In 1941, when the British Air Force began to bomb Berlin, an immensely valuable collection of four hundred music manuscripts, including original works by Beethoven, Mozart, Schubert, and Brahms were removed from the Prussian State Library in Berlin to a monastery in Southern Silesia, which was then part of Germany, but is now part of Poland. At the end of the war, with the hiding place then in Poland, Polish authorities, who discovered the collection, had it removed to the Jagiellonian Library in Cracow, and ordered the librarian to remain silent about its whereabouts. By the late 1970's the existence of the manuscripts became confirmed when the Poles presented six of them as a gift to Erich Ronnecker, the leader of East Germany. Many Poles, remembering the willful destruction of Polish art treasures by Nazi troops, want to keep the collection. The Director of the Jagiellonian Library in Cracow, Krzysztof Zamnski, notes that the collection of manuscripts is open to music scholars throughout the world under the best conditions. The German government takes the following position: "These manuscripts were taken to Silesia, which was then part of Germany, to protect them from the war. The owner is the Berlin Library, If someone has something someone else owns, we [should] be talking about restitution."

Who should get the manuscripts, and why?

MODERATOR'S ANSWER: The Jagiellonian Library in Cracow, Poland should return the manuscripts to the Berlin Library. It is understandable and, possibly, excusable that Poland didn't return the manuscripts immediately after the end of World War II. At this time, however, more than fifty years later, Poland and Germany have normal, peaceful relations. The lingering bitterness and resentment over Nazi actions, such as the destruction of Polish Art, even if understandable, cannot now provide a justification for keeping the manuscripts, which belonged to the Berlin Library before the War, which the Library sought to protect by hiding them in the monastery, and in connection with which the Library never relinquished its claims of ownership. The argument that the Jagellonian Library in Cracow is open to scholars throughout the world to examine the manuscripts under excellent conditions would be relevant if one had reason to believe that returning the manuscripts to Berlin would present a risk of damaging them, but no one has suggested such a risk.

Case from the February 3, 1996 Intercollegiate Ethics Bowl. Copyright Robert Ladenson, Center for the Study of Ethics at the Illinois Institute of Technology, 1996.