

LIMES
PLUS

ČASOPIS ZA DRUŠTVENE I HUMANISTIČKE NAUKE

**NACIONALIZACIJA
KONFISKACIJA
RESTITUCIJA**

HESPERIA*edu*

Naučna redakcija:

*Ivo GOLDSTEIN, Erick GORDI,
Egidio IVETIC, Dušan JANJIĆ,
Predrag MATVEJEVIĆ, Anelka
MIHAJLOV, Aleksandar MIRKOVIĆ,
Vuk OGNJANOVIĆ, Darko
TANASKOVIĆ, Predrag SIMIĆ,
Christine SINAPI, Aleksandra
STUPAR, Josip VRANDEČIĆ*

**Projekat NACIONALIZACIJA,
KONFISKACIJA, RESTITUCIJA
pomogli: Ministarstvo prosvete,
nauke i tehnološkog razvoja i Grad
Beograd, Sekretarijat za finansije**

Izdavač

HESPERIAedu

Beograd, Francuska 14
E-mail: h.edu@eunet.rs
www.limesplus.rs; www.hedu.biz
www.komunikacija.org

Za izdavača

Zorica STABLOVIĆ BULAJIĆ

Tematski broj objavljen u saradnji
sa: *NBI Istraživačkim centrom za
društvene nauke i umetnost i
Naučnim društvom za istoriju
zdravstvene kulture*

Odgovorni urednik
Nikola SAMARDŽIĆ

Izvršna redakcija:
*Haris DAJČ, Aleksa DMITROVIĆ
Zorica STABLOVIĆ BULAJIĆ,
Maja VASILJEVIĆ (sekretar),
Alenka ZDEŠAR ČIRILOVIĆ*

Tehnički urednik
Predrag Knežević

Lektorka

Sonja Mićunović

Prodaja i pretplata
h.edu@eunet.rs; +381 11 72 46 023

Štampa
Instant system, Beograd

AUTORI:

Vesna S. ALEKSIĆ – Institut ekonomskih nauka,
Beograd

Herbert BLOCK – World Jewish Restitution
Organization, American Jewish Joint
Distribution Committee

Ivan ČEREŠNJEŠ – World Jewish Restitution
Organization, Hebrew University, Jerusalem

Haris DAJČ – Univerzitet u Beogradu, Filozofski
fakultet

Nachliel DISON, World Jewish Restitution Organization

Wesley A. FISHER – Conference on Jewish Material
Claims Against Germany and World Jewish
Restitution Organization

Evan HOCHBERG – Conference on Jewish Material
Claims Against Germany and World Jewish
Restitution Organization

Hannah M. LESSING – National Fund of the Republic
of Austria for Victims of National Socialism

Stevan LILIĆ – Univerzitet u Beogradu, Pravni fakultet
Slobodanka POPOVIĆ – advokat

Ognjen RADONJIĆ – Univerzitet u Beogradu,
Filozofski fakultet

Mirjana ROTER BLAGOJEVIĆ – Univerzitet u
Beogradu, Arhitektonski fakultet

Nikola SAMARDŽIĆ – Univerzitet u Beogradu,
Filozofski fakultet

Nikola ŠUICA – Univerzitet umetnosti u Beogradu,
Fakultet likovnih umetnosti

Photini TOMAI-CONSTANTOPOULOU – Hellenic
Ministry of Foreign Affairs, Athens

Maja VASILJEVIĆ – Univerzitet u Beogradu, Filozofski
fakultet

Miodrag ZEC – Univerzitet u Beogradu, Filozofski
fakultet

CIP - Каталогизacija y publikaciji
Народна библиотека Србије, Beograd
32

LIMES plus : časopis za društvene i humanističke nauke /
odgovorni urednik Nikola Samardžić. - 2004, br. 1- . - Beograd :
Hesperia edu, 2004- (Beograd : Instant system). - 24 cm

Tri puta godišnje
ISSN 1820-0869 = Limes plus
COBISS.SR-ID 114047756

Deo I – Novi idejni i moralni KONSENZUS

- 7 Nikola SAMARDŽIĆ: Nacionalizacija, konfiskacija i restitucija: Istorijska, pravna i politička pitanja
- 25 Strahinja SEKULIĆ: Od restitucije koristi za građane ali i za državu

INTERVJU

Deo II – Vladavina prava i TRANZICIJA

- 31 Ognjen RADONJIĆ i Miodrag ZEC: Chasing Its Own Tail for Seven Decades: The Serbian Quest for Self-Reformation
- 45 Mirjana ROTER BLAGOJEVIĆ: The Impact of the Restitution on the Preservation of Cultural and Architectural Heritage and the Urban Development of Modern Belgrade
- 57 Wesley A. FISHER: Restitution of Art, Judaica, and Other Cultural Property Plundered in Serbia During World War II
- 67 Photini TOMAI-CONSTANTOPOULOU: Property of Jewish Greeks in Context of the Holocaust: Legal Status, German Occupation and Post War, Restitution and Memory
- 77 Hannah M. LESSING: Belated Justice – Experiences with Restitution in Austria
- 87 Herbert BLOCK, Nachiel DISON, Wesley A. FISHER, Evan HOCHBERG and Ivan ČEREŠNJEŠ: Restitution in Serbia, February 2014

Deo III – Rekapitulacija sećanja: POSLEDICE i obeštećenja

- 109 Vesna S. ALEKSIĆ: Sudbina jevrejskog kapitala tokom nemačke okupacije Srbije 1941–1944
- 123 Nikola ŠUICA: Preuzeta i izmenjena zdanja jevrejskog vlasništva u Beogradu
- 139 Haris DAIČ i Maja VASILJEVIĆ: „Kretanje” nepokretne imovine beogradskih Jevreja kao posledica Holokausta
- 155 Stevan LILIĆ i Slobodanka POPOVIĆ: Posledice nepriznavanja svojstva korisnika oduzete imovine i/ili obeštećenja
- 161 World Jewish Restitution Organization: Position Paper on Restitution in Former Yugoslavia
- 173 Uputstvo za autore
- 175 Notes for Contributors

LIMES
PLUS

ČASOPIS ZA DRUŠTVENE I HUMANISTIČKE NAUKE

**NACIONALIZACIJA
KONFISKACIJA
RESTITUCIJA**

Deo II

Vladavina prava i TRANZICIJA

THE IMPACT OF THE RESTITUTION ON THE PRESERVATION OF CULTURAL AND ARCHITECTURAL HERITAGE AND THE URBAN DEVELOPMENT OF MODERN BELGRADE*

*Review Scientific Article/
Pregledni naučni članak*
Mirjana ROTER BLAGOJEVIĆ
University of Belgrade,
Faculty of Architecture

The main goal of the paper is to highlight some important issues connected with future protection of cultural and architectural heritage and development of modern Belgrade, encouraged by Restitution, which caring out today in Serbia with some delay in relation with others post-socialist countries. The significant political, ethical and cultural aspects and questions are connected with this process and its actors – government institutions, developers, citizens, NGOs, etc. These aspects are not connected only with tangible, but more with intangible heritage – memory on the historical figures and events. The new property legislation frame and refund of private property confiscated and nationalized after the WWII have great impact on protection of cultural heritage – monasteries, rural and urban ambiences, public and residential buildings. The preparation of the new modern law in the field of protection of cultural and architectural heritage – more based on international convention and recommendations – are very important for further development of

* This article appeared as part of the project *Modernisation of Western Balkans* (No. 177009) financed by Ministry of Education, Science and Technological Development of the Republic of Serbia/Rad je nastao u okviru projekta *Modernizacija Zapadnog Balkana* (177009) koji finansira Ministarstvo za prosvetu, nauku i tehnološki razvoj Republike Srbije.

Serbia within the Europe. The establishment of clear rules, trust and good relation between owners and state institutions will enable better future preservation and maintenance of the listed cultural property.

Key words: restitution, cultural property, intangible heritage, endowment

The impact of Confiscation and Restoration on the Preservation and Use of Architectural Heritage of Belgrade

*I*F WE WANT TO DISCUSS SOME HISTORICAL issues connected with the urban development of settlements in the past and the establishment of the ownership rights over the land in Serbia we need to start from early 19th century and establishment of the Serbian Principality with a partial political autonomy within Ottoman Empire. From 1830s Turkish population was increasingly leaving their properties in the Serbian settlements, and on the other hand, numerous inhabitants were moving in from other regions.

And from 1835, European style Belgrade started to be established in the west Vračar area. The first engineer in public administration, Franz Janke from Vienna,



Figure 1. The Belgrade in the Mid-19th century

made a plan for the west Vračar in 1842 and the new streets with the first European style houses (Maksimović 1983, 10; Nestorović 2006, 74). The state granted artisans, merchants and the government employee's free plots for building new houses.

Those houses are quite important today, as they used to be owned by the prominent 19th century figures of the country: merchants, engineers, architects, politicians, lawyers, army officers and professors, influential in the economic, social, political and artistic life of Serbia. As such, they not only testify to the urban and architectural development of the city but also to the establishment of a European civil society (Roter-Blagojević 2006, 43–60).

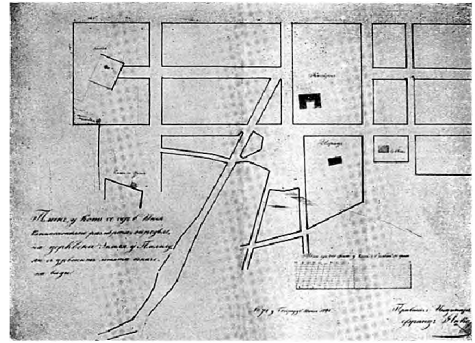


Figure 2. The plan for the west Vračar area from 1842, Franc Janke



Figure 3. The mid-19th century houses in the west Vračar area

Many houses in the west Vračar area are today under the process of restitution because they were confiscated and nationalized after the WWII and their heirs expecting them to be returned. Some of the houses, like the Veljković's house, a listed cultural property, have been returned to their heirs.¹

¹ Birčaninova St. 21. See: http://beogradskonasledje.rs/kd/zavod/savski_venac/kuca_porodice_veljkovic.html



Figure 4. The Veljković's house in the west Vračar area

ownership of the land – property of the Muslims, Serbs and Jews (Đurić-Zamolo 1977, 214). Favourable circumstances for urban transformation came when Prince Mihailo Obrenović finally managed to accomplish the final withdrawal of the Muslim population in 1867. Serbian government and wealthy citizens started to buy out property from the Muslim owners and to build new public and private houses.

One of the most important is a family house of a prominent *court architect* Jovan Ilkić, today still a public property in a neglected state.² Unfortunately, the house is not individual listed cultural property.

In the mid-19th century Muslim population was still dominant at the Belgrade Old Town surrounded by the trench. The plan dates from 1862, showing the



Figure 5. The family house of architect Jovan Ilkić

Reconstruction according the Prof. Emilijan Josimović's plan started in 1868, the new Knez Mihailo street as the main city street was traced and numerous new buildings were built – now listed as cultural property. Most of them are today under the process of restitution.

During the communist period those buildings were socially owned and later on, during the period of transition, they were sold to new owners.

48 | 2 Miloša Pocerca St. 32. See: (Roter-Blagojević 2006, 290–291).



Figure 6. The old 19th century buildings in Knez Mihailo street

There is a situation with some buildings, like the three ones on Knez Mihailo street,³ which used to be the Mitić department store, where the new owner have gone bankrupt today and the buildings are closed and neglected. Such a situation largely degrades the overall setting of this prominent street – listed as a cultural property of outstanding value.⁴



Figure 7. The former Mitić Department store, Knez Mihailo street

Many examples today show the scope of the issue of ownership and of who is entrusted with managing the cultural property of great and outstanding value. The Nikola Spasić Fund house, designed by prominent Serbian architect Konstantin Jovanović, is another example of an inadequate attitude of the present owners

³ Knez Mihailova St. 41–45, u: (Vujović 1994, 132).

⁴ Spatial cultural and historic ensemble Knez Mihailova Street St. See: http://beogradsko-nasledje.rs/kd/zavod/stari_grad/knez_mihajlova_ulica.html

towards a cultural property of great value.⁵ Perhaps, the restitution process and returning the building to its original owner could ensure a better treatment of the building in future.



Figure 8. *The Nikola Spasić Fund house, in the past and today*

Many other funds used to possess numerous buildings that today are cultural properties, testifying to an accelerated development of the city at the turn of the 20th century. One of the significant historical settings is the Small Market (*Mali pijac*) on the Sava, with an imposing Belgrade Credit Union building (*Palata Beogradske zadruga*), erected between 1905 and 1907 according to design of architects Andra Stevanović and Nikola Nestorović.⁶

After the WWII, the building housed several socially owned institutions which never took a good care of it. Today, although listed as a cultural property of great value, it is being severely neglected and used for occasional cultural events.

Here we have an issue of how to provide its renewal and adequate future use.

The descendants expect restitution of the building, but the government wants it for some public institution.

⁵ Knez Mihailova St. 33. See: http://beogradskonasledje.rs/kd/zavod/stari_grad/zaduzbina_nikole_spasica.html

⁶ Karadordeva St. 48. See: http://beogradskonasledje.rs/kd/zavod/savski_venac/beogradska_zadruga.html



Figure 9. *Belgrade Credit Union building*

There are also other funds from the period between the two world wars, claiming substantial real property nationalized after the WWII and given to various public institutions for their use.

One of examples is the *Albania Palace*, at the time the tallest building in the Balkans, erected for the Trade Fund (*Trgovački fond*) in 1940, designed by the architects Branko Bon, Milorad Grakalić, Miladin Prljević and engineer Đorđe Lazarević.⁷



Figure 10. *The Albania Palace, in the past and today*

⁷ Knez Mihailova St 2–4, Kolarčeva St 12. See: http://beogradskonasledje.rs/kd/zavod/stari_grad/palata_albanija.html

The Trade Fund also expects restitution of multi-storey residential building designed by arch. Branislav Marinković in 1932, one of best representatives of Belgrade architectural Modernism.⁸



Figure 11. The Trade Fund building, in past and today

The Artisans' Club (*Zanatski dom*), was erected in 1933, according to design of architect Bogdan Nestorović. Apart from the offices of different artisan associations and unions, there was a hotel and a movie theatre. From 1947 the building houses Radio Belgrade.⁹



Figure 12. The Artisans' Club

We can say that important financial and laws issues are connected with restitution of those extremely valuable properties. Moreover, those buildings today are listed as individual cultural properties.

⁸ At the corner of Kralja Milana and Resavska St. See: (Vujović 1994, 249)

⁹ See: http://beogradskonasledje.rs/kd/zavod/stari_grad/zanatski_dom.html



Figure 13. The project for modern department store and Mitić's Pit today

An interesting example is a so-called Mitić's Pit. One of the most prominent historical settings of Belgrade is Slavija Square where before WWII a famous merchant Vlada Mitić planned to build a modern department store. But the war stopped the construction, so only the foundation pit was left. After the war the plot was neglected.

In the previous several projects, new buildings were planned on that spot, but none of it has ever been realized; only a park was landscaped here.

The question remains about a manner the original owners of this extraordinary city building plot could be compensated in a right way, or better still, get a moral satisfaction.

Conclusion

In the end we can say that the significant political, ethical and cultural aspects and questions are connected with the process of restitution and its actors – government institutions, developers, new and original owners – citizens, former organizations and funds. The actual property legislation frame related to restitution and compensation of private property confiscated and nationalized after the WWII raises a number of questions and in many cases does not provide adequate financial and moral compensation for the heirs.

The process of restitution has great impact on the protection of cultural heritage – monasteries, rural and urban settings, public and residential buildings – most often listed cultural property of great and outstanding value. The preparation of a new modern law in the field of protection of cultural and architectural heritage (current is from 1994) – based more on international conventions and recommendations and experiences related to the private ownership and use of listed cultural property in other countries – is highly important for further development of Serbia within Europe.

The establishment of clear rules, trust and good relations between private owners and government institutions would enable better future preservation and maintenance of urban and architectural heritage. Today restitution, as an important reform process, has not only significant historical and political aspects, but even more ethical and moral ones. These aspects are not connected only with tangible, but also with intangible heritage – a memory of the historical figures and events from the period of establishment of the Serbian modern society in the 19th and the first half of the 20th century.

References:

- Cultural Properties in Belgrade. 2010. Belgrade: Cultural Preservation Institute in Belgrade. <http://beogradskonasledje.rs/kd/zavod/index.html>
- Ђурић–Замоло, Дивна. 1977. *Београд као оријентална варош под Турцима. 1521–1867*. Београд: Музеј града Београда.
- Максимовић, Бранко. 1983. *Идеје и стварност урбанизма Београда 1830–1941*. Београд: Завод за заштиту споменика културе Београда.
- Несторовић, Богдан. 2006. *Архитектура Србије у XIX веку*. Београд: Арт прес.
- Ротер-Благојевић, Мирјана. 2006. *Стамбена архитектура Београда у 19. и почетком 20. века*, Београд: Архитектонски факултет Универзитета у Београду/Орион арт.
- Vujović, Branko. 1994. *Beograd u prošlosti i sadašnjosti*. Beograd: Draganić.

*Rezime:**Uticaj procesa restitucije na zaštitu kulturne i arhitektonske baštine i urbani razvoj modernog Beograda*

U radu se razmatraju pojedine značajne teme povezane se zaštitom kulturne i arhitektonske baštine, kao i urbanim razvojem Beograda, posmatrane u interakciji sa procesom restitucije koji se odvija u Srbiji sa izvesnim zakašnjenjem u odnosu na druge istočnoevropske postsocijalističke i postkomunističke zemlje. Sa ovim procesom povezani su važni politički, istorijski i kulturni aspekti i pitanja, ali i sa njegovim učesnicima – državom, novim i prvobitnim vlasnicima (institucijama, fondovima, zadužbinama, udruženjima građana i pojedincima). Oni nisu povezani samo sa samom materijalnom imovinom koja je predmet restitucije, često sa kompleksima i zgradama danas u statusu kulturnog dobra, već mnogo više sa njihovim vlasnicima i značajem koji su imali za formiranje građanskog društva u periodu pre Drugog svetskog rata. Aktualni zakonski okvir restitucije vlasništva nad zemljištem i zgradama, kao i povraćaj imovine oduzete konfiskacijom i nacionalizacijom, otvara brojne nedoumice i pitanja, a u mnogim slučajevima ne pruža adekvatnu finansijsku i moralnu kompenzaciju za njihove prvobitne vlasnike. Proces restitucije ima i značajan društveni uticaj na zaštitu i revitalizaciju kulturne baštine u Srbiji – manastire, ruralna i urbana mesta, javne i privatne zgrade, industrijsko nasleđe i slično – koja su danas najčešće kulturna dobra velikog i izuzetnog značaja za zajednicu. Iz tog razloga evidentna je potreba za donošenjem novog modernijeg zakona iz oblasti zaštite kulturnog nasleđa (važeći je iz 1994. godine), u većoj meri zasnovanog na savremenim međunarodnim konvencijama i preporukama u ovoj oblasti, ali još više baziranog na iskustvima drugih zemalja u domenu privatnog vlasništva i korišćenja kulturnih dobara. To je i jedan od bazičnih preduslova za budući razvoj Srbije u okviru demokratskog evropskog društva. Samo uspostavljanje jasnih pravila, poverenja i dobre saradnje između privatnih vlasnika i državnih institucija može omogućiti bolju zaštitu i održavanje urbane i arhitektonske baštine. Iz tog razloga savremena restitucija, kao značajni reformski proces, nema samo važne društvene i političke aspekte, već mnogo više etičke i moralne. Oni su prvenstveno povezani sa nematerijalnim nasleđem, memorijom i revalorizacijom društvenog i kulturnog značaja koji su imale pojedine istorijske ličnosti i institucije (zadužbine, udruženja građana,

fondovi i sl.) iz vremena stvaranja modernog demokratskog društva u Srbiji XIX i prve polovine XX veka.

Ključne reči: restitucija, kulturna dobra, nematerijalno nasleđe, graditeljsko nasleđe, zadužbine

Prijavljen: 15. 6. 2014.

Recenziran: 3. 7. 2014.

Prihvaćen: 10. 7. 2014.