

WHOSE HERITAGE? LEGAL PLURALISM AND THE POLITICS OF THE PAST. A CASE STUDY FROM THE CURONIAN SPIT (LITHUANIA)

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Since the term ‘legal pluralism’ was introduced more than thirty years ago it has become the subject of a “long intellectual odyssey” (Merry 1988: 869) and “of emotionally-loaded debates” concerning the meaning and scope of the term (F. von Benda-Beckmann 2002: 37).¹ However, as the Benda-Beckmanns have convincingly shown in their work, the importance of ‘legal pluralism’ lies less in the ideological debates on the term itself, but rather in insights from empirical research (K. von Benda-Beckmann 2001, F. von Benda-Beckmann 2002). Fieldwork on legal pluralism was initially concerned with the intersection of so-called indigenous law and European or Western-style law in colonial and post-colonial societies. Later, legal anthropological research was no longer confined to former colonial states, but was also carried out in industrialised countries (Greenhouse and Strijbosch 1993). Recently, research on law and legal pluralism has expanded further into transnational and international law under conditions of globalisation (see for example F. von Benda-Beckmann et al. 2005).

¹ For an overview on legal pluralism see for example: J. Griffiths 1986; Merry 1988; K. von Benda-Beckmann 2001; F. von Benda-Beckmann 2002; A. Griffiths 2002.

While it was the aim of early studies to show that there actually existed a multiplicity of normative orders influencing people's agency, this insight has meanwhile been generally accepted. It is no longer the task to demonstrate that legal pluralism actually exists, but to analyse what this multiplicity of orders consists of, how they are interrelated and what kinds of coexistences there are in a given field of study (F. von Benda-Beckmann 1992: 2). Thus, the fact that within a socio-political space more than one legal system or institution may coexist serves as a starting point for the study of complex legal situations. In this context the transformation from socialist to postsocialist plural legal systems in East Central Europe has emerged as a new empirical field. The collapse of the Soviet regime and the coming into existence of new nation-states was accompanied by fundamental changes in their legal systems². The new governments have often tried to eliminate most of the existing legal structures and to replace them with new legal orders. However, newly adopted legal models do not automatically lead to new legal practices. On the contrary, traces of former normative orders may persist or be re-mobilised and by this create complex situations of legal pluralism (F. and K. von Benda-Beckmann 2001: 134).

It is the aim of this article to focus on such legal plural situations in postsocialist Lithuania.³ More precisely, I will concentrate on the region of Lithuania Minor⁴ which has experienced several shifts in its political and legal order due to its changing affiliations to different nation-states in the course of the 20th century. This inconsistent national affiliation has led to various constellations of legal pluralism at different points in history. Taking the case study of the village of Nida

² On law in transformation processes see for example Boulanger 2002.

³ This article is based on research carried out during a total of nine months of fieldwork in Nida between 2003 and 2005. During this period of time I also visited former inhabitants of Nidden in their homes in Germany. The Max Planck Institute for Social Anthropology, Halle/Saale, Germany, funded this project within the framework of its research group on Legal Pluralism. I am especially thankful to Keebet von Benda-Beckmann, Judith Beyer, Katharina Schramm and Tatjana Thelen for comments on earlier drafts of this paper. I also profited a lot from extensive discussions with all members of the Legal Pluralism Group.

⁴ Depending on the historical and political contexts, this region was also called Prussian Lithuania or Memelland.

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(Ger. *Nidden*)⁵ in the northern part of the Curonian Spit⁶, this article focuses on present-day legal plural articulations and analyses how traces of the past have become relevant in the struggle of competing social actors over the cultural heritage and past of the place. I will describe how the former German inhabitants, the present local Lithuanian population, and local and national political representatives struggle over the symbolic and legal ownership of the local church and cemetery. It will be argued that their different claims to cultural property are based on legal orders from different periods. I suggest that the claims of the former inhabitants are based on a normative understanding reaching back to pre- and post-World War II Germany. They feel they have a right to these places through their history of former citizenship, disinheritance and their post-war legacy as refugees. The present-day local Lithuanian population, on the other hand, claims rights to the ownership of the church through their 50 years of Soviet and Lithuanian citizenship. Thus, legal systems, which for longer or shorter periods of time were abolished in the region, are now being mobilised to serve as an interpretative frame for social actors. These social actors call upon the different laws and norms strategically and selectively as an important resource in pursuing their specific political, economic and social goals.

Finally, by referring to the various understandings of local heritage under German, Soviet and Lithuanian sovereignty, I want to show that the meaning of 'heritage' is not a given but is made and remade over the course of time depending on the contexts of specific political and legal regimes. Following Brown, I understand cultural heritage as a set of things and practices subject to principles of group ownership – in effect, as a form of property (Brown 2004). Thus, the struggle over local cultural heritage presented in the following reveals a conflict over different normative understandings and legal practices of who has a right to ownership.

⁵ During German sovereignty, the village was called *Nidden*. I will use both of the names *Nida* and *Nidden*, depending on the period to which I am referring.

⁶Presently, the 100km-long narrow peninsula is divided between the Lithuanian State and Kaliningrad Oblast, which belongs to Russia. In this paper I focus exclusively on the Lithuanian part of the Spit.

Setting the Scene

In the following I will use the term ‘old Niddener’ and ‘former inhabitants’ to refer to the local people who lived in Nidden on the Curonian Spit until the end of the Second World War. The harsh living conditions on the narrow sandy peninsula between the Curonian Lagoon and the Baltic Sea marked the lives of the local fishermen and women. Historically they had been of diverse ethnic background, e.g. German, Lithuanian and Curonian, but over the centuries they made their specific local identity as ‘the people from the dunes’⁷, the people from the Curonian Spit with their distinct local habits, practices and Curonian language⁸. They were faithful Lutherans, like the majority of people living in Eastern Prussia, to which the region of Lithuania Minor, including the Curonian Spit, had belonged for centuries. Historical accounts show that up until the middle of the 19th century the region was characterised as a multilingual, multiethnic borderland with a distinct plural legal order of religious, ethnic and state laws influencing the local people (Kossert 2005: 165-177). In this context, Protestantism has been defined as an important factor in integrating people from diverse ethnic backgrounds (Počyte 1998: 86-87). With the formation of the German Reich in 1871 and the introduction of ‘Germanisation politics’, a national identification became stronger and more and more important. German education, administration and tourism to the Curonian Spit fostered German national identification also on the side of the local Nidden population. The First World War brought about deep changes to Lithuania Minor. One part of it, now called Memelland, was cut off from the rest of East Prussia and came under a League of Nations mandate. In 1923 Lithuania annexed the Memelland which received a status of autonomy within the newly created Lithuanian state⁹. Still, the inhabitants of Nidden and the Curonian Spit further identified with Germany, and German nationalist ideology rapidly spread during those years. Following the Hitler-Stalin pact in 1939 the Nazis reappropriated the Memelland and incorporated it into the Third Reich. Most of the local inhabitants celebrated this event and National Socialism spread quickly.

Tourism to the Curonian Spit developed at the end of the 19th century, when German travellers and artists first ‘discovered’ the beauty of the landscape and

⁷ See Strakauskaitė 2004: 107-119.

⁸ Curonian is an old Indo-Germanic Baltic language, closely related to Latvian (see Pietsch 1991; Kwauka and Pietsch 1977; El-Mogharbel 1993).

⁹ Before 1919 the majority of Lithuania belonged to the Tsarist Russian Empire.

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established the ‘Niddener artists’ colony’¹⁰ (Ehlermann-Mollenhauer 1992; Barfood 2005). In fact, from the beginning of the 20th century up until the end of World War II, Nidden was an important meeting point for German painters, writers, scientists, journalists and filmmakers as well as for a German public seeking relaxation and tranquillity in this summer resort. Famous painters, like Karl Schmidt-Rottluff and Max Pechstein, presented images of the Curonian population in their art, writers such as Thomas Mann¹¹ described them in literature, and photographers produced photos and postcards depicting the ‘traditional world’ of the Curonian population. This was often done in a manner reinforcing Western ideas of a romantic and exotic native ‘other’. Thus, with the introduction of tourism to the Curonian Spit processes of commodification and ‘heritagisation’ of local culture were initiated.¹² During Nazi times the Curonian past was described as a part of national German heritage. In this context the girls’ traditional Curonian costume, for example, once embedded in local culture and worn on Sundays and during festivities, became a symbol of nationalist German culture presented to the German tourists. This example shows that the symbolic appropriation of Curonian heritage depended on the specific legal and political context of the times. I will return to this point later when describing the production of Curonian heritage in the context of Soviet and Lithuanian legal and political regimes.

The Second World War brought a brutal end to tourist, artistic and, above all, local life in Nidden. The summer of 1944 was the last tourist season and shortly thereafter, the majority of people fled the area in fear of the Red Army, joining millions of others fleeing Central and Eastern Europe. Most of them came to Western and Eastern Germany, where they had to cope with their experiences of displacement, the loss of their homeland, poverty and overall insecurity in an

¹⁰ At the end of the 19th and beginning of the 20th century more and more European painters were leaving their urban studios and seeking small, rural locations where they worked in the open air and formed artists’ colonies (see Wietek 1976; Pese 2001; Barfood 2005).

¹¹ See for example the writings of Thomas Mann on the Curonian Spit 1994 [1983]. Mann visited Nidden for the first time in 1929. In 1930 his summer house, in which he spent three summers with his family, was built. Today the house is the most visited museum in Lithuania with up to 500 visitors per day during the summer months.

¹² On the production of cultural heritage on the Curonian Spit over time see Peleikis n.d.

environment that tended to be hostile towards the newcomers from the east. The West German and Eastern German states came to treat the refugees very differently. While within the Eastern German state the histories and memories of the refugees were officially tabooed and silenced, the West German state recognised the fate of the refugees. This recognition became, for example, officially expressed in the laws on the ‘equalisation of burden’ (*Lastenausgleich*) passed in the 1950s, which granted them the right to a partial compensation for lost houses and land. Generally put, for the refugees East Prussia, the Curonian Spit and Nidden disappeared behind the Iron Curtain and only lived on in their memories and imaginations.

In 1940 the Soviet Union annexed Lithuania and later took over parts of former East Prussia. The southern part of East Prussia became the administrative region of Kaliningrad Oblast and the northern part, Lithuania Minor, was incorporated into the Lithuanian Soviet Socialist Republic. Nidden became Nida, a village of the Lithuanian SSR, which imposed a new socialist legal and political order upon the place and its new population. At the beginning of 1945 there were hardly any people left in the villages of the Curonian Spit. However, some of the former Curonian-German local inhabitants returned to their villages on the Spit after the war.¹³ Since they still had their Lithuanian documents from the interwar period and spoke Curonian, they were considered Lithuanians and thus allowed to stay. Although the local Curonian-Germans had never identified themselves as Lithuanians, they mobilised their former Lithuanian citizenship as a survival strategy to counter Soviet persecution. They were forced to hide their past and their identity, which they could only express privately and in the context of religion. During the first postwar years they actually managed to keep their Lutheran church, where a local Niddener was appointed deacon and carried out Sunday services, baptisms, weddings and funerals. Church and family life constituted a small niche in which traces of the past social, legal and religious order could be experienced despite a repressive and all-encompassing Soviet state. In the late 1950s most of these remaining German-Curonians received the right to emigrate to West and East Germany. This was made possible through new agreements on family reunions between the Soviet and the two German states. Only a few people were not allowed to emigrate or decided to remain because they had in the meantime developed familial relationships with Lithuanians or Russians. These people officially became Lithuanians and Soviet citizens.

¹³ On the post-war situation in former East Prussia see Kibelka 2000.

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People from all over the Soviet Union, but predominantly from various regions in Lithuania, were settled on the Curonian Spit from the early 1950s by order of the Soviet state. Especially fishermen were asked to move there as the interest of the Lithuanian Soviet state was to increase fish production (Arbušauskaitė 1997: 186). Given the poverty and low income possibilities in many regions of Lithuania and the Soviet Union, people were attracted to the Spit where they found accommodation in the empty houses of the former population and jobs in the fishing kolkhoz. Most of the Lithuanian newcomers were Catholics. In the face of antireligious Soviet campaigns they had to shift their religious practices and rituals to the private spaces of their homes (see Dragadze 1993). With the rise of the independence movement in the 1980s, religious identities became publicly redefined and strongly contributed to the remaking of nationalist identities. This has led to new frictions as I will later show by referring to the struggle over the local church.

Over the course of time the 'new' local population appropriated the village and 'Lithuanianised' it, and in this process produced narratives on the Lithuanian-Curonian heritage of the place. These narratives became important in the context of Soviet tourism, which developed from the 1960s. Nida once again turned into a popular holiday resort – now for chosen Soviet citizens. Since Lithuania's independence in 1990, the village has developed into Lithuania's most prestigious and famous resort and its best selling point on the international tourist market. When in 2000 the Spit became a cultural landscape on the UNESCO World Heritage List, national politicians and tourist managers calculated that this award would increase the interest of international tourists even more. In fact, every year thousands of European tourists, mainly from Germany, travel to the Curonian Spit. They are interested in the impressive natural landscape or curious to visit the new European Baltic state which had been hidden behind the Iron Curtain for more than 50 years. However, the majority of the tourists from Germany – most of them are between 60 and 80 years old – are interested in visiting or revisiting places belonging to Germany's East Prussian past. The former German inhabitants of the region and their offspring have also come to revisit their places of origin. In this context, many former inhabitants of Nidden – if health and age allow them – have travelled to their village of origin as well. In taking care of and reappropriating places like 'their' local cemetery and Protestant church they became involved in the present-day struggle over the symbolic and actual ownership of these monuments which have been declared Lithuanian cultural heritage.

‘Lingering Law’ and the Making of Curonian Heritage

During my fieldwork in Nida in the summer of 2004, I accompanied a Lithuanian tour guide showing a group of German tourists around the so-called ‘Nida ethnographic cemetery’. They were passing through the new cemetery gate, which carries a sign in German and Lithuanian reading: “I am the resurrection and the life.” (*Ich bin die Auferstehung und das Leben.*)

The guide, Aušra Rimantiėnė¹⁴, a woman in her 40s, provided explanations of the Spit’s old Curonian population and explained:

The Curonians were an archaic Baltic tribe with very exotic habits and a very special tradition, very unique for Lithuania. Many of the crosses are Lithuanian ‘*krikštai*’. ‘*Krikštai*’ can be shaped like a horse’s head, birds or plants and are placed at the foot of the grave. The Curonians believed that if the dead want to get up they can hold on to the ‘*krikštai*’ to pull themselves up.

She also explained that this is a historic cemetery and no longer in use:

This cemetery is taken care of by the ‘National Department of Cultural Heritage protection’, which does its best to protect these wooden traces of Lithuania’s past.

While the guide was passing on her colourful information on the lives of the pre-Christian Curonians, just next to the tourist group an elderly woman was on her knees, cleaning a grave and planting some flowers on it. When I later came to talk to this woman, she was very upset about the explanations of the Lithuanian guide:

Look at this, here is the grave of my grandparents. I was born in Nidden and my parents and grandparents were born in Nidden as well. Have a look, there are crosses with German inscriptions all over. This was our cemetery. We were good Protestants, we buried our dead in a Christian way and we were Germans. Why do the Lithuanians only stress the archaic Curonian past and do not mention *us*, the former inhabitants?

¹⁴All personal names have been changed in this text.

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This example depicts various fractures: Here we have an ethnographic historical cemetery, and at the same time a place of personal commemoration and private grave maintenance. There is also a mix of supposedly age-old *'krikštai'*, Curonian grave markers, on the one hand, and crosses with German names and inscriptions on the other. The guide talked of Lithuanian Curonian heritage, while the old German woman remembered her family members who were buried in the cemetery. This cemetery represents a Lithuanian national heritage site. At the same time the former Niddener consider themselves responsible for the graves and managed to reconstruct the old graveyard gate.

The former inhabitants: mobilising the past

When the above mentioned German woman, 75-year-old Anna Pietsch, talks of 'us' she means the local Nidden inhabitants who lived in the village until the end of the Second World War. In her memory the people of the pre-War Curonian Spit were above all Germans and Protestants. She also remembers ethnic particularities like the Curonian language, which was spoken by her parents and grandparents and which she herself spoke as a child. Still, in her memory national identity remains far more important than former ethnic belonging. This has to be understood in the context of Nazi Germany, into which she was socialised, as well as in the context of post-war Germany. As refugees from the East, it was important to stress a shared nationality when trying to become integrated in post-war German societies. Anna Pietsch also remembers the Curonian grave markers, which she describes as part of the 'local tradition', while pointing out that they were rather outdated in the 1930s and 1940s:

In my childhood people used to put up different kinds of grave markers. Some people preferred the 'traditional Curonian grave markers', others opted for simple wooden crosses, and those with more money raised the more prestigious wrought-iron ones.

Anna Pietsch remembers the Nidden cemetery as a place of sorrow and pain, where people buried their beloved and mourned them. She was 13 years old when her grandfather died and she still remembers his funeral; the procession, the burial in the cemetery and the fact that the whole village community came to offer their condolences. Only shortly after that, in late 1944, Anna Pietsch had to flee the village together with her family, leaving behind their local lives and also the graves of their beloved. She came to West Germany where she has lived ever

since. During the Cold War Nidden became an unattainable place of memory and nostalgia locked behind the Iron Curtain. Lithuania's independence in 1990 and the new travel possibilities all of a sudden made it possible for her and the other former inhabitants to revisit their place of birth after 45 years of absence. Anna Pietsch took this chance and came to Nida in 1991, and since then has returned every year for a two-week-period. The former family house, the church and the cemetery are the places which mobilise the strongest feelings and memories:

I was so happy when I saw that our house is still there and deeply moved when I went into the church and walked over the cemetery.

Despite extensive traces of destruction some of the pre-war graves have survived the Soviet period¹⁵, so that Anna was able to find the grave of her grandparents. She then started to restore it: She commissioned a new cross, set it up, planted flowers and redid the edging of the grave. When she herself is not in Nida, one of the few German-Curonian persons who had remained in the village during Soviet times and still lives there takes care of the grave. Every year when Anna returns she gives her some money and provides her with presents from Germany. Since Lithuania's independence, the face of Nida's cemetery has actually changed considerably. Every year new crosses are put up and new flowers are planted by the former inhabitants. They don't ask for permission but actually practise what they believe is their right and their moral duty. In caring for the graves they feel a chance to symbolically reconnect to their ancestors and their own local past. The cemetery and the church are in fact the strongest symbols which reveal their pre-World War II local history and lives as well as the break and rupture they experienced in the context of war and displacement.¹⁶ At the same time the large majority of these former inhabitants do not question the nation-state changes that have occurred in the course of time. They are aware of Lithuania's sovereignty and the consequences of the *Two Plus Four Agreements*¹⁷, in which Germany

¹⁵ On the post-war destruction of cemeteries in Lithuania Minor see Purvinas 2000.

¹⁶ On this see also Mai 1997, 2005, who has worked on the German minority in Masuria, Poland.

¹⁷ The "Treaty on the Final Settlement with Respect to Germany", also called "Two Plus Four Agreements", is the final peace treaty negotiated between the Federal Republic of Germany, the German Democratic Republic, and the Four

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renounced all claims to territory east of the Oder-Neisse line. Still, as I have shown above, they feel a right to the monuments of the past and practise their legal understanding by symbolically reappropriating the cemetery.

I argue that the former inhabitants base their actual claims and practices on interpretations of the pre- and post-World-War II legal and political regime. Before the war they were local citizens of Nidden. Despite the fact that the former legal system, which granted them citizenship rights, had been abolished a long time ago, the legal characteristics of the past are inscribed in their present day social relations and practices. They used to belong to the local families of Nidden and in their understanding, therefore, have 'roots' in Nidden, which is proved by the graves of their ancestors. This ancestral genealogy as well as their former citizenship in their view legitimise their claims to the present-day cemetery. Some of the former inhabitants even expressed their wish to be buried in 'their' cemetery when they die to rest close to their ancestors and in '*Heimaterde*' (homeland soil). There were actually several cases in which the urns of former inhabitants were indeed buried in the cemetery. Interestingly, local representatives have tolerated these practices despite the fact that this is an official national heritage site under national and transnational, i.e., UNESCO, legal regimes. I argue that the different legal practices concerning the local graveyard reveal a distinct plural legal situation in the present. The former inhabitants mobilise pre-World War II legal order as a scheme of interpretation for their present-day claims. Simultaneously, there exist national and transnational legal regimes, which set up the formal laws concerning heritage sites. Local representatives are said to officially carry out these legal orders given from above. But because of struggles between local and national actors concerning the touristic, political and economic development on the Curonian Spit, local politicians at times defy the regulations from above and act according to their respective normative and legal understanding in a given situation. Furthermore, local, regional and national decision makers are constantly confronted with the introduction of new and changing formal legal regulations in the aftermath of Lithuania's independence. This has led to a partial legal insecurity as well as to the possibility of mobilising selective interpretations of official laws for specific interests and aims. It seems that the former inhabitants can situationally profit from the struggles between local and national institutions and the overall legal insecurity, while following their own specific aims, namely the reconstruction of Nidden according to their images of the past.

Occupation Powers. It was signed in Moscow in September 1990. In this treaty Germany finally accepted the territorial losses imposed on it after 1945.

The former inhabitants do not only care for their ancestral graves but have become active in the reconstruction of the graveyard's entrance gate as well. On the initiative of one elderly Nidden woman, I will call her Lotte Sakuth, money was collected so that the gate could be reconstructed on the basis of old photos. Moving between the local, regional and national representatives of the Heritage Department, she managed to finally receive permission to reconstruct the monument. In 2002 this entrance gate with the above mentioned sign in the German and Prussian-Lithuanian languages was officially reopened in the presence of many former inhabitants. Before the war the coffins were carried through the large main gate into the cemetery. Nowadays there is no practical need for such a sizeable gate, as the Nida cemetery is closed and officially declared an ethnographic cemetery. The importance of the gate for the former inhabitants actually lies in the symbolic meaning attached to the reconstructed monument. By putting up a faithful version of the original gate, the former inhabitants actively inscribe their understanding of the place's past upon the present-day 'ethnographic cemetery'.

Sovietisation and Lithuanisation of Curonian heritage

In contrast to Anna Pietsch, who stands for many former inhabitants, the Lithuanian tourist guide Aušra Rimantiene actually speaks of a very different past of the local cemetery. She describes the graveyard as a place of pagan, pre-Christian Curonians, who used exotic grave markers referring to an ancient Baltic culture. In her descriptions, the Curonians were a Lithuanian tribe living side by side with many other ethnic groups in Lithuania. Furthermore, the cemetery appears as an ethnographic relict from a long distant past and not as a place with a 'living memory', where people mourn their relatives and ancestors. Aušra Rimantiene does not originate from Nida and has gathered her knowledge from information leaflets she received during her training to be a tourist guide a few years ago. I argue that the presented narrative must be understood in the context of Nida's and Lithuania's Soviet and post-Soviet histories as well as in the context of Lithuanian nationalism, as I will show in the following.

The legacy of the Curonian-German past on the Spit as well as the specific history of Lithuania Minor was officially ignored, persecuted and unmade during Soviet times. However, the most visible reminder of the German-Curonian heritage was to be found in local architecture: fishermen's houses, the local cemetery, the

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church, hotels and Thomas Mann's summer house told the story of a vivid pre-World War II tourist and artist village. Despite Soviet plans to completely demolish the old buildings and construct a Soviet holiday resort, a number of architects and parts of the new local population fought to preserve Nida's old monuments. They succeeded, and many of the old houses were saved from destruction. In this process, Nida's architecture was appropriated by the new Lithuanian inhabitants, 'Lithuanianised' and turned into their own Lithuanian cultural heritage.

Despite the Soviet state's ideology and attempts to create a 'monolithic community' that had overcome 'the national question' by eliminating all social and most cultural differences between the nations within the Soviet Union¹⁸, there was some room left for 'national cultural forms' (Čiubrinskas 2000: 27). These were local languages and folk culture, which in Soviet ideology were defined as the culture and lore of the 'working masses' (Čiubrinskas 2000: 27). Generally speaking, representations of traditional folk culture were divided into those considered 'progressive' – that is, those that expressed a consciousness of hard work and of exploitation and struggle against the exploiter – and those considered 'repressive' – usually those associated with religion (Čiubrinskas 2000: 27). Given this context, the local work culture of Curonian fishermen and women was presented in the local Nida history museum run in the Protestant church between the end of the 1960s and the end of the 1980s. The material artefacts were presented without any reference to the political context in which they had developed but as an expression of the hardworking Soviet 'working masses'. In this context the fact that Nida had started to turn once more into a popular holiday resort, now for Soviet citizens, is important. Monuments and heritage sites are meant to be visited; they are designed for the visitor. They can, thus, become a vehicle for the making of local and national identities, for constructing a new identity and presenting this to the outside. The tourist as the 'other' looks on and helps to define the 'self' (Marschall 2004: 95). Tourists from all over the Soviet Union, from diverse Soviet Republics, from as far away as Kazakhstan or Uzbekistan, from Georgia or Armenia as well as from Leningrad and Moscow, travelled to the Curonian Spit and helped to construct Nida as the 'pearl' and the 'most beautiful village' of the Soviet Union. Thus, officially Nida stood out as an exemplary Soviet tourist destination with a distinct Lithuanian heritage of Curonian fishermen as people of the Soviet 'working masses'.

¹⁸ On the formation of Soviet national identities see Hirsch 2005.

Next to this official, state-authorised and legalised version of the Spit's past, other narratives of the place's 'Curonian-Lithuanian' past developed. This process has to be understood in the context of a growing Lithuanian nationalism as opposed to Sovietisation. Starting in the 1970s, local history clubs and folklore ensembles sprang up all over Lithuania, and there was a growing interest in pre-Soviet ethnic traditions. It became popular to trace magic, ritual, myth and symbols of the ancient Lithuanians (Čiubrinskas 2000, 2001). Learning to understand and keeping up one's national and ethnic heritage contributed to the remaking of Lithuanian nationalist identities and the drive for independence in the late 1980s. In this context, people became interested in the history, pagan rituals and symbols of the ancient Curonians, who like the Prussians and Lithuanians were a Baltic ethnic group living in the area of present-day Lithuania, Kaliningrad Oblast and Latvia (Mugurevics 1997)¹⁹. With this renewed interest in the pagan Lithuanian past, the Curonian past became a focus of interest as well, and it was mobilised in this context for Lithuanian national interests against the official Soviet narrative. While the Soviet state proposed an official and legalised version of the Lithuanian past, segments of the Lithuanian population began to question and resist this Soviet narrative. They considered the Lithuanian people the legitimate 'owners' of Lithuania's past.

Given this context, a local Lithuanian artist tried to rediscover the ancient history of the Curonians of Nida and the Curonian Spit.²⁰ He looked for old examples of their grave markers and started to carve new ones as nearly all of the old ones had either rotted or been destroyed by the end of World War II. Unlike other ethnographers and in strong opposition to Soviet norms he was also interested in the specific German-Curonian past and was persecuted as a result. Nevertheless, he carved the names of the old German inhabitants into the reconstructed grave markers and, despite a lot of resistance, managed to set them up on the Nida cemetery as an expression of Curonian cultural heritage. In 1975 the cemetery was

¹⁹ The Curonians were described as an influential and prosperous ethnic group engaged in pirating and trading across the Baltic Sea, first mentioned in the 9th century (Mugurevics 1997, see also Gimbutas 1963). It is said that during the 15th century, Curonians migrated from the Latvian Courland to the Curonian Spit, where they were later Christianised and Germanised and became the ancestors of the 'German-Curonians' .

²⁰ The information is based on interviews with the artist Eduardas Jonušas. See also his autobiography 2000.

officially shut down, not to be used for burial purposes any longer, and declared an 'ethnographic cemetery'. The grave markers that the Lithuanian tourist guides currently describe as 'age-old Lithuanian Curonian heritage' are in fact products of the Lithuanian artist in his search for an ethnic Curonian-German past. Ironically, his personal attempts to pay homage to the former ethnic local population were transformed into a national narrative of 'Lithuanian heritage'.

In focussing on heritage production in Soviet times, I have demonstrated that the history of Curonian people was Lithuanianised and depicted in a Soviet mode of presentation. At the same time the making and naming of Lithuanian heritage served as an important means of articulating Lithuanian national identity and, by this, resisting the all-encompassing Soviet state and ideology. The narrative of Lithuanian-Curonian heritage, which was produced in the Soviet political and legal context, continued to be an important narrative in post-Soviet times. Now it contributes to the making of nationalist identities in independent Lithuania and to attracting tourists.

Curonian heritage in Independent Lithuania: Nation-Building and Tourism

The mobilisation of the past for nation-building processes has been extensively documented and analysed (see Hobsbawm and Ranger 1983). Focussing on nation-building processes in the post-Soviet space after 1989, it has been shown that there was a pervasive preoccupation with the recovery of histories and memories repressed under the previous regime (Smith 1996; Smith et al. 1998; Hann 1998, 2004: 292). Social actors also draw on the distant (e.g. pre-Soviet) past to provide inspiration for a discontinuity with the immediate past (Humphrey 1992). When Lithuania regained independence in 1991, heritage politics and practices became an important and official means of nation-building legalised in the country's constitution and in three other laws.²¹ In this context, readings of the past contributed to the legitimation of the nation's claim to its territory. Presenting the history of the ancient Curonians of Lithuanian descent inscribes Lithuanian

²¹ These are the laws on the Protected Territories, on Protection of Movable Cultural Property and on Protection of Immovable Cultural Heritage. See the website of the Ministry of Culture of the Republic of Lithuania: <http://www.lrkmlt.lt/index.php/en/395>.

territorial claims in the present-day region of Lithuania Minor, which was once German Memelland and later a part of the Soviet Socialist Lithuanian Republic. At the same time, the Lithuanian government asserts that as the national sovereign, it is the authority which creates and dictates the use of and ownership rights to property found within its borders. This also applies to movable and immovable cultural property, and in this context to all of the heritage that was once created by non-Lithuanians and ethnic or religious minorities whose artefacts can be found on the territory of present-day Lithuania. In this respect the Lithuanian state behaves according to international conventions, which support the tendency to retain cultural patrimony by declaring cultural property found within a nation's territory part of that state's cultural heritage (UNESCO 1970: art. 5).²²

Lithuania joined UNESCO in 1991 and accepted the International Convention concerning the World Cultural and Natural Heritage and the Convention of European Culture. Furthermore, it received the opportunity to present Lithuanian cultural objects and natural sites for the UNESCO World Heritage List. In 2000 the whole Curonian Spit as a trans-border region belonging to Russia (Kaliningrad Oblast) and Lithuania was accepted on the UNESCO World Heritage List as an outstanding example of a landscape of sand dunes under constant threat by natural forces.²³ Shackley has stated that all World Heritage sites are also national flag carriers, symbols of national identity, universally recognised (Shackley 1998: 1). In the same vein, I suggest that although the aims of UNESCO are to preserve global heritage, the Curonian Spit as a World Heritage Site represents a powerful evocative symbol of Lithuanian national identity. In fact, with the Curonian Spit as an accepted 'World Heritage Site' the Lithuanian state demonstrates that it is the legitimate owner of the Spit's cultural heritage. At the same time, Lithuanian tourist officials and politicians hope that this award will increase the interest of international tourists in visiting the country. Lithuania's unspoiled nature as well as its cultural heritage is presented as its greatest tourist capital. In tourist leaflets, brochures and guidebooks, this cultural heritage, including the Curonian Spit's fishermen's artefacts and architecture like the Nida church and the cemetery, as well as age-old traditions and folklore, is praised and marketed appropriately.

²² Bruzzese describes the case of contested Jewish movable cultural property of which the Lithuanian state as well as the Jewish community claim to be the owner (Bruzzese 1998).

²³ UNESCO World Heritage – Curonian Spit:
http://whc.unesco.org/pg.cfm?cid=31&id_site=994.

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Indeed, as Reinhard Johler has stated, 'cultural heritage' has become an important niche in the European tourist economy (Johler 2002: 10), and Lithuania has definitely sought out the 'heritage industry' for its economic development.

Since independence, national and local political efforts have concentrated on the implementation of a new touristic infrastructure on the Curonian Spit so as to meet Western European standards. Much attention was given to a redefined cultural infrastructure, new museums opened and cultural festivals take place during the summer months. Narratives of the age-old Curonian fishing population and its specific and outstanding cultural heritage are mobilised as an important cultural capital in the process of marketing the Curonian Spit. The typical Curonian boats (Ger.: *Kurenkahn*, Lith.: *kurėnai*) stand out as the most important symbol of Curonian heritage. The former German-Curonian population used them in fishery, but since they left and after fishery was motorised, these boats have disappeared from the lagoon. Only recently were a few of the boats reconstructed and used for tourist trips on the lagoon. Commodities which were popular tourist souvenirs during German sovereignty, like the *Kurenwimpel* (weather-vanes), are once again being sold as profitable tourist items (Peleikis n.d). The *Kurenwimpel* were put on each of the Curonian fishing boats as signs, originally introduced by the fishery inspectors so as to be able to recognise the boats in case they violated fishing laws. Until the Second World War, small copies of these weather-vanes were produced and sold as souvenirs. It is striking that these present-day *Kurenwimpel* carved by Lithuanian carpenters have acquired new Lithuanianised interpretations. Saleswomen working in small tourist boutiques in Nida, for example, explain the meaning of these 'Curonian-Lithuanian' objects to curious tourists: You know, our ancestors, the Curonians, were pagans and they believed in the sun and moon; that's why these symbols are presented on the weather-vanes. In the newly defined Lithuanian tourist market, artefacts which once used to represent the German-Curonian heritage are now being used and reinterpreted flexibly. Thus, tourist items from pre-war times are remobilised and combined with heritage interpretations from Soviet and post-Soviet times, and in this way are made into typical present-day Lithuanian tourist souvenirs. In this way, traces from various periods of the past are mobilised for the present-day making and commodification of Curonian heritage. While the Curonian-Lithuanian narrative developed during Soviet times still prevails, tourist officials have to consider the demands of well-off Western tourists who question the age-old Lithuanianness of the place and often search for traces of German heritage. Thus, there have been some initial attempts to integrate interpretations of the ambiguous German history of the place into

tourist information.²⁴ Perhaps the temporal distance from Soviet times as well as the process of redefining Lithuanian national identities in the context of the move towards Europe may lead to reinterpretations of the German past and heritage and thus to new heritage interpretations. This will depend on the economic, political and social interests of various actors.

In summary, the case study of the local cemetery has revealed two main dimensions. I have shown that we encounter a plural legal situation with different social actors referring to legal regimes of present and former times to legitimate their claims to and interpretations of the heritage site. At the same time I have shown that the meaning of heritage depends on the social actors' definitions and interpretations, which are embedded in the legal and political regimes of the respective times. Distinct heritage narratives from a specific time can be mobilised and reinterpreted by social actors. Sometimes these narratives are selectively mixed with interpretations from other times to serve present-day interests and aims. To explore this twofold argument further I will focus in the following on another case study, namely on the struggle over the local church.

The Struggle over the Local Church

In what follows I demonstrate how local Protestants together with the former German inhabitants on the one hand, and local Catholics on the other hand have fought over the ownership of the local church. This example raises questions of restitution in Lithuania after the collapse of the Soviet Union. I argue that the former inhabitants have managed to get their church back by strategically mobilising present-day Lithuanian laws on restitution of church property. At the same time they believe that their claims to the church are primarily legitimised by referring to former laws, that is, their former residence and citizenship rights.

The object of struggle is a red brick building built in 1888 in a neo-Gothic style. The German Protestant priest Karl Echternach was the driving force behind its construction, collecting money all over the German Reich, so that the small fishing

²⁴ The history museum of the Curonian Spit has, for example, included photos of former German inhabitants in their presentations. Recently a Lithuanian historian, who works on the German history of the Spit, has been asked to include historical details, for example on Internet websites (see for example: <http://www.visitringa.com/en/main/know/history/beforethewar>).

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community could finally have its own church (see Pietsch and Schlicht 1987). The Nidden of that time was characterised by a lively Lutheran church and parish life. The fisher folk of pious Lutheran confession met every Sunday at church, where a German Lutheran priest gave the sermon. Baptisms, confirmations, marriages and burials as well as the religious festivals of Easter, Pentecost and Christmas brought the local community together and contributed to the making of a shared local and Protestant identity. After the Second World War and the flight of the majority of the population, the remaining Germans managed to keep their church during the first years of Soviet rule. When in the late 1950s most of the Germans left, Protestant church life came to an end. The few people who stayed behind were no longer able to pay the high rent the Soviet state charged for the building. In accordance with the repression of religion in the Soviet context, the church's interior was demolished and in the 1960s the building was first turned into the local ethnographic museum and in the 1980s furthermore into a concert hall.

The 'new' Lithuanian population who had arrived in the 1950s was predominantly Catholic by origin. However, religious identity was not a separating factor within Nida's population, made up of a large majority of Catholics and a few Protestants during Soviet times.²⁵ During the struggle for Lithuanian independence in the 1980s, religion was remobilised and played an important role in opposing the Soviet state. The nationalist opposition identified strongly with the Catholic Church, and nationalist rallies often took place at churches. Against this background, the Catholic Church became the leading force in the national liberation movement and propagated the idea that to be Lithuanian meant to be Catholic. Nida's Catholics were mobilised as well and reclaimed the local church from the Soviet state. They succeeded, so that in 1988 the museum was moved out of the church and the Catholics were permitted to start using it for their services. For them it was obvious that this church belonged to them. During 50 years of Soviet rule they had appropriated the locality and made it 'their' Lithuanian village. Because they were Catholics, the church was to be Catholic as well. After Lithuanian independence, state legislation on the restitution of church property was passed and many Lithuanian parishes started officially to reclaim their properties, reconstruct churches and parish halls and build up a new church life. In this context the local Nida church was officially recognised as a Catholic church. A

²⁵ The local Protestants were made up of the few remaining German-Curonians and a number of Protestant Lithuanians who came to the Spit from other places in Lithuania Minor. On the history of Protestantism in Lithuania Minor see for example: Hermann 1998 and 2001.

Catholic priest was sent to the Spit and the parish started to rebuild the church: pictures of the Stations of the Cross, a new altar and a statue of the Virgin Mary were placed in the church, where Catholic services were regularly celebrated. At the same time the few Protestants of Nida also tried to have sermons given in ‘their’ church. Maria Pinkis, the head of the Protestant parish in Nida, told me:

It was in the early 1990s. We asked the Protestant priest to come to Nida to give a sermon here. But the Catholics did not let us enter the church. We were forced to have our sermon outside the church!

In the following years the Protestant inhabitants of Nida, about 40 individuals, had to realise that ‘their church’ had become a Catholic church and started to think of ways to get it back. The most active woman in this respect was Maria Pinkis. She was born in 1938 as a German girl of Nidden and was one of the few locals who had remained in Nida during the Soviet period. After independence she became the most important ‘contact person’ for the old Niddener and was strongly supported by them in her struggle to reclaim the Protestant church. The same former Niddener woman who had been the driving force in the process of reconstruction of the cemetery gate, namely Lotte Sakuth, became active in the struggle. She wrote to the German Protestant Church to ask for old documents, established contacts with the great-grandson of the German pastor who initiated the construction of Nidden’s church and together with the local Protestants went to visit the Lithuanian Lutheran and Catholic bishops. Their attempts were successful and the Nida Lutheran church was officially returned to the Protestant parish, which is now the legitimate owner of the church and the Lutheran parish hall. The Catholic inhabitants were upset and one local Catholic woman, Barbora Jasinskienė, explained to me:

We were not allowed to practice our religion during Soviet times but now Lithuania is free and we are the majority in Nida. For this reason, the church should be Catholic.

Maria Pinkis, on the other hand, tells about the struggle between Catholics and Protestants from her perspective:

The people on the road with whom I had worked for the last 10 or 20 years did not say hello to me any longer. I asked them why. They told me: “Go away, we don’t want to talk with you.

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You took our church from us!" I answered: "Ha, I took your church away? The church is there and it was built in 1888. Do you have your roots here? This church was never a Catholic one."

After the church became a Protestant church again, the Catholic population was given the right to use the church for their services as well. But this was not without conflict, and the Catholics urged the local politicians and Catholic representatives to build a new Catholic church in Nida. Finally, in 2003, a new, eye-catching Catholic church was built, marking the Catholic presence in the village and the Catholic Lithuanianness of the place and the region.

At the same time, Lotte Sakuth organised help from the former inhabitants and asked them to donate money for the reconstruction of the Protestant church, which then was rebuilt according to original plans and photos. New benches and the pulpit were made from oak wood, the chancel was painted 'Nidden blue', a strong aquamarine, and on the arch over the choir the beatitude "Blessed are the pure in heart for they shall see God" ("Selig sind, die reinen Herzens sind; denn sie werden Gott schauen.")²⁶ was written in the German language as it used to be before the war. The reconstruction of the church upset not only the Catholics, but also the Lithuanian Protestant pastor who was responsible for the church. He is a man in his seventies, a child of a German father and a Lithuanian mother, who had lived in Lithuania during Soviet times and was one of the few Lutheran pastors during that period. He fiercely dislikes the blue of the chancel and argues that biblical quotations in Lithuanian churches should be written in the Lithuanian language. Meanwhile, Lotte Sakuth continued to have the church reconstructed according to her ideas and with the agreement of the Nida parish. In 1992, the reopening of the church was celebrated with a festive service to which Lotte Sakuth had invited the former inhabitants. The reopening was carried out by the Lithuanian Lutheran bishop and a German pastor. The church was filled with old Niddener and their families, who were amazed and happy to see their old church neatly renovated. The struggle over the Nida church shows how the former local inhabitants mobilised various contacts and ways to get 'their church' back. I argue that the key to their success lies in the strategic mobilisation of present-day Lithuanian law on the restitution of church property. Still, their motivation to engage in this legal struggle is based on their conviction of having rights to the church according to the former – pre-World War II – legal order. Their interests

²⁶ *New Testament*, Matthew 5: 8 (from the "Sermon on the Mount").

were supported by powerful transnational actors like the German Protestant Church (EKD), which is interested in supporting the small Protestant Churches in the Baltic States.

Tackling the question of restitution in post-Soviet Eastern Europe, Elazar Barkan shows that restitution politics present a difficult and contested process. He demonstrates that by selecting ‘deserving victims’ for restitution, and distinguishing them from ‘undeserving victims’, legislators and governments have rewritten national identity and favoured some actors over others (Barkan 2000: 112-156). In Lithuania the Catholic Church was the legal entity that received generous, relatively unlimited restitution. It enjoyed the most favourable status in the region as it was a mainstay of Lithuanian nationalism. Thus, the restitution of churches underscored the role of the Catholic Church in reconstructing national identity. Still, as the Nida case has shown, if members of other accepted religious groups can prove that they were the owners of church buildings previously, they may receive the right to restitution as well. Thus, claiming restitution through legal processes based on the present-day Lithuanian law on religion proved to be successful for the Nida case. Local Protestants and former inhabitants worked together as both sides profited from this arrangement. Lotte Sakuth was allowed to reconstruct the church according to her vision of it ‘as it used to be’, and the local Protestants received a place for prayer.

What is more important, the rebuilt church has provided the local Protestants with a new source of income through the high donations made by tourists. During the summer months the church is open to tourists and for many it has become a quiet place to remember their personal lives and the lives of their relatives. Groups of elderly German tourists often come into the church and spontaneously start singing hymns such as ‘Praise to the Lord, the Almighty’. It has become a place for discussing the course of German-Lithuanian history and an object of discussion in itself. A few years ago the German Protestant Church also started to send German holiday pastors to Nida during the summer months. These pastors, who stay for a period of three weeks, are responsible for giving a German Sunday service together with their Lithuanian colleague. In addition, they give guided tours through the church in the morning. Sunday services are well-visited by the German tourists and the church often turns into an emotional ‘site of memory’²⁷ during the service. These tourists are often much moved, as the church and the service in the German language have the power to mobilise old feelings and memories. Thus, the

²⁷ On ‘sites of memory’ see Nora 1996.

example of the Nida church shows that in the process of reappropriating the local church, the small Protestant community, with the help of the former local inhabitants, has turned the church into a powerful 'site of memory' not only for the old Niddener, but also for many Germans whose origins are elsewhere in former East Prussia as well as for an interested – mainly German – tourist public. Indeed, the Nida church has become a place for actively commemorating German cultural and religious heritage in present-day Lithuania.

Further, I argue that for local and national tourist managers, the defeat of the local Catholic population in the struggle over the church was actually an unintended, but welcome economic opportunity, as the church now attracts financially strong tourists. At the same time, with the construction of a new Catholic church which during the summer months attracts Lithuanian tourists the heritage narrative of Catholic Lithuanian dominance and presence in this region can be spread. Ashworth and Tunbridge have argued that heritage sites can be 'multi-sold', i.e. the same physical space can be sold simultaneously as different products to different users and at the same time 'multi-interpreted', i.e. simultaneously interpreted in different ways to different consumers (Ashworth and Tunbridge 1996: 25). According to this understanding, Nidden/Nida's multiple versions of heritage are created by diverse local, national and transnational social actors on the basis of conflicting norms and legal perceptions struggling over the tourist future of the Curonian Spit.

Conclusion

This article has shown that the symbolic reappropriation and interpretation of local heritage in the region under study depends on the particular legal regimes of a specific point in history. The Curonian heritage was interpreted during Nazi times as German-nationalist culture, while during Soviet times it officially represented the hardworking 'working masses' of socialist ideology. As religion was repressed during Soviet times, the religious interpretation of the church and cemetery officially vanished. Towards the end of the Soviet regime, the Lithuanian nationalist interpretation found its expression and continued into Lithuanian sovereignty. In this context religion, and Catholicism in particular, became an important marker of national Lithuanian identity. Reclaiming the local church as a Catholic one thus became an expression of local as well as national Lithuanian identity. The designation of Curonian heritage as a 'World Heritage Site' under the international legal regime of UNESCO has paradoxically supported the nation-

building interests of the Lithuanian state as well. As shown above, this narrative of Lithuanian national heritage is contested by the former German inhabitants, who take the monuments as remains of their German past in the region. When they, together with the local Lithuanian Protestants, reclaimed the church under current Lithuanian law on the restitution of church property, the struggle led into an open conflict between the local Protestants and Catholics. Meanwhile, the newly erected Catholic Church has taken over the symbolic meaning of Lithuanian national identity, while the Protestant church has been turned into a powerful German ‘site of memory’.

Drawing on the struggle over the cemetery and the church, this paper has shown how different social actors base their present-day claims and agency on distinct legal regimes of different periods in history. The former German inhabitants, on the one hand, use the legal framework of the pre-World War II period and the West German legal and political regime as a frame of interpretation when claiming rights to present-day monuments. The current Lithuanian population, on the other hand, refers to their present and former Soviet citizenship rights when claiming places of cultural heritage. Thus, drawing on specific historical legal regimes for legitimising present-day claims and agency has created a specific form of legal pluralism in the present. These processes happen not only in the present, but are constitutive at all times in history when clear traces of pre-existing legal structures contribute to the normative complexity at a given point in time.

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