ‘disloyal’ or dangerous to national security although they did not possess an ‘enemy’ national origin. In the case of the Ottoman Empire, the regime of Young Turks justified the genocide of Armenians with the argument that the minority had pro-Russian sympathies and could be a ‘fifth column’ within the Empire. But in the Tsarist Empire, too, authorities persecuted Jews, even if they could be hardly classified as Germans, claiming that they were disloyal toward the Russian cause.

It was by no means easy to establish criteria and then implement them. Central governments and local authorities had to struggle considerably to reach that goal. Unsurprisingly, private associations helped public officials in deciding who deserved to be considered a ‘friendly’ foreigner.<sup>4</sup> For instance, since the early stages of the war, the British authorities accepted certificates attesting to Polish nationality issued by the Polish Information Committee.<sup>5</sup> Yet categorization was complicated by national and religious divisions existing among those groups. In the case of Poles living in Paris, for example, the national committee led by the poet Władysław Mickiewicz persuaded the police not to extend protection to Poles of Jewish

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<sup>2</sup> For the French case, see Sarah Abrevaya Stein, “Citizens of a Fictional Nation: Ottoman-Born Jews in France during the First World War,” *Past & Present* 226, 1 (2015), pp. 227–54. On the exemption of Ottoman Jews in Italy, see documents in ASM, Prefettura Gabinetto I Serie, b. 603.

<sup>3</sup> Caglioti, ‘Subjects, Citizens, and Aliens,’ pp. 519–26.

<sup>4</sup> Caglioti, *War and Citizenship*, pp. 149–50.

<sup>5</sup> Norman Davies, “The Poles in Great Britain 1914-1919,” *The Slavonic and East European Review* 50, 118 (1972), p. 66.

origin.<sup>6</sup> However, authorities often remained suspicious about them.<sup>7</sup> For instance, in the case of Alsatians and Lorrainers who were German nationals, the French state accorded them special treatment by conceding residence permits and releasing them special certificates (*cartes tricolores*) proving they were people of French origin instead of German citizens. At the end of the war, 11,500 people enjoyed the status of Alsatians or Lorrainians despite possessing German citizenship.<sup>8</sup> This was the result of the efforts made by some humanitarian associations, such as the *Association pour l'Aide fraternelle aux réfugiés et évacués Alsaciens-Lorraine*, a caritative organization led by Marguerite Witt-Schlumberger, or the *Ligue de droit de l'homme* headed by Ferdinand Buisson.<sup>9</sup> Nevertheless, it was common for holders of special certificates to be targeted by the courts that regarded them as enemy aliens and put their assets under sequestration. Many were 'friends' and 'foes' at the same time, notwithstanding how bizarre this was.<sup>10</sup> Likewise, the Italian government adopted a series of special measures to protect the so-called '*italiani non regnicoli*' (non-citizen Italians) from the effects of persecution. Yet the application was far more controversial than it seemed at first glance.<sup>11</sup>

Instead of clarifying the status of individuals, classification systems created a chaotic and ambiguous patchwork of special conditions and collective sub-categories. Additionally, receiving special status did not guarantee complete protection. Individuals could easily lose protection, even when there was the slightest suspicion. Indeed, authorities retained a wide discretionary power even if there were frequent conflicts between different administrations and the judiciary. Furthermore, xenophobia of public opinion represented a constant danger for them. Yet throughout the conflict categorization mechanism became progressively more refined and sophisticated.<sup>12</sup> Governments, police, administrative bodies, and courts learned how to handle that kind of situation and were ready to keep adopting such criteria in the aftermath of the war.

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<sup>6</sup> Henry Maunoury, *Police de guerre (1914-1919)* (Paris: Imprimerie Omnès, 1937), p. 29.

<sup>7</sup> Ivi, pp. 30–40. See also Jean-Noël Grandhomme, "L'emploi des prisonniers et internés alsaciens-lorrains. L'industrie de guerre du bassin de Saint-Etienne," in *Boches ou tricolores?*, pp. 155–6.

<sup>8</sup> On the treatment in France during the war, see Schmauch, *Réintégrer les départements annexes*, pp. 181–201.

<sup>9</sup> Catherine Coste, "Marguerite de Witt-Schlumberger: Une femme au service des victimes de guerre," *Bulletin de la Société de l'histoire du protestantisme français (1903-2015)*, 160 (2014), p. 477.

<sup>10</sup> For cases of mistreatment of property belonging to holders of special certificates in France, see AN, 20070518/15.

<sup>11</sup> On the wartime legislation see Concetto Bufardecì, "Gli italiani non regnicoli nel nostro diritto positivo," *Rivista di Diritto Pubblico*, 15 (1923), I, pp. 601–44.

<sup>12</sup> Caglioti, *War and Citizenship*, pp. 183–92.

## 6.1 Classifying the Enemies and Strategies to Avoid Persecution

### *Who is Who? Criteria and Methods of Categorization After the War*

From November 1918 on, categorization remained a crucial aspect for the application of economic warfare measures against citizens of German (as well as Austrian, Hungarian, Turkish, or Bulgarian) nationality. Defining who was the enemy subject was instrumental to the social, economic, ethnonational, and demographic redefinition of citizenship as well as the exercise of property rights. As two French jurists summarized, ‘the rights that individuals or legal entities derive from the Treaty [of Versailles] [...] depend essentially on their nationality.’<sup>13</sup> The peace treaties embraced a formalistic definition for them. German nationals were considered individuals who possessed the citizenship of that country on the day when the Versailles Treaty entered into force (January 10, 1920). Such a measure was intended to exempt from confiscation those who acquired citizenship of Allied or neutral countries after territorial changes or were not enemy citizens at the beginning of the war. That legalistic criterion, still, was far from being uncontested. A few weeks after the signing of the peace treaty, Ernest J. Schuster (1850-1924)—a professor of International Law at the London School of Economics and a member of a British-German family based in Frankfurt (Main), who became an Englishman by naturalization in 1875<sup>14</sup>—recognized that establishing the correct interpretation of the expression ‘German national’ would have likely led to legal and diplomatic disputes, especially between the judiciary, the legal doctrine, and governments:

*The Peace Treaty, being a bilateral transaction, ought to be interpreted in a sense in which it can be understood by both parties, and it is clear that “German national” from the German point of view can only mean a person who is a citizen or subject of a German State, or of the German Empire, within the meaning of German law. These considerations, convincing as they may be to jurists versed in questions of International Law, will, however, in all probability not be acted on by the administrative authorities before the Courts have made a definite pronouncement of the subject, and in the meantime much hardship will undoubtedly arise.*<sup>15</sup>

Schuster’s prediction turned out to be true. In the 1920s and 1930s, the states kept developing classificatory systems to categorize individuals to reshape national belonging and determine the fate of property they owned. Following similar patterns, governments identified some groups to be treated differently and exempted from confiscation. Yet that collective

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<sup>13</sup> Gidel and Barrault, *Le Traité de paix*, p. 309.

<sup>14</sup> See naturalization certificate in NA, HO 45/9383/44552.

<sup>15</sup> Ernest J. Schuster, “The Peace Treaty in Its Effects on Private Property,” *British Year Book of International Law* 1 (1920-1921), pp. 174–5. For a biographical profile of Schuster, see Hugh H. L. Bellot, “Ernest Joseph Schuster,” *Transactions of the Grotius Society* 10 (1924), pp. XIX–XXI.

classification was only partly based on the peace treaty provisions. Driven by considerations regarding national origin, loyalty, familiar links, or political convenience, the Allies developed a general scheme to regulate the application of economic persecution. Despite some differences, all of them followed similar patterns in pinpointing collective categories and special groups to be exempted from economic persecution. In short, according to that classification, exemptions were applied in the following cases:

- (a) Nationals who proved that they possessed on the day of the outbreak of war the citizenship of a friendly or neutral state, or that they were stateless;
- (b) Individuals who resided in enemy or enemy-occupied territories during the war but without possessing citizenship of that country;
- (c) Enemy citizens who had acquired Allied or neutral citizenship under the peace treaty (either after its ratification, or a plebiscite such as in Schleswig-Holstein or Upper Silesia);
- (d) Enemy citizens coming from military-occupied areas (such as the Saar region);
- (e) Wives or widows of enemy citizens who had 'friendly' national origin;
- (f) Heirs (children, wives, or other relatives) of enemy citizens who possessed 'friendly' nationality or served the Allied armies during the war;
- (g) Some professional groups (such as German civil servants in Alsace-Lorraine);
- (h) Diplomatic and consular staff;
- (i) Clergy members or missionaries;
- (j) Enemy nationals who were admitted residing in the territory of the state.

Yet the criteria for exemption were flexible and variable. As a rule, membership in these categories did not automatically result in restitution but depended on decisions taken by cabinets, special administrative organs, or courts. Each country created special organs charged with the implementation of categorization (such as the Treaty Execution Committee and the Lord Younger Committee in the UK, the Consultative Commission and the *Commission de triage* in France and Alsace-Lorraine, the Alien Property Custodian and the Attorney General in the United States, and the Inter-Ministerial Committee in Italy). Only in Belgium, instead of delegating a special body, the Ministry of Justice immediately determined the criteria for the classification of enemy citizens. Cooperating with police and diplomacy, each body dealt with complaints, appeals, and diplomatic controversies sent by dispossessed nationals or foreign embassies. Instead of adopting a purely formalistic approach, each of them often preferred to negotiate solutions with lawyers, diplomatic representatives, or members of other administra-

tions. This method was aimed at avoiding judicial controversies as much as possible and reaching agreements with other parties on a case-by-case basis.

Eventually, on many occasions, the Allies released property to former enemy citizens who did not belong to those categories. Such exceptions were motivated by humanitarian concerns or political reasons, and they were usually decided by the executive only exceptionally. For instance, in the summer of 1922, the Italian government returned personal belongings to Julius Beloch, a German scholar who taught Ancient History at the University of Rome. Given his prominence in that field and his relevance in the Italian academic world, Beloch was fully exempted from persecution.<sup>16</sup> Likewise, the Italian authorities released the textile factory the Ahrens family owned in Palermo. After moving from Bremen to Sicily in the 1870s, Albert Ahrens made his fortune thanks to the cotton trade and became a distinguished member of local society.<sup>17</sup> Initially, social integration was not enough to prevent Ahrens from suffering restrictive measures. In 1916, local authorities put his factory under surveillance and then sequestered it,<sup>18</sup> although the Ahrens family was spared from internment, and their personal assets (including their luxurious mansion outside the city) were not seized. To avoid the loss of his activity, it is likely that thanks to social relations with the local élite, Albert Ahrens managed to be excluded from persecution and the authorities accorded him special treatment.<sup>19</sup>

Similar situations were common in other countries, too. In France, the case of the German journalist and pacifist Hermann Fernau rose to the attention of the press and the Ministry of Foreign Affairs. Committed to criticizing the German leadership during the war, Fernau was the only German who could keep working in Paris after the outbreak of war. However, he was expelled to Switzerland in 1915 where he spent the entire period of the war and became a member of the German exile community.<sup>20</sup> Due to his nationality, however, the French authorities seized his assets. In the aftermath of the war, the socialist newspaper *Le Populaire* reported his case and urged the French government to intervene by giving him private assets back.<sup>21</sup> In the end, French diplomacy released his belongings in recognition of his pro-French activity during the war.

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<sup>16</sup> Julius Beloch, "Karl Julius Beloch," in Sigfrid Henry Steinberg, *Die Geschichtswissenschaft der Gegenwart in Selbstdarstellungen* (Leipzig: F. Meiner, 1926), pp. 23–7, and see also ASMAECI, Serie Z-Contentzioso, b. 184, fasc. «Prof. Giulio Beloch».

<sup>17</sup> On the Ahrens family, see Agata Bazzi, *La luce è là* (Milano: Mondadori, 2019).

<sup>18</sup> See dossier in ASP, Gabinetto Prefettura (1906-1925), busta 48.

<sup>19</sup> *Auslandswarte*, 3, 17 (1922), p. 77.

<sup>20</sup> Hermann Fernau, *Because I Am a German* (London: Constable and Company, 1916).

<sup>21</sup> Louis Levy, "Les cas de M. Hermann Fernau," *Le Populaire*, 6 Jun. 1921.

Those decisions had an exceptional character since states were not always so indulgent. For instance, an old German couple (respectively, 75 and 83 years old) who had resided in Paris until 1914 was still interned in the aftermath of the war and the French authorities kept their property (including the house) under sequestration. Despite their age and health conditions, the Consultative Commission liquidated their assets, and the couple was expelled to Germany.<sup>22</sup> It was only after the ruling of a court that the family obtained the release of their assets due to the statelessness of the husband.<sup>23</sup>

### *Role of the Judiciary*

Together with the administrations, the judiciary played a key role in determining the ‘enemy’ status of victims of confiscation. Judges, courts, and legal scholars made a significant contribution to the legal classification of enemy nationals, the standardization of criteria and procedures, and hence the redefinition of the citizenship boundaries. Apart from Italy—where the right to file appeals to the ordinary courts was severely curtailed—judges in each country defended their independence from the executive and reaffirmed the rule of law after wartime restrictions. Many courts compelled governments to give property back to individuals who had been previously labeled as enemies or forced the administrations to recognize an uncertain legal status such as statelessness. However, judicial intervention did not always guarantee that victims could be restored. On many occasions, courts aligned themselves with governments and validated the measures of expropriation. Indeed, jurisprudence followed different paths, even in the same country, showing that there was no consensus on the legal criteria regulating citizenship.

There were two main jurisprudential orientations. The first one was based on the so-called ‘active nationality’ theory. Some courts—together with many high officials of the administrations—referred to the decision taken by the Institute of International Law in 1888 regarding the case of a member, Felix Stoerk, who had dual citizenship. At that time, whether Stoerk should be considered either as a German delegate or as an Austro-Hungarian one raised an essential legal controversy on national belonging. The relevance of his case went beyond his specific case. On that occasion, the distinguished French jurist Louis Renault solved the dispute with the argument that ‘active nationality’ was prevalent in determining the legal status of individuals. As he explained, ‘we think that it is natural to consider him as being only a national of the State to which he is linked by law and fact, of which he is a national and on

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<sup>22</sup> See dossier in AN, 20070518/7.

whose territory he resides, or in whose service he is. It is, so to speak, the active nationality that must be considered and not the somewhat theoretical nationality that may exist alongside it.<sup>24</sup> Adopting that approach, Renault was making reference to Bluntschli's theory that, in cases of legal conflicts on nationality, privileged residence instead of the place of origin.<sup>25</sup> Despite being born in Budapest as an Austro-Hungarian subject, Stoerk was considered a German national since he got naturalized in the German Empire and taught at the University of Greifswald. Although he had not lost his nationality of origin from the legal point of view, the newly acquired citizenship was prevalent. According to Renault's interpretation, national belonging should be scrutinized from a substantive point of view, whereas a purely formalistic was unsatisfactory. By doing so, Renault anticipated what jurisprudence and legal doctrine have later called the 'genuine link' between citizen and state.<sup>26</sup>

On the contrary, some other courts and jurists strongly disagreed with Renault's approach and adopted a formalistic approach to respect the principle of sovereignty. It was the British High Court in April 1921 that developed this position, starting from the case of the German-born businessman Max Stoeck. He found himself at the center of a landmark ruling that would have shaped the legal definition of statelessness in the interwar period but, more generally, that of citizenship as well. At the end of the 19<sup>th</sup> century, Stoeck left Germany to settle in England, where he got married and set up a company manufacturing industrial electric lamps. In 1896, he obtained a 'discharge' (*Entlassung*) certificate to avoid the German draft. But the economic war threw his life into turmoil. His company was liquidated, and Stoeck was repatriated to Germany since British authorities classified him as an enemy alien due to his German origin. In 1920, however, he attempted to have some of his assets released by claiming that he had become stateless decades before the war broke out.<sup>27</sup> In *Stoeck v. Public Trustee* (April 28, 1921), Justice Francis Xavier Joseph Russell adhered to the letter of paragraph 2 of the Treaty of Peace Order, accepting the validity of Stoeck's discharge certificate and declaring him stateless based on the principle of mutual recognition of state sovereignty.<sup>28</sup> Since states had exclusive jurisdiction over citizenship matters, as Russell argued, the courts had to rely on

<sup>23</sup> BArch, R 1032, *Geschäftsstelle für deutsche Güter, Rechte und Interessen in Frankreich* to Reconstruction, 12 May 1922.

<sup>24</sup> *Annuaire de l'Institut de Droit International* Institut de Droit International. *Dixième Volume. 1888-1889. Session de Lausanne (Septembre 1888)* (Bruxelles: Muquardt, 1889), p. 23.

<sup>25</sup> See also Georges Sauser-Hall, *Les traités de paix et les droits privés des neutres* (Lausanne: Payot, 1924), p. 89.

<sup>26</sup> On the 'genuine link,' see Mira L. Siegelberg, *Statelessness: A Modern History* (Cambridge, MA: Harvard University Press, 2020), pp. 209–17.

<sup>27</sup> Siegelberg, *Statelessness*, pp. 12–9. On his case, see also NA, HO 144/11489.

<sup>28</sup> The text is reported in Hans Krüger, Wilhelm Loewenfeld, Erwin Loewenfeld, Julius Magnus, and Ernst Wolff (eds.), *Die Beschlagnahme, Liquidation und Freigabe deutschen Vermögens im Auslande unter Benutzung amtlichen Materials* (Berlin: Heymanns, 1924), p. 9.

foreign rather than domestic laws in determining a person's nationality.<sup>29</sup> The impact of the decision extended far beyond the parties involved because the judge's reasoning had wide political implications. As Mira L. Siegelberg has argued, 'the idea that a British judge could not decide about the legitimacy of another state's nationality laws affirmed a vision of international order defined by equally sovereign entities that each demanded respect for their legal decision'.<sup>30</sup> The rule laid down in Stoeck's decision caused a great deal of comment among jurists and has since been hailed as a milestone in the recognition and legal definition of statelessness and citizenship.<sup>31</sup> From that moment on, other courts in the British Empire, France, Germany, the United States, and elsewhere took a formalistic approach that was more adherent to the laws governing citizenship. This was also possible thanks to the process of legal and administrative crystallization of rules regulating nationality and the spread of identity papers that the war accelerated across the globe.

Besides allowing insights into the evolution of legal ideas and practices, the analysis of the civil actions that victims of expropriation brought also highlights other relevant aspects. Through a perspective that takes account of material interests and the strategies deployed to protect them, it becomes possible to underscore the role of individual agency in defining one's status. Far from being 'passive objects of state policy,' but rather subjects capable of navigating the legal system, turning state policies and nationalistic rhetoric to their advantage as well as having a say in the debate surrounding their citizenship status, dispossessed individuals were able to play a relevant role in defining their status.<sup>32</sup> With the help of experienced lawyers, many of them—mostly upper-middle-class successful entrepreneurs and businessmen—defended their interests by exploiting all available resources. Occasionally, the way to get the assets back was to bribe officials, as some cases of criminal convictions showed. A bottom-up approach thus reveals that not only dual citizenship or naturalization but also statelessness could be used 'strategically' in pursuit of one's interests.<sup>33</sup> Furthermore, it is clear from the analysis that it was material interests, rather than a presumed national identity, that guided their choice of belongingness. Defending property rights that were violated during the war was the main motivation for many to claim stateless or naturalized status. As noted for the

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<sup>29</sup> The text is available online: <http://www.uniset.ca/naty/maternity/19212Ch67.htm>.

<sup>30</sup> Siegelberg, *Statelessness*, p. 24.

<sup>31</sup> Ivi, pp. 25–48.

<sup>32</sup> Annamarie H. Sammartino, 'After Brubaker: Citizenship in Modern Germany, 1848 to Today', review article, *German History* 27, 4 (2009), p. 584.

<sup>33</sup> On 'strategic citizenship' see Yossi Harpaz and Pablo Mateos, 'Strategic Citizenship: Negotiating Membership in the Age of Dual Nationality', *Journal of Ethnic and Migration Studies*, 45, 6 (2019), pp. 843–57. Cf. Zeynep



Habsburg Empire or German settlers in Southwest Africa, when livelihoods and vested interests were at stake, individual behaviors were somewhat at odds with nationalist claims.<sup>34</sup>

## 6.2 The Conundrum of Statelessness

### *Strategic Statelessness in Wartime*

Some tried to acquire foreign citizenship by naturalization, others claimed to be neutral. Still, others professed to be German or Austro-Hungarian or Polish, Alsatian-Lorrain, or other ‘friendly’ descent. Wives or widows of enemy aliens often claimed to have retained their original nationality. Indeed, while almost all legislations in Europe compelled women who married foreigners to acquire the citizenship of their husbands,<sup>35</sup> legal complications arose when the husband was stateless, due to a lack of clear rules. For this reason, after 1914 many women married to stateless persons of German or Austro-Hungarian origin claimed to have never lost their citizenship since a stateless husband could not transmit his nationality. Generally, claiming to be a ‘friendly’ national was not the only strategy available to enemy aliens for escaping internment and saving their property from confiscation during the war. Statelessness could also serve this purpose, too. Since the early months of the war, several Germans requested to be exempted from persecution due to the loss of their nationality of origin. In October 1914, for instance, Paul Weber sought to avoid internment in France by claiming to have lost German nationality, but with no success.<sup>36</sup> On rare occasions, some concessions were made individually by some judges or through administrative procedures, but these efforts faced resistance and suspicion from governments, public opinion, and the courts. Likewise, the British authorities in Egypt reported many cases of ‘German-born persons’ who claimed to be stateless, but those endeavors proved to be mostly unsuccessful.<sup>37</sup>

The courts evaluated such cases with greater severity, proving their contribution to the war effort. According to a French legal compendium on the confiscation of German enemy property, judges were to conduct ‘meticulous investigations’ to ‘uncover all the schemes and

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Yanasmayan, ‘Citizenship on Paper or at Heart? A Closer Look into the Dual Citizenship Debate in Europe’, *Citizenship Studies*, 19, 6–7 (2015), pp. 785–801.

<sup>34</sup> Pieter M. Judson, *Guardians of the Nation: Activists on the Language Frontiers of Imperial Austria* (Cambridge, MA: Harvard University Press, 2006); Sean A. Wempe, *Revenants of the German Empire: Colonial Germans, Imperialism, and the League of Nations* (Oxford: Oxford University Press 2019), pp. 106–8.

<sup>35</sup> Caglioti, *War and Citizenship*, pp. 90–1.

<sup>36</sup> See his case in BArch, R901/30046.

<sup>37</sup> NA, FO 141/468, report of the Director of Military Intelligence, 5 Nov. 1915.

plots',<sup>38</sup> and especially be on their guard against the 'cleverness' of those who claimed to be stateless. The German Citizenship Laws of 1870 and 1913, described in the text as 'perfidious' and devious, allowed formally stateless subjects of the Reich to regain their former citizenship in a covert manner and without informing foreign states.<sup>39</sup> The judges, then, rather than outright denying that statelessness could be a theoretical possibility, would prevent aliens of enemy origin from acquiring stateless status. Former German citizens attempting to prove that they were 'stateless' (*heimatlos*) were left with an impossible burden of proof since they were not in a position to dispel the judges' doubts as to whether they 'secretly' held German citizenship.<sup>40</sup>

The first judgments to expressly follow that approach were handed down in British courts in 1915. In the case of *Ex parte Weber*, the King's Bench of the High Court of Justice dismissed Charles Frederick Weber's petition for a writ of habeas corpus. Born in the Rhineland but raised in South America since his teenage years, Weber had been permanently residing near London with his wife and five children since 1901. At the outbreak of war, he was officially classified as 'German' and then interned on the Isle of Man. Weber considered the measure unfair because he had lost his citizenship and become stateless by virtue of his long absence from Germany. Furthermore, the new law of 1913 had not changed his legal status since he had never returned to Germany nor applied for re-naturalization. In the judges' view, however, Weber failed to adequately prove that he had 'entirely lost for all purposes his German nationality'<sup>41</sup> and, therefore, failed to dispel the court's suspicions. Ultimately, Weber was to remain a prisoner of his origin.<sup>42</sup> A few weeks later, the same bench issued a ruling in a similar case, rejecting an appeal by Alfred Liebmann, a businessman of German origin who had lived in England since 1889 and claimed to have voluntarily become stateless a few years earlier. Unlike Weber, in fact, Liebmann used an *Entlassung* certificate issued in 1890 as proof of loss of German citizenship, by virtue of which he had become *heimatlos*. Despite the document providing formal evidence of his stateless status and desire to sever all ties with the German Empire, the judge cited *Ex parte Weber* as a precedent to dismiss the case. The court had indeed decided that the two cases raised similar legal issues, and Liebmann's certificate of 're-

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<sup>38</sup> Alexandre Reulos, *Manuel des séquestres* (Paris: L. Tenin, 1916), p. 241.

<sup>39</sup> Reulos, *Manuel*, pp. 248–9.

<sup>40</sup> A. Henry, *Les séquestres des biens austro-allemands* (Paris: L. Tenin, 1916), pp. 465–6.

<sup>41</sup> 'Ex parte Weber', *The American Journal of International Law*, 10, 1 (1916), p. 168.

<sup>42</sup> Siegelberg, *Statelessness*, pp. 42–3.

nunciation' was deemed to provide insufficient evidence that he had indeed cut all ties with the German fatherland.<sup>43</sup>

The 'twin judgments' caused much debate within international legal circles.<sup>44</sup> An American jurist acknowledged that thanks to Weber's and Liebmann's appeals, statelessness had attracted the attention of both doctrine and jurisprudence.<sup>45</sup> According to Arnold McNair, the two judgments had '[drawn] a distinction between nationality, which a person can lose, and the rights of a natural-born subject [...], which he can never lose'. The German Citizenship Law of 1913 had '[tied] these rights round his neck for life, and by its retrospective effect radically altered the status of many former German subjects' who were no longer foreigners without citizenship but rather aliens 'having certain of the rights belonging to a German-born subject'.<sup>46</sup> Enemy aliens were thus routinely denied stateless status in wartime. The precedent set by the 1915 rulings also had repercussions in the British Empire. In Shanghai, for example, the British Supreme Court for China cited *Ex parte Weber* to reject the appeal brought by the businessman Theodore Eckhardt, who had claimed to be stateless, against the seizure of his property.<sup>47</sup>

The same happened in France.<sup>48</sup> Lack of nationality was often invoked as a defense by the relatives of stateless persons, sometimes long after their death. It was mainly the offspring of former German citizens and the wives or widows of stateless men who appealed to French courts for the release of their property from seizure. Otto Rée brought several such appeals, claiming that he was not a German national but rather had been born stateless and later acquired Brazilian citizenship. At first, Rée argued that his father Ludwig, who was born in Hamburg in 1841 but later emigrated to Brazil, had lost his 'Hamburg' citizenship before birth.<sup>49</sup> Later, he tried to prove that his grandfather had already become stateless through prolonged residence abroad.<sup>50</sup> The judges, however, were inflexible—to the point that even documentation supplied by the Brazilian consulate was not considered admissible evidence. The French Supreme Court confirmed that decision some years after the war.<sup>51</sup>

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<sup>43</sup> 'Ex parte Liebmann', *Journal du droit international*, 42 (1915), pp. 1188–90.

<sup>44</sup> James Garner, *International Law and the World War*, 2 vols. (New York: Longmans, Green, 1920), pp. 62–3.

<sup>45</sup> W. E. Wilkinson, 'Statelessness', *International Law Notes* 1, 2 (1916), pp. 26–7.

<sup>46</sup> Arnold McNair, *Essays and Lectures Upon Some Legal Effects of War*, (Cambridge: Cambridge University Press, 1920), pp. 15–6.

<sup>47</sup> 'Ex parte Eckhardt', in *The Law as to Enemy Property in China* (Shanghai: Shanghai Mercury, 1919), pp. 1–3.

<sup>48</sup> See YA, Borchard Papers, box 58, "France," by John Ward Cutler, undated [after 1932], p. 14.

<sup>49</sup> 'Rée c. Ministère public', *Journal du droit international*, 43 (1916), pp. 922–9.

<sup>50</sup> 'Rée, Otto', *Journal du droit international*, 45 (1918), pp. 1194–6.

<sup>51</sup> 'Aff. Otto Rée', *Journal du droit international*, 49 (1922), pp. 994–5.

The case of Joséphine Houillon, whose property had been seized by French authorities in November 1915, was also typical. Although the woman was of French origin, her late husband, Jacques Aronsohn, was German, and therefore, she too was classified as an enemy alien. After fleeing to Switzerland, she sought unsuccessfully to get a residency permit.<sup>52</sup> Then she requested her property be returned, claiming to have retained her French citizenship. Her husband had been born in Bromberg but had left Germany in 1876 to settle in Paris. He had never returned to Germany and had been exempted from conscription after obtaining a certificate of *Entlassung*. Since then, and until he died in 1907, Aronsohn had been stateless. She, on the other hand, had retained her citizenship under Article 19 of France's 1889 Nationality Law, under which any woman married to a foreigner was able to retain French citizenship provided she did not acquire her husband's. In addition, Houillon also argued that 'de coeur' (in her heart) she remained French. The court did not agree. The judge argued that the woman had failed to prove that her husband never returned to Germany or secretly regained his citizenship.<sup>53</sup> In addition, as the judge pointed out, it was only after the war had broken out, that she had fled to Switzerland, and her assets had been seized that the woman 'discovered' her Frenchness, thus manifesting very little attachment to the cause of France. Police authorities confirmed their suspicions about her. According to the Ministry of the Interior, Houillon was supposed to be in contact with alleged German secret agents in Switzerland and was considered the mistress of one of them. In the aftermath of the war, the woman came back to France but had to face persecution from the French authorities. Firstly, the Consultative Commission liquidated her assets, consisting of more than 100,000 francs.<sup>54</sup> Later, when she succeeded to enter in France, she was arrested for theft, and the Ministry of the Interior issued an expulsion decree due to the suspicions of espionage.<sup>55</sup> But she sought to avoid the measure by claiming illness and then marrying a French national. Indeed, by doing so, she obtained once again French citizenship, and thus the expulsion was revoked.<sup>56</sup> Nonetheless, she was not able to recover her possessions from confiscation. In short, any legal scheme set up to protect one's interest that failed to meet the court's high standards for proving a lack of nationality or

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<sup>52</sup> See the decree in AN, BB/34/442.

<sup>53</sup> 'Vve Aronsohn c. Ministère public', *Journal du droit international*, 44 (1917), pp. 645–9, 1780–1.

<sup>54</sup> AN, AJ/28/CCSG/1, Report to the Consultative Commission, 15 Jul. 1920.

<sup>55</sup> AN, 19940451/222, note for the Director of the General Security, 15 Oct. 1920.

<sup>56</sup> AN, 19940451/222, Paris police to Interior, 20 Dec. 1920.

strong ties to the French nation was all but doomed. French courts seldom reversed judgments in this matter unless the appellant's argument proved convincing.<sup>57</sup>

### *Strategic Statelessness in Peacetime*

The signing of armistices did not necessarily mean an end to armed violence in most of Europe nor the persecution of aliens of enemy origin or nationality.<sup>58</sup> After being freed and repatriated during 1919–20,<sup>59</sup> former German enemy aliens were faced with the irrevocable loss of their property, which the victorious powers were allowed to confiscate under Article 297 of the Treaty of Versailles. However, paragraph (b) of that article sets out that the Allied powers retained the right to liquidate only property 'belonging at the date of the coming into force of the present Treaty [January 10, 1920] to German nationals, (*'ressortissant allemands'* in the French version). Furthermore, Germany undertook to compensate only 'her nationals' (paragraph i). Many lawyers openly suggested their clients obtain 'exclusion from German nationality' through recognition of stateless status.<sup>60</sup> Berthold Haase, Udo Rukser, Arthur Curti, Edouard Clunet, August Cohn, and Jacques Bonzon were among the most well-known lawyers who helped expropriated Germans (as well as Austrians, Hungarians, and Ottomans) in their claims. Others who specialized in citizenship and property rights issues, such as Erwin Loewenfeld (1888–1979) and Bruno Weil (1883–1961) not only looked after the interests of many stateless persons abroad but also publicly advocated on their behalf. It was apparent that a dilemma had emerged during the war, and it remained unclear who would determine the citizenship status of these people and according to what criteria. In the 1920s, however, stateless persons of German origin gained more room for maneuver, thanks to the help from German diplomatic missions who often provided legal advice on an informal basis. Most importantly, German representatives from the Clearing Office began pressuring their counterparts in the victorious countries. Invoking Article 296 of the Treaty of Versailles, pursuant to which proceeds from the liquidation of seized assets not formally owned by German citizens could not be credited to Germany's reparation account, they demanded their return and exemption from seizure. Responding to objections from winning countries, the German representatives argued that they were acting in defense of those stateless persons for 'humanitarian reasons.'<sup>61</sup> Swiss

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<sup>57</sup> Some examples are 'Vve Ullmann, Vve Franck, Peretti. Séquestre de Jacob Ullmann', *Journal du droit international*, 44 (1917), pp. 219–21, or the case of Mathias Ulmann in Henry, *Les séquestres*, p. 466.

<sup>58</sup> Caglioti, *War and Citizenship*, pp. 289–313.

<sup>59</sup> Matthew Stibbe, *Civilian Internment during the First World War* (London: Palgrave Macmillan, 2019), pp. 260–73.

<sup>60</sup> Politisches Archiv des Auswärtigen Amtes (PAAA), Rom (Quirinal) 1256a (2), Legal opinion of Scipione Gemma, [1923].

<sup>61</sup> BArch, R 2/1001, Daehnhardt to Reconstruction, 15 Sep. 1920.

diplomacy also intervened on behalf of those who were legally stateless when the war broke out and later acquired Swiss nationality.<sup>62</sup>

Stateless persons of German origin also benefited from a shift in attitude by the judiciary. Indeed, the end of WWI saw the judiciary return to a more rights-protective approach than the executive branch of government, especially in France and the UK. While the judges had assisted the war effort by deferring to executive decisions,<sup>63</sup> and even taking an active role in the economic persecution of enemy aliens,<sup>64</sup> in the wake of the war they sought to remedy some shortcomings of war legislation, as well as asserting judicial independence from the government. Indeed, as shown by Patrick Weil and Nicholas Handler for the UK's denaturalization policy after 1918, judicial review was instrumental in limiting the power of the executive branch.<sup>65</sup> In contrast, in other countries such as Italy, the judiciary aligned itself with the choices of the executive without playing a significant role in moderating the government. The advent of the fascist regime was undoubtedly one of the reasons for this weakness. As for statelessness, because of the decision taken by the Italian government to defer settlement appeals to a special jurisdiction, it remained a marginal issue for courts and legal doctrine. In those few cases where it was raised, however, the administration took a stance of denying the legitimacy of this status.<sup>66</sup>

Finally, the issue of stateless persons of German origin remained confined to national legal spaces. Attempts by German diplomats and the interested parties to seek recourse through bilateral judicial bodies such as the MATs proved unsuccessful,<sup>67</sup> and the League of Nations was never involved in those legal disputes either. Several associations of Germans abroad whose assets had been confiscated lodged petitions with the Permanent Court of International Justice<sup>68</sup> and the Council of the League of Nations<sup>69</sup> throughout the 1920s, to no

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<sup>62</sup> SBA, E21#1000-131#21532\*, Division of Domestic Affairs to Division of Foreign Affairs, 3 Mar. 1920.

<sup>63</sup> Rachel Vorspan, 'Law and War: Individual Rights, Executive Authority, and Judicial Power in England during World War I', *Vanderbilt Journal of Transnational Law* 38, 2 (2005), pp. 261–343.

<sup>64</sup> Cf. Deperchin, "Le juge et les biens allemands".

<sup>65</sup> Patrick Weil, Nicholas Handler, 'Revocation of Citizenship and Rule of Law: How Judicial Review Defeated Britain's First Denaturalization Regime' *Law and History Review* 36, 2 (2018), pp. 295–354.

<sup>66</sup> See the case of Walter brothers in Meran (South Tyrol), PAAA, Rom (Q), 1256a (2), Appeal of the Walter brothers, 10 Jan. 1923, and Sottoprefettura to Enrico Walter, 3 Feb. 1923.

<sup>67</sup> BArch, R 2/1032, Hagen to Ministry of Foreign Affairs, 7 Feb. 1923. See decisions in cases such as Naß v. Deutsches Reich und Französischen Staat and Schwabacher v. France in *Recueil des décisions des tribunaux arbitraux mixtes, institués par les traités de paix*, vol. 6 (Paris: Sirey, 1922–1930), pp. 270, 937. On the MAT jurisprudence, see Walter Schätzel, *Das deutsch-französische Gemischte Schiedsgericht. Seine Geschichte, Rechtsprechung und Ergebnisse* (Berlin: Heymanns, 1930), pp. 48–61. On MATs see Marta Requejo Isidro, Burkhard Hess, 'International Adjudication of Private Rights: The Mixed Arbitral Tribunals in the Peace Treaties of 1919–1922', in Michel Erpelding, Burkhard Hess, Hélène Ruiz Fabri (eds.), *Peace through Law. The Versailles Peace Treaty and Dispute Settlement After World War I* (Baden-Baden: Nomos, 2019), pp. 239–76.

<sup>68</sup> Caglioti, *War and Citizenship*, p. 308.

avail. With respect to the enemy alien property, the international bodies adhered to the letter of the peace treaty, which supported the sovereignty of the victorious powers on matters concerning the confiscation and liquidation of private property owned by nationals of the defeated belligerent states. Despite being informed of the ‘hardships’ caused by the peace treaty on stateless persons, officials of the League of Nations preferred abstaining from any action to avoid diplomatic troubles.<sup>70</sup>

### *Statelessness in Belgium*

Belgium was the first country to take a less rigid stance. Many German immigrants had lost their citizenship and, whether because of indifference or mistrust, had never acquired Belgian nationality. Nor had their children. Only in 1909 did the law allow stateless persons born in Belgium to automatically become citizens.<sup>71</sup> The German invasion of 1914 led some to flee, faced with the difficult choice between collaborating with German authorities, remaining loyal to Belgium, or staying neutral. Additionally, the German occupiers forced many alleged former citizens of the Reich to enlist in the army. At the same time, German-born residents faced increasing hostility and distrust from the population as well as the government, which after the German retreat took the form of several measures against the *sujets ennemis* (enemy aliens).<sup>72</sup> In an official notice dated February 1919, the minister of Justice Emile Vandervelde asked all attorneys general to carefully evaluate the status of enemy aliens, especially those who claimed to have no ‘specific nationality’, as there was a risk that the value of the assets seized would decrease significantly.<sup>73</sup> Vandervelde ordered that property be seized ‘in principle’, making no distinction between citizens and stateless persons. However, as with other categories,<sup>74</sup> exceptions could be made depending on ‘origin, descent, name, language spoken’ and especially a person’s ‘history, stance during the war and attitude during the occupation’.<sup>75</sup> He also specified that no woman of Belgian origin whose husband was stateless should be considered an enemy.

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<sup>69</sup> LNA, R291/10/32416/1059, Association of Germans Abroad (Pforzheim) to the League of Nations, 29 Nov. 1923, and Association of Germans Abroad (Mainz) to the Council of the League of Nations, 2 Jan. 1924.

<sup>70</sup> LNA, R1287/19/32214/32214, ‘Case of person without nationality,’ 26 Nov. 1923.

<sup>71</sup> Frank Caestecker, “Private Property or Enemy Property: How Parliament Confiscated the Property of the Stateless of German Origin in Belgium (1918–21),” *European Review of History: Revue Européenne d’histoire* 28, 2 (2021), pp. 221–2.

<sup>72</sup> Caestecker and Vrints, “The National Mobilization,”

<sup>73</sup> Ivi, p. 227.

<sup>74</sup> Caestecker, Vrints, “The National Mobilization,” pp. 143–5.

<sup>75</sup> Circular of 12 February 1919, in *Recueil des circulaires, instructions et autres actes émanés du Ministère de la justice ou relatifs à ce département, 1919–1921* (Bruxelles, 1923), p. 24.

Thus, loyalty to Belgium in wartime was the standard by which the stateless status of aliens of enemy origin was determined.<sup>76</sup> The courts only partially followed these guidelines.

In April 1919, the court of Liège delivered the first judgment on the release of seized property to a former German citizen who proved to have formally lost German nationality and remained ‘loyal’ to his country of residence.<sup>77</sup> In the case of Wilhelm Rugemer, the court rejected the appeal brought by the Prosecutor General’s Office requesting that his assets be seized, acknowledging instead his formal and material absence of ties to the German fatherland. Born to a German father, the furrier had resided in Liège since 1871. His wife was Belgian, and he had served in the Belgian military, as had his five children—some of whom had fought against Germany. Therefore, the court acknowledged that Rugemer was not an enemy national.<sup>78</sup> Several years later he was granted Belgian citizenship.<sup>79</sup>

Within a few months, some courts adopted an even more liberal stance. The court of Brussels, for example, granted Jean Schneider stateless status based on criteria established by German law. Despite the accusations of the attorney general, the judge stated that basing the decision to grant or deny protection of a stateless person’s legitimate interest on their ‘sympathies for the Allies or the Central Empires’ during wartime was ‘not very lawful’.<sup>80</sup> In January 1921, Schneider’s case reached the Supreme Court. The judges ordered the release of his assets but restated the position that recognition of stateless status by the court was not merely formal but based on substantive evaluation criteria.<sup>81</sup> The ruling was so important that the German embassy in Belgium recommended informing confidentially all concerned ‘stateless Germans’.<sup>82</sup> However, the more rights-protective stance taken by some judges posed challenges to parliament and the government. In the draft bill on the final liquidation of seized enemy property, the parliamentary committee restated the position that stateless persons claiming to have renounced German citizenship necessarily required formal and substantive elements providing clear evidence of their ‘will to disavow their homeland’.<sup>83</sup> Additionally, neutrality was not enough to ensure that no ties remained to the old German homeland, because—as a Belgian lawmaker argued, ‘one should have an opinion and take sides in a war, rather than

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<sup>76</sup> See also Raquez, de Wée, and Houtart, *La loi belge sur les séquestres*, pp. 33–4.

<sup>77</sup> ‘Affaire B.’, *Journal du droit international*, 47 (1920), pp. 257–9.

<sup>78</sup> ‘Procureur du Roi c. Rugemer’, *Journal du droit international*, 46 (1919), pp. 808–10.

<sup>79</sup> Chambre des Représentants, Séance du 18 mars 1926. *Commission des naturalisations, Rapports sur des demandes de naturalisation*, p. 5. The Senate approved his application in June 1926.

<sup>80</sup> ‘Schneider (Jean) c. Procureur général de Collette’, *Journal du droit international*, 47 (1920), p. 740.

<sup>81</sup> Judgement of the Supreme Court (20 Jan. 1921), *Pasicrisie belge*, 1921, I, pp. 32–42.

<sup>82</sup> BArch, R 2/730, German Embassy in Bruxelles to Ministry of Foreign Affairs, 27 Jan. 1921.



dwelt in indifference'.<sup>84</sup> The law ultimately equated those who 'at any time' had held German citizenship with enemy nationals unless they 'provided proof' of having renounced it.<sup>85</sup> The reason for the strict wording was to limit the possibility for former German citizens to be granted stateless status. The courts complied, reasserting the position that statelessness was only admissible in the case of aliens of enemy origin who had proved their loyalty to Belgium, or women having Belgian origin who had married 'stateless' Germans.<sup>86</sup> The German representative of the German-Belgian Clearing Office confirmed that, in spite of the Reich's protests, the law was being applied 'with increasing severity' so as to leave stateless persons of German origin with little room for maneuver.<sup>87</sup>

### *Statelessness in France*

Former German citizens faced even greater challenges in France. French bureaucracy, following the same line of reasoning used for denaturalized Germans and Austro-Hungarians since 1915,<sup>88</sup> found stateless status inadmissible. In response to points raised by German diplomats, the director of the OBIP, Charles Alphan, argued that 'heimatloser is not recognized by French laws'.<sup>89</sup> The law on liquidation of October 1919 made no mention of them,<sup>90</sup> while under the implementing decree issued by the Ministry of Justice, enemy nationals who were living in France during the war and could demonstrate their 'unequivocal attachment to France' were granted the right of administrative recourse against seizure of their property.<sup>91</sup> Yet they were faced with procedural hurdles. According to the decree, enemy nationals who wished to lodge an appeal with the President of the Court against the prosecutor's decision to liquidate their assets must do so within 60 days, on penalty of forfeiture of their rights. A year later, the Ministry of Justice reduced the time limit for filing an appeal from 60 to 15 days, in the hope of expediting the liquidation of the seized assets.<sup>92</sup>

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<sup>83</sup> 'Projet de loi sur le séquestre e la liquidation des biens ennemis', *Chambre des Représentants*, 1919/20, 12 Jun. 1920, Nr. 350, p. 7.

<sup>84</sup> Session of April 14, 1921, *Chambre des Représentants. Annales Parlementaire*, 1920/21, p. 1025.

<sup>85</sup> *Moniteur belge* (23 Nov. 1921), pp. 10530–4.

<sup>86</sup> 'Max Schulte c. Procureur général', *Journal des Tribunaux*, May 27, 1923, pp. 362–3, and 'Ministère public c. Hauptert et de Vuyst', *Journal du droit international*, 52 (1925), pp. 193–6. See also G. Schwartz, *Das Recht der Staatsangehörigkeit in Deutschland und im Ausland seit 1914*, (Berlin: Springer, 1925), pp. 86–8.

<sup>87</sup> BArch, R2/1033, Representative of the German-Belgian Clearing Office to President of the Reich Clearing Office, 5 Jun. 1924.

<sup>88</sup> Caglioti, *War and Citizenship*, pp. 275–9.

<sup>89</sup> BArch, R 2/1032, German Embassy in Paris to Ministry of Foreign Affairs, 18 Nov. 1920.

<sup>90</sup> *Journal Officiel* (8 Oct. 1919), pp. 11066–7.

<sup>91</sup> *Journal Officiel* (30 Oct. 1919), pp. 12094–6.

<sup>92</sup> *Journal Officiel* (1 Feb. 1921), p. 56.

The French courts took a different, more cautious approach, highlighting their autonomy against the government. Statelessness was accepted as a legitimate status, but recognition of stateless status was a complex matter. In March 1920 the court of Versailles formally and substantively recognized Otto Strauss as a 'stateless person'. His choice to renounce German citizenship before the war was deemed 'sincere' by the judges, and thus his legal status as a person without nationality was recognized. Despite this, the court ruled itself incompetent in the matter of asset release, while allowing his wife to return her assets as she retained her French citizenship.<sup>93</sup> Strauss had to wait almost two years for his property to be returned to him.<sup>94</sup> Just a few weeks later the first decision, Berthold Maurice (Moritz) Marguliès was granted stateless status by the court of Nice and had his assets returned. Marguliès, born in Romania in 1870, was persecuted in 1917 for being Austro-Hungarian. His parents were long-time Jewish immigrants from the Habsburg Empire who had lost imperial subjecthood. Since Jews were denied Romanian nationality, Marguliès was technically stateless.<sup>95</sup> Their cases were proof that the lack of any nationality was not merely a theoretical possibility but an actual one provided for by the law. As such, it attracted the attention of German diplomats who hoped it would serve as a precedent for the release of assets seized from many more stateless persons of German origin.<sup>96</sup> On the contrary, the decision worried the French government. Fearing the domino effect on other courts, it asked some prosecutors to advocate the government's position, namely that statelessness was not a legal status recognized by French law.<sup>97</sup>

Stateless persons of German origin, however, were treated by the courts with greater severity. This was the case of Friedrich-August Jung, an 89-year-old former Prussian citizen who had lived in France since 1851 and claimed to have lost German nationality. Already in 1920, he had tried unsuccessfully to get the release of his assets which were worth over 10 million francs. Although the Ministry of Foreign Affairs sought to persuade the other ministries to return his property given his long-time residence in the country, the loss of German citizenship, and the French nationality of his children and grandchildren, the Consultative Commission ordered the liquidation of Jung's assets.<sup>98</sup> In 1921 the court of Le Havre rejected the appeal brought by Jung as well. Born almost forty years before German unification, Jung had no documentation proving his loss of citizenship. The only available supporting evidence for his

<sup>93</sup> 'S. (Otto) c. Procureur de la République', *Journal du droit international* 48 (1921), pp. 542–7.

<sup>94</sup> 'Strauss (Otto) c. Rochette', *Journal du droit international* 49 (1922), pp. 400–1.

<sup>95</sup> 'Marguliès c. Procureur general', *Journal du droit international*, 47 (1920), pp. 646–9.

<sup>96</sup> PAAA, R 70995, German Embassy in Paris to Ministry of Foreign Affairs, 11 Aug. 1920, and Ministry of Foreign Affairs to Reconstruction, 28 Sept. 1920.

<sup>97</sup> AN, 20070518/8, Justice to General prosecutor of the court of Aix, 6 May 1920.

claim was the Prussian law of 1842 on prolonged residence abroad, as well as his statement that he had not served in the military in his country of origin. Jung, however, also adduced evidence indicating that his wife, children, and grandchildren were French nationals and the latter had all served in the French army. Just as the French administration did the previous year, the court did not find such ‘sentimental’ evidence admissible and inquired about Jung’s public attitudes. He had been president of a *Hilfsverein* (an aid organization) for German immigrants waiting to embark for America, which was suspected to have kept ties with the Reich and infiltrated young Germans into the ranks of the Foreign Legion.<sup>99</sup> Thus the court found that this was evidence of his having maintained ties to his country of origin.<sup>100</sup> In other cases, however, French courts rejected appeals even when *Entlassung* certificates were presented as evidence.<sup>101</sup> In the case of Marie Marzen, a German woman born in Saarland who owned significant assets of about 400 thousand francs,<sup>102</sup> the court’s apparent prejudices toward her status in society only added to the issue of her German nationality. Besides having earned a fortune in ways that, according to the court, ‘did not seem likely to make her cause more likable,’ the woman, who was of humble origins, frequently traveled to Germany to collect loans from her relatives. This meant that Ms. Marzen had not lost her citizenship. The judge found that the woman had shown ‘sympathies’ for France out of personal interest, to avoid liquidation of her assets, while continuing to maintain relationships and ties to her fatherland.<sup>103</sup>

The decisions handed down by the French courts moved in a different direction than what was happening in Belgium and the UK where, in 1921, *Stoeck v. Public Trustee* had raised hopes that France would follow suit.<sup>104</sup> It became clear that individuals’ nationality could differ depending on the country in which they were located, and that there was no uniform standard agreed upon by different countries. ‘By virtue of the principle of territorial sovereignty of each country, as the Ministry of Justice admitted, the national courts interpret the foreign law governing the personal status of foreigners in complete independence from each other.’<sup>105</sup> On many occasions, courts dismissed appeals since former enemy citizens did not dispel suspicions regarding their previous citizenship. Indeed, Germans had to prove that they had not re-

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<sup>98</sup> AN, AJ/28/CCSG/2, notes of the Consultative Commission’s meeting, 1 Mar. 1920.

<sup>99</sup> AN, 20070518/12, report to the Consultative Commission, 15 Dec. 1919. See also Franz Menges, “Die deutschen Hilfsvereine in Frankreich vor dem Ersten Weltkrieg,” *Francia*, 3 (1975), p. 373.

<sup>100</sup> ‘J. c. Procureur de la République et Souque’, *Journal du droit international*, 48 (1921), pp. 547–52.

<sup>101</sup> ‘Aff. Belké c. Procureur de la République’, *Journal du droit international* 46 (1919), pp. 1090–2, and ‘Aff. Werner’, *Journal du droit international*, 48 (1921) pp. 560–1.

<sup>102</sup> AN, 20070518/12, reports to the Consultative Commission, 29 Mar. and 26 Jul. 1920.

<sup>103</sup> ‘Dlle Marzen c. Rigault’, *Journal du droit international*, 50 (1923) pp. 555–60.

<sup>104</sup> BArch, R 2/1032, Wolfgang Giesler to Reich Commissioner for Damages Abroad, 17 Dec. 1921.

<sup>105</sup> AN, 20070518/8, Justice to Colonies, 22 Apr. 1921.

turned to Germany under any circumstances.<sup>106</sup> Eugène Audinet—a professor of international law in Poitiers—expressed disapproval of the courts, whose demands for evidence from German-born stateless persons were regarded as ‘impossible’ to fulfill.<sup>107</sup> The attitude adopted by the French government and judiciary sparked outrage, and not only in Germany.<sup>108</sup>

Recognizing statelessness also rose to the attention of public opinion. On the one hand, the nationalist press urged the authorities to dismiss any kind of claim based on the loss of German nationality in order to achieve the complete elimination of the economic enemy presence in the country.<sup>109</sup> By contrast, socialist newspapers and the *Ligue de Droit de l'homme* denounced numerous cases of discrimination against stateless persons of German origin, whose property rights were violated by the judiciary and executive. In the case of the historian Otto Friedrichs, who resided in France since 1877 and had lost his nationality many years before the war, some socialist journalists organized a press campaign to avoid confiscation of his property.<sup>110</sup> Friedrichs, as they argued, was not only a stateless person from a legal point of view but proved loyalty to France. Therefore, his German origin did not influence in determining his status. In the end, that mobilization succeeded in persuading authorities to release his private belongings.<sup>111</sup>

Eventually, the French judiciary, too, recognized the stateless status of former German enemies, albeit more slowly and with more reluctance. In the summer of 1921, the court of Lyon released assets seized from Ernst Beier, a silk entrepreneur and former German consul in Lyon,<sup>112</sup> who had presented both an *Entlassung* certificate and evidence of continuous residence in France since 1879. In his decision, the judge argued that French law accepted statelessness as a legitimate status. Above all, he stated, no French court could arbitrarily assign foreign nationality to an individual, as that would be tantamount to an ‘attack’ on state sovereignty. The judge upheld the principle that Judge Russell had embraced a few months earlier in the *Stoeck* decision, adding, however, that the plaintiff had also demonstrated his ‘sincere attachment to France’ and therefore shown that he had severed all ties with Germany *de jure* and

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<sup>106</sup> AN, 20070518/8, ‘Hamburg c. Rigault et Procureur de la Republique’, unpublished decision of the court of Paris, 7 Apr. 1922.

<sup>107</sup> Eugène Audinet, “Les Heimatlosen et leur condition juridique,” *Journal du droit international*, 52 (1925), p. 888.

<sup>108</sup> Bruno Weil, “Die Liquidierung des Besitzes der Staatenlose,” *Berliner Tageblatt*, 15 Jun. 1921.

<sup>109</sup> For instance, see “Evincez le bochel,” *Le Petit Bleu de Paris*, 21 Aug. 1919.

<sup>110</sup> Louis Levy “La lamentable histoire de l'historien Friedrichs,” *Le Populaire*, 25 Apr. 1921, “L'affaire Marguliès à Bruxelles. Le cas Otto Friedrichs,” *La Lanterne*, 6 May, 1921, E. B. “Les malheurs de l'heimatlos,” *L'Oeuvre* 4 Jun. 1921, *Les Cahiers de droit de l'homme*, 25 Jul. 1921, pp. 334–5, and “Le cas Otto Friedrichs,” *Comoedia* 28 Sep. 1921.

<sup>111</sup> See news on *L'Intransigeant*, 20 Dec. 1921.

<sup>112</sup> Joly, “L'immigration germanique,” p. 136.

*de facto*.<sup>113</sup> This was the first time that a court had forced the French administration to release seized German assets on the grounds of statelessness.<sup>114</sup> Significantly, the ruling came while diplomatic negotiations were underway to define the stateless refugee status of Russian *émigrés*,<sup>115</sup> whose citizenship would be officially revoked a few months later, in December 1921.<sup>116</sup> In light of the principle laid out in the *Stoeck* case, the decision to grant them stateless status meant supporting the sovereignty of the Bolshevik government.<sup>117</sup> Unfortunately for Beier, a year later, the court of appeal reversed the first-instance ruling and confirmed the seizure of his assets, arguing that Beier had maintained his ties with Germany.<sup>118</sup> The former German businessman tried to save his property in any way, but all his attempts failed.<sup>119</sup> Also, the appeal to the MAT was denied because it pronounced itself incompetent.<sup>120</sup> Finally, the French administration ordered the definitive liquidation of his assets which were worth more than 800,000 francs.<sup>121</sup>

Like in the Belgian case, and thus in conflict with the position shared by the government and the prosecutors, however, some French courts ordered the release of seized property to former German citizens, provided they had *Entlassung* certificates and proved to have cut all ties with the Reich.<sup>122</sup> The criteria used for evaluation included: whether or not they had served in Germany, public positions held, family relationships, and their children's conduct during the war. The French Supreme Court upheld such an approach.<sup>123</sup> Nevertheless, the executive power stood firm on the principle that the decision to release seized assets should be judicial rather than administrative,<sup>124</sup> while the French-German MAT refused to examine similar cases to avoid friction with the French government.<sup>125</sup> Pressure from German diplomats yielded no results, and the appellants had to engage in lengthy and costly legal actions, often having to settle for the proceeds from the sale of the seized assets. For example, following a

<sup>113</sup> 'Beier c. Ministère public', *Journal du droit international*, 48 (1921), pp. 927–31.

<sup>114</sup> BArch, R 2/1032, Daenhardt to Reconstruction, 20 Aug. 1921.

<sup>115</sup> Catherine Gousseff, *L'exil russe. La fabrique du réfugié apatride (1920–1939)* (Paris: CNRS Éditions, 2008), pp. 217–25.

<sup>116</sup> Eric Lohr, *Russian Citizenship: From Empire to Soviet Union* (Cambridge, MA: Harvard University Press, 2012), pp. 147–51.

<sup>117</sup> Siegelberg, *Statelessness*, pp. 62–3.

<sup>118</sup> 'Procureur général c. Collongy, séquestre Beier', *Journal du droit international*, 50 (1923), pp. 550–5.

<sup>119</sup> AN, AJ/28/CCS/1, report to the Consultative Commission, 22 May 1922.

<sup>120</sup> See documents in BArch, R 3001/7456.

<sup>121</sup> AN, AJ/28/CCSG/2, notes of the Consultative Commission's meeting, 29 May 1922.

<sup>122</sup> AN, 20070518/8, 'Séquestre Blum', unpublished decision of the court of Paris, 23 Nov. 1922.

<sup>123</sup> 'Procureur général v. Kampfmeyer', *Journal du droit international*, 49 (1922), pp. 399–400.

<sup>124</sup> BArch, R 2/1033, Office for German goods, rights and interests in France to Reconstruction, 1 Feb. 1924.

<sup>125</sup> Walther Schätzel, *Das deutsch-französische gemischte Schiedsgericht* (Berlin: Heymanns, 1930), pp. 60–1.

ruling of the Orleans court of appeal in June 1926,<sup>126</sup> the champagne producer Wolfgang Giesler recovered only part of his assets (originally worth more than 11 million francs),<sup>127</sup> and French authorities returned him the multi-million proceeds from the sale of the remainder.

As of January 1930, the German Clearing Office had recorded 81 cases of stateless persons of German origin and 21 cases of former German citizens naturalized abroad (mainly in Switzerland) who had suffered from economic persecution in France and whose assets were only partially released. This is probably an underestimation of the true situation since not all stateless persons of German origin applied for compensation lest they should compromise themselves in the eyes of French authorities.<sup>128</sup> In any case, the majority of former German citizens retained their stateless status at least until the mid-1920s; only a few acquired German or foreign nationality.<sup>129</sup>

### *Statelessness in the UK*

In the UK, the already mentioned ruling of Justice Russell in *Stoeck v. Public Trustee* marked a shift from how the issue had been handled in wartime. As well as having a significant impact on doctrine, the judge's decision was a major blow to the British administration, which had continued to rely on the precedent set by *Ex parte Weber* to liquidate the assets of former German citizens.<sup>130</sup> Until that decision, indeed, the local authorities were in denial of statelessness claims. In Egypt, for instance, the Custodian of German assets was told to 'not admit the thesis of loss of German nationality, unless concurrently with such loss the claimant could prove that he acquired the nationality of another State.'<sup>131</sup> Russell's decision forced the authorities to change their stance. From that moment on, indeed, the British administration was compelled to deal with claims coming from stateless people and issues regarding the nationality of former enemy aliens differently.<sup>132</sup>

*Stoeck v. Public Trustee* was a 'test case' that had German diplomats as well as all key stakeholders flood British government offices with requests for the release of property on the grounds of statelessness.<sup>133</sup> Other courts followed suit and found in favor of stateless persons

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<sup>126</sup> The text of the decision is in BArch, R 2/1033.

<sup>127</sup> BArch, R 2/1032, Reich Commissioner for Damages Abroad to Reconstruction, 28 Jan. 1921.

<sup>128</sup> BArch, R 2/1033, Report of the Department V-B to Finance, 2 Sept. 1925.

<sup>129</sup> BArch, R 2/1033, 'List of claimants who have lost their Reich citizenship (stateless persons)', 30 Jan. 1926.

<sup>130</sup> BArch, R 2/1030, Representative of the Reich Clearing Office to Reconstruction, 27 Oct. 1920.

<sup>131</sup> NA, FO 141/468, Public Custodian (Cairo) to Residency (Cairo), 23 Jan. 1921.

<sup>132</sup> For the reaction of the administration, see the memorandum drafted on 12 May 1921 in NA, HO 144/11489.

<sup>133</sup> BArch, R 2/1030, Representative of the Reich Clearing Office to German Embassy in London, 3 Oct. 1921, and see also Erwin Loewenfeld, "Das Schicksal des beschlagnahmten deutschen Privateigentums in England," *Berliner Tageblatt*, 12 Dec. 1923.

of German origin, recognizing their right to have their property released if their status was certified.<sup>134</sup> Former Austro-Hungarian citizens also benefited from Russell's ruling, as in the sensational case of the industrialist Michael Schlesinger—father of the well-known economist Karl—who had renounced his Hungarian nationality after the Treaty of Trianon was signed but before it entered into force.<sup>135</sup> According to the German embassy, at least thirty or so stateless people of German descent appealed to a British court in May 1922.<sup>136</sup> Many others applied to the administration for the release of their assets, and the administration was forced to draw up a special form for that kind of application.<sup>137</sup> Among them, there was the Jewish writer and Nietzsche's translator Oscar Levy (1867-1946), who claimed to have lost German nationality after more than ten years of uninterrupted residence in the UK.<sup>138</sup> Since Levy did not apply for a discharge certificate, the Home Office was reluctant to accord him the status of a stateless person whereas the Public Trustee was open to that.<sup>139</sup> Finally, Levy was recognized as having lost his nationality and thus he was given property back from the Public Trustee in October 1921.<sup>140</sup> His statelessness, however, did not allow him to avoid expulsion from the UK because of his status as a former enemy alien.<sup>141</sup>

The new approach adopted by the High Court spread to other parts of the British Empire. In January 1922, the South African Supreme Court recognized a former German national as a stateless person, holding that suspicion of covert re-naturalization was an insufficient basis for denying him stateless status.<sup>142</sup> In 1922–23, in the wake of the *Stoeck* ruling, the New Zealand Custodian of Enemy Property received numerous requests for the release of seized property from 'individuals destitute of nationality'.<sup>143</sup> Similarly, German diplomacy urged the Australian government to comply with that ruling, while many 'stateless individuals'

<sup>134</sup> "German's Lost Nationality," *Financial Times*, 2 Jul. 1921.

<sup>135</sup> "The Advantage of No Nationality," *The Times*, 10 Jul. 1922, and "Enemy Property. An Important Decision," *The Morning Post* (13 Jul. 1922). Cf. Siegelberg, *Statelessness*, p. 45.

<sup>136</sup> PAAA, R 246210, Sthamer to Ministry of Foreign Affairs, 25 Jul. 1922.

<sup>137</sup> NA, FO 950/5319, Form of Application and Statutory Declaration to Be Completed By Former German Nationals Claiming that They Were Not German Nationals on 10<sup>th</sup> January, 1920.

<sup>138</sup> NA, HO 382/93/4, Levy's application, 21 Sep. 1921 and Public Trustee to Undersecretary of State (Home Office), 28 Sep. 1921.

<sup>139</sup> NA, HO 382/93/4, Undersecretary of State (Home Office) to Public Trustee, 12 Oct. 1921.

<sup>140</sup> NA, HO 382/93/3, Public Trustee to Undersecretary of State (Home Office), 17 Oct. 1921.

<sup>141</sup> On Levy's case, see Bradley W. Hart, *George Pitt-Rivers and the Nazis* (London: Bloomsbury Publishing, 2015), pp. 40–1, 66, and his voluminous dossier in NA, HO 382/93/1–5.

<sup>142</sup> 'Pauly v. Custodian of Enemy Property', in J. Fischer Williams, H. Lauterpacht (eds.), *Annual Digest of Public International Law Cases (1919–1922)*, (London: Longmans, Green Butterworths, 1932), pp. 225–6. Pauly was born in Coblenz in 1870 as a German citizen, then migrated to South Africa, where he lived for decades before residing in London. His assets, \$15,000, were put under sequestration, and Pauly filed an appeal against that decision because he claimed to be stateless. On his case, see BArch, R 2/1037, German Consulate (Pretoria) to Foreign Affairs, 2 Aug. 1922.

applied for asset release, which they were granted in some cases.<sup>144</sup> British authorities in Egypt asked London's government for some indications on how to deal with those claims after Russell's ruling.<sup>145</sup> The issue of property seized from former German nationals was still a matter of dispute in the British Raj from 1926–27. According to the German consulates in Bombay and Calcutta, several dozen stateless persons of German origin were encountering obstacles in trying to have their property released by the Delhi Custodian.<sup>146</sup> According to John Ward Cutler, the amount of released property upon successful proof of lack of enemy nationality was 'considerable', but he did not provide any figures about it.<sup>147</sup> As a German official of the Ministry of Finance wrote to Edwin M. Borchard, stateless persons succeeded in getting about £4/5 million of property back.<sup>148</sup> It is likely that in some cases the corruption of officials facilitated the acceptance of evidence of statelessness. Particularly in the UK, authorities nursed heavy suspicions about some officials who had accepted appeals from stateless persons for assets of more than £880,000. Yet, there was never a more thorough investigation to ascertain the facts.<sup>149</sup>

The courts' decisions were harshly criticized by members of the British administration. Claud Mullins accused the UK of not having 'enforced these sections [of the peace treaty] with sufficient severity'. He found it intolerable that numerous 'international financiers [...] get themselves denaturalized in enemy countries in order thus to escape the charge' and managed 'to evade the Peace Treaties in this way to the severe detriment of British claimants and creditors'.<sup>150</sup> The British government could not challenge a judge's decision and eventually had no choice but to either release the seized assets or surrender the proceeds from their sale.<sup>151</sup> However, it placed various obstacles in the way of the release of former enemies' property. According to Gavin T. Simonds, at that time legal advisor of the Board of Trade, individuals who claimed having lost German nationality should be required to issue a certificate supporting that declaration. In case they had lost automatically, however, 'such a claim must be closely scrutinized for its validity will or may depend upon a number of facts which cannot be easily tested', such as the date claimants left the country, whether they had passports or their resi-

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<sup>143</sup> *Enemy Property in New Zealand. (Third Report on) by the Public Trustee as Custodian of Enemy Property and Controller of the New Zealand Clearing Office*, H. 25, Session II, 1923, p. 4.

<sup>144</sup> See cases in PAAA, R 52226.

<sup>145</sup> NA, FO 141/468, Public Custodian (Cairo) to Residency (Cairo), 28 Feb. 1924.

<sup>146</sup> BArch, R 2/1031, General Consulate of Calcutta to Ministry of Foreign Affairs 8 Jun. 1926 and 15 Nov. 1927.

<sup>147</sup> YA, Borchard Papers, box 57, "United Kingdom," p. 70.

<sup>148</sup> YA, Borchard Papers, box 72, Alfred Fuchs to Edwin M. Borchard, 17 Oct. 1933.

<sup>149</sup> YA, Borchard Papers, box 57, "United Kingdom," pp. 100–3.

<sup>150</sup> Claud Mullins, "Private Enemy Property," *Transactions of the Grotius Society*, 8 (1922), p. 103.

<sup>151</sup> PAAA, R 246210, Stahmer to Ministry of Foreign Affairs, 30 Oct. 1922.



dence abroad was uninterrupted.<sup>152</sup> One such stratagem was to appeal to German case law. According to a 1906 Leipzig court ruling, a brief stay on German soil was all it took to regain citizenship. Stateless persons were required to prove that they had never returned to Germany during their period of residence abroad, or that their return was not evidence of the will to regain citizenship.<sup>153</sup> To this end, the German government tried to persuade the *Länder* to urge a new approach to the work of administrative courts to facilitate recognition of statelessness for ‘many Germans living abroad’.<sup>154</sup> Bavaria and Prussia complied, while other *Länder* continued to apply the old principle, frustrating the efforts of the central government. British bureaucracy also took advantage of the absence of a central authority in charge of determining German citizenship or issuing *Staatenlosigkeitszeugnisse* (certificates of statelessness). The Public Trustee staff routinely rejected requests accompanied by documents issued by local authorities, unless they were ‘assured that such a certificate is not only bona fide but also has proper legal authority behind it’.<sup>155</sup>

Finally, in 1925, the High Court of Justice partially overruled the *Stoeck* precedent, rejecting the Hahn brothers’ appeal. Rudolph, Eugen, and Paul Hahn, who had left Germany in 1893 to take care of the gemstones business in Paris and London, submitted *Heimatscheine* (certificates of citizenship) issued by the town of Birkenfeld (Rhineland) and attesting to their loss of nationality.<sup>156</sup> Claiming to be stateless was instrumental in having the proceeds of their assets back.<sup>157</sup> The three brothers, who had been interned during the war and repatriated at the end of the war, sought to avoid confiscation of their property by appealing the Treaty Execution Committee in 1923. Initially, the Public Trustee was willing to release those assets since evidence proved that Hahn’s brothers were stateless, but it wanted the opinion of the committee.<sup>158</sup> The latter asked for further proof of their status, which they provided.<sup>159</sup> Yet such attempts were vain, and they turned to the courts. Loewenfeld, Weil, and Cohn also testified on their behalf. Justice John Meir Astbury, however, rejected their appeal, arguing that the sup-

<sup>152</sup> NA, BT 103/482, ‘Denaturalised Germans. Opinion’ of Gavin T. Simonds, 6 Jun. 1921.

<sup>153</sup> Keller and Trautmann, *Kommentar*, pp. 324–6.

<sup>154</sup> BArch, R 2/1030, Ministry of Foreign Affairs to German Ministry of Interior, 29 Nov. 1921.

<sup>155</sup> PAAA, R 246210, Public Trustee to Churchill Calpham, 3 Mar. 1922. Cf. similar cases in BArch, R 1501/108110 and R 1501/108111.

<sup>156</sup> For a journalistic account of their case, see “£200,00 Claimed from Public Trustee,” *The Manchester Guardian*, 23 Jun. 1925, and “High Court of Justice,” *The Times*, 23 Jun. 1925. Regarding the activity of the Hahn firm in diamond trade, see Karl Schmetzer, Gerard Martayan, and Jose Guillermo Ortiz, “History of the Chivor Emerald Mine, Part 1 (1880-1925): From Rediscovery to Early Production,” *Gems & Gemology* 56, 1 (2020), pp. 66–109.

<sup>157</sup> NA, BT 203/3, List of securities claimed by Messrs. Rudolph, Eugen and Paul Hahn, undated [Mar. 1923].

<sup>158</sup> NA, BT 203/3, Public Trustee to Board of Trade, 22 Mar. 1923.

<sup>159</sup> NA, BT 203/3, Taylor & Co. to Public Trustee, 28 Apr. 1923, and Public Trustee to Board of Trade, 5 Jun. 1923.

porting documents were unreliable because of the uncertainty of German law regarding the restoration of citizenship to former nationals who had returned to Germany.<sup>160</sup> The judge's decision was once again motivated by suspicion, and once again it was based solely on formal criteria. According to Justice Astbury, it was not appropriate for a British court to interpret provisions of foreign law, and a prudent approach should be taken. This 1925 ruling suggests that in England not all courts fully embraced the principle laid down in the *Stoeck* decision.<sup>161</sup> Indeed, the courts faced significant uncertainty due to the lack of clear laws and regulations concerning stateless people. The same was true internationally, as evidenced by the ongoing efforts of the League of Nations.<sup>162</sup> A few weeks later, Weil publicly asked that the German government develop a centralized and standardized procedure to certify statelessness and help former German citizens recover their property.<sup>163</sup> His requests went unheeded. Several stateless persons were left in limbo, caught between the two countries,<sup>164</sup> and the matter was left to the lawyers and their ability to persuade foreign courts.<sup>165</sup> Ultimately, although it is unclear how many former German nationals recovered their assets in the UK and the British Empire, the more liberal attitude of the courts—at least until 1925—allowed many to succeed, at least in part. Unlike in Belgium and France, formal criteria carried greater weight in the legal recognition of stateless status. The disparity between civil and common law systems does not seem to have played a relevant role. Indeed, paradoxically, judges in continental Europe seem to have had more latitude in interpreting unclear laws, while British courts were guided by formal and rigorous criteria.<sup>166</sup> Nevertheless, not even formalism could have prevented the bureaucracy or the courts from denying the validity of a stateless person's documents and hampering the efforts of the former enemy aliens.

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<sup>160</sup> 'Hahn v. Public Trustee', *Journal du droit international*, 53 (1926), pp. 1035–40, and documents in NA, CO 323/942. Also, the German representative at the British-German MAT followed their case and sent information to the government in Berlin, see his reports on June 18 and 19, 1925, in BArch, R 2/1037. See also "Suit Against Public Trustee Fails," *The Manchester Guardian*, 24 Jun. 1925.

<sup>161</sup> Schwartz, *Das Recht der Staatsangehörigkeit*, pp. 74–5. See also the article of George Hirschfeld published on the *Juristische Wochenschrift* whose translation in English is in NA, FO 905/5319.

<sup>162</sup> Cf. Siegelberg, *Statelessness*, pp. 71–81.

<sup>163</sup> Bruno Weil, "England und die Staatenlosen," *Berliner Tageblatt*, 11 Aug. 1925.

<sup>164</sup> PAAA, R 246211, Friedrich-August Fries to Stresemann, 20 Apr. 1924.

<sup>165</sup> "Ein neuer Prozeß eines Staatenlosen vor dem englischen Gericht gegen die Vermögensbeschlagnahme," *Berliner Börsen-Zeitung*, 27 Jul. 1927.

<sup>166</sup> For a critical analysis of the differences between civil and common law systems, see Alessandro Stanziani, *Rules of Exchange. French Capitalism in Comparative Perspective, Eighteenth to Early Twentieth Centuries* (Cambridge: Cambridge University Press, 2012), pp. 38–58.

### 6.3 'Friendly' Citizens and Neutral Foreigners

Nationals of Allied or neutral countries were entitled to be fully restored and exempted from all restrictive measures against enemy citizens. Set as a rule by the peace treaty, the formalistic principle of national belonging was not automatically applied by the winning powers. In this regard, too, administrative and judicial authorities scrutinized the legal status of people claiming to be not enemy citizens by examining their 'true' situation. That kind of worry was not unjustified. Many German nationals tried to avoid persecution in every possible way. During the war, for example, many of them acquired the nationality of neutral countries. According to the British consul in Stockholm, until January 1919, more than 250 Germans had been naturalized as Swedish citizens during the war.<sup>167</sup> Likewise, many others acquired Swiss nationality thanks to the two-year residence requirement for being naturalized in the country (until November 1917).<sup>168</sup> For instance, 2,444 Germans were granted Swiss nationality only in 1915.<sup>169</sup> Some individuals were suspected to have obtained neutral passports by fraud, namely by paying intermediaries.<sup>170</sup> On other occasions, people of German origin sought also to change their surnames. In 1915 Friedrich Franz Koenemann, a British-born businessman with dual nationality (British and German), got to be called Frederick Francis Kennedy to re-affirm his national belonging and loyalty, and protect his property from confiscation both in the UK and France.<sup>171</sup>

#### *Friends or Foes?*

Whether they should be regarded as former enemies or not was a matter of dispute even after the end of the war. The authorities suspected that, albeit being naturalized abroad, many kept German citizenship and thus could be disloyal subjects in case of a new conflict. At the same time, however, applying restrictive measures against them could raise diplomatic controversies with foreign countries. Therefore, as a general rule, British diplomacy suggested 'to avoid if possible the appearance of treating such persons as of enemy nationality, since to do so might be regarded by the naturalizing Power as tantamount to questioning the Interna-

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<sup>167</sup> NA, HO 45/10797/305598, William A. Churchill to Lord Balfour, 16 Jan. 1919.

<sup>168</sup> In November 1917 the Swiss authorities imposed restrictive measures, raising to four years the period residence in the country to get naturalized and successively to six years (from 1920). See Regula Argast, "An Unholy Alliance: Swiss Citizenship between Local Legal Tradition, Federal Laissez-Faire, and Ethno-National Rejection of Foreigners 1848–1933," *European Review of History: Revue Européenne d'histoire* 16, 4 (2009), pp. 511–12.

<sup>169</sup> NA, HO 45/10797/305598, Grant Duff (Berne) to Sir Edward Grey, 16 Mar. 1916.

<sup>170</sup> On the case of Uruguayan passports which could be easily acquired for 10–15,000 Swiss francs, see documents in NA, HO 45/10797/305598.

<sup>171</sup> On his case, see NA, HO 45/11008/274517.

tional validity of its action.<sup>172</sup> Likewise, the French Ministry of Foreign Affairs urged the Consultative Commission and courts to release as soon as possible those assets belonging to Allied and neutral citizens.<sup>173</sup> Nonetheless, authorities were required to be cautious and scrutinize carefully each case. The Treaty Execution Committee required that applicants should bring evidence of their naturalization, and several declarations from German authorities to prove that they did not have dual nationality.<sup>174</sup> Such a stance was taken by all Allied powers. Yet reversing economic persecution did not correspond to a return to the previous life. During wartime or in the aftermath of the war, indeed, authorities often liquidated those assets without caring about the ongoing legal and diplomatic disputes. Although individuals were able to be formally recognized as Allied or neutral citizens, their possessions were gone, and they could only get back the proceeds from the sale of them. The restoration was often only on paper, whereas none of them was entitled to be compensated for losses. The implementation of restitution provisions according to national classification was extremely complicated and caused several troubles among Allied and neutral countries. Each state kept the prerogative to decide individual destinies without allowing the League of Nations to intrude.<sup>175</sup>

As for ‘friendly’ nationals, the Ministry of Justice in France often urged courts to release seized property owned by individuals who had acquired a ‘friendly’ nationality. Rather, the administration oscillated between the need to release promptly those assets for political and diplomatic reasons, and the concerns that individuals were using their new citizenship for other purposes. They were required to present diplomatic certification concerning their legal status, a declaration of renunciation of the right of option, and a document confirming loyalty during the war.<sup>176</sup> Likewise, in the UK, authorities kept assets belonging to enemy citizens of Polish origin unless a certificate attesting their new nationality was released by the Polish National Council or the Polish consulate in London. According to the Foreign Office, furthermore, ‘the ratification of the Treaty will probably make little if any difference in practice since an individual would not be recognized as of Polish, Estonian or Czech Slovak nationality merely on his ipse dixit but only when provided with credentials.’<sup>177</sup> Yet they maintained a cautious attitude.<sup>178</sup> In July 1919, the U.S. Attorney General dismissed the application for release

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<sup>172</sup> NA, HO 45/10797/305598, Secretary of State to Viceroy (India), 1 Jul. 1919.

<sup>173</sup> ADLC, BIP11/47, Ministry of Foreign Affairs to Consultative Commission, undated [late 1919—early 1920]

<sup>174</sup> NA, BT 203/1, Treaty Execution Committee. Minutes of Meeting, 26 Jun. 1920.

<sup>175</sup> See, for instance, LNA, R291/10/1959/1059, Mr. Harold Nicolson, Paris, No. 14 - Liquidation of Property of Inhabitants of Plebiscite Areas.

<sup>176</sup> AN, 20070518/10, Justice to prosecutors of courts of appeal, 3 Dec. 1919 and 29 Mar. 1920.

<sup>177</sup> NA, BT 58/62/COS/6522, ‘Treaty of Peace with Poland’, 20 Nov. 1919.

<sup>178</sup> NA, BT 203/1, Report to the Treaty Execution Committee, 3 Aug. 1920.

issued by a former Austro-Hungarian subject who acquired Czechoslovakian nationality arguing that the administration could not recognize ‘insurgents’ against enemy states as members of a sovereign state, and a legislative amendment of the TEA was required to do so.<sup>179</sup> In the case of the Alsatians and Lorrainians, furthermore, French diplomacy intervened on many occasions against the reluctance of the British or American administration.<sup>180</sup> Likewise, U.S. and Belgian diplomats raised many controversial cases to British authorities.<sup>181</sup> More problematic was the case of those who acquired Italian nationality according to the Treaty of Saint-Germain. Many firms and nationals based in Trieste urged Italian diplomacy to protect their interests in London, where the British authorities threatened the ultimate confiscation if they were not able to bring evidence of their new status.<sup>182</sup> As the Italian ambassador referred to the Ministry of Foreign Affairs, suspicions were well-founded, since ‘nearly all former enemy subjects of Austria-Hungary declared themselves to be Czechoslovaks, Poles, Romanians, Yugoslavs or Italians so that it practically seemed that former enemy subjects no longer existed. [...] There had been many cases of forged documents from the countries concerned.’<sup>183</sup> To solve that kind of issue, Italian diplomacy released certificates attesting to the ‘Italianness’ of individuals and firms that had been previously regarded as of enemy character.<sup>184</sup> Likewise, Danish or Yugoslavian diplomacy released similar certificates to persuade the American authorities to return seized assets belonging to their nationals.<sup>185</sup>

As for Alsace-Lorraine, when the Treaty of Versailles was signed, a new controversy arose from the regulation of French citizenship in the region which was only partially coincident with the four-card system adopted in November 1918. Unlike provisions of the same treaty regarding the right to opt in other ceded regions, in the case of Alsace-Lorraine the French government did not want to extend the new nationality to all inhabitants of the region.<sup>186</sup> In Alsace-Lorraine, as André Tardieu explained, there was no right of option in favor

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<sup>179</sup> NARA, RG 131, UD41, Attorney General to APC, 2 Jul. 1919.

<sup>180</sup> See documents in NA, BT 58/67/COS/10579. For the rigid attitude followed by the U.S. authorities toward Alsatians and Lorrainians, see NARA, RG 131, UD41, Attorney General to APC, 5 Jul. 1919.

<sup>181</sup> For the treatment of American citizens in the UK, see NA, BT 203/1, Treaty Execution Committee. Minutes of Meeting, 8 Nov. 1920. On the treatment of Germans who acquired Belgian nationality after the cession of Eupen and Malmedy to Belgium, see NA, BT 203/1, Treaty Execution Committee. Minutes of Meeting, 13 Dec. 1920.

<sup>182</sup> ASMAECI, Serie Z-Contenzioso, b. 272, fasc. «Dissequestro beni di cittadini redenti», Chamber of Commerce (Trieste) to Ministry of Foreign Affairs, 19 Aug. 1920.

<sup>183</sup> ASMAECI, Serie Z-Contenzioso, b. 272, fasc. «Dissequestro beni di cittadini redenti in Inghilterra», De Martino to Schanzer, 26 Oct. 1922.

<sup>184</sup> See certificates sent to the APC in the U.S., in NARA, RG 131 UD145.

<sup>185</sup> NARA, RG 131, UD 143, Yugoslavian embassy to Department of State, 20 Feb. 1920, and Danish embassy to Department of State, 3 Mar. 1920.

<sup>186</sup> Weil, *How to Be French*, p. 72.

of the Germans. On the contrary, it is the responsibility of the French government, by the treaty and through the use of its restored sovereignty, to confer the status of Frenchman only on those genuine Alsatians and Lorrainers recognized as such by it. To this end, it has the exclusive power to set the limits of reintegration *pleno jure*, as well as the conditions to be fulfilled by Germans who apply for naturalization.<sup>187</sup> Therefore, the peacemakers set up a categorization that could be harmonized with the four-card identity system. According to Articles 53 and 54 and the related annex, indeed, there were three ways to acquire French nationality:

- (a) Automatically in case of Frenchmen (or their descendants) who became German citizens after the entry into force of the Frankfurt treaty (1871), or in case of people born of unknown parents in Alsace-Lorraine;
- (b) By reclamation within one year after the entry into force of the peace treaty for those having one parent who had French origin and could be automatically re-integrated, or foreigners who acquired the local citizenship of Alsace-Lorraine before August 1914, or Germans who resided in the region before 1870, or German citizens who served the Allied army during the war, or finally the husband or wife of reintegrated citizens;
- (c) By naturalization for all German nationals who possessed local citizenship and resided in the region before August 1914, and who could demonstrate their uninterrupted residence after the French military occupation in November 1918.

France introduced those special provisions relating to Alsace-Lorraine in March 1920.<sup>188</sup> Thus, French nationality was granted to Alsatians and Lorrainians by following criteria based on the national origin of individuals and their ascendants. As said by Jean-Paulin Niboyet, at that time professor of international law in Strasbourg, access to French nationality was ‘only half-opened with care’.<sup>189</sup> Suspicious and prudence seemed to be the main features of the French attitude in that regard. Yet, as could be expected, such a complicated system created a wide variety of tricky cases due to family and descent relations, legal uncertainties, several cases of statelessness or dual citizenship, and diplomatic clashes with Germany over the recognition of citizenship to individuals which lasted almost two decades.<sup>190</sup> As for the treatment of

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<sup>187</sup> Tardieu, *La Paix*, p. 271.

<sup>188</sup> *Journal Officiel*, 10 Mar. 1920, pp. 3939–40.

<sup>189</sup> Jean-Paulin Niboyet, “La Nationalité en Alsace-Lorraine d’après le Traité de Paix,” *Revue juridique d’Alsace et de Lorraine* 1, 6 (1920), p. 242.

<sup>190</sup> *Ivi*, pp. 242–56. See also Walter Schätzel, *Die elsass-lothringische Staatsangehörigkeitsregelung und das Völkerrecht: eine rechtsvergleichende Studie der Probleme der Staatsangehörigkeitsregelung bei Gebietsveränderungen* (Berlin: Georg Stilke, 1929),

private property belonging to those people who did not automatically acquire French citizenship, the peace treaty confirmed the right to liquidation (articles 74 and 297) except for those Germans who were authorized by France to reside in the region (article 53.2). The application of these provisions, yet, was highly tricky and provoked many legal disputes that lasted many years after the end of the war.

As for the Germans who came from the Saar region, the French authorities were ready to adopt a softer approach with the aim of ‘acquiring’ their loyalty. In 1919, instead of returning all assets on a collective basis, the central government together with Millerand who was Civil Commissioner in the Alsace-Lorraine agreed on a dual system. They released small property and movable possessions owned by Germans coming from the Saar region belonging to lower classes, whereas firms, corporations, or other significant assets were liquidated.<sup>191</sup>

Determining who was the enemy subject proved to be the most challenging issue in Belgium. Just a few weeks after the decree of sequestration, in February 1919, the Belgian cabinet elaborated a very detailed classification to regulate the implementation of sequestration. In a circular sent to royal prosecutors, the socialist minister of Justice Emile Vandervelde ordered the exclusion from seizure of property belonging to some special categories: German or Austro-Hungarian citizens having a ‘friendly’ nationality (French, Italian, Polish, Czechoslovakian, or Yugoslavian); Rumanians coming from Bucovina and Transylvania; Greeks living in Bulgarian and Turkish territories; Syrians, Armenians, Jews and any other community originally coming from former Ottoman territories; individuals coming from the Malmedy region.<sup>192</sup> Nonetheless, the socialist minister warned the courts that—except in the case of Alsace-Lorraine—a reliable identification system did not exist. ‘It is not sufficient—as Vandervelde wrote—for a person to claim to be in one of the categories listed above, even if he or she relies on circumstances that give the claim some plausibility’.<sup>193</sup> The royal prosecutor was obliged to investigate that claim, examining documents provided by the owners and ‘substantive’ criteria regarding the claimants’ status (such as national origin, filiations, name, religion, and spoken languages). Yet the prosecutor should have assessed especially their behavior and attitude during the

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and Hans Lessing, *Das Problem der Staatenlosigkeit ehemaliger Elsaß-Lothringer* (Stuttgart, 1932). As for the diplomatic disputes over citizenship, see documents in BArch, R 901/35527, R 901/35528, and R 901/35529.

<sup>191</sup> See documents in AN, AJ/30/187.

<sup>192</sup> ‘Circulaire, 12 février 1919’, in *Recueil des Circulaires, Instructions et Autres Actes Émanés du Ministère de la Justice ou Relatifs à ce Département, 1919-1921* (Bruxelles : Imprimerie du moniteur belge, 1923), pp. 20–4. See also Raquez, de Wée and Houtart, *La loi belge sur les séquestres*, pp. 27–34.

<sup>193</sup> Ivi, p. 23.

German occupation. Loyalty to Belgium was the decisive factor in excluding persecution or maintaining the sequestration.<sup>194</sup>

### *Optants and Danzig Citizens*

Another legal difficulty arose from the difference between those who acquired *ipso facto* a new nationality at the date of the peace treaty's entry into force, and those who opted for it in the next years. In the case of people coming from Schleswig-Holstein, for instance, the possession of Danish nationality after the plebiscite was not enough. In France, the Ministry of Justice and the Ministry of Foreign Affairs preferred returning property on a case-by-case basis,<sup>195</sup> as well as the Aliens Property Custodian and the Attorney General examined applications individually before submitting them to the President.<sup>196</sup> Likewise, Germans who had acquired *ipso facto* Danish or Danzig nationality could be given their assets back 'upon production of a certificate from the High Commissioner [of the Free City of Danzig]', as long as they renounced 'their right to opt for German nationality.' Anyway, each application 'involving a large amount' was to be examined by the Committee, as well.<sup>197</sup> Also, in the case of Danzig nationals, the French authorities accepted only certificates released by the League of Nations.<sup>198</sup> Optants were treated differently. The Treaty Execution Committee in the UK faced several cases regarding people who were formally Danish or Polish nationals by option, but whose status was legally uncertain. As a rule, optants were not entitled to have their assets back. Administrative authorities sought to restrict the claims for restitution in any way.<sup>199</sup> Similarly, the British authorities refused to release property belonging to persons whose new nationality was acquired 'under one of the Minorities Treaties, but not acquired under the Treaty of Peace with the ex-enemy Power.'<sup>200</sup> Even more complicated was the situation of German optants, who sought to invalidate their declarations before the Polish courts to get their property back.<sup>201</sup>

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<sup>194</sup> Ivi, pp. 23–4.

<sup>195</sup> AN, 20070518/10, Justice to prosecutors of courts of appeal, 15 Feb. 1921.

<sup>196</sup> See documents in NARA, RG 131, UD 41.

<sup>197</sup> NA, BT 203/1, Treaty Execution Committee. Minutes of Meeting, 21 Jun. 1920.

<sup>198</sup> LNA, R142/4/10669/10669, Dossier concerning the release from sequestration in France of the property of Mr. Julius Balda, a native of Danzig.

<sup>199</sup> For an overview of those cases, see NA, BT 13/114/9.

<sup>200</sup> NA, BT 203/1, Treaty Execution Committee. Minutes of Meeting, 3 Jan. 1921.

<sup>201</sup> See the ruling of the Supreme Administrative Court of Warsaw, "Dittmann v. Governor of Pomorze," (16 Jun. 1924), in Hersch Lauterpacht and Arnold Duncan McNair Baron McNair, eds., *Annual Digest of Public International Law Cases*, vol. II (1933), pp. 255–6. Remarkably, the Polish courts examined at least two more other similar cases.



In the case of those who acquired citizenship of the Free City of Danzig, being recognized as such was a long-lasting process and restitution resulted in getting proceeds from the sale of property back. This was the case with Magdalene von Massow (1870-1935). Before the war, the woman married the German colonial officer Tom von Prince (1866-1914), whose family had British origin. In the late 1890s, the couple moved to German Eastern Africa (Tanganyika) where the Prince entered the colonial administration and bought several coffee plantations.<sup>202</sup> Once the war broke out, however, Prince died in the battle against the British troops in November 1914 while Magdalene remained in the colony until being repatriated to Germany in 1919. Yet the widow was determined to return to Tanganyika and take her plantations back. To do so, she applied for Danzig nationality. The Foreign Office, still, was reluctant to recognize her new status. At the same time, given her poor economic situation, the widow dismissed her application for the Danzig nationality and preferred to keep the German one to receive compensation for her losses. 'I was forced to resign my nationality of the Free-state of Danzig as the Germans would not pay a penny and I was starving, and being thus almost penniless I was unable to pay for the return journey to Tanganyika.'<sup>203</sup> In 1923-24, her plantations were definitively liquidated but in the next years, she insisted on having proceeds of the sale back since in the meantime she had newly applied for the Danzig nationality that she finally obtained. Although she received a small amount of it (about £4,000), the widow sought unsuccessfully to apply for the restitution of that property thanks to her status as a neutral citizen. Eventually, she was allowed to come back to Tanganyika, but her plantations were lost.<sup>204</sup> Her case was not isolated since many dispossessed nationals claimed to be entitled to restitution due to their Danzig citizenship.<sup>205</sup> In the case of private assets belonging to Danzig citizens on Polish soil, however, Article 233 of the Warsaw Treaty signed between Poland and the Free City of Danzig on October 21, 1921, established that the Polish state was obliged to return that property, also retroactively.<sup>206</sup> Despite that provision, there were several cases of private assets liquidated by Polish authorities. Thanks to its role as protector of the Free City, the League of Nations intervened in favor of those who claimed to be unfairly persecuted in Poland. Among them, was the case of Johann Schauer, who was given a small land plot from

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<sup>202</sup> See her diary, Magdalene von Prince, *Eine deutsche Frau im Innern Deutsch-Ostafrikas: elf Jahre nach Tagebuchblättern erzählt* (Berlin: Ernst Siegfried Mittler und Sohn, 1908).

<sup>203</sup> NA, CO 691/88/8, Letter of Magdalene von Prince, 23 Apr. 1923.

<sup>204</sup> See documents in NA, CO 691/88/8, CO 691/94/1, and CO 691/107/3.

<sup>205</sup> For the case of Louise Bleeck, see NA, CO 691/131/4.

<sup>206</sup> 'Die Republik Polen erklärt, dass sie eine Liquidation des Vermögens derjenigen Personen, die auf Grund des Vertrages von Versailles Danziger Staatsangehörige geworden sind, nicht vornehmen wird. Diese Bestimmung hat rückwirkende Kraft' (Article 233). The text of the Warsaw Treaty is reported in League of Nations, *Treaty Series*, 57, 1-4 (1931).

the Prussian Settlement Commission before the war. Because of the Polish attempts to reverse Germanization policies, however, in 1921, local authorities canceled his rental agreement and thus Schauer was forced to leave his property liquidated even if he had acquired Danzig nationality. In late 1924, as a result of an arbitration between the Free City and Poland, the League of Nations declared the Polish provision as illegitimate but, rather than forcing Poland to return him land property, offered Schauer a higher compensation. By doing so, once again, the League proved to be unable to prevent unfair mistreatment of the German-speaking minority in the newly created states.<sup>207</sup>

In cases where administrative procedures were unsuccessful, applicants went to court. Yet the outcome could not be taken for granted in that case either. The court of Paris dismissed the appeal lodged by Mr. Kurtze, who claimed to be a naturalized U.S. citizen, due to lack of evidence.<sup>208</sup> Conversely, in 1920, French courts accorded the return of private assets to some Czechoslovak nationals (who were assisted by Edouard Clunet),<sup>209</sup> whereas being recognized as Polish citizens proved to be more complicated. In the latter case, legal and diplomatic disputes deriving from the contested application of the Treaty of Versailles in the regions ceded to Poland were echoed in the French courtrooms.<sup>210</sup> In Italy, for instance, the administrative court dismissed the appeal issued by Giorgio Pagurge, a former German citizen, who claimed to be Polish according to the peace treaty. The ruling stated that he was not able to prove the acquisition of the Polish nationality *pleno jure* and he lost his property.<sup>211</sup> Likewise, the Henckel von Donnersmarck, an Austrian-German aristocratic family who owned the zinc mines in Predil (Friuli-Venezia-Giulia), lodged against the confiscation of that property claiming that some of them acquired the Polish nationality thanks to their residence in the parts of Upper Silesia ceded to Poland in 1922.<sup>212</sup> The administrative court dismissed their appeals and confirmed the confiscation of mines whose concession was subsequently given to an Italian corporation (*Società Anonima Cave del Predil*).

<sup>207</sup> See documents in LNA, R176/4/33570/32535, and R176/4/32535/40693.

<sup>208</sup> 'Aff. Kurtze', *Journal du droit international*, 48 (1921), pp. 197–200.

<sup>209</sup> 'Aff. Thonet frères', and 'Aff. Goldscheider', *Journal du droit international*, 48 (1921), pp. 216–17, 19–20.

<sup>210</sup> See cases Pionkowski and Schoenewald, in *Journal du droit international*, 51 (1924), pp. 1006–7, and 63 (1926), pp. 110–1.

<sup>211</sup> 'Giorgio Pagurge, ricorr.', *Rivista di Diritto Pubblico*, 18 (1925), II, p. 32.

<sup>212</sup> Nicolò Benedetti, *Alla Commissione speciale per i beni dei cittadini degli Stati già nemici istituita coll'art. 1 del R. Decreto-legge 10 maggio 1923, n. 1118: ricorso dei conti Alfonso, Edgardo ed Alvino Henckel von Donnersmark, rappresentati dall'ing. Waldemaro Schornstein in Cave del Predil (Raibl), rispettivamente dagli avvocati dott. Nicolò Benedetti e dott. Bruno Negri in Trieste, appar mandato in atti contro il decreto del Ministero per l'industria e il commercio, notificato il 7 maggio 1923* (s.l., 1923).

Similar cases occurred in the UK, too. Paul Wolff was born in Posen (Poznan) in August 1871 to parents who were habitual residents of the city.<sup>213</sup> Despite living in Berlin since 1875, according to the Treaty of Versailles, he was entitled to acquire Polish nationality by birth (*Geburtspolen*), as well as he did not opt for German citizenship in the aftermath of the war. Yet the acknowledgment of nationality for people of German origin was a matter of dispute between Poland and Germany since the Polish state contested their inclusion within the national community. After the Vienna Convention (1924), the two states sought to regulate the application of the peace treaty and put an end to the diplomatic controversy (*see Chap. Three*). Yet the Allied countries did not consider the Vienna Convention as legally binding and preferred to follow only the peace treaty in cases where the nationality of former enemy citizens was contested.<sup>214</sup> Paul Wolff was among them. He owned several shares and other savings which were held by a British bank, but his assets had been seized during the war. He appealed to the High Court against the liquidation, claiming to be Polish.<sup>215</sup> His case attracted the attention of German diplomacy, which wanted to have the regulation of citizenship between Germany and Poland recognized by other states as well. Thus, the Berlin government covered the court costs of Wolff's case,<sup>216</sup> and distinguished lawyers (such as Berthold Haase, Erwin Loewenfeld, Udo Rukser, and August Cohn) designated by the German embassy helped Wolff to get his property back.<sup>217</sup> According to the British authorities, Wolff did not acquire Polish nationality *ipso facto*, but rather only later following other legal regulations. Since the UK was not obliged to respect other documents but the Treaty of Versailles, he was considered a German citizen, and his possessions were to be liquidated.<sup>218</sup> Finally, in May 1930, the High Court agreed with the British government and dismissed Wolff's appeal, but in his memoir, Haase referred to a compromise reached with the British administration.<sup>219</sup>

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<sup>213</sup> On Wolff's family, see <https://www.cousindetective.com/p/emanuel-wolff-and-hedwig-wolff-of.html>.

<sup>214</sup> BArch, R 2/1034, Foreign Office to Sthamer, 5 Jun. 1925.

<sup>215</sup> BArch, R 2/1034, Berthold Haase to Göppert, 29 Jun. 1927.

<sup>216</sup> BArch, R 2/1034, Finance to Göppert, 1 Aug. 1927.

<sup>217</sup> BArch, R 2/1034, Statement of Claim, 9 Dec. 1927.

<sup>218</sup> BArch, R 2/1034, Defence, 17 Apr. 1928.

<sup>219</sup> Berthold Haase, "Mein Leben: Was in ihm geschah und wie ich es erlebte," 1935, Leo Baeck Institute Archives (New York), <http://digital.cjh.org:1801/webclient/DeliveryManager?pid=377976>, pp. 72–3. The text of the decision is not reported, but one of his lawyers mentions it. See documents in BArch, R 2/1034. Wolff, who came from a German-Jewish family, suffered racial persecution during the Nazi era. Deprived of his nationality and assets by the regime, Wolff committed suicide in 1942. See [https://www.ushmm.org/online/hsv/person\\_view.php?PersonId=13029288](https://www.ushmm.org/online/hsv/person_view.php?PersonId=13029288), and his name is also reported in the Yad Vashem's Central Database of Shoah Victims' Names: [https://yvng.yadvashem.org/index.html?language=en&s\\_id=13474186&s\\_lastName=&s\\_firstName=&s\\_place=&s\\_dateOfBirth=&cluster=true](https://yvng.yadvashem.org/index.html?language=en&s_id=13474186&s_lastName=&s_firstName=&s_place=&s_dateOfBirth=&cluster=true).

Neutral citizens were legally entitled to be treated as ‘friendly’ ones. Yet their status raised suspicions—especially if they had German origin, were German-speaking individuals, or were suspected of trading with the enemy during the war—and caused diplomatic controversies. One of the states most involved in these disputes was Switzerland. As the lawyer Georges Sauser-Hall warned in 1924, the Versailles Treaty was a serious danger for Swiss citizens. Despite being entitled to exemption from confiscation, they often suffered losses and serious damage because either they were regarded as enemy citizens or their interests had been indirectly affected by the economic warfare against private property.<sup>220</sup> According to Swiss diplomacy, for instance, until February 1919, at least 558 Swiss nationals had been expelled by France, Germany, Italy, and the UK.<sup>221</sup> But their number was likely higher. In addition to the possibility of appealing to the courts, they could demand diplomatic intervention from their government to preserve their rights. In these cases, there was room to negotiate. Swiss diplomacy reported that in France there were several cases of citizens of enemy origin who got naturalized during the war but ran the risk of being deprived of their property according to the French legislation.<sup>222</sup> According to Swiss authorities, during the war, over 36,800 individuals (including wives and minor children) were naturalized in the country.<sup>223</sup> The Division of Domestic Affairs suggested informing the French authorities that naturalized citizens had only to be regarded as Swiss. Although the German Citizenship Law of 1913 gave the possibility to hold dual nationality, the Swiss authorities rejected naturalization applications of those who sought to take advantage of that faculty. Furthermore, courts and administrative authorities should have ascertained the ‘psychological nationality’ instead of relying only on the ‘purely legal citizenship.’ As for women of Swiss origin married to enemy subjects, the Swiss government recommended following a principle of equity especially towards widows.<sup>224</sup> In Italy, Alfredo Fricker, who was the owner of a hotel in Palermo, claimed to have lost German nationality after ten years of residence abroad and to be a Swiss citizen since he got naturalized in 1917. Initially, the Italian authorities did not recognize the naturalization since it had happened

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<sup>220</sup> Sauser-Hall, *Les traités de paix*.

<sup>221</sup> Anja Huber, *Fremdsein im Krieg. Die Schweiz als Ausgangs- und Zielort von Migration, 1914–1918. Die Schweiz im Ersten Weltkrieg* (Zürich: Chronos, 2018), p. 237.

<sup>222</sup> SBA, E21#1000-131#21532\*, Division of Foreign Affairs to Division of Domestic Affairs, 6 Nov. and 30 Dec. 1919.

<sup>223</sup> SBA, E21#1000/131#21529\*, Division of Foreign Affairs to Swiss Legation (Rome), 7 May 1919.

<sup>224</sup> SBA, E21#1000-131#21532\*, Division of Domestic Affairs to Division of Foreign Affairs, 8 Jan. and 9 Mar. 1920.

during the war.<sup>225</sup> After several months of negotiation with Swiss diplomacy, authorities returned assets to Fricker who was able to rejoin his activity.<sup>226</sup> According to Swiss police investigations, in September 1939, Fricker still owned a hotel in Palermo and resided in Italy.<sup>227</sup>

In France, the Consultative Commission examined several cases of individuals whose status became a matter of dispute for political and diplomatic reasons. One of them was Jos. de Poorter, a Dutch businessman who controlled a Rotterdam-based shipping company. Since the late 1890s, he was involved in the coal and steel trade network among France, Germany, Belgium, the Netherlands, and the UK. Furthermore, being the majority shareholder of the *Société Française des Mines de Fer*, he owned some mining concessions in Normandie and Algeria. Just a few years before the conflict, Leon Daudet publicly accused him of being part of the Jewish-German conspiracy against France. In particular, de Poorter was supposed to be a figurehead of Thyssen and Krupp who prompted the German economic penetration in the French heavy industry. Although de Poorter motivated his business relations with them because of profit, the nationalist press believed it was just an excuse to hide covert political machinations.<sup>228</sup> After the outbreak of the war, the nationalist press in France began to attack him again,<sup>229</sup> and the state put its attention on him. Between 1914 and 1916, the British and French authorities repeatedly accused him of violating the naval blockade and trading with enemy companies. In January 1915, for instance, his ship *Alwina* was seized in the UK,<sup>230</sup> and later de Poorter was also blacklisted and put under surveillance because the French police believed he was a figurehead of August Thyssen. Despite the lack of evidence, authorities sequestered his private assets, including shares of the *Société Française des Mines de Fer*, in September 1917.<sup>231</sup> When the commission took up his case in late 1919, de Poorter's situation presented many economic and diplomatic problems. Allegations of being a figurehead for German industrialists were groundless and the Dutch government solicited the restitution of de Poorter's property. However, the Ministry of Commerce, supported by judicial authorities and lawmakers, planned to confiscate his property to promote the development of the national

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<sup>225</sup> See his case in <http://www.prassi.cnr.it/prassi/content.html?id=2513>.

<sup>226</sup> See documents in ASP, Gabinetto Prefettura (1909-1925), b. 39, fasc. «Hotel Savoy».

<sup>227</sup> SBA, E4320B#1987/187#433\*, Gendarmerie of Lugano to Gendarmerie Headquarters (Bellinzona), 30 Sep. 1939.

<sup>228</sup> See articles “L’espionnage juif-allemande,” *L’Action Française*, 14 Apr. 1912, 28 Apr. 1912, 14 Aug. 1912, and 25 Oct. 1912.

<sup>229</sup> Maurice Pujo, “L’avant-guerre,” *L’Action Française*, 22 Oct. 1914, and the articles signed by Leon Daudet, “Enfin!” *L’Action Française*, 24 Oct. 1914, “La chasse aux maisons allemandes” *L’Action Française*, 18 Nov. 1914, and “La question du fer normand,” *L’Action Française*, 17 Oct. 1916.

<sup>230</sup> “In the matter of the Steamship ‘Alwina’ v. Holland Gulf Stoomvart Maatschappij,” (22 Jan. 1918), in <https://www.casemine.com/judgement/in/56b49616607dba348f01689f>.

<sup>231</sup> Leon Daudet, “Le sequester du nommé de Poorter,” *L’Action Française*, 20 Sep. 1917.

coal industry through the exclusion of foreign capital. By contrast, asking for a return of his assets, the French Ministry of Foreign Affairs invoked political and diplomatic reasons of convenience. In the end, the Commission accepted the position of Foreign Affairs and opted for the restitution of de Poorter's property.<sup>232</sup>

However, there were situations occasions where diplomatic concerns were at odds with evidence collected by the administration, as in the case of Max Klein. In November 1914 the French authorities seized goods belonging to the skin import-export house owned by Klein and his partners, who operated in several ports like Aden, Djibouti, New York, and Marseille.<sup>233</sup> Nevertheless, one year after, in November 1915, Klein—who was born in Germany but was a U.S. citizen—obtained from the French court of Djibouti the release of his property thanks to the pressure of U.S. diplomacy. Yet, in 1917, the French colonial authorities discovered that some German agents operating in Djibouti with local rebels were employees of Klein's firm.<sup>234</sup> Similarly, according to French intelligence, Klein was in contact with the German army. Thus, in 1918 his property was once again sequestered and he was accused of violating the prohibition of trading with enemy states.<sup>235</sup> In the aftermath of the war, despite evidence, French diplomacy urged the Consultative Commission to release Klein's assets, since the U.S. Department of State considered him an American citizen. Whereas in wartime the Ministry of Foreign Affairs had suggested seizing Klein's property, in February 1920, it supported the restitution of his assets given the 'serious consequences that the adoption of an unfavorable solution could entail in diplomatic relations.'<sup>236</sup> The goal was to adopt a 'political measure' that might have avoided diplomatic tensions with U.S. diplomacy. During the session of the Consultative Commission, the fate of Klein became a matter of dispute between hardliners and the Ministry of Foreign Affairs. It is unclear what the organ decided since the debate was postponed and there is no trace of the ultimate decision, but it is likely that in the

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<sup>232</sup> See decision in AN, AJ/28/CCSG/1, and reports to Consultive Committee in AN, 20070518/12.

<sup>233</sup> *Journal Officiel*, 17 Dec. 1915, p. 9267. Max Klein was mentioned by British reports as one of the European merchants who were active in the region in 1904-05, see Somerset Playne and Frank Holderness Gale, *East Africa (British) Its History, People, Commerce, Industries, and Resources* (London: Holderness Gale, 1908), p. 113, Richard Pankhurst, "The Trade of the Gulf of Aden Ports of Africa in the Nineteenth and Early Twentieth Centuries," *Journal of Ethiopian Studies* 3, 1 (1965), p. 38, and Chloé Lalaison, "La communauté d'écrivains, négociants et diplomates français sur l'espace yéménite entre 1900 et 1940 : Enjeux et dynamiques d'implantation," 2021, *passim*.

<sup>234</sup> Simon Imbert-Vier, "Living the War far away from the Front: Creating Territories around Djibouti," in Shiferaw Bekele et al., eds., *The First World War from Tripoli to Addis Ababa (1911-1924)* (Addis Ababa: Centre français des études éthiopiennes, 2018), pp. 240-2.

<sup>235</sup> See Max Klein's dossier in AN, BB/18/2549.

<sup>236</sup> AN, AJ/28/CCSG/2, Meeting's notes of the Consultative Commission, 16 Feb. 1920.

end, Klein got his property back.<sup>237</sup> At the end of the same year, indeed, the British government gave him back the proceeds from the sale of his property in Uganda, because he was acknowledged as a U.S. national.<sup>238</sup> In any case, Klein's affair revealed how issues over nationality were highly political matters, and that kind of situation was pretty recurring.<sup>239</sup>

Another relevant case concerned the *American Transatlantic Company*, a shipping company founded in 1915 by the Danish businessman Albert Jensen and led by Richard G. Wagner, a naturalized U.S. citizen. During the war, the firm controlled eleven vessels that formally operated commercial transportation between the United States and Denmark, at that time two neutral states. Yet French and British authorities claimed that under neutral flags the company was trading between Germany and the United States, and the true owner of the company was Hugo Stinnes, the German industrialist, since Jensen was just an employee of him and money came from Stinnes. According to them, it was likely that Stinnes arranged such business on behalf of the German government. Once the United States entered into the war, the Alien Property Custodian seized the company. In the aftermath of the war, however, Jensen applied for the release of his company arguing that he was a Danish citizen and Stinnes had been in no way involved in the business. Danish diplomacy endorsed his application and asked the U.S. government to return the company since the Danish National Bank was involved in that and risked losing a huge sum. Despite suspicions, finally, in June 1923, President Harding released Jensen's property.<sup>240</sup>

## 6.4 Dual Citizenship

In the aftermath of the war, the Allied administrations dealt with several cases of individuals who had—or, were supposed to have—dual citizenship. It was not entirely a new situation. Before and during the war, states, courts (including international ones), and legal doctrine examined several controversies regarding individuals having two (or more) nationalities. Such a condition was considered both as a juridical anomaly, and a political danger. According to the majority of the legal doctrine and policymakers, possessing two (or multiple) nationalities was compared to polygamy and raised concerns concerning the loyalty of those individu-

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<sup>237</sup> For a similar case regarding Siegfried Stern, a banker of German origin, who resided in France until August 1914 and then was naturalized as American citizen, and sought to get his assets back, see his personal dossier in PAAA, RAV 292, 1435.

<sup>238</sup> See his dossier in NA, CO 323/859.

<sup>239</sup> See case of Phillip Hausen, a U.S. naturalized citizen of German origin, in NA, BT 13/114/9.

<sup>240</sup> See documents in NARA, RG 59, Entry 3657.

als. It was impossible to be ‘a servant of two masters’ according to many voices who analyzed that special condition. Since citizenship was regarded as an exclusive allegiance that did not allow individuals to share rights and duties with other countries, dual nationality was seen as a security issue, an obstacle against full integration, or, at least, a diplomatic and legal problem that raised several conflicts of laws.<sup>241</sup>

#### *Dual Citizenship and the German Nationality Law of 1913*

The 1913 Nationality Law of the German Empire raised many suspicions regarding the dual citizenship of Germans living in foreign countries. Many individuals were alleged to keep ties with their country of origin, due to the provision which allowed former German citizens to reacquire their nationality through a simplified process without informing other countries. Although it was not the only law that adopted that kind of procedure (for instance, the Italian Citizenship Law of 1912 contained similar rules), the German legislation sparked a burning international debate for political reasons. Several legal scholars and policymakers denounced the German legislation as an imperialistic tool to promote the ‘silent invasion’ of Germans abroad who could be ‘undercover agents.’ Once the war broke out, the worries about the danger represented by individuals with dual citizenship led many states to adopt harsh measures such as denaturalization or investigations on ‘fraud’ and disloyal behaviors.<sup>242</sup> In many cases, even neutral countries were involved. In the case of Switzerland, for example, diplomacy was often embarrassed by numerous cases of enemy aliens who ‘rediscovered’ their Swiss nationality for reasons of convenience (likely to escape persecution measures) and caused disputes between Switzerland and the Allied countries. The situation became so serious that in February 1919 the Federal Council issued instructions to deny diplomatic protection to those who, despite having Swiss nationality besides another citizenship, had lost all effective ties to the country or had failed to fulfill their military obligations.<sup>243</sup>

The Versailles Treaty sought to put an end to some of these situations. Article 278 compelled the German state to recognize the naturalization of its nationals in Allied countries and ‘to regard such persons as having, in consequence of the acquisition of such new nationality, in all respects severed their allegiance to their country of origin.’<sup>244</sup> Yet the peace treaties

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<sup>241</sup> Caglioti, *War and Citizenship*, pp. 93–4.

<sup>242</sup> Caglioti, *War and Citizenship*, pp. 264–5.

<sup>243</sup> SBA, E21#1000/131#21529\*, Division of Foreign Affairs to Embassies, Consulates, 5 Apr. 1919.

<sup>244</sup> The English text was the following: “Germany undertakes to recognise any new nationality which has been or may be acquired by her nationals under the laws of the Allied and Associated Powers and in accordance with the decisions of the competent authorities of these Powers pursuant to naturalisation laws or under treaty stipulations, and to regard such persons as having, in consequence of the acquisition of such new nationality, in all re-



did not eliminate all suspicions. In the 1920s, indeed, some individuals took advantage of German legislation in the matter of dual nationality to protect their assets from expropriation or to have the opportunity to bypass the restrictions against foreigners. Some businessmen who operated in the British Commonwealth adopted that strategy, as shown by the case of Max Möller. Being a long-time resident in Namibia, in the aftermath of the war, Möller sought to keep operating in the former German colony as a salesman for some German companies (such as the *Continental*) that were active in the rubber trade. Thanks to the policies of South Africa concerning German citizens, Möller was able to reside in Johannesburg. But, once he assumed a new job as manager of a company that was based in Rhodesia, he faced some obstacles deriving from the anti-German measures taken by the local government. ‘The attitude of the English population of Rhodesia against the re-establishment of German interests in the country is much keener than in the Union of South Africa. It is therefore undoubtedly—as the local German consul claimed—advantageous for a businessman wishing to operate in Rhodesia to have British citizenship.’<sup>245</sup> Likewise, some Germans who came from Alsace-Lorraine asked to keep their nationality of origin even though had applied for French naturalization to save their assets from confiscation.<sup>246</sup> A businessman whose property had been seized in Siam in 1917 sent a similar request since, in the meantime, he was managing to be naturalized as Italian to take his property back and resume his business.<sup>247</sup> Generally, the German government supported their efforts and allowed them to keep their passports in the British Empire, while authorities adopted a more cautious stance in other national contexts (such as Italy) to avoid ‘political inconveniences.’<sup>248</sup> Such examples remained a small minority of cases, and dual citizenship was more exceptional than other uncertain legal situations. Yet the suspicions were stronger than the facts.

### *Courts and Dual Citizenship*

In the aftermath of the war, administrations in the Allied countries adopted a similar position. For those who had dual citizenship, the German nationality was prevalent, and thus they were treated as enemy citizens instead of neutral or Allied nationals. Exceptions were granted only to those who proved their loyalty or ‘friendly’ origin. At the end of 1922, for in-

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spects severed their allegiance to their country of origin.” The provision had been drafted originally by an American delegate at the peace conference with the aim to ‘eliminate any question of dual nationality’, see NARA, RG 59, Entry 3656, Hill (Office of the Solicitor, Department of State) to Flournoy, 26 Nov. 1921.

<sup>245</sup> BArch, R 901/31373, German consulate in Pretoria to Ministry of Foreign Affairs, 6 May 1924.

<sup>246</sup> See cases in BArch, 901/31433.

<sup>247</sup> BArch, R 901/31486, German consulate in Trieste to Ministry of Foreign Affairs, 28 Feb. 1921.

<sup>248</sup> BArch, R 901/31486, Lautz (Berlin) to Otto Schmeidler (Munich), 8 Mar. 1922.

stance, Luxembourg proposed France reach an agreement regulating the condition of dispossessed individuals who were both Luxembourg and German citizens. According to the proposal, the French government should have released their assets accepting the prevalence of Luxembourg nationality. Unsurprisingly, France refused to sign such an arrangement whose convenience was very doubtful. By contrast, it promised to grant special treatment in the case of people with dual nationality whose loyalty to France was supported by evidence.<sup>249</sup> Likewise, the French authorities adopted the same attitude in Alsace-Lorraine.<sup>250</sup>

Judges aligned themselves with that position as well. In 1922, the court of Paris dismissed the appeal filed by Sigismund von Springer and his wife, Valerie Noemi Freiin v. Rothschild, to release their assets due to their British naturalization in 1905. According to the judge, that document was irrelevant to their status as enemy citizens, since they were supposed to have kept their nationality of origin (Austrian) during the war and their residence in Vienna.<sup>251</sup> Otto Rée, who was recognized as both a Brazilian and German citizen by the French judiciary, was dispossessed of his assets due to the prevalence of the latter nationality.<sup>252</sup> Likewise, in 1925, the court of Paris issued a ruling regarding the case of Julia Mathias. Born in Chile in 1859, she married Eduard Luttermersk, a German citizen, and thus acquired his nationality. Yet, according to Chilean law, despite the marriage, the woman kept her nationality of origin and was supposed to possess dual citizenship. Despite admitting that her legal status of having dual nationality was technically legitimate, the court claimed that she was an enemy alien before French law. Judges stressed the fact that the woman chose to be treated as a German national by the authorities of Chile, and her son served in the Imperial Army during the war. Therefore, the court confirmed the confiscation of her property.<sup>253</sup> Likewise, the administrative court in Italy dismissed the lawsuit issued by a Brazilian woman who was married to a German national. Despite recognizing her dual nationality, judges regarded the enemy citizenship as prevalent in determining her position before Italian law.<sup>254</sup>

In the UK, the most famous case of dual citizenship concerned the racist and antisemitic writer Houston Stewart Chamberlain (1855-1927), who was born as an Englishman but got naturalized as a German citizen in August 1916. In the aftermath of the war, the Chancery

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<sup>249</sup> See documents in AN, 20070518/8.

<sup>250</sup> Périer, *Séquestres et liquidations*, pp. 40–1.

<sup>251</sup> ‘Springer (Sigismund, Freiherr von) c. Procureur de la République et Dayen,’ *Journal du droit international*, 49 (1922), pp. 165–6.

<sup>252</sup> ‘Aff. Otto Rée,’ *Journal du droit international*, 49 (1922), pp. 994–5.

<sup>253</sup> ‘Dame Vve Luttermersk c. Préfet de la Seine,’ *Journal du droit international*, 53 (1926), pp. 91–5.

<sup>254</sup> ‘Villanova e Cavalcanti, ricorr.,’ *Rivista di Diritto Pubblico*, 18 (1925), II, p. 25.

Division examined the controversy regarding the confiscation of wartime annuities from a fund inherited by his uncle that granted him an income.<sup>255</sup> The writer tried to avoid the loss by arguing that, despite his naturalization, he kept British nationality since, according to the British Nationality and Status of Aliens Act 1914, it was forbidden for Englishmen to acquire enemy citizenship in wartime. Chamberlain hoped to leverage his dual nationality to save his property from confiscation. His lawyer sought to demonstrate that, even if Chamberlain was a Reich citizen before German law, he had acquired foreign citizenship by an act invalid under British law. Thus, the UK's authorities had to treat him like an Englishman. The case had a strong political relevance, given the notoriety of Chamberlain. The British press described him as a 'renegade,' and the government insisted that the Attorney General participate in the hearings.<sup>256</sup> According to the legal advisor of the Board of Trade, indeed, his case raised 'a question of considerable importance' because the judiciary had 'to consider for the first time the position under the Peace Treaty of a person of dual nationality.'<sup>257</sup> Of course, the government argued that a person of dual nationality was an enemy alien before national law. The goal was to obtain judicial validation of this argument to be invoked in similar cases as well. By referring to the Stoeck ruling, as the Anglo-German lawyer Ernest J. Schuster suggested, the executive should have adopted a formalistic approach in the matter of nationality, and the Attorney General was required to demonstrate that Chamberlain was a German national when the peace treaty entered into force.<sup>258</sup>

Eventually, the court ruled that, despite having dual nationality, Chamberlain was to be treated as an enemy alien according to the criteria of the Versailles Treaty. Judges relied on formalistic assumptions to solve the conflict of laws in Chamberlain's case. 'It would, indeed, be strange if a German national could escape the burdens cast upon him by the Treaty merely because he also happened to be a national of some State other than one of the Allied or Associated States. [...] In neither case could these persons in my opinion avoid the burdens cast upon them by the Treaty merely by proving that they had dual nationality.' According to Justice Lawrence, the peace treaty did not make any difference in the treatment of those German nationals, who had other citizenship. 'I think that the true view of the construction of the Treaty is that the expression "German nationals" includes, and was intended to include, all persons who according to German law answer that description, whether they also had any

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<sup>255</sup> NA, TS 18/129, Statement of Dividends paid to the Account of Mr. Houston Stewart Chamberlain at Lloyd's Bank, undated [1921].

<sup>256</sup> NA, TS 18/129, Treasury Solicitor to Director L. C. B., 11 Jun. 1921.

<sup>257</sup> NA, TS 18/129, 'Re Houston S. Chamberlain Settlement' written by Gavin T. Simonds, 21 Jun. 1921.

<sup>258</sup> NA, TS 18/129, 'Re Houston S. Chamberlain Settlement' written by Ernest J. Schuster, 16 Jun. 1921.

other nationality or not, and that it was left to each of the Allied and Associated Powers so to regulate matters within its jurisdiction as to ensure that there should be no injustice or hardship.<sup>259</sup> In conclusion, the court ruled to confiscate his inheritance. That ruling had a wide echo in the British and foreign press,<sup>260</sup> and it became a precedent for similar cases. Chamberlain did not come back to the UK since he risked being arrested for treason.<sup>261</sup>

In July 1922, a British court dismissed the appeal filed by Charles Adolph Kramer, a British subject born to a German father in 1867 at Hartlepool. Despite having British nationality, in 1889, he moved back to Hamburg with his family and served in the German army. Then, Kramer migrated to Bangkok (where he married a local woman), established his business there, and became one of the richest businessmen in the country.<sup>262</sup> Once Siam declared war on Germany in 1917, the British authorities sent Kramer to an internment camp in India. At the end of the war, he was repatriated to Germany but just for a short time. Claiming to be an Englishman by birth, Kramer managed to get a British passport and hence was able to come back to the UK avoiding restrictions against former enemy nationals. Yet the Public Trustee did not recognize his citizenship and denied releasing his assets. Kramer filed a lawsuit against the decision but unsuccessfully. By referring to the Chamberlain's ruling, Justice Astbury argued that, albeit having dual citizenship, Kramer was a German before British law and thus confiscation of property was legitimate. The Court of Appeal confirmed that ruling, although Lord Younger gave a dissenting opinion arguing that the court was disregarding the legal fundament of British citizenship, consisting of the protection of life and property.<sup>263</sup> Finally, in May 1923, the House of Lords examined Kramer's case but dismissed his appeal confirming that, in the case of dual nationality, enemy citizenship was prevalent. In Kramer's case, as the House of Lords added, there were also substantive reasons because he 'was predominantly a German though with a scintilla of British nationality.'<sup>264</sup> Once again, the British jurisprudence aligned itself with the doctrine based on the prevalence of German nationality in

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<sup>259</sup> For the text of the decision, see <http://www.uniset.ca/other/cs2/19212Ch533.html>. The decision was published also on the *Journal du droit international*, 50 (1923), pp. 137–40.

<sup>260</sup> See "High Court of Justice," *The Times*, 29 Jul. 1921, "Disown H. S. Chamberlain: English Court Denies Inheritance to Wagner's Son-in-Law," *New York Times*, 29 Jul. 1921, "Once English, Now German, Loses Estate," *Chicago Daily Tribune*, 29 Jul. 1921, "Herrn Chamberlains Leibrente," *Berliner Tageblatt*, 5 Aug. 1921, "L'argent n'a pas d'odeur," *L'Express de Mulhouse*, 13 Aug. 1921, "The Superteuton," *New York Times*, 14 Aug. 1921, "Die englische Leibrente," *Berliner Tageblatt*, 17 Aug. 1921, and "Houston Stewart Chamberlain: Claim in English Court Discussed," *South China Morning Post*, 21 Sep. 1921.

<sup>261</sup> On the treason suspicions, see NA, HO 144/15841.

<sup>262</sup> On his story, see NA, BT 203/3, Petition of Charles Adolph Kramer to Public Trustee, 20 Jun. 1923.

<sup>263</sup> For the first instance decision, see "High Court of Justice," *The Times*, 17 May 1922, and 'Kroemer c. Attorney General,' *Journal du droit international*, 50 (1923), pp. 140–1. For the text of the appeal, see HO 144/22255, and "Court of Appeal," *The Times*, 27 Jul. 1922.

<sup>264</sup> "House of Lords," *The Times*, 5 May 1923.

those cases.<sup>265</sup> Finally, the Treaty Execution Committee also rejected his appeal, and Kramer lost all his assets.<sup>266</sup>

The German-French MAT intervened in the matter of dual citizenship with similar arguments. In July 1926, the arbitral court released a decision regarding the case of Jeanne-Marie de Julien de Pégueroles, widow of the Baron of Montfort, Marie-Louis-Léon de Barthez. In her appeal, the woman asked the court to force Germany to compensate her for the losses caused by the economic persecution against French nationals in the German Empire. During the war, indeed, the German Custodian of Enemy Property (*Treuhänder für das feindliche Vermögen*) confiscated her assets (30,000 francs) but, according to the Versailles Treaty, the woman was entitled to be fully restored or compensated for losses. However, Germany refused to do that. Despite having French origin and residing in France, the woman had acquired German citizenship once her husband was naturalized as a Reich citizen in 1908. As the court admitted, the naturalization was only aimed to avoid French taxation, but that reason did not invalidate the acquisition of the new citizenship. The Baron of Montfort, however, applied for individual naturalization while his wife did not sign any document to acquire German nationality. According to French law, indeed, she could keep her nationality if the foreign legislation did not automatically extend naturalization to the wife who was required to sign an additional declaration. The situation became even more complicated during the war. To avoid confiscation, Mrs. Montfort claimed her German nationality before the Imperial authorities but with no success. After the war, however, the situation had reversed. The German state accepted her declaration given during the war, while the woman argued otherwise. Therefore, a conflict of laws arose. According to German legislation, she was a German citizen but was not entitled to be compensated for losses. Rather, according to French law, she had maintained her nationality before the war, and her declaration was void since she did so only for reasons of convenience.

To solve the controversy, the MAT drew on the doctrine of the ‘active nationality.’ As the court ruled, she was a French national since the woman did not show any sincere attachment to Germany before or after the war. She had resided uninterruptedly in Montpellier for decades, did not have German origin, or spoke that language. Her husband’s naturalization was solely intended to avoid French law (and taxes). Thus, Germany had to compensate her

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<sup>265</sup> For an overview of the British jurisprudence on dual nationality, see Krüger et al., *Die Beschlagnahme, Liquidation und Freigabe* (1924), pp. 174–5.

<sup>266</sup> NA, BT 203/3, Treaty Execution Committee. Minutes of Meeting, 23 Jul. 1923.

for losses caused by economic persecution during the war.<sup>267</sup> As revealed by the decision, the court aligned itself with the French jurisprudence that privileged the examination of the ‘genuine link’ with nationality instead of the formalistic approach followed by Justice Russell. Even if the decision was apparently in contrast with similar cases of dual citizenship (since German nationality was not considered prevalent), the MAT confirmed the punitive approach of the legal framework set up by the Treaty of Versailles. Remarkably, faced with individuals who sought to change their legal status to protect their material interests, the court did not accept a legalistic approach that could damage an Allied citizen but preferred to adopt a substantive one that compelled Germany to compensate them.

### 6.5 Wives, Widows, and Daughters of the Enemy

Citizenship was more than just an individual status since it also involved families. According to the legislation of most countries, children could acquire their parents’ nationality, even though born abroad, if the law of their country of origin was based on the *ius sanguinis*. Similarly, for a long time throughout the 19<sup>th</sup> and 20<sup>th</sup> centuries, married women followed their husbands’ citizenship according to the doctrine of derivative nationality. Almost all nationality laws embraced such a rule (exceptions were very few). The procedure for extending the father’s, or husband’s, citizenship to his closest relatives was instrumental in preserving the unity of families, despite resulting in several legal and diplomatic controversies.<sup>268</sup>

When the war broke out, frequent tensions arose because of the combination of derivative citizenship legislation and measures against enemy citizens. Persecution dramatically impacted the lives of people whose father, or husband, was an enemy national. National divisions entered the most intimate relationships, causing bitter divisions between fathers and children, or between spouses. Men’s internment physically separated families since wives and children frequently escaped to neutral countries or were sent to other concentration camps. Marriages often ended since wives divorced to avoid persecution, while widows were persecuted as well if their deceased husbands had enemy citizenship. Wartime persecution, together with the mobilization of women in each country, contributed to radically changing the meaning and the practices of citizenship in terms of rights and national belonging. For instance, many wives whose husbands were interned had to personally manage not only household af-

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<sup>267</sup> “Barthez de Montfort c. Treuhänder Hauptverwaltung der Staat-Schulden und Reichsschuldenverwaltung Office allemand,” in *Recueil des décisions des tribunaux arbitraux mixtes* 6 vol., pp. 806–10.

fairs but also the family's economic interests to cope with their husband's absence. It was another proof of wartime female mobilization in each sphere of social activity. After the war, women's suffrage was extended in many European countries as well as in the United States. Some states introduced some changes in nationality laws, as well. In terms of female citizenship, from the early 1920s, women married to foreigners in Belgium and the United States were able to retain their nationality. Similarly, other countries simplified the procedure for re-acquiring nationality in case they divorced or became widows. Yet legislative reforms were uncoordinated and contributed to jeopardizing the legal framework of citizenship at the international level. Failure of the League of Nations to find a common agreement on that matter aggravated the situation and did not prevent conflicts of laws between countries.<sup>269</sup>

*Friends by Birth, but Enemies by Marriage*

Given the 'relational' nature of citizenship, targeting individuals as enemies with restrictive measures affected their relatives as well. In the case of property rights, the economic persecution impacted women who were in the community of property or had inherited assets from dead husbands (or parents of enemy nationality). Frequently, authorities persecuted relatives of enemy nationals even though they had different national origins (such as British, French, Italian, American, or Belgian-born women married to Germans). By doing so, economic persecution reshaped family relations. On many occasions, women with 'friendly' national origin divorced their 'enemy' husbands to save themselves from internment or avoid the loss of property. Persecution against enemy aliens destroyed many 'mixed' families (namely, composed of husband and wife with different national origins), causing also a decrease in that kind of marriage in the postwar years.<sup>270</sup> More frequently, however, those kinds of measures compelled relatives to claim a different nationality from the husbands or fathers, or try to demonstrate that dead relatives were not formally enemy citizens anymore at the date of the war declaration. Each of them sought to 'escape' from the husband or father who was regarded as an enemy. Both economic persecution and nationalism contributed to the process of individualization of citizenship, meaning that nationality became more and more an individual

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<sup>268</sup> On the principles regulating women's nationality, see Caglioti, *War and Citizenship*, pp. 88–93.

<sup>269</sup> For the British case, see also M. Page Baldwin, "Subject to Empire: Married Women and the British Nationality and Status of Aliens Act," *Journal of British Studies* 40, 4 (2001), pp. 522–56. For France, see Elisa Camiscioli, "Intermarriage, Independent Nationality, and the Individual Rights of French Women: The Law of 10 August 1927," *French Politics, Culture & Society* 17, 3–4 (1999), pp. 52–74. For the USA, see Christopher Capozzola, "Legacies for Citizenship: Pinpointing Americans during and after World War I," *Diplomatic History* 38, 4 (2014), pp. 714–20.

status rather than a social-familiar one. Legislation enabling married women to keep their citizenship of origin (and thus to choose their status) went in that direction, but this was the result of the contradictions and the ‘hardships’ caused by the persecution of enemy citizens during and after the war.

Therefore, among the unintended consequences of the expropriation of enemy property, there was the emergence of the agency of people whose status was previously dependent on the male citizen. Wives, widows, and daughters claimed a different national status from the husband/father, negotiated with the states, and endeavored to avoid the loss of property. By defending their material interests, they became protagonists of the citizenship transformations. They gained visibility and relevance as subjects distinct from husbands or fathers, whose legal status was progressively separated and autonomous. Furthermore, women acquired more autonomy and agency in the sphere of property rights, where they had traditionally enjoyed a weak or minority status. According to civil law, married women could be owners, but they had no possession of their assets that were completely controlled by their husbands.<sup>271</sup>

During and after the war, each state had to deal with the issue of married women (and children) who had a ‘friendly’ national origin. Especially after the conflict, the protection of citizens who had become enemies only by paper, but who remained substantively attached and loyal to their homeland, became one of the most controversial issues in the public debate and the action of states. In the UK, the condition of British-born women married to Germans and Austrians raised the attention of the government and was probably the major concern of the parliament. During a session of the House of Lords in 1922, Lord Buckmaster insisted on the importance of British-born women’s substantive nationality (together with their minor children, who were educated in the UK) and their ‘pitiful’ status. The Lord Younger’s Committee, not incidentally, was charged with the exemption of British-born women who suffered economic losses because of their legal status as enemies. In France and Belgium, circulars and legislative measures tried to exclude them from the loss of property. For instance, the denaturalization of German-born citizens who acquired French nationality did not automatically apply to wives or children. They kept French nationality unless they declared to decline it. Both na-

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<sup>270</sup> On the French case, see Sandra Brée, “Did the War Break Couples? Marriage and Divorce in France During and After WWI,” in Sandra Brée and Saskia Hin, eds., *The Impact of World War I on Marriages, Divorces, and Gender Relations in Europe* (New York: Routledge, 2019), pp. 173–5.

<sup>271</sup> Ursula Vogel, “Fictions of Community: Property Relations in Marriage in European and American Legal Systems of the Nineteenth Century,” in *Private Law and Social Inequality in the Industrial Age: Comparing Legal Cultures in Britain, France, Germany, and the United States*, ed. Willibald Steinmetz (Oxford: Oxford University Press, 2000), pp. 91–122.



tional origin (or ethnicity) and humanitarian reasons played a crucial role in motivating such a stance. Toward them, however, there were mixed feelings and ambiguities. Alongside the need to protect fellow citizens from the effects of persecution, indeed, suspicions and prejudices about them persisted, and there was a widespread feeling of hostility toward women who were accused of betraying their country. During the parliamentary debate on the law on liquidation at the Chamber of Deputies in France, the socialist lawmaker Lafont raised the problem of French-born wives of German citizens and asked for amendments to exclude them from expropriation. One of his colleagues, however, replied to Lafont with outrage. ‘They are still German. [...] It is up to them to ask to be reintegrated into French nationality. If they don’t, they are German, and voluntarily! (*Very good! Very good*).’<sup>272</sup> According to public officials, courts, and public opinion, they had to show their loyalty. Also in this regard, the national origin was not enough, but it needed to be supported by evidence of their will to keep the tie with the homeland. In the UK, for instance, until 1926, Lord Younger’s Committee returned £1.7 million of possessions to British-born women. Yet the Board of Trade never ordered a general release for them and preferred to keep a case-by-case system to examine applications coming from that group of former enemy citizens.<sup>273</sup> Conversely, widows or divorced women who applied for re-naturalization in their original nationality were entitled to be restored almost automatically.<sup>274</sup> Likewise, the Consultative Commission in France rejected the proposal to release automatically seized assets owned by French-born women<sup>275</sup> and refused to adopt any ‘favorable measure’ toward them.<sup>276</sup>

#### *Survival Strategies Between Courts and Administration*

Anyway, negotiation was a constant element of that kind of dispute. Property belonging to divorced women could depend upon the nationality of the former husband as in the case of Marie Bauduin. Coming from a distinguished Dutch family, she was born in Rotterdam in 1868 as a Dutch citizen, but her status changed when she married a German national in 1913. Before the war broke out, Bauduin owned shares at the *Dresdener Bank* in London that were put under sequestration after 1914. The woman broke up the marriage during the war until she reached a divorce in February 1918. From that moment on, Bauduin sought to regain her Dutch nationality to get her savings back. Once reintegrated as Dutch in 1920, Bauduin applied for the release of her property, and the request was supported by her brother who was

<sup>272</sup> Session of the Chamber of Deputies, *Journal Officiel*, 5 Aug. 1919, p. 3856.

<sup>273</sup> See documents in NA, BT 58/118/COS/1941.

<sup>274</sup> NA, TS 160/20, Board of Trade to Treasury, 1 Jul. 1920.

<sup>275</sup> AN, AJ/28/CCSG/2, Minutes of the Consultative Commission, 26 Jan. 1920.

one of the top high navy officers in the Netherlands.<sup>277</sup> The British authorities were suspicious about her case and requested additional evidence proving her loss of German nationality and ownership of those shares.<sup>278</sup> Finally, once she informed that her personal belongings derived from inheritance (and not coming from the former husband) and she was not married in the community of property,<sup>279</sup> the Treaty Execution Committee released her assets.<sup>280</sup>

Not so lucky were many French women who had married Germans or Austro-Hungarians. Adopting a substantive interpretation, judges turned out to be very suspicious and critical of them. By dismissing the appeal issued by the French-born widow of a German citizen, Mr. Waetjen, the Supreme Court stated that the woman did not prove her husband's loss of nationality. The burden of proof was on the woman, but it was extremely difficult to demonstrate that condition. The court also added that 'Waetjen senior, a German subject, a Venezuelan citizen, a Swiss national, depending on the interest of the moment, never wanted to stop being German and never protested against the sequestration of his property, ordered three years before his death.'<sup>281</sup> By criticizing the instrumental use that the widow made of her husband's nationality, the Supreme Court attached the woman's status to the nationality of the deceased husband. Such a case was not isolated.<sup>282</sup> Even women coming from neutral countries faced similar hurdles,<sup>283</sup> but on some rare occasions—such as Mrs. von Ende, a Brazilian woman previously married to a German national, whose nationality of origin was recognized by a local court—they managed to get their assets back.<sup>284</sup> As for the breakdown of family unity in terms of citizenship, it was evident in the case of Alsace-Lorraine. The identity cards were individually released by the French authorities starting in November 1918, and in many cases, husband and wife enjoyed a different status with relevant consequences in the property rights sphere.<sup>285</sup> As a result, whereas men of German origin were expelled and dispossessed, their wives remained in the region, saved their portions of assets, and had to manage family interests, acquiring a role that they had not enjoyed previously.

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<sup>276</sup> AN, AJ/28/CCSG/1, Resolution of the Consultative Commission, 1 Apr. 1920.

<sup>277</sup> NA, BT 203/1, Swain to Board of Trade, 21 Jan. 1921, and Memorandum by Mr. Tylee, 19 Feb. 1921.

<sup>278</sup> NA, BT 203/1, Treaty Execution Committee. Minutes of Meeting, 28 Feb. 1921.

<sup>279</sup> NA, BT 203/1, F. Bauduin to Board of Trade, 10 Mar. 1921 and F. Bauduin to Public Trustee, 17 Mar. 1921.

<sup>280</sup> NA, BT 203/1, Treaty Execution Committee. Minutes of Meeting, 11 Apr. 1921.

<sup>281</sup> 'Vve Waetjen c. Min. Publ.' *Journal du droit international*, 49 (1922), p. 547.

<sup>282</sup> 'Erb c. Erb.' *Journal du droit international*, 49 (1922), pp. 155–7.

<sup>283</sup> 'Dame Vve Luttermersk c. Préfet de la Seine' *Journal du droit international*, 53 (1926), pp. 91–5.

<sup>284</sup> 'Von Ende (Dame),' *Journal du droit international*, 49 (1922), pp. 157–9.

<sup>285</sup> On the 'mixed' marriages in Alsace-Lorraine, see Überfill and Schnitzler, *La société strasbourgeoise entre France et Allemagne*.

Similarly, the Italian administrative court dismissed the lawsuit that Germaine Gunz-Berger filed. She was a Swiss-born national who had married Carlo Levi, a German citizen, who during the war was involved in a scandal of ‘trading with the enemy.’ His company violated the prohibition of commerce with Austria-Hungary since Levi, together with Italian businessmen, sold bales of cotton to Austrian partners through Swiss intermediaries. Once authorities discovered the trade, the company was put under sequestration and then liquidated.<sup>286</sup> After Levi died in October 1918, the widow together with the minor son applied for reintegration into the Swiss nationality before the ratification of the Treaty of Versailles and then asked for the restitution of seized assets. However, the attempt to recover her husband’s firm failed since the administrative court argued that the woman had not yet completed the reintegration procedure. Showing the will to do so was not enough. ‘The change of nationality [...], as the court argued, is not held operative of the release of property seized in Italy when such a change resulted from a voluntary act, albeit implemented before the entry into force of the Peace Treaty.’<sup>287</sup>

The treatment of Belgian-born women was highly controversial, too. Although members of the Belgian executive were sympathetic to them, many reservations remained. Thus, restitution was granted to a small part of them. The 1921 Liquidation Law accorded the restitution of property only to those Belgian-born women who had maintained their nationality of origin until August 1914 and had not committed any hostile action against their country during the German occupation. Instead of adopting national origin as the major condition for restitution, the Belgian parliament exempted only those women who could demonstrate their allegiance and loyalty to the national cause. Courts aligned with those standards and made just a few concessions. For example, Belgian jurisprudence granted to Belgian-born women married to Germans the release of property they owned before marriage. Conversely, Belgian-born women who were able to prove the statelessness of their husbands were entitled to be restored without limitations.<sup>288</sup> Even if they were reintegrated within the Belgian nationality after the war, however, the judiciary confirmed the liquidation of property.<sup>289</sup> Attempts to amend

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<sup>286</sup> On the cotton trade scandal, see Antonio Fiori, “«Una spaventosa sapiente organizzazione». Lo scandalo dei cascami (1918),” *Rivista storica del Risorgimento*, 94 (2007), pp. 33–84.

<sup>287</sup> ‘Germaine Gunz-Berger ved. Levi e Banca Commerciale c. Demanio dello Stato,’ *Rivista di Diritto Pubblico*, 17 (1924), II, p. 351.

<sup>288</sup> See following decisions: ‘Procureur général c. Sophie Deleeuw, MMes Henri Mark et Alois Boon’ *Journal du droit international*, 48 (1921), pp. 266–7; ‘Procureur Général c. Contesse de Mentgela,’ *Pasicrisie*, 69 (1923), pp. 483–5; ‘Jukmes et Kung c. Proc. Gén. à Liège,’ ‘Proc. Gén. C. Anne-Julienne Ramelot et cts.,’ ‘Paula Berger, épouse amiable et son époux c. Proc. Gén. Près la Cour d’appel de Bruxelles,’ and ‘Suhs, veuve Rubarth c. Proc. Gén. Près la Cour d’appel de Liège et Mme Wankenne,’ *Pasicrisie*, 70 (1924), pp. 444–7.

<sup>289</sup> ‘De Rappard c. Procureur Général,’ *Pasicrisie*, 70 (1924), pp. 441–3.

the 1921 law to introduce a special measure for the release proved unsuccessful, and the courts kept a central role in deciding their treatment.<sup>290</sup> Nonetheless, uncertainty caused many troubles for women who were ‘suspended’ between the two countries such as Anna Albertine Balistaire. Married to Karl Wagner—a German businessman who had moved to Belgium in the late 1870s and then lost his nationality due to long-time residence abroad—she had formally kept Belgian nationality, but in August 1914 she was regarded as a German by Belgian authorities who expelled them from the country. After returning to Belgium during the military occupation, in November 1918, the couple was once again forced to leave the country and move to Germany. A few months later her husband died, and Mrs. Wagner sought to come back to Belgium to recover her assets but with little success. According to the Belgian authorities, she was an enemy national, whereas Germany regarded her as a Belgian subject. Due to the legal uncertainty over her status, she was entitled neither to restitution nor to compensation. In the early 1920s, she lived in Hamburg without a passport or a job and was also unable to speak German. Being penniless, she could only rely on his brother-in-law, who unsuccessfully tried to persuade the German government to intervene on her behalf.<sup>291</sup>

Something similar happened in the United States. Amendments to the TEA of February 1921 authorized the Alien Property Custodian to release property belonging to American-born women who were married to enemy citizens. Such a decision came as a result of countless petitions and reports concerning cases of American-born women whose existence depended on annuities or pensions, often small sums, which were held by the Custodian.<sup>292</sup> However, bureaucratic obstacles were numerous and made it difficult to obtain the release of property.

Persecution could affect women married to enemy citizens after the end of the conflict, as in the case of Mary Dawson-Fasbender. The woman, who was born as a British national in 1876 to a middle-class family (the father owned a bootmaker firm), was engaged to Ernest H. Fasbender, a German citizen resident in Cologne, before the war. Yet the couple celebrated the marriage only after the end of the conflict in November 1919, when Mary Dawson was authorized to enter Germany. By doing so, however, the woman automatically

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<sup>290</sup> In that regard, see documents in BArch, R 2/984, and the report of the German ambassador in PAAA, R 70378, German Embassy (Brussels) to Ministry of Foreign Affairs, 13 Feb. 1928.

<sup>291</sup> BArch, R 901/90383, Otto Wagner to Ministry of Foreign Affairs, 3 Mar. 1924, and Ministry of Foreign Affairs to Otto Wagner, 4 Jun. 1924.

<sup>292</sup> See, for instance, NARA, RG 59, 3656, Victor G. Bloede (Baltimore) to Secretary of State, 6 Oct. 1919, Herman Pfaender to Justice, 8 Oct. 1919, or Thompson, Knight, Baker & Harris (Dallas, Texas) to Department of State, 13 Jan. 1920.

acquired the husband's nationality. Since the peace treaty had been signed but not yet ratified at the date of the marriage, British authorities considered her in January 1920 when the Versailles Treaty entered into force, and thus confiscated her assets (consisting of shares of the father's firm). As her lawyers argued, the woman could hardly have knowledge of the treaty provisions. She was also confident that 'peace had been concluded [...] and therefore it never entered the lady's head for a moment that through marrying a gentleman to whom she has been engaged for so many years, she would thereby be placing her property in this country [...] in jeopardy of being retained and liquidated.'<sup>293</sup> Since the authorities rejected her request, she brought a civil action to the court. According to Gavin T. Simonds, a legal advisor of the British government, her claim was groundless in legal terms. Assuming that her marriage was valid, she was the wife of a German on the date of ratification of the peace treaty and thus was a Reich citizen as well.<sup>294</sup> The formalistic interpretation of the nationality law provisions allowed the authorities to confiscate her property, and punish a British woman who had severed ties with her homeland by marrying an enemy citizen. Again, substantive and formal criteria were mixed with a punitive intent that was based on gender bias. The judiciary aligned itself with that interpretation. The High Court of Justice and then the Court of Appeal dismissed her appeals.<sup>295</sup> Therefore, Mary Dawson-Fassbender was an enemy citizen and hence was treated accordingly. In the next years, the Lord Younger's Committee partly released her belongings given her British national origin.<sup>296</sup> Some years later, she moved back to the UK and was re-admitted to British nationality, although she was not able to recover all her assets.<sup>297</sup>

## Summary

In the early 1920s, Hermann Isay, one of the German experts on legal and economic aspects of the Versailles Treaty, noticed that the peace treaties 'relied on the notion of nationality to an hitherto unprecedented extent in order to regulate purely private economic rela-

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<sup>293</sup> NA, BT 203/3, Cruesemann & Rouse to Public Trustee, 9 Apr. 1920.

<sup>294</sup> NA, TS 18/129, 'Re Treaty of Peace Order 1919 and Re Mrs Mary Fassbender. Opinion' written by Gavin T. Simonds, 13 Jan. 1921.

<sup>295</sup> On the trial hearing, see "High Court of Justice," *The Times*, 10 Nov. 1921, and for the decision see "High Court of Justice," *The Times*, 25 Nov. 1921. For the appeal, see "Court of Appeal," *The Times*, 27 Jul. 1922. See text of the decision also in *Journal du droit international*, 50 (1923), pp. 356–8.

<sup>296</sup> NA, BT 203/3, Memorandum by Mr. Southcombe, 27 Sep. 1922.

<sup>297</sup> NA, HO 334/106, Naturalisation Certificate A15483, 8 Dec. 1927.

tions.<sup>298</sup> It was the immediate consequence of the problematic and complex implementation of economic warfare. Defining the ‘enemy character’ of private individuals and corporations was not an easy task in a field that, until 1914, had been marked by legal uncertainties and deep interdependence between national and foreign economic actors. Administrative authorities together with lawyers and judges developed a complicated, albeit not always coherent, system of classification to pinpoint and discriminate against enemy subjects within their societies and thus give property rights a fixed national character. Ethnonational criteria coexisted with formalistic ones and the result was a patchwork of legal statuses, special regimes based on geographical principles, and exceptions that allowed states to intervene as precisely as possible to target enemy citizens and eradicate them from their economies. But determining the condition of enemies also impacted the national belonging of citizens, foreigners of other nationalities, and stateless people.

Through examining a wide array of legal and judicial controversies concerning the nationality of victims of confiscatory measures, I highlight that economic persecution largely contributed to reshaping and crystallizing legal norms regulating nationality. For the first time, for example, lawyers had to develop a coherent legal doctrine and jurisprudence on statelessness and dual citizenship that became a matter of interest due to the lawsuits issued by former owners. But such norms also impacted other fields of the private economic sphere. The nationality of shareholders and members of boards of directors was a matter of state interest that fell under public regulation in order to reach the ‘nostrification’ of the national economy. Likewise, for the first time, states developed a more detailed system to indicate the nationality of private companies and corporations. Limitations on the exercise of property rights according to nationality became common practices in almost all states and empires across the world.

Another key point is that ethnicity and legal citizenship taken singularly were insufficient to categorize the population. Historians have often underlined the ethnonational and then racial turn that the Great War imposed on the regulation of citizenship. However, to settle disputes arising from the implementation of economic persecution, authorities and courts had to rely on more sophisticated and nuanced classificatory methods that combined formal and substantive standards to label private individuals. The result was that national belonging depended on a changing set of political, diplomatic, legal, social, and gender according to national context. It could also be a matter of dispute between the judiciary and the administra-

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<sup>298</sup> I took the quotation from Jakob Zollmann, “Nationality, Property, and the Mixed Arbitral Tribunals, 1914 to 1930,” in Helene Ruiz Fabri and Michel Erpelding, eds., *The Mixed Arbitral Tribunals, 1919-1939: An Experiment in*

tion with the consequence that the legal status of enemies became a field where contrasting visions collided within the same state.

The problem of citizenship did not only concern commercial and financial relations. Since economic persecution stood out for its radicality, also family members were among the victims of liquidation. In particular, the condition of wives, widows, and daughters of male enemy citizens posed numerous problems since derivative citizenship was in contrast with the intention to protect members of national community—regardless of their gender—from the undesired effects of economic persecution. As a result, in many countries, governments, parliaments, and administrations issued laws, decrees, and administrative circulars that, by exempting women from the loss of private property, promoted the process of individualization of nationality. After the war, for instance, widows or divorced women who had married foreigners could easily get their citizenship back or were entitled to preserve their nationality. In many states, the wartime experience was the main cause for crucial changes in the legal mechanisms of citizenship.

Eventually, controversies over nationality also showed victims' efforts to reverse the loss of property and resist economic warfare. Instead of passively undergoing, dispossessed citizens and companies reacted to confiscatory measures and tried everything to get their property back. By doing so, individuals claimed to have a nationality that apparently was at odds with their ethnonational origin. Families and economic activities sought to break their link with their country of origin, or to exploit legal uncertainties for their private interests. Even playing on the ambiguity of being stateless or retaining dual nationality was a path victims could take to protect themselves. In response to state efforts to categorize the population according to more stringent national criteria, individuals also leveraged patriotism and nationalist rhetoric to preserve their lives from the devastating effects of the economic war. However, only a minority of them was able to avoid the loss of private assets. Most victims had to rely on the compensation granted by the German state.

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*the International Adjudication of Private Rights* (Baden-Baden: Nomos Verlagsgesellschaft, 2023)., pp. 133–4.





**CHAPTER SEVEN**  
**A MATTER OF ‘BEING OR NOT BEING.’**  
**THE COMPENSATION OF DISPOSSESSED GERMANS IN THE WEIMAR**  
**REPUBLIC (1918-1933)**

**Introduction**



[Fig. 7.1 “Der Pflanze Heinrich Langkopp,” *Afrika Nachrichten*, 15 Mar. 1928]

According to the forecast of the *Berliner Tageblatt*, on March 2, 1928, the weather in Berlin was sunny but still wintery since the temperature was around 0° Celsius. That morning, the front pages of the major national newspapers in Germany reported on the latest developments of the Phoebus Scandal—also known as the Lohmann-Affair. Some months earlier, a journalist of the most important liberal newspaper, the *Berliner Tageblatt*, uncovered a secret rearmament program that involved members of the cabinet and high military officers. Among them, the Liberal Democratic Otto Geßler—who had uninterruptedly been Minister of Defense since 1920—was forced to resign. The scandal was still causing serious embarrassment to the weak center-right government led by the Catholic leader Wilhelm Marx. He would have stepped down in two months, calling for anticipated general elections. On that day, at around

10 in the morning, Heinrich Langkopp, a 52-year-old former German settler in Iringa (German East Africa, now Tanzania), entered the building of the Reich Compensation Office (*Reichsentschädigungsamt*, REA). It was the agency for compensation of dispossessed Germans, whose central office was situated in Rheinstraße within the district of Friedenau, a southwestern area of the German capital. Like Johannes Pinneberg—the main character in Hans Fallada’s novel *Kleiner Mann – was nun?*—Langkopp had a troubled relation with the German state as well. On that morning, the former settler asked to meet the president of the REA. Since he was participating in parliamentary hearings on the bill for the revaluation of compensation for war damages, Langkopp could only meet the vice-president Hugo Bach (1872–1950), who—oddly enough—also had served as a judge in German East and Southwest Africa until 1918. After entering the office, Langkopp handed a piece of paper containing his requests to the REA. The former settler asked to withdraw 112,480 marks as a just and fair restoration for the losses suffered by his family during the war. In the sheet, Langkopp also added that he did not want to be treated worse than the ‘big business’ (*Großindustrie*).<sup>1</sup>

After the denial of Bach, who was irritated by the rough manner of the former colonist, Langkopp revealed his true intention. He had a gun and a dynamite bomb. He would blow himself up together with Bach if he did not receive the money immediately. After realizing that the former settler was not bluffing, Bach told him that the REA could only pay cash 10,000 marks, while the rest only by cheques. Without alerting the other employees, Langkopp took Bach hostage in the office, while his accomplice unsuccessfully tried to withdraw the money from a bank. However, after waiting more than three hours, Bach was able to distract his kidnapper by showing a flyer that complained about low compensations granted to dispossessed Germans and attacked the administration and some members of the cabinet. Taking advantage of Langkopp’s distraction, the official jumped out of the room and asked for help, while Langkopp sought to detonate the bomb that, however, jammed. Arrested by the police, he was jailed and charged with attempted murder.<sup>2</sup> The day after, all national newspapers (*Berliner Tageblatt*, *Vossische Zeitung*, *Deutsche Allgemeine Zeitung*, *Vorwärts*, etc.), as well as the local press (such as the *Dresdener Nachrichten*), reported the story in front pages.<sup>3</sup> However, the gen-

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<sup>1</sup> Norbert Aas and Harald Sippel, *Koloniale Konflikte im Alltag: Eine rechtshistorische Untersuchung der Auseinandersetzungen des Siedlers Heinrich Langkopp mit der Kolonialverwaltung in Deutsch-Ostafrika und dem Reichsentschädigungsamt in Berlin (1910-1929) (with a summary in English)* (Bayreuth: Eckhard Breiting, 1997), p. 80.

<sup>2</sup> *Ibid.*, pp. 80–4.

<sup>3</sup> See the news on 3 March 1928: “Dynamitanschlag im Entschädigungsamt,” *Berliner Tageblatt*; “Attentatsversuch im Reichsentschädigungsamt,” and “Der Sprengstoffanschlag im Reichsentschädigungsamt,” *Deutsche Allgemeine Zeitung*; “Mit der Höllenmaschine im Entschädigungsamt,” *Vossische Zeitung*; “Das Attentat des Afrika-Farmers,” *Vorwärts*; “Mißglücktes Attentat in einem Reichsamt,” *Dresdener Nachrichten*.

eral tone of the comments, with the exception of the socialist *Vorwärts*, was sympathetic to Langkopp. While criticizing the violence of his action as a consequence of the ‘tropical disease’ (*Tropenkrankheit*) which affected many former *Kolonialdeutsche* (German colonial settlers), the press presented his desperate case as evidence of the complicated relation between the state and countless victims of economic persecution. Internment, repatriation, and the confiscation of property overturned their lives and generated enormous suffering. According to Karl-Wolfgang Philipp, a journalist for the conservative *Vossische Zeitung*, the case of Langkopp was hardly surprising. His story was common to many other Germans who had experienced similar troubles after the war. Being dispossessed of their business and home, many of them were also traumatized by the loss of their social status. Thus, they needed compensation to rebuild their life and social standing. The promise to be financially restored by the German state was contained in the Treaty of Versailles and in the law acknowledging the right to compensation that the National Assembly passed in August 1919. Nonetheless, how to fulfill that claim was a highly contentious matter of dispute in the 1920s. In sum, as Langkopp’s action summarized, the relation between some groups of German citizens and their state was at stake:

*The case of the farmer Heinrich Langkoop [sic] is typical for hundreds of thousands of other cases. A wealthy family, deprived of everything by the war, languishes through the difficult years of the war and post-war period in an uncertain future and in a country that is their fatherland and is obliged, according to the Treaty of Versailles and more according to the moral laws of national honor, to fulfill their unequivocal legal claims. The poor people must wait and wait again and again, they are given [...] a few marks, which are only sufficient to protect them from the greatest misery, and that too looks like charity, like mercy, to those who have to demand great means to rebuild their existence. Is it any wonder that bitterness turns into resentment, that deceived hope turns into endless outrage?<sup>4</sup>*

As a former colonist, Langkopp (1876–1953) had lived more than twenty years in the German colonies in Africa. After joining the repression of the Herero rebellion (1904–1907) in Southern West Africa, in 1911 he bought a farm in German East Africa, where he lived with his wife Elisabeth and their daughter. After 1914, Langkopp joined the army led by Paul Emil von Lettow-Vorbeck to fight against the British and South African troops. However, his farm was occupied by enemy troops in 1916, his wife and daughter were interned, and finally, Langkopp was captured. He was held in a POW camp in India until December 1919.<sup>5</sup> Sent back to Germany, where he could meet his family again, Langkopp was definitely deprived of the farm together with savings, a bank account, and all other personal belongings. From that

<sup>4</sup> Karl-Wolfgang Philipp, “Wer trägt die Schuld?,” *Vossische Zeitung*, 3 Mar. 1928.

<sup>5</sup> Heinrich Langkopp, *22 Jahre im Innern Afrikas. Was ich erstrebte, erlebte, erlitt* (Würzburg: O. Bader, 1929).

moment on, the former settler sought to rebuild his life through the financial support of the German state. By the end of 1919, Langkopp applied for compensation.<sup>6</sup> With his savings remaining in Germany, he could buy a small farm in Mecklenburg, but the economic crisis frustrated his efforts. After moving to Eastern Prussia, his potato business was severely damaged by the frost in the winter of 1922-23, while in the following months, other initiatives failed, too. Langkopp was experiencing economic and personal difficulties in rebuilding his life in Germany, which was going through the worst period of financial and economic crisis.

At the same time, he experienced the fragmented and limited nature of the Reich financial support program for victims of dispossession, consisting of advance payments, loans, monthly grants, negotiations, and special agreements. For instance, between 1921 and 1922, Langkopp received two advance payments and four loans for a total amount of 55,000 Reich Marks (RM). In July 1922, he signed an 'administrative settlement' (*Verwaltungsvergleich*) with the German government to get the total amount of compensation, which would have allowed him to come back to Africa. The Reich accorded him 475,000 marks as compensation for 'liquidation damages' (*Liquidationsschäden*) and internment costs, paying the sum in cash and bonds.<sup>7</sup> Nevertheless, the money was not enough to let his family migrate. In the autumn of 1923, Langkopp signed a new agreement, but in a few days, the sum of money arranged with the Reich became worthless due to hyperinflation. The fickle and violent nature of Langkopp, who was convicted for little thefts in the early 1920s, did not contribute to giving him a stable situation. Most likely, it was not simply the economic crisis that frustrated the efforts of the former colonist. Psychological and social difficulties with adapting to a country that had changed so much from the Wilhelmine period played a role as well. Once more, however, he turned to the Reich after the end of the hyperinflation. In the summer of 1924, thanks to a 'hardship aid' (*Härtebeihilfe*) of 2,000 marks, he created a little transport company for tourists in a village in Lower Saxony. In the following years, the administration granted him some other little sums on several occasions allowing the family to survive, even though it did not pay off a revalued restoration.<sup>8</sup>

In March 1928, the bill concerning the revaluation of compensation was still under discussion at the Reichstag. After two years, the government had still not reached an agreement with associations representing dispossessed Germans and political parties. The 'despera-

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<sup>6</sup> Cf. BArch, NL Walter Luetgebrune, N 1150/49, *Schadenanmeldung* written by Elisabeth Langkopp, 30 Dec. 1919, which contains the list of all objects, money, etc. which Langkopp claimed to have lost.

<sup>7</sup> BArch NL Walter Luetgebrune, N 1150/49, *Vereinbarung zwischen dem Deutschen Reich, vertreten durch den Präsidenten des Reichsentschädigungsamtes und Heinrich Langkopp*, 15 Jul. 1922.

tion' of Langkopp was rooted in the unsolved and problematic gap between the right to compensation of victims and the financial restrictions of the state. As the *Vossische Zeitung* reported, 'several times [Langkopp] had to come to Berlin in order, as he argued, to claim his right.' This legalistic interpretation was supported not only by the words of the former colonist. The newspapers blamed the government for failing to comply with its legal and moral obligations toward these citizens. Langkopp was described as a 'fighter for rights' (*Rechtskämpfer*) by the amateur poetess Maria Dorendorf-Marty,<sup>9</sup> while several witnesses called by Langkopp's lawyer during the trial in 1928-29 adopted the same perspective, referring to their constitutional rights violated by the German administration. As shown by terms such as 'legal claim' (*Rechtsanspruch*) or 'right' (*Recht*), the use of such legalistic rhetoric reveals that the struggle for compensation touched the core of the relationship between state and citizens, involving the extent of the welfare state, the role of Weimar constitution and the international obligations deriving from the peace treaty. The dispute over compensation represented one of the most sensitive matters in the relationship between the state and citizens, also causing troubles and tensions among 'victims' who were entitled to be restored. Eventually, its regulation reveals 'precise priorities and just as precise relationships of power' within the national community.<sup>10</sup> In sum, albeit violently, the action of Langkopp was an example of citizenship that Charles Tilly described as 'a set of mutual, contested claims between agents of states and members of socially-constructed categories: genders, races, nationalities, and others' that consists in a tie involving 'a continuing series of transactions between persons and agents of a given state in which each has enforceable rights and obligations.'<sup>11</sup>

In this chapter, I aim to demonstrate two points. Firstly, the compensation of war damages contributed to redefining and stabilizing the status of dispossessed Germans as Reich citizens in the aftermath of the war. The possession of legal citizenship was a fundamental requirement to claim compensation and to be financially restored by the state. In this way, the central government, together with associations representing different groups of victims along geographical lines, became the ultimate decision-maker about the national belonging of individuals and families, whose legal status was often unclear, such as the *Auslandsdeutsche* (Germans Abroad) or German refugees coming from ceded regions. In sum, thanks to the com-

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<sup>8</sup> Aas and Sippel, *Koloniale Konflikte im Alltag*, pp. 86–95.

<sup>9</sup> Aas and Sippel, *Koloniale Konflikte im Alltag*, p. 101.

<sup>10</sup> Luigi Lorenzetti, Michela Barbot, and Luca Mocarelli, eds., *Property rights and their violations: expropriations and confiscations, 16th-20th centuries/La propriété violée : expropriations et confiscations, XVIe-XXe siècles* (Bern; New York: Peter Lang, 2012), p. 12.

<sup>11</sup> Charles Tilly, "Citizenship, Identity and Social History," *International Review of Social History* 40, 3 (1995): 6, 8.

pensation, the legal belonging to Germany was crystallized by adopting the Reich citizenship as the cornerstone for the right to restoration, while ethnicity or having German origin did not ensure being included in the compensation scheme.

Secondly, I highlight that, while increasing the bunch of rights connected to citizenship, the war also raised tremendous questions about the actual feasibility of claims demanded by citizens and formally granted by states. The gap between expectations and reality deeply affected the story of the Weimar Republic. As Thomas Mergel pointed out, the political instability of the German Republic ‘stemmed largely from the fact that citizens’ expectations of both the political system and its politicians were unrealistically high and were thus essentially doomed to be disappointed.’<sup>12</sup> How to keep promises of rights and financial support in a period of deep financial crisis belonged to the gap between these two dimensions. In the case of the dispossessed Germans, indeed, scarcity of financial means frustrated the implementation of the right to compensation. In addition to that, the spread of nationalist rhetoric about collective solidarity, ‘people’s community’ (*Volksgemeinschaft*), and self-sacrifice contributed to exacerbating that kind of feeling. As Moritz Föllmer convincingly argued, instead of overcoming divisions within German society and reaching national cohesion, nationalism exacerbated social tensions and political polarization since it nourished expectations impossible to be fulfilled.<sup>13</sup> The lack of resources resulted in clashes between nationals and states, but also divisions among ‘victims’ who, far from being a homogeneous and unitary category, were split along social, geographical, political, or gender lines. Behind the category of ‘victims,’ there was a variety of different social and economic actors with conflicting interests. The gap between expectations and reality provoked delusion, resentment, and bitterness that contributed to undermining the legitimacy of the Weimar Republic. By disappointing the expectations and legal claims of citizens, the German state failed to keep the ‘promise’ given in 1919 and weakened the democratic and constitutional order.

Nonetheless, that failure did not touch everyone to the same degree. In the 1920s, most applicants, who had suffered damages up to 5,000 marks, benefited from financial support corresponding entirely to the pre-war value of the loss. This was partly a result of the hyperinflation in 1922-23. But the main reason was the choice of the German government to

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<sup>12</sup> Thomas Mergel, “High Expectations—Deep Disappointment. Structures of the Public Perception of Politics in the Weimar Republic,” in Kathleen Canning, Kerstin Barndt, and Kristin McGuire, eds., *Weimar Publics/Weimar Subjects: Rethinking the Political Culture of Germany in the 1920s*, (New York: Berghahn Books, 2010), pp. 192–3.

<sup>13</sup> Moritz Föllmer, “The Problem of National Solidarity in Interwar Germany,” *German History* 23, 2 (2005): 202–31.

privilege the ‘social dimension’ of compensation, i.e. policies that provided refugees, displaced persons, and other victims of economic persecution with financial support to ensure the minimum living standard, facilitate emigration or integration into the national labor market, and finally rebuild social decency. However paradoxical, that goal was achieved, albeit with many limits. To suffer most from the consequences of the ‘social turn’ pursued by the authorities were the middle and upper-middle classes. Whereas large companies and banks based in Germany (such as the cases of Stinnes, Thyssen, or Krupp) were able to mitigate the damage and compensation—even if not corresponding to the market value of losses—often became a relevant capital to finance industrial modernization and economic reorganization,<sup>14</sup> it was not the case for the middle class. Lacking assets in safe countries or being deprived of savings invested in banks in London, Paris, or New York, many of them suffered a social and economic collapse that such a low amount of compensation could hardly restore. For them, compensation corresponded only to a small percentage of the loss and was inadequate to re-establish the social position they had had before the war. In the 1920s, those members of the middle class—who had been uprooted, deprived of property and social status during the war—suffered the devastating economic and political consequences of the defeat in the wake of the war, including the ‘social downgrading and not infrequently proletarianization’.<sup>15</sup> Resentment and dissatisfaction turned against the Weimar Republic which did not keep the promise of 1919. Unsurprisingly, associations representing dispossessed Germans and individuals shared clichés concerning the collusion between politics and ‘big business’ and criticized the ‘generosity’ toward the civil servants and the lower social class, since the middle class was supposed to be neglected by the government.

The Langkopp case was also exemplary of these political dynamics. At the end of the 1920s, Social Democrats and Communists exploited such sentiments to criticize the Catholic and center-right parties, but the far right-wing parties profited most. Already in the days following his arrest, the voices of many parliamentary representatives rose in favor of his cause, especially Otto Buchwitz (SPD), Anton Jadasch (KPD) and Wilhelm Frick (NSDAP). Also, Adolf Hitler described his case as an example of the contrast between the defense of a legiti-

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<sup>14</sup> On the cooperation between private business and state in the field of compensation after 1918, see Jan-Otmar Hesse, “Fortsetzung des Wirtschaftskriegs. Die Neuordnung der globalen Wirtschaft nach Versailles und die deutschen Unternehmen,” in Dieter Ziegler and Jan-Otmar Hesse, eds., *1919 – Der Versailler Vertrag und die deutschen Unternehmen, 1919 – Der Versailler Vertrag und die deutschen Unternehmen*, pp. 382–3.

<sup>15</sup> “Liquidationsentschädigung und deutsche Gesinnung,” *Auslandswarte*, 12, 11-12 (1932), p. 155.

mate right and the so-called ‘social Republic’ that helped only parasites.<sup>16</sup> The trial against him became the stage to discredit Weimar. Walter Luetgebrune—the lawyer of Erich Ludendorff after the failed Munich putsch, and of the murders of Walther Rathenau—seized the opportunity to take the defense of Langkopp. During the trial sessions, his strategy consisted of justifying Langkopp’s violence by attacking the state for the failure to provide adequate restoration. For that purpose, Luetgebrune collected letters and depositions of people who shared the same destiny as the former colonial settler. Refugees, businessmen, former officers, widows, and retirees expressed their frustration against the state, while Langkopp was praised for his actions.<sup>17</sup> On the contrary, officials of the REA received letters of protest, and some of them were threatened with death. In the end, the verdict was very lenient. In April 1929, the court of Berlin sentenced Langkopp to only 5 weeks in prison—which he had already served—and to pay 50 golden marks.<sup>18</sup> The meaning of the judgment was clear. It was the Weimar Republic that was morally convicted for its failure.

## 7.1 War Damages and Citizens Abroad (1914-1918)

### *Birth of the Claim to Compensation in Wartime*

‘A citizen of a country who carries on business abroad and is damaged by strategic events can never claim full compensation; he must always be told that doing business abroad involves greater risk.’<sup>19</sup> With these words, Chancellor Otto von Bismarck rejected the bill that some lawmakers proposed to compensate Germans expelled from Paris by the French government during the Franco-Prussian War. On that occasion, the expulsion raised a burning debate among international law scholars, while the German Empire seized the chance to accuse France of violating international law. The government of Bismarck exploited that event as a tool of propaganda, but victims of expulsion did not receive any right to financial restoration.<sup>20</sup> According to Bismarck, immigrants and citizens who did business abroad took a *bigger* risk by leaving their homeland or investing their money in foreign countries. Thus, the state of origin could not be held responsible for restoring war damages caused by enemy countries since the right to diplomatic protection for citizens abroad did not include any sort of legal en-

<sup>16</sup> Adolf Hitler, “Politik der Woche,” *Illustrierter Beobachter*, 20 Apr. 1929, in Adolf Hitler, *Hitler, Reden, Schriften, Anordnungen*, ed. Clemens Vollnhals, vol. 3 (München: Saur, 1994), pp. 214–8.

<sup>17</sup> See letters in BArch NL Walter Luetgebrune, N 1150/49, *Zuschriften von ebenfalls Liquidationsgeschädigten*.

<sup>18</sup> Aas and Sippel, *Koloniale Konflikte im Alltag*, pp. 109–21.

<sup>19</sup> Bismarck’s speech, June 2, 1871, quoted in Eduard Heilfron, *Die rechtliche Behandlung der Kriegsschäden*, vol. 2 (Mannheim-Berlin-Leipzig: Bensheimer, 1918), p. 297.



titlement to economic reparation of private losses. Victims of persecution could hope for financial support, but the state of origin was free to determine the amount of compensation. In the 1870s, the Reich government allocated 2 million Prussian thalers to victims of the expulsion. According to a law passed in 1871, every German state (*Land*) could concede aid grants in favor of 42,600 Germans—mainly Prussian citizens—who had to leave Paris in 1870. However, that monetary support could not be considered as compensation for war damages in a proper sense since it was not related to the value of economic damage. Likewise, beneficiaries were not entitled to officially claim restoration.<sup>21</sup>

Behind that choice, there was not only the proverbial willpower of the Iron Chancellor. A strong legal and diplomatic tradition supported the determination of the German statesman. By 1914, the international legal doctrine never recognized the civil liability of the state for war damages suffered by its citizens either within or outside national borders. According to Hugo Grotius and Emmerich de Vattel, the state had the ‘moral duty’ to compensate war damages that the sovereign himself caused, but not those provoked by enemy states.<sup>22</sup> Following the principle attributed to Jacob Bluntschli, international law conceived war as a ‘misfortune’ (*Unglück*), not as a ‘right’ (*Recht*), that is, conflicts between states did not represent sufficient legal grounds to claim compensation.<sup>23</sup> Yet, according to international law scholars, states were morally obliged to provide victims of war damages with financial support on grounds of social equity or political opportunity.<sup>24</sup> Because there was no legal obligation, public authorities helped their citizens through special laws and administrative procedures that derogated from the rules concerning the compensation for the expropriation of private property and prevented the intervention of the judiciary. States could curb costs and, at the same time, allocate resources to those categories of citizens who were supposed to be more ‘deserving’ of financial restoration. By the end of the 19<sup>th</sup> century, the legislation in Europe and the United States confirmed that approach. All governments denied the existence of such a right to compensation, and they provided scarce means to victims of war damages with special laws.<sup>25</sup> While Article 3 of the 1907 Hague Convention established the principle of liability

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<sup>20</sup> Caglioti, *War and Citizenship*, pp. 40–9.

<sup>21</sup> Heilfron, *Die rechtliche Behandlung*, pp. 295–308.

<sup>22</sup> *Ibid.*, pp. 351–2.

<sup>23</sup> Juliusberger, “Maßnahmen zur Abhilfe wirtschaftlicher Schädigungen infolge des Kriegs und die Gerichtspraxis,” *Deutsche Juristen-Zeitung* 19, 21–22 (1914), p. 1240.

<sup>24</sup> Edwin M. Borchard, “Private Pecuniary Claims Arising Out of War,” *The American Journal of International Law* 9, 1 (1915), p. 114; cf. Philipp Siegert, *Staatshaftung im Ausnahmezustand: Doktrin und Rechtspraxis im Deutschen Reich und in Frankreich, 1914-1919* (Frankfurt am Main; Klostermann, 2020), p. 61.

<sup>25</sup> Heilfron, *Die rechtliche Behandlung*.

among states in case of violations of the treaty provisions,<sup>26</sup> in 1915, Edwin M. Borchard admitted that—regardless of the development of international law in the previous decades—the entire matter of civil liability between state and citizens was still uncertain.<sup>27</sup> In an article on the *Deutsche Juristen-Zeitung*, Paul Laband—the dean of the German legal doctrine in the Wilhelmine era—also confirmed that there was a legal vacuum.<sup>28</sup> In sum, when the war broke out, international law failed to recognize the right to restoration in case of war losses suffered by individuals. This was true for enemy aliens damaged by the economic war, too.

The war marked a watershed. The extent of damages caused by military operations, the length of the conflict, and the dramatic economic impact of war forced governments, parliaments, and public opinion in different states to address the question of restoring private losses. In general, legal scholars regarded the doctrine as inadequate compared to the unprecedented effects of a total war. The conflict was seen as a war between peoples that forced states to mobilize all national resources. Among the consequences was the strengthening of the relations between the state and citizens in terms of duties and rights as well as in terms of expectations of state intervention. The state was supposed to grant *more* protection to its citizens, undertaking the duty to restore the damage caused by the conflict or financially support war victims, such as veterans, widows, orphans, or war disabled.<sup>29</sup> From that moment on, legal scholars regarded the war as a ‘social fact’ from which derived the state’s commitment to assume the risk, and hence also the obligation to compensate the population for the material losses that could result.<sup>30</sup> As summarized by a German lawyer in 1918, ‘the social idea and the principle of the equality of citizens not only before the law but also in relation to public burdens [had] gained strength in Germany to such an extent that the obligation of the state to compensate for war damage could now be established as an obligation of the state, and the claim of the injured parties as a legal claim.’<sup>31</sup> Such a perspective was also closer to the French

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<sup>26</sup> Article 3 of the Preamble to the Convention (IV) respecting the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land. The Hague, 18 October 1907, in <https://ihl-data-ba-ses.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=144930FB7D15DBF6C12563CD00516582>.

<sup>27</sup> Borchard, “Private Pecuniary Claims,” p. 115.

<sup>28</sup> Paul Laband, “Die Entschädigung für Kriegsschäden,” *Deutsche Juristen-Zeitung* 20, 9–10 (1915), pp. 441–7.

<sup>29</sup> Bruno Cabanes, *The Great War and the Origins of Humanitarianism 1918-1924* (Cambridge: Cambridge University Press, 2014), pp. 18–75.

<sup>30</sup> Guillaume Richard, “Dommages de guerre et responsabilité de l’État. Quelques jalons historiographiques,” in Guillaume Richard and Xavier Perrot, eds., *Dommages de guerre et responsabilité de l’État: Autour de la Charte des sinistrés du 17 avril 1919* (Limoges: Perrot, 2021), pp. 20–8.

<sup>31</sup> Heilfron, *Die rechtliche Behandlung*, II, p. V.

solidaristic theories of distinguished jurists such as Léon Bourgeois and Léon Duguit.<sup>32</sup> In France, the *Comité national d'action pour la réparation intégrale des dommages causés par la guerre*, a committee composed of many distinguished jurists to support war damages compensation claims, conceived the reparation as a right of citizenship enjoyed by all nationals without territorial distinctions.<sup>33</sup> Nonetheless, expanding rights or recognizing new legal obligations could not be taken for granted. It was a matter of dispute among states and groups of citizens who insisted on being entitled to reparation. In particular, the regulation of war damage restoration was highly controversial in each country. Governments were generally reluctant to grant rights to compensation before the end of the conflict, whereas parliaments, lawyers, and business circles demanded a clear commitment in this sense without waiting for peace.<sup>34</sup>

Germany was the main country facing the issue of claims for compensation coming from citizens abroad. In the German Empire, the invasion of Tsarist troops in Eastern Prussia in 1914–15 and the military occupation of some areas in Alsace-Lorraine aroused a huge debate regarding the war damages.<sup>35</sup> However, in the German case, the private losses in wartime occurred mainly in enemy countries and the occupied colonies, since Germans living abroad or in the colonies were the main victims of the economic war waged by the Entente. According to Daniela L. Caglioti, Germans were the main national target of legislation against enemy aliens. In 1914 no less than 370,000 Germans were living in enemy countries,<sup>36</sup> but their number would have increased to approximately 3 million by the end of 1917.<sup>37</sup> Since the beginning of the conflict, however, many of them expected—or, at least, wished—to be financially helped by the Reich. Several factors contributed to raising that kind of hope.

Unlike Bismarck, Chancellor Theobald von Bethmann-Hollweg adopted a different stance. In December 1914, when the Reichstag was discussing the state budget, in his speech Bethmann-Hollweg devoted one of the first passages to the situation of Germans abroad who

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<sup>32</sup> Martti Koskenniemi, *The Gentle Civilizer of Nations: The Rise and Fall of International Law 1870–1960*, (Cambridge: Cambridge University Press, 2001), pp. 291–302.

<sup>33</sup> Charles de Boeck, *La réparation des dommages de guerre au point de vue de la nationalité des victimes et du lieu où ces dommages ont été subis* (Paris: Comité national d'action pour la réparation intégrale des dommages causés par la guerre, 1916).

<sup>34</sup> On the French case see Stéphane Le Bras, “Post-war Economies (France),” 1914-1918-online. *International Encyclopedia of the First World War*, ed. by Ute Daniel, et als. For a comparison between France and Germany see Siegfert, *Staatshaftung im Ausnahmezustand*. On Italy see Carlotta Latini, “‘Inter armas silent leges’. Il risarcimento dei danni di guerra nella prospettiva della Prima Guerra Mondiale,” *Italian Review of Legal History* 6, 5 (2020), pp. 97–110, and Alessandro Agri, “La riparazione dei danni di guerra in Italia: dibattito dottrinale e provvedimenti legislativi tra la fine dell'Ottocento e la Prima Guerra Mondiale,” *Archivio Giuridico Online*, 1 (2022), pp. 1–73.

<sup>35</sup> On the Tsarist occupation of Eastern Prussia, see Alexander Watson, “‘Unheard-of Brutality’: Russian Atrocities against Civilians in East Prussia, 1914–1915,” *The Journal of Modern History* 86, 4 (2014), pp. 780–825.

<sup>36</sup> Caglioti, *War and Citizenship*, p. 115.

<sup>37</sup> *Ibid.*, p. 226.

were victims of the enemy persecution. The Chancellor denounced the ‘cruelty’ and brutality of the Entente countries against the ‘defenseless compatriots,’ making references to anti-German riots, discriminatory provisions, and the internment. Then, he sent out a sort of warning to enemy states: ‘The world must learn that no one can touch a hair on a German’s head without atoning for it.’<sup>38</sup> According to the parliamentary record, the reaction of the Reichstag was roaring with clapping, and several stormy ‘Bravo’ addressed to the Chancellor. The difference between Bismarck’s words could not be sharper.

This passage, which followed the exhortation to continue the ‘defensive war’ (*Verteidigungskrieg*) against the Entente, contained two key ideas, which would have been fundamental in the compensation claim. First of all, Bethmann-Hollweg condemned the treatment of Germans as ‘cruel’ and unlawful since it violated international law, particularly the 1899 and 1907 Hague Conventions. By doing this, the Chancellor was trying to counterstrike the allegations of atrocities committed by German troops in the occupied territories of Belgium and France.<sup>39</sup> Denouncing the harsh treatment of German civilians was part of the propagandistic war in which the two fronts were fighting far from the battlefield. At the same time, the Chancellor stressed that the persecution of civilians was illegitimate and economic war against private citizens violated international law. Although the rhetorical framework in juridical and humanitarian terms was not new,<sup>40</sup> as Martti Koskenniemi, Stephen C. Neff, Isabell V. Hull, or Markus M. Payk stressed, in 1914–18, the law played an unprecedented role in the public discourse.<sup>41</sup> The legal dimension was an extraordinary tool to justify political or military choices, delegitimize the enemy, and mobilize public opinion within national boundaries or in neutral countries. Nevertheless, not only governments could use the law for its purposes. Pressure groups, lobbies, or individuals did it, too. For instance, the juridical arguments could help to frame claims for rights or financial support as acts of justice. In the case of German victims of economic persecution, the deprivation of private property was an unlawful ‘atrocities’ that should be remedied in one way or another. Consequently, compensation was a ‘right’ reparation for that illegitimate damage, which could be paid by Germany itself.

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<sup>38</sup> Proceedings of the Reichstag, 2 Dec. 1914, p. 18.

<sup>39</sup> John Horne and Alan Kramer, *German Atrocities 1914: A History Of Denial* (New Haven, CT: Yale University Press, 2009).

<sup>40</sup> For the case regarding the treatment of enemy aliens before the First World War see Caglioti, *War and Citizenship*, pp 40–72.

<sup>41</sup> Koskenniemi, *The Gentle Civilizer of Nations*; Stephen C Neff, *Justice Among Nations: A History of International Law* (Cambridge, MA: Harvard University Press, 2014); Isabel V. Hull, *A Scrap of Paper: Breaking and Making International Law during the Great War* (Ithaca: Cornell University Press, 2014); Michael M Payk, *Frieden durch Recht? Der Aufstieg des modernen Völkerrechts und der Friedensschluss nach dem Ersten Weltkrieg* (Oldenbourg: De Gruyter, 2018).

A nationalist and organicist relationship between state and citizens was the second main relevant aspect of Bethmann-Hollweg's speech. The warning sent to enemy countries was a bold statement without immediate consequences. At that time, Germany could do very little to help interned citizens or to prevent the seizure of their property. However, it laid the foundation for a promise of protection coming from the Reich. According to the Chancellor, the German state was reaffirming the principle of defense for citizens abroad, which was one of the few rights contained in the 1871 Imperial Constitution. Article 3, section 6, established the 'right' (*Anspruch*) for all German citizens to ask the central government for diplomatic protection,<sup>42</sup> despite the doubts of some contemporary prominent jurists (such as Georg Jellinek) who denied it was an individual right in the proper sense.<sup>43</sup> As pointed out by Christopher A. Casey, since the mid-19<sup>th</sup> century, diplomatic protection was mainly aimed at safeguarding property rights.<sup>44</sup> Thus, unsurprisingly, dispossessed Germans were asking to be protected by their state and also claimed financial restoration after the war. Furthermore, unlike Bismarck, the Chancellor did not refer to Germans abroad as second-class citizens who deserved a different treatment. According to Bethmann-Hollweg, national belonging overcame the territorial distinctions between domestic and foreign space. As a result, protection implied full inclusion within the nation. By doing this, Bethmann-Hollweg was in continuity with the 1913 Citizenship Law, which—though not wholly adopting an ultranationalist and *völkisch* perspective—was aimed to strengthen the tie between Germany and *Auslandsdeutsche*.<sup>45</sup> Among the many factors that explained the difference between Bismarck's reaction and Bethmann-Hollweg's was the spread of a nationalist discourse that stressed the tie between Germany and the German-speaking communities abroad.

Despite the vagueness of Bethmann-Hollweg's declaration, the government itself seemed to reinforce the expectations of citizens abroad. In particular, in 1914–15 the creation of special authorities with the task of collecting 'atrocities' committed against Germans

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<sup>42</sup> Article 3 (6) of the German Reich Constitution: 'All Germans are equally entitled to the protection of the Reich abroad. (*Dem Auslande gegenüber haben alle Deutschen gleichmäßige Anspruch auf den Schutz des Reichs.*)' For the text see: <http://www.documentarchiv.de/ksr.html>.

<sup>43</sup> For a contemporary doctrinal view see Heinrich Pohl, "Rechtsschutz auf dem Gebiete der Auswärtigen Verwaltung," *Schmollers Jahrbuch für Gesetzgebung, Verwaltung und Volkswirtschaft* 43 (1919), pp. 545–86. Cf. also Wilhelm Karl Geck, "Der Anspruch des Staatsbürgers auf Schutz gegenüber dem Ausland nach deutschem Recht," *Zeitschrift für ausländisches öffentliches Recht und Völkerrecht* 17 (1957/1956), pp. 476–545.

<sup>44</sup> Christopher A. Casey, *Nationals Abroad: Globalization, Individual Rights, and the Making of Modern International Law* (Cambridge, MA: Cambridge University Press, 2020). See also Pohl, "Rechtsschutz," p. 546.

<sup>45</sup> Gosewinkel, *Einbürgern und Ausschließen*, pp. 310–27. Cf. Fritz von Keller and Paul Trautmann, *Kommentar zum Reichs- und Staatsangehörigkeitsgesetz vom 22. Juli 1913* (München: Beck, 1914), pp. 323–31; Carl Sartorius, 'Erwerb und Verlust der deutschen Staatsangehörigkeit', in Gerhard Anschütz and Richard Thoma, eds., *Handbuch des deutschen Staatsrechts*, vol. I (Tübingen: Mohr, 1930). pp. 269–71.

seemed the premise to calculate and compensate for private losses.<sup>46</sup> The first body was established at the end of August 1914, but it had only to record violent episodes against German civilians in Belgium. In the following months, several other ministerial agencies were founded with similar tasks (*see below*). In April 1915, the government created the Reich Commissioner to Hear Cases of Violence Against Civilians in Enemy Territory (*Reichskommissar zur Erörterung von Gewalttätigkeiten gegen Zivilpersonen im Feindesland*) to report all atrocities suffered by Germans in enemy countries. Adopting a legalistic approach, the agency should have registered ‘actions contrary to the international law’ (*völkerrechtswidrige Vorgehen*)—especially exceptional provisions violating property rights and personal freedom—while damages caused by military operations were not included.<sup>47</sup> Although the goal of the latter body was mainly propagandistic (it could provide only limited assistance for refugees in Germany, such as clothes, food, or essential products), its foundation raised huge expectations. Some Germans who had lost their property applied directly for restoring unlawful and illegitimate losses and thus claimed the right to compensation as Reich citizens.

Although the majority of them were cut off from the world because of communication restrictions or internment, until January 1916 around 25,000 Germans coming from Belgium, France (including colonial territories such as Morocco),<sup>48</sup> the Russian Empire, or the UK applied to the *Reichskommissar* to record the war damages.<sup>49</sup> One of them was Rudolf Christoph Gittermann. Born in 1858, in Esens (Lower Saxony), to a well-known family (his grandfather was a famous theologist, whereas his father took part in the 1848 revolution as a liberal representative), he was a German citizen resident in Odessa, at that time part of the Tsarist Empire, together with his wife Rosa and daughter Isabella. Living there since 1879, Gittermann achieved middle-class status. He was on the board of directors of a Saint-Peterburg-based insurance company, which he had co-founded about a decade before the outbreak of the war. Also, he owned a medium-sized plot of land in Odessa where his house stood (worth over 330,000 marks without considering furniture), a stock of shares with the value of 80,000 marks, and savings, jewelry, and other personal goods for about 20,000 marks. Yet, after August 1914, his life was turned upside down. Gittermann first lost his job and then

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<sup>46</sup> For instance, see Ernst Zitelmann, “Schadenersatz für Gewalttätigkeiten gegen Auslandsdeutsche im Kriege,” *Deutsche Juristen-Zeitung* 20, 1–2 (1915), p. 16.

<sup>47</sup> BArch R 1501/113071, report of the meeting between members of the *Reichskommissar* and representatives of civil authorities from Belgium, 15 Jan. 1915.

<sup>48</sup> For the Moroccan case see Gunther Mai, *Die Marokko-Deutschen 1873–1918* (Göttingen: Vandenhoeck & Ruprecht, 2014), pp. 790–1.

<sup>49</sup> BArch, R 1001/7029a, *Bericht des Reichskommissars zur Erörterung von Gewalttätigkeiten gegen deutsche Zivilpersonen in Feindesland über seine Tätigkeit bis zum 1. Januar 1916*, p. 13.

was arrested three times by local authorities as an enemy citizen and alleged spy. His patriotic commitment, besides his national origin, turned against him. Meanwhile, he had to spend a large part of his savings to ensure his family's survival. Lucky enough to avoid internment in Siberia, Gittermann and his family reached Germany together in February 1915, where they likely found hospitality from his wife's family in Karlsbad, a small town in Baden-Württemberg. In a letter to the *Reichskommissar*, he recorded all the damages he suffered after the outbreak of the war. A few weeks after the war declaration, indeed, he was dismissed from his post as insurance company branch director in Odessa. He had to spend a lot of money on legal fees against his imprisonment and then travel costs to Germany. Overall, fleeing from Odessa, Gittermann and his family left their house, clothes, furniture, bank accounts, shares, and other assets. Unfortunately, he did not know what happened to his assets, but probably the Tsarist government had confiscated all. Recording damage worth 1.5 million marks, Gittermann asked for compensation. He stressed his strong patriotic commitment to Germany. According to his letter, before moving to Odessa he had done military service and had also maintained his status as a 'Reich citizen' (*Reichsangehörige*) by registering at the local German consulate. Furthermore, Gittermann was also an honorary member of the local German Navy Association (*Deutsche Flottenverein*), the conservative and patriotic circle of the German community in Odessa. After proving to be a good and loyal German residing abroad, Gittermann asked the Reich to keep the 'promise' of compensation. In particular, he invoked the right to diplomatic protection as the fundamental obligation of the state toward its nationals, as stated by the 1871 Imperial Constitution. Then, he also quoted the passages from Bethmann-Hollweg's speech regarding the treatment of Germans abroad. According to him, he was not only legally entitled to be restored as a German citizen who suffered the unlawful persecution of the Tsarist Empire, but the Chancellor together with the Reichstag had given all Germans abroad the 'absolute confidence' in the compensation for war damages:

*By this declaration of the highest official of the Reich and the consent of the representatives of the German people, we all, who have suffered in enemy territory in the manner mentioned by the Reich Chancellor, have been given the clear legal claim and the unconditional confidence for complete compensation of our damage to property, life, and health. According to this declaration of the Reich Chancellor, there can and must be no more circumstances and conditions [...] under which we can be abandoned by Germany.<sup>50</sup>*

According to Gittermann, the actual meaning of citizenship was at stake. Showing his allegiance to Germany, he recalled the government to the essential obligation to protect its cit-

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<sup>50</sup> BArch, R 43/2458h, Rud Cristoph Gittermann (Karlsbad) to *Reichskommissar* Otto Just, 8 Jun. 1915.

izens. If the state does not grant adequate protection, especially financial aid, nationality would be purely illusory and meaningless. Nationality, constitutional rights, and hopes deriving from the words pronounced by the Chancellor were the ingredients underpinning demands for compensation.

Gittermann's case was not isolated, as the *Reichskommissar* noted.<sup>51</sup> Indeed, since the end of 1914, compensation applications also came from chambers of commerce and economic lobbies that were worried about the settlement of credits and debts between German and enemy citizens.<sup>52</sup> The measures taken to freeze all money transfers in favor of enemy citizens had a dramatic impact on the global economy. One of the most active associations was the Association for Securing German Claims on Enemy Countries (*Verband zur Sicherung deutscher Forderungen an das feindliche Ausland*), founded in 1916 in the industrial city of Barmen to represent companies owned by 'Reich citizens' (*Reichsdeutsche*) that suffered the loss of credits because of the economic war waged by the Entente.<sup>53</sup> By consulting distinguished jurists and economists such as Ernst Zitelmann, a professor of international law in Bonn, or Bernhard Harms, founder of the Institute of World Economy (*Institut für Weltwirtschaft*) in Kiel,<sup>54</sup> the association denounced the unlawfulness of provisions taken by enemy countries against the property rights of German citizens abroad, because they violated the Hague Conventions. However, the *Verband* asked the German Reich to compensate for losses and guarantee lost sums in the post-war clearing procedure. By asking for the financial protection of the German state, the association together with other groups representing mainly small and medium-sized companies—which labeled themselves as the 'middle class' (*Mittelstand*)—claimed that foreign trade was a fundamental part of the 'national economy' (*Volkswirtschaft*) and thus Germany could not accept its ruin.<sup>55</sup> Claiming for compensation would have been instrumental in rebuilding the German economy after the conflict. This effort met with the resistance of the government, which wished to postpone the issue to peace negotiations, and of a small but influential group of large companies and banks—represented by associations such as the Central Committee of Berlin Commercial, Trade and Industrial Associations (*Zentralausschuss Berliner kaufmännischer, gewerblicher und industrieller Verbände*)—that preferred to keep the public authori-

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<sup>51</sup> BAArch, R 1001/7029a, *Bericht des Reichskommissars zur Erörterung von Gewalttätigkeiten gegen deutsche Zivilpersonen in Feindesland über seine Tätigkeit bis zum 1. Januar 1916*, pp. 91–2.

<sup>52</sup> See petitions sent in 1914–15 in BAArch, R 2/714.

<sup>53</sup> "Verband zur Sicherung deutscher Forderungen an das feindliche Ausland," *Weltwirtschaftliches Archiv* 7 (1916), pp. 182–4.

<sup>54</sup> PAAA, R 23127, file 300050, petition of *Verband zur Sicherung deutscher Forderungen an das feindliche Ausland* to the German government, 11 May 1918.



ties out of the post-war clearing settlement. Since 1917, however, the government authorized the *Reichskommissar* to record credits and debts, too.<sup>56</sup>

Other actors contributed to the effort of integrating Germans abroad into the nation, by adopting not only economic arguments. Among them, there was the Association for Germanness Abroad (*Verein für das Deutschtum im Ausland*, VDA), which since 1881 was one of the most important nationalist associations representing the interests of ‘Germandom abroad’ (*Auslandsdeutschtum*).<sup>57</sup> The association supported the claim for compensation in many ways. For example, the lawyer Hermann Weck, who belonged to the VDA central board in Berlin, denounced the legal vacuum of regulation concerning war damages, especially for citizens abroad, and urged the authorities to fill the gap without waiting for the end of the conflict. In particular, Germany should have taken the burden to compensate for war damages by itself. According to Weck, it was unlikely to rely only on reparations given by enemy countries (in case of victory).<sup>58</sup> At the end of 1915, sending a petition to the government and some lawmakers, the VDA together with several refugee associations (*Ausschuß der aus Frankreich vertriebenen Reichsdeutschen*, *Ausschuß für vertriebene Reichsdeutsche aus Großbritannien und Irland und den britischen Kolonien*, and *Geschäftsführender Ausschuß der aus Russland ausgewiesenen Reichsdeutschen*) and organizations representing German commercial interests abroad (*Deutsch-italienischer Wirtschaftsverband*, *Deutsch-französischer Wirtschaftsverein*, and *Deutsch-russischer Verein zur Pflege und Förderung der gegenseitigen Handelsbeziehungen*) took the lead. In the document, the associations claimed the right to compensation adopting a slightly different perspective. German victims of the economic war represented ‘a significant portion of the German national wealth.’ Thus, Germans abroad were economically useful to the nation and their property represented a consistent part of the national wealth, but their role was much broader. Overall, the association argued that there should be no difference in treatment between ‘Germans living in the nation’ (*Inlandsdeutsche*) and Reich citizens abroad. By adopting nationalistic and militarist symbols, the petition described Germans abroad as ‘outposts and champions of German interests’ in the world. In particular, although they did not pay taxes like their compatriots in Germany, *Auslandsdeutsche* played a crucial role in maintaining the ‘nationhood’ (*Volkestum*) abroad

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<sup>55</sup> Hans David, “Das deutsche Auslandskapital und seine Wiederherstellung nach dem Kriege (II),” *Weltwirtschaftliches Archiv* 14 (1919), p. 282.

<sup>56</sup> *Ibid.*, pp. 277–9. Cf. Siegert, *Staatshaftung im Ausnahmezustand*, pp. 171–3.

<sup>57</sup> On the VDA see John Hiden, “The Weimar Republic and the Problem of the *Auslandsdeutsche*,” *Journal of Contemporary History* 12, 2 (1977), pp. 273–4 and Jonathan Kwan, “Transylvanian Saxon Politics, Hungarian State Building and the Case of the Allgemeiner Deutscher Schulverein (1881–82),” *The English Historical Review* 127, 526 (2012), pp. 592–624.

through churches, hospitals, and schools. According to them, the war had an equalizing impact. Even if Germans abroad could not serve in the army like the *Inlandsdeutsche*, they were suffering the consequences of the ‘war of annihilation’—as they wrote—waged by the Entente. The internment, the loss of their home together with all other possessions, the distance from the family, and the damage to health were some of the dramatic consequences. In sum, if Germany wished to rebuild its economic, political, cultural, or artistic life after the war, its citizens abroad represented a key resource and should be compensated as their compatriots residing within national boundaries.<sup>59</sup> Significantly, the petition stressed that Germans abroad were Reich citizens and not generically ‘ethnic Germans.’ In this sense, citizenship as a legal status was crucial to claim a *new* right, whereas nationality or German origin without legal belonging to the state was left aside within the document.

The issue of compensation reached the Reichstag as well. In particular, some National Liberal lawmakers urged the government to intervene in favor of Germans abroad who were suffering the enemy persecution. Gustav Stresemann was one of the most active among them. As a member of the parliamentary committee for trade and industry, in August 1915 he presented a draft bill concerning the creation of a clearing office for the settlement of debts and credits between German and foreign companies after the end of the war.<sup>60</sup> Above all, thanks to his experience as a spokesman for the export-oriented and navy business circles in Saxony,<sup>61</sup> Stresemann was aware of the importance of economic interdependence for Germany. Its status as a Great Power depended on its integration within the world economy.<sup>62</sup> Therefore, if Germany sought to regain its position after the war, the government should have cared for its citizens abroad who represented a crucial factor in the national economy. As H. Glenn Penny pointed out, after 1871, the German Empire took advantage of German-speaking communities and businesspeople around the world. Many of them, regardless of their legal status, pur-

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<sup>58</sup> Weck, *Kriegsschäden*, p. 1. The lawyer was also author of a celebrative book in 1915 concerning the German communities living abroad: *Das Deutschtum im Ausland* (München: G. Müller, 1915).

<sup>59</sup> PAAA, Nachlass Gustav Stresemann, NL 306/148, *Denkschrift über den Kriegsschaden der Auslandsdeutschen*, 1 Dec. 1915.

<sup>60</sup> The report ‘Zur Frage eines Forderungsausgleichs gegenüber dem feindlichen Auslande’ was released on August 25, 1915. Cf. Siegert, *Staatsshaftung im Ausnahmezustand*, p. 148.

<sup>61</sup> Jonathan Wright, *Gustav Stresemann* (Oxford: Oxford University Press, 2002), pp. 30–41; Karl Heinrich Pohl, *Gustav Stresemann: The Crossover Artist* (New York: Berghahn Books, 2019), pp. 110–24.

<sup>62</sup> Manfred Berg, *Gustav Stresemann und die Vereinigten Staaten von Amerika: weltwirtschaftliche Verflechtung und Revisionspolitik 1907-1929* (Baden-Baden: Nomos, 1990), pp. 19–25 and Id., “Germany and the United States: The Concept of World Economic Interdependence,” in Carole Fink, Axel Frohn, and Jürgen Heideking, eds., *Genoa, Rapallo, and European Reconstruction in 1922* (Cambridge: Cambridge University Press, 1991), pp. 78–9, 93. See also Volker R. Berghahn, “Introduction. German Big Business and the Quest for a European Economic Empire in the Twentieth Century,” in Volker R. Berghahn, ed., *Quest for Economic Empire: European Strategies of German Big Business in the Twentieth Century* (Providence; Oxford: Berghahn Books, 1996), pp. 5–17.

chased finished goods made in Germany, and largely benefited from Germanophone networks of communication, finance, trade, and transportation. Until 1914, thus, the German state and *Auslandsdeutsche* enjoyed large economic reciprocal advantages.<sup>63</sup> Rebuilding the economic strength of this network was a crucial issue. According to Stresemann, the economic sphere would have played a greater role than the military strength in the competition among nations and empires. His commitment in favor of nationals abroad was also coherent with his nationalist and conservative beliefs.<sup>64</sup> Compensation for war damages suffered abroad was fundamental for the reconstruction of German power. Writing to the Bremen-based consul C. Adolf Jacobi, Stresemann reported his effort—together with other National Liberal and Catholic lawmakers—to force the government to concede reparation for private losses in the enemy countries. Facing the reluctance of the cabinet, Stresemann clearly expressed his stance. Stressing the importance of the ‘world trade’ (*Welthandel*) for Germany, he argued that the government was obliged to protect its citizens abroad who were economically active and contributed to the national wealth. Stresemann was reversing Bismarck’s stance:

*For my part, I took a firm stand against these remarks and declared that they were based on a complete misunderstanding of the character of our world trade. [...] If German merchants had taken the risk of keeping large warehouses and stocks abroad, if cities like Antwerp had a German character in peacetime if German influence was strong in Lille, Roubaix, and Yourcine, and if the enterprises of the German textile industry were everywhere there, the government owed a debt of gratitude to the people who had taken the risk of investing their assets abroad and thereby securing profits for the German national economy from international trade.*

Therefore, German businessmen abroad should be treated in the same way as merchants, traders, or investors within national boundaries. Once more, Stresemann stressed not only their economic contribution—in particular, helping the trade balance—but also the political and diplomatic role played by foreign trade in promoting German strength:

*The German merchant who trades abroad has the right to be treated on an equal basis with the one who does business at home. Without foreign trade and the investment of capital abroad, Germany would perish from a negative balance of trade. Especially in view of the task after the war to take up the fight against England’s arrogant domination of the world economy with all our strength, it is necessary not to minimize the desire of the German merchant abroad and overseas, but to promote it with all our strength.*<sup>65</sup>

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<sup>63</sup> H. Glenn Penny, *German History Unbound: From 1750 to the Present* (Cambridge: Cambridge University Press, 2022), pp. 155–7.

<sup>64</sup> Wright, *Gustav Stresemann*, pp. 45–7; Pohl, *Gustav Stresemann*, pp. 106–10.

<sup>65</sup> PAAA, Nachlass Gustav Stresemann, NL 306/148, Stresemann to Konsul C. Adolf Jacobi (Bremen), 27 Dec. 1915.

Together with other fellow party members such as the music publisher Julius Heinrich Zimmermann (1851–1922), or the member of the *Hamburg-Amerika-Linie* board Siegfried Heckscher (1870–1929), Stresemann demanded on several occasions an official intervention in favor of Germans abroad. In June 1916, Zimmermann asked Foreign Minister Gottlieb von Jagow to help Reich citizens.<sup>66</sup> In November, Stresemann presented a motion regarding the compensation for damages suffered by the German film industry abroad.<sup>67</sup> A few weeks later, Zimmermann, Heckscher, and Stresemann asked the government whether the cabinet was preparing a bill to provide ‘effective help’ in favor of the ‘fellow citizens’ (*Landsleute*) affected by enemy ‘measures contrary to international law’ (*völkerrechtswidrige Maßnahmen*).<sup>68</sup> In March 1917, Stresemann asked again for financial support in favor of German refugees coming from enemy countries who were regarded as ‘pioneers of Germanness’ in the world.<sup>69</sup> A few days later, Stresemann reaffirmed the importance of restoring losses suffered by Germans abroad to economically rebuild the country.<sup>70</sup> At the end of 1917, Stresemann submitted a new parliamentary resolution asking the government to compensate citizens abroad.<sup>71</sup> Furthermore, he became president of the ‘loan funds’ (*Darlehnskassen*) central administration, which aided the victims of economic persecution through loans at favorable rates.<sup>72</sup> Thanks to such efforts, Stresemann earned a reputation as a supporter of Germans abroad (in particular, of companies operating abroad), so much to be appointed as an honorary member of the *Bund der Auslandsdeutschen* in the 1920s. Yet Stresemann and his companions were not the only supporters of such a claim. The *Vorwärts*, the official organ of the Socialist Democratic Party, openly asked for compensation for Germans abroad and former colonial settlers who had lost property during the war and adopted the same nationalist rhetoric insisting on the role of pioneers of Germandom across the world.<sup>73</sup>

### *The Resistance of the Reich Government*

Despite the speech of Bethmann-Hollweg, the attitude of the central government was far more cautious. During the war, the Reich could do very little to help its citizens abroad who were suffering the enemy persecution. It could rely on neutral countries such as Switzer-

<sup>66</sup> Proceedings of the Reichstag, 6 Jun. 1916, pp. 1549–50.

<sup>67</sup> Proceedings of the Reichstag, Aktenstück 505, Anfrage 74 (4 Nov. 1916), Band 320, p. 997.

<sup>68</sup> Proceedings of the Reichstag, Aktenstück 517, Anfrage 79 (29 Nov. 1916), Band 320, p. 1039.

<sup>69</sup> Proceedings of the Reichstag, 1 Mar. 1917, p. 2474.

<sup>70</sup> Proceedings of the Reichstag, 20 Mar. 1917, pp. 2553–4.

<sup>71</sup> Proceedings of the Reichstag, Aktenstück 1073, Anfrage 271 (3 Oct. 1917), Band 322, p. 1816.

<sup>72</sup> Fritz Bach, “Das Ende der Darlehnskassen,” *Auslandswarte*, 3, 17–18 (1923), pp. 258–9. On the activity of the *Darlehnskassen*, see PAAA, R 60399.

<sup>73</sup> “Soziales. Entschädigung für Auslandsdeutschen,” *Vorwärts*, 30 Sep. 1918.

land, Spain, the United States (until April 1917), Greece (until September 1916), Holland, Sweden, and, to a lesser degree, Norway and Denmark. Neutral states represented a sort of ‘mediators’ in wartime, which should protect the interests of countries without diplomatic representatives after the war.<sup>74</sup> For instance, until 1916 the U.S. diplomats were charged with supervising the treatment of German citizens in Belgium, France (including Morocco, Algeria, and Tunisia), the UK (including India and Egypt), Japan, Serbia, and the Tsarist Empire. The Norwegian consul in Finland and the Danish consuls in Omsk and Rostov should protect German civilians.<sup>75</sup> However, especially after the war declaration between the United States and the Central Powers, the task of safeguarding German interests in enemy countries was taken over by Switzerland, Spain, and the Netherlands. At the beginning of 1918, Swiss diplomacy was responsible for protecting Reich citizens in France, the United Kingdom (including Zanzibar), Italy, Romania, Japan, Uruguay, and the United States; the Spanish diplomacy in Portugal, Liberia, Ecuador, in some countries of Central America (Cuba, Panama, Costa Rica, Guatemala, Honduras, Nicaragua), Peru, and Gibraltar; the Dutch diplomacy in Belgium, Greece, Morocco, Saigon, Hong Kong, China, Siam and Brazil; finally, the Swedish diplomacy in Egypt and the Tsarist Empire.<sup>76</sup> Nevertheless, the heavy workload, the difficulties in communication, and the inability to moderate economic warfare prevented neutral states from avoiding mistreatment and abuses.<sup>77</sup> Besides neutral countries, there were also international humanitarian organizations (such as the Red Cross), private associations, religious groups, and the Holy See, which provided help to interned civilians.<sup>78</sup> The *Prisoner of War Relief Agency*—created in London by Dr. Märkel, a German naturalized British citizen—together with the *Society of Friends* of the Quakers, the Red Cross, some German ministries, the Young Men's Christian Association (YMCA), and other organizations provided food, clothing, and other essentials to civilian internees and POWs in many countries. Those humanitarian associations were also financially supported by private businessmen (such as the Anglo-German banker Bruno von Schröder) and the Reich government.<sup>79</sup> However, the impact of such humanitarian

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<sup>74</sup> Matthew Stibbe, “Negotiating and Mediating Conduct of War,” *International Encyclopedia of the First World War (WW1)*, November 1, 2019, [https://encyclopedia.1914-1918-online.net/article/negotiating\\_and\\_mediating\\_conduct\\_of\\_war](https://encyclopedia.1914-1918-online.net/article/negotiating_and_mediating_conduct_of_war).

<sup>75</sup> Max Fleischmann, “Unser diplomatischer Schutz im Ausland,” *Zeitschrift für Völkerrecht* 9 (1916), p. 444.

<sup>76</sup> Max Fleischmann, “Unser diplomatischer Schutz in Kriegszeit (Stand vom Januar 1918),” *Zeitschrift für Völkerrecht* 10 (1918/1917), p. 646.

<sup>77</sup> On the Spanish case see Marcella Aglietti, *In nome della neutralità. Storia politico-istituzionale della Spagna durante la prima guerra mondiale* (Roma: Carocci, 2017), pp. 171–7.

<sup>78</sup> On the Red Cross, see BArch, R 67/1264. See also the activity of the *Beratungsstelle für Angelegenheiten des deutschen Privatvermögens in Frankreich*, in BArch, R 901/85456 and 901/85457.

<sup>79</sup> C. R. Hennings, *Deutsche in England* (Stuttgart: Ausland und Heimat Verlags-Aktiengesellschaft, 1923), pp. 169–72.

actions was limited. For example, in the prisoner exchange between the Central Empires and the Entente, just a few thousand civilian internees could go back to Germany between 1916 and 1918.<sup>80</sup>

Despite the impossibility of providing effective protection to citizens abroad, the central government allocated more and more resources to help refugees coming from abroad. According to the REA, between August 1914 and December 1918, the German state (especially the Ministry of Foreign Affairs) spent 76.6 million *Papiermark*—corresponding to approximately 10 million golden marks—in aid, grants, or loans:<sup>81</sup> 4.2 million in 1914, 7 million in 1915, 3.5 million in 1916, 17.4 million in 1917, and 38.7 million in 1918. Other funds, especially loans, came from the colonial administration and—since September 1916—the *Darlehnskassen*. After March 1918, the German Red Cross also allocated direct aid.<sup>82</sup> The Central Information Office for Emigrants (*Zentralauskunftsstelle fuer Auswanderer*) also contributed to aiding victims.<sup>83</sup> In addition to that, the Reich granted unlimited credit to neutral diplomacy which operated in favor of German civilian internees. In some cases—such as in the Tsarist Empire—the central government paid directly for winter clothing for civilian internees. In support of German refugees coming from enemy countries, the Reich set up some camps with the cooperation of the Red Cross, the *Bundesstaaten*, and the refugees' associations. Furthermore, the authorities granted loans and helped refugees in finding a job in Germany.<sup>84</sup> In other cases, the Reich helped German refugees who sought to come to Switzerland. For instance, some *Marokko-Deutschen* such as Oskar Seidel together with his family or Else Ficke were able to escape from internment camps in France, spending the wartime in Switzerland. In that country, despite facing bureaucratic difficulties, they were aided by the central government and the Prussian state.<sup>85</sup> In Spain, the German consular and diplomatic authorities provided help to refugees coming from France and North Africa.<sup>86</sup> Nonetheless, the assistance granted by the German state was often poor and fragmentary. Unsurprisingly, some private actors made up for the assistance instead of the public authorities, as shown by the cases of the pacifist ac-

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<sup>80</sup> Caglioti, *War and Citizenship*, pp. 201, 245–6.

<sup>81</sup> BArch, R 2/707, *Zusammenstellung der Geldwerte der im gesamten Entschädigungsverfahren bis zum 31. August 1924 für Liquidationsschäden bewilligten Beträge*, 19 May 1926.

<sup>82</sup> BArch, R 2/707, *Zusammenstellung der Geldwerte der im gesamten Entschädigungsverfahren bewilligten Papiermarkbeträge umgerechnet nach der Anlage zu den Nachentschädigungsrichtlinien vom 25.3.1925*, 1 May 1926.

<sup>83</sup> See documents in BArch, R 1505/19.

<sup>84</sup> For an overview of the assistance cf. Proceedings of the Reichstag, Aktenstück 591, Band 320, pp. 1086–7 and Neuberg, “Der Auslandsdeutsche und der Krieg,” *Weltwirtschaftliches Archiv* 10 (1917), pp. 327–36.

<sup>85</sup> Mai, *Die Marokko-Deutschen*, pp. 680–90.

<sup>86</sup> BArch, R/753, *Memorandum zu den Schadenanmeldung der aus Frankreich vertriebenen Reichsdeutschen in Spanien*, written by the *Vereinigung der aus Frankreich vertriebenen Reichsdeutschen*, 27 Mar. 1920.

tivist Elisabeth Rotten.<sup>87</sup> Overall, the public action was considered unsatisfactory by the beneficiaries and the associations. In no case assistance to refugees went beyond ensuring the minimum standard of life, while the majority of German civilian internees could not receive any kind of aid. Their poor condition exposed the limits of the diplomatic safeguard for citizens abroad in wartime. The authorities did not guarantee the individual right to be protected but they were merely limiting themselves to acts of liberality.<sup>88</sup>

Another activity undertaken by the central government was the registration of atrocities against Germans in enemy countries, as mentioned above. The first special body was the *Reichskommissar zur Erörterung belgischer Gewalttätigkeiten gegen Deutsche*, created at the end of August 1914 as a branch of the Ministry of the Interior,<sup>89</sup> to report violent episodes against German civilians in Belgium.<sup>90</sup> In the following months, other agencies with similar purposes were created by the Ministry of Colonies or the Ministry of the Navy to record damages in specific areas or regions,<sup>91</sup> while Chambers of Commerce, refugees' associations, and organizations assisting Germans abroad did the same. In October 1914 the central government decided to unify all collecting authorities into the *Reichskommissar zur Erörterung von Gewalttätigkeiten gegen Zivilpersonen im Feindesland*, which should have registered damages caused by violent riots and unlawful provisions against German civilians in enemy countries, particularly exceptional measures against property rights (such as the ban on payments, seizure, liquidation, or confiscation).<sup>92</sup> Similar organs were also instituted in the Austro-Hungarian Empire and Entente countries (such as France).<sup>93</sup> The activity of the *Reichskommissar*—led by Ministerial Director Otto Just (1854–1931) until November 1917, and then by the member of the Prussian Diet and civil servant Wolfgang von Kries (1868–1945)—progressively increased during wartime until its dissolution in October 1919. During five years, the agency examined more than 625,000 petitions. It cooperated with refugee associations, economic bodies, and other private

<sup>87</sup> Matthew Stibbe, "Elisabeth Rotten and the 'Auskunfts- und Hilfsstelle für Deutsche im Ausland und Ausländer in Deutschland', 1914–1919," in *The Women's Movement in Wartime: International Perspectives, 1914–19*, eds. Alison S. Fell and Ingrid Sharp (London: Palgrave Macmillan UK, 2007), pp. 194–210.

<sup>88</sup> Neuberger, "Der Flüchtling aus dem Ausland und seine Ansprüche gegen das alte Vaterland," *Deutsche Juristen-Zeitung* 21, 9–10 (1916), pp. 492–6.

<sup>89</sup> BArch, R 1501/113071, Delbrück (Chancellery) to Ministry of Foreign Affairs, 26 Aug. 1914. See also the *Aufruf* published by the government, reported in Weck, *Kriegsschäden*, p. 179.

<sup>90</sup> Frank Caestecker and Antoon Vrints, "The National Mobilization of German Immigrants and Their Descendants in Belgium, 1870–1920", in Panikos Panayi (ed.), *Germans as Minorities during the First World War: A Global Comparative Perspective* (Farnham: Ashgate, 2014), pp. 130–1.

<sup>91</sup> For a complete list of ministerial bodies see Weck, *Kriegsschäden*, p. 72.

<sup>92</sup> BArch, R 1501/113071, Delbrück to Just, 2 Oct. 1914. See also the *Vorschriften über die Anmeldung von Ansprüchen bei dem Reichskommissar zur Erörterung von Gewalttätigkeiten gegen Zivilpersonen im Feindesland* (April 1915) reported in Weck, *Kriegsschäden*, pp. 180–1.

organizations in supporting the persecuted civilians in many ways.<sup>94</sup> Although its goal was mainly propagandistic and only secondarily financial,<sup>95</sup> Germany did not publish its official reports, unlike the Austro-Hungarian Empire,<sup>96</sup> since the German Ministry of Foreign Affairs feared that the *Reichskommissar* could challenge the impartiality and accuracy of international organizations such as the International Red Cross Committee.<sup>97</sup> As shown above, however, it contributed to raising the expectations of future compensation for Germans abroad. In particular, by recording only provisions and actions contrary to international law, the *Reichskommissar* helped to frame the persecution of enemy citizens in juridical terms.

### *The Early Measures*

In 1916, the *Reichskommissar* proposed a plan to the government to compensate Germans who were suffering economic persecution in enemy countries. By recognizing the strong impact of the war on the commercial sphere and in particular on the activity of Germans abroad, the *Reichskommissar* argued that—differently from the 1870s—the global economic war, including the systematic violation of international law against property rights, represented an existential threat to Germany:

*In particular, the fact that the present war is spreading far beyond the limits of what was hitherto thought possible into the economic sphere, in connection with the increased interest in the world economy and the tremendous growth of German activity abroad, gives it a different meaning. Today it is a question of the existence or non-existence of the German people not only in the political but also in the economic sense.*<sup>98</sup>

While agreeing with the government in denying a ‘legal claim’ (*Rechtsanspruch*) to compensation for dispossessed citizens, at the same time the *Reichskommissar* underlined the need for restoring private losses more effectively than in 1871. It was not only a matter of social ‘equity’ (*Billigkeit*) anymore. Echoing the nationalist rhetoric, it was the status of great power at stake. The *Reichskommissar* was fully aware of the relevance of the ‘global economy’ (*Weltwirtschaft*) for Germany. Thus, although it agreed with the cabinet to postpone the issue of reparations to peace negotiations, the *Reichskommissar* proposed a plan of settlement not only

<sup>93</sup> Raymond Poidevin, “La Mainmise Sur Les Biens Ennemis Pendant La Première Guerre Mondiale.” *Francia* 2 (1975), pp. 566–7.

<sup>94</sup> BAArch, R 1501/113073, *Bericht des Reichskommissars zur Erörterung von Gewalttätigkeiten gegen deutsche Zivilpersonen über seine Tätigkeit*, 31 Oct. 1919.

<sup>95</sup> Stibbe, *Civilian Internement*, p. 135.

<sup>96</sup> *Sammlung von Nachweisen für die Verletzungen des Völkerrechts durch die mit Österreich-Ungarn Krieg führenden Staaten.*, 4 vols. (Wien: Aus der k. k. Hof- und Staatsdruckerei, 1915).

<sup>97</sup> Stibbe, *Civilian Internement*, p. 136–7.

<sup>98</sup> BAArch, R 1001/7029a, *Bericht des Reichskommissars zur Erörterung von Gewalttätigkeiten gegen deutsche Zivilpersonen in Feindesland über seine Tätigkeit bis zum 1. Januar 1916*.



based on small subventions (as in the 1870s). It consisted of a significant economic recovery plan, including the possibility of compensating fully for war damages in some special cases. Three aspects were essential to realizing such a project. First of all, the system of resource allocation should have been strictly centralized. By excluding *Bundesstaaten*, the Reich government would have been able to plan a recovery strategy from above in a more effective manner, pursuing the national interest without particularisms and divisions. According to the *Reichskommissar*, in contrast to the 1870s, centralization was fundamental to achieving the reconstruction of the national economy after the war. As predicted by Walter Rathenau, the central administration was learning from war experience new methods and practices, which would have been useful after the war. Secondly, classification among citizens was also fundamental. By denying the right to compensation, the Reich needed a set of criteria to allocate funds. According to the *Reichskommissar*, there should have been four aspects to take into account (social, ethical, political, and economic), while the amount would be determined on a case-by-case basis. The four criteria were summarized as follows:

*Socially, it will be necessary to support poor people and to prevent material hardship; ethically and politically, it will be necessary to compensate for hardships suffered due to national reasons, and economically, it will be necessary to prevent losses and weakening of German national wealth as far as possible.*<sup>99</sup>

Generally, citizens would have individually benefited from financial support based on their ‘usefulness’ to the national interest. Seeking to be more precise, the *Reichskommissar* gave some examples. If the economic war affected foreign trade or the export sector, the Reich should have usually recognized the ‘national-economic interest’ by granting them more consistent support. Furthermore, it had to be guaranteed that the company was able to resume its activity. About the category of *Auslandsdeutsche*, the Reich commissioner sought to provide a sort of classification based on several criteria of inclusion and exclusion—such as criminal record, previous social position, sector of economic activity, job skills, and so on—to determine the extent of aid. In case some citizens abroad were commercial competitors of Germans living within national boundaries, the Reich would have to grant lesser support considering only the social relevance of their damage. On the contrary, if the business was labeled as strategic, the compensation should have been larger. To run such a complicated and variable system of categorization, the state needed to avoid ‘mechanical or schematizing’ procedures. On the contrary, the Reich should have been free to allocate funds on a discretionary basis. Thus, administrative procedures needed to be flexible as far as possible, preventing any kind

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<sup>99</sup> *Ivi.*

of legislative constraint or parliamentary supervision. According to the *Reichskommissar*, exceptional provisions were decisive for the success of the recovery strategy. To this end, indeed, the agency launched the statistical survey of the 'Germandom abroad' from an economic, social, professional, or financial point of view to concentrate state support in relevant sectors for the economic recovery after the war.<sup>100</sup>

Anticipating several features of the compensation procedures in the 1920s, the *Reichskommissar's* proposal did not have an immediate impact on government action. Faced with pressures to grant compensation, the cabinet took a reluctant stance. Concerning the compensation claim, the government refused to recognize any sort of right or to make a financial commitment for the post-war years. As the Undersecretary of the Interior Clemens von Delbrück explained, the German state did not recognize the right to compensation for war damages that occurred within or outside its territory. Furthermore, the financial burden of the war and the uncertainty about the state budget made any promise of restoration almost impossible. 'Given the enormous financial burden imposed on the Reich by the present war and the impossibility of obtaining a reasonably accurate picture of the financial situation after the end of the war, the legally binding state liability for the damage caused by this war is now out of the question.'<sup>101</sup>

In 1916, however, something seemed to change. The Law on the Assessment of War Damage in the Territory of the Reich (*Gesetz über die Feststellung von Kriegsschäden im Reichsgebiete*, July 3, 1916)<sup>102</sup> represented the first step toward the legal regulation of war damages.<sup>103</sup> It gave the possibility of registering war damages within the Reich borders (§1) and established that only citizens residing in Germany were entitled to be restored (§5). Damages were calculated according to the 'value of peace' (*Friedenswert*), that is, the pre-war value (§2). According to the law, there were local, regional, and central special commissions composed of civil servants, judges, and members of civil society (economic associations, trade unions, etc.) with the task of determining the extent of the damage (§6). The administrative procedure excluded the ordinary courts from the intervention and was also decentralized since the *Bundesstaaten* were involved in the determination of damages. Furthermore, each state could pay the 'pre-compensation' (*Vorentscheidung*) to give immediate aid to victims of damage (§16). Although the law did not concede a proper right of compensation ('the determination of the damage

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<sup>100</sup> BArch, R 1501/113072, *Reichskommissar* to Interior, 5 Apr. 1916.

<sup>101</sup> BArch, R 43/2458h, Clemens von Delbrück to *Königliche Staatsministerium*, 20 Mar. 1916.

<sup>102</sup> RGBl, 1916, p. 675. The implementing decree was the *Bekanntmachung, betreffend das Verfahren zur Feststellung von Kriegsschäden im Reichsgebiete* (September 19, 1916), in RGBl, 1916, p. 1053.

does not establish a legal claim, '§15),<sup>104</sup> it represented the first regulatory action in Germany that allocated financial resources to restore private losses and prompt the economic recovery of occupied territories.<sup>105</sup> The law was mainly aimed at restoring damages caused by the enemy invasion in Eastern Prussia, which had been briefly occupied by Tsarist troops in 1914 and 1915, and Alsace-Lorraine.<sup>106</sup> The law was inspired by similar provisions taken by the Prussian state.<sup>107</sup> However, Germans living abroad and in the colonies were excluded. During a cabinet meeting in March 1916, Foreign Minister von Jagow clarified once more the opposition to recognizing any right to restoration for those categories. 'Compensation for Germans living abroad based on this law would lead to unthinkable consequences. These damages would have to be paid by foreign countries. If the Reichstag sought to include a reference to the Germans abroad in the law, this would have to be declared unacceptable.'<sup>108</sup> In agreement with the Ministry of Justice and Vice-Chancellor Karl Helfferich, von Jagow set a double standard regarding the treatment of Germans living in the Reich and nationals abroad. While the war damages in Germany could be somehow compensated, Germans living in foreign countries or the colonies had to wait for the peace negotiations. By excluding *Auslandsdeutsche* and *Kolonialdeutsche*, the government established a hierarchy among citizens that privileged the territorial principle instead of a nationalist-organicist one.

During the general debate at the Reichstag, the National Liberal jurist Friedrich Thoma strongly criticized the bill. In particular, the categories adopted by the government were obsolete and unable to cope with the consequences of the world war, especially in the economic field. Blatantly, according to him, the exclusion of Germans abroad demonstrated the short-sightedness of the government.<sup>109</sup> However, the Reichstag passed the law without including those categories. The only exception to the territorial principle came later. The Law on the Reconstruction of the Commercial Fleet (*Gesetz über die Wiederherstellung der deutschen Handelsflotte*), passed in November 1917, established the procedures to register naval losses that occurred outside territorial waters.<sup>110</sup> On that occasion, the Reich agreed to restore war dam-

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<sup>103</sup> Siegert, *Staatshaftung im Ausnahmezustand*, p. 170.

<sup>104</sup> According to Heilfron, however, the 'pre-compensation' established a sort of legal obligation of the state to grant full compensation after the end of the war. Cf. Heilfron, *Die rechtliche Behandlung*, I, p. VIII.

<sup>105</sup> *Ibid.*, p. 95.

<sup>106</sup> Alexander Watson, "'Unheard-of Brutality': Russian Atrocities against Civilians in East Prussia, 1914–1915," *The Journal of Modern History* 86, 4 (2014), pp. 780–825.

<sup>107</sup> Paul Laband, "Der Entwurf eines Gesetzes über die Feststellung von Kriegsschäden," *Deutsche Juristen-Zeitung* 21, 11–12 (1916), pp. 553–6.

<sup>108</sup> BArch, R 43/2458h, minutes of the Council of Ministers meeting, 25 Mar. 1916.

<sup>109</sup> Proceedings of the Reichstag, 9 May 1916, pp. 995–7.

<sup>110</sup> RGBl, 1917, p. 1025.

ages out of the national territory, but only for a specific category of private property.<sup>111</sup> In conclusion, for Germans abroad, compensation claims represented the only way to receive effective support from their state, but the central government, which always deferred the issue to peace negotiations, seemed inflexible.

## 7.2 The Democratic Turning Point

### *The 'Return' of Germans*

Following the armistice in November 1918, Germany was shaken by deep changes in a few months: the abdication of Kaiser Wilhelm II together with the other local monarchies; the military defeat with its consequences; the workers' and soldiers' councils movement; the proclamation of the Republic; the Constitutional Assembly; the revolutionary unrest; the violence in the streets; the starvation caused by the Allied blockade: the national fights at the eastern and western borders of the country.<sup>112</sup> In addition to that, Germany experienced the coming of refugees, 'displaced persons' (*Vedrängte*), former colonial settlers, German-speaking families coming from the former Tsarist Empire, and Germans abroad who left internment camps, were repatriated, or escaped from the military-occupied regions (such as Alsace-Lorraine or the Prussian territories cede to Poland).

During the war, of the roughly 850/900,000 civilian internees, the large majority were Germans (both nationals and people of German origin).<sup>113</sup> Only a minority was able to find a safe place in neutral countries. In Spain, for instance, the German presence increased from 10,000 to 50/60,000 individuals, and a large part of them were refugees from France.<sup>114</sup> Some of them fled to Switzerland or benefited from the exchange agreements between Germany and the Allies between 1915 and 1918, but just a few of them were able to return to their country of origin.<sup>115</sup> Anyway, the wartime experience was always traumatic. Besides internment, all of them experienced mistreatment from the states that sometimes degenerated into

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<sup>111</sup> Siegert, *Staatsshaftung im Ausnahmezustand*, p. 172.

<sup>112</sup> Robert Gerwarth, *Die größte aller Revolutionen: November 1918 und der Aufbruch in eine neue Zeit* (München: Siedler Verlag, 2018).

<sup>113</sup> Matthew Stibbe, *Civilian Internment during the First World War* (London: Palgrave Macmillan, 2019), and Caglioti, *War and Citizenship*.

<sup>114</sup> Mai, *Die Marokko-Deutschen*, p. 644. See also the petitions sent by the committee of German refugees based in Barcelona, in BArch, R 2/753, *Memorandum zu den Schadenanmeldung der aus Frankreich vertriebenen Reichsdeutschen in Spanien*, 27 Mar. 1920, and PAAA, R 70995, *Vereinigung der aus Frankreich vertriebenen Reichsdeutschen* (Barcelona) to *Bund der Auslandsdeutsche*, 5 Jun. 1920. On the Spanish neutrality, see Marcella Aglietti, *In nome della neutralità. Storia politico-istituzionale della Spagna durante la prima guerra mondiale* (Roma: Carocci, 2017).

<sup>115</sup> Caglioti, *War and Citizenship*, pp. 196–7, 201, and 248.

violence, social isolation, financial difficulties, health problems, and the loss of their home. Regardless of the legal basis of restrictive measures, the seizure of private property resulted in the deprivation of jobs, houses, and even the most personal belongings. The armistice in late 1918 did not put an end to their suffering. Between November 1918 and September 1919, the Allies repatriated nearly all enemy aliens to their country of origin, as well as many Germans left occupied regions like Alsace-Lorraine or Western Prussia. According to the Reich Migration Office (*Reichswanderungsamt*), between late 1918 and 1920, about 200/300,000 individuals came to Germany from enemy territories.<sup>116</sup> By 1925, the number of refugees coming from lost territories or escaping from the former Russian Empire increased to 2 million.<sup>117</sup> The large majority of them also experienced the loss of private property. According to contemporary authors, the number of dispossessed Germans oscillated between 1.5 and 2 million.<sup>118</sup>

Either expelled or voluntarily fled to Germany, the majority of them were penniless once entered their country of origin. Initially, the Allies disembarked former civilian internees in the Netherlands, and only later they were admitted to Germany. Some of them found a place in ‘repatriation camps’ (*Heimkehrlager*) or refugee centers (*Flüchtlingsheim*), some others were aided by the German Red Cross or other private associations, but many others came to big cities like Berlin, Cologne, Dortmund, and Hamburg or smaller towns such as Freiburg, Düsseldorf, and Darmstadt, without receiving any assistance.<sup>119</sup> In Dortmund, for instance, the situation was desperate. The city, where more than 300,000 people lived, ‘since the beginning of the war, was the headquarters for the displaced persons and refugees, to whom everything was taken, without relatives and relations in the rest of Germany. The number of these displaced persons, who were settled in the city and region of Dortmund, runs into tens of thousands, mostly penniless people, families, and individuals, who have lived a meager existence here and are anxiously looking forward to the moment when they may receive support from the government to replace their poor household possessions and clothing.’<sup>120</sup>

<sup>116</sup> Walter Jung, “Wiederausreise der vertriebenen Auslandsdeutschen,” *Auslandswarte*, 3, 11 (1922), pp. 5-6, and Theo Schleiger, “Modern Migration of Nations,” *Foreign Affairs*, 7, 12 (Jun. 1926), p. 866.

<sup>117</sup> Jochen Oltmer, *Migration und Politik in der Weimarer Republik* (Göttingen: Vandenhoeck & Ruprecht, 2005), p. 89. On the migration from Eastern Europe, see Annemarie H Sammartino, *The Impossible Border: Germany and the East, 1914-1922* (Ithaca: Cornell University Press, 2010), pp. 96–119.

<sup>118</sup> Friedrich Wilhelm Bitter and Arnold Zelle, *No More War on Foreign Investments. A Kellogg Pact for Private Property* (Philadelphia: Dorrance & Co., 1933), p. 43.

<sup>119</sup> As for the condition of refugees in Düsseldorf and Darmstadt, see BArch, R 2/1165, *Bund der Auslandsdeutschen. Landesverband Freistaat Hessen* (Darmstadt) to Finance, 3 Sep. 1920, and *Rheinisch-Westfälischen Ortsgruppen des Bund der Auslandsdeutschen* to Central Board of the *Bund der Auslandsdeutschen* (Berlin), 8 Sep. 1920.

<sup>120</sup> BArch, R 2/1164, *Bund der Auslandsdeutschen* (Section of Dortmund) to Reconstruction, 5 Jan. 1920.

The arrival in Germany was far from being a ‘return’ to the home country. On the contrary, the idea of coming back was often a façade. Many refugees had left their country of origin many years or decades earlier, even before the foundation of the German state. What they found was a wholly different place than the country they had left. Of them, only a part kept family ties or stayed still in contact with their communities of origin, whereas many lacked real connections with Germany. In some cases, Germans abroad were born in foreign countries, had never been to Germany, or visited it only a few times on vacation.<sup>121</sup> Among the repatriated enemy subjects, furthermore, some individuals had neither German origin (such as British-, French-, Belgian-, or American-born women married to German citizens) nor citizenship of the German state. Sometimes, they did not properly speak the German language. As a result, many felt like ‘strangers in a strange land.’<sup>122</sup> Once arrived in Germany, deprived of personal assets, refugees were mostly jobless and faced with housing and food scarcity. To survive, the central and local authorities granted small subsidies, but refugees had to get into debt with the guarantee to repay loans after getting their property back. In a letter to the Board of the German Conservative Party (*Deutschnationale Volkspartei*, DNVP), one of them wrote: ‘We, old refugees who are no longer able to work, are forced to live on loans given to us by the government with the help of a major bank, against our obligation to repay the debt after receiving our property.’<sup>123</sup> Many of them had already taken out debts during the war and experienced the worsening of their situation after the armistice. In a petition to the President of the National Assembly, in February 1919, Mrs. Altenberg reported the desperate condition of her family: ‘For the month of January [1919], we were still granted the support with which I have helped myself and my three children so far, but now this aid is no longer available. All my husband’s efforts to find commercial employment have been unsuccessful [...] Since we have utterly nothing after our return from Italy, we are forced to take out new debts in addition to the old ones. [...] We have almost 20,000 marks in business debts, plus the entire interest burden of the four war years, which must be paid in arrears since I could not meet these obligations with the little aid I received.’<sup>124</sup>

In addition to economic and financial troubles, several families were socially isolated due to the lack of family or social ties to local communities, towns, or cities. After four years

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<sup>121</sup> Mai, *Die Marokko-Deutschen*, pp. 91–4.

<sup>122</sup> Stefan Manz and Panikos Panayi, *Enemies in the Empire: Civilian Internment in the British Empire during the First World War* (Oxford: Oxford University Press, 2020), p. 181.

<sup>123</sup> BArch, R 901/27248, Richard Lepach (Bad Blankenburg) to Board of the DNVP, 28 Jan. 1919.

<sup>124</sup> BArch, R 901/27248, Frau Hanna Altenberg to Eduard David (President of the National Assembly), 9 Feb. 1919.

of persecution, internment, and expulsion, their arrival in Germany and the loss of personal property resulted in deep traumas that strongly affected their spirit. In particular, the loss of ‘dignity’ and social status was among the most painful consequences of the confiscation with a huge emotive impact on victims of economic persecution. As sociologist Bernadette Atuahene has written, ‘the property confiscation resulted in the dehumanization or infantilization of the dispossessed, and so providing material compensation is not enough because they lost more than their property—they were also deprived of their dignity.’<sup>125</sup> Since the Allies expropriated each kind of private property, including objects with no economic value but having high emotive value (such as furniture, pictures, personal or family souvenirs, clothes, and so on), victims experienced both social downgrading and humiliation.<sup>126</sup>

The experience of returning to Germany worsened that kind of feeling. Instead of being welcomed as fellow citizens, as the nationalist press claimed, victims of economic warfare and refugees were seen with indifference, or even suspicion, by authorities and residents.<sup>127</sup> Unsurprisingly, the fate of refugees coming from former enemy countries passed almost unnoticed between late 1918 and mid-1919 when crucial revolutionary events, as well as political violence, were crossing Germany and the population was still suffering the economic crisis and hunger.<sup>128</sup> At the same time, refugees seemed to have little knowledge about the November Revolution and even interest in what was changing in Germany. ‘The events during the war and the revolution are completely beyond their knowledge—as an association of refugees coming from the Russian Empire claimed—since the German citizens lived in exile during this period, and then emigrated to Germany.’<sup>129</sup> Likely, indifferent to the birth of the Weimar Republic and its constitution, the main concern was surviving, and rebuilding their life as soon as possible. Throughout the 1920s, however, that indifference turned into resentment and contempt for the republican state and promoted the spread of anti-democratic and nationalist feelings.

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<sup>125</sup> Bernadette Atuahene, “Dignity Takings and Dignity Restoration: Creating a New Theoretical Framework for Understanding Involuntary Property Loss and the Remedies Required,” *Law & Social Inquiry* 41, 4 (2016), p. 796.

<sup>126</sup> On the case of refugees from Alsace-Lorraine, see the letter of one of them in Christiane Kohser-Spohn, “Die Vertreibung der ‘Altdeutschen’ aus dem Elsass 1918-1920,” in Jerzy Kochanowski et Maïke Sach, eds., *Die ‘Volksdeutschen’ in Polen, Frankreich, Ungarn und der Tschechoslowakei. Mythos und Realität* (Osnabrück: Fibre, 2006), p. 93–4.

<sup>127</sup> Matthew Stibbe, “A Forgotten Minority: The Return of the *Auslandsdeutsche* to Germany in 1919-20,” *Studies on National Movements* 5 (2020), pp. 15–6.

<sup>128</sup> Robert Gerwarth, *Die größte aller Revolutionen: November 1918 und der Aufbruch in eine neue Zeit* (München: Siedler Verlag, 2018), and Mark Jones, *Founding Weimar: Violence and the German Revolution of 1918–1919* (Cambridge: Cambridge University Press, 2016). See also N. P. Howard, “The Social and Political Consequences of the Allied Food Blockade of Germany, 1918–19,” *German History* 11, 2 (1993), pp. 161–88.

<sup>129</sup> BArch, R 2/1156, *Ausschuss der deutschen Gruppen in den Ländern Altrusslands* to Reconstruction, 1 May 1920.

After the armistice, however, nationalist organizations such as the Association for Germandom Abroad (*Verein für das Deutschtum im Ausland*, VDA) or the Institute for Germany Abroad (*Deutsche Ausland-Institut*, DAI), refugee associations, and business circles sought to draw the attention of the Republican government and political parties. In a few months, several organizations were created to represent the interests of civilian internees and dispossessed refugees who suffered the consequences of economic persecution as well. As a rhetorical strategy, all organizations embraced a nationalist tone and claimed that Germans abroad had been part of the national community due to their role as ‘pioneers of Germandom’ in the world. Although victims were far from being a homogeneous group, insisting on nationalism became the only way to gain visibility and claim financial assistance from the state. Persecution of the Allies had created ‘a sense of shared fate,’ and thus promoted the inclusion of those German-speaking people into the nationality.<sup>130</sup> But in the first half of 1919, that strategy proved to be only partly successful. Authorities were overwhelmed by petitions, letters, and pleas coming from associations, refugees, businesspeople, or ordinary people to give priority to the restitution of seized property during the peace negotiations. In particular, refugee organizations sought to be officially included in the peace delegation with a representative of victims, but all efforts were in vain.<sup>131</sup> That decision confirmed the scarce interest of the government in including them among the celebrated victims of the war. Unlike war veterans or POWs, the fate of civilian internees remained marginal in the public commemoration during the interwar decades.<sup>132</sup> As proof of that attitude, in early 1920, the cabinet decided not to publish the official report about the mistreatment of German civilians in enemy countries, the so-called ‘atrocities list’ (*Grenelliste*), unlike what happened in the Habsburg Empire during the war.<sup>133</sup>

In the end, victims of economic warfare were not able to gain enough visibility within public opinion, nor were strong enough to persuade the central government to include them among the diplomatic negotiators in Paris. Despite claiming to be a unitary category, fragmen-

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<sup>130</sup> H. Glenn Penny, *German History Unbound: From 1750 to the Present* (Cambridge: Cambridge University Press, 2022), p. 149.

<sup>131</sup> See letters in PAAA, R 23127 and R 23128.

<sup>132</sup> Stibbe, “Forgotten Minority.” On the commemoration of war veterans and POWs during the Weimar Republic, see James M Diehl, “The Organization of German Veterans, 1917-1919,” *Archiv Für Sozialgeschichte* 11 (1971), pp. 141–84, Rainer Pöppinghege, “»Kriegsteilnehmer zweiter Klasse«? Die Reichsvereinigung ehemaliger Kriegsgefangener 1919-1933,” *Militärhistorische Zeitschrift* 64, 2 (2005), pp. 391–424, and Benjamin Ziemann, *Contested Commemorations: Republican War Veterans and Weimar Political Culture* (Cambridge: Cambridge University Press, 2013).

<sup>133</sup> See documents in BArch, R 3301/2107. For the Austro-Hungarian publication, see K. K. Ministerium des Äusseren, *Sammlung von Nachweisen für die Verletzungen des Völkerrechts durch die mit Österreich-Ungarn Krieg führenden Staaten.*, 4 vols. (Wien: Aus der k. k. Hof- und Staatsdruckerei, 1915).



tation persisted among the various groups of refugees and dispossessed citizens, even at the organizational level. The official policy of the government, on the one hand, backed the widespread claim to restitution of private property and revocation of economic restrictions on a reciprocal basis and thus coincided with the interests of dispossessed citizens. Still, that unrealistic position contributed to raising false hopes and illusions about the possibility of taking the property back and re-establishing the pre-war conditions. The main interest of the government consisted of restoring the industrial and commercial capability of the country, instead of alleviating the suffering of dispossessed citizens and refugees. As a result, the government ignored the desperate situation of countless families and individuals and was blind to the reality—that is, private property was definitively lost. One of the consequences of this short-sighted choice was that the liquidation of private assets and the duty of the German state to compensate for losses burdened the Weimar Republic with a financial, economic, psychological, and emotive incalculable charge.

#### *The Law of August 1919*

Between November 1918 and May 1919, the new revolutionary cabinet was lukewarm toward the efforts to get the right to compensation recognized. In a letter to Carl Melchior, the Hamburg-based banker who was also a member of the German peace delegation, the *Reichsverband der Auslandsdeutschen* complained that, since their return, Germans abroad did not find ‘the protection and the support of the homeland , which they were entitled to receive and the latter was obliged to provide for them.’ Underlining that those ‘children of the country (*Landeskinder*) [...] have remained loyal to the motherland,’ the association denounced the poor condition of citizens whose existence had been destroyed by the enemy persecution. After the end of the war, dispossessed Germans were ‘defenseless’ (*schutzlos*) and ‘without rights’ (*rechtslos*) because, according to the association, Germans abroad were a forgotten group of nationals.<sup>134</sup> Therefore, compensation was the only way to allow those people to recover their lives and return to being productive and useful to the nation.

The requests of the association were not new as well as the rhetorical remarks concerning the economic relevance of Germans abroad. But the insistence on the category of *Auslandsdeutsche*—instead of Reich citizens—represented a slight turn toward an ethnonationalist conception of nationality. Similar demands reached the National Assembly and leadership

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<sup>134</sup> PAAA, R 23128, *Reichsverband der Auslandsdeutschen* to Carl Melchior, 8 Apr. 1919.

of various political parties.<sup>135</sup> In the first half of 1919, other petitions, press articles, and requests coming from associations (such as the DAI) echoed similar themes.<sup>136</sup> Yet, still in July 1919, the government rejected any possibility of giving a legal recognition of a right to compensation. Replying to Stresemann, who had urged Chancellor Philipp Scheidemann (MSPD) to support ‘our fellow citizens expelled by enemy countries,’<sup>137</sup> the government confirmed its reluctance. According to the Reich Ministry of the Interior, at that moment, the state had neither enough financial means nor the intention to compensate dispossessed Germans: ‘Unfortunately, there is currently no possibility or prospect of providing the Germans living abroad with public funds to restore their economic situation.’<sup>138</sup> However, that formulation sounded too downright. According to the Ministry of Finance, the answer to Stresemann should have not suggested that ‘the situation has been definitively settled.’<sup>139</sup> While denying the existence of a right to compensation, the final text of the document did not exclude the possibility to intervene somehow in the following months.

The letter of Stresemann contributed to raising the issue within the government, but the main pressure came from the Treaty of Versailles. According to Article 297 (i), the Reich ‘[undertook] to compensate her nationals in respect of the sale or retention of their property, rights or interests in Allied or Associated States.’<sup>140</sup> As mentioned above (*Chap. 1*), the Allies inserted such a provision in the treaty only to avoid charges of confiscating enemy property without compensation. Giving a semblance of legitimacy to expropriation and at the same time punishing the defeated states were the intentions of the peacemakers.<sup>141</sup> Unsurprisingly, the treaty provision left the regulation entirely to German sovereignty. At the same time, from a legal point of view, the obligation taken by Germany was an inter-state provision, which did not have an immediate impact on the dispossessed citizens. They were not entitled to be restored by the peace document. Nevertheless, the Versailles Treaty represented the first legal basis for the compensation claim. After ratifying it (July 16, 1919),<sup>142</sup> the German state incorporated the treaty into the national legislation. According to Walther Schätzel, through the rat-

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<sup>135</sup> See petitions in BArch, R 901/27248.

<sup>136</sup> PAAA, R 25846, *Hauptforderungen der Auslandsdeutschen*, May 1919, and *Rat der Reichsdeutschen im Ausland* to Foreign Affairs, 2 May 1919. See also “Die verlassenen Auslandsdeutschen,” *Magdeburgische Zeitung*, 23 Apr. 1919, and W. Baensch, “Die Auslandsdeutschen und der kommende Friede!” *Mitteilungen des Deutschen Ausland-Instituts*, 2, 6 (Jun. 1919), pp. 137–8.

<sup>137</sup> BArch, R 43-I/542, Gustav Stresemann to Philipp Scheidemann, 4 Jun. 1919.

<sup>138</sup> BArch, R 43-I/542, Reichsminister des Innern to Undersecretary of the Chancellery, 28 Jun. 1919.

<sup>139</sup> BArch, R 43-I/542, Reichsfinanzministerium to Undersecretary of the Chancellery, 13 Jul. 1919.

<sup>140</sup> For the text see <https://avalon.law.yale.edu/imt/partx.asp>.

<sup>141</sup> Caglioti, *War and Citizenship*, pp. 298–9.

<sup>142</sup> *Gesetz über den Friedensschluß zwischen Deutschland und den alliierten und assoziierten Mächten vom 16. Juli 1919*, RGBL, 1919, p. 687.

ification the international treaty became ‘Reich law’, and thus it had a direct impact on German citizens by producing a legal obligation between them and the state: ‘as a law, it is a rule given by the legislator to his subjects.’<sup>143</sup> In contrast with other German jurists who defined the treaty as unlawful, Schätzel considered it as a constitutional piece of legislation: ‘The peace treaty is not only the law but a constitutional document’.<sup>144</sup> According to the jurist, Germany needed to take advantage of the treaty in every possible way, for instance, by defending ‘the minimum of rights left to us by the peace treaty,’<sup>145</sup> to protect the national interest.

Although his interpretation was aimed to oppose the actions taken by France and Poland which violated citizenship provisions for the ceded territories, acknowledging the incorporation of the treaty into national legislation also had an impact on the right to compensation. This was clearly stated in a legal opinion that Walther Schücking, at that time professor of International Law at the Marburg University, wrote for the *Schutzverband für deutsche Auslandsforderungen*, an economic association representing German creditors damaged by the Allied measures.<sup>146</sup> The distinguished legal scholar argued that the Treaty of Versailles did not grant directly dispossessed German citizens the right to be restored. According to Schücking, being an international document, it only concerned rights and obligations between states, whereas the juridical relationship between state and citizens remained untouched.<sup>147</sup> However, through the ratification law, the Reich had fully implemented the treaty. In this way, it generated the state obligation to compensate its citizens and thus it gave full ‘enforceability’ (*Klagbarkeit*) to the law.<sup>148</sup> According to the legal opinion of Schücking, therefore, this represented the fundamental legal ground for the compensation claim. However, Schücking conceded that something more was needed. The ultimate acknowledgment could come only from a national law implementing more closely the peace treaty provisions, which should have been approved by the Reichstag.

This was the Law on Expropriation and Compensation on the Occasion of the Peace Treaty between Germany and the Allied and Associated Powers (*Gesetz über Enteignungen und Entschädigungen aus Anlass des Friedensvertrags zwischen Deutschland und den alliierten und assoziierten*

<sup>143</sup> Walther Schätzel, “Der Friedensvertrag als Reichsgesetz,” *Deutsche Juristen-Zeitung* 25, 3–4 (1920), p. 196.

<sup>144</sup> *Ibid.*, p. 198.

<sup>145</sup> *Ivi.*

<sup>146</sup> The text of the legal opinion was sent to the Minister of Finance, see BArch, R 2/867, *Schutzverband für deutsche Auslandsforderungen* to Reichsfinanzministerium, 5 Nov. 1919.

<sup>147</sup> Walther Schücking, “Die Entschädigung der Deutschen Reichsangehörigen hinsichtlich der Liquidation oder Zurückbehaltung ihres Eigentums, ihrer Rechte oder Interessen in den feindlichen Ländern,” *Zeitschrift für Völkerrecht* 11 (1920), pp. 555–7.

<sup>148</sup> *Ibid.*, p. 558.

*Mächten*, August 31, 1919),<sup>149</sup> passed by the National Assembly at the end of August 1919. Among the others, that piece of legislation accorded German citizens who had been dispossessed by the peace treaty provisions—including those who had been dispossessed without compensation in the ceded regions (§8)—the right (*Anspruch*) to receive an ‘adequate compensation’ (*angemessene Entschädigung*) by the Reich (§6.1). According to the law, an *ad hoc* parliamentary commission would have supervised the procedures of compensation, especially in case of derogation from the principle of ‘adequate compensation’ (§6.3).<sup>150</sup> The law represented a fundamental turning point. For the first time, the right to compensation for war damages that occurred outside of the national borders was recognized by the German state. Several factors were behind this decisive change in the government’s stance.

First of all, the Treaty of Versailles played a crucial role in forcing the government to intervene. The law passed on August 31, 1919, was part of the policy of ‘fulfillment’ (*Erfüllung*) launched by the cabinet of Gustav Bauer (MSPD).<sup>151</sup> The new government demonstrated to be interested in the issue of dispossessed Germans, and more generally in the role played by citizens abroad for the commercial recovery of the country. At the end of July, presenting the cabinet program on foreign affairs at the National Assembly, the Minister of Foreign Affairs Hermann Müller (MSPD) underlined the relevance of the economy for the future of Germany: ‘In the coming decades, foreign policy will have to be first and foremost economic policy.’<sup>152</sup> This was especially true in the case of the Germans abroad. Müller did not want to raise the issue concerning the legitimacy of the liquidation of German property, but he argued that the confiscatory policies pursued by the Allies were ‘neither honorable nor wise.’ Overall, it was an obstacle to the reconstruction of the ‘world economy’, and ultimately of peace. ‘When the spirit of true neutrality will dominate all peoples when everywhere the cult of violence will be outlawed forever, reconciled peoples will be able to develop all productive forces for the benefit of all mankind, which is what we bitterly need. The time must be over when peoples looked at each other through the gas mask; we must also get out of the spiritual wire jam. Trade and economy must be resumed.’<sup>153</sup> After this call for economic peace, one of the most important goals of the German foreign policy should be supporting the ‘German merchant’ to recover his position and to re-establish economic relations with former enemy countries.

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<sup>149</sup> RGBl, 1919, p. 1527.

<sup>150</sup> For the preparatory works see documents in BArch, R 2/2570.

<sup>151</sup> Cf. Peter Krüger, *Die Aussenpolitik der Republik von Weimar* (Wissenschaftliche Buchgesellschaft, 1985), pp. 89–95.

<sup>152</sup> Proceedings of the National Assembly, 23 Jul. 1919, p. 1858.

<sup>153</sup> *Ivi.*

More than anything, the efforts of diplomacy should have been addressed to rebuild the German position in the global economy. ‘Serious efforts will be required if we are to gradually regain our former place in the world economy. To this end, it is necessary above all to relaunch our internal economic life through a sufficient supply of food and raw materials, in which the use of private credit will be of essential help.’<sup>154</sup>

Müller was clearer a few days later. While presenting the measure about compensation for war damages at the National Assembly, the socialist statesman argued that helping Germans abroad was in the ‘public interest’ of the country.<sup>155</sup> His words revealed that the socialist statesman was aware of the crucial role played by the economic and financial networks in international relations. In the early 1920s, Müller was a key personality in the development of the German (and social-democratic) foreign policy.<sup>156</sup> Müller was also one of the primary proponents of the reforms that involved the diplomatic service between 1917 and 1920, as a recent report of the Munchen-based *Institut für Zeitgeschichte* underlined. The German Ministry of Foreign Affairs focused its attention on the economic, commercial, and financial domains, which were regarded as crucial for national reconstruction in the post-war years, thanks to the so-called Schüler reforms—named after the diplomatic staff director Edmund Schüler.<sup>157</sup> The issue of Germans living abroad was to be taken seriously within this aim of economic and financial recovery. Not by chance, a few days after the answer to Stresemann regarding the compensation issue, the Undersecretary of the Chancellery Heinrich Friedrich Albert asked the Ministry of Finance and the Ministry of Foreign Affairs to discuss the matter of Germans abroad at the cabinet session on July 29.<sup>158</sup> On that day, the government decided to reallocate immediately 5 million marks in support of *Auslandsdeutsche*.<sup>159</sup>

Matthias Erzberger (Zentrum), the Minister of Finance, was another cabinet member who was committed to giving financial assistance to Germans abroad. Serving as head of the armistice delegation in 1918-19, the Catholic politician had the possibility of investigating the

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<sup>154</sup> Proceedings of the National Assembly, p. 1859.

<sup>155</sup> Proceedings of the National Assembly, 19 Aug. 1919, p. 2592.

<sup>156</sup> Rainer Behring, “Hermann Müller und die Außenpolitik der Weimarer Republik,” in Andreas Braune and Michael Dreyer, eds., *Weimar und die Neuordnung der Welt: Politik, Wirtschaft, Völkerrecht nach 1918* (Stuttgart: Franz Steiner Verlag, 2020), pp. 3–25.

<sup>157</sup> Lars Lehmann *et al.*, “Ein Sozialdemokrat im Auswärtigen Amt: Gutachten des Instituts für Zeitgeschichte zur Bedeutung Hermann Müllers für die Außenpolitik der Weimarer Republik,” *Vierteljahrshefte für Zeitgeschichte* 69, 1 (2021), pp. 142–6. On the Schüler reforms see Krüger, *Die Aussenpolitik*, pp. 23–30. For a general overview of Müller’s positions in the foreign affairs see Peter Reichel, *Der tragische Kanzler: Hermann Müller und die SPD in der Weimarer Republik* (München: dtv Verlagsgesellschaft, 2018), pp. 123–43.

<sup>158</sup> BArch, R 43-I/542, Heinrich Friedrich Albert to Finance and Ministry of Foreign Affairs, 28 Jul. 1919.

mistreatment of German civilians in Allied countries, particularly in Belgium and France as well as in the Alsace-Lorraine (*see Chap. One*). In this regard, personal connections to August Thyssen, whose company had suffered significant losses in France and Alsace-Lorraine, contributed to raising his attention to the treatment of German property abroad and the need to compensate victims of expropriation.<sup>160</sup> Furthermore, his fiscal reforms were not only aimed at reaching budgetary consolidation. They also redefined the rights and duties of citizens living abroad, who were obliged to pay taxes equally to nationals residing in Germany.<sup>161</sup> Actually, during the presentation of his bill at the National Assembly on August 12, 1919, the Catholic statesman underlined that the new tax on property (the so-called *Reichsnotopfer*) also was instrumental in rebuilding the commercial fleet and compensating the Germans dispossessed by the Allies. By achieving these two goals as soon as possible, the Reich could start the ‘resumption of its world economic affairs.’ Concerning Germans abroad, Erzberger stressed their relevance to the national economy and promised advance payments on compensation:

*All assets which the Germans abroad and the German merchants abroad possessed before the war have been taken over by the enemy. It is in the urgent interest of the national economy to re-establish relations between the German economy and the rest of the world. We must consider the steps to be taken to make the private property of our citizens abroad available again with the greatest possible haste in such a way that the state gives the Germans abroad compensation advances for the liquidated assets abroad.*<sup>162</sup>

After that declaration, the *Bund der Auslandsdeutschen* expressed its admiration for the determination of Erzberger.<sup>163</sup> Three days later, the Ministry of Foreign Affairs presented to the National Assembly the bill concerning the implementation of the peace treaty provisions in the matter of expropriations. The bill included a provision that acknowledged the right to compensation for citizens whose property had been liquidated by the Allies.<sup>164</sup> The budget commission of the National Assembly introduced a few changes (the expression ‘adequate

<sup>159</sup> BArch, R 43-I/542, *Auszug aus dem Protokoll der Sitzung des Reichsministeriums vom 29. Juli 1919*. The minutes are not fully reported on the Akten der Reichskanzlei. Weimarer Republik Online: [https://www.bundesarchiv.de/aktenreichskanzlei/1919-1933/vpa/bau/bau1p/kap1\\_2/kap2\\_34/para3\\_5.html](https://www.bundesarchiv.de/aktenreichskanzlei/1919-1933/vpa/bau/bau1p/kap1_2/kap2_34/para3_5.html).

<sup>160</sup> Manfred Rasch and Gerald D. Feldman, eds., *August Thyssen und Hugo Stinnes: ein Briefwechsel 1898-1922* (München: C.H.Beck, 2003), pp. 96–8.

<sup>161</sup> Eli Nathans, *The Politics of Citizenship in Germany Ethnicity, Utility and Nationalism* (New York: Berg, 2004), p. 189.

<sup>162</sup> Matthias Erzberger, *Reden zur Neuordnung des deutschen Finanzwesens, vom Reichsminister der Finanzen Erzberger* (Berlin; R. Hobbing, 1919), p. 40. See also Verhandlungen der Nationalversammlung, 77. Sitzung (12. August 1919), Band 329, p. 2364.

<sup>163</sup> BArch, R 43-I/542, *Landesverband Württemberg* to Gustav Bauer, 27 Aug. 1919 and *Bund der Auslandsdeutschen* (Abt. Rumänien) to the Reich government, 8 Sept. 1919.

<sup>164</sup> Verhandlungen der Nationalversammlung, Aktenstück 894, *Entwurf eines Gesetzes über Enteignungen und Entschädigungen aus Anlaß des Friedensvertrags zwischen Deutschland und den alliierten und assoziierten Mächten*, Band 338, pp. 850–3.

compensation,’ and the parliamentary control on the administrative procedures).<sup>165</sup> With these two amendments, the commission applied principles which were two pillars of the new republican constitution approved just a few days before (August 11); that is, the ‘adequate compensation’ according to Article 153 and making the Reichstag the actual check and balance of the executive power. During the debate, the parties forming the so-called Weimar coalition (MSPD, Zentrum, DDP) together with the Independent Socialists (USPD) defended the bill against the attacks coming from the far-right.<sup>166</sup> Alfred Hugenberg (DNVP) criticized the proposal because it did not contain definitive provisions regarding the implementation of compensation. In addition to that, Hugenberg attacked the government—and in particular Erzberger—because by presenting the bill the cabinet was giving full legitimacy to the confiscations of the Allies which violated international law.<sup>167</sup> In replying to Hugenberg, the Minister of Finance reaffirmed the commitment to pay as soon as possible compensation to restore private losses. Furthermore, as Erzberger added, Germans abroad were ‘skilled pioneers of German work’ whose claim to compensation had not only an individual relevance. They also contributed to the ‘common good’ (*allgemeinen Besten*),<sup>168</sup> while the dispute over the legitimacy of enemy liquidation was a waste of time. It was Ludwig Haas (DDP), a Democratic lawyer and politician close to war veterans, who stressed the importance of the law in recognizing the right to compensation: ‘Section 8 of the Law on Expropriation provides the opportunity for the real compensation procedure to be initiated and carried out at long last.’<sup>169</sup> In particular, the Liberal Democratic lawmaker stressed that his party was doing something more concrete in support of Germans abroad than the nationalist right-wing opposition. Finally, Haas urged the administration to pay generously and quickly compensation to allow dispossessed Germans to recover their lives and be advantageous for the nation. ‘The law provides for the possibility that advances may also be paid out. I would like to see this being used in a liberal manner. If the state does have to pay, then it should pay as quickly as possible. We are also extremely interested in this from an economic point of view. (*Very right! by the German Democrats.*)

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<sup>165</sup> Verhandlungen der Nationalversammlung, Aktenstück Nr. 969, *Mündlicher Bericht des Ausschusses für den Reichshaushalt über den Entwurf eines Gesetzes über Enteignungen und Entschädigungen aus Anlaß des Friedensvertrags zwischen Deutschland und den alliierten und assoziierten Mächten* (Nr. 894 der Drucksachen), Band 338, p. 965.

<sup>166</sup> On the cooperation among parties at the National Assembly see Thomas Mergel, *Parlamentarische Kultur in der Weimarer Republik: Politische Kommunikation, symbolische Politik und Öffentlichkeit im Reichstag* (Berlin: Droste Verlag, 2002), pp. 41–80.

<sup>167</sup> Verhandlungen der Nationalversammlung, 84. Sitzung (20. August 1919), Band 329, pp. 2678–9. On the radical anti-republican stance of Hugenberg, who also was a strong personal opponent of Erzberger, see John A. Leopold, *Alfred Hugenberg: The Radical Nationalist Campaign Against the Weimar Republic* (New Haven and London: Yale University Press, 1977), pp. 20–1.

<sup>168</sup> *Ibid.*, p. 2683.

<sup>169</sup> *Ibid.*, p. 2685.

In many cases, we are dealing here with people who will again work in the interests of the Reich in an extraordinarily valuable way, and we must put them in a position where they can resume their work as quickly as possible.<sup>170</sup>

*The Rhetoric of Rights, Victimhood, and National Belonging*

The approval of the law represented a relevant turning point since the right to compensation was definitively recognized. The legal foundation was twofold, Article 297 (i) of the peace treaty and the law of August 31, 1919. Surprisingly, though its punitive spirit, the Treaty of Versailles also had a ‘positive’ impact on dispossessed Germans, who could find the legal ground for their claim in those provisions. Usually described as an illegitimate ‘Diktat’ violating elementary principles of international law (such as the respect of private property),<sup>171</sup> the peace treaty became a legal and rhetorical weapon that dispossessed Germans leveraged to force the Reich to pay them compensation (*see Fig. 6.3*). The role of the peace treaty confirmed the relevance of international law in the public discourse, also in the domestic sphere.<sup>172</sup>

While the Versailles Treaty represented the ‘external constraint’, the legislation passed by the National Assembly applied constitutional principles in favor of that category of citizens. The law of August 1919 belonged to the Weimar constitutional and democratic laboratory.<sup>173</sup> In particular, the right to compensation for war damages abroad belonged to the ‘fundamental rights euphoria’ (*Grundrechtseuphorie*),<sup>174</sup> which spread after the war in Germany. As the legal historian Christoph Gusy pointed out, in those dramatic months, rights were the only things that the new republican leadership could give to Germans. Indeed, the National Assembly also adopted the ‘method of promise’ toward victims of economic persecution.<sup>175</sup> Thus, the law expanded the application field of traditional rights contained in the Weimar Constitution. In particular, the law combined fundamental constitutional guarantees such as

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<sup>170</sup> *Ivi*.

<sup>171</sup> Thomas Lorenz, »Die Weltgeschichte ist das Weltgericht!«: Der Versailler Vertrag in Diskurs und Zeitgeist der Weimarer Republik (Frankfurt: Campus Verlag GmbH, 2008).

<sup>172</sup> On the rhetoric presence of the treaty of Versailles see Michael M Payk, *Frieden durch Recht? Der Aufstieg des modernen Völkerrechts und der Friedensschluss nach dem Ersten Weltkrieg* (Oldenbourg: De Gruyter, 2018).

<sup>173</sup> Christoph Gusy, *100 Jahre Weimarer Verfassung: Eine gute Verfassung in schlechter Zeit* (Tübingen: Mohr Siebek, 2018). Cf. Jörg-Detlef Kühne, *Die Entstehung der Weimarer Reichsverfassung: Grundlagen und anfängliche Geltung* (Düsseldorf: Droste Verlag, 2018) and Udo Di Fabio, *Die Weimarer Verfassung. Aufbruch und Scheitern: eine verfassungshistorische Analyse* (München: Beck, 2019). For a general overview of the recent publications see Alessandra Di Martino, “Studi di storia costituzionale pubblicati in occasione del centenario della costituzione di Weimar (1919-2019),” *Nomos* 8, 3 (2019), pp. 1–20.

<sup>174</sup> Christoph Gusy, “Die Grundrechte in der Weimarer Republik,” *Zeitschrift für neuere Rechtsgeschichte* 15 (1993), p. 164.

<sup>175</sup> Andreas Wirsching, “La Costituzione di Weimar tra svolta democratica e cultura del ricordo,” in Christoph Cornelissen and Gabriele D’Ottavio, eds., *La Repubblica di Weimar: democrazia e modernità* (Bologna: Il Mulino, 2021), p. 32.



equality among citizens (Article 109), diplomatic protection (Article 112), or providing adequate compensation in case of expropriation (Article 153). Another remarkable aspect was represented by the social significance of the right to compensation. Similarly to the case of war damages reparation in France, Belgium, or Italy,<sup>176</sup> if individuals were entitled to be restored, their recovery was relevant for the national community as a whole, since it could benefit from the reconstruction of economic and financial networks. By expanding rights and granting them diplomatic protection in financial terms, the new democratic state sought to include Germans abroad within the national community in contrast with the reluctance of the previous Wilhelmine regime.<sup>177</sup>

Furthermore, at the end of 1919, the National Assembly amended the bill regarding the new taxation granting special provisions to *Auslandsdeutsche*. It established that Germans abroad were exempted from new taxes, while dispossessed citizens could receive tax-free compensation for personal property losses of up to 50,000 marks.<sup>178</sup> The new state was openly seeking to gain the loyalty of groups of citizens who had played a crucial role in the nationalistic discourse. In the 1920s and 1930s, adopting legalistic rhetoric based on constitutional rights, the associations took advantage of this. They insisted on the ‘legal promise’ given by the new republican regime to support the claim to financial restoration (*see Fig. 7.2*).<sup>179</sup>

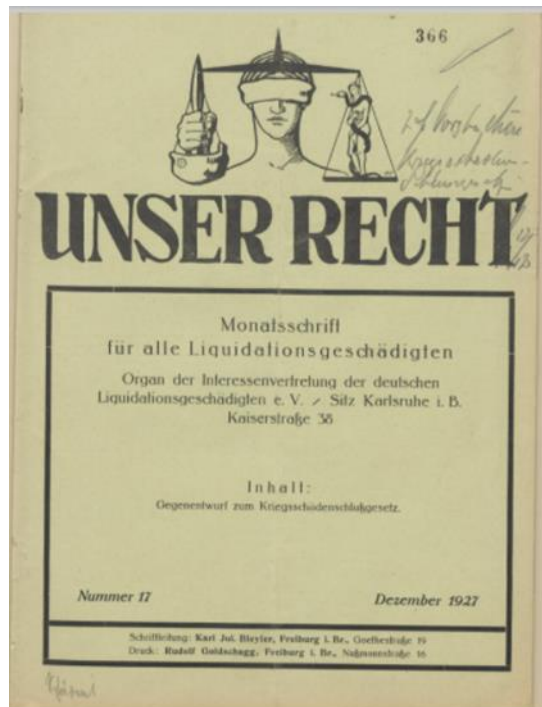
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<sup>176</sup> Guillaume Richard, “Effacer la guerre? Une comparaison entre la France, la Belgique et l’Italie à propos de l’indemnisation des dommages de guerre,” in David Deroussin, ed., *La Grande Guerre et son droit* (Issy-les-Moulineaux: LGDJ, 2018), pp. 368–70.

<sup>177</sup> See Pohl, “Rechtsschutz,” pp. 582–6, where the author called for a larger diplomatic protection of the new democratic state.

<sup>178</sup> R. Wrzeszinski, *Die Auslandsdeutschen und das Reichsnotopfer* (Berlin: De Gruyter, 1920).

<sup>179</sup> See also *Das neue Kriegsschäden-Schlußgesetz u. die Reichsverfassung. Eine Vorfrage*, in BArch, R 3001/7372.



[Fig. 7.2, *Unser Recht*, December 1927]

The associations seized the opportunity given by the ‘democratic moment’ in 1919 to achieve their goal.<sup>180</sup> Furthermore, they could take the opportunity to redefine the citizenship status of some categories of Germans. In a similar manner to the war disabled,<sup>181</sup> or the military POWs,<sup>182</sup> that group sought to be acknowledged as a ‘victim’ (*Opfer*) due to their ‘sacrifice’ and ‘suffering’ during the war, too. Such a ‘rhetorical victimhood’ was instrumental in reaching a twofold purpose. On the one hand, rhetoric on victimhood was instrumental in empowering claims of financial restoration and, on the other hand, holding the category of ‘victims’ together, overcoming numerous divisions among them.<sup>183</sup> As pointed out by Greg A. Eghigian, the ‘victim status thus represented a kind of cultural capital in the Weimar social state,’<sup>184</sup> while the suffering ‘simultaneously became, like currency, a medium of social relations within the social state.’<sup>185</sup> By insisting on that kind of idea, civilian internees, refugees, and displaced Germans

<sup>180</sup> Tim B. Müller and Adam Tooze, eds., *Normalität und Fragilität. Demokratie nach dem Ersten Weltkrieg* (Hamburg: Hamburger Edition, 2015).

<sup>181</sup> James M Diehl, “The Organization of German Veterans, 1917-1919,” *Archiv Für Sozialgeschichte* 11 (1971), pp. 141–84.

<sup>182</sup> Rainer Pöppinghege, “»Kriegsteilnehmer zweiter Klasse«? Die Reichsvereinigung ehemaliger Kriegsgefangener 1919-1933,” *Militärgeschichtliche Zeitschrift* 64, 2 (2005), pp. 391–424.

<sup>183</sup> Richard, “Dommages de guerre,” pp. 31–2.

<sup>184</sup> Greg A. Eghigian, “The Politics of Victimization: Social Pensioners and the German Social State in the Inflation of 1914-1924,” *Central European History* 26, 4 (1993), p. 382.

<sup>185</sup> *Ibid.*, pp. 400–1.

sought to obtain the financial support of the state. However, those groups were weaker than war-disabled or POWs. The fragmentation of the associations, the reduced strength in terms of number, and the inability to occupy the public sphere were structural limits of their claims.<sup>186</sup> Furthermore, civilian internees, displaced people, or refugees could not present themselves as ‘frontline soldiers’ (*Frontkämpfer*), as well as they were not at the top of the rhetorical hierarchy of the war memory. Thus, they needed to stress their economic and political role to be considered full members of the ‘people community’ (*Volksgemeinschaft*).<sup>187</sup>



[Fig. 7.3, Example of the strategic use of the Treaty of Versailles, *Unser Recht*, December 1927]

Remarkably, the new republican leadership adopted an approach partly similar to nationalism since Erzberger and Müller combined economic nationalism, organicism, and republican patriotism. The awareness that representatives of the democratic parties showed about the role played by citizens living abroad, especially in the economic and financial sphere, was remarkable. In this sense, they proved to be more attentive to the status of Germany within the ‘world economy’ than the previous Wilhelmine leadership. Although the latter had been accused of being imperialistic, militarist, and ‘ultra-nationalist’, the new republican leaders also had assimilated the pre-war nationalist rhetoric concerning the Germanness abroad as well as the organicist conception of the relations between state and individuals. Without significant distinctions between Social Democrats, Catholics, Liberal Democrats, National Liberals, or Nationalist Conservatives, the major political parties stressed the connection between the need to rebuild the global position of Germany to the relevance of victims of economic persecution (regardless of being *Auslandsdeutsche*, *Kolonialdeutsche*, or *Grenlandsdeutschen*), who were considered as members of the nation, even if they were not always Reich citizens. However, national membership deriving from Reich citizenship or based on ethnic principles was not enough.

<sup>186</sup> For the role of war veterans, war disabled, and POWs in the public sphere see Ziemann, *Contested Commemorations*, pp. 34–8.

<sup>187</sup> For the case of military POWs see Pöppinghege, “»Kriegsteilnehmer zweiter Klasse«“, pp. 394–7, 415–7. On the ‘myth of 1914’ and the people’s community, see Jeffrey Verhey, *The Spirit of 1914: Militarism, Myth, and Mobilization in Germany* (Cambridge: Cambridge University Press, 2000), and Michael Wildt, *Volk, Volksgemeinschaft, AfD* (Hamburg: Titel, 2017).

According to a nationalist and organicist vision, the inclusion of Germans abroad was instrumental to the national interest, which consisted of the economic reconstruction in the 1920s. Humanitarian worries were secondary. This ‘functionalist’ belonging to Germany also contained a discriminatory principle. Dispossessed Germans deserved the most consistent financial support insofar as they were considered convenient to the state goals. Otherwise, their compensation was limited. By adopting such a perspective, Erzberger, Müller, and Haas were not far from the plan proposed by the *Reichskommissar* in 1916. However, that kind of conception was not compatible with the constitutional principles which inspired the right to compensation. Finding a compromise between conflicting claims would have been challenging.

Due to its vagueness, the law of August 1919 left several other issues unsolved. For instance, there were some doubts concerning the extent of the compensation or the currency to use. According to Schücking, the Reich was obliged to pay *at least* the sum corresponding to the proceeds of the liquidation in the enemy country by using foreign currency.<sup>188</sup> On the contrary, Felix Pinner—the economic journalist of the *Berliner Tageblatt*—argued that the ‘adequate compensation’ did not correspond to the generous amount indicated by Schücking. ‘Instead, adequate compensation does not mean full compensation or full restitution of what the Reich itself has obtained on the expropriated objects. Reasonable compensation means compensation taking into account all the circumstances present in each individual case.’<sup>189</sup> According to Pinner, the Reich was free to determine the extent of compensation, without being conditioned by the actions of foreign countries.<sup>190</sup> Following the legal doctrine and jurisprudence, a jurist argued that compensation should have corresponded to the value of the asset at the time of liquidation, not to its pre-war value.<sup>191</sup> The case of German citizens dispossessed by Poland was another matter of dispute. According to Article 92 (4) of the peace treaty, the Polish state had to compensate them by paying the proceeds of the liquidation. Nevertheless, the associations representing damaged citizens asked the Reich to include that category, since the sums granted by Poland were insignificant.<sup>192</sup>

In the post-war years, the struggles on the extent of the right to compensation would have multiplied. While the citizens entitled to compensation made references to the Treaty of

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<sup>188</sup> Schücking, “Die Entschädigung der Deutschen Reichsangehörigen“, pp. 561–2.

<sup>189</sup> Felix Pinner, “Die Entschädigung der Deutschen Auslandsgläubiger (I),” *Berliner Tageblatt*, 15 Nov. 1919.

<sup>190</sup> Felix Pinner, “Die Entschädigung der Deutschen Auslandsgläubiger (II),” *Berliner Tageblatt*, 17 Nov. 1919.

<sup>191</sup> Dr. Schauer, “Entschädigungspflicht des Reichs,” *Nachrichtenblatt des Bundes der Auslandsdeutschen*, 1, 6 (1919), pp. 41–2.

<sup>192</sup> PAAA, R 266612, *Zentralverband des Deutschen Bank- und Bankierygewerbes. Sonderausschuß für Hypothekenbankwesen* to Ministry of Foreign Affairs, 2 Aug. 1920.

Versailles and the Weimar Constitution to defend their claims, the German state sought to restrict the right conceded in 1919 as much as possible. It was clear that a huge gap separated the promise contained in the law of August 1919 and the concrete possibility of implementing that right. After the end of the war, the registration of damages caused by the liquidation of German property rose quite rapidly. In November 1918, the *Reichskommissar zur Erörterung von Gewalttätigkeiten gegen deutsche Zivilpersonen in Feindesland* had received more than 52,000 applications for war damages consisting of 5.3 billion marks.<sup>193</sup> In January 1919 the damages amounted to 6.1 billion,<sup>194</sup> in March it corresponded almost to 7 billion.<sup>195</sup> In 1919, the administration predicted that the total amount oscillated between 20-25 billion (without considering private losses in Poland),<sup>196</sup> and two years later it rose to 35 billion marks.<sup>197</sup> The financial burden was unbearable. One year after the approval of the law, according to the Ministry of Foreign Affairs, the only possibility of restoring private losses was entering diplomatic negotiations with former enemy countries for the restitution of seized property and then including the amount of compensation into the reparations scheme.<sup>198</sup> The Ministry of Finance sought to restrict the right to compensation, amending the law of August 1919. According to a report that the Ministry prepared in the summer of 1920, the obligation to compensate dispossessed Germans was 'unattainable' (*unerfüllbar*), and the expectation that the Reich could be held responsible for all private losses that occurred during the war was impracticable. 'A compensation for all hardships is unfortunately impossible. The viewpoint that the state is obliged to compensate for all damages cannot be seriously maintained if compared to countless Germans who are currently suffering from great unavoidable difficulties.'<sup>199</sup> The Ministry of Finance also warned about the danger of promising the state's support for all victims of losses. Promises made by ministers, lawmakers, or associations could be 'slogans against the government' (*Kampfpapare gegen die Regierung*) that could result in negative consequences for state finances. Although exaggerating, the Ministry of Finance argued that the restoration of private losses was incompatible with the economic survival of the German state. The cabinet dismissed those claims and

<sup>193</sup> BArch, R 904/144, *Zusammenstellung der beim Reichskommissar zur Erörterung von Gewalttätigkeiten pp. Angemeldeten Schäden*, Stand 20.11.1918.

<sup>194</sup> BArch, R 904/523, *Zusammenstellung der beim Reichskommissar zur Erörterung von Gewalttätigkeiten pp. Angemeldeten Schäden*, Stand 1. Januar 1919.

<sup>195</sup> BArch, R 904/145, *Zusammenstellung der beim Reichskommissar zur Erörterung von Gewalttätigkeiten gegen deutsche Zivilpersonen in Feindesland angemeldeten Schäden*, 1. März 1919.

<sup>196</sup> BArch, R 2/1039, *Denkschrift über die deutschen vermögensrechtlichen Ansprüche gegen das feindliche Ausland*, Feb. 1919.

<sup>197</sup> PAAA, R 60398, Finance to Foreign Affairs, 19 Apr. 1921.

<sup>198</sup> BArch, R 2/1024, *Aufzeichnung über die Behandlung des deutschen Eigentums im feindlichen Ausland und die Abdeckung der deutschen Debetsalden im Ausgleichsverfahren (Artikel 296, 297, 298 des Friedensvertrages)*, 21 Aug. 1920.

<sup>199</sup> BArch, R 43-I/793, *Denkschrift über Finanzielle Belastung des Reichs durch Entschädigungen an Reichsangehörige anlässlich des Krieges und des Friedensvertrages und Notwendigkeit ihrer Beschränkung* sent by the Reichsfinanzministerium to the Chancellery, 28 Aug. 1920.

chose not to change the legislation that the National Assembly had approved one year earlier. What the Ministry of Finance report revealed was that the state administration was unwilling to respect legal obligations and submit to the parliamentary control but preferred to adopt discretionary criteria and discriminatory procedures. In the 1920s, finding a compromise among the various interests at stake proved to be a very difficult challenge, as the Liberal Democrat lawmaker Hermann Dietrich confirmed. 'It was a very difficult task to find a balance between the interests of the displaced persons and victims [of the economic persecution] and, on the other hand, the financial situation of the German Reich.'<sup>200</sup>

### 7.3 The Legislation on Compensation during the 'Great Disorder' (1919-1923)

#### *The Pre-Compensation (1919-1922)*

Through compensation for war damages that occurred abroad, Germany pursued a twofold goal. On the one hand, compensation was intended to prompt the return to foreign countries of Germans who had lived abroad until 1914. As the Ministry of Reconstruction stated, 'the Reich has a considerable interest in ensuring that Germans overseas come back to foreign countries in as large a number as possible.'<sup>201</sup> Authorities sought to rebuild international trade and re-establish economic and financial networks with foreign countries. At the same time, the state needed to curb the financial burden of social assistance and reduce unemployment, diminishing the pressure on the labor market.<sup>202</sup> On the other, the legislation on compensation was also intended to reach social goals. Alleviating the precarious conditions of dispossessed Germans became more and more a pressing need. Many of them had lost almost everything, displaced persons resided in refugee camps set up by public authorities and the Red Cross, while several Germans lacked social or familiar networks in their country of origin. Furthermore, due to the restrictions imposed by the Allies against former enemy citizens, coming back to former countries of residence was often impossible. Thus, they could try to emigrate to other places or rebuild a new life in Germany. By contrast, refugees and displaced persons coming from ceded territories or colonies could not return at all and were forced to stay in Germany. Only thanks to compensation could they rebuild their lives and social standing. Compensation for victims of economic persecution turned into a device of social inclusion and became a way to get out of poverty for countless refugees and displaced persons

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<sup>200</sup> Proceedings of the Reichstag, 7 Jul. 1921, p. 4533.

<sup>201</sup> BArch, R 2/1165, Reconstruction to *Staatsrat für Anhalt*, 16 Sep. 1920.

To achieve this twofold goal, the administration developed an intricate system of categorization and differentiation of financial support that consisted of bonuses, incentives, special subsidies, loans at low rates, and so on. Indeed, before parliament enacted the first law on the subject, it was the administration that oversaw the pre-compensation procedures. Creating such a classification, however, the German state split the unitary right to compensation into several ‘rights’ granted to various categories and groups. The financial and economic crisis exacerbated this process of classification and differentiation, especially in the first half of the 1920s. Due to the lack of means, categorization was the only way for Germany to achieve its economic and social goals but resulted in a never-ending struggle with the victims and their associations regarding the criteria for the allocation of resources. Furthermore, the administration—especially the Ministry of Finance—privileged a discretionary approach in allocating funds, which violated the legislative provisions and avoided parliamentary control.<sup>203</sup> Differentiation among citizens, coexistence of social and economic purposes, and violation of constitutional and democratic principles were the main ingredients of the legislation of compensation for war damages.

The first draft regulating the compensation matter was prepared by the Ministry of Economy—led by the Social Democratic Robert Schmidt—in mid-August 1919, while the National Assembly was still discussing the bill concerning the right to restoration. According to Schmidt, it was necessary to face the issue as quickly as possible.<sup>204</sup> In that document, the Ministry of Economy summarized many essential aspects of future legislation. According to the draft, the Reich could pay advances on compensation consisting of half the value of the damage, but in the case of ‘resumption of business,’ the sum could be raised to three-quarters of the damage. At the same time, it was possible to concede one-off grants in favor of individuals living in precarious conditions. Allocating 25 million marks, the decree was aimed to support especially members of the lower classes, such as workers, or small traders, who had completely lost their property. Furthermore, by giving immediate cash aid, the Ministry of Finance wished to alleviate the economic difficulties and also facilitate their return abroad as soon as possible.<sup>205</sup> But Erzberger rejected the draft, defining it as inadequate and unsatisfac-

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<sup>202</sup> Hiden, *The Weimar Republic and the Problem of the Auslandsdeutsche*, p. 280.

<sup>203</sup> For the case of the Ministry of Finance during the Weimar Republic see Stefanie Middendorf, “Staatsfinanzen und Regierungstaktiken: Das Reichsministerium der Finanzen (1919 – 1945) in der Geschichte von Staatlichkeit im 20. Jahrhundert,” *Geschichte und Gesellschaft* 41, 1 (2015), pp. 140–68.

<sup>204</sup> BArch, R 43-I/542, Economy to Chancellery, 16 Aug. 1919.

<sup>205</sup> BArch, R 43-I/542, *Entwurf eines Gesetzes über die Zahlung von Vorschüssen und Unterstützungen für Kriegsschäden im Ausland*.

tory in terms of financial resources.<sup>206</sup> The right to compensation was finally acknowledged by the National Assembly in August, while a few days later the ‘parliamentary budget committee’ (*Haushaltsausschuß*) passed a resolution presented by the Ministry of Finance. The government promised to allocate 9 billion marks to restore dispossessed Germans. A few months later, after negotiations with the Ministry of Finance and the *Bund der Auslandsdeutschen*, Schmidt finally presented two new draft decrees regulating the compensation scheme,<sup>207</sup> which the cabinet approved on October 17, 1919.<sup>208</sup> They became the fundamental piece of legislation. The two-fold purpose was explicitly defended by the official report:

*From the point of view of general economic policy, it would seem advisable to speed up as much as possible the implementation of a generous aid program for the entire German diaspora abroad, not only in order to relieve the most urgent distress of individual Germans, but also to enable national foreign trade to resume its activities abroad as soon as possible.*<sup>209</sup>

According to the decree, there were three kinds of financial support. The first was the advance on compensation (*Vorschuss*) that Reich citizens—and ‘exceptionally’ to individuals without German nationality (§11) (see 5.3.3)—could receive for property liquidated by the Allies (including the former Tsarist Empire) (§1). Otherwise, the administration could concede subsidies (*Beihilfen*) (§6) or one-off grants (*Unterstützungen*) up to 1,500 marks each (§10) in case of severe economic damages caused by internment or other discriminatory provisions. Eligibility requirements included the fulfillment of military obligations, but victims should have demonstrated that they suffered discrimination due to their ‘German diaspora’ (*Deutschtum*). Applicants convicted of desertion were excluded from the financial support (§13). Advances or subsidies could be paid up to half the value of the asset in peacetime (§14), but it could be raised to three-quarters in case the applicant was able to rebuild his business abroad (§16). The so-called ‘peace value’ (*Friedenswert*)—that is, until July 1914—was the parameter for calculating the compensation. In this way, the German state took into account neither the inflation nor the depreciation caused by the economic crisis,<sup>210</sup> even though this choice was strongly con-

<sup>206</sup> BArch, R 43-I/542, Erzberger to Karl Wever (Chancellery), 18 Aug. 1919.

<sup>207</sup> BArch, R 43-I/542, Economy to Chancellery, 3 Oct. 1919. The decrees are called *Bekanntmachung über das Verfahren für die Zuwendung von Reichsmitteln an Deutsche für Schäden im Ausland* and *Richtlinien für die Gewährung von Vorschüssen, Beihilfen und Unterstützungen für Schäden Deutscher im Ausland aus Anlaß des Krieges*.

<sup>208</sup> Akten der Reichskanzlei. Weimarer Republik, Nr. 82, Kabinettsitzung vom 17. Oktober 1919, 4. Entwurf einer Bekanntmachung, betr. Zuwendung von Reichsmitteln an deutsche für Schäden im Ausland und Entwurf von Richtlinien für die Gewährung von Vorschüssen usw.: [https://www.bundesarchiv.de/aktenreichskanzlei/1919-1933/vpa/bau/bau1p/kap1\\_2/kap2\\_83/para3\\_4.html](https://www.bundesarchiv.de/aktenreichskanzlei/1919-1933/vpa/bau/bau1p/kap1_2/kap2_83/para3_4.html).

<sup>209</sup> BArch, R 43-I/542, Begründung of *Richtlinien für die Gewährung von Vorschüssen, Beihilfen und Unterstützungen für Schäden Deutscher im Ausland aus Anlaß des Krieges*.

<sup>210</sup> *Richtlinien für die Gewährung von Vorschüssen, Beihilfen und Unterstützungen für Schäden Deutscher im Ausland aus Anlaß des Krieges* (15. November 1919), in *Deutscher Reichsanzeiger*, Nr. 267, 21 Nov. 1919. Cf. also H. Auerbach, “Die Vor-



tested by some representatives of the damaged categories such as the lawmaker Wilhelm Laverrenz (DNVP).<sup>211</sup> Finally, until August 1921, all sums were paid in cash.<sup>212</sup> On the whole, victims' associations applauded the measure, which was considered a good compromise between fairness and political needs.<sup>213</sup>

Regarding the procedure, applications should be sent initially to the associations representing Germans abroad (*Bund der Auslandsdeutschen*),<sup>214</sup> or the Reich citizens living in Germany who had lost investments in foreign countries (*Verband der im Ausland geschädigten Inlandsdeutschen*).<sup>215</sup> They were responsible for examining preliminarily the requests and providing legal and bureaucratic assistance to applicants.<sup>216</sup> The government, in particular the Foreign Affairs (Müller), the Finance (Erzberger), and the Economy (Schmidt) supported the creation of organizations representing collective interests.<sup>217</sup> Cooperation between state administration and victim's associations was a key aspect of the compensation process. If, on the one hand, the central government stripped the local states of their decision-making power in that regard, in contrast, Social Democrats and Catholics placed associations alongside the traditional German bureaucracy as a counterweight to the risks of the authoritarian conduct of the latter.<sup>218</sup> Furthermore, throughout the 1920s and the early 1930s, associations played a key role in shaping legislation, since they were constantly consulted in the administrative and legislative processes, and also lobbied for more benefits for their members (for instance, demanding voting rights for Germans abroad or lower taxation).

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entschädigung der im Ausland geschädigten Deutschen," *Berliner Tageblatt*, 6 Jul. 1920. On the regulation of payment and other criteria to calculate compensation see *Richtlinien für die Festsetzung von Entschädigungen aus Anlaß der Durchführung der Bestimmungen der Artikel 297 usw. des Friedensvertrags vom 26. Mai 1920*, in RGBl, 1920, p. 1101.

<sup>211</sup> Proceedings of the Reichstag, Aktenstück 2182, Anfrage 765 (26 Feb. 1920), Band 341, Wahlperiode 1920/1924, p. 2398.

<sup>212</sup> *Verordnung, betreffend Abänderung der Richtlinien für die Gewährung von Vorschüssen, Beihilfen und Unterstützungen für Schäden Deutscher im Ausland aus Anlaß des Krieges vom 15. November 1919*, von 17. August 1921, in RGBl, 1921, p. 1204.

<sup>213</sup> Dr. H. K., "Die Vorentscheidung der Auslandsdeutschen," *Nachrichtenblatt des Bundes der Auslandsdeutschen*, 2, 1, (1920), pp. 1–3.

<sup>214</sup> Manfred Weißbecker, "Bund der Auslandsdeutschen (BdA)," in Dieter Fricke et al., eds., *Lexikon zur Parteigeschichte: die bürgerlichen und kleinbürgerlichen Parteien und Verbände in Deutschland (1789-1945): in vier Bänden* (Köln: Pahl-Rugenstein, 1983), pp. 203–9.

<sup>215</sup> Dirk Hainbuch, *Das Reichsministerium für Wiederaufbau 1919 bis 1924: Die Abwicklung des Ersten Weltkrieges: Reparationen, Kriegsschäden-Beseitigung, Opferentschädigung und der Wiederaufbau der deutschen Handelsflotte* (Frankfurt am Main: Peter Lang, 2016), pp. 462–4. See documents in BArch, R 2/1150, 2/1151, 2/1152.

<sup>216</sup> Einhorn, "Die Entschädigung der Auslandsdeutschen für Liquidationsschäden," *Auslandswarte*, 1, 2 (1920), pp. 19–21.

<sup>217</sup> BArch, R 2/1164, *Bund der Auslandsdeutschen* to Reconstruction, 9 Dec. 1919.

<sup>218</sup> Dirk Hainbuch, *Das Reichsministerium für Wiederaufbau 1919 bis 1924: Die Abwicklung des Ersten Weltkrieges: Reparationen, Kriegsschäden-Beseitigung, Opferentschädigung und der Wiederaufbau der deutschen Handelsflotte* (Frankfurt am Main: Peter Lang, 2016), p. 455.

Eventually, according to the implementing decree (November 1919), special arbitral commissions (*Spruchkommissionen*) composed of three members—civil servants and ‘associate judges’ (*Beisitzer*) chosen by the associations of victims—were in charge of approving applications. The system was inspired by the model of semi-judicial courts that had been created during the war for the examination of war damages in Eastern Prussia or Alsace-Lorraine during the conflict, although with some innovations. That the associations of victims worked as ‘self-governing bodies’ (*Selbstverwaltungskörper*) and were involved in the preliminary process represented a substantial legal innovation.<sup>219</sup> It was possible to file appeals against the decisions of the arbitral commission to the administration and, in the second instance, to the *Reichswirtschaftsgericht*, whereas the right to sue ordinary courts was excluded.<sup>220</sup> At a central level, the Ministry of Reconstruction together with Finance was responsible for supervising the entire mechanism.<sup>221</sup> In March 1920, the Reconstruction created a special body—the *Reichskommissar für Auslandsschäden*—to control procedures concerning compensation. However, controlling compensation procedures required more civil servants. Just a few months after, the bureaucrats serving the *Reichskommissar* were almost 400.<sup>222</sup> By the end of 1921, the associations employed almost 1,500 workers (who were paid by the Ministry of Finance) to examine the compensation applications.<sup>223</sup> After 1921, the REA would have taken over all functions.<sup>224</sup>

<sup>219</sup> Adolf Dehrer, “Gesetzliches Neuland,” *Münchener Neuesten Nachrichten*, 28 Aug. 1921. Cf. also “Bericht der Hauptstelle des Bundes der Auslandsdeutschen über die Tätigkeit auf dem Gebiete der Entschädigung der Auslandsdeutschen,” *Auslandswarte*, 10, 15-16 (1930), p. 206.

<sup>220</sup> *Bekanntmachung betreffend Verfahren für die Zuwendung von Reichsmitteln an Deutsche für Schäden im Ausland*, von 15. November 1919, in RGBl, 1919, p. 1891. The *Reichswirtschaftsgericht* was a ‘special court’ (*Sondergericht*)—created in 1915, and functioning until 1941—whose aim was to solve ‘economic disputes’ (*wirtschaftliche Streitigkeiten*) deriving from war economy or peace treaty between public authorities and private actors. Based in Berlin, the court was composed of distinguished judges of the *Länder*. *Verordnung über das Reichswirtschaftsgericht*, von 21. Mai 1920, RGBl, 1920, p. 1167. Cf. [https://portal.ehri-project.eu/units/de-002429-r\\_123](https://portal.ehri-project.eu/units/de-002429-r_123). On the history of the court, see Ludwig Waldecker, “Zehn Jahre Reichswirtschaftsgericht. Hoffentlich kein Epilog,” in Heinrich Triepel, ed., *Verwaltungsrechtliche Abhandlungen: Festgabe zur Feier des 50jähr. Bestehens d. Preuß. Obergerwaltungsgerichts*, 20. Nov. 1875-1925 (Berlin: Carl Heymann, 1925), pp. 224–58.

<sup>221</sup> Created in November 1919, the Ministry of Reconstruction was an *ad hoc* administration with the task of supervising the implementation of the economic and financial clauses contained in the peace treaty. Among its tasks, it was responsible for the compensation issue. Initially headed by Otto Geßler (DDP) but actually led by the Reich official Gustav Müller (1866–1929), the new ministerial organization was composed of departments coming from the Ministry of Economy and the Colonial Office, and it was aimed to centralize the application of the peace treaty. It was to cease in 1924, but the supervision of compensation would have been taken over by the Ministry of Finance. See Hugo Ott, “Das Reichsministerium für Wiederaufbau in seiner wirtschaftspolitischen Funktion für den Arbeitsmarkt 1919/20,” in *Wirtschaftspolitik und Arbeitsmarkt*, ed. Hermann Kellenbenz (De Gruyter Oldenbourg, 1974), pp. 288–306 and Hainbuch, *Das Reichsministerium für Wiederaufbau*.

<sup>222</sup> Hainbuch, *Das Reichsministerium für Wiederaufbau*, pp. 467–77.

<sup>223</sup> BAArch, R 2/24768, Karpinski (REAK) to Reconstruction, 17 Dec. 1921.

<sup>224</sup> Hainbuch, *Das Reichsministerium für Wiederaufbau*, pp. 490–512.

In sum, administrative centralization, co-decision with associations representing dispossessed Germans, exceptional procedures, and diversification of financial support according to state priorities were the main features of the compensation procedure. Following the standard set by the guidelines in November 1919, the government issued similar provisions concerning *Kolonialdeutsche*,<sup>225</sup> German refugees from Alsace-Lorraine<sup>226</sup> and Prussian regions ceded to Poland.<sup>227</sup> Providing a unitary regulation concerning compensation for those categories was a clear stance taken by the administration. As stated by the ministerial director Karl Lothholz (Reconstruction), the provisions regarding Germans abroad represented the standard to be followed.<sup>228</sup> Therefore, due to the extension of the pre-compensation procedure to other groups of Germans, in a few months, the associations responsible for preliminary examination also included the *Reichsverband der Kolonialdeutsche*,<sup>229</sup> *Hilfsbund für die Elsass-Lothringer*,<sup>230</sup> *Deutscher Ostbund* (since the end of 1920)<sup>231</sup> and *Verbände heimattreuer Oberschlesier* (since December 1921),<sup>232</sup> as well as the two professional organizations of bargemen (*Verband der im Ausland geschädigten ostdeutschen Binnenschiffer* and *Arbeitsgemeinschaft für das westdeutsche Binnenschiffahrts- und Hafenwesen in Duisburg*).<sup>233</sup> However, the existence of groups of dispossessed citizens along territorial (or professional) lines caused some discontent among the associations. This was exacerbated by the possibility of using various forms of funding. In December 1919, the *Bund der Auslandsdeutschen* criticized this approach chosen by authorities. The guidelines were considered contrary to constitutional principles such as equality among citizens. The administration had created ‘several classes of citizens’ (*mehrere Klassen von Staatsbürgern*), whose treatment was paradoxically determined by the enemy persecution. According to the association, only an

<sup>225</sup> *Richtlinien für die Gewährung von Vorschüssen, Beihilfen und Unterstützungen für Schäden in den deutschen Schutzgebieten aus Anlaß des Krieges*, von 15. Januar 1920, in RGBl, 1920, p. 61.

<sup>226</sup> *Richtlinien für die Gewährung von Vorschüssen, Beihilfen und Unterstützungen für Schäden Deutscher in Elsaß-Lothringen aus Anlaß des Krieges oder ihrer Verdrängung*, von 9. Januar 1920, in *Deutscher Reichsanzeiger* Nr. 16, 20 Jan. 1920.

<sup>227</sup> *Richtlinien für die Gewährung von Beihilfen und Unterstützungen für Schäden, die deutschen Reichsangehörigen infolge der durch den Krieg bewirkten Abtretung preußischer Gebietsteile entstanden sind*, vom 10. Juni 1920, in *Reichsministerialblatt. Zentralblatt für das deutsche Reich*, 1920, p. 871.

<sup>228</sup> BArch, R 2/867, *Aufzeichnung über die Besprechung von Vertretern der beteiligten Ressorts über den Entwurf von Richtlinien für die Gewährung von Vorschüssen an die Kolonialdeutschen vom 24. November 1919*.

<sup>229</sup> Created in November 1918, the association was led by Albert Hahl (1868–1945), who had been colonial governor in the German New Guinea until 1914. The organization was close to the *Deutsche Kolonialgesellschaft*. See documents in BArch, R 8024/59. Cf. Sean Andrew Wempe, *Revenants of the German Empire: Colonial Germans, Imperialism, and the League of Nations* (Oxford, New York: Oxford University Press, 2019), pp. 121–56.

<sup>230</sup> Irmgard Grünewald, *Die Elsass-Lothringer im Reich, 1918-1933 ihre Organisationen zwischen Integration und Kampf um die Seele der Heimat* (Frankfurt am Main; New York: P. Lang, 1984), pp. 55–184.

<sup>231</sup> Reiner Fenske, “Imperiale Verbände im Deutschland der Zwischenkriegszeit im Vergleich. Die Beispiele des Deutschen Ostbundes und der Deutschen Kolonialgesellschaft” (Technischen Universität Dresden, 2018).

<sup>232</sup> See documents in BArch, R 2/24769.

equal and democratic approach could be incisive for economic reconstruction. 'It will have a depressing and embittering effect on every German if the privileged citizens owe their better treatment by the German government only to the enemy. Such a position of the government must inevitably lead to an undermining of national feeling. We consider the uniform treatment of all German citizens who have suffered losses abroad not only a matter of fairness but above all a necessity if our foreign trade is to be rebuilt and foreign Germanism preserved.'<sup>234</sup>

Yet the official strategy did not change. Once the regulatory framework was in place, it took several months to start the process. In January 1920, the Ministry of Reconstruction created 26 *Spruchkommissionen* in several cities. The majority (18) should have examined applications sent by the *Verband*,<sup>235</sup> whereas only a few (8) were those sent by the *Bund*.<sup>236</sup> However, many local sections of the *Bund* asked for creating *Spruchkommissionen* in other cities such as Dortmund, Düsseldorf, or Darmstadt, while some professional groups—such as the barge-men—claimed to have special commissions. Finally, at the end of 1921, the operating commissions were 89 and their activity involved more than 700 people. At the same time, the appointment of judges also was a very lengthy procedure.<sup>237</sup> In 1920, several interpellations were raised by lawmakers such as Heinrich Runkel (DVP),<sup>238</sup> Walther Dauch (DVP),<sup>239</sup> Wilhelm Laverrenz (DNVP),<sup>240</sup> and Peter Stubmann (DDP)<sup>241</sup> denouncing the bureaucratic delay. In August 1920, only commissions in Karlsruhe, Stuttgart, and Munich were regularly working, while the *Spruchkommission* in Berlin—which was the most important in terms of applications—took almost one month to process an application. The situation was much worse in Königsberg, where the local arbitral commission should have taken almost three years to examine all applications (which were only 1,700 at the end of 1920).<sup>242</sup> The applications sent by

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<sup>233</sup> *Bekanntmachung über die Vorprüfung von Anträgen der Geschädigten durch Interessenvertretungen*, vom 20. Dezember 1921, in *Zentralblatt für das Deutsche Reich*, 1921, p. 991.

<sup>234</sup> BArch, R 2/867, *Bund der Auslandsdeutschen* to Reconstruction, 16 Dec. 1919.

<sup>235</sup> Königsberg, Breslau, Berlin, Hannover, Barmen, Köln, Frankfurt a. M., Munich, Nürnberg, Ludwigshafen, Leipzig, Stuttgart, Mannheim, Karlsruhe, Weimar, Lubeck, Bremen, Hamburg.

<sup>236</sup> Berlin, Köln, Munich, Nürnberg, Leipzig, Stuttgart, Karlsruhe, Hamburg. See *Bekanntmachung betreffend Sitz und Geschäftsbereich der Spruchkommissionen*, vom 17. Januar 1920, in *Deutscher Reichsanzeiger*, Nr. 18, 22 Jan. 1920.

<sup>237</sup> See documentation in BArch, R 2/1164, R 2/1165 and R 2/1168.

<sup>238</sup> Proceedings of the Reichstag, Aktenstück 2268, Anfrage 782 (1 Mar. 1920), Band 341, Wahlperiode 1920/1924, p. 2432.

<sup>239</sup> Proceedings of the Reichstag, Aktenstück 183, Anfrage 97 (21 Jul. 1920) Band 363, Wahlperiode 1920/1924, p. 161.

<sup>240</sup> Proceedings of the Reichstag, Aktenstück 367, Anfrage 189 (3 Aug. 1920), Band 363, Wahlperiode 1920/1924, pp. 262–3.

<sup>241</sup> Proceedings of the Reichstag, Aktenstück 745, Anfrage 383 (27 Oct. 1920), Band 364, Wahlperiode 1920/1924, p. 539.

<sup>242</sup> BArch, R 2/1165, *Bericht über die Ausdehnung der Zuständigkeit der hiesigen Spruchkommission auf die vom Bund der Auslandsdeutschen vorgeprüften Schäden*, sent by Hübener to the president of the *Spruchkommission* (Königsberg), 19 Nov. 1920.

the *Bund* were often incomplete, while during sessions the judges had to face ‘a lot of undetermined questions, both of a formal and material nature’ without having adequate legal experience. As suggested by the *Reichskommissar für Auslandsschäden*, the commissions should have avoided a juridical approach, since they were not considered judicial organs. On the contrary, the commissions should have been quicker by considering themselves as administrative bodies ‘disguised’ as judicial courts. ‘Where the tendency to legal formalism seemed to emerge, I tried to make it clear that this was not a matter of actual jurisprudence, but of administrative activity dressed up in the form of judicial decisions.’ Furthermore, the amount of compensation was constantly a matter of dispute between applicants and the administration. In particular, while the latter sought to restrict it, the applicants were supported by the ‘associate judges’ who were more willing to concede higher sums. The administration was worried about its process since Conze complained that the Reich interest was systematically underrepresented. ‘In the sessions of the commission, the state interests are generally represented only by the chairman, while the applicant, often assisted by the *Bund* or the *Verband*, strongly defends his interest [...]. This is an obvious deficiency, which has forced me several times, even though I was present by chance, to assert the public interest against the statements of the opposing side.’<sup>243</sup>

Despite criticisms, over the months, the situation gradually improved.<sup>244</sup> By January 1922, when the new legislative provisions came into effect, the applications were 92,517, mostly examined by the *Bund der Auslandsdeutschen* (83,798). In May 1922, the latter rose to 86,000.<sup>245</sup> At the local level, Berlin was the main center in terms of applications (more than 60,000) and commissions’ activity, while Hamburg (11,000), Leipzig (5,700), Munich (5,700) and Stuttgart (3,800) were less. Altogether, the value of requests exceeded 4.5 billion marks. The *Spruchkommissionen* examined almost all cases (87,376), conceding 1.2 billion marks as advances (917 million), subsidies (239 million), and one-off grants (110 billion).<sup>246</sup> However, some economic factors limited the impact of many decisions. The sums were paid out only partially in cash, whereas the rest were in government bonds. Another important factor was inflation, which caused the depreciation of the financial support even though it was contained until the end of 1921 and it had not yet reached the dramatic peak of 1922-23.<sup>247</sup> Furthermore, the pre-compensation was often much lower than the real value of the property (especially

<sup>243</sup> BArch, R 2/1169, *Reichskommissar* to Renconstruction, 16 Aug. 1920.

<sup>244</sup> Cf. the parliamentary debate regarding the budget of Ministry of Reconstruction, in Proceedings of the Reichstag, 14 Mar. 1921, pp. 2890–902.

<sup>245</sup> “Stand der Vorentscheidung,” *Auslandswarte*, 2, 10 (1922), p. 83.

<sup>246</sup> BArch, R 2/1172, *Geschäftsbericht des Reichskommissars für Auslandsschäden*, Jan. 1922.

immovable assets, shares, and securities) due to the parameter of the 'peace value' chosen by the Reich in calculating the compensation.

For instance, Mathilde Kempe—a Reich citizen born in Odessa in 1848—owned a brewery together with her two sons since 1872. When the war broke out, she fled to Germany, her sons were interned (one of them died in February 1918), and the Tsarist authorities seized her property consisting of the brewery, a small piece of land, and their house together with furniture and other personal objects. The Hamburg-based arbitral commission accepted the application, conceding her 723,000 marks as pre-compensation. However, only 230 were paid in cash, while 493 were in government bonds.<sup>248</sup> Likewise, another commission in Hamburg conceded over 710,000 marks as pre-compensation to the owners of *Meyerink & Co.*, a small company that operated between Hong Kong and Shanghai since 1884.<sup>249</sup> However, over half of the sum was paid in government bonds.<sup>250</sup> The gap between the real value of damage and the compensation could be huge. The music composer Mathilde von Rothschild (1832-1924) lost a large amount of assets consisting of shares in Paris (8.7 million francs), London (131,000 pounds), Brussel (247,000 Belgian francs), and New York (110,000 dollars).<sup>251</sup> The commission granted her 6.3 million marks as pre-compensation, a sum corresponding only to a small part of the actual damage.<sup>252</sup> Others were luckier, such as Adolf Link. As a young pharmacist, in 1903, Link moved from Lubeck to Bangkok where he became the managing director of the chemical shop that Bernhard Grimm and his Austrian partner, Erwin Mueller, had founded in 1878. In a few years, the firm became one of the most important chemical companies in Siam, receiving the official endorsement of the local royal family. During the war, the Siamese (Thai) government seized the company, while Link—together with his wife and two sons—was interned by the British administration in India and then repatriated to Germany. However, he was determined to rebuild his business. The commission granted him 2.7 million marks as pre-compensation, by paying only 414,000 in cash.<sup>253</sup> Thanks also to that sum, in the early 1920s, Link was able to come back to Siam where he re-established the company, pursuing new business (construction of the telegraph and phone lines in Thailand, importing Mercedes-Benz vehicles, etc.). His family succeeded and, still nowadays, his heirs are

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<sup>247</sup> Gerald D. Feldman, *The Great Disorder: Politics, Economics, and Society in the German Inflation, 1914-1924* (New York ; Oxford: Oxford University Press, 1997), p. 5.

<sup>248</sup> BArch, R 2/24742, decision of the *Spruchkommission* (Hamburg), 10 May 1921.

<sup>249</sup> Cf. Carl T. Smith, "The German Speaking Community in Hong Kong 1846-1918," *Journal of the Hong Kong Branch of the Royal Asiatic Society* 34 (1994), pp. 21, 40.

<sup>250</sup> BArch, R 2/24742, decision of the *Spruchkommission* (Hamburg), 23 Apr. 1921.

<sup>251</sup> On the whole, her assets were worth more than 40 million euros.

<sup>252</sup> BArch, R 2/24742, decision of the *Spruchkommission* (Frankfurt am Main), 28 July 1921.

among the wealthiest businessmen in Thailand. Adolf's grandson Harald (born in 1955) is a naturalized German-Thai businessman, and the 11<sup>th</sup> richest man in the country in 2020 (according to *Forbes*), while *B. Grimm* is one of the largest companies in Thailand.<sup>254</sup> Also, Alfred Laporte (1861) and Bernhard Dosse (1864) used the compensation to recover their business. Before 1914, they owned the printing house *Firma Laporte & Dosse* in Antwerp, which had been seized and liquidated by the Belgian authorities after the war. Since the company resumed activity in Rotterdam in December 1919, both were entitled to receive higher pre-compensation (886,000 for Dosse and 443,000 for Laporte) due to the provision concerning the 'recovery of economic business abroad.'<sup>255</sup>

Just on a few occasions, victims brought civil actions against the decisions taken by the *Spruchkommissionen* (5,231), and even fewer were appeals filed by the *Reichskommissar für Auslandsschäden* (3,150). Altogether, disputes involved just 9% of applications. Furthermore, only a small fraction of them was ruled by the *Reichswirtschaftsgericht*, which was mostly called upon in the so-called *Russenschäden* (damages occurred in the Tsarist Empire and Bolshevik Russia).<sup>256</sup> According to the court, damage caused exclusively by expropriation ordered by the Communist regime could not be compensated because those provisions were neither discriminatory against Germans nor directly related to the economic war waged by the Entente. However, when the Bolsheviks liquidated property owned by Germans 'in interaction with [confiscatory] measures taken by the Tsarist regime' (*im Zusammenwirken mit Maßnahmen der zaristischen Regierung*), the injured party was entitled to be restored by Germany according to the November 1919 guidelines.<sup>257</sup>

In sum, the pre-compensation mechanism ended in April 1922. In nearly three years, the German state spent about 200 million goldmarks in pre-compensations. Most beneficiaries were German refugees from Alsace-Lorraine (53.25%) and *Auslandsdeutsche* (37%), while Ko-

<sup>253</sup> BArch, R 2/24742, decision of the *Spruchkommission* (Hamburg), 12 May 1921.

<sup>254</sup> Cf. Bryan Mertens, "Fourth Generation: Caroline Link Is Being Groomed To Run Thailand's B. Grimm," *Forbes Asia*, April 12, 2015, <https://www.forbes.com/sites/forbesasia/2015/04/01/a-link-to-history/?sh=395e9c2622bf> and John Reed, "The Historic Thai Business Group with German Roots," *Financial Times*, May 17, 2021, <https://www.ft.com/content/d28a26c3-2719-454d-82d3-1121d91e8f0a>.

<sup>255</sup> BArch, R 2/24742, decision of the *Spruchkommission* (Berlin), 14 Dec. 1920.

<sup>256</sup> Cf. Joerges, "Die Vorentscheidung der Auslandsdeutschen in der Rechtsprechung des Reichswirtschaftsgerichts," *Auslandswarte*, 2, 7 (1922), pp. 53–5, Grah, "Die Rechtsprechung des Reichswirtschaftsgerichts in russischen Liquidations- und liquidationsähnlichen Schäden," *Auslandswarte*, 2, 8 (1922), pp. 66–7, Joerges, "Das Auslandsschädengesetz und die Rechtsprechung des Reichswirtschaftsgerichts im Vorentscheidungsverfahren (I)," *Auslandswarte*, 2, 11, pp. 89–90, and Joerges, "Das Auslandsschädengesetz und die Rechtsprechung des Reichswirtschaftsgerichts im Vorentscheidungsverfahren (II)," *Auslandswarte*, 2, 12, pp. 98–9.

<sup>257</sup> The text of the decision (2 Apr. 1921) is in BArch, R 2/1144.

*lonialdeutsche* (8.5%) and refugees from eastern regions (1.25%) were given far less.<sup>258</sup> In the same period, the government—together with the Red Cross, the *Preussischen Fürsorgeamt für Beamte aus den Grenzgebieten*, and the *Darlehnskassen*—allocated over 30 million goldmarks in loans and special subsidies.<sup>259</sup> Although the resources provided by the government were considerable, they covered only a small fraction (oscillating between 5-10%) of the private losses and, as in the case of loans granted by the state, it often aggravated the financial situation of many refugees.<sup>260</sup> Discontent among them contributed to strengthening anti-Republican sentiments. As the philosopher Leopold Ziegler wrote to Walther Rathenau at the end of 1921, several Germans abroad were deeply resentful of their government. Because of that—as Ziegler warned—many were adopting the ‘language of the radical right-wing parties’ to delegitimize the republican regime.<sup>261</sup> He was aware that economic and financial failure could cause frustration and consequently political radicalization. Nonetheless, in some cases, the compensation had positive effects facilitating the recovery of economic activities abroad (such as the *Firma Laporte & Dosse* or Adolf Link) or in Germany. On other occasions, applicants had enough money to buy a house or work tools.

#### *The First Legislation (1922)*

The first legislative provision concerning compensation took almost one year of preparation, prolonging the period of administrative management of claims. Just a few months after the decree of November 1919, the Reconstruction presented three bills regarding the compensation of three groups (*Auslandsdeutsche*, *Kolonialdeutsche*, and refugees coming from the ceded regions). The three drafts were almost identical. All were aimed at compensating only ‘direct property damage’ (*Sachschaden*), whereas, in the case of the so-called ‘security damages’ (*Wertpapierschäden*)—consisting of losses of shares, bonds, or securities—, compensation was lower. Internment costs, currency damage, or repatriation expenses were not included among the damages. But the administration would have created a special fund—the so-called ‘hardship funds’ (*Härtefonds*)—to financially support some categories of victims (such as the non-citizen Germans). According to the documents, the parameter adopted to calculate the compensation was the *Friedenswert*, but the administration could increase the amount with bonuses

<sup>258</sup> BArch, R 2/620, *Übersicht über die im Entschädigungsverfahren gezahlten und noch zu zahlenden Entschädigungen*, sent by REAK to Finance, 13 Aug. 1924.

<sup>259</sup> BArch, R 2/707, *Zusammenstellung der Geldwerte der im gesamten Entschädigungsverfahren bewilligten Papiermarkbeträge umgerechnet nach der Anlage zu den Nachentschädigungsrichtlinien vom 25.3.1925*, 1 May 1926.

<sup>260</sup> Rudolf Häfcke, “Der Tilgung von Darlehen unter heimgekehrten Zivil- und Kriegsgefangenen,” *Auslanddeutsche*, 3, 6 (Mar. 1920), pp. 162–3.

<sup>261</sup> PAAA, Rom (Quirinal), 1255 c, Leopold Ziegler to Walther Rathenau, 11 Nov. 1921.



and subsidies for two categories of applicants: firstly, victims who wished to rebuild their business in areas where the government had the ‘prevalent interest’ to promote the commercial recovery (mainly in extra-European territories and in the former German colonies) and stimulate the ‘world economy activity of German merchants and industrialists’;<sup>262</sup> secondly, victims who needed to buy ‘necessary objects of personal use’ such as the household items, or professional tools. These two groups corresponded to the twofold goal of the legislation, that is, commercial recovery and the welfare state. Nonetheless, the draft concerning the displaced persons (*Verdrängte*) contained some more favorable provisions which were also financially more burdensome. The latter category received slightly better treatment than *Auslandsdeutsche* and *Kolonialdeutsche*, but the drafts disappointed claims and expectations coming from all of them,<sup>263</sup> causing disputes over the differentiation among those groups.<sup>264</sup> Concerning the procedures and the regulation of compensation, the bills were in continuity with the administrative practice. The associations representing the damaged categories were responsible for the preliminary examination of applications, while the commissions—renamed in *Spruchkammern*—should have decided on it. The Reconstruction together with Finance was responsible for appointing the judges and controlling the procedures through the REA. Ordinary courts could not intervene, but the applicants were entitled to lodge appeals to the *Reichswirtschaftsgericht*.<sup>265</sup> The process was quite complicated, as summarized by the scheme published in some contemporary journals, which sought to explain how the bureaucratic system was conceived (see Fig. 7.4)

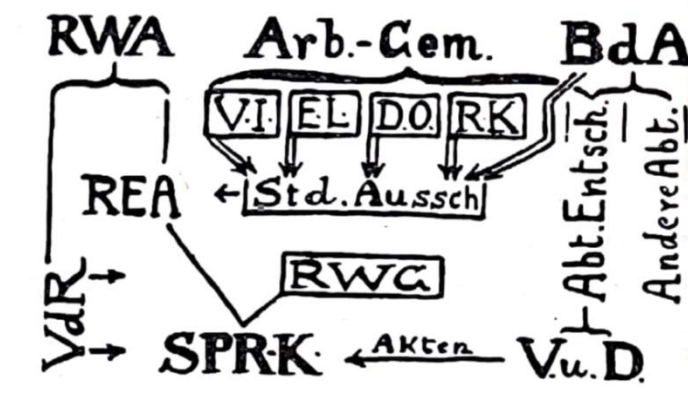
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<sup>262</sup> Proceedings of the Reichstag, Drucksach 1019, *Entwurf eines Gesetzes über den Ersatz von Kriegsschädigen im Ausland (Auslandsschädengesetz)*. Begründung, Band 365, Wahlperiode 1920/1924, p. 15.

<sup>263</sup> BArch, R 43-I/793, *Aufzeichnung über die Grundzüge der Gesetzentwürfe, betreffend den Ersatz von Kriegsschäden*, Jul. 1920. Cf. “Das Gesetz über den Ersatz von Kriegsschäden im Auslande,” *Auslandswarte*, 1, 2 (1920), pp. 17–9.

<sup>264</sup> Ludwig Carrière, “Das Risiko der Auslandsdeutschen,” *Auslandswarte*, 1, 9 (1921), pp. 94–6; the letters of protest sent by the *Bund der Auslandsdeutschen* to the Chancellery as well as the articles on newspapers which criticized the government, are in *Auslandswarte*, 1, 10 (1921), pp. 102–3; cf. also Einhorn, “Einhorn, Das Auslandsschädengesetz,” *Auslandswarte*, 1, 18 (1921), p. 173–4.

<sup>265</sup> Proceedings of the Reichstag, Drucksach 2332, *Entwurf eines Gesetzes über die Verfassung und das Verfahren der Behörden zur Festsetzung von Entschädigungen und Vergütungen für Schäden aus Anlaß des Krieges und des Friedensschlusses (Entschädigungsordnung)*, Band 365, Wahlperiode 1920/1924.



[Fig. 7.4, Scheme of compensation process]

However, the bills were a matter of dispute within the cabinet. While the Reconstruction wished to approve the three laws as soon as possible, the minister of Finance Joseph Wirth (Zentrum) criticized the proposal, in particular the draft regarding refugees.<sup>266</sup> Wirth was trying to limit the financial impact of the three bills. During the cabinet session on August 3, he succeeded in postponing the discussion of the bills against the advice of the Interior and the Reconstruction.<sup>267</sup> Furthermore, pressured by the State Secretary of Finance Franz Schroeder, the Chancellery did not publish the minutes of the session.<sup>268</sup> Within the cabinet led by Constantin Fehrenbach (Zentrum), the negotiations lasted until October 1920. During another session, the Ministry of Finance persuaded other cabinet members to reduce funding and exclude heirs of victims from keeping the right to compensation.<sup>269</sup> In November 1920, the government amended the bills, intervening only on procedural provisions.<sup>270</sup> In May 1921, eventually, the cabinet approved the procedural regulation.<sup>271</sup>

In the spring of 1921, the Reichstag began to examine the so-called *Auslands-, Kolonial- und Verdrängungsschädengesetze*. The government presented the three proposals as the best compromise between conflicting interests. On the treatment of Germans abroad, it recognized the

<sup>266</sup> BArch, R 43-I/793, Reconstruction to Chancellery, 27 Jul. 1920.

<sup>267</sup> BArch, R 43-I/793, *Auszug aus dem Protokoll der Sitzung des Reichsministeriums vom 3. August 1920. Entwürfe a) eines Gesetzes über den Ersatz von Kriegsschäden im Ausland; b) eines Gesetzes über den Ersatz von Kriegsschäden in den ehemaligen deutschen Schutzgebieten; c) eines Gesetzes über den Ersatz der durch die Abtretung deutscher Reichsgebiete entstandenen Schäden.*

<sup>268</sup> BArch, R 43-I/793, *Notiz für Herrn G. B. R. Heilbron*, signed by Karl Wever (Chancellery), 20 Aug. 1920. The minutes of the session are not reported in *Akten der Reichskanzlei*: [https://www.bundesarchiv.de/aktenreichskanzlei/1919-1933/vpa/feh/feh1p/kap1\\_2/kap2\\_42/para3\\_1.html](https://www.bundesarchiv.de/aktenreichskanzlei/1919-1933/vpa/feh/feh1p/kap1_2/kap2_42/para3_1.html).

<sup>269</sup> BArch, R 43-I/793, *Auszug aus dem Protokoll der Sitzung des Reichsministeriums vom 9. Oktober 1920. Entwürfe der Gesetze über den Ersatz a) von Kriegsschäden im Ausland, b) von Kriegsschäden in den ehemaligen Schutzgebieten, c) der durch die Abtretung deutscher Reichsgebiete entstandenen Schäden.*

<sup>270</sup> BArch, R 43-I/793, *Auszug aus dem Protokoll der Sitzung des Reichsministeriums vom 12. November 1920.*

<sup>271</sup> BArch, R 43-I/793, *Auszug aus dem Protokoll der Sitzung des Reichsministeriums vom 24. Mai 1921.*

fundamental role they had played in the decades before the war. In particular, thanks to their ‘work’ (*Arbeit*), Germans abroad were described as ‘compatriots’ (*Volksgenossen*) who contributed ‘to the tremendous economic rise of the Reich in the decades before the war in a very significant way.’<sup>272</sup> Likewise, *Kolonialdeutsche* were labeled as ‘pioneers’ who took part in the ‘heroic struggle for the preservation of overseas German territories.’<sup>273</sup> For both categories, the authorities adopted a nationalist and organicist rhetoric, glorifying their role as ‘outposts’ of Germany across the world and acknowledging their full integration within the nation due to their suffering in wartime. In the case of refugees, rhetorical emphasis was even greater. The government claimed to be politically bound to grant greater financial support to citizens who suffered more than other fellow nationals, as in the case of Germans residing in the ceded areas. ‘The present draft aims to realize the idea that sacrifices made by members of a people for the collectivity are to be carried by the nation as a whole, including losses that touched a part of the national community as a result of the cession of German territories to a foreign power or their occupation. [...] This seems particularly appropriate because the victims of these damages, for the most part, as inhabitants of the frontier zones, had to suffer more from the consequences of the war than the residents of other parts of the country.’<sup>274</sup> Anyway, integration within the nation had to be balanced with national interest and the financial resources of the state. Victims of economic persecution, refugees, and displaced persons ‘must be enabled to resume their economic activities as soon as possible, and their knowledge and experience must be made available to the German economy once again.’<sup>275</sup> Yet the government admitted that full restoration of war damage was impossible. Consequently, compensation was also to be proportionate to the national interest and the financial situation of Germany. ‘The bill can therefore provide assistance only within the limits which, after careful consideration, are compatible with the interests of the Reich and its extremely difficult financial situation’<sup>276</sup>

The Reichstag committee chaired by Franz Brüninghaus (DVP)—a navy officer with a colonial past as civil governor in Kiautschou—consulted with several ministerial representa-

<sup>272</sup> Proceedings of the Reichstag, Drucksach 1019, *Entwurf eines Gesetzes über den Ersatz von Kriegsschädigen im Ausland (Auslandsschädengesetz)*. Begründung, Band 365, Wahlperiode 1920/1924, p. 7.

<sup>273</sup> Proceedings of the Reichstag, Drucksach 1020, *Entwurf eines Gesetzes über den Ersatz von Kriegsschäden in den ehemaligen deutschen Schutzgebieten (Kolonialschädengesetz)*. Begründung, Band 365, Wahlperiode 1920/1924, p. 7.

<sup>274</sup> Proceedings of the Reichstag, Drucksach 1021, *Entwurf eines Gesetzes über den Ersatz der durch die Abtretung deutsche Reichsgebiete entsandenen Schäden (Verdrängungsschädengesetz)*. Begründung, Band 365, Wahlperiode 1920/1924, pp. 10–11.

<sup>275</sup> Proceedings of the Reichstag, Drucksach 1019, *Entwurf eines Gesetzes über den Ersatz von Kriegsschädigen im Ausland (Auslandsschädengesetz)*. Begründung, Band 365, Wahlperiode 1920/1924, pp. 7–8.

<sup>276</sup> *Ibid.*, p. 9.

tives and spokesmen of the associations for more than 50 sessions.<sup>277</sup> However, the debate was strongly influenced by the events occurring in the first half of 1921. During the sessions, the economic situation in Germany was getting worse due to the fall of the currency, while the flow of refugees coming from Poland was dramatically increasing. Together with the pressures coming from economic lobbies and refugees' associations, the situation urged the committee to further amend the draft laws to find 'an acceptable compromise between the wishes of the victims and the finances of the state.'<sup>278</sup> For example, the committee accepted to compensate personal possessions (furniture, clothes, and professional tools) in cash up to 60,000 marks, whereas the rest in government bonds (*Verdrängungsschädengesetz*, §19; *Kolonialschädengesetz*, §13; *Auslandsschädengesetz*, §13). In addition to the financial question, another issue was the definition of collective categories. In particular, the different treatment of *Auslandsdeutsche*, *Kolonialdeutsche*, and *Verdrängte* was a matter of dispute within the committee, although the parliamentary record briefly summarizes the discussion. On the one hand, a minority of lawmakers—probably belonging to the Independent Social Democratic Party (USPD) and the United Communist Party (VKPD)—claimed that the differentiation was legitimate because Germans living in Germany and its former colonies suffered more than compatriots residing abroad. On the contrary, presenting three distinct bills gave the impression of creating 'three classes of victims,' who were treated differently. This was particularly true for Germans abroad. According to other committee members, belonging to the liberal (DDP) and right-wing parties (DVP, DNVP), *Auslandsdeutsche* were discriminated and thus many could break their ties with Germany offering their work 'to the service of other peoples.' In the end, the majority of the Reichstag committee acknowledged that the economic reconstruction of Germans abroad was a priority for the Reich.<sup>279</sup> Nonetheless, the committee agreed with the government in keeping the distinction between the three groups, regulated by distinct—albeit similar—laws, and in maintaining a slightly better regulation for German emigrants coming from ceded territories.

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<sup>277</sup> The other members of the committee were Hermann Dietrich (DDP), Franz Biener (DNVP), Arno Bruchardt (USPD), Hermann Colshorn (DHP), Dr. Julius Curtius (DVP), Anton Damm (Zentrum), Walther Dauch (DVP), Dr. Bernhard Deermann (BVP), Dr. Friedrich Fick (DDP), Dr. Paul Fleischer (Zentrum), Philipp Fries (USPD), Dr. Alfred Gildemeister (DVP), Theodor von Guerard (Zentrum), Dr. Joseph Herzfeld (USPD), Dr. Adolf Köster (SPD), Wilhelm Laverrenz (DNVP), Friedrich Puchta (USPD), Paul Reißhaus (SPD), Lorenz Riedmiller (SPD), Carl Rieseberg (DNVP), Hermann Schröter (DNVP), Jean Albert Schwarz (Zentrum), Friedrich Seemann (SPD), Wilhelm Sollmann (SPD), Wilhelm Staab (USPD), Hans Unterleitner (USPD), Ludwig Waigand (SPD), Karl Zörgiebel (SPD).

<sup>278</sup> Proceedings of the Reichstag, Aktenstück 2441, *Bericht des 24. Ausschusses über den Entwurf eines Gesetzes über den Ersatz der durch die Abtretung deutscher Reichsgebiete entstandenen Schäden (Verdrängungsschädengesetz)* – Nr. 1021 der Drucksachen, Band 368, Wahlperiode 1920/1924, p. 2273.

<sup>279</sup> Proceedings of the Reichstag, Aktenstück 2443, *Bericht des 24. Ausschusses über den Entwurf eines Gesetzes über den Ersatz von Kriegsschäden im Ausland (Auslandsschädengesetz)* — Nr. 1019 der Drucksachen, Band 368, Wahlperiode 1920/1924, pp. 2317–8.

Another issue related to collective categories was the eligibility of refugees and displaced persons for compensation. According to the government bill, Germans residing in ceded regions could be considered ‘displaced persons’ (*Verdrängte*) only if they had been expelled by the occupying powers through a ‘deportation order’ (*Ausweisungsbefehl*) issued until 1923, or if they had been prevented to come back to their residence after January 1919. Furthermore, Germans who lost their Reich citizenship due to the peace treaty provisions could be included in that group. However, the associations considered the formulation too narrow. It excluded those who ‘voluntarily’ left Alsace-Lorraine, Western Prussia, Danzig, Upper Silesia, Eupen-Malmedy, or Schleswig-Holstein, that is, without the expulsion order but only because they were escaping persecution, violence, or the economic crisis. At the same time, the bill excluded those who migrated from occupied territories (such as Saar or Ruhr regions). Pressured by the *Hilfsbund für die Elsass-Lothringer* and the *Deutscher Ostbund*, the Reichstag committee amended the provision, including those who left ceded regions since ‘the residence [...] has been made impossible by other measures of the new authorities or by other equally compelling reasons’ (*Verdrängungsschädengesetz*, §3). Nonetheless, that kind of criterion raised another question. The category of ‘displaced person’ included refugees coming from different areas and enjoying various legal conditions. This was especially true for Germans coming from territories that Poland annexed. For example, Germans coming from Alsace-Lorraine had been dispossessed without being entitled to compensation from France, whereas refugees who left Poland had the right to be compensated by the Polish state. The Reichstag committee feared that too advantageous financial terms could encourage emigration from Poland, weakening ‘the German-  
dom and, together with it, centuries of cultural work.’<sup>280</sup> Finally, the committee amended some other minor provisions. Concerning the additional resources for economic reconstruction abroad, the committee removed the restrictions on extra-European territories. It chose to grant *Auslandsdeutsche* higher compensation in case of recovery in any foreign country (*Auslandsschädengesetz*, §5). By doing so, lawmakers recommended promoting economic reconstruction in Eastern Europe.<sup>281</sup> On the contrary, in the case of *Kolonialdeutsche*, the provision regarding extra-European countries was maintained (*Kolonialschädengesetz*, §5).<sup>282</sup> Concerning the

<sup>280</sup> Proceedings of the Reichstag, Aktenstück 2441, *Bericht des 24. Ausschusses über den Entwurf eines Gesetzes über den Ersatz der durch die Abtretung deutscher Reichsgebiete entstandenen Schäden (Verdrängungsschädengesetz)* – Nr. 1021 der Drucksachen, Band 368, Wahlperiode 1920/1924, p. 2274.

<sup>281</sup> Proceedings of the Reichstag, Aktenstück 2443, *Bericht des 24. Ausschusses über den Entwurf eines Gesetzes über den Ersatz von Kriegsschäden im Ausland (Auslandsschädengesetz)* – Nr. 1019 der Drucksachen, Band 368, Wahlperiode 1920/1924, p. 2319.

<sup>282</sup> Proceedings of the Reichstag, Aktenstück 2442, *Bericht des 24. Ausschusses über den Entwurf eines Gesetzes über den Ersatz von Kriegsschäden in den ehemaligen deutschen Schutzgebieten (Kolonialschädengesetz)* – Nr. 1020 der Drucksachen, Band 368, Wahlperiode 1920/1924, p. 2307.

*Russenschäden*, after long negotiations, the committee decided to concede only subsidies in favor of dispossessed Germans who had resided in the former Tsarist Empire (*Auslandsschädengesetz*, §20) while investments of Germany-based companies could not be compensated.<sup>283</sup>

During the general debate at the Reichstag, the bill was supported by a large majority. In particular, the nationalist rhetoric was the cornerstone for political unity in this regard. The concept of national solidarity was shared by a large political spectrum, including the Social Democratic lawmakers. German former settlers, *Auslandsdeutsche*, and refugees were supposed to belong to the nation. Only a few voices challenged the hegemonic nationalist rhetoric. One of them was Adolf Schwarz (USPD), who had been a member of the Baden government in 1918-19 serving as Minister of Assistance. While not denying the status of ‘victims’ to those categories of Germans, Schwarz denounced that the concept of ‘people’s community’ (*Volks-gemeinschaft*) was instrumental in compensating the big business (such as the Krupp or Stinnes corporations which had lost relevant assets in Alsace-Lorraine), whereas thousands of workers in Germany were unemployed and suffered the hunger in the streets. Furthermore, according to Schwarz, the economic role played by Germans abroad was a rhetoric fiction used by right-wing parties to hide the interests of a few capitalists. Instead of being ‘pioneers’ or German agents in the world who contributed to the national wealth, *Auslandsdeutsche* were migrants who left Germany due to the bad economic conditions of the country. ‘The people did not go abroad to work in any way for the German fatherland; the great majority of them were driven out by the miserable conditions that prevailed in Germany and still prevail today. [...] Emigrants went abroad to earn money.’ As a result, loyalty to Germany was pure fiction as well. On the contrary, they turned to their country of origin because of enemy persecution in war-time. Instead of being spiritually tied to the homeland, those Germans were generally motivated by material interests. ‘They remembered of their country only at the time when the war broke out and they had to return or were interned, and they think whether there could be a compensation.’<sup>284</sup> Significantly, he was one of the few voices who tried to debunk the idea of national solidarity insisting on the fact that those groups were mainly driven by self-interest and hence there was no genuine feeling of belonging. Implicitly, Schwarz defended a sort of socialist national territorialism that defended the interests of the German working class within

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<sup>283</sup> Proceedings of the Reichstag, Aktenstück 2443, *Bericht des 24. Ausschusses über den Entwurf eines Gesetzes über den Ersatz von Kriegsschäden im Ausland (Auslandsschädengesetz)* — Nr. 1019 der Drucksachen, Band 368, Wahlperiode 1920/1924, pp. 2319–20.

<sup>284</sup> *Ibid.*, p. 4540.

the country and rejected the ethnonationalism of the right-wing parties. Unsurprisingly, booing from the right-wing seats accompanied his words, and the main parties did not change their position. Remarkably, the Reichstag passed the laws with a large majority, which included the Weimar coalition (SPD, DDP, Zentrum), the right-wing (DVP and DNVP), and regional parties (BVP, Deutsch-Hannoversche Partei, Bayerischer Bauernbund). Only the USPD voted against it, while the VKD expressed its support just for the bill concerning the refugees coming from the ceded region.<sup>285</sup>

In conclusion, the Reichstag faced several dilemmas regarding the regulation of compensation, but in the end, it contributed to finding a compromise between conflicting interests and political divisions. Not by chance, also representatives of the associations appreciated the outcome and the role played by the parliament.<sup>286</sup> Contrary to Charles Maier's thesis,<sup>287</sup> in the early 1920s, the Reichstag was still a vital institution, which could represent claims coming from the society or the economic world. It was still able to play the role of mediator between lobbies, collective interests, and executive power. In the case of compensation for war damages, the Reichstag was able to intervene in the legislative vacuum, as it was the regulation of restoration for private war damages. As underlined by Hermann Dietrich (DDP), the matter was a 'virgin territory' (*Neuland*) in legal terms. 'This is a completely new matter, which has not yet been treated by the legislation at all.'<sup>288</sup> It was also the first time that a national parliament regulated such a complex matter, facing difficult financial issues. Finally, the Reichstag also intervened in defining the national interest by fixing priorities in terms of recovery strategies and by changing the government draft concerning bonuses for economic reconstruction abroad. In this sense, pro-republican parties respected the role of the legislative power and committed to constitutional principles.

#### *The Dramatic Effects of Hyperinflation (1922-23)*

Unfortunately, the implementation of the legislation went very slowly. As Ludwig Haas denounced on the *Berliner Tageblatt* in December 1921, the provisions were still a scrap of

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<sup>285</sup> For the final text of the three laws see RGBl, 1921, p. 1021. See also Giese, "Die neuen Kriegsschadensgesetze," *Deutsche Juristen-Zeitung* 26, 15–16 (1921): 529–32.

<sup>286</sup> See articles published on newspapers such as Heinrich Kirschner, "Wichtige Grundsätze des Verdrängungsschadengesetzes," *Berliner Tageblatt*, 21 Jul. 1921, and Dr. med. Ernst, "Die Entschädigung der Vermögensverluste der aus Elsaß-Lothringen verdrängten Deutschen," *Kölnische Volkszeitung*, 12 Oct. 1921.

<sup>287</sup> Charles S. Maier, *Recasting Bourgeois Europe: Stabilization in France, Germany, and Italy in the Decade After World War I* (Princeton University Press, 1975).

<sup>288</sup> Proceedings of the Reichstag, 7 Jul. 1921, p. 4532.

paper.<sup>289</sup> The government passed implementing decrees only in March 1922.<sup>290</sup> Several factors contributed to that result. First of all, because of the dramatic financial crisis, the measures concerning payment became rapidly inadequate. Compensation corresponded to a negligible percentage of the damage, and the administration limited cash to curb hyperinflation by paying with government bonds. In November 1922, while the parliamentary committee was examining a new bill, the Reichstag hastily passed a law adopting the previous 1921 dispositions to the galloping inflation.<sup>291</sup> In addition to that, the slowness of bureaucracy at the federal and local levels as well as difficulties in coordinating with associations worsened the situation. In particular, the administration and associations took several months to define procedures regarding the preliminary examination (*Vorprüfung*). This also caused delays for the *Spruchkammern*, which could operate only after April 1922.<sup>292</sup> Furthermore, international tensions over reparations contributed to slowing down the implementation. The French delegation at the Reparation Commission demanded that Germany suspend compensation payments to meet international obligations.<sup>293</sup>

In January 1922, the administration prepared a new bill, and in the following months the government representatives—including the future Minister of Finance of the Nazi regime Lutz Graf Schwerin von Krosigk—regularly met with associations, industrial and commercial groups, representatives of banks and other economic lobbies to examine the document. The government proposal was to merge previous dispositions into a unitary law regulating the compensation for damages caused by liquidation without territorial distinctions. However, negotiations lasted more than eight months. During the meetings, divisions emerged not only between the government and associations but also among economic lobbies and refugees' associations. In particular, the damaged parties were split along several lines. One of them was the social distinction, as shown by the struggle between big business interests and the lower middle class. While the latter sought to raise the extent of compensation, the former was mainly interested in receiving money as soon as possible. Furthermore, the refugees accused the government of being too 'generous' to large corporations and banks. Such divisions were in sharp contrast with the nationalist rhetoric or the supposed harmony within collective categories. By following a cooperative and negotiating approach, the administration sought to find

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<sup>289</sup> Ludwig Haas, "Das Recht der Auslandsdeutschen – und die Not der Auslandsdeutschen," *Berliner Tageblatt*, 15 Dec. 1921.

<sup>290</sup> BArch, R 43-I/793, *Auszug aus dem Protokoll der Sitzung des Reichsministeriums vom 6. März 1922*.

<sup>291</sup> Proceedings of the Reichstag, Antrag Nr. 5204, Band 375, Wahlperiode 1920/24, pp. 5648–50, and Proceedings of the Reichstag, 15 Nov. 1922, p. 8965.

<sup>292</sup> Cf. documents in BArch, R 2/24768 and R 2/24769.



an acceptable compromise with economic groups and associations. Adopting a ‘corporatist’ strategy, the government wished unsuccessfully to avoid struggles and tensions. However, the lack of financial means exacerbated disputes—even within the government—and increased discontent among dispossessed Germans.<sup>294</sup> Remarkably, for instance, the official position of the *Bund der Auslandsdeutschen* changed radically. While in 1919-20 the association demanded equal treatment for all groups of dispossessed Germans, by the end of 1921 its position changed. In a petition sent to Chancellor Wirth, the *Bund der Auslandsdeutschen* asked for amending the bill by inserting ‘fundamental differences’ among the groups of victims as for payment methods. In particular, Germans abroad should have been benefited from lower taxation. In sum, unlike some years earlier, the lack of financial means forced associations to adopt an approach privileging differentiation instead of equal treatment.<sup>295</sup>

The disputes over the financial burden of compensation continued after the bill was presented to the Reichstag in October 1922. Compared to the previous laws, the new bill introduced a few innovations. One of those was that dispossessed Germans would have been treated equally, that is, without significant territorial distinctions. Furthermore, the compensation consisted of the increased peace value of the liquidated assets, but it could be multiplied progressively in case of displacement, or economic reconstruction in Germany or abroad. Special provisions regarding household items, clothing, and work tools were maintained, as well as payments consisting of cash and government bonds. Nonetheless, for the first time, the government renounced the promise made in August 1919, admitting that it was no longer able to comply with previous laws. By doing so, the right to compensation was openly violated due to the financial crisis of the German state.<sup>296</sup> The promise made after the end of the war was unbearable. As summarized by Karl Lothholz (Ministry of Reconstruction), ‘we must have the courage to say to the victims: “We are sorry, with the best will in the world, we cannot give any more; we have to reduce the benefits that have been paid out since then.” We must give them what we can, but without making promises which we cannot keep.’<sup>297</sup> Remarkably, Lothholz (1872) was one of the most important state officials who were committed to regulating the legislation on compensation. Coming from the Reich Patent Law Office, which played a crucial role in protecting the intellectual property of the rising German chemical industry be-

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<sup>293</sup> BArch, R 43-I/793, *Bund der Auslandsdeutschen* to Unterstaatssekretär der Reichskanzlei, 30 Jul. 1922.

<sup>294</sup> See minutes of meetings in BArch, R 43-I/793.

<sup>295</sup> BArch, R 43-I/793, *Bund der Auslandsdeutschen* to Chancellor Wirth, 23 Dec. 1921.

<sup>296</sup> Proceedings of the Reichstag, Drucksach 5042, Band 375, Wahlperiode 1920/1924, *Entwurf eines Gesetzes zur Verminderung der Lasten des Reichs aus der Gesetzgebung über die Entschädigung und das Ausgleichsverfahren aus Anlaß des Friedensvertrags von Versailles (Reichsentlastungsgesetz)*.

fore the war,<sup>298</sup> Lothholz was committed to defending the economic interests instead of privileging the social aims of the compensation laws.<sup>299</sup>

The Reichstag examined the bill for several months. During the sessions of the parliamentary committee, the associations strongly criticized the government proposal. Although they recognized the limits imposed by the economic situation, representatives of the refugees claimed to be discriminated against by the administration. According to the *Bund der Auslandsdeutschen's* spokesman, the compensation was worth on average between 0.3 and 1.5% of the lost property. According to the association, however, despite the inflation, the Reich was able to raise compensation to 10%, and hence the cabinet was lying about the financial situation.<sup>300</sup> In contrast, the administration replied that dispossessed Germans should have taken into consideration the collective interest of the country. Belonging to the national community meant adequate compensation in favor of them but within acceptable limits for the citizenry itself. 'As a people's and destiny's community, victims had to be given compensation for losses, but within the limits which were acceptable for the collectivity as a whole, which is in the greatest political and economic trouble.'<sup>301</sup> The press expressed similar ideas, and some public officials criticized the bill but urged the associations to accept the government's position.<sup>302</sup> The associations appealed to Reich President Friedrich Ebert,<sup>303</sup> the President of the Reichstag Paul Löbe,<sup>304</sup> and Chancellor Wilhelm Cuno to overcome the opposition of the Ministry of Finance.<sup>305</sup> Furthermore, the lawmakers realized they had little room for maneuver. The DVP, DDP, DNVP, and other little regional parties considered the proposal insufficient, but they were aware that the committee could not amend the bill. Therefore, they asked the government to intervene in the future with adequate provisions. In this way, the Reich could have also raised the issue in international negotiations on reparations. The SPD—

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<sup>297</sup> Proceedings of the Reichstag, Aktenstück Nr. 5850, Band 377, Wahlperiode 1920/1924, p. 6827.

<sup>298</sup> Peter Hayes, *Industry and Ideology: I. G. Farben in the Nazi Era* (Cambridge: Cambridge University Press, 1987), p. 2.

<sup>299</sup> Born in 1872, Lothholz graduated in law and then entered the central administration serving as an official at the Reich Patent Law Office in 1905. During the war, he cooperated with the Reich Commissioner recording atrocities against Germans abroad, and since July 1918 served in the Liquidation and Compensation Office at the Ministry of Finance, then became ministerial director of the Ministry of Reconstruction until 1924. After coming back to the Finance administration, Lothholz was forced to retire in 1934 by the Nazi government. See his personal dossiers in BArch, R 2/100522, and R 2/100523.

<sup>300</sup> Ivi, p. 6817.

<sup>301</sup> Ivi, p. 6820.

<sup>302</sup> Reg. Rat. Dr. Klimmer, "Reichsausgleichs- und Liquidationsschädengesetz," *Münchner Neuesten Nachrichten*, 22 Jun. 1926, and Otto Liesegang, "Ausgleichsgesetz – Liquidationsschäden," *Münchner Neuesten Nachrichten*, 29 Oct. 1922.

<sup>303</sup> BArch, R 43-I/794, *Büro des Reichspräsidenten* to Chancellor, 8 Nov. 1922.

<sup>304</sup> Ivi, *Pressenotiz*, 8 Nov. 1922.

<sup>305</sup> Ivi, *Bund der Auslandsdeutschen* to Chancellor, 13 Dec. 1922.

together with the Zentrum—argued that the bill was not amendable, and it was the best possible compromise. On the one hand, the socialist lawmakers criticized the government by using criticisms against big business, and the supposed ‘un-social and unfair effects of the government’s bill.’<sup>306</sup> They claimed the commitment in favor of the lower middle class, whereas the administration was supposed to support the big corporations and banks by giving higher compensations to them. On the other, the SPD also blamed associations for their excessive requests. In particular, socialist lawmakers criticized the *Bund der Auslandsdeutsche*. According to one of them, before 1914, Germans abroad had benefited from the expensive navy and military protection, whose costs had been covered by the German taxpayers. Resounding in those words was the opposition against the ultranationalist and antisocialist ideas that circulated among *Bund*’s spokesmen.

Finally, in May 1923 the Reichstag committee concluded the revision of the bill. Among the others, it adjusted compensation multipliers to inflation and imposed the cash threshold in 4 million paper marks. Amendments were aimed at assisting the most vulnerable families who belonged to the lower social classes.<sup>307</sup> During the general debate, Julius Curtius (DVP)—who was the reporter of the bill—argued that a cooperative spirit between government, associations, and lawmakers dominated the sessions. Although this was not often true, the nationalist-conservative politician underlined that, despite the hyperinflation, the Reichstag was still able to find a compromise among conflicting interests. After seven months, the Reichstag had achieved a result. Such words sounded empty. As Curtius admitted, the bill openly violated vested rights and constitutional principles, but in case of a national emergency, it was an unavoidable and legitimate choice. Overall, Curtius was aware that the compromise satisfied no one (including his party). Several associations had defined the law as the ‘Reich Robbery Act’ (*Reichsraubgesetz*), and Curtius used such a definition as well. However, criticism should not be addressed against the German government, but rather against the Allies. By referring to the responsibilities of former enemies, Curtius sought to justify Germany but at the same time, he was confirming its powerlessness and incapability to maintain constitutional promises. There was no speech after the words of Curtius, and the *Liquidationsschädensgesetz* was passed with a large majority.<sup>308</sup>

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<sup>306</sup> Similar concerns appeared in the official socialist press, cf. “Das Reich für die Reichen?,” *Vorwärts*, 15 Mar. 1923.

<sup>307</sup> Proceedings of the Reichstag, Aktenstück Nr. 5850, Band 377, Wahlperiode 1920/1924, pp. 6820–70.

<sup>308</sup> Proceedings of the Reichstag, 16 Mai 1923, pp. 11120–4. The text of the law is reported in RGBl, 1923, I, p. 305. See also Neufeld, “Die Liquidationsschädensgesetz,” *Deutsche Juristen-Zeitung* 28, 15–16 (1923): 461–3.

The acute financial crisis frustrated the efforts of the Reichstag. Several provisions were unheeded, while associations and administration opted for solutions that circumvented legislative regulation since the parliament had been unable to reach a fair compromise. Due to the hyperinflation, the Reichstag was not able to control effectively the mechanism of compensation. On the one hand, the administration radicalized the method of categorization privileging some groups. In this way, the government could concentrate resources on categories that were considered more ‘useful’ for economic recovery or enjoyed a privileged status toward the state. For instance, in 1922-23 the government issued special guidelines concerning the compensation for civil servants expelled from the ceded regions or colonies and consular and diplomatic staff, who were entitled to have higher compensation. In May 1922, the Ministry of Interior prepared a draft concerning the special treatment of civil servants of central and local administration, teachers, priests, and former officers who had been expelled.<sup>309</sup> The cabinet approved the guidelines in August 1922.<sup>310</sup> A few months later, similar provisions were issued to support diplomatic and consular officials, military and navy *attachés*, priests and doctors serving the embassies, directors, and teachers of the German schools abroad, together with the staff of cultural institutes in Rome, Al-Cairo and Athens,<sup>311</sup> and the colonial civil servants.<sup>312</sup> The cabinet approved it in November 1922,<sup>313</sup> and March 1923.<sup>314</sup> In the end, the government identified 23 categories of civil servants who deserved to be supported with higher compensation than other citizens.<sup>315</sup> Yet, in October 1923 the Minister of Finance Rudolf Hilferding (SPD) imposed severe financial restrictions, which forced the administration to cancel those special provisions.<sup>316</sup>

On the other, in order to give immediate resources to victims, the government and the associations agreed on the possibility of reaching ‘administrative arrangements’ (*Verwaltungsvergleiche*) between the Ministry of Reconstruction (or Finance) and victims. By doing so, the arbitral commissions were deprived of their intermediation role and the administration could cur-

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<sup>309</sup> BArch, R 43-I/793, *Richtlinien über die Zusatzentschädigungen für die verdrängten Beamten*, sent by Interior to other ministries, 5 May 1922.

<sup>310</sup> BArch, R 43-I/793, *Auszug aus dem Protokoll der Sitzung des Reichsministeriums vom 12. August 1922*.

<sup>311</sup> BArch, R 43-I/794, *Vorläufige Richtlinien über die Gewährung von Zusatzentschädigungen an Auslandsbeamte*, sent by Ministry of Foreign Affairs, Finance and Reconstruction to the Chancellery, 28 Oct. 1922.

<sup>312</sup> BArch, R 43-I/794, *Richtlinien über die Gewährung von Zusatzentschädigungen an Kolonialbeamte*, sent by Finance and Reconstruction to Chancellery, 5 Mar. 1923.

<sup>313</sup> BArch, R 43-I/794, *Auszug aus dem Protokoll der Sitzung des Reichsministeriums vom 27. November 1922*.

<sup>314</sup> BArch, R 43-I/794, Chancellery to Reconstruction and Finance, 31 Mar. 1923.

<sup>315</sup> BArch, R 43-I/794, draft of the *Richtlinien über die Zusatzentschädigung an verdrängte Beamte*, sent by Interior to Chancellery, 8 Sep. 1923.

<sup>316</sup> BArch, R 43-I/795, Hilferding (Finance) to Interior, 29 Sep. 1923 and Interior to Chancellery, 18 Oct. 1923.

tail the expenditure, although such a system violated the legislation.<sup>317</sup> Such agreements were initially settled in early 1922. Later, between April and May, the Ministry of Reconstruction regulated the procedures.<sup>318</sup> From that moment on, the number of such agreements rose considerably. As the Alsatian lawyer Bruno Weil (1883–1961) enthusiastically wrote, ‘the conclusion of such settlements seems to be extremely desirable so that the parties can finally get out of the years of suffering, which has brought many of them physical and mental pain.’<sup>319</sup> The *Deutscher Ostbund* and the *Bund der Auslandsdeutschen* supported this solution as well.<sup>320</sup> For instance, over six months, the administration signed several agreements with former colonists (1,200 out of 1,700 applications).<sup>321</sup> In the second half of November 1922, the central administration signed 17 agreements in 14 days with large industrial corporations.<sup>322</sup> The practice moved rapidly away from legislative provisions. In a very short time, due to its discretion and flexibility, the system of administrative agreements replaced the ordinary process. ‘Through administrative settlement, [it] was possible, mostly in favor of the victims, to depart from the rigid regulations of the compensation laws. [...] That procedure soon proved to be better than the ordinary process, and was chosen principally by parties which suffered significant losses, especially by big companies, because of its greater flexibility.’<sup>323</sup> Corporations appreciated it, especially because they could avoid the lengthy bureaucratic process, the long-lasting parliamentary debates, or the implementing decrees issued by the government.

Overall, leveraging their strength and economic importance, they were able to reach more advantageous agreements and get higher compensation. Unsurprisingly, in those months, the majority of applications were solved through special settlements, while arbitral courts and the *Reichswirtschaftsgericht* lost importance.<sup>324</sup> The *Interessenvertretung der Elsaß-Lothringischen Gruben und Hüttenwerke* and the *Interessenvertretung der im Ausland geschädigten Gruben- und Hüttenwerke*, which represented the industrial interests of August Thyssen in Alsace-Lorraine, received 106 million marks as compensation, corresponding to 5% of the loss. Despite being deemed insufficient, the sum was useful for the industrial modernization plan of

<sup>317</sup> BArch, R 2/677, Reconstruction to REAK, 28 Oct. 1922.

<sup>318</sup> BArch, R 2/677, *Aktenaufzeichnung über die Besprechung vom 4.4.1922, betreffend den Abschluss von Vergleichen über Entschädigungsansprüche*.

<sup>319</sup> BArch, R 2/677, Bruno Weil to Reconstruction, 15 Jul 1922.

<sup>320</sup> BArch, R 2/24770, *Niederschrift über die Besprechung am 19. Februar 1923 betreffend Erhöhung der Arbeitsleistung der Vorprüfungsstellen*. Cf. ‘Der Vergleich,’ *Auslandswarte*, 3, 10 (1923), pp. 143–5.

<sup>321</sup> BArch, R 2/24770, *Deutscher Ostbund* to Lothholz, 7 Feb. 1923.

<sup>322</sup> BArch, R 2/24753, *Verbindungsstelle des Reichskommissars beim Reichswirtschaftsgericht*, 10 Dec. 1922.

<sup>323</sup> BArch, R 2/643, *Aufbesserung der Entschädigungen*, 6 Jan. 1925.

<sup>324</sup> In 1923–24 the *Reichswirtschaftsgericht* issued very few decisions in this regard, cf. BArch, R 2/1145.

Thyssen company in the early 1920s.<sup>325</sup> Likewise, the *Gutehoffnungshütte*, one of the major mining and mechanical engineering companies in the Ruhr region led by Paul Reusch, negotiated several agreements with the government to get capital for investments in modernization. In early 1920, the German Treasury paid 27 million marks, and overall, until May 1922, the company received 100 million marks and 35 million marks in government bonds.<sup>326</sup> Also, the government largely compensated the Krupp concerns for its losses and saved it from failure.<sup>327</sup> The paper company *Gebrüder Adt AG*, whose headquarters were in Lorraine and the Saar region, was seized by French authorities in 1919. Thanks to the support of the German administration, it received 1.2 million marks corresponding to over 11% of the damage, and could resume its activity in Villingen (Baden-Württemberg).<sup>328</sup> Similarly, the Strasburg-based leather company *Adler & Oppenheimer AG* was seized and liquidated by French authorities in 1919-20, while after the expulsion the former owners Karl Adler and Julius Oppenheimer created a new company in Berlin. The Reich granted them 8 million marks as compensation (corresponding to 5% of the damages).<sup>329</sup> Hermann von Mumm, owner of the champagne firm *G. H. Mumm & Co.* which operated in Reims, could recover 2.2 million marks corresponding to 4.6% of the damage. Likely, thanks to that sum, Mumm was able to set up a new wine firm in Frankfurt and invest in other activities in Switzerland and Lichtenstein.<sup>330</sup> Even if compensations were rarely over 10%, in many cases the government provided money for the immediate recovery of the economic activity. Through the practice of special agreements, the administration could concentrate its limited resources on companies whose recovery was instrumental to the national interest. By doing so, some economic and financial groups were privileged to the detriment of the other dispossessed Germans. According to a dispossessed German citizen living in San Francisco, the compensation was supposed to allow him to rebuild his business, but—as he ironically noted—it was sufficient only to buy a new suit.<sup>331</sup> As shown by the mentioned examples, large corporations were compensated more generously, confirming that the complaints raised by the associations against the government were sometimes justified.<sup>332</sup> In sum,

<sup>325</sup> Rasch and Feldman, *Hugo Thyssen und Hugo Stinnes*, pp. 80–1.

<sup>326</sup> Christian Marx, “Enteignung – Entschädigung – Expansion. Der Versailler Vertrag und die Gutehoffnungshütte (1918–1923),” in Ziegler and Hesse, *1919 – Der Versailler Vertrag*, pp. 148–9.

<sup>327</sup> Christian Böse, “Krupp zwischen Erstem Weltkrieg und Versailler Vertrag – Verluste, Entschädigungen und Neuorientierung,” in Ziegler and Hesse, *1919 – Der Versailler Vertrag*, pp. 185–8.

<sup>328</sup> BArch, R 2/643, *Aufbesserung der Entschädigungen*, 6 Jan. 1925. On the history of the company cf. [https://www.aktiensammler.de/br/archiv\\_branchen\\_detail.asp?AREA=205&ID=338245&NS=1](https://www.aktiensammler.de/br/archiv_branchen_detail.asp?AREA=205&ID=338245&NS=1).

<sup>329</sup> Ivi. See also Jean Daltroff, “Les Adler et Oppenheimer,” *Revue d’Alsace*, 136 (2010), pp. 175–97.

<sup>330</sup> Rolland, *Mumm*, p. 163.

<sup>331</sup> “Die Stimmen der Auslandsdeutschen,” *Auslandswarte*, 2, 13, p. 10.

<sup>332</sup> The *Disconto-Gesellschaft*, however, strongly criticized the legislation on compensation and considered it inadequate to the needs of victims, see *Disconto-Gesellschaft in Berlin Geschäftsbericht für das Jahr 1922*, p. 13.

thanks to the acute economic crisis the administration could operate more discretionally by circumventing legislative provisions, and constitutional guarantees and weakening the role of the Reichstag. Awarding specific groups among entitled citizens higher compensation, the Reich administration broke the democratic and constitutional promise of August 1919.

In the first half of 1923, however, the crisis dramatically worsened. Within a few days, compensations paid in paper marks and government bonds lost their value. In February 1923, Albrecht William O'Swald—a member of the well-known merchant family of Hamburg—complained that compensation turned into Bolshevik-style confiscation. ‘This is no longer a compensation, but a confiscation of property, as the most brutal communist enemy of capital could not wish more utterly.’<sup>333</sup> The *Liquidationsschädengesetz* in June did not change the situation. The turning point occurred a few weeks later when Gustav Stresemann was appointed as Chancellor. His government ended the passive resistance in the Ruhr area, and it made strong efforts to stop the hyperinflation. With two decrees in October-November 1923, the new cabinet amended the dispositions regarding compensation, imposing severe limitations on the circulation of paper marks. From that moment, compensation was to be paid in goldmarks, but in very small percentages. The minimum compensation was a fraction of what had been lost, 2‰ of its pre-war value, whereas, in case of displacement, it could be raised to 5‰. Special provisions regarding household, clothing, or work tools were maintained, but compensation could not exceed 2,000 golden marks. Furthermore, the government limited the granting of bonuses and loans.<sup>334</sup> Due to the hyperinflation, the German government drastically cut the budget for compensation without consulting either associations or the Reichstag. Furthermore, the decrees were enacted thanks to the special power conferred to the government during the emergency period. The state was allowed to ‘derogate’ (*abweichen*) from the Weimar Constitution, and thus violate the vested rights of citizens.

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<sup>333</sup> The letter sent by the O'Swald & Co. Hamburg to Reconstruction, 2 Feb. 1923, is reported in Hainbuch, *Das Reichsministerium für Wiederaufbau*, p. 504.

<sup>334</sup> *Verordnung zur Abänderung des Reichsentlastungsgesetzes und des Liquidationsschädengesetzes vom 4. Juni 1923 und der Gewaltsschädengesetze (Verdrängungs-, Kolonial- und Auslandsschädengesetz) vom 28. Juli 1921 in der Fassung der Bekanntmachung vom 10. Juli 1923 (Kriegsschadenverordnung)* (28. Oktober 1923), RGBl, 1923, I, p. 1015 and *Bekanntmachung der neuen Fassung des Liquidationsschädengesetzes* (20. November 1923), RGBl, 1923, I, p. 1148. See also BArch, R 2/1180, Reconstruction to Reichswirtschaftsrat, 14 Nov. 1923

## 7.4 The Struggle for the Revaluation of Compensation and the Effects of the Economic Reconstruction (1924-1930)

### *The First Revaluation Measures*

From January 1922 to August 1924, Germany spent 43.5 million goldmarks to compensate citizens who lost their assets in foreign countries. The funds allocated in those two and a half years were lower than the total amount of yearly expenses in 1920 or 1921. Unsurprisingly, after Stresemann's reform, the government spent just 9.1 million.<sup>335</sup> However, curiously enough, the social impact of the compensation provisions was equalizing. Hyperinflation caused a 'redistribution of wealth [...] in an egalitarian direction.'<sup>336</sup> According to the REA, applicants easily got the maximum for additional sums. For that reason, the 'less well-off victims' (*minderbemittelten Geschädigten*) proportionally enjoyed better treatment than other categories. Germans who lost up to 3,000 goldmarks were mainly single or married workers, little employees, artisans, or self-employed people. On average, from August 1921 to November 1923, the compensation corresponded to over 55% of the pre-war value of the loss, oscillating between 101% (April 1923) and 8% (September 1923). After the reform of the Stresemann cabinet, the compensation covered 100% of the damage up to 600 goldmarks and 66% up to 3,000 goldmarks. In contrast, for the middle and better-off classes, compensation corresponded to smaller percentages. In the same period, people who lost up to 30,000 marks received sums that corresponded to 7% of the pre-war value. Progressively, the percentage dropped dramatically. It was 2% for members of the 'well-to-do middle class' (*gutsituierter Mittelstand*) who applied for compensation up to 100,000 marks, while companies could receive a small fraction (0.3-0.2%). During the worst period of the currency crisis (mid-September 1923), the compensation for damages up to 10 million marks corresponded to 0.006%.<sup>337</sup> Some large corporations received more generous aid from the administration but represented an exception. Fundamentally, the state privileged the assistance for lower social groups. Furthermore, provisions regarding personal assets such as household items, clothing, or work tools contributed to restoring the social status of refugees and displaced persons and, only secondarily, the economic activity. In sum, hyperinflation was decisive in turning compensation for expropriated assets into a sort of welfare state measure. It had also an egalitarian social impact. Never-

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<sup>335</sup> BArch, R 2/707, *Zusammenstellung der Geldwerte der im gesamten Entschädigungsverfahren bewilligten Papiermarkbeträge umgerechnet nach der Anlage zu den Nachentschädigungsrichtlinien vom 25.3.1925* and *Zusammenstellung der Geldwerte der im gesamten Entschädigungsverfahren bis zum 31. August 1924 für Liquidationsschäden bewilligten Beträge*, 19 May 1926.

<sup>336</sup> Feldman, *The Great Disorder*, p. 839.

<sup>337</sup> See statistics reported in BArch, R 2/643, *Aufbesserung der Entschädigungen*, 6 Jan. 1925.



theless, this equalizing process did not contribute to stabilizing the Weimar Republic, nor mitigating claims for more funding.

In the second half of the 1920s, the Reichstag and the associations of victims repeatedly asked to change Stresemann's reform. The Ministry of Reconstruction was overwhelmed by petitions and letters protesting against the new decrees. Returning to previous legislation was the common demand. In particular, associations denounced the violation of fundamental individual rights and the lack of consultation between authorities and representatives of victims before the reform.<sup>338</sup> The Marienburg branch of *Deutscher Ostbund* sent a petition to the government, denouncing the 'arbitrary breach of the Constitution, according to which every citizen is granted equal rights.'<sup>339</sup> The Brambauer section of the *Hilfsbund für die Elsass-Lothringer* claimed that the decree was an attack 'against good faith and all moral principles'. By annulling previous dispositions, the government was violating 'the most important principle of a state,' and undermining 'the trust of a class of citizens in the state.'<sup>340</sup> In January 1924, the associations held a mass protest in Berlin.<sup>341</sup> Quite significantly, however, no petition directly attacked the Chancellor, whose popularity remained almost untouched among those circles. Nevertheless, complaints were unheard of, and the administration followed the limitations imposed by the decrees.

The first significant turning point occurred only in 1925. Since the beginning of negotiations on the Dawes Plan (April-May 1924), associations, newspapers, and lawmakers urged the center-right government led by Wilhelm Marx to re-evaluate compensations. In particular, they suggested to include budget expenses for compensations within the reparations scheme. In this way, it would have been possible to find enough means for adequate restoration (*see Epilogue*). Pressures came from the *Bund der Auslandsdeutschen*,<sup>342</sup> local and national newspapers,<sup>343</sup> or the Bavarian government.<sup>344</sup> At the Reichstag, the center and right-wing parties (DVP, DNVP, and DDP) presented several resolutions asking for a re-evaluation of compen-

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<sup>338</sup> "Der Zusammenbruch der Entschädigung," *Auslandswarte*, 3, 21-22 (1923), pp. 289-90.

<sup>339</sup> BArch, R 2/24771, *Deutscher Ostbund* (Marienburg) to Reconstruction, 24 Nov. 1923.

<sup>340</sup> BArch, R 2/24771, *Hilfsbund für die Elsass-Lothringer* (Brambauer) to Reconstruction, 20 Jan. 1924.

<sup>341</sup> "Die Abänderung der Notverordnung vom 28. Oktober, p. 30," *Auslandswarte*, 4, 3 (1924), p. 30, and "Die Ansprüche der Auslandsdeutschen," *Deutsche Allgemeine Zeitung*, 26 Jan. 1924.

<sup>342</sup> BArch, R 2/703, *Bund der Auslandsdeutschen* to Finance, 19 Apr. 1924.

<sup>343</sup> "Die Entschädigung der Auslandsdeutschen," *Berliner Börsen-Courier*, 19 May 1924; "Die Entschädigung der Auslandsdeutsche," *Berliner Börsenkurier*, 19 May 1924; "Die Entschädigung der Auslandsdeutschen," *Hamburger Fremdenblatt*, 20 May 1924; "Die deutschen Auslandskapitalien," *Der Tag*, 23 May 1924; "Liquidationsgeschädigte und Sachverständigen-Gutachten," *Kölnische-Zeitung*, 2 Jun. 1924.

<sup>344</sup> BArch, R 2/703, Bavarian Embassy to Finance, 5 Sep. 1924.

sations.<sup>345</sup> Julius Curtius, Theodor Heuss, Walther Dauch, Alfred Gildemeister, Heinrich Schnee, and Gustav Budjuhn together with the president of the Reichstag Paul Löbe were among the most vocal supporters of those requests.<sup>346</sup> Gildemeister, who chaired the committee tasked with monitoring compensation procedures, urged Krosigk to increase government efforts.<sup>347</sup> The failure to include the compensation issue within the Dawes Plan did not stop the pressures coming from associations and the Reichstag.<sup>348</sup> In March 1925, after weeks of talks with associations,<sup>349</sup> the compensation committee approved the guidelines proposed by the Ministry of Finance concerning the ‘supplementary compensation’ (*Nachentschädigung*).<sup>350</sup> The government allocated 270 million marks. However, while 55 million were intended to assist in ‘special cases’ and 38 million for economic recovery loans, the government was funding a revaluation of compensation up to 200,000 marks with 177 million. But the social dimension prevailed over the economic one. ‘Small’ damages (up to 2,000 marks) were to be fully restored, whereas the percentage was progressively lower for losses exceeding that threshold (*cf.* Fig. 7.5).<sup>351</sup>

§ 2.

1.) Alle Nachentschädigung werden festgesetzt bei einem Grundbetrage (§ 4)

a) bis 50 000 M:

für die ersten 2 000 M des Grundbetrages	100 %
für die weiteren 28 000 M "	10 %
darüber hinaus bis 50 000 M "	6 %

b) von mehr als 50 000 M bis 200 000 M:

für die ersten 50 000 M des Grundbetrages	12 %
für die weiteren 50 000 M "	8 %
darüber hinaus bis 200 000 M "	6 %

c) von mehr als 200 000 M:

für die ersten 200 000 M des Grundbetrages	8 %
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[Fig. 7.5, Revaluation scales according to guidelines on *Nachentschädigung*]

The guidelines were in strong continuity with previous legislation. The less well-off victims were the privileged category but, at the same time, the administration was free to grant

<sup>345</sup> See resolutions' text in Proceedings of the Reichstag, Anträge Nr. 58, 59, 60, Band 382, Wahlperiode 1924; Anträge Nr. 26, 203, Band 397, Nr. 286, Band 398, Wahlperiode 1924/1928.

<sup>346</sup> "Interfraktionelle Besprechungen über Entschädigungsfragen," *Auslandswarte*, 5, 3 (1925), p. 93.

<sup>347</sup> BArch, R 2/703, Alfred Gildemeister (DVP) to Krosigk, 19 May 1924.

<sup>348</sup> See petitions in BArch, R 43-I/796.

<sup>349</sup> "Die Zwischenaktion im Entschädigungsverfahren," *Auslandswarte*, 5, 5 (1925), p. 25.

<sup>350</sup> "Die Zwischenaktion," *Auslandswarte*, 5, 6 (1925), p. 26.

<sup>351</sup> BArch, R 43-I/796, *Richtlinien über die Gewährung von Nachentschädigungen für Liquidations- und Gewaltschäden (Nachentschädigungsrichtlinien)* and *Richtlinien über die Gewährung von Wiederaufbaudarlehen für Liquidations- und Gewaltschäden (Wiederaufbaudarlehnrichtlinien)*, 25 Mar. 1925.

financial support to companies operating in foreign countries. Unlike previous procedures, yet, associations of victims were no longer responsible for preliminarily examining applications.<sup>352</sup>

Unfortunately, 270 million marks were too little to provide adequate compensation. By October 1926, the authorities approved over 300,000 applications for *Nachentschädigung* consisting of 242 million marks and granted nearly 2,300 loans for economic reconstruction.<sup>353</sup> In the following months, the government allocated extra funds. Due to the pressure from the Reichstag and Julius Curtius (DVP)—at that time Minister of the Economy (1926-28)—the Ministry of Finance assigned 600 million marks to aid large companies with larger long-term loans.<sup>354</sup> As Curtius stated, the aim was to encourage the export of German products at a moment when the national economic situation improved.<sup>355</sup> According to the Ministry of Foreign Affairs, between 1925 and 1928, the Reich administration granted 550 loans, especially to corporations wishing to rebuild their business in the former German colonies. In the British mandates in Togo and Cameroon, for instance, the government granted 90 loans to private companies and owners of plantations. For example, in 1925-26, the *Ekona AG*, which had been seized by the British authorities and bought back by the *Deutsche Kautschuk-AG* in 1924, received 1.6 million marks. In Eastern Africa, Germany provided much more loans (385). In the case of the Hamburg-based *O'swald & Co.*, for instance, the administration lent 815,000 marks with five loans between 1925 and 1928. In the same period, the *Deutsch-Ostafrikanische Gesellschaft*, which until 1914 controlled several plantations in German Eastern Africa, received financial support through 10 loans (2.2 million marks). The *Hamburg-Südsee AG*, which did business in New Guinea, received state aid on several occasions. Between 1921 and 1925, the Reich granted over 13 million marks as compensation,<sup>356</sup> while in 1926-27 the administration lent 2.9 million marks to recover their activity in the former German colony.<sup>357</sup>

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<sup>352</sup> "Die Durchführung des Nachentschädigungsverfahrens," *Auslandswarte*, 5, 10 (1925), p. 19.

<sup>353</sup> "Stand des Nachentschädigungsverfahrens," *Auslandswarte* 6, 18 (1926), p. 584.

<sup>354</sup> BArch, R 2/1180, *Vermerk über das Ergebnis der Sitzung des 22. Ausschusses des Reichstages (Entschädigungsgesetze) vom 10.3.1926.*

<sup>355</sup> BArch, R 2/1180, Julius Curtius to Alfred Gildemeister, 19 Mar. 1926. On his efforts to rebuild the economic position of Germany within the *Weltwirtschaft* see Julius Curtius, *Sechs Jahre Minister der Deutschen Republik* (Heidelberg; C. Winter, 1948), p. 68.

<sup>356</sup> See <http://www.dieter-engel.com/texte/firmen/reedereien/hhsuedsee.htm>.

<sup>357</sup> BArch, R 43-I/799, Ministry of Foreign Affairs to Chancellery, *Übersicht über die vom Auswärtigen Amt gewährten Wiederaufbandarlehen, soweit sie durch das Kriegsschädenschlußgesetz abgedeckt sind*, 14 May 1928.

## *The 1928 Final Compensation Law*

The associations and the Reichstag kept urging the government to find an international agreement and to allocate adequate resources with a re-evaluation law,<sup>358</sup> but the Ministry of Finance was reluctant to do so.<sup>359</sup> In 1926-27, the budget and compensation committees of the Reichstag approved various resolutions asking the government to allocate additional resources for victims of expropriation. In March 1926, the Reichstag urged the government to provide 100 million marks and to support Germans who were over 65 years old and unable to work.<sup>360</sup> Then, the committees insisted on granting larger loans to companies that were seeking to recover economic activity in foreign countries.<sup>361</sup> The issue became a matter of dispute between the central administration and the local states, too. In March 1926, the Bavarian parliament passed a resolution urging the central government to restore dispossessed Germans, especially Bavarian citizens.<sup>362</sup> The central administration replied that the issue was a matter of exclusive competence, and thus no local state could intervene to protect a specific group of nationals.<sup>363</sup>

In other cases, widows or families in difficult economic conditions petitioned the Chancellor. For instance, Mrs. V. Schoemann, née Cassard, applied for 115,000 marks as compensation only after her husband Ernst died. Since 1897, he had been the director of *Deutsche Palästina Bank* offices in Jerusalem and later Beirut. When the British troops arrived in Beirut in September 1918, he left the country leaving all his property. A French officer seized his assets that were considered 'abandoned.' In the wake of the war, the family moved to Limburg an der Lahn (Hessen) where he found a new job as a manager of a local company. According to the widow, the husband did not apply for compensation, because he hoped to get his assets back. After his death in March 1926, however, the widow was in serious economic difficulties. Only one of their sons was employed, whereas the others needed money to go to school. Therefore, she stressed the fact that her husband had worked for the economic

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<sup>358</sup> BArch, R 43-I/796, petition of *Bund der Auslandsdeutschen, Reichsverband der Kolonialdeutschen, Schutzverband für die aus Elsass-Lothringen verdrängten Eigentümer von Liegenschaften, Freie Interessenvertretung der im Ausland geschädigten Inlandsdeutschen, Wiederaufbau im Auslande, Schutzverband der Liquidationsgeschädigten im Reich, Vereinigte Verbände heimattreuer Oberschlesier* to Chancellor, 14 Sep. 1925.

<sup>359</sup> BArch, R 43-I/796, Finance to *Bund der Auslandsdeutschen*, 26 Sep. 1926.

<sup>360</sup> Proceedings of the Reichstag, Aktenstück Nr. 2198, Band 407, Wahlperiode 1924/1928, *Mündlicher Bericht des 22. Ausschusses (Entschädigungsgesetze) und des 5. Ausschusses (Reichshaushalt) Hilfsmaßnahmen zugunsten der Liquidations- und Gewaltgeschädigten*.

<sup>361</sup> Proceedings of the Reichstag, Aktenstück Nr. 2459, Band 409, Wahlperiode 1924/1928, *Mündlicher Bericht des 22. Ausschusses (Entschädigungsgesetze) und des 5. Ausschusses (Reichshaushalt) über Bereitstellung von Mitteln für Bewilligung von Wiederaufbaudarlehen*; Aktenstück Nr. 2524, Band 409, Wahlperiode 1924/1928, *Entschließung zum Mündlichen Bericht des 22. Ausschusses (Entschädigungsgesetze) und des 5. Ausschusses (Reichshaushalt) über Bereitstellung von Mitteln für Bewilligung von Wiederaufbaudarlehen*.

<sup>362</sup> BArch, R 43-I/797, Bavarian Embassy to Chancellor, 8 Apr. 1926.

<sup>363</sup> BArch, R 43-I/797, note from the Secretariat of the Chancellery, 13 Apr. 1926.

expansion of *Deutschtum* in the Middle East and was persecuted because of his nationality.<sup>364</sup> The Chancellery supported her request and asked the Ministry of Finance to grant a special subvention.<sup>365</sup> In some cases, petitioners leveraged their Catholic affiliation to persuade Chancellor Wilhelm Marx—a distinguished member of Zentrum—to support their applications. In this case, religious belief represented the crucial factor in helping claims coming from a particular group of citizens. In the case of the Frommelt family, which had left Alsace-Lorraine, the chief city inspector of Constance emphasized their charity activity before the war. “The Frommelts, a good Catholic family that has already done a lot of good here, who always had an open hand when I came as president of the St. Stefan Vincent Conferences, is in great need.”<sup>366</sup> Michele Francesco Schickert, who was a knight of the Ordine San Gregorio Magno and head of the German-speaking community in Rome, asked Marx to support his application for 460,000 marks as compensation due to the loss of his Park Hotel in Nervi (Genoa). With that sum, Schickert wished to open a new hotel in Rome.<sup>367</sup> Also, the Apostolic Nuncio in Bavaria Eugenio Pacelli urged the government to intervene in support of some companies run by Catholic Germans.<sup>368</sup>

The turning point occurred in February 1927, when the Arbitral Tribunal set by the Dawes Plan refused to include compensations within the reparations scheme. After the unfavorable ruling, associations, lawmakers, chambers of commerce, and other economic lobbies mobilized to force Germany to break the deadlock.<sup>369</sup> In February 1927, Theodor Heuss and the DDP parliamentary group were the first to present a resolution demanding the government to draft a bill for the revaluation of compensation.<sup>370</sup> In the meantime, the associations were organizing demonstrations in Berlin as well as in other cities to force the government to pass a new law.<sup>371</sup> A few weeks later, Chancellor Marx asked the Ministry of Finance to prepare a bill, since the issue was generating a wide public debate.<sup>372</sup> In the following months, however, there was a tough struggle in public opinion and within the government to determine the allocation of available resources.

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<sup>364</sup> BArch, R 43-I/797, Mrs. V. Schoemann to REA, 29 May 1926.

<sup>365</sup> BArch, R 43-I/797, note from the Secretariat of the Chancellery, 25 Jun. 1926.

<sup>366</sup> BArch, R 43-I/797, Albert Eisinger to Chancellor, 7 Aug. 1926.

<sup>367</sup> BArch, R 43-I/798, Cav. M. F. Schickert to Chancellor, 26 Jun. 1927.

<sup>368</sup> BArch, R 43-I/799, Eugenio Pacelli to Chancellor, 17 Sep. 1927.

<sup>369</sup> For example, see Ernst Grosse, “Der Kampf der Auslandsdeutschen um die Entschädigung,” *Auslandswarte*, 7, 4 (1927), pp. 110–1.

<sup>370</sup> Proceedings of the Reichstag, Antrag Nr. 2947, Band 413, Wahlperiode 1924/1928.

<sup>371</sup> “Massenkundgebungen der Geschädigten,” *Auslandswarte*, 7, 5 (1927), pp. 137–9.

<sup>372</sup> Akten der Reichskanzlei, Nr. 193 Kabinettsitzung vom 4. März 1927, *Mitteilungen des Reichskanzlers über Liquidationsschäden*: [https://www.bundesarchiv.de/aktenreichskanzlei/1919-1933/0000/ma3/ma31p/kap1\\_2/kap2\\_193/para3\\_3.html](https://www.bundesarchiv.de/aktenreichskanzlei/1919-1933/0000/ma3/ma31p/kap1_2/kap2_193/para3_3.html).

In March 1927, after claiming that the decision had not deprived the dispossessed citizens of their right to compensation, the *Arbeitsgemeinschaft für den Ersatz von Kriegs- und Verdrängungsschäden*—the umbrella organization joined by associations of victims—presented its proposal to the government and the Reichstag. The law should have been aimed at supporting mainly refugees. In particular, according to the associations, the ‘social’ dimension should have been prevalent. Compensation was intended to restore losses suffered by people belonging to the middle classes. In case of displacement, for instance, compensation should have been fully re-evaluated in case of damages worth 10,000 marks, by 80% up to 30,000 marks, by 60% up to 200,000 marks, by 50% up to 2 million marks, by 40% up to 10 million marks and by 15% in case of damages exceeding that sum. Otherwise, in the case of Germans who were not refugees or displaced, the compensation should have been re-evaluated by 25% for damages up to 10 million marks, and by 15% for losses beyond that threshold.<sup>373</sup> The *Vossische Zeitung* and the SPD supported the proposal,<sup>374</sup> as well as the parliamentary group of the Catholic party endorsed the document put forward by the associations. During the committee sessions, the Ministry of Finance rejected the associations’ proposal, but at the same time, all parties attacked the reluctant position of the cabinet. Nonetheless, despite the efforts of the Ministry of Finance,<sup>375</sup> finding a compromise between SPD and right-wing parties seemed very difficult. Thus, according to Catholic lawmaker Rudolf Schetter, Chancellor Marx should have guaranteed party cohesion in supporting the associations’ document.<sup>376</sup> The *Arbeitsgemeinschaft* directly asked Marx to endorse the proposal, too.<sup>377</sup>

In contrast to the associations’ proposal, economic lobbies (supported by the DVP leadership) had other priorities. In June 1927, the German Chambers of Commerce in Europe, Eastern Asia, and Latin America proposed to grant financial assistance mainly to companies doing business abroad. According to the document, privileging the ‘social’ goal—by granting larger compensation for damages up to 200,000 marks—posed serious economic dangers. By doing so, the government risked wasting the few resources at its disposal. Prioritizing the social dimension instead of supporting adequately the economic recovery could reduce the export of German products in a positive moment of international trade. According to the Chambers of Commerce, the Reich had to concentrate efforts on strategic sectors of

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<sup>373</sup> BArch, R 43-I/797, *Vorschläge der Arbeitsgemeinschaft für den Ersatz von Kriegs- und Verdrängungsschäden*, 24 Mar. 1927.

<sup>374</sup> “Eine Denkschrift der Kriegsgeschädigten,” *Vossische Zeitung*, 8 Mar. 1927.

<sup>375</sup> BArch, R 43-I/798, Finance to Chancellery, 18 May 1927.

<sup>376</sup> BArch, R 43-I/798, Rudolf Schetter to Chancellor Marx, 20 Apr. 1927.

<sup>377</sup> BArch, R 43-I/798, *Arbeitsgemeinschaft für den Ersatz von Kriegs- und Verdrängungsschäden* to Marx, 5 May 1927.

private firms that did business overseas. Referring to the nationalistic rhetoric that described Germans abroad as pioneers of the nation, the document outlined the difficult conditions that Germans abroad experienced in foreign markets. ‘The costs of rebuilding an appropriate sales organization are considerably higher today than in the pre-war period. In addition, there are extensive and often long-term loans which, as is usual in the country, must be granted to the clients. The purchase of overseas products and raw materials, which is often based on advances and which Germany absolutely must import, also requires greater funds today than in the past as a result of the higher world market prices. Reconstruction cannot be achieved through commercial loans alone.’ If granting long-term loans was not enough, delivering capital to companies through compensation became indispensable:

*If the German economic pioneer is to be able to hold out abroad and build on what he has begun, he absolutely needs further capital, which must be supplied to him by fair compensation, since no other ways are open for this. Just as in the case of a house that cannot be completed for lack of funds, the part that has already been built quickly becomes unusable again due to the effects of the weather, so here too there is undoubtedly a great danger that numerous companies that have begun reconstruction on a scale promising greater success with limited means, but in the hope of adequate compensation, will have to lose the capital they have already invested or borrowed again without further financial help and abandon a promising field of work. Not as a small trader, but only as a large merchant, as a reconstructing entrepreneur, who is closely connected with the economy of other peoples through his undertakings, the German merchant can contribute to the sale of German products abroad in such a way as the situation of the homeland demands.*

According to the document, furthermore, increasing German exports by 1 billion marks through direct aid to companies would have created 300-400,000 new jobs. In this way, there would also be a positive social impact.<sup>378</sup> Julius Curtius supported the proposal launched by the Chambers of Commerce and added that the increase in exports would have had a positive impact on the state budget.<sup>379</sup> Max Warburg and the Hamburg senator Franz Heinrich Witthoefft—the owner of the firm *Arnold Otto Mayer* and a member of the DVP—expressed their appreciation for such a project.<sup>380</sup> The city councils of Hamburg, Lubeck, and Bremen demanded the government approve a bill containing business-friendly provisions.<sup>381</sup> Also, Theodor Heuss sought to persuade associations to accept that point of view, since ‘the duty to

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<sup>378</sup> BArch, R 43-I/798, *Ostasiatischer Verein (Hamburg-Bremen)* to Chancellor Marx, 20 Jun. 1927. The document was signed by chambers of commerce in Shanghai, Tientsin, Harbin, Hankou, Tsingtao, Canton, Mukden, Tsinan, Tokyo, Osaka, Jakarta, Manila, Bangkok, Hong Kong, Buenos Aires, Valparaiso, Montevideo, Rio de Janeiro, Mexico City, Port-au-Prince, Zurich, Barcelona, Budapest, Milan, Wien, and Helsingborg.

<sup>379</sup> BArch, R 43-I/798, Economy to other ministries, 22 Jun. 1927.

<sup>380</sup> BArch, R 43-I/798, *Wiederaufbau im Auslande* to Chancellor Marx, 27 Jun. 1927.

<sup>381</sup> BArch, R 43-I/798, *Erklärung der drei Hansestädte*, 13 Aug. 1927.

provide social assistance' had to be reconciled with the need for economic recovery.<sup>382</sup> By exploiting nationalist rhetorical themes on Germans abroad, the business lobbies were seeking to strengthen their claims at the expense of other categories. Overturning the policies that the state had pursued until then was the ultimate goal.

The center-right government Marx embodied the contradiction between the two positions. While the DVP, in particular Curtius and Stresemann, supported the requests coming from the economic lobbies, the DNVP and the Zentrum defended the position of refugees. When the Ministry of Finance presented the first draft,<sup>383</sup> Curtius criticized it since revaluations for damages exceeding 1 million marks were too low. Furthermore, he asked to raise the global amount of the reform from 800 million to 1 billion marks.<sup>384</sup> A few days later, the Ministry of Finance accepted the revisions and the cabinet approved the amended bill.<sup>385</sup> If compared with the proposal sent by the associations (*see Fig. 7.6*), the government draft significantly reduced the revaluations for damages above 10,000 marks, but at the same time, it privileged those few companies that lost more than 50 million marks.

Schadens- höhe (RM)	Bisher erhalten	Schlußentschädigung		Bewilligtes in in Proz. des Geforderten („b“ in Proz. von „a“)
		a) nach dem Programm der „Arbeitsge- meinschaft“ (%)	b) nach dem Regierungs- entwurf (%)	
2 000	100	—	—	—
10 000	28	72	32	44
50 000	12	64	24	37
100 000	10	58	19	33
500 000	7	49	12	23
1 000 000	7	46	10	22
5 000 000	7	38	7	18
10 000 000	7	35	6	18
50 000 000	1,4	19	12	62

[Fig. 7.6, Comparison between the associations' bill and the government draft]

As soon as the text became public, the associations reacted with outrage. On July 10, the *Arbeitsgemeinschaft für den Ersatz von Kriegs- und Verdrängungsschäden* organized a mass demonstration in Berlin against the government.<sup>386</sup> Several newspapers—such as *Berliner Tageblatt*, *Vorwärts*, *Deutsche Zeitung*, or *Vossische Zeitung*—disapproved of the decision of the cabinet,

<sup>382</sup> Theodor Heuss, “Zur Entschädigungsfrage,” *Auslandswarte*, 7, 10 (1927), p. 333.

<sup>383</sup> BArch, R 43-I/798, Finance to Chancellery, 1 Jul. 1927.

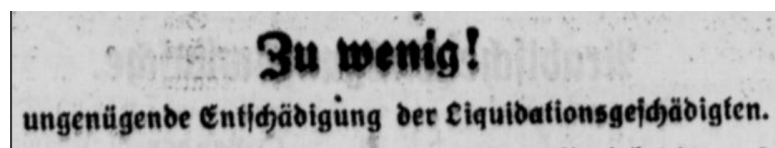
<sup>384</sup> Akten der Reichskanzlei, Nr. 272 Ministerbesprechung vom 11. Juli 1927, *Entwurf eines Kriegsschädenschlußgesetzes*: [https://www.bundesarchiv.de/aktenreichskanzlei/1919-1933/00a/ma3/ma32p/kap1\\_1/kap2\\_30/para3\\_2.html](https://www.bundesarchiv.de/aktenreichskanzlei/1919-1933/00a/ma3/ma32p/kap1_1/kap2_30/para3_2.html).

<sup>385</sup> Akten der Reichskanzlei, Nr. 276, Ministerbesprechung vom 13. Juli 1927, *Entwurf eines Kriegsschädenschlußgesetzes*: [https://www.bundesarchiv.de/aktenreichskanzlei/1919-1933/00a/ma3/ma32p/kap1\\_1/kap2\\_34/para3\\_2.html](https://www.bundesarchiv.de/aktenreichskanzlei/1919-1933/00a/ma3/ma32p/kap1_1/kap2_34/para3_2.html).

<sup>386</sup> “Eine Riesenkundgebung der Verdrängten im Zirkus Busch in Berlin,” *Ostland*, 15 Jul. 1927, and “Protestversammlung,” *Auslandswarte* 7, 13-14 (1927), pp. 454–5.



albeit from different positions. The financial newspaper *Berliner Börsen-Zeitung* regarded the bill negatively since it did not adequately support industrialists and private investors.<sup>387</sup> On the contrary, the conservative *Vossische Zeitung* sided with the associations, denouncing the poor conditions of refugees.<sup>388</sup> Criticism came from the opposition parties, too. Social Democrats and Communists took the opportunity to attack the center-right government,<sup>389</sup> but even members of the coalition parties expressed their disappointment. Walther Dauch, Alfred Gildemeister, and Heinrich Schnee, who belonged to the DVP, argued that the government should have allocated more resources. Leaders of the DNVP such as Kuno von Westarp and Wilhelm Laverrenz expressed their dissatisfaction, too. Likewise, the Catholic Rudolf Schetter showed his discontent in two articles published in the *Kölnische Volkszeitung*, a newspaper very close to the Zentrum. Among the critics of the bill, there was also the DDP parliamentary group led by Theodor Heuss.<sup>390</sup> On the *Deutsche Allgemeine Zeitung*, however, Gustav Stresemann sought to counterattack defending the proposal prepared by the government. As argued by the Foreign Minister, his party succeeded in raising the budget of the law. For the first time, the Reich planned to distribute 1 billion marks. That sum was the largest financial effort that had ever been allocated by previous governments. However, the German statesman criticized the behavior of the *Arbeitsgemeinschaft*. While confirming support for the Germans abroad, Stresemann argued that claiming the right to compensation as a preferential legal title was a ‘legal daydream’ (*juristische Spintisierung*). Many Reich citizens, especially those living in Germany, had lost a considerable part of their assets’ value, but any category of nationals was *more* entitled to compensation than others.<sup>391</sup> Remarkably, how to compensate dispossessed Germans became a matter of dispute in the public debate as never before.



[Fig. 7.7, “Zu wenig!” *Berliner Tageblatt*, 9 Aug. 1927]

<sup>387</sup> “Das Kriegsschäden-Schlußgesetz und der Wiederaufbau,” *Berliner Börsen-Zeitung*, 21 Aug. 1927 and Huber von Breska, “Die Wertpapierschäden im Kriegsschädenschlußgesetz,” *Berliner Börsen-Zeitung*, 28 Aug. 1927.

<sup>388</sup> “Die Not der Entwurzelten,” *Vossische Zeitung*, 21 Aug. 1927.

<sup>389</sup> Proceedings of the Reichstag, Antrag Nr. 3727, Band 420, Wahlperiode 1924/1928.

<sup>390</sup> See the pamphlet *Die deutsche Öffentlichkeit zum Kriegsschäden-Schlußgesetz*, edited by the *Verein Wiederaufbau im Auslande*, 1927, in BArch, R 43-I/798.

<sup>391</sup> *Das wirtschaftliche Schicksal der Auslandsdeutschen* (August 1927), in Gustav Stresemann, *Vermächtnis, Band III: Von Thoiry bis zum Ausklang* (Berlin: Ullstein, 1933), pp. 265–6.

In October 1927, the Vorläufige Reichswirtschaftsrat—the economic council established by the Weimar constitution—proposed to raise progressively revaluation ranges, without privileging big corporations, and to increase the total budget of the law up to 2 billion marks.<sup>392</sup> As suggested by the Reichswirtschaftsrat, the government should have passed the law also to placate public opinion. A few weeks later, the Reichsrat passed the bill, even though the representatives of Bayern and Hanseatic cities tried—unsuccessfully—to improve provisions.

But the associations carried on with mobilization, petitions, and mass protests. In November 1927, the *Arbeitsgemeinschaft* organized a new demonstration at the *Neue Welt*, a concert hall in Berlin, and several lawmakers joined the protest,<sup>393</sup> while the *Berliner Tageblatt* was systematically attacking the cabinet.<sup>394</sup> The authorities were also overwhelmed by petitions and letters asking to revise the draft law. The stability of the government was at risk. In December 1927, when the Reichstag committee started to examine the bill, the government amended the draft provisions regarding the revaluation scales in progressive terms, as suggested by the Reichswirtschaftsrat. In this way, reversing previous decisions, the bill did not include special conditions for large corporations and banks.<sup>395</sup> Yet the Reichstag and associations of victims did not consider the solution satisfactory. In early 1928, the Reichstag committee urged the cabinet to amend the draft by raising the budget up to 2 billion marks. During the sessions, divisions emerged between the left-wing opposition and the center-right majority. While Social Democrats and Communists supported resolutions to grant larger assistance to the less well-off, the DVP, DNVP, BVP, and Zentrum defended the measures that privileged private companies.<sup>396</sup>

<sup>392</sup> Proceedings of the Reichstag, Aktenstück Nr. 3855, Band 421, Wahlperiode 1924/1928, *Bericht des Arbeitsausschusses für das Kriegsschädenschlußgesetz zu dem Entwurf eines Gesetzes zur endgültigen Regelung der Liquidations- und Gewaltschäden (Kriegsschädenschlußgesetzes)*, pp. 16–29. On the Reichswirtschaftsrat see Fritz Tarnow, “Der Reichswirtschaftsrat in der Weimarer Republik,” *Gewerkschaftliche Monatshefte*, 2 (1951), pp. 562–8 and Joachim Lilla, “Die Mitglieder des Vorläufigen Reichswirtschaftsrats 1921 bis 1933 nach Gruppen,” *Vierteljahrschrift für Sozial- und Wirtschaftsgeschichte* 93, 1 (2006), pp. 34–57.

<sup>393</sup> BArch, R 43-I/798, *Arbeitsgemeinschaft für den Ersatz von Kriegs- und Verdrängungsschäden* to Chancellery, 28 Nov. 1927, and see also “Massenkundgebung der Geschädigten,” *Auslandswarte*, 7, 23 (1927), p. 666.

<sup>394</sup> Akten der Reichskanzlei, Nr. 309 Ministerbesprechung vom 4. Oktober 1927, *Wirtschaftliche Auswirkung der Besoldungsvorlage*. [https://www.bundesarchiv.de/aktenreichskanzlei/1919-1933/0000/ma3/ma32p/kap1\\_1/kap2\\_67/para3\\_1.html](https://www.bundesarchiv.de/aktenreichskanzlei/1919-1933/0000/ma3/ma32p/kap1_1/kap2_67/para3_1.html).

<sup>395</sup> Proceedings of the Reichstag, Aktenstück Nr. 3830, Band 420, Wahlperiode 1924/28, *Entwurf eines Gesetzes zur endgültigen Regelung der Liquidations- und Gewaltschäden (Kriegsschädenschlußgesetzes)*.

<sup>396</sup> Proceedings of the Reichstag, Aktenstück Nr. 4111, Band 422, Wahlperiode 1924/1928, *Bericht des 22. Ausschusses (Entschädigungsgesetze)*, pp. 2–13. The committee was composed by Johannes Schirmer (SPD), Vorsitzender Bruno Schneider (DNVP), Michael Bayersdörfer (BVP) Franz Brüninghaus (DVP) Otto Buchholz (Zentrum)



[Fig. 7.8, A victim of dispossession protesting in Berlin, June 1928]

Therefore, on January 31 and February 1, the cabinet discussed the issue during two sessions. Curtius and Stresemann together with the Minister of Justice Oskar Hergt (DNVP) supported proposals to raise the budget of the law as much as possible, whereas the Minister of Finance Heinrich Köhler (Zentrum) and the Minister of Labor Heinrich Brauns (Zentrum) were more reluctant.<sup>397</sup> In the following days, Köhler discussed with the party leaders of the coalition to find a definitive compromise.<sup>398</sup> The center-right government was under great pressure. On the one hand, the financial limitations imposed by the reparations payments influenced the attitude of the Ministry of Finance. On the other, however, the conservative and

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Otto Buchwitz (SPD) Gustav Budjuhn (DNVP) Walther Dauch (DVP) Gottfried Gok (DNVP) Theodor Heuss (DDP) Franz Holzamer (Wirtschaftspartei) Andreas Huke (Zentrum) Gerhard Jacodshagen (SPD) Anton Jadasch (KPD) Franz Künstler (SPD) Wilhelm Laverrenz (DNVP) Julius Leber (SPD) Heinrich Meyer (DHP) Wilhelm Ohler (DNVP) Frau Agnes Plum (KPD) Freiherr Hartmann von Richthofen (DDP) Joseph Schaffner (SPD) Dr. Rudolf Schetter (Zentrum) Richard Schiller (SPD) Dr Heinrich Schnee (DVP) Georg Schöpflin (SPD) Wegmann (Zentrum) Edgar Wolf (DNVP).

<sup>397</sup> Akten der Reichskanzlei, Nr. 409 Kabinettsitzung vom 31. Januar 1928, *Kriegsschädenschlußgesetz*, [https://www.bundesarchiv.de/aktenreichskanzlei/1919-1933/0000/ma3/ma32p/kap1\\_1/kap2\\_167/para3\\_1.html](https://www.bundesarchiv.de/aktenreichskanzlei/1919-1933/0000/ma3/ma32p/kap1_1/kap2_167/para3_1.html); Nr. 410 Kabinettsitzung vom 1. Februar 1928, *Kriegsschädenschlußgesetz*, [https://www.bundesarchiv.de/aktenreichskanzlei/1919-1933/0000/ma3/ma32p/kap1\\_1/kap2\\_168/para3\\_1.html](https://www.bundesarchiv.de/aktenreichskanzlei/1919-1933/0000/ma3/ma32p/kap1_1/kap2_168/para3_1.html).

nationalist parties could not ignore claims coming from economic lobbies and associations of victims. Those groups, which were so important in the nationalist narrative, leveraged that kind of rhetoric to their advantage. Thus, they were cornering middle-class and right-wing parties,<sup>399</sup> while the SPD and KPD together with the DDP insisted on attacking the Marx cabinet. Finally, in the second half of February, the government found a compromise, which was supported by the SPD and the DDP. The budget was raised to 1.36 billion marks, but most of the additional funds would have restored the 'little' damages. Losses up to 5,000 marks (instead of 2,000 marks) were to be fully compensated, while other revaluation classes were increased as well (see Fig. 7.9) Once the government reached the compromise with the SPD and DDP, the associations had no possibility of reaching any further improvement. A few days after the (failed) Langkopp's attack, the Reichstag committee approved the bill.<sup>400</sup>

§ 3	
Als Schlußentschädigung werden, soweit nicht im folgenden ein anderes bestimmt ist, festgesetzt:	
a) für die ersten 5 000 Mark des Grundbetrags .....	100 vom Hundert,
b) für die weiteren 15 000 Mark des Grundbetrags .....	50 vom Hundert,
c) für die weiteren 30 000 Mark des Grundbetrags .....	30 vom Hundert,
d) für die weiteren 50 000 Mark des Grundbetrags .....	25 vom Hundert,
e) für die weiteren 100 000 Mark des Grundbetrags .....	20 vom Hundert,
f) für die weiteren 800 000 Mark des Grundbetrags .....	7 vom Hundert,
g) für die weiteren 49 Millionen Mark des Grundbetrags .....	5 vom Hundert,
h) für die weiteren 50 Millionen Mark des Grundbetrags .....	4 vom Hundert,
i) darüber hinaus .....	2,5 vom Hundert, (Stammförschädigung).

[Fig. 7.9, Revaluation scales according to the 1928 law]

During the general debate, the coalition parties came under attack from the opposition (including the SPD). Due to the Langkopp affair, the atmosphere was tense. While Otto Buchwitz (SPD) accused the government of disregarding the social dimension of the matter,<sup>401</sup> Bruno Schneider (DNVP) and Schetter (Zentrum) defended the twofold aim of the bill, con-

<sup>398</sup> BArch, R 43-I/799, *Niederschrift über die Parteiführerbesprechung am Mittwoch, den 8. Februar 1928 mittags 12 Uhr im Reichskanzlerhause*.

<sup>399</sup> BArch, R 43-I/799, *Arbeitsgemeinschaft für den Ersatz von Kriegs- und Verdrängungsschäden* to Chancellor, 23 Jan. 1928.

<sup>400</sup> Proceedings of the Reichstag, Aktenstück Nr. 4111, Band 422, Wahlperiode 1924/1928, *Bericht des 22. Ausschusses (Entschädigungsgesetze)*, pp. 14–35

<sup>401</sup> Proceedings of the Reichstag, 20 Mar. 1928, pp. 13542–6.

sisting of social aid and economic reconstruction.<sup>402</sup> According to Dauch (DVP), however, the social dimension prevailed over the latter, as it had always been in the compensation legislation. “The basis of our original negotiations, still, has always been that there was a legal claim, namely that everyone should receive the same percentage for their damage, but as for the payment, first of all, the social element of reconstruction should be taken into account, and then the economic aspect.”<sup>403</sup> Even Theodor Heuss (DDP), who expressed his party’s opposition to the bill, admitted that over the years it became a matter of social legislation.<sup>404</sup> Nonetheless, the major political parties (including the SPD) agreed on a fundamental point. The bill was supposed to be the last legislative measure taken by the Reich. Thus, the right to compensation would have been definitively extinguished. In the end, despite the opposition of the SPD, DDP, KPD, and the extreme right-wing parties (including the *Wirtschaftspartei* and the Nazi Party), the Reichstag passed the bill.<sup>405</sup> In this way, after almost ten years, the parliament somehow fulfilled the promise made in August 1919.

The law, however, was met with a harsh backlash. According to the *Bund der Auslandsdeutschen*, many victims felt to have been mistreated and betrayed by their state.<sup>406</sup> While praising the fair treatment of the three categories of dispossessed Germans, Heuss expressed his disappointment since the administration had rejected the possibility of revising the compensation upwards if the budget allowed it in the future.<sup>407</sup> Also, business circles expressed their delusion about the outcome of the discussion since the support given to the export industry was too limited.<sup>408</sup> In the following years, associations called for a revision of the 1928 law on several occasions, but such attempts miserably failed. No government took into consideration those claims,<sup>409</sup> and the political parties showed little interest, too.<sup>410</sup> The intervention was limited to individual cases, which could deserve special regard from political lead-

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<sup>402</sup> Ivi, pp. 13546–54.

<sup>403</sup> Ivi, p. 13556.

<sup>404</sup> Ivi, pp. 13558–62.

<sup>405</sup> Proceedings of the Reichstag, 21 Mar. 1928, pp. 13569–87. The Reichstag passed also a resolution urging the government to allocate 1.5 million marks for long-term loans. The text of the law is reported in RGBl, 1928, I, p. 120.

<sup>406</sup> Carl Fink, “Kriegsschädenschlussgesetz und Auslandsdeutschtum,” *Auslandswarte*, 8, 7 (1928), pp. 153–4.

<sup>407</sup> T. Heuss, “Kriegsschädenschlussgesetz,” *Die Hilfe* 34, 7 (1928): 149–50.

<sup>408</sup> PAAA, R 246212, Friedrich Bitter to Rudolf Hilferding, 7 Aug. 1928.

<sup>409</sup> BArch, R 43-I/799, *Ringverband der geschädigten Auslandsdeutschen und Verdrängten* to Chancellor, 9 Jun. 1928; BArch, R 43-I/800, *Arbeitsgemeinschaft für den Ersatz von Kriegs- und Verdrängungsschäden* to Chancellor Hermann Müller, 3 Dec. 1929; BArch, R 43-I/801, *Ringverband der geschädigten Auslandsdeutschen und Verdrängten* and *Verband der Reichsdeutschen aus Rußland* to Chancellor Heinrich Brüning, 21 May 1931 and *Arbeitsgemeinschaft für den Ersatz von Kriegs- und Verdrängungsschäden* to Brüning, 30 May 1931. See also petitions and proposals in BArch, R 3001/7373.

ers.<sup>411</sup> But it did not reopen the entire question. Eventually, the deadline for applying for revaluation of compensation was January 31, 1933, one day after the end of the Weimar Republic.<sup>412</sup>

## 7.5 The Inclusion of Non-Citizen Germans

### *The Central State and the Role of Associations of Victims*

Applicants who did not hold Reich citizenship could also get compensation. Since November 1919, the administrative measures gave the possibility to include non-citizen Germans within the compensation scheme. Stateless persons, people of German origin (*Deutschstämmige*), former Reich citizens coming from Danzig, Alsace-Lorraine, or Western Prussia, and women married to foreign citizens were among the beneficiaries who could receive the financial support of the state. Underlining the role of suffering due to their national origin, several private and public actors pushed the state to include Germans without the legal status of *Reichsangehörigen* within the compensation scheme. Authorities accepted to be ‘fair’ and included them. For instance, in the case of women of German origin married to foreigners, who became widows or divorced them, the inclusion was still in continuity with similar provisions taken after the 1913 citizenship law.<sup>413</sup> However, the regulation of this ‘grey area’ was left to the discretion of central authorities.

The inclusion of non-citizens depended on administrative concessions and was subject to exceptional procedures and, often, to a limited financial budget. Avoiding any sort of legislative prescriptions or judicial intervention, the state bureaucracy defended its role as the ultimate decision-maker in the matter of inclusion or exclusion for non-citizen Germans. Furthermore, the Reich centralized procedures seeking to exclude the local authorities in the decision concerning financial aid. By doing this, the administrative praxis in the 1920s was in continuity with the 1913 Nationality Law and Article 6 of the Weimar Constitution which

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<sup>410</sup> “Die Stellungnahme der Fraktionen zu den Vorschlägen der Arbeitsgemeinschaft,” *Auslandswarte*, 10, 22 (1930), p. 314, and “Das Zentrum zu den Vorschlägen der Arbeitsgemeinschaft,” *Auslandswarte*, 10, 24 (1930), p. 346.

<sup>411</sup> See the case of Hugo and Anna Neumann, after leaving Prussian territory ceded to Poland, sought to be recognized as displaced persons by the REA in order to get higher compensation, but with no success. In 1929, since both personally knew Chancellor Müller, they asked for his intervention. Despite Müller’s efforts, however, the Ministry of Finance rejected their request. See documents in AdsD, Hermann Müller Nachlass, 1/HMAG000044, IV, 336–349.

<sup>412</sup> Hainbuch, *Das Reichsministerium für Wiederaufbau*, p. 512.

<sup>413</sup> Carl Sartorius, *Erwerb und Verlust der deutschen Staatsangehörigkeit*, in Gerhard Anschütz and Richard Thoma, eds., *Handbuch des deutschen Staatsrechts*, vol. II (Tübingen: Mohr, 1930), p. 270.

strengthened the central control over the regulation of citizenship to the detriment of local and regional authorities.<sup>414</sup> Nevertheless, centralization did not mean that the central administration was alone in determining the legal status of applicants. As pointed out by Charles S. Maier, ‘every centralization of an allocative task prompts a new search for consultation and codecision making.’<sup>415</sup> This was the case of the *Bund der Auslandsdeutschen* as well as other associations of victims. In the case of non-citizen Germans, associations played a complementary but fundamental role in deciding the inclusion or the exclusion of applicants. Until the mid-1920s, Associations were charged to preliminarily examine each application for compensation. The ‘damage registration form’ (*Schadenanmeldung*), which had been prepared by the associations, contained more than 40 questions, concerning almost every aspect of the life of applicants (*see Fig. 7.11*).

The image shows a sample application form from the Bund der Auslandsdeutschen E.V. The form is titled 'Schadenanmeldung.' and includes the following text: 'Erst bis zum Schluß lesen, dann schreiben!', 'Deutlich schreiben!', 'Zahl der Anlagen: \_\_\_\_\_', and 'I. Fragen für alle Antragsteller.'

[Fig. 7.10, Sample application form of the *Bund der Auslandsdeutschen*]

The association had to assess whether the damage was reliable or whether the applicant possessed Reich citizenship. In the latter case, the 16-page application form contained an entire section devoted to that issue. It took into account many possibilities. The applicants should have informed the authorities how they got German nationality when they left their country, if they were naturalized during the war, or whether they were stateless, foreigners, or (in the case of women) married to German citizens (*see Fig. 6.12*). Furthermore, applicants

<sup>414</sup> Gosewinkel, *Einbürgern und Ausschliessen*, pp. 278–327. On Article 6 of the Weimar constitution see Gerhard Anschütz, *Die Verfassung des Deutschen Reichs vom 11. August 1919: ein Kommentar für Wissenschaft und Praxis* (Berlin: Stilke, 1933), pp. 72–7.

<sup>415</sup> Charles S. Maier, “Fictitious Bonds ... of Wealth and Law’: On the Theory and Practice of Interest Representation,” in *In Search of Stability: Explorations in Historical Political Economy*, by Charles S. Maier (Cambridge: Cambridge University Press, 1988), p. 256.

were asked to furnish citizenship certificates.<sup>416</sup> Therefore, associations of victims had a big responsibility in determining who should be financially supported. Even if their advice was not binding, the authorities paid attention to their stance. Unfortunately, it is not possible to retrace the activities of the associations in this regard, since most sources had been destroyed in the early 1930s. However, it is possible to infer from the few documents available that one of the major problems concerned the membership of applicants. On some occasions, refugees could not afford the registration fee, as reported by some Germans abroad and war veterans in Oldenburg (Lower Saxony).<sup>417</sup> On other occasions, the applicants complained that the *Bund* discriminated against those who were not members of the association.<sup>418</sup> Those documents—albeit fragmentarily—show that the collective organizations sought to combine national belonging and association membership.

9. Fragen betreffend Staatsangehörigkeit des Geschädigten (für Firmen siehe Fragen 31–33):

a) Wodurch haben Sie die deutsche Reichsangehörigkeit erworben?  
(Durch Geburt von deutschen Eltern, Legitimation, Eheschließung, staatliche Verleihung, Anstellung im Staats- und Gemeindedienst?)

b) Wann sind Sie ins Ausland gegangen? Sind Sie über 10 Jahre ununterbrochen im Ausland gewesen, wenn ja, haben Sie sich in der Zeit in die Matrikel des deutschen Konsuls eintragen lassen, und wo?

c) Sind Sie erst während des Krieges Reichsdeutscher geworden, wann, wo und wodurch?

Zu a bis c muß eine behördliche Bescheinigung über die Reichsangehörigkeit beigelegt werden.

d) Bei Staatlosen: Wodurch sind Sie staatlos geworden?

e) Gehören Sie einem ausländischen Staate an? Welchem?

f) Bei Frauen: Gehörten Sie vor ihrer Verheiratung einem ausländischen Staate an? Welchem?

[Fig. 7.11, Section 9 of the application form]

### *Ethnicity and Other Criteria*

The inclusion of non-citizen Germans confirms that, in the 1920s, the boundaries of national belonging went beyond the legal status of Reich citizens. Following an ethnonationalist approach, the membership to Germany included more individuals, groups, and communi-

<sup>416</sup> See communications reported in *Nachrichtenblatt des Bundes der Auslandsdeutschen*, 2, 7 (1920), p. 53.

<sup>417</sup> BArch, R 2/867, *Büro des Reichspräsidenten* (Berlin) to Reich Interior, 24 Nov. 1919.

<sup>418</sup> See the case of Maximilian Wolfhein in BArch, R 2/867.



ties than the Reich citizens. The war had reinforced this trend.<sup>419</sup> Nevertheless, similarly to other situations,<sup>420</sup> in the case of compensation for war damages, a shared ethnicity was not enough, nor was (re-)naturalization. More evidence was needed to embrace Germans without citizenship in the body of the nation. Their suffering during the war and economic status, as well as having rendered ‘services’ to Germany, were equally important in determining whether their case could be of political interest to the Reich, which goes to show that ethnicity was not a sufficient factor in itself to justify individual or collective inclusion. Receiving financial compensation—albeit often symbolic—and being included in the national community were significant accomplishments for certain categories of non-citizens. Yet inclusion did not mean equal legal rights, since they were not entitled to the increase given to other members of the national community deemed to be of great value to the country and deserving of greater financial support. Thus, non-citizen Germans were included within the hierarchical classification of nationals. Finally, the attitude of the public authorities changed during the 1920s in a more restrictive sense. After adopting an inclusive approach in the years immediately following the war, the government began imposing more restrictive eligibility criteria in the second half of the 1920s.

During the war, pressures to include non-citizen Germans came from nationalist groups. In particular, they focused mainly on the case of stateless Germans, especially those who have lost citizenship automatically or voluntarily after moving abroad. According to Hermann Weck, a large number of Germans abroad did not hold Reich citizenship but were stateless or naturalized citizens in enemy countries. Anyway, the Allies persecuted them as if they were Germans *pleno iure*. Therefore, Weck urged the authorities to include them by granting compensation although they did not possess Reich nationality.<sup>421</sup> In a lengthy report to the provisional government in late November 1918, the VDA denounced the poor treatment of German emigrants, who might have lost their citizenship but were nonetheless persecuted in enemy countries. After arguing that their loss of citizenship was due to mere bureaucratic oversight, and not a deliberate attempt to avoid military service, the VDA asked that stateless people be accorded the same treatment as *Inlandsdeutsche* in matters of compensation for war damages.<sup>422</sup> Likewise, a humanitarian organization such as the *Archiv für deutsche Kriegsgefangene des Frankfurter Vereins vom Roten Kreuz und für Kriegsgefangenenforschung* claimed that people of

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<sup>419</sup> Gosewinkel, *Einbürgern und Ausschliessen*, pp. 328–37.

<sup>420</sup> For the case of naturalization during the 1920s see Annemarie H. Sammartino, ‘Culture, Belonging, and the Law: Naturalization in the Weimar Republic’, in Geoff Eley and Jan Palmowski, eds., *Citizenship and National Identity in Twentieth-Century Germany* (Stanford: Stanford University Press, 2008). pp. 57–72.

<sup>421</sup> Weck, *Kriegsschäden*, pp. 39–43.

<sup>422</sup> PAAA, R 23128, VDA to Council of People’s Deputies, 25 Nov. 1918.

German origin deserved to be compensated as well, regardless of their legal status. Especially Alex Dietz, a Frankfurt-based lawyer, represented many of them and sought to persuade the central government to include them.<sup>423</sup> At the end of 1919, after a long negotiation, the Reich agreed to support non-citizen Germans, in particular those who had lost their citizenship without acquiring a new one. According to §11 of the *Richtlinien für die Gewährung von Vorschüssen, Beihilfen und Unterstützungen für Schäden Deutscher im Ausland aus Anlaß des Krieges*, the Ministries of Finance and Reconstruction could ‘exceptionally’ (*ausnahmenweise*) concede advances on compensation, grants or one-off grants to Germans who were not Reich citizens at the time of damage. By offering such a possibility, the state accepted the principle that damages that occurred because of the ‘Germanness’ (*Deutschtum*) could be included within the compensation scheme, though exceptionally—that is, excluding the *Spruchkommissionen* and the *Reichswirtschaftsgericht*—and on a case-by-case basis. According to the ‘explanatory report’ (*Begründung*), the provision was aimed to help former German nationals who had lost citizenship ‘through no fault of their own’ (*ohne eigenes Verschulden*)—that is, not to avoid the draft—and who were persecuted in the same way as Reich citizens.<sup>424</sup> The rationale of the measure was in continuity with the 1913 Citizenship Law in two respects. It sought to re-include somehow former German citizens, who had lost their status due to previous legislation. At the same time, by paying attention to the military service, the provision excluded former Germans who sought to escape the draft. In this sense, such a ‘militarized’ concept of citizenship was confirmed by the exclusion from compensation for Germans—citizens or not—convicted of desertion (§13).<sup>425</sup> Nonetheless, the exclusion of Germans abroad accused of being deserters was often more theoretical than practical. While one of them demanded stronger measures to exclude Germans who escaped the draft,<sup>426</sup> the *Bund der Auslandsdeutschen* defended the latter by replying that such a distinction was practically impossible. ‘The practical execution of the suggestion is prevented by the fact that the outbreak of war came as a surprise to all Germans abroad, and in many cases, despite their best intentions, it was impossible to return home from enemy territory due to the prevailing disorder and overcrowding at the railroad stations, while others were not always able to thank their patriotic zeal, but often for a mere coincidence, for their timely departure.’<sup>427</sup> Eventually, due to the vague formulation of §11 contained in the guidelines, in the following years, many other categories benefited from financial sup-

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<sup>423</sup> For his activity, see BArch, R 67/1248.

<sup>424</sup> BArch, R 43-I/542, ‘Accompanying Statement of Basis and Purpose’. Directives for the granting of advances, subsidies, and support for damages suffered by Germans abroad in wartime, 3 Oct. 1919.

<sup>425</sup> Sartorius, *Erwerb und Verlust*, pp. 258–60.

<sup>426</sup> BArch, R 2/868, Heinrich Fuchs to *Bund der Auslandsdeutschen*, 22 Apr. 1920.

port. By extending the range of beneficiaries, the administration included many other groups of non-citizen Germans.

The guidelines issued in November 1919 did not contain clear provisions concerning the regulation of administrative procedures to concede compensation for non-citizen Germans. Between the end of 1919 and the first half of 1920, several actors sought to influence the decision-making process. For instance, the DAI was among the first ones. By stressing the vagueness of §11, Stuttgart's institute proposed to appoint a special committee composed of the Reich Office for Emigration (*Reichswanderungsamt*), the Red Cross, and members of nationalist associations representing German communities abroad (such as the DAI and the VDA) to allocate those special funds. In this way, the DAI claimed that the special committee could have a beneficial influence on the 'future relations of the German state and its people to their brothers abroad.'<sup>428</sup> However, that proposal was rejected.<sup>429</sup> The criteria to concede compensation were the main matter of dispute. In particular, thanks to pressures to include other groups of Germans, the administration expanded the initial standard set up by the government. The *Reichswanderungsamt*<sup>430</sup> and the REA<sup>431</sup> communicated to the Ministry of Reconstruction their guidelines concerning the implementation. In particular, according to the REA, the government should have financially supported not only former Reich citizens but also individuals having German origin (*deutschstämmig*) or showing a 'pro-German attitude' (*deutsche Gesinnung*). Also the *Bund der Auslandsdeutschen* and the *Verband der im Ausland geschädigten Inlandsdeutschen* illustrated their own positions 'to define the term German [...] more closely'. According to them, the interpretation given by the government regarding §11 was 'too narrow' (*zu eng*). Although the two organizations wished to include 'all individuals of German origin' (*alle Deutschstämmigen*) by adopting a 'völkisch point of view,' they accepted that the limited financial means forced the state to select worthy persons. Therefore, they proposed to consider deserving financial support: stateless Germans, 'who do not possess, have not possessed or have not applied for foreign citizenship;' sons and grandchildren of Reich citizens; Germans who distinguished themselves for the commitment in favor of the Germanism abroad or acquired special merits; former Reich citizens, who lost their nationality after ratifying peace treaty due to territorial changes. Finally, the authorities should also examine the national feeling and the sin-

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<sup>427</sup> BArch, R 2/868, *Bund der Auslandsdeutschen* to Reconstruction, 29 May 1920.

<sup>428</sup> BArch, R 2/1156, DAI to *Reichsamt für deutsche Einwanderung, Rückwanderung und Auswanderung*, 15 Dec. 1919.

<sup>429</sup> BArch, R 2/1156, *Reichsamt für deutsche Einwanderung, Rückwanderung und Auswanderung* to Reconstruction, 8 Jan. 1920.

<sup>430</sup> BArch, R 2/1156, *Reichsamt für deutsche Einwanderung, Rückwanderung und Auswanderung* to Reconstruction, 2 Feb. 1920.

cerity of applicants, namely ‘whether they felt and acted as Germans before and during the war, or whether their Germanness only revived at the moment when the question of compensation was raised.’<sup>432</sup> Associations representing ethnic German communities who lived in the Baltic area,<sup>433</sup> or the former Russian Empire,<sup>434</sup> also petitioned the government to be included. However, some groups also criticized the exceptional procedures set up by the guidelines. The British section of the *Bund* sent a petition protesting against the discriminatory provisions regarding non-citizen Germans—especially those who had no nationality—since they created ‘an artificial line between Reich Germans and so-called stateless persons.’ By arguing that ‘the natural right of origin (*natürliche Recht der Abstammung*)’ was more important than ‘the artificially created provision of a backward legislation,’ the group claimed to have the ‘same right to equal treatment and representation of their interests even if, according to a purely legal interpretation, they have lost their German citizenship.’ Protesting against the attempt to create ‘a second-class group of citizens,’ they claimed ‘equal rights for all who suffered as Germans abroad during the war and became victims of their origin.’<sup>435</sup> More generally, the associations asked for a more liberal and broader interpretation of the provision.<sup>436</sup> However, the procedure remained exceptional, even if in the meantime stateless Germans had gained naturalization.<sup>437</sup> The administration outlined the criteria to be followed in April 1920. Similarly to other applications for compensation, the first preliminary evaluation was made by the associations of victims, but the ultimate decision was left to a special body.<sup>438</sup> The Ministry of Reconstruction appointed the *Reichskommissar für Auslandsschäden* to examine applications coming from non-citizen Germans.<sup>439</sup> The former colonial official Peter Conze (1860-1939)<sup>440</sup> was appointed as Reich special commissioner with a small staff. The *Reichskommar* could also decide on applications for financial aid up to 50,000 marks. In case of requests exceeding that threshold, the

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<sup>431</sup> BArch, R 2/1156, *Reichsentschädigungskommission* to Reconstruction, 21 Feb. 1920.

<sup>432</sup> BArch, R 2/1156, *Auslegung und Ausführung des §11 der Richtlinien vom 15.11.19*, sent by the *Verband der im Ausland geschädigten Inlandsdeutschen* to Reconstruction, 27 Feb. 1920.

<sup>433</sup> BArch, R 2/1156, Dr. Löser (Dresden) to Reconstruction, 26 Apr. 1920.

<sup>434</sup> BArch, R 2/1156, *Ausschuss der deutschen Gruppen in den Ländern Altrusslands* to Nasse (Reconstruction), 1 May 1920.

<sup>435</sup> BArch, R 2/1156, *Bund* (Abt. Grossbritannien, Irland und britische Kolonien) to Reconstruction, 22 Apr. 1920.

<sup>436</sup> Dr. H. K., “Die Vorentscheidung der Auslandsdeutschen,” p. 2, and Jean Koch, “Über das Vorentscheidungsverfahren (II),” *Auslandswarte*, 1, 5 (1920), p. 58.

<sup>437</sup> BArch, R 2/1036, Reconstruction to *Reichskommissar für Auslandsschäden*, 11 Jul. 1921.

<sup>438</sup> BArch, R 2/1156, *Aufzeichnung über die Besprechung im Reichsministerium für Wiederaufbau vom 10. April 1920*.

<sup>439</sup> BArch, R 2/1156, Reconstruction to Finance, 19 Apr. 1920. See the decree *Verordnung zur Änderung der Bekanntmachung vom 15. November 1919 (RGBl, S. 1891) betreffend Verfahren für die Zuwendung von Reichsmitteln an Deutsche für Schäden im Ausland*, vom 20. April 1920, in RGBl, 1920, p. 621.

<sup>440</sup> Cf. “Peter Conze. Zu seinem 70. Geburtstage,” *Deutsche Allgemeine Zeitung*, 12 Sep. 1930, and “Exzellenz Conze 70 Jahre,” *Übersee- und Kolonial-Zeitung*, 1 Oct. 1930.

ministries of Reconstruction and Finance would decide directly.<sup>441</sup> In sum, despite reassurances given to groups protesting against discriminatory provisions,<sup>442</sup> the procedure remained exceptional and lacked judicial guarantee.



[Fig. 7.12, Peter Conze]

Initially, according to the indications of the government, advances on pre-compensation could be granted only to stateless German nationals whose assets had been liquidated by the Allies and the proceeds had been credited to Germany's reparation account. In other cases, only subventions and one-off aids could be conceded to persons who during the war had provided a 'service' (*Dienst*) to the Reich, or women of German origin married to foreigners.<sup>443</sup> In the case of German-speaking people in the former Tsarist territories, for example, many of them assisted the German army during the occupation in 1917-18 by working as interpreters.<sup>444</sup> As Conze explained to some Bavarian sections of the *Bund der Auslandsdeutschen*, they should have taken into consideration several other criteria to answer the question of whether 'the applicant is useful to Germanness.' Remarkably, associations and authorities chose to adopt mixed criteria for assessing applications. The assessment should be based on objective elements (national origin, military duties, social class, economic condition, age, role

<sup>441</sup> BArch, R 2/1156, Finance to Reconstruction, 2 Jun. 1920.

<sup>442</sup> BArch, R 2/1156, minutes of the meeting between Lothholz (Reconstruction) and the representative of stateless Germans Weisjeit, Rocker, Werner, and the members of the *Bund der Auslandsdeutschen* Peter e Juttke, 6 May 1920.

<sup>443</sup> BArch, R 2/1156, *Zusammenstellung*, signed by Müller (Reconstruction), 10 Apr. 1920.

<sup>444</sup> On the importance of interpreters during the German military occupation in Central-Eastern Europe, see Alfred Vagts, "A Memoir of Military Occupation," *Military Affairs* 7, 1 (1943), pp. 19–20.

of Germanness in motivating enemy persecution) and subjective criteria (national feeling, sincerity of statement, 'service' given to the Reich):

*Did he suffer damage because of his Germanness? To what extent did he still feel German? In general, marriage to a foreigner or a foreign woman is not to be regarded as an obstacle to consideration, nor is the choice of foreign names for the children. However, exemption from compulsory military service is an obstacle to inclusion, but this can be overcome by subsequent enlistment in the armed forces. Under certain circumstances, war bond subscriptions and similar substantial contributions to the interests of the Reich may be regarded as return sacrifices. The loss of Reich citizenship is not in itself an impediment, but the acquisition of foreign citizenship does require special precautions. In addition, personal and other circumstances may be taken into consideration: destitute people, and women, especially the elderly, are to be given preference.<sup>445</sup>*

In this way, the concrete evaluation needed to be more complex and elaborated. Thus, it could be more 'inclusive', but at the same time, did not automatically grant financial support based on ethnonational origin. From May 1920 on, the activity of Conze progressively extended financial support to other groups, such as the *Deutsch-Balten*,<sup>446</sup> or other Tsarist subjects of German origin.<sup>447</sup> For example, at the end of 1920, over twenty Baltic Germans applied for compensation, asking for nearly 25 million marks. They were mainly landowners (such as Erich Baron Maydell or Nikolai Baron Korff), lawyers, and other members of the German-speaking elites persecuted by the new Baltic states. For all of them, the *Reichskommissar* provided some one-off grants.<sup>448</sup> Furthermore, Conze supported both women of German origin married to foreigners (divorced or widows included), and foreign citizens of German origin who had been treated as *Reichsdeutsche* during the war.<sup>449</sup> However, the inclusion of the latter category became a matter of dispute within the government. The Ministry of Reconstruction agreed with Conze, but it asked for a closer examination of their applications. It should be pointed out whether there were 'special political or economic reasons' to help them, and the ultimate decision was always made by the ministry itself.<sup>450</sup> However, in January 1921, the Ministry of the Interior urged to include all foreign citizens of German origin (*Deutschstämmige*), especially those refugees coming from the former Tsarist Empire who had never been Reich nationals,<sup>451</sup> while the Ministry of Finance preferred to exclude them.<sup>452</sup> In the end, the gov-

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<sup>445</sup> BArch, R 2/1169, *Besprechungen mit dem Bunde am 14. August 1920*.

<sup>446</sup> BArch, R 2/1156, *Baltische Anmeldung von Entschädigung für Betätigung im Reichsdeutschen Interesse*, undated.

<sup>447</sup> BArch, R 2/1156, minutes of the meeting between representatives of the *Ausschuss der deutschen Gruppen in den Ländern Altrusslands*, members of the *Bund*, and officials of the *Reichskommissar für Auslandsschäden*, 15 Sept. 1920.

<sup>448</sup> BArch, R 2/1156, *Ausschuss der deutschen Gruppen in den Ländern Altrusslands* to *Reichskommissar für Auslandsschäden*, 13 Dec. 1920.

<sup>449</sup> BArch, R 2/1156, *Reichskommissar für Auslandsschäden* to Reconstruction, 23 Jul. 1920.

<sup>450</sup> BArch, R 2/1156, Reconstruction to *Reichskommissar für Auslandsschäden*, 18 Sept. 1920.

<sup>451</sup> BArch, R 2/1156, Interior to Reconstruction, 4 Jan. 1921.

ernment agreed to adopt a selective system. In the case of persons of German origin, the advances on compensation could be granted if they had taken a pro-German stance during the war and if they had been naturalized as Reich citizens; otherwise, they could receive only subsidies or one-off grants. Nevertheless, the naturalization did not automatically grant inclusion since authorities should have taken a closer look at the ‘sincerity’ of that decision. Those who acquired the Reich citizenship only instrumentally—that means, to have compensation—should be excluded. At the same time, in cases of *Deutschstämmige* who could be politically, economically, or diplomatically helpful for ‘strengthening Germanness in the East,’ state authorities could grant them more consistent financial support without considering the naturalization.<sup>453</sup> Finally, according to the government, former Reich nationals who had acquired foreign citizenship for economic reasons—for instance, to buy land ownership—needed to be included in the compensation procedure.<sup>454</sup> The system regulating the inclusion and exclusion of non-citizen Germans was extremely complicated, often contradictory, and full of exceptions. The risk of making arbitrary decisions was high but, at the same time, it offered the possibility for applicants to exploit the exceptions for their interests.

By December 1921, the *Reichskommissar* examined 8,958 applications coming from non-citizen Germans, corresponding to more than 10% of requests (83,798) sent by the *Bund der Auslandsdeutschen* to the administration in the same period. Even if there is no evidence in that sense, it is likely that in some cases the applicants could prove their citizenship thanks to the help of the association, by corruption or exploiting the lack of documentation. As a remarkable fact, applicants did not correspond only to individuals. There were more families (with 5-6 members on average) than single persons.<sup>455</sup> Consequently, the number of beneficiaries was higher than the applications. Nevertheless, the majority of applicants were stateless persons (4,019), whereas the others had foreign citizenship (3,045), or were former Germans living in Danzig or the Memel region (1,090). In a few cases (256) the *Reichskommissar* verified that applicants were Reich nationals. Finally, there were still some cases (548) waiting for a decision. Overall, only 4,196 applications had been approved (46.8%). Some categories were

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<sup>452</sup> BArch, R 2/1156, Finance to Reconstruction, 6 Jan. 1921.

<sup>453</sup> BArch, R 2/1156, Reconstruction to Reich Interior, 3 Feb. 1921.

<sup>454</sup> BArch, R 2/1035, *Niederschrift über die Besprechung vom 11.2.1921 im Reichsministerium für Wiederaufbau betr. die Frage der Berücksichtigung von Deutschstämmigen im Vorentscheidungsverfahren.*

<sup>455</sup> Considering that in Europe the fertility rate before 1914 oscillated between around 3,5 and 4,5, the average European family consisted of 5-6 members. Cf. [https://web.archive.org/web/20180807155612if\\_/https://ourworldindata.org/grapher/children-born-per-woman?year=1914&country=DEU](https://web.archive.org/web/20180807155612if_/https://ourworldindata.org/grapher/children-born-per-woman?year=1914&country=DEU). For the case of Germany cf. <http://www.deutschland-in-daten.de/en/population/> and <https://www.statista.com/statistics/1033102/fertility-rate-germany-1800-2020/>.

privileged. The success rate was higher for applications of *Danziger* (76%) and stateless Germans (63%), although the *Reichskommissar* approved applications coming from the latter on the condition that they had fulfilled the military obligation. On the contrary, the rate was negative for *Memeler* (36%) and those who had foreign citizenship (34%). The administration adopted severe standards and it was much more interested in helping former German citizens—both stateless persons and those coming from Danzig—than those who acquired foreign nationality. Furthermore, Conze approved most of the requests demanding higher financial support (73%) or extensions of loans (70%). Finally, the *Reichskommissar* examined the majority of applications, while only a few were decided directly by the ministries of Finance and Reconstruction (286). In that case, however, a negative outcome was likely (52%).<sup>456</sup>

### *Some Individual Cases*

According to documentation concerning those special cases, it is possible to point out strategies that the government followed in determining the inclusion or the exclusion of non-citizen Germans. Generally, the Ministry of Finance adopted a narrower stance than the Reconstruction. Disputes between the two authorities occurred quite often, as in the case of Eduard Meister. Born in 1864 at Calenberg (Hannover) as a Prussian citizen, Meister migrated to the UK and, later, in the 1880s, to Johannesburg (South Africa). In 1884, he obtained the *Entlassung* by German citizenship without doing military service, since it could interfere with his business. However, he did not apply the South African nationality. Married to a British woman since 1908, on the eve of the war, Meister lived in Bulawayo (Zimbabwe) where he was in the trade of mahogany and teak from Rhodesia. After August 1914, his business was quickly ruined. A British company refused to sign a contract with him, and Meister was isolated and boycotted. Also, the wife divorced him because of his national origin. Even though he was the only German residing in Bulawayo, Meister was interned in July 1915. Released and repatriated to Germany in August 1919, he lived in very poor economic and health conditions.<sup>457</sup> Therefore, the *Bund* and Conze were favorable to grant him compensation, but the Ministry of Finance refused since he was supposed to be a South African citizen.<sup>458</sup> According to the Recon-

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For similar considerations see also P. Hartgenbusch, “Zur Vorentscheidung,” *Auslandswarte*, 1, 18 (1921), pp. 175–6.

<sup>456</sup> BArch, R 2/1172, *Geschäftsbericht des Reichskommissars für Auslandsschäden*, Jan. 1922, pp. 41–2. Cf. Hainbuch, *Das Reichsministerium für Wiederaufbau*, pp. 475–7.

<sup>457</sup> BArch, R 2/1036, *Reichskommissar für Auslandsschäden* to Reconstruction, 17 May 1921.

<sup>458</sup> BArch, R 2/1036, Finance to Reconstruction, 6 Jun, 1921.



struction, on the contrary, Meister was a ‘stateless German’ and he deserved to be compensated.<sup>459</sup> In the end, the Ministry of Finance agreed with it.<sup>460</sup>

In other cases, the ministries and the *Reichskommissar* disagreed with associations or the *Reichskommissar*. Paul Jagert, born in 1866 as a German citizen, went to Australia in 1909 where he got naturalized after one year. At the outbreak of the war, local authorities interned him and liquidated his company of women’s handbags. After being repatriated in 1919, he was re-naturalized as a Reich citizen. His case was like many other fellow nationals, but Conze asked for the dismissal of his application. The reason was the severe moral judgment against Jagert since an anonymous source reported that he was an alcoholic.<sup>461</sup> In his case, the ‘moral’ guilt—based on unverified allegations—seemed enough to exclude him from the compensation scheme. However, the Ministry of Reconstruction reversed the decision and accepted Jagert’s demand for compensation.<sup>462</sup> Another case was that of Ludwig von Knoop. He belonged to a wealthy family that had been active in the cotton trade with factories in Manchester and St. Petersburg since the early 1840s. Son of Baron Johann Ludwig (1846-1918), he was born in Manchester in 1863 as a British subject. After the outbreak of the war, yet, he moved to Germany with his wife Gertrud Freiin von Keyserlingk, and later, in February 1915, acquired Prussian citizenship, while his sons fought in the Imperial Army. Knoop demanded compensation for his shares (£408,000) that the British government seized, and the loss of his company *Volokno* in St. Petersburg (775,000 rubles).<sup>463</sup> While the *Verband der im Ausland geschädigten Inlandsdeutschen* suggested considering him a German citizen, the ministries and the *Reichskommissar* agreed to grant him compensation for damages in the UK but not in Russia.<sup>464</sup>

However, authorities could be more inclusive than the associations, as in the case of Johann Gronewald. Born in Riga in 1879 as a Reich national, Gronewald moved to South Africa in 1892, where he worked as a policeman. He also lost German citizenship without doing military service. In 1899-1900, Gronewald fought on the side of the Boers against the British troops and then, in 1904-1907, served the German colonial army, participating in the repression of the Herero revolt. However, before the war, Gronewald went back to South Africa. Arrested in August 1914 and interned until May 1919 in Johannesburg, Pretoria, and Pieter-

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<sup>459</sup> BArch, R 2/1036, Reconstruction to Finance, 25 Jun. 1921.

<sup>460</sup> BArch, R 2/1036, Finance to Reconstruction, 16 Jul. 1921.

<sup>461</sup> BArch, R 2/1035, *Reichskommissar für Auslandsschäden* to Reconstruction, 4 Nov. 1920.

<sup>462</sup> BArch, R 2/1035, draft reply from the Reconstruction, Dec. 1920.

<sup>463</sup> BArch, R 2/1036, *Reichskommissar für Auslandsschäden* to Reconstruction, 31 Jan. 1921. On the von Knoop family cf. <https://tarisio.com/cozio-archivio/cozio-carteggio/baron-knoop/>.

<sup>464</sup> BArch, R 2/1036, Finance to Reconstruction, 26 Mar. 1921.

maritzburg, he demanded 240,000 marks as compensation. However, according to the *Bund*, the persecution against him was not caused by his Germandom, but by political domestic reasons. Thus, the *Bund* asked to dismiss the application. Conze initially agreed with the association but after receiving a report from a German major recognized Gronewald's pro-German feelings.<sup>465</sup> Against the advice from the *Bund*, the Ministry of Finance also agreed to give financial support to Gronewald.<sup>466</sup>

The government could grant financial support to applicants without giving the right to compensation. In those cases, inclusion did not mean equal treatment. Born in St. Petersburg in 1858 and residing in Riga before the war, Nikolaus Carlberg belonged to a distinguished family with German roots. His father had been the personal physician of Tsar Alexander II, his grandfather was the German-Swiss chemist Hermann Hess, and his wife was a Reich citizen. In 1917-18, Carlberg served as an interpreter for the German military administration in Riga and then moved to Berlin where he acquired Reich citizenship.<sup>467</sup> Conze gave a positive decision on his request for compensation, but the Ministry of Finance reduced the financial support to a one-off grant, excluding Carlberg from receiving full compensation.<sup>468</sup> Likewise, Richard Pohle, a *Privatdozent* at the University of Berlin, resided in St. Petersburg before 1914. Born in Riga to parents having German nationality, he acquired the Tsarist subjecthood in 1902. In 1916, Pohle fled to Norway together with his family and then moved to Germany, where he also served in the army. Thanks to his military activity, he was re-naturalized in 1917. However, according to authorities, Pohle was not entitled to compensation since he had sold his assets in Russia without being forced.<sup>469</sup> However, given his service to Germany during the war, the authorities conceded him a small sum (3,000 marks).<sup>470</sup>

Another important aspect was German ethnicity. The acknowledgment of the ethnic or national origin was based on 'objective' criteria: surname and name (including those given to children), marriage, language, education, religion, and origin of parents or grandparents. Yet, German ethnicity was not always enough. The authorities also examined the personal attitude of applications during the war taking into account public statements and political activity, or relying on letters of reference written by churches, military officers, doctors, or local administrators. By doing so, instead of adopting a pure *völkisch* approach, the state preferred to sup-

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<sup>465</sup> BArch, R 2/1035, *Reichskommissar für Auslandsschäden* to Reconstruction, 24 Jan. 1921.

<sup>466</sup> BArch, R 2/1035, Finance to Reconstruction, 10 Mar. 1921.

<sup>467</sup> BArch, R 2/1035, *Reichskommissar für Auslandsschäden* to Reconstruction, 9 Nov. 1920.

<sup>468</sup> BArch, R 2/1035, Finance to Reconstruction, 16 Jan. 1921.

<sup>469</sup> BArch, R 2/1035, *Reichskommissar für Auslandsschäden* to Reconstruction, 15 Nov. 1920.

<sup>470</sup> BArch, R 2/1035, Reconstruction to *Reichskommissar für Auslandsschäden*, 28 Jan. 1921.

port Germans who showed an 'active' and sincere commitment to the German cause. For instance, the farmer Richard Wenzel was born in the Polish territory of the Tsarist Empire as a Russian subject. Married in 1911 with four children, Conze classified Wenzel as a *Deutschstämmig* thanks to his family. 'The names of the children are evidence of the German origin of the family.' During the war, he was not interned and did not suffer war damages because of the anti-German persecution. After the end of the war, he became a stateless person and, in August 1919, acquired German citizenship. Although the *Bund* was favorable to granting him compensation, the *Reichskommissar* refused to concede it despite Wenzel being acknowledged as having 'German origin.' Similarly, the application of Leopold Schnürle was denied by Conze. Born in Ukraine by Tsarist subjects of German origin, Schnürle had 6 children whose names sounded German. Despite his ethnic origin and the positive opinion of the *Bund*, Conze rejected his application.<sup>471</sup> Sometimes, even being born as a German citizen was not enough. Born in Baden in 1871, Samuel Salm went to Moscow in 1896, where he was registered at the local Reich consulate. Married to a German woman, Salm resided in Turkestan before the war. During the summer of 1914, he was on a business trip between Germany and Sweden. Initially, Salm joined the army but quite later he registered himself at the Swedish consulate and acquired the nationality of Sweden. Similarly, Alfred Pietzold, who was born in Berlin in 1862 but lived in Portland (United States) since 1887, unsuccessfully asked for compensation. In 1883, he had been naturalized as a U.S. citizen, but during the war, the American authorities imprisoned him as an enemy alien. Nevertheless, Pietzold claimed to be restored because authorities had expropriated his firm in 1916. Even though this happened during the American neutrality, according to him, besides being illegal, the expropriation was motivated by an anti-German attitude. The administration dismissed both applications. Although Salm and Pietzold had demonstrated their 'German origin' (*Deutschstämmigkeit*), they did not show a pro-German commitment since they 'remembered' their nationality only for their own interests.<sup>472</sup>

By contrast, people of German origin who had been vocal supporters of the national cause during the war deserved to be included in the compensation scheme. For instance, the German-American Hugo Weber obtained the financial support of the Reich thanks to his pro-German journalistic activity during the neutrality of the United States. Born in Strasbourg in 1870, Weber migrated to San Francisco where he was naturalized. After August 1914, he defended the German cause and organized fundraising in favor of POWs and widows. Accord-

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<sup>471</sup> Both cases are in BArch, R 2/1035, *Reichskommissar für Auslandsschäden* to Reconstruction, 25 Jan. 1921.

ing to Conze, the war had awakened 'the memory of his German fatherland.' Arrested in 1917, Weber was convicted of espionage, then denaturalized and expelled to Germany.<sup>473</sup> The Ministry of Reconstruction approved his application.<sup>474</sup> On some occasions, political engagement could be more important than ethnicity or citizenship. Antoon De Visscher (1896-1981) was born in Nazareth (Belgium) to a wealthy Flemish family. When the German army occupied Belgium, De Visscher cooperated with military occupation authorities by supporting Flemish nationalism. This experience strengthened his admiration 'for German culture and its idealism.' After the end of the conflict, yet, De Visscher left his country and acquired Prussian citizenship, but he lived in a very precarious condition.<sup>475</sup> Thanks to his pro-German propaganda and despite his ethnic origin, he was financially supported by the Reich. In the mid-1920s, De Visscher gained a doctorate in Economy from the University of Cologne and, in 1945-46, became the first mayor of Velbert (Düsseldorf) after the fall of the Nazi regime.

If ethnicity was not enough, naturalization was not enough either. Acquiring, or reacquiring, Reich citizenship could help the applicants but did not automatically grant their eligibility. Born in Jerusalem in 1888 to parents of German nationality, Wilhelm Bienzle probably lost his citizenship. In 1914, he lived in Al-Cairo where he owned a machinery repair company together with a French citizen. Arrested in 1915 and interned in Malta until 1919, Bienzle reacquired Reich citizenship and, at the end of 1920, went back to Palestine. Both Conze and the government dismissed his request, showing that his naturalization was irrelevant to the application.<sup>476</sup>

Paradoxically, in some cases, the authorities supported individuals of German origin who opted for foreign nationality. Peter Habersaat was a Reich citizen, who had served the German navy as a machinist during the war. However, he was born in a little village in the Schleswig-Holstein region, which was ceded to Denmark, and thus he became a Danish citizen by Article 112 of the peace treaty. According to him, he did not opt for German nationality since, otherwise, he could not find any job in the merchant navy. But Habersaat promised to apply for naturalization as soon as the economic reconstruction in Germany could offer him the possibility to work. In his case, the *Reichskommissar* suggested approving the application for compensation due to his patriotic merits.<sup>477</sup> The Ministry of Finance disagreed. 'If

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<sup>472</sup> BArch, R 2/1035, *Reichskommissar für Auslandsschäden* to Reconstruction, 15 Dec. 1920.

<sup>473</sup> BArch, R 2/1035, *Reichskommissar für Auslandsschäden* to Reconstruction, 4 Feb. 1921.

<sup>474</sup> BArch, R 2/1035, Reconstruction to *Reichskommissar für Auslandsschäden*, 22 Feb. 1921.

<sup>475</sup> BArch, R 2/1035, *Reichskommissar für Auslandsschäden* to Reconstruction, 18 Feb. 1921.

<sup>476</sup> BArch, R 2/1035, *Reichskommissar für Auslandsschäden* to Reconstruction, 9 Feb. 1921.

<sup>477</sup> BArch, R 2/1035, *Reichskommissar für Auslandsschäden* to Reconstruction, 16 Dec. 1920.

H[aberstaat] does not opt [for Germany] for good reasons, he must also bear the consequences.<sup>478</sup> On the contrary, the Ministry of Reconstruction was favorable to concede the financial support, admitting that in his case the option for Danish nationality was almost inevitable. Furthermore, Habersaat asked for a small sum as compensation. Finally, the authorities granted him financial support.<sup>479</sup> Similarly, the application of Xaver Roesch was approved. Born as a Reich citizen in Alsace, Roesch was a young worker in a tobacco factory in Berlin. Before the war, he had emigrated to France but in August 1914 he went back to Germany, where he served in the army since 1917. After the ratification of the peace treaty, Roesch acquired French citizenship but chose to reside in Germany. Retaining French nationality allowed him to visit his old mother in Alsace. According to the *Bund*, Roesch lived in very poor conditions, suffering the consequences of unemployment. He did not have the money to buy clothes or essential items. In the end, his application was approved.<sup>480</sup>

In their cases, the financial support was conceded for social reasons, too. The economic ‘difficulties’ (*Notlage*) were often important in helping the applicants. Therefore, compensation became a sort of welfare state measure providing support to individuals or families in precarious conditions. This was especially true for women married to foreigners. Emma Sahr, born in 1843 in Husum (Schleswig-Holstein), migrated to St. Petersburg in 1871 where she married Paul Kurtz a physician of German origin who was a Tsarist subject. Consequently, she acquired Tsarist nationality. However, after her husband died in 1914, local authorities persecuted her. Once returned to Germany, she was naturalized in April 1920.<sup>481</sup> Her application was approved.<sup>482</sup> Similarly, Helene Bergmann, born in 1855 to German parents, emigrated to Athens in 1880 and married a Greek citizen in 1890. Before the war, she resided in Deta, a small town in the region of Banat, which at that time was part of the Austro-Hungarian Empire. Due to her Greek citizenship, she was interned in 1917-18 by the Hapsburg authorities. Returned to Germany, she claimed to be a widow since her husband was missing. Living in a precarious condition, she received the support of the Red Cross.<sup>483</sup> By applying the criteria fixed in April 1920, the Ministry of Reconstruction authorized the compensation.<sup>484</sup> However, on the same occasion, the government dismissed a very similar application coming from a German widow. Ida Schwarzenstein, born in 1881 in Hannover, emigrated to London in

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<sup>478</sup> BArch, R 2/1035, Finance to Reconstruction, 22 Jan. 1921.

<sup>479</sup> BArch, R 2/1035, Reconstruction to Finance, 9 Feb. 1921.

<sup>480</sup> BArch, R 2/1035, *Reichskommissar für Auslandsschäden* to Reconstruction, 25 Jan. 1921.

<sup>481</sup> BArch, R 2/1035, *Reichskommissar für Auslandsschäden* to Reconstruction, 9 Nov. 1920.

<sup>482</sup> BArch, R 2/1035, Reconstruction to *Reichskommissar für Auslandsschäden*, 16 Jan. 1921.

<sup>483</sup> BArch, R 2/1035, *Reichskommissar für Auslandsschäden* to Reconstruction, 18 Jan. 1921.

1901. Some years after she married a British citizen who, later, left her alone without signing any divorce. Since then, she never heard from him again. Nonetheless, the woman had three illegitimate children born in London and Leipzig. Repatriated in July 1915, she lived in very poor condition, but her conduct was considered morally indecent by the authorities. Having extramarital relations and illegitimate children excluded her from receiving compensation.<sup>485</sup> Her case demonstrated that the government seemed to follow a more severe standard in examining applications sent by women than those issued by men.

Authorities were quite hostile toward foreign women married to Germans. Emilie Bernard was born in Mainz in 1861 to Belgian parents and, since 1895, she was married to Ludwig (or Louis) Press. Even if the woman could not provide documentary evidence concerning his citizenship, she claimed that Press was a German national. In 1914, they went back to Mainz, but she became a widow in 1918 after her husband died. At the beginning of 1920, Bernard came back to Belgium where she reacquired Belgian citizenship, but her property had been liquidated. According to Conze, she deserved to be supported for several reasons. She lived in poor conditions and had held German citizenship until 1920, and there was evidence of her pro-German feelings that she privately expressed.<sup>486</sup> On the contrary, the Ministry of Reconstruction dismissed her application, by stating that she should have appealed to the Belgian government to get her property back.<sup>487</sup>

Authorities did not discriminate—at least explicitly—against German applicants who had a Jewish origin. In no case, Jewishness was mentioned or stressed to categorize or exclude the applicants. It could merely be assumed from surnames. For instance, Jacob (or Giacomo) Trees was a merchant active between Italy and Switzerland. Born in Wiesbaden in 1870, he resided in Milan where he became stateless by losing citizenship. In the summer of 1914, Trees was in the Italian city when the war broke out. In 1915 he applied for German renaturalization and he got it one year later. However, his loyalty was uncertain. On the one hand, Trees did not serve the German army and used to sign with the Italian version of his name (Giacomo). On the other, he was re-naturalized in 1916 and his son joined the Reich army.<sup>488</sup> In the end, the Ministry of Reconstruction conceded compensation.<sup>489</sup> On the contrary, Leon Hurwitz was not so lucky. Born in 1864 in Dünaburg (Daugavpils, Latvia), Hurwitz was a Tsarist sub-

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<sup>484</sup> BArch, R 2/1035, Reconstruction to *Reichskommissar für Auslandsschäden*, 23 Feb. 1921.

<sup>485</sup> *Ivi.*

<sup>486</sup> BArch, R 2/1035, *Reichskommissar für Auslandsschäden* to Reconstruction, 18 Feb. 1921.

<sup>487</sup> BArch, R 2/1035, Reconstruction to *Reichskommissar für Auslandsschäden*, 2 Mar. 1921.

<sup>488</sup> BArch, R 2/1035, *Reichskommissar für Auslandsschäden* to Reconstruction, 9 Feb. 1921.

<sup>489</sup> BArch, R 2/1035, Reconstruction to *Reichskommissar für Auslandsschäden*, 30 Mar. 1921.

ject but—according to him—his ancestors were German even though documentary evidence was lacking. In 1914, Hurwitz lived in Moscow, but Conze underlined that before the war he had no relations with the German-speaking community and did not support the German cause during the conflict. Only in the summer of 1918, when the Bolshevik regime expropriated his assets, Hurwitz searched for the diplomatic protection of the Reich by claiming to have Baltic-German origin. According to Conze, his request was only motivated by self-interest. In particular, the *Reichskommissar* mischievously underlined that Hurwitz was ‘described’ (it was not clear by whom) as a banker interested only in his advantage: ‘Hurwitz is portrayed as a private banker who was always looking to exploit any situation to his advantage.’<sup>490</sup> The ministries agreed with Conze.<sup>491</sup> Officially, the application sent by Hurwitz was dismissed since it lacked evidence proving his origin and he could not demonstrate to have done anything for the German cause before and during the war. However, describing Hurwitz as a banker devoted only to his self-interest was not far from antisemitic clichés. Similarly, due to the lack of proof concerning their German ancestry, Reich authorities classified him as an *Ostausländer*, who was not supposed to be included within the national community.

#### *A Conditional Inclusion*

After the approval of the 1921 laws on compensation, the inclusion of non-citizen Germans was partly changed. From that moment, the government considered Reich citizenship as the crucial factor for granting full compensation. Possibilities to be fully included were reduced during the 1920s, while the legislative provisions allocated special funds to help non-citizen Germans, who suffered severe economic damage and were in a precarious situation. In this way, the government shaped more distinctly the boundaries of national belonging. Reich citizens and those who had been admitted to pre-compensation in 1919-21 were entitled to receive higher sums, while the others were in a subordinate position. For the latter, inclusion within the compensation scheme did not mean equal treatment. The Reich was privileging legal status instead of ethnic membership in the nation.

According to the *Auslandsschädengesetz* (July 1921), among the essential requisites was the status of Reich citizenship at the time of persecution. However, for non-citizen Germans, there were still possibilities to be supported. Not far from being stated by the government in November 1919, only some groups of non-citizen Germans could be included. In particular, according to the government’s report, the compensation could be conceded to ‘those ethnic

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<sup>490</sup> BArch, R 2/1035, *Reichskommissar für Auslandsschäden* to Reconstruction, 15 Nov. 1920.

Germans (*deutsche Volksgenossen*), [...] who do not possess German Reich citizenship, who have not acquired foreign nationality, and who, because of their German origin, had to suffer in the same way as Reich citizens; they will generally be treated in the same way as Reich Germans about the question of compensation.<sup>492</sup> Once again, the government wished to include mainly stateless Germans, who had been previously Reich citizens and then lost their nationality due to the restrictive provisions of the 1870 citizenship law. They could be restored according to the legislation. The Reichstag did not change that provision. Anyway, the following legislation confirmed that having Reich citizenship was an essential requirement. According to the *Liquidationsschädengesetz* (June 1923) possessing the legal status of Reich national was fundamental also to benefit from bonuses. In this case, the applicant needed to have German citizenship not only at the time of the damage (namely, in August 1914). According to Article 18, additional compensation could only be granted to those persons who also have Reich citizenship at the time of the decision on the application for compensation.<sup>493</sup> During the debate at the Reichstag Commission, the *Bund der Auslandsdeutschen* criticized the limitations imposed through the formal possession of citizenship, but their protests were in vain.<sup>494</sup> Nonetheless, in some cases the administration included individuals without German citizenship, violating the legislative provisions and creating more confusion.<sup>495</sup> The reform issued by the Stresemann cabinet made only a few changes. According to the *Gewaltschädenverordnung* (October 1923) and the amended version of the *Liquidationsschädengesetz* (November 1923), only Reich citizens were entitled to full compensation, while stateless persons and foreign citizens could be awarded *Stammenschädigung* (minimum compensation) corresponding to 2‰ of its pre-war value. For the first time, the legislation crystallized a hierarchical membership to the nation, which privileged Reich citizens and included the ethnic Germans on a subordinate level. In 1925, according to the new guidelines on additional compensations, all those who had already received compensation in the past were to benefit, regardless of their nationality. In this way, the Ministry of Finance explained in 1926, ‘all [stateless] people who have suffered damages will receive the same compensation as the citizens of the Reich’.<sup>496</sup> Nonetheless, they were excluded from supplementary compensation awards and bonuses. Finally, with the *Kriegsschäden-*

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<sup>491</sup> BAArch, R 2/1035, Reconstruction to *Reichskommissar für Auslandsschäden*, 28 Jan. 1921.

<sup>492</sup> Proceedings of the Reichstag, Drucksach 1019, *Entwurf eines Gesetzes über den Ersatz von Kriegsschädigen im Ausland (Auslandsschädengesetz). Begründung*, Band 365, Wahlperiode 1920/1924, p. 10.

<sup>493</sup> Proceedings of the Reichstag, Drucksach 5042, *Entwurf eines Gesetzes zur Verminderung der Lasten des Reichs aus der Gesetzgebung über die Entschädigung und das Ausgleichsverfahren aus Anlaß des Friedensvertrags von Versailles (Reichsentlastungsgesetz). Allgemeine Begründung*, Band 375, Wahlperiode 1920/1924, p. 42.

<sup>494</sup> Proceedings of the Reichstag, Aktenstück Nr. 5850, Band 377, Wahlperiode 1920/1924, pp. 6817, 6831, 6836, 6839. See also “Die letzte Hoffnung auf den Reichstag!,” *Auslandswarte*, 3, 8 (1923), p. 109.

<sup>495</sup> Joerges, “Bemerkungen zur Auslandsschädengesetzgebung,” *Auslandswarte*, 2, 24 (1922), pp. 158–9.



*schlußgesetz* (March 1928), all those who had already collected up to 200,000 marks were awarded a final lump sum payment. Above that threshold, only citizens would receive supplementary compensation. Both at parliamentary committee meetings<sup>497</sup> and during debates,<sup>498</sup> the government had defended the principle that citizens should receive the largest supplementary payouts.

At the same time, since 1921 the legislation also provided ‘hardship funds’ (*Härtefonds*) to help categories and individuals who were not entitled to apply for compensation. Those special resources could be distributed discretionally by the ministries of Reconstruction and Finance, but the government wished to help especially those Germans who—while not having the right to compensation—suffered severe economic damage resulting from the internment and the loss of savings,<sup>499</sup> or who were unable to work due to the age, health damage or other causes related to the economic persecution.<sup>500</sup> However, the funds could be distributed in the form of subsidies, pensions, or other forms of financial aid, but not as compensation in the proper sense. Originally, the draft law presented by the Ministry of Reconstruction did not contain any sort of maximum. In this way, the government could concede special funds without financial limitations, but the Minister of Finance Joseph Wirth (Zentrum) insisted on setting a threshold.<sup>501</sup> In the end, the total amount of those special funds corresponded to 150 million marks, which were provided by the *Auslandsschädengesetz* (40 million),<sup>502</sup> the *Verdrängungsschädengesetz* (85 million),<sup>503</sup> and the *Kolonialschädengesetz* (25 million).<sup>504</sup> However, hyperinflation forced the government to provide adequate resources. According to the *Liquidationsschädengesetz* (June 1923), the government immediately allocated 10 billion marks,<sup>505</sup> by confirming the social rationale of the provision. In October 1923, the Stresemann cabinet raised the special fund, allowing the granting of subsidies to beneficiaries of compensation

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<sup>496</sup> BArch, R 2/1033, Finance to Heinzmann, 17 Jun. 1926.

<sup>497</sup> Proceedings of the Reichstag, Nr. 4111. Bericht des 22. Ausschusses (Entschädigungsgesetze), Bd. 422, 1924/28, p. 21.

<sup>498</sup> Proceedings of the Reichstag, 21 Mar. 1928, p. 13581.

<sup>499</sup> Proceedings of the Reichstag, Drucksach 1019, *Entwurf eines Gesetzes über den Ersatz von Kriegsschädigen im Ausland* (*Auslandsschädengesetz*). *Begründung*, Band 365, Wahlperiode 1920/1924, p. 17.

<sup>500</sup> Proceedings of the Reichstag, Drucksach 5042, *Entwurf eines Gesetzes zur Verminderung der Lasten des Reichs aus der Gesetzgebung über die Entschädigung und das Ausgleichsverfahren aus Anlaß des Friedensvertrags von Versailles* (*Reichsentlastungsgesetz*). *Allgemeine Begründung*, Band 375, Wahlperiode 1920/1924, p. 51.

<sup>501</sup> BArch, R 43-I/542, *Auszug aus dem Protokoll der Sitzung des Reichsministeriums vom 9. Oktober 1920. Entwürfe der Gesetze über den Ersatz a) von Kriegsschäden im Ausland, b) von Kriegsschäden in den ehemaligen Schutzgebieten, c) der durch die Abtretung deutscher Reichsgebiete entstandenen Schäden.*

<sup>502</sup> Article 11.

<sup>503</sup> Article 18, which allocated 25 million to compensate holders of loans granted during the German occupation of Poland.

<sup>504</sup> Article 11.

<sup>505</sup> Article 66.

who were in economic difficulties.<sup>506</sup> Finally, according to the *Kriegsschädenschlußgesetz* (March 1928), extra funding of up to 37 million marks was made available by the Ministry of Finance.<sup>507</sup>

Despite the government indications, the regulation of allocating ‘hardship funds’ was in continuity with the praxis followed since November 1919. In particular, similarly to the 1919 provision, those resources were aimed to give financial support for ‘special reasons of equity’ (*besondere Billigkeitsgründe*) to individuals lacking Reich citizenship who belonged to socially vulnerable groups (the elderly, people with physical or mental disabilities, unemployed, large families). The provision was instrumental in providing support principally for families. While the sum was denied because of criminal records or desertion, it was possible to grant money directly to other ‘innocent’ members of the family (wife or children).<sup>508</sup> Another important change was that the *Reichskommissar für Auslandsschäden* was disbanded and the new body was the REA, which was always under the direction of the ministries of Finance and Reconstruction. The new guidelines also were openly more inclusive. Besides former Reich citizens who became stateless, the special funds could be also conceded to Germans of foreign nationality (in contradiction to the official report presented at the Reichstag); former Reich citizens coming from the ceded territories (Danzig, Memel, Western Prussia, Pomerania, region of Posen, Eupen-Malmedy, Alsace-Lorraine, Schleswig-Holstein); individuals who had been naturalized after August 1914; persons with ethnic German origin (*Deutschstämmige*) who had demonstrated their loyalty to the Reich; women of German origin married to foreigners who became widows or divorced from them. The decision could be taken by the local branches of the REA (up to 5,000 marks), the central administration of the REA (up to 25,000 marks), and the ministries (over 25,000 marks), by consulting the associations and the *Spruchkammern*.<sup>509</sup> In the following years, the threshold would have been increased due to inflation. Yet, the applications sent by ethnic Germans or individuals with foreign citizenship were decided directly on a ministerial level. Furthermore, the two ministries preferred to avoid the publication of implementing decrees in official publications (such as the *Reichsanzeiger* or the *Reichsgesetzblatt*). Evading legislative provisions and opacity of administrative action remained fundamental.<sup>510</sup> The

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<sup>506</sup> *Gewaltschädenverordnung*, Article 17.

<sup>507</sup> Article 20.

<sup>508</sup> BArch, R 2/1036, *Niederschrift über die Besprechung vom 30. August 1921 im Reichsministerium für Wiederaufbau, betreffend die Frage, ob und in welchem Umfang nach Erlass des Auslandsschädengesetzes noch Zulassungen zum Vorentscheidungsverfahren nach Massgabe des §11 der Richtlinien vom 15. November 1919 erfolgen können und Grundsätze für die künftige Handhabung des §11 der Richtlinien v. 15.11.1919*, written by Conze, 6 Sep. 1921.

<sup>509</sup> BArch, R 2/965, Reconstruction to Finance, 12 Sep. 1921.

<sup>510</sup> BArch, R 2/965, Finance to Reconstruction, 5 Oct. 1921.

Ministry of the Interior and the Colonial Office also sought to include other groups.<sup>511</sup> In particular, the latter proposed to grant subsidies to Austrians, Hungarians, or neutral citizens who supported the Germans in the colonies.<sup>512</sup> In the end, the administration agreed with the criteria set up by the ministries of Finance and Reconstruction,<sup>513</sup> but the associations sought to impose parliamentary control on the regulation and to include some other groups. However, their efforts were unsuccessful except for the case of married women. The government accepted to remove the limitation concerning divorced women and widows, by also including women who were still married to foreigners.<sup>514</sup> In March 1922, the government defined the guidelines,<sup>515</sup> which remained almost identical in the following years.<sup>516</sup>

The total number of applicants without German nationality who received financial support from the Reich through *Härtefonds* is unknown. The administration did not keep track of them.<sup>517</sup> Only partial data is available. For instance, about 300 applicants were awarded *Härtefonds* benefits in the first half of 1923. Also, Germans living in Danzig who received those special funds were about 1,000.<sup>518</sup> The administration allocated 12 million marks between January and April, and almost 40 million in the following three months. Due to inflation, in a few months, the average individual subsidy rose from 100,000 to 230,000 marks. Most beneficiaries were male, whereas the women corresponded only to about one-third. Among the women married to foreigners, many were divorced (and remarried with Germans) or widows, while only a small fraction was nubile. Regarding nationality, the beneficiaries were mainly stateless (at least 105), who were either re-naturalized (83 over 105), former Reich citizens coming from the ceded regions, or women who regained German citizenship. The *Deutschstämmige* were only a small number (no more than 25). The British and the Tsarist Empires were the two main countries where the beneficiaries suffered damages. From a social point of view, the composition was various. A relevant number was composed of unemployed and individuals unable to work (mainly women), but there were artisans, farmers, employees, private teachers, babysit-

<sup>511</sup> BArch, R 2/965, Reich Interior to Reconstruction, 10 Oct. 1921.

<sup>512</sup> BArch, R 2/965, Brill to Reconstruction, 12 Oct. 1921.

<sup>513</sup> BArch, R 2/965, *Niederschrift über die Besprechung im Reichsministerium für Wiederaufbau vom 17. November 1921 betr. die Behandlung der sogenannten Härtefonds (§§ 11 Ausl.Sch.G. und Kol.Sch.G., §18 V.Sch.G.)*.

<sup>514</sup> BArch, R 2/965, *Niederschrift über die Besprechung der vorläufigen Richtlinien für die Behandlung der sogenannten Härtefonds (§§ 11 Ausl.Sch.G. und Kol.Sch.G., §18 V.Sch.G.) mit Vertretern der Arbeitsgemeinschaft der Interessenvertretungen für den Ersatz von Kriegs- und Verdrängungsschäden im Reichsministerium für Wiederaufbau vom 24. Januar 1922*.

<sup>515</sup> *Vorläufige Richtlinien für die Behandlung der sogenannten Härtefonds*, in Anton Wirz, *Kriegsschädengesetze: Das Verdrängungsschädengesetz, das Kolonialschädengesetz und das Auslandsschädengesetz* (Freiburg: J. Boltze, 1922), pp. 215–9.

<sup>516</sup> Eduard Schalfjew, Julius Lazarus, and Hugo Walther Dauch, eds., *Kriegsschädenschlußgesetz (Gesetz zur endgültigen Regelung der Liquidations- und Gewaltschäden vom 30. März 1928, RGBl. I S. 120) und Härtefondsrichtlinien*, (Berlin: Carl Heymann, 1928).

<sup>517</sup> See documents in BArch, R 2/856.

<sup>518</sup> BArch, R 2/741, General consulate (Danzig) to Foreign Affairs, 23 Jun. 1923.

ters, sailors, etc. Also, persons belonging to the middle class asked for special funds, such as the scholars Johannes Gahlubäck and Wolfgang La Baume, or the Baltic-German writer Otto Peterson (who received support consisting of 2 million marks).<sup>519</sup> In the case of a high-school teacher, a certain Stössinger, an ‘expelled Baltic-German’ who lived in Germany since 1919, the Baden State Minister of Finance personally asked the central government for the allocation of special funds in his favor and the cabinet accepted it.<sup>520</sup>

These statistics—albeit partially—could provide some indications concerning the inclusion of non-citizen Germans in the compensation scheme. First of all, the administration was more inclusive than the government or the Reichstag, but at the same time, it adopted a more exclusive stance than the associations. The administration allocated resources to help individuals and families in precarious situations, who deserved to be included within the national community for social, economic, or political reasons. Following a pragmatic, flexible, and discretionary approach, the German state did not consider only ethnicity or naturalization but took into account several objective and subjective factors that could illustrate the real membership to the nation. Nevertheless, especially after the summer of 1921, their inclusion did not mean equal treatment to the other Reich citizens. Beneficiaries of financial support after 1921-22 were like second-class nationals. From that moment on, the boundaries were almost shaped in a hierarchical sense, by privileging Reich citizens and including ethnic Germans on a subordinate level.

## Summary

The restoration of war damages for victims of the economic warfare waged by the Allies represented one of the most crucial issues of postwar demobilization in Germany. As stated by a member of the *Bund der Auslandsdeutschen* during its first congress in 1920, compensation was ‘a matter of being or not being.’<sup>521</sup> Conceived as an extension of state responsibility according to principles such as diplomatic protection for citizens abroad and compensation for property loss, the claim to be restored was formally accepted by the German state as a right belonging to its citizens by coming under double pressure, the Treaty of Versailles and the democratic revolution in 1918-19. Throughout the 1920s and the early 1930s, the German

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<sup>519</sup> BArch, R 2/965, *Listenmässiger Nachweis über die einzelnen Bewilligungen aus dem Härtefonds – gemäss §11 Auslandschädengesetz – für die Zeit vom 1. Januar 1923 – 31. März 1923* and *Listenmässiger Nachweis über die einzelnen Bewilligungen aus dem Härtefonds – gemäss §11 Auslandschädengesetz – für die Zeit vom 1.4.23 – 30.6.23*.

<sup>520</sup> BArch, R 2/1037, Finance (Karlsruhe) to State Secretary, 13 Jun. 1923, and 2 Sep. 1923.

<sup>521</sup> BArch, R 2/874, *Bundestagung Eisenach den 26. Juli 1920. Bericht von Herrn H. Gebhard*, 26 July 1920.

state struggled to find such a compromise and meet the demands coming from many families, associations, and firms whose assets had been confiscated by winning powers. Germany was able to compensate only a small part of the material losses. In the end, from November 1919, the German administration accepted about 400,000 applications for compensation. Unfortunately, it is unknown how many applications were rejected by the associations or the Reich authorities. Firstly, the majority (227,000) were sent by Germans who had lived in the ceded regions up to 1918-19, mainly in the Eastern territories (186,000) while fewer were in the Western areas. A small portion was composed of claims regarding damages caused by the 1919-21 Polish insurrections in Upper Silesia (34,800). Applications sent by Germans who suffered losses in foreign countries were 95,250, whereas claims regarding damages in the former colonies were only 17,500. Finally, the so-called 'security damages' (*Wertpapierschäden*) were about 55,000, but official statistics did not differentiate that group of applications by country.

Figures confirmed that refugees coming from the regions ceded to Poland and Germans abroad represented the two most important groups in terms of number, while the losses in Alsace-Lorraine regarded fewer people but had a higher value. The administration recorded 4.9 billion goldmarks for damages that occurred outside of the German territory, 3.5 billion for losses suffered by people coming from the Eastern ceded territories and 2.7 billion for losses in Alsace-Lorraine. Altogether, according to the government, ascertained damages were worth 11 billion golden marks.<sup>522</sup> However, the value was likely underestimated due to the difficulties in assessing it, and the interest in curbing financial outlay. As confirmed by government estimates the real value was higher, corresponding to 20-25 billion golden marks.<sup>523</sup>

Another relevant aspect is social distribution. Most applicants suffered limited damages: 240,000 up to only 2,000 marks, while the minority consisted of applications for losses up to 200,000 marks (including the so-called 'security damages'). These figures reveal that dispossessed Germans belonged mainly to the working and middle classes, whereas only a small minority of applicants (4,408) consisted of upper-middle-class members or big companies. Damages suffered by the latter group were worth several billion marks, causing huge economic and financial losses. However, the government was successful in prompting the economic recovery in strategic sectors such as heavy industry, as demonstrated by the cases of Krupp, Stinnes,

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<sup>522</sup> See statistics in "Rückblickender Bericht des Reichsentschädigungsamtes," *Auslandswarte*, 10, 8 (1930), pp. 96-7. Cf. also Proceedings of the Reichstag, Aktenstück Nr. 3855, Band 421, Wahlperiode 1924/1928, *Begründung zu dem Entwurf eines Gesetzes zur endgültigen Regelung der Liquidation- und Gewaltschäden (Kriegsschädenschlußgesetzes)*, p. 5.

<sup>523</sup> See reports in BArch, R 2/1039, and R 2/1040.

and Thyssen, or the merchant fleet, which quickly recovered its pre-war position.<sup>524</sup> All of them could count on capital in Germany or other neutral countries, and losses abroad did not undermine their business. Nonetheless, the middle class—consisting of almost 100,000 applications for damages between 2,000 and 500,000 marks—suffered the most serious loss in social and economic terms. Those whose life was entirely based abroad lost all their assets, including savings and other financial resources. Once they came to Germany, indeed, they were penniless refugees, and rebuilding their lives and social standing was far more difficult. For them, compensation served as a tool to prompt ‘the economic and social reintegration’ in their ‘former country of origin.’<sup>525</sup> Unsurprisingly, this social and economic diversity resulted in tensions and clashes among dispossessed Germans, who were far from being a homogeneous category. Furthermore, that all of them were equally to be financially restored by Germany from a legal point of view, even though the German state had limited means to fulfill that obligation, exacerbated the struggle among different groups along social, economic, and geographical lines. Thus, categorization was the only way to distribute resources effectively in terms of economic recovery or social assistance. Settling 14 categories for property losses (and 5 for securities damages) was instrumental in granting applicants diverse compensations on a social basis (*see Fig. 7.13*). However, this extreme differentiation was in sharp contradiction with the principles of egalitarian inclusion of the August 1919 law. At the end of 1932, according to the central administration, over thirteen years, Germany spent about 2.4 billion Goldmark, consisting of more than 20% of the damages recorded by the authorities. But half of that sum has been allocated thanks to the law passed in 1928. Additionally, in the second half of the 1920s, the administration allocated 82 million marks as loans, and 105 million as ‘hardships funds.’<sup>526</sup>

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<sup>524</sup> On the beneficial effects of compensation for the merchant fleet, see Leonard Gomes, *German Reparations, 1919-1932: A Historical Survey* (London: Palgrave Macmillan, 2010), p. 82, n. 36.

<sup>525</sup> BArch, R 43-I/799, *Bemerkungen der Arbeitsgemeinschaft für den Ersatz von Kriegs- und Verdrängungsschäden zu dem dem Reichstag zugegangenen Entwurf eines Kriegsschädenschlußgesetzes*, Jan. 1928.

<sup>526</sup> “Gesamthöhe der Reichsentschädigungen,” *Auslandswarte*, 13, 5-6 (1933), p. 99.

**Satzfällige Entschädigungsstufen der Schlußentschädigung**

Offe. Nr.	Schäden mit einem Friedenswert im Einzelfall	Höhe der Entschädigungen in Hundertstufen vom Friedenswert für:				Zahl der Schadensfälle in den einzelnen Gruppen	Verlorene Friedenswerte in den einzelnen Gruppen <small>(Millionen Mark)</small>
		A. Wiederaufbauende		B. Nichtwiederaufbauende			
		a) entwurzelte Geschädigte	b) nichtentwurzelte Geschädigte	a) entwurzelte Geschädigte	b) nichtentwurzelte Geschädigte		
1	2	3	4	5	6	7	8
A. Sachschäden							
I	bis 2 000 M	100	100	100	100	234 450	106,2
II	„ 10 000 „	mindestens 60	mindestens 60 *)	mindestens 60	mindestens 56	52 000	244,5
III	„ 20 000 „	„ 55	„ 55 *)	„ 55	„ 50,5	15 700	228,1
IV	„ 50 000 „	„ 35,8	„ 35,8 *)	„ 35,8	„ 31	16 100	496,8
V	„ 100 000 „	„ 29,4	„ 29,4 *)	„ 29,4	„ 24,5	5 470	388,8
VI	„ 200 000 „	„ 23,7	„ 23,7 *)	„ 23,7	„ 18,75	2 980	414,6
VII	„ 500 000 „	„ 18,48	„ 15,48	mindestens 13,68		1 832	593,5
VIII	„ 1 000 000 „	„ 16,74	„ 12,74	„ 10,34		721	510,5
IX	„ 5 000 000 „	„ 13,75	„ 8,95	„ 6,07		578	1 213,2
X	„ 10 000 000 „	„ 13,37	„ 8,47	„ 5,53		85	594,0
XI	„ 20 000 000 „	„ 13,19	„ 8,24	„ 5,27		44	596,4
XII	„ 50 000 000 „	„ 13,08	„ 6	„ 4		21	679,4
XIII	„ 100 000 000 „	„ 7	„ 3	„ 2		6	419,0
XIV	über 100 000 000 „	unter 7	unter 3	unter 2		13	2 287,0
B. Wertpapiergeschäden							
I	bis 200 000 M	12	12	12	12	59 890	685,9
II	„ 500 000 „	mindestens 11,4	mindestens 8,4	mindestens 8,4	mindestens 8,4	726	219,5
III	„ 1 000 000 „	„ 11,2	„ 7,2	„ 7,2	„ 7,2	233	169,9
IV	„ 10 000 000 „	„ 9,22	„ 4,32	„ 4,32	„ 4,32	142	376,5
V	über 10 000 000 „	unter 9,22	unter 4,32	unter 4,32	unter 4,32	9	147,8

\*) Die im § 4 Abs. 1 vorgesehene Minderung ist nicht vorgenommen worden, da der Wiederaufbau als einer der Billigkeitsgründe anzusehen ist, die trotz Fehlens der Entwurzelung die Anwendung der Normalstufe rechtfertigen

[Fig. 7.13, Overview of applications for compensation]

Besides prompting the economic recovery of key industrial sectors, restoring dignity became the main goal to be pursued, and thus compensation was aimed at promoting the social inclusion of dispossessed Germans, including those who were not citizens but shared the same fate of persecution and uprootedness. Compensation became a tool of the welfare state but proved to be insufficient. The consequences of the ‘social turn’ of a legal device usually conceived as a traditional economic right were far-reaching in social and political terms since it did not eliminate reasons for disappointment and resentment. The inability of rhetoric about national solidarity to overcome polarization and conflicts was a structural limit of the Weimar political system. In the case of compensation for economic war damages, the promise of more rights carried with them a serious risk. Unlike after 1945, when the German Federal Republic was able to grant proper compensation thanks to a better economic situation, the Weimar Republic did not get the same results. Members of the middle class were greatly disappointed. Not only did they lose much of their wealth and social status, but they never accepted that compensation was a form of social assistance with limited impact. Frustrated by the failure of the state to return them the market value of the lost property, many of them felt bitterness, resentment, and anger against the weak and ‘rotten’ state and embraced both anti-proletarian and anti-capitalist rhetoric, eventually contributing to the delegitimization of the democratic system at the end of the 1920s.







## FINAL REMARKS

### *The Long Wave of an Endless Economic War*

The war did not finish in November 1918 when Germany agreed to sign the armistice. Nor did it come to an end in 1923 when the Treaty of Lausanne marked the conclusion of the war between Turkey and the Allied Powers, the last military conflict directly deriving from the world war. For millions of civilians of German origin (and, to a lesser degree, of Austrian, Hungarian, and Bulgarian origin) the economic war lasted for years after the conclusion of military confrontations. A set of persecutory actions, starting from the repatriation to the definitive loss of their property, kept wartime measures still valid, and even radicalized them, during what should have been peacetime. Between two and three million German people across the world were deprived of their jobs, businesses, economic activities, houses, bank accounts, savings, pensions, and even personal belongings due to the right of liquidation that the Versailles Treaty conferred the Allies. In addition to them, countless large corporations, small firms, shipping companies, chemical industries, banks, insurance companies, private investors, and wealthy aristocratic families suffered enormous losses. Isolated from international trade and deprived of most of its investments abroad, the German economy had to struggle no little to re-enter foreign markets and rebuild commercial and financial relations with the former enemy countries. Although many authors have often stressed how quickly Germany prompted its economic recovery, it did not get the previous situation back. The German economy suffered the consequences of economic war for a long time and, for two decades, its diplomacy made all efforts to dismantle the countless restrictions imposed by the peacemakers in 1919.

Besides the problem of reparations, as this dissertation has pointed out, the confiscation of a large amount of private property in the winning states became a big issue in the interwar period, particularly in the 1920s and the early 1930s, due to the various consequences that economic warfare provoked in the Allied states and Germany. What many British, French, American, and Italian policymakers imagined during the war—as at the Paris Economic Conference in June 1916—became a reality three years later once the Versailles Treaty was signed. Driven by punitive intent towards the defeated state and its nationals, the Allies were not just able to carry on the economic war against Germans but could operate even more freely through the collective expropriation of their private assets in Europe as in the rest of the world, including those territories that Germany lost such as Alsace-Lorraine, the Prussian territories in Central Eastern Europe, or the former colonial possessions. Although several

cases of confiscation occurred during the conflict, the Versailles Treaty paved the way for one of the largest property transfers of the modern era whose consequences deeply changed the economies and societies of all the states involved (including those that had remained neutral).



[Fig. 1, The cartoon was published in *Foreign Affairs*, 8, 8 (Feb. 1927), p. 198]

Among the obstacles to the ‘demobilization of the mind’<sup>1</sup> in the years that followed WWI was the liquidation of German property that caused economic hardships and countless traumas to the victims of dispossession and contributed to keeping the culture of war and animosity between countries alive.<sup>2</sup> A glance at the French, Polish, British, American, or German press would be enough to highlight how much the issue of ‘German assets’ worried public opinion and aroused jingoistic feelings. A demonstration of the importance of the issue still years after the end of the war was that, in 1927, a local newspaper in Germany published a cartoon depicting the problems that the new year brought, including the liberation of German property along with the occupation of Saarland and the economic problems of Germany (such

<sup>1</sup> Horne, John. “Demobilizing the Mind: France and the Legacy of the Great War, 1919-1939.” *France History & Civilization* 2 (2009): 101–19.

<sup>2</sup> On the collective trauma of defeat for the German population after 1918, see Krumeich, Gerd. *Die unbewältigte Niederlage: Das Trauma des Ersten Weltkriegs und die Weimarer Republik*. Freiburg: Herder Verlag GmbH, 2018.

as unemployment) (*Fig. 1*). Furthermore, besides endless and costly legal litigations, the expropriation of enemy assets resulted in lengthy diplomatic controversies that contributed to preventing former belligerent states from having peaceful relations. Together with the reparations, the confiscation of private property was an issue that diplomats of both parties constantly discussed in international conferences or bilateral meetings. Both Germany and the Allies faced domestic pressure to solve numerous controversies regarding seized assets or—that was the case of the Allied Powers—to preserve the interests of those citizens who benefited from the confiscation. It was only after the Young Plan that former belligerent states solved most controversies and reached an international agreement to bring an end to the economic war. However, as the U.S. and Polish cases showed, the political tensions of the 1930s resulted in the prolongation of seizures, confiscations, and other restrictive measures.

Yet the outbreak of the Second World War highlighted that the experience of the previous conflict, and the decades that followed, in the field of economic warfare against enemy citizens was still alive within the legal, diplomatic, administrative, and judicial practice of belligerent states. The liquidation of enemy property together with long-lasting controversies had not merely taught senior officials and diplomats how to deal with those measures but had left significant legal and administrative traces. Thanks to that, states could quickly wage economic warfare after September 1939. In the UK, despite the negative assessment of the economic consequences of the Versailles Treaty, the government rapidly revived the Trading with Enemy Act (TEA) a few days after the war declaration.<sup>3</sup> In Italy, a few months before the beginning of the new conflict, in July 1938, the fascist regime passed a law containing norms that regulated the transition from a state of peace to war, including a section entirely devoted to the treatment of enemy nationals and their property that codified and standardized the numerous measures passed between 1915 and the 1930s.<sup>4</sup> Significantly, those norms were later enforced against Jews who, after 1943, were labeled as ‘enemy aliens’ and suffered the confiscation of property and their deportation to Germany.<sup>5</sup> In France, the organ that embodied the continuity was the *Office des biens et intérêts privés* (OBIP) of the Ministry of Foreign Affairs. Since its creation in 1917, the department continued its activity until the 1990s.<sup>6</sup> In the United

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<sup>3</sup> FCO Historians, *British Policy towards Enemy Property during and after the Second World War*, History Notes ; No.13 (London: FCO Historians, 1998), pp. 2–5.

<sup>4</sup> ‘Legge di guerra e legge di neutralità,’ (8 Jul. 1938) in [https://www.edizioneuropee.it/law/html/27/zn52\\_03\\_002.html](https://www.edizioneuropee.it/law/html/27/zn52_03_002.html).

<sup>5</sup> Germano Maifreda, *Immagini contese. Storia politica delle figure dal Rinascimento alla cancel culture* (Milano: Feltrinelli, 2022), pp. 91–114. See also Ilaria Pavan, “Neither Citizens nor Jews: Jewish Property Rights after the Holocaust, a Tentative Survey,” *European Review of History: Revue Européenne d'histoire* 28, 2 (2021), pp. 301–22.

<sup>6</sup> <https://francearchives.gouv.fr/fr/article/88482411>.

States, the Trading with Enemy Act remained the fundamental legal basis for the economic persecution of enemy citizens and, later, by the 1950s, ‘served as the statutory foundation for the nation’s emergence as what might be called a sanctioning state.’<sup>7</sup> From an administrative point of view, since the Alien Property Custodian had never concluded its activities, it was easy for the federal government to reactivate it, although President Roosevelt did not entirely centralize responsibilities in the federal agency in order to avoid the inconveniences that took place after 1917.<sup>8</sup>

The experience of the war influenced, at least to some extent, the attitude of the German authorities toward enemy property. Since 1938, senior officials of the Ministries of Justice, Finance, and the Legal Department of Foreign Affairs claimed that, in case of war, the government had to respect the property rights of enemy foreigners under international law. For all of them, the memory of the war played a key role.<sup>9</sup> As Stephan H. Lindner pointed out, protecting German investments abroad and avoiding repeating the mistake of WWI became the priorities of state bureaucracy and diplomacy together with private business circles, even against the advice of the Gestapo, the SS, or the Nazi party.<sup>10</sup> Throughout the war, although this might sound paradoxical, Nazi Germany adopted a cautious stance toward enemy property within German territories (whereas occupation authorities adopted harsher measures in the occupied territories), and generally avoided confiscating assets belonging to enemy subjects. For a dramatic irony of history, the Nazi regime often respected the property of foreigners more carefully than their lives.<sup>11</sup>

### *The Outcome of Economic Nationalism*

Thanks to the faculty to liquidate enemy assets, most Allied Powers achieved the major goals of economic nationalism. On the one hand, governments were able to reach the ‘nostrification’ of key economic industries, critical markets, and land property in borderlands. The presence of enemy capital dramatically declined or even disappeared whereas private economic lobbies in each country could benefit from the exclusion of foreign competitors and the taking of physical or intellectual property previously belonging to enemy subjects. Most

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<sup>7</sup> Benjamin A. Coates, “The Secret Life of Statutes: A Century of the Trading with the Enemy Act,” *Modern American History* 1, 2 (2018), p. 153.

<sup>8</sup> Mira Wilkins, *The History of Foreign Investment in the United States, 1914-1945* (Cambridge, MA: Harvard University Press, 2009), pp. 516–36.

<sup>9</sup> Stephan H. Lindner, *Das Reichskommissariat für die Behandlung feindlichen Vermögens im Zweiten Weltkrieg: eine Studie zur Verwaltungs-, Rechts- und Wirtschaftsgeschichte des nationalsozialistischen Deutschlands* (Stuttgart: Franz Steiner Verlag, 1991), p. 22.

<sup>10</sup> Lindner, *Das Reichskommissariat für die Behandlung feindlichen Vermögens*, pp. 34–47.

<sup>11</sup> Lindner, *Das Reichskommissariat für die Behandlung feindlichen Vermögens*.

German direct and indirect investments abroad vanished, giving national industries in the Allied states the possibility to develop and replace them. The Allies were able to disentangle their economies from the dependence on Germany in critical fields such as the chemical, pharmaceutical, and electrical sectors and the heavy industry, or to exclude the defeated state from the oil trade or the railways in third countries (such as Romania or the post-Ottoman territories). Although the liquidation of private property did not result in the permanent exclusion of Germany from world trade nor did it prevent the return of former enemy companies in foreign markets, it is undeniable that, thanks to the economic warfare, the Allies were able to deeply modify economic trends of the pre-war globalization, curbing growth of Germany and replacing German investments in domestic markets, colonies, and even in the new states (such as Poland) that emerged after 1918.

Meaningfully, such economic transformations were driven by a political agenda that prioritized strategic goals over economic ones. In carrying out the confiscation of enemy property, indeed, Allied policymakers did not concentrate on the profitability of those assets. Instead, what was crucial was to ensure that enemy property went into the hands of citizens and private groups that were politically loyal from a national standpoint. Whether such a transfer was not beneficial to the state finances or profitable to the national economy was of little importance. What mattered was the political implication of those choices. Weakening German economic strength to limit its imperial aspirations and then ensuring national security by taking control of manufacturers held by states to be crucial for military reasons were the ultimate objectives of the economic persecution, even at the cost of deepening the postwar crisis. The ‘nostrification’ of enemy property revealed the core of economic nationalism—that is, the political nature of economic policies—that dominated European and American elites in the interwar period, replacing liberalism.

Eventually, economic nationalism was far from being a sort of economic planning or collectivist experiment—as in the case of the Bolshevik regime—or an ‘unreasonable’ choice taken against the interests of the private economic realm. By contrast, numerous private actors—such as economic lobbies, political parties, scholars, professional groups, war veterans, and trade unions—actively cooperated with states, and confronted as well, to shape the ‘nostrification’ policies according to political and economic convenience. As I showed, in each country, alliances were built between different political and economic private and public actors that, despite pursuing their own interests, were bound together by the common goal of taking advantage of the Germans’ exclusion. Furthermore, the expropriation of German-owned assets was not primarily driven by social or democratic redistributive aims but resulted in pro-

moting the consolidation of a group of domestic private actors who, besides having the ‘right’ nationality, could take advantage of their closeness to the political power and the state administration. Policymakers preferred to privilege national belonging over social class in reassigning enemy assets, even though it could have regressive effects in social terms.

### *The Exclusion of Germans*

In addition to the economic exclusion of German capital and investments, the confiscation of enemy property also resulted in a decrease or disappearance of most German-speaking communities in the Allied states, prompting the ethnonational homogenization of Allied societies. Yet the exclusion of Germans in the Allied states took different dimensions. In Western Europe, where communities were relatively small and composed of German emigrants who mainly kept their nationality, the economic war provoked the collapse of these groups. In France, Great Britain, Belgium, and Italy, census data between the wars showed a very small presence of foreigners of German origin. Although the numbers were up slightly in the 1930s compared to the previous decade, Germans never reached prewar levels. In addition to the expulsion of the German civilians in the wake of the war and the restrictions on emigration from former enemy states, the Allied states carried out a radical confiscation of all private assets belonging to Germans to eradicate them from the social fabric where they had lived, worked, and built a network of relations. In addition to fostering economic nostrification, persecution was instrumental in cutting ties between foreigners and the realities in which they had lived.

Equally radical were the consequences of economic persecution in the borderlands. In the aftermath of the war, states such as France, Poland, and—to a lesser degree—Italy and Belgium had to cope with the administration of new territories where a significant part of the resident population were German citizens. They were not foreigners and, until the end of the war, they had lived in the territory of their state. Although they could hardly be classified as enemy aliens in the same way as Germans living abroad, the Allies employed economic weapons to drive out that part of the population and thus homogenize those new territories, integrating them into the nation. Together with barring from citizenship and expulsion of Germans, the new authorities adopted confiscatory measures, often harsher than in the ‘old’ territories, to radically reshape and prompt the ‘nostrification’ of local societies. In these areas, indeed, persecution affected hundreds of thousands of people who discovered they were ‘enemies’ at home. With the partial exception of Upper Silesia, where the intervention of the Al-

lied governments together with the League of Nations preserved the status quo, in the other regions that came under new states the exclusion of Germans took on an extreme character.

Yet economic persecution did not completely eradicate their presence within those territories. In Alsace-Lorraine, for instance, after the draconian measures in the early years, French authorities softened the confiscation of enemy property and then tolerated the presence of a group of German-speaking foreigners who were slowly incorporated into French citizenship. The case of Poland was different. Although over one million people left the former German regions ceded to Poland, a large part of German-speaking inhabitants of the western areas were entitled to get Polish nationality and enjoyed the protection of their civil, political, cultural, linguistic, and religious rights since international treaties recognized them as a minority with a special legal status. Of course, such a system did not prevent Polish governments from waging a systematic economic war on them with the goal of definitely excluding Germans from the country through confiscations and agrarian reforms. As a result, in those areas, the question of property became a matter of vital interest for Poland and Germany for political and diplomatic reasons. However, the outcome of a decade of confiscation was the decline of the German presence on Polish soil but, unlike France or Belgium, there were fewer chances—and less willingness, too—for the German minority to integrate within the new political community.

In the United States, the large German-speaking community went through a different path. Instead of expelling enemy aliens on a collective scale, or targeting them by persecutory measures for years after the end of the war, the exclusion of Germans took on a less sweeping form than in Europe. The main reason behind that was that the U.S. government returned most of ‘small assets’ and stopped the prosecution of economic warfare against common people before other Allied states. Nonetheless, the economic warfare did not leave the victims untouched. Confiscatory measures prompted and accelerated the ‘Americanization’ of that immigrant community that progressively abandoned its distinctive features and accepted to cut ties with the state of origin and its ‘Germanness’ to prevent a repetition of what happened during the war. The moderate decline of the number of Germans in the United States, as censuses recorded, was coupled with a demise of the cultural, linguistic, and religious institutions that had marked the life of German-speaking communities until 1917.

Eventually, only in a minority of cases did the authorities soften the persecution, or were forced to do so by the judiciary, and allow the return of former enemies. Restitution was also a tool to regulate the redefinition of societies after the war. However, the end of persecu-



tion often resulted in two options. For some people, the return implied the revision of their legal and national status, embracing new national identities by integrating into the national community where they resided (through naturalization, for instance) or acquiring a ‘friendly’ or neutral citizenship. As a result, they actually cut or kept hidden their links with Germany in order to cease to be classified as Germans. For others, instead, the end of restrictive measures did not end the troubles. Unable or unwilling to integrate or take on a new status, their condition remained fragile from a legal and political point of view. Authorities kept regarding them as suspicious foreigners to be surveilled, prevented from carrying on business, and, possibly, expelled. A new conflict or diplomatic tensions could have thrown their lives back into chaos.

#### *The New Boundaries of Citizenship and Property Rights*

Economic warfare changed the boundaries of citizenship and altered the relationship between nationality and ownership. In addition to the social transformations that the liquidation of enemy property provoked, there were also deep legal changes that redefined the meaning of citizenship. Passports, identity papers, border controls, and so on were part of the concrete and enduring legacy that the war left in the field of citizenship. The economic persecution also contributed to those transformations. The efforts of state administrations to classify the population and pinpoint the ‘enemy character’ of individuals and legal entities, the countless legal and judicial controversies that arose in all states concerning the juridical condition of private property under seizure, and the development of a sound legal doctrine resulted in the crystallization of citizenship. A set of rules defining the nationality of individuals and companies—together with the experience of state bureaucracies, lawyers, and courts—was one of the most important legacies of economic warfare.

As a consequence of this process, citizenship also acquired importance in the exercise of property rights. Unlike pre-war liberalism, which did not devote much attention to the nationality of private owners, investors, and businesspeople, the new dominant trend, that is, economic nationalism, conceived a close connection between national belonging and ownership. Far from being indifferent towards the nationality of private economic actors, states adopted policies inspired by the idea of redefining the economy along national lines, curtailing the civil and property rights of foreigners in many ways. After the wartime experience highlighted the critical link between economics and national security, the expropriation of enemy aliens paved the way for the expansion of permanent restrictive economic measures that could be also valid in peacetime. Since then, private property became a matter of state interest and a crucial field for national security.

The persecution also contributed to making victims of expropriation Germans from a political and legal point of view. The Versailles Treaty established that only Reich nationals could be expropriated and then entitled to be compensated for the losses. Likewise, the legislation on compensation made citizenship the cornerstone of the right to restoration. Although non-citizen Germans could be also included by authorities within the compensation scheme, citizenship was the most important requirement to get financial support. Such a legal mechanism also prompted the victims to emphasize their belonging to Germany in political terms. As the official journal of the *Bund der Auslandsdeutschen* stated in 1922, ‘only the Versailles peace treaty, with its violent interventions, made us aware again of the unity of all Reich Germans. [...] [Our] feeling of solidarity was revived by adversity. Hardships not only teach us to pray. It also teaches us to love!’<sup>12</sup> Some years later, also Theodor Heuss underlined that victims of persecution felt ‘first and foremost’ Germans—neither Prussians nor Bavarians, nor Protestants, Catholics, or Jews—‘since they learned that, in foreign countries, both respect and hatred only apply to Germans, without resorting to the domestic divisions.’<sup>13</sup> Nationalist rhetoric aside, undeniably, economic persecution forced victims to insist on their nationality to get recognition and financial support from the German state. The strengthening of the Germanness of victims was one of the effects that economic warfare had in the change of legal and political boundaries of nationality.

#### *A Painful Post-War: The German Victims of Economic Persecution*

The economic war had a high human cost resulting in the suffering of millions of civilians whose lives were turned upside down. Far from bringing them to the end of hardships, the peace prolonged their suffering and made the loss of property definitive. But the expropriation was not only an economic damage. Most victims were forced to leave countries where they had lived for a long time, decades in some cases, and thus lost their houses, money, and everything they owned, including their most beloved personal belongings. Once they arrived in Germany, the majority were penniless refugees and displaced persons who could only rely on family networks (for those who still had them), the assistance of caritative and humanitarian associations, and the limited state financial support. Besides losses of physical objects and money, they were also deprived of ‘dignity’ since internment and then economic persecution stripped them of their social standing. Just a minority of them were able to get property back. Some succeeded in obtaining the full restitution of their assets after a long time, but many

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<sup>12</sup> “Auslandsdeutschtum,” *Auslandswarte*, 3, 15 (1922), p. 35.

<sup>13</sup> Theodor Heuss, “Politik und Auslandsdeutschtum,” *Auslandswarte* 5, 16 (1925), p. 10.

benefited only from the measures of Allied governments that returned 'small property' to them. Most of the victims, however, never got anything back. Held responsible for a war they had in no way provoked nor could they be blamed for, victims of economic warfare paid an unfair and disproportionate price.

In a solution that aimed to avoid accusations of committing expropriation without adequate compensation, the Versailles Treaty obliged the defeated state, instead of the Allies, to restore losses of property that Germans suffered. Yet the German state was unable to compensate victims of liquidation due to the economic crisis and hyperinflation. Despite the lack of resources, it is undeniable that, since the signing of the peace treaty, the Weimar Republic addressed the problem with innovative legal and administrative devices. Being aware of the economic and social importance of rebuilding the trade and financial links with foreign countries and providing economic aid to refugees, the republican leadership recognized the victims of expropriations a proper right to compensation and then set up a system to allocate the few available resources as best as possible. This placed Germany at the forefront of Europe, together with France, in the field of welfare for war victims. In the 1920s, however, financial constraints prevented the state from keeping the promise of adequately restoring losses. Although the scheme of compensation facilitated the recovery of some major companies and, at the same time, made it possible for the majority of victims to re-establish a decent standard of living, German authorities were not able to remedy the most devastating socio-economic consequences of economic warfare especially for victims coming from the middle class.

Unsurprisingly, the combination of confiscation and low compensation fueled the resentment and sentiment of revenge towards the Allies and the Weimar Republic. By the late 1920s, these feelings contributed to undermining the legitimacy of the democratic system and fostering the rise of the extreme right in Germany, as the case of Langkopp demonstrated. Although the issue of victims was no longer in the public interest in the 1930s, the resentment was still smoldering beneath the surface. When the Second World War broke out, indeed, some Germans took the opportunity to take revenge against the Allies for losses of two decades earlier. On May 20, 1940, for example, the German military occupation in France authorities appointed Gottfried Hermann Mumm, a member of the Nazi Party who was the son of Hermann, as the administrator of the champagne company that had belonged to his family until 1914 and that became French after the military defeat. On that occasion, René Lalou and Goerges Robinet were removed from office and then dismissed from the company. Between 1940 and 1944, Mumm was able to get the company back and 'Germanize' it, cooperating with military authorities, until the German defeat again allowed the French state to return the

business to Lalou in 1945.<sup>14</sup> Something similar happened in Alsace-Lorraine where coal plants came back into the hands of the industrialists who had lost them in 1919. But, even then, after the end of the war, the authorities reversed the confiscatory measures and returned those establishments to the French owners.<sup>15</sup> Likewise, Otto Kümmel—the famous art historian and general director of the Prussian Museums—included private art collections that the French state confiscated after 1918 in the *List of the Looted Works of Art in Foreign Possession* that he provided Joseph Goebbels in 1940.<sup>16</sup> It was evident that the overturning of the Versailles Diktat, which Adolf Hitler cared so much about, was also very important to others who associated the Allied victory in 1918 with the loss of their property.

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<sup>14</sup> Rolland, Denis. *Mumm, une incroyable histoire*. Chaumont: Le Pythagore, 2019, pp. 167–81. See also the dossier on the Mumm company during the Second World War in AN, 20070518/30. In 1945, the French authorities declared all ordinances of the military occupation forces void, and thus reintegrated Lalou and Robinet into the company.

<sup>15</sup> See the audition of Friedrich Flick at the Nuremberg Trial, International Military Tribunal, *Trials of War Criminals Before the Nuremberg Military Tribunals Under Control Council Law No. 6, Nuernberg, October 1946-April 1949* (Washington, D.C.: U.S. Government Printing Office, 1946-1949), pp. 931 ff.

<sup>16</sup> Otto Kümmel, “[Geraubte Kulturgüter]: 2. Bericht Auf Erlass Des Herrn Reichsministers Und Chefs Der Reichskanzlei RK 118 II A Vom 19. August 1940 Und Auf Erlass Des Herrn Reichsministers Für Volksaufklärung Und Propaganda BK 9900 - 02/13.8.40/89 - 1/6 Vom 20. August 1940 : Betr. Kunstwerke Und Geschichtlich Bedeutsame Gegenstände, Die Seit 1500 Ohne Unseren Willen Oder Auf Grund Zweifelhafter Rechtsgeschäfte in Ausländischen Besitz Gelangt Sind. Teil I-III: Abgeschlossen 31. Dezember 1940,” 1941, <https://libmma.contentdm.oclc.org/digital/collection/p16028coll4/id/828>.

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