

«Arisierungen» in Österreich und ihre Bezüge zur Schweiz. Beitrag zur Forschung

«Aryanisation» measures in Austria and their relevance to Switzerland. Research Contribution
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Summary

Until the second half of the 1990s, no historical research was carried out into Swiss involvement in the aryanisation of businesses in the area under National Socialist control, with the exception of the tobacco industry. The issue of assets which reached Switzerland as part of the aryanisation process is a key element of the ICE's mandate and is therefore examined in a number of the studies. This contribution to the research focusses primarily on the transfer of company ownership, and concentrates on events in Austria, for the following reasons: firstly, the forcible expulsion of Jews from the Austrian business sector commenced immediately after the Anschluss and was completed within a matter of months; the dubious legality of company takeovers, dismissals and expropriations which occurred as a result of persecution or legal duress was therefore apparent to the Swiss by 1938/39. Secondly, the majority of documents relating to Austria are archived centrally in Vienna and are easily accessible. Thirdly, it was possible to collaborate with the Austrian Historical Commission, which had initiated several research projects on aryanisation.

This study seeks to adopt a systematic approach to the issues relating to the expulsion of the Jews from Austrian business life and, in addition to presenting individual cases, strives to highlight the structural links between Switzerland and aryanisation. After the introduction, it provides an overview of the economic relations between Switzerland and Austria and the impact of the Anschluss on Austria's Jewish population. Chapter 3 focusses on the protection of property held in Austria by Swiss Jews. Chapter 4 presents twenty cases in which Swiss individuals and businesses were involved – as purchasers, vendors, creditors, debtors or intermediaries – in the transfer of Jewish property into «aryan» hands. Chapter 5 summarises the results from a new angle: how were the Swiss state or Swiss individuals and companies involved in the contest to take over the property of the Austrian Jews?

The Swiss authorities were mainly confronted with the impact of aryanisation in cases concerning the diplomatic protection of Swiss nationals and their property. In the field of trade, they also had to respond to situations in which Austrian creditors in exile were asking for the amounts owed to them by Swiss debtors to be transferred to them in their current country of residence, rather than Austria, where most of the money would be forfeit. These claims were often contested by the «aryan» successors to the business, so that Swiss courts were obliged to decide which of the conflicting claims were justified. As a consistent practice had to be established for dealing with these issues, it is possible to make generalised statements about the actions of the state.

Faced with boycotts and harassment from the authorities, all Swiss owners of small and medium-sized enterprises in Vienna were forced to wind up or sell their businesses within a few months and were paid far less for them than their true value. By contrast, it was easier to protect real estate in Swiss ownership, although not to the full extent. The Swiss Consul General in Vienna worked tirelessly on behalf of the Swiss nationals affected and his efforts

proved successful in some cases. However, he was denied support by his superiors, which proved significant given that the German authorities, seeking to avoid diplomatic difficulties in 1938/39, frequently retreated when confronted with determined opposition. This is also apparent from their reaction to the Swiss courts' approach, which protected the Austrian Jews' rights in the face of demands from «provisional administrators» (Kommissarische Verwalter). Since defeat in cases of this type was noted at international level and resulted in a loss of face, the German authorities instructed the provisional administrators not to institute proceedings abroad to claim the assets and entitlements in Switzerland belonging to dispossessed Jewish owners. The Swiss Clearing Office, on the other hand, showed far less sensitivity than the judiciary and ensured, by referring to the agreement that existed with Germany, that – with few exceptions – amounts owed by Swiss debtors were paid to Austria rather than to the original owners in exile.

The involvement of Swiss businesses and individuals in aryanisation during the course of private transactions largely evaded control by the Swiss state. As each individual case is different, it is not possible to draw general conclusions about Swiss involvement in aryanisation measures. Nonetheless, certain patterns are apparent. Industrial companies represented by subsidiaries in Austria whose staffing structure or ownership categorised them as Jewish were unable to resist forcible aryanisation for long. It is striking, however, that in many cases, the purchase of Jewish-owned shares by Swiss (co-)owners and the dismissal of Jewish directors and administrative boards took place in the first few days after the Anschluss, and that in addition to bringing their own companies into line with the new conditions, attempts were also made to acquire Austrian Jewish companies, with varying levels of success, and that many of these companies were faced with – or at least feared – claims for restitution after the war.

The Swiss banks had no branches in Austria. They were confronted, firstly, with claims from the successors of Jewish company owners, who demanded the handover of the assets deposited with them. The banks refused to reject the provisional administrators' demands on a consistent basis since they did not wish to jeopardise their interests in Germany. However, they were keen to ensure the legal validity of the payments they made to release themselves from liability and therefore deposited the disputed assets with the courts in doubtful cases and allowed the judicial system to decide. Secondly, as creditors, Swiss banks were substantially affected by the expulsion of the Jews from the German economy. Although it is still impossible to draw general conclusions about the banks' conduct towards their debtors, there are indications that their first priority was to safeguard their outstanding claims and that they took no account of the fact that their debtors were being driven out, arrested and dispossessed.

Finally, two further groups are particularly significant: the finance companies domiciled in Switzerland, and the legal profession. For a wide variety of reasons, Swiss lawyers acted both as potential buyers and as intermediaries; it is therefore virtually impossible to make any general statements. An analysis of the finance companies involved in aryanisation requires wide-ranging research, since these companies were often determined from the outset to spread risks internationally, to exploit tax advantages, and in some cases also to conceal true ownership. There are, however, clear indications that the existence of a Swiss finance company could provide the victims of persecution with additional room for manoeuvre, as negotiations thus extended beyond the borders of the area under National Socialist control and it was difficult for the German authorities to expropriate assets from a Swiss limited

company. However, this protection existed only if the persons concerned had already reached a safe haven abroad and were not vulnerable to blackmail through the imprisonment of relatives or friends.

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