

ПРЕТЕНЗИИ ГОГЕНЦОЛЛЕРНОВ НА КОМПЕНСАЦИЮ

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Аннотация. В статье идет речь о дискуссии по поводу компенсации, которой хотел добиться от Бранденбурга нынешний глава дома Гогенцоллернов принц Георг Фридрих. Юридической основой для этих претензий является Закон о компенсации, который гарантировал адекватное возмещение собственникам, которые подверглись экспроприации со стороны Советской военной администрации в Германии в 1945 г. Однако в 1994 г. из этого закона были исключены те, кто сотрудничал с национал-социалистическим или коммунистическим режимами или призвал к этому других. Прецеденты применения этого положения уже имеются. Ключевой вопрос состоял в том, насколько значительную помощь оказывал тогдашний кронпринц Вильгельм нацистскому режиму. Специалисты, обнаружив немало новых источников, предъявили многочисленные факты его сотрудничества с нацистами еще до их прихода к власти. Однако другие эксперты считают, что интеллектуальный уровень кронпринца был не таков, чтобы он мог представлять серьезную политическую фигуру, и поддержка, оказанная им нацистам, была в действительности весьма незначительной. Дискуссии вокруг этого вопроса, как и следовало ожидать, приобрели политическую окраску. Основными источниками по данному вопросу являются экспертные заключения, которые обе стороны в споре заказали известным специалистам. С одной стороны, приводятся бесспорные факты, а с другой — обсуждаются дискуссионные оценки. Кроме того, рассматривается политическая и юридическая оценка спора. Используемые в статье материалы позволяют сделать выводы о культуре свидетелей-экспертов в Федеративной Республике Германии и условиях работы историков.

Ключевые слова: Гогенцоллерны, компенсация, кронпринц Вильгельм, экспертная культура.

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Compensation Claims of the Hohenzollern

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Abstract. The article focuses on the debate over compensation from Brandenburg, sought by the current head of the House of Hohenzollern, Prince Georg Friedrich. The legal basis for these claims is the Compensation Act, which guaranteed adequate compensation to owners who had been subjected to expropriation by the Soviet Military Administration in Germany in 1945. In 1994, however, those who collaborated with National Socialist or Communist regimes or encouraged others to do so were excluded from this law. The key question is whether the then Crown Prince Wilhelm had significantly aided and abetted the Nazi regime. This would preclude compensation. The main sources are expert assessments commissioned by both parties to the dispute to be prepared by reputable specialists. The undisputed facts are presented on the one hand, and the controversial assessments are discussed on the other. In addition, the political and legal reappraisal of the dispute is also addressed. The proceedings allow conclusions to be drawn about the culture of expert witnesses in the Federal Republic of Germany and the working conditions of historians.

Keywords: Hohenzollern, compensation, Crown Prince Wilhelm, expert culture.

I would like to preface my article by saying that I will try to present the different points of view objectively. Where a valuation appears, it corresponds to my personal opinion and makes no claim to general validity. For me, no personal interests are connected with the subject.

The reader may wonder why I have prefaced my article with these words. In the following, the reason should become clear. The Hohenzollern case illustrates, not least, the conditions under which historians in Germany have to work on controversial topics and allows conclusions to be drawn about the consultant culture.

As some may have heard from the press, the current head of the House of Hohenzollern is claiming compensation from the federal state of Brandenburg. The basis for this claim is the Compensation Act of 1994. According to this law, owners who were expropriated by the Soviet Military Administration in Germany (SMAD) in 1945 are to be adequately compensated. However, according to Section 1, Paragraph 4, this law excludes claims if the expropriated person substantially aided and abetted National Socialist or Communist regimes. It is precisely this point that is disputed in the case of the former head of the House of Hohenzollern, Crown Prince Wilhelm of Prussia. Initially, secret negotiations were held between the relevant state authorities and the legal representatives of the House. The case involves compensation payments amounting to 1.2 million euros to date¹.

However, the satirist Jan Böhmermann made the expert opinions public in November 2019², and the German and international press have reported on this very extensively. As for the news coverage, the current head of the House of Hohenzollern, Prince Georg Friedrich of Prussia, stresses that he highly respects the independence of the press and academia and is open to public debate³.

Nevertheless, his lawyers have filed a large number of actions for injunction and also a criminal procedure for false statements of fact against journalists and historians. Various figures are circulating on this, with talk of up to 150 ongoing and completed lawsuits. According to the German Association of Historians, 80 cases are pending at the Berlin Regional Court alone⁴.

Both sides commissioned two expert opinions, each from specialists in National Socialism and the late Weimar Republic. I would like to present the four expert opinions in more detail here, keeping to the order in which they were published. The expert opinions swelled more and more, the first one contained 19, the last one 154 pages.

Surprisingly, the historical facts are for the most part undisputed: Crown Prince Wilhelm, who had already attracted attention in 1913 as an extreme nationalist and ruthless militarist due to the

¹ *Seibt G.* Wilhelm hier und Wilhelm da // *Süddeutsche Zeitung*. 20.XI.2019; *Habermatz C.* Historiker und Juristen tauschen die Rollen // *Deutschland Rundfunk*. 03.III.2020; *Metzner T.* Brandenburg für Vergleich mit Preußenprinz // *Potsdamer Neueste Nachrichten*. 24.VIII.2020; *McLean S., Schmidt N.* Germany's ex-royals want their riches back, but past ties to Hitler stand in the way // *CNN*. 30.XII.2020. URL: <https://edition.cnn.com/style/article/hohenzollern-prince-georg-prussia/index.html> (access date: 14.01.2022); *Abgeordnetenhaus: Keine Entschädigung für Hohenzollern* // *ZEIT-ONLINE*. 25.III.2021. URL: <https://www.zeit.de/news/2021-03/25/abgeordnetenhaus-keine-entschaedigung-fuer-hohenzollern> (access date: 14.01.2022); *Lengels O.* Warum die Hohenzollern Entschädigung fordern // *Deutschland Rundfunk*. 05.X.2021. URL: <https://www.deutsch-landfunk.de/adlige-angelegenheit-warum-die-hohenzollern-entschaedigung-100.html> (access date: 14.01.2022).

² See: URL: <http://hohenzollern.lol/> (access date: 14.01.2022). The expert opinions quoted below are available for download on this page.

³ *Wiegrefe K.* Hohenzollern-Streit vor Gericht // *Der Spiegel*. 23.IV.2021.

⁴ The Association of Historians of Germany has set up a special Hohenzollern-Klage-Wiki on this question, where detailed information on the topic of Hohenzollern formal warnings can be found. URL: <https://wiki.hhu.de/spaces/viewspace.action?key-HV> (access date: 14.01.2022). See also: *Orth C.* Prinzenfonds hilft Journalisten // *Deutschland Rundfunk*. 28.VII.2020. URL: <https://www.deutschlandfunk.de/berichterstattung-ueber-die-hohenzollern-prinzenfonds-hilft-100.html> (access date: 14.01.2022); *Wiegrefe K.* Brandenburg stützt Historiker im Streit mit Georg Friedrich Prinz von Preußen // *Der Spiegel*. 19.02.2021. URL: <https://www.spiegel.de/panorama/hohenzollern-brandenburg-stuetzt-historiker-im-streit-mit-georg-friedrich-prinz-von-preussen-a-00000000-0002-0001-0000-000175447355> (access date: 14.01.2022); *Wiegrefe K.* Der Prozesshansel // *Der Spiegel*. 26.VI.2021; *Jungblut P.* Streithare Hohenzollern: Prozessflut um Rückgabe-Debatte // *BR24*. 23.06.2021. URL: <https://www.br.de/nachrichten/kultur/streithare-hohenzollern-prozessflut-um-rueckgabe-debatte,Sb9630V> (access date: 14.01.2022).

Zabern or Saverne Affair, was by no means a democrat. The expert reports focus primarily on his activities between 1930 and 1934. There are some incontrovertible historical facts. For example, it cannot be disputed that on April 1, 1932, for the second round of the Reich's presidential election on April 10, 1932, the crown prince recommended voting for Hitler and not for Hindenburg, the representative of right-wing conservative circles. In a letter dated June 20, 1934, he boasted to the British Lord Rothermere that he had provided Hitler with two million votes in the election. As is well known, Hitler was not elected nevertheless. On April 14, 1932, he lobbied Reichswehr Minister Wilhelm Groener to lift the existing ban on the SA and SS, so as not to lose this valuable human and military potential. A striking event was March 21, 1933, the so-called "Day of Potsdam". On this day, the closing of ranks between the old conservative elites and Hitler's party became public. Recent research claims that the Day of Potsdam was less a National Socialist staging than a triumph of the conservatives. The crown prince is said to have played a less prominent role in it than was previously assumed. Nevertheless, it cannot be denied that the event achieved its primary purpose from the National Socialist point of view. In the vote on the Enabling Act, which took place three days later, the conservative parties voted to grant Hitler far-reaching powers. The crown prince's advocacy of National Socialist rule immediately after January 30, 1933, is also beyond question. For example, he expressly stated that he would punch anyone who opposed the new regime in the face. In the American press, he posed as a shameless Nazi propagandist against the allegedly atrocious propaganda of the foreign media concerning the persecution of Jews in Germany. From research, the picture that emerges is of a crown prince who, while not a National Socialist himself and never a member of the party, wanted to use the Nazis to restore the monarchy in Germany. His role model was undoubtedly Mussolini, who allowed the monarchy in Italy to continue alongside fascist rule, and whom the crown prince revered.

Now the question arises as to how the individual evaluators assess these facts. The first expert commissioned by the House of Hohenzollern was the renowned professor and Prussia expert Christopher Clark. He does not dispute the facts and does not subject them to reinterpretation, but nevertheless comes to the conclusion that the crown prince did not significantly advance National Socialism. He points to the mediocre figure of the crown prince, who simply did not possess the intellectual capacity nor, after the ignominious end of the monarchy in Germany in 1918, the symbolic capital necessary to significantly influence the course of events⁵. Clark has since revised his opinion under the influence of the latest research, but maintains his basic assessment that the crown prince was, literally, a "twit"⁶. The two experts commissioned by the public authorities, Peter Brandt and Stephan Malinowski, essentially rely on the known facts and come to the opposite conclusion. They enumerate a large number of incriminating material⁷. The last expert opinion by Wolfram Pyta and Rainer Orth stands out from this series, in the first part of which the bold thesis is put forward that the crown prince had been part of the resistance against Hitler and had belonged to the group around General Kurt von Schleicher, who in the fall of 1932 tried at the last minute to stop the rise of Hitler by means of the so-called «cross-front» concept. In fact, Pyta and Orth have opened up a great many new sources and succeed in pointing out some errors and

⁵ Clark C. Hat Kronprinz Wilhelm dem nationalsozialistischen System erheblichen Vorschub geleistet? // URL: <http://hohenzollern.lol/gutachten/clark.pdf> (access date: 14.01.2022).

⁶ The Man was a Twit. Historian Christopher Clark on the Hohenzollern Dispute // Der Spiegel. Nr. 44. 26.X.2019. S. 56–58. See also: Fanizadeh A. Kampf um das Tafelsilber // Die Tageszeitung. 12.XII.2020 and the interview with Clark from 07.12.2020: Fontane hat mir die Seele Preußens gezeigt (Moderation: Katrin Heise). URL: <https://www.deutschlandfunkkultur.de/historiker-christopher-clark-fontane-hat-mir-die-see-le-100.html> (access date: 14.01.2022).

⁷ Malinowski S. Gutachten zum politischen Verhalten des ehemaligen Kronprinzen (Wilhelm Prinz von Preußen, 1882–1951). 19.06.2014 // URL: <http://hohenzollern.lol/gutachten/malinowski.pdf> (access date: 14.01.2022); Brandt P., Pache J. Gutachten zur politischen Einstellung und zum politischen Verhalten des ehemaligen preußischen und reichsdeutschen Kronprinzen Wilhelm. 20.08.2014 // URL: <http://hohenzollern.lol/gutachten/brandt.pdf> (access date: 14.01.2022).

inaccuracies in the expert opinions of Brandt and Malinowski. However, given the extent of documentary evidence, there is widespread consensus among researchers that Pyta's point of view is difficult to follow. The second part of Pyta and Orth's expert opinion, on the other hand, revisits Clark's narrative of the crown prince as a poor devil without influence and does not deny his advocacy of the Nazi government after the takeover. Historians Pyta and Orth do not even address a number of arguments in the two expert reports critical of the crown prince⁸.

The dispute over compensation for the Hohenzollerns became a political issue. The Cultural Committee of the Bundestag dealt with the matter on January 29, 2020. Of the experts, Professor Pyta apparently did not accept the invitation. In the course of the hearing, it became clear that the parliamentary groups of the Left, Greens and SPD were against compensation, while the representative of the CDU, who mainly took the floor, did not take a clear stand. Only the AfD, quite contrary to its usually populist habitus, spoke of an incomprehensible aversion of official Berlin to Prussia and clearly positioned itself in favor of the Hohenzollerns⁹.

Ultimately, the issue will probably be decided in court. As I have already indicated, I do not wish to take a position myself or make any prediction about the outcome of the dispute. In a comparable case, however, the Cottbus Administrative Court ruled that the compensation claims of two descendants of a print shop owner had to be rejected because articles had appeared in the latter's newspaper in 1932 and 1933 that had given considerable support to the Nazi movement¹⁰. But if even a relatively insignificant provincial newspaper was able to render considerable support to the Nazis, what about the crown prince, who was a far more prominent figure?

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⁸ *Pyta W., Orth R.* Gutachten über die politische Haltung und das politische Verhalten von Wilhelm Prinz von Preußen (1882–1951), letzter Kronprinz des Deutschen Reiches und von Preußen, in den Jahren 1923 bis 1945 // URL: <http://hohenzollern.lol/gutachten/pyta.pdf> (access date: 14.01.2022).

⁹ Deutscher Bundestag, 19. Wahlperiode, Ausschuss für Kultur und Medien, Wortprotokoll der 42. Sitzung. Berlin, 29.01.2020, Öffentliche Anhörung, Tagesordnungspunkt 1, “Antrag der Abgeordneten Jan Korte, Friedrich Straetmanns, Simone Barrientos, weiterer Abgeordneter und der Fraktion DIE LINKE: Keine Entschädigungen an Nachkommen der Monarchie”, BT-Drucksache 19/14729 // URL: https://www.bundestag.de/resource/blob/686304/ee40ceee20e3e24c0a19836f6ba80e2e/42_Protokoll-data.pdf (access date: 14.01.2022). On the evaluation of the hearing see: *Habermalz C.* Alles dreht sich um die Würdigkeitsklausel. 29.1.2020. // URL: <https://www.deutschlandfunkkultur.de/expertenanhoeerung-zum-hohenzollern-streit-alles-dreht-sich-100.html> (access date: 14.01.2022).

¹⁰ See the judgment of the Cottbus Administrative Court of 23.04.2020 – VG 1 K 1763/15. // URL: <https://openjur.de/u/2257586.html> (access date: 14.01.2022).