

# Terezín Declaration – Ten Years Later

*The documentation, identification  
and restitution of the cultural assets  
of WWII victims*

*Proceedings of an international academic conference  
held in Prague on 18 – 19 June, 2019*



Documentation Centre for Property Transfers  
of Cultural Assets of WWII Victims, p.b.o.



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7<sup>th</sup> International Conference

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# Foreword

This conference – the seventh international conference organized by the Documentation Centre for Property Transfers of the Cultural Assets of WWII Victims – focused on a range of questions connected with the spoliation of cultural assets belonging to Europe’s Jews during the Second World War.

The patrons of the conference were Jaroslav Kubera, the President of the Senate of the Czech Parliament; Radek Vondráček, the President of the Chamber of Deputies of the Czech Parliament; Tomáš Petříček, the Czech Minister of Foreign Affairs; and Antonín Staněk, the Czech Minister of Culture.

The conference organizers wanted to commemorate ten years since the signing of the Terezín Declaration, which draws on the principles articulated in the Washington Declaration. This occasion represented an opportunity to evaluate new knowledge related to the identification of spoliated cultural assets, to investigate the different approaches to issues of restitution taken by various countries, and to explore the possibilities for engaging in close international cooperation on matters of provenance research. These goals are reflected in the title of the conference held on 18–19 June: **The Terezín Declaration – Ten Years Later.**

The conference presentations were organized in five separate panels. Besides summarizing and evaluating the situation ten years after the signature of the Terezín Declaration, the presentations also focused on issues of provenance research and restitution processes, the wartime and post-war fates of confiscated library collections, and experience with running

university courses on provenance research. There were also presentations of specific restitution cases involving several original owners.

These conference proceedings contain some presentations that were provided by their authors in full-text form, as well as brief summaries in cases when the authors were unable to send their complete papers by the deadline.

The Second World War is a chapter in contemporary history that remains very much alive even today, as many wounds – whether personal or from family histories – still remain open. Historical and political approaches to the war have to take this fact into account. When conducting research into property transfers of cultural assets during the Second World War, we must remember that many of the affected artefacts were intimately familiar to their owners, as household items which played an integral part in their everyday lives – so researchers not only need to accurately describe and understand the specific societal processes which enabled acts of looting to take place on such an unprecedented scale; their efforts also need to focus on alleviating some of the injustices of the past by restituting the items to their original owners or their descendants – or if this is not possible, they need to help find another honest and fair solution. The organizers of the conference hope that the knowledge shared by the participants will make at least some contribution towards achieving these goals.

# Conference Opening

JAROSLAV KUBERA

*(the President of the Senate of the Parliament of the Czech Republic)*

Your Excellency, ladies and gentlemen, dear international guests,

I am greatly honoured by your invitation to take part in the opening ceremony of this conference, which is being held to mark the 10<sup>th</sup> anniversary of the Terezín Declaration.

If anybody thought that the end of the Second World War, and the gradual restoration of peace, would also lead to a reckoning with the property-related crimes committed during wartime, that person would have been gravely mistaken. These issues – which were already highly complex – were disrupted by the Cold War that divided Europe and the entire world.

It was not until the fall of communism that it again became possible to freely search for ways and means of rectifying the property-related crimes and injustices committed against the victims of the Holocaust. And even that was not enough – so there still remain numerous unsolved cases.

The Terezín Declaration, which had its origins at the end of the Czech Republic's Presidency of the Council of the European Union, was a logical consequence of efforts to atone for evil and to make amends for injustice. I consider the signature of the Declaration (by representatives of 47 countries) to be one of the most important results of our Presidency.

I am not the right person to evaluate what has been achieved in the ten years since the Declaration was signed, or to identify what has not received sufficient support. That is the task of this conference. Nevertheless, I would like to mention two areas that are of relevance to the Declaration.

Antisemitism, Holocaust denial, and attempts to downplay the magnitude of the Holocaust – more than seven decades since the end of the Second World War, all of these evils still exist. In the Czech Republic their manifestations are not as extreme or criminal as in some countries of Western Europe or the USA. Nevertheless, in this country too we can encounter acts of vandalism committed against graves in Jewish cemeteries or memorials commemorating the suffering of our fellow citizens during the Holocaust. I am convinced that the somewhat less problematic situation in the Czech Republic is largely a result of various educational projects for students and teachers, as well as commemorative or cultural events for the general public. I have the deepest respect for the courage

and bravery of those who survived the Holocaust (and those who were rescued by Sir Nicholas Winton as children) who are willing to stand before the younger generation today and pass on their experiences – as witnesses to events whose horror can scarcely be expressed in words. Our gratitude for all these educational activities goes out to Jewish communities and institutions such as the Terezín Memorial, the Jewish Museum, the Terezín Initiative Institute, the Israeli embassy, as well as other organizations and individuals.

Nevertheless, all these activities (just like the provision of social care to survivors and other services) have to be funded from somewhere. And that is the next area I would like to mention.

The immoral legislation on the taxation of financial compensation to churches and religious communities (Act no. 125/2019 Sb.) was approved by the Czech Parliament (with the vocal support of the communists in the current coalition) despite majority opposition from the Senate. The law has been signed by the President, and it is set to come into effect on 1 January 2020. This law represents a severe blow to the continuity of the restitution process, hindering the return of confiscated property and as a consequence, also hindering the independence of churches and religious communities from the state. But above all, the new law destroys the confidence of the victims of these thefts that the state will be constrained by the rule of law, and that their legally justified expectations of compensation will be met. In response to this undemocratic absurdity, two appeals have been lodged with the Constitutional Court. I am confident that the court will rule in favour of justice and the rule of law.

Ladies and gentlemen, for this reason I am delighted that this conference is drawing on ten years' experience in an attempt to define what the problems are and how they can be solved and rectified. Let us not forget that crimes that have not yet been atoned for nevertheless remain crimes – and if such crimes still remain unaddressed, we cannot speak of a resolution, of an end to suffering.

I would like to wish this conference many new stimuli and fruitful discussions; it is my wish that anything that possibly can be rectified should be rectified. Only in that way can we prove that – whether through restitutions or otherwise – we are serious about our reckoning with the past.



# Holocaust property restitution in France: assessment and prospects

FRANÇOIS CROQUETTE

*(French Ambassador at large for Human rights, in charge of Holocaust issues)*

I am honoured to be here in Prague to mark the 10<sup>th</sup> anniversary of the Terezín Declaration. For the French government, which signed the Declaration very early on, 2019 is actually a double landmark as we are also celebrating the 20<sup>th</sup> anniversary of the French compensation body, the *Commission interministérielle d'indemnisation des victimes de spoliations antisémites* – or CIVS.

On this occasion, I would like to strongly reaffirm our determination to speed up the work of identifying and restituting the works that were stolen by the Nazis. Indeed, it has been a long story, much too long. Immediately after the war was over, the French Ministry of Foreign Affairs was given the task of locating, repatriating, and returning property looted during WWII.

Two-thirds of the 100 000 works that were reported stolen were found quite quickly, and most of these works were returned to their owners. However, for lack of any clear identification, nearly 2 000 of them remained orphans. While waiting to be claimed or to be searched for, they were housed in national museums and registered under a specific inventory, known as the “MNR”.

But since then, only a hundred of these works have been returned to their lawful owners. We have to be very clear about what we have achieved: it is not good enough.

As for the works that were never found, we have not given up on searching for them. Some of them have likely been destroyed. But others, which might have been hidden by the plunderers, reappear on the market, as a painting by Koninck did recently in New York, or resurface in the wake of unexpected events.

We all recall the shock that was caused in Germany and Austria by the discovery, in 2012, of the so-called “Gurlitt Trove”, named after the art dealer and Nazi accomplice Hildebrand Gurlitt.

A double task therefore still awaits us: identifying the legitimate own-

ers of the works considered orphans, and trying to find the works that have been identified but are still missing.

In 1998, France took an active part in drafting the Washington Declaration. Though the principles that it laid down were non-binding, it represented an important step for launching an international mobilization. So was of course the Terezín Declaration.

Ten years on, to give a new impetus to France's actions in this domain, the Prime Minister has decided to launch a more ambitious and effective mechanism of searching for and returning these works. Less than a year ago, on the occasion of the commemoration of the Vel d'Hiv arrests, he announced that the CIVS would widen its scope of investigation to include cultural works, and that the Ministry of Culture would set up a new body.

This taskforce, the *Mission de recherche et de restitution des biens culturels spoliés entre 1933 et 1945*, is now up and running. The provenance research work is therefore focused within one single body, relying on the expertise of both the CIVS and the Ministry of Culture. There is a clear public policy of restitution pursued by the French government. The victims or their heirs can file a request with the taskforce, which can also act on its own initiative.

The taskforce has been granted an initial budget of 200 000 €. It will investigate the remaining MNR works but also the national collections. This signals a new approach, and possibly paves the way for exceptions to the rule of inalienability which governs state museums' collections.

The Ministry of Europe and Foreign Affairs, which maintains the archives of the stolen goods, will of course continue to carry out its mission. To help with the researchers' work, it will digitalize its records and strive to make them accessible to a wider readership. For instance, rare documents from our archives are currently on show for visitors to the latest exhibition in the Centre Pompidou on the looting of an art gallery run by Paul Rosenberg, who took shelter in New York during the war.

So we now have a clear political mandate from the French government, a new public institution. The last element of this renewed strategy is international cooperation. At the beginning of this year, the CIVS joined a network of European Restitution Committees On Nazi-Looted Art. This network brings together teams from Germany, the Netherlands, Austria, France and the UK, and its members met in April for their first working session. One month later, a bilateral cooperation agreement was signed between the CIVS and the German DZK. And next November, the CIVS will

organize an event to mark its 20<sup>th</sup> anniversary, involving its international partners.

We hope that this new impetus will enable us to engage actively with the network of foreign authorities and institutions, like the *Jewish Claims Conference*, the *Commission for Looted Art in Europe* and the *Commission for Art Recovery* – and, of course, the victims’ families and associations – so that the Terezín Principles can be implemented and so that, at long last, stolen works of art can be handed over to their rightful owners.

JAN ROUBÍNEK

(Director of the Terezín Memorial)

Dear colleagues, dear guests,

I am here at this conference as a representative of the Terezín Memorial, whose task for the past 72 years has been to commemorate the horrors of the Nazi tyranny in various ways. Between 1941 and 1945, as part of the so-called “final solution of the Jewish question”, over 150 000 citizens of many European countries were deported to Terezín because the Nazis’ Nuremberg laws classified them as Jews. The vast majority of them did not survive. Some of them died already at Terezín, while others were murdered in the concentration and extermination camps to which they were later deported (mostly along with their families). After the war, those who had managed to survive had above all to deal with the traumatic loss of their loved ones. It was only later that they were able to address the question of restitution, to regain possession of property that had been stolen by the Nazi regime. Unfortunately, in the former Czechoslovakia, these efforts at restitution mostly came to nothing – primarily due to the communist regime’s seizure of power. Under the communist dictatorship, conditions for restitution were utterly inadequate, and the authorities showed a complete lack of interest in even addressing these issues.

After the Velvet Revolution of 1989, which symbolized the collapse of the communist dictatorship in Czechoslovakia, the issue of restituting property stolen from Jewish owners by the Nazis was finally addressed; in 1992 the Federation of Jewish Communities of the Czech Republic took the first steps towards this goal. These efforts culminated in the *Act on the alleviation of selected property-related injustices caused by the Holocaust* (Act no. 212/2000 Sb.), which was approved by the Chamber of Deputies of the Czech Parliament on 24 May 2000 and by the Senate on 23 June 2000. The Terezín Declaration of 2009 was thus responding to an issue that had already been addressed by Czech legislation. Of course, it was necessary to strive towards the introduction of legislation in other countries that were signatories of the Declaration where such legislation would help these issues to be adequately addressed.

Ten years ago, representatives of 46 countries met in Prague and in Terezín on the occasion of the Czech Republic’s Presidency of the Council

of the European Union. These representatives signed the Terezín Declaration, which recommended to the governments of the signatory states that they should actively address issues which had unfortunately remained of great poignancy and urgency for Jewish community organizations in countries formerly occupied by the Nazis. These organizations – representing European Jewish communities that had been devastated by the Shoah during the Second World War – operated in very diverse circumstances, with greatly differing legal options available to them for the restitution of stolen property.

Taking the form of recommendations to the signatory states, the Terezín Declaration tasked its signatories with addressing issues connected with social provision for the survivors of the Shoah and other victims of Nazi persecution, as well as issues connected with the restitution of immovable property (which was entrusted to the European Shoah Legacy Institute – ESLI). Another key element in the Declaration was the need to look after abandoned Jewish cemeteries and former community burial sites that had been destroyed when the members of the community were murdered. An equally important aspect was the search for artworks that had been confiscated and looted by the Nazis, as well as Judaica, other Jewish cultural property, and archive materials. The Declaration placed considerable emphasis on the need for education, research and commemoration of the tragic events of the Shoah period and the memorial sites associated with it.

The governments of some signatory states had already acted in accordance with the spirit of the Declaration even before signing it. However, other signatory states failed to act in accordance with the Declaration – even after the Declaration came into force. The question of to what extent the principles of the Terezín Declaration have been respected at a national level must be left to your own judgement, and it will be addressed in some of the papers that we will hear at this conference. Here in the Czech Republic, for example, we greatly regret the failure to build the European Shoah Legacy Institute at Terezín, and in several specific cases we learned from the media that even some renowned institutions were vehemently opposing the restitution of artworks that had clearly and demonstrably been confiscated and looted during the Nazi occupation. On the other hand, many successes have also been achieved in the fields of education and research – in accordance with the spirit of the Terezín Declaration. We have also succeeded in securing funds to cover the growing need for social

care provision for the elderly survivors of the Shoah in the Czech Republic. Of particular note is the work of the Documentation Centre for Property Transfers of the Cultural Assets of WWII Victims.

I look forward to hearing your presentations, and I am confident that this conference will help in reaching future solutions to property-related issues caused by the Nazis' vast looting of Jewish-owned property. I know that much work still awaits us all, but I also know that we will manage to achieve further progress in dealing with these painful issues – and in at least partly making amends for injustices that should never be forgotten.

Thank you for your attention.

# Welcoming remarks at the conference on looted art in Prague

by STUART E. EIZENSTAT and TOM YAZDGERDI

As the expert adviser to the State Department on Holocaust-era issues, the chief negotiator for the U.S. government of the 1998 Washington Conference Principles on Nazi-Confiscated Art and the Terezín Declaration of June 30, 2009, and as the State Department special envoy on Holocaust issues, respectively, we congratulate the Documentation Centre for Property Transfers of the Cultural Assets of WWII Victims on the organization of this conference in Prague on the 10<sup>th</sup> anniversary of the Terezín Declaration, with a special focus on Nazi-confiscated art.

This conference of experts is particularly timely. To its great credit, the government of the Czech Republic at its highest levels organized the Prague Conference on Holocaust-Era Assets from June 26 to June 30, 2009, which involved 47 nation states, experts and non-governmental organizations, and resulted in the landmark Terezín Declaration. Now almost exactly 20 years later, your conference will do a stocktaking on progress on a major aspect of the 2009 conference – Nazi-confiscated and looted art and cultural property. It is also timely because your conference will provide information to assist the State Department in complying with the Justice for Uncompensated Survivors Today (JUST) Act of 2017. The JUST Act requires the State Department to report to Congress by November 2019 on steps the signatory countries have taken to implement the Terezín Declaration, including the return of assets or compensation to Holocaust survivors. Moreover, your conference will add a sense of urgency as the number of survivors is declining with each passing day, and action is needed now.

The Terezín Declaration made important advances to the Washington Conference Principles on Nazi-Confiscated Art by clarifying that the Washington Principles included art and cultural property that was confiscated, sequestered and spoliated by the Nazis and their collaborators by various means, including “theft, coercion, and confiscation, and on grounds of relinquishment as well as forced sales and sales under duress”. It also made clear that the Washington Conference Principles were intended to cover “all parties including public and private institutions and individuals”. It placed special emphasis on “intensified systematic provenance research”,

recognizing that “restitution cannot be accomplished without knowledge of potentially looted art and cultural property”, and it stressed the importance of achieving “just and fair solutions”; the resolution of claims “expeditiously and based on the facts and merits of the claims”; and that “governments should consider all relevant issues when applying various legal provisions that may impede the restitution of art and cultural property in order to achieve just and fair solutions, as well as alternative dispute resolutions, where appropriate under law”.

We also applaud the Documentation Centre for organizing this conference to provide further momentum from the conference held in Berlin in November 2018: “20 Years of the Washington Principles: Roadmap for the Future”, in which we both participated. That conference highlighted both the significant successes in implementing the Washington Conference Principles on Nazi-Confiscated Art and the Terezín Declaration, as well as the gaps and deficiencies, and it gave emphasis to encouraging the more fulsome implementation of the moral commitments made by the signatory states to return or compensate for Nazi-confiscated art and cultural property.

We wish you a successful conference and look forward to learning the results.





# Session 1

## **The Terezín Declaration – Ten Years Later**

**CHAIR: JAN ROUBÍNEK**  
*(Terezín Memorial)*

# The argumentative aspects of the Terezín Declaration and its place in public international law

KAMIL ZEIDLER and AGNIESZKA PLATA  
(University of Gdańsk)

1. The Terezín Declaration on Holocaust-Era Assets and Related Issues adopted at the Prague Conference on Holocaust-Era Assets (2009) is a very important document in the catalogue of soft law concerning the restitution of cultural property. The aim of this article is to consider the place and importance of this normative act in the system of public international law – if it has any. The argumentative aspects of the Terezín Declaration will be investigated, and we will consider the question of how it could be promoted today.

Up until recent times, history used to be treated as a string of facts immune from any alteration or reinterpretation.<sup>1</sup> However, over the years it has been becoming clearer that the past has the power to shape present identities, and that it is actually created by contesting perspectives.<sup>2</sup> That idea has led to a situation in which history has become a subject for open political debate – also concerning the negotiation of historical injustices. In fact, the Terezín Declaration is a continuation of such a discourse. It reaffirms international intentions to address the trauma of Holocaust survivors and other victims of the Nazi regime – after the efforts of the 1997 London Nazi Gold Conference, the 1998 Washington Conference on Holocaust-Era Assets, the 2000 Stockholm Declaration, and the October 2000 Vilnius Conference on Holocaust-Era Looted Cultural Assets. As an international voice regarding the possible alleviation of historical injustice, the Terezín Declaration deserves analysis of its argumentative aspects and its place in public international law.

2. Dealing with the argumentative aspects of the Terezín Declaration, we

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1 E. Barkan, *The Guilt of Nations: Restitution and Negotiating Historical Injustices*, Maryland 2000, p. X

2 *Ibid.*, p. X.

have to stress that the Declaration consists of numerous developed arguments, proving the need to protect the welfare of Holocaust survivors and other victims of Nazi persecution but also stressing the necessity of certain actions regarding immovable property, Jewish cemeteries and burial sites, Nazi-confiscated and looted art, Judaica and Jewish cultural property, archival materials, and sites of education, remembrance, research and memorial. Regarding the argumentative aspects, it is crucial to observe that the undeniable trauma experienced by the generations affected by the Holocaust and the Nazi terror remains a profound and general motive underlying the text of Terezín Declaration.

Moreover, the place where the Declaration was signed holds a deep – even performative – meaning, which reinforces the substantial sense of the act itself. In a symbolic sense, the argumentative layer of the Declaration remains bonded with the historical memory of these tragic events. That belief is mirrored expressly in the text of the Declaration: “we the representatives of 46 states listed below met this day, June 30, 2009 in Terezín, where thousands of European Jews and other victims of Nazi persecution died or were sent to death camps during World War II”.

The argumentation behind particular regulations contained in the Declaration should be traced from the perspective of the structure of the act. The Declaration begins with a general preamble consisting of: 1) citations, indicating previous initiatives and international agreements and soft law documents which constitute the general basis for the text in question; i.e. the achievements of the 1997 London Nazi Gold Conference, the 1998 Washington Conference on Holocaust-Era Assets, the January 2000 Stockholm Declaration, the October 2000 Vilnius Conference on Holocaust-Era Looted Cultural Assets, and the deliberations of the Working Groups and the Special Session on Social Welfare of Holocaust Survivors; 2) recitals, setting out the reasons for the content of the enacted terms.<sup>3</sup> Citations enable one to place the Declaration within the order of public international law and to evaluate its scholarly and historical origin, whereas recitals – which in fact are not only implanted in the preamble but also appear throughout the whole act – create the argumentative core of the Declaration.

The text of the preamble indicates several fundamental ideas, ex-

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**3** The terms “preamble”, “citations” and “recitals” mirror the structure of primary international agreements; however, in the structure of the Terezín Declaration they remain less formalized, as they are implanted into the entire text of the Declaration.

pressed in the form of recitals, that underlie the text of the Terezín Declaration. Thus, the Participating States recognized that Holocaust (Shoah) survivors and other victims of the Nazi regime and its collaborators suffered unprecedented physical and emotional trauma, noted the importance of restituting communal and individual immovable property that belonged to the victims of the Holocaust, and recognized the rise of anti-Semitism and Holocaust (Shoah) denial. The text of the preamble sets the context for the Participating States' acceptance of the Declaration – it accentuates the need for justice, as well as the need to actively monitor changes in society.

The scope of the subjects covered by the arguments used in the Declaration is as follows: 1) protecting the welfare of Holocaust survivors and other victims of Nazi persecution, 2) preserving Jewish cemeteries and burial sites, 3) resolving legal issues concerning Nazi-confiscated and looted art, immovable property, Judaica and Jewish cultural property, 4) archival materials, sites of education, remembrance, research and memorial. The above-mentioned ordering is mirrored in the structure of the Declaration, which is divided into sections concerning these specific issues.

**3.** First of all, let us address the argument from justice as the foundation for the Terezín Declaration. The modern sense of justice is rooted in the Enlightenment idea that human rights are granted to individuals.<sup>4</sup> However, the present international development of that thought indicates that such rights may be also applied to groups.<sup>5</sup> This idea leads to a conclusion that although protecting individual human rights is necessary, limiting such protection to individuals is not sufficient, as people naturally are not able to fully benefit from human rights regulations if their identity, resulting from belonging to a certain group, remains neglected or violated.<sup>6</sup> Importantly, the Terezín Declaration covers both individual rights and the protection of groups, e.g. Jewish communities. Needless to say, the actions experienced by Holocaust survivors and other victims of Nazi persecution were fundamentally wrongful in both legal and moral senses. Having agreed on that, the Participating States decided that these actions require reparative consequences – both to affected individuals and to groups.

The tragic historical context of the Terezín Declaration intuitively leads

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<sup>4</sup> E. Barkan, *The guilt of nations...*, p. XX.

<sup>5</sup> *Ibid.*, p. XX.

<sup>6</sup> *Ibid.*, p. XX.

one to believe that the very core of the argumentation – and the spirit of the Declaration itself – lies in the argument from justice. Reasons appealing to moral duties appear in relation to all aspects regulated in the Declaration. They are present in the preamble, but they are also reinforced in particular sections. The atrocities committed during World War II, marked by unprecedented cruelty, infringed both the moral and legal order, and this – as the Participating States have agreed – needs to be amended. The moral obligation to provide justice for Holocaust survivors and other victims of Nazi persecution is the key reason why the Participating States agreed on the importance of the Declaration.

The ideas for the practical restoration of justice are presented in the text of the Declaration as: 1) recognition of the physical and emotional trauma suffered by Holocaust survivors and other victims of the Nazi regime and the immeasurable damage sustained by individuals and Jewish communities as a result of wrongful property seizures during the Holocaust; 2) assuring active attempts to repair the above-mentioned historical injustices by acting in fields indicated in the Declaration.

The argumentation from justice is present in the Declaration in the form of an acknowledgement of the suffering experienced by the victims of the Nazi regime: “Recognizing that Holocaust (Shoah) survivors and other victims of the Nazi regime and its collaborators suffered unprecedented physical and emotional trauma during their ordeal, the Participating States take note of the special social and medical needs of all survivors and strongly support both public and private efforts in their respective states to enable them to live in dignity with the necessary basic care that it implies.”

The text also accentuates the illegality of the actions that led to violations of ownership of the victims of Nazi persecution: “Noting the importance of restituting communal and individual immovable property that belonged to the victims of the Holocaust (Shoah) and other victims of Nazi persecution, the Participating States urge that every effort be made to rectify the consequences of wrongful property seizures, such as confiscations, forced sales and sales under duress of property, which were part of the persecution of these innocent people and groups, the vast majority of whom died heirless.”

Moreover, the argument from justice appears in the Declaration as a description of actions that are demanded: “the Participating States affirm an urgent need to strengthen and sustain these efforts in order to ensure

just and fair solutions regarding cultural property, including Judaica that was looted or displaced during or as a result of the Holocaust (Shoah).”

What is more, the Participating States recognize the modern rise of anti-Semitism and Holocaust denial. Implementing that social context into the Declaration signalizes that these issues – which are perpetrated against the victims and survivors of the Holocaust and the Nazi regime – are noticed, criticized and fought against in the name of preserving justice.

4. Secondly, arguments used in relation to restitution or compensation. Restituting or compensating Holocaust-related confiscations committed during the Holocaust era still remains an unsolved matter.<sup>7</sup> Restitution is still a subject of dispute within the space designated by the terms of argumentative discourse. Arguments from ownership and cultural affiliation are clearly present in the Declaration in passages mentioning the damage sustained by individuals and Jewish communities as a result of wrongful property seizures during the Holocaust era.

According to the concept of natural law, human freedoms and rights are applicable to every person naturally – and so are rights of ownership.<sup>8</sup> In consequence, no person may be effectively pressured into actions which are not required or prescribed by law (in democratic systems, it is considered necessary for any exceptions to be strictly defined by legislation).<sup>9</sup> The above-mentioned reasoning is mirrored in the Declaration: “Noting that the protection of property rights is an essential component of a democratic society and the rule of law”.

A critical aspect of making amends for such illegal and unjust actions is defining the object of restitution and determining who are the rightful claimants.<sup>10</sup> Following the concept of justice as valid to individuals and groups, the Terezín Declaration applies argumentation for expected restitution or compensation both to groups and individuals – as is stated in recitals in the section regarding immovable (real) property: “Acknowledging the immeasurable damage sustained by individuals and Jewish com-

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7 See: B. Demarsin, *Let's not talk about Terezín: restitution of Nazi-era looted art and the tenuousness of public international law*, “Brooklyn Journal of International Law” 2001, Vol. 37, Issue 1, p. 118-185.

8 K. Zeidler, *Restitution of Cultural Property: Hard Case, Theory of Argumentation, Philosophy of Law*, Gdańsk University Press-Wolters Kluwer, Gdańsk-Warsaw 2016, p. 146.

9 *Ibid.*, p. 146.

10 E. Barkan, *The Guilt of Nations...*, p. 4.

munities as a result of wrongful property seizures during the Holocaust (Shoah)” and “Recognizing the importance of restituting or compensating Holocaust-related confiscations made during the Holocaust era between 1933-45 and as its immediate consequence”.

When it comes to issues applicable to groups, the Participating States agree that the restitution of real property and other cultural objects is crucial in order for Jewish culture to thrive locally. The justification for the expectation of return or compensation when it comes to wartime spoliations also lies in the argument from cultural affiliation:<sup>11</sup> “Noting the importance of recovering communal and religious immovable property in reviving and enhancing Jewish life, ensuring its future, assisting the welfare needs of Holocaust (Shoah) survivors, and fostering the preservation of Jewish cultural heritage”.

Article 2 of the section dedicated to immovable (real) property combines multiple arguments presented broadly in restitution cases, such as the argument from ownership and justice – by addressing the legal title of former owners, heirs or successors; modelling the resolution of particular cases as fair, comprehensive and non-discriminatory; and setting standards for the process of restitution as neither burdensome nor costly.

Nazi practices depriving generations of their fundamental human rights remain shocking, while atrocities regarding ownership rights unlawfully altered the fate of countless possessions. In the aftermath of World War II, traumatized survivors asked dramatic questions about their future, wondering: “As long as we are denied our rights, our liberation remains incomplete” and continuing: “Who gives you the right to tolerate a situation in which the Nazis look down from the windows of our houses and we must stand aside?”<sup>12</sup>

Decades later, the international community acknowledges the need to address the trauma experienced by survivors of the Holocaust; continues to recognize the wrongfulness of actions that led to victims of Nazi persecution and their heirs being deprived of their property; and supports these statements with developed arguments.

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**11** See: K. Zeidler, *Restitution of Cultural Property...*, p. 167-170.

**12** Jewish newsletter, July 6, 1946 [in:] F. Stern, *The Whitewashing of the Yellow Badge: Anti-semitism and Philosemitism in Postwar Germany*, Oxford 1992, p. 96.



**5.** To conclude, the Terezín Declaration is not an international agreement in the sense of a legally binding act and a source of public international law. However, it is a very important normative act supporting the idea of historical justice and occupying a crucial position in the catalogue of soft law applicable to restitution. All the arguments we can find within the Declaration are very important, and it is hard not to accept them in restitution discourse which still remains ongoing. That is why we have to mention the Declaration in all restitution cases concerning victims of WWII, and the Declaration needs to be widely promoted thanks to the values it expresses; a “just and fair” solution is important not only for restitution cases involving WWII victims, but for restitution cases in general.

# Ten Years After: Ten Years of Funding of Provenance Research in Germany

UWE HARTMANN

*(Deutsches Zentrum Kulturgutverluste)*

## **(Summary)**

The state funding of Provenance Research with the aim to identify art that had been confiscated in the era of National Socialism was started in Germany in 2008.

This funding have come the most effective way to bring the “Washington Principles” into action. If only a few German museums and libraries handled provenance research in 2008, ten years later nearly 200 institutions are doing this work. In this time were not only a lot of research results of the history of artworks and other cultural goods and the historical circumstances of purchases, acquisitions and losses achieved, but also a complex research infrastructure.

This presentation would like to take stock of what has been achieved and what further progress needs to be made on in the next years in Germany.

# **The Terezín Declaration – ten years on: developments in Austria**

HANNAH M. LESSING

*(National Fund of the Republic of Austria for Victims of National Socialism)*

Since the Prague Conference on Holocaust-Era Assets and the inception of the Terezín Declaration in 2009, Austria has made significant progress in terms of restitution. The Terezín Declaration, although not legally binding, has remained a document of great symbolic value. Austria endorsed the Terezín Declaration in 2009, followed by the Guidelines and Best Practices in 2010.

In my capacity as Secretary General of the National Fund of the Republic of Austria for Victims of National Socialism, I would like to give you – with a special focus on the National Fund – a brief insight into Austria's efforts in coming to terms with the Nazi past and the developments that have taken place in recent years.

## **Supporting the survivors**

Providing recognition and support to surviving victims of Nazism has been a key concern of the National Fund since its establishment in 1995. Approximately 30 000 survivors of Austrian origin have contacted the National Fund since then, and a total 157 million Euros have been disbursed between 1995 and 2019 as a symbolic recognition. Furthermore, since 2001 the National Fund has disbursed over 175 million Euros as compensation for seized tenancy rights. In addition, the National Fund has supported projects and programmes benefiting the survivors.

## **Holocaust remembrance and education**

Since its beginnings, the National Fund has been entrusted with fostering Holocaust remembrance and education in Austria. Funding projects is a central task. Many projects build a bridge from the past to the present and create new opportunities to learn from history. Since 1996, we have subsidi-

dized around 2 100 projects worldwide with a total of around 30.8 million Euros.

Presently, the National Fund is engaged in coordinating the modernization of the Austrian exhibition at the Auschwitz memorial. This is a highly symbolic project: the new exhibition will not only portray the fates of Austrian victims at Auschwitz, but it will also show the involvement of Austrians in the perpetration and facilitation of the crimes committed there.

### **Restoration of the Jewish cemeteries in Austria**

December 2010 saw the establishment of the Fund for the Restoration of the Jewish Cemeteries in Austria, which is administered by the National Fund. Many Jewish cemeteries – around 60 throughout Austria – are in a poor condition; they were destroyed in the years following 1938. Most members of the Jewish communities were forced to emigrate; others were deported and murdered. After the war, no one was left to take care of the graves and monuments. They were neglected for decades. The restoration of the Jewish cemeteries is a project of great symbolic value. Taking care of our ancestors' burial sites today is an important expression of respect: *“The lives of the dead lie in the memories of the living.”*<sup>1</sup>

In 2011, in line with Austria's commitment in the Washington Agreement, the federal government began to release the funds necessary to support the restoration. Since then, a total of around 6.1 million Euros of federal funds have enabled measures to be taken to preserve the Jewish cemeteries throughout Austria.

### **Restitution measures and the General Settlement Fund**

In the words of Peter Moser, the former Austrian ambassador to the United States, *“Restitution must take place before wounds can be healed.”* Within the scope of the General Settlement Fund, which is administered by the National Fund, compensation payments have been made in various categories of assets.

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1 Marcus Tullius Cicero: *Orationes Philippicae* 9, 10.

The General Settlement Fund has offered two forms of compensation. A Claims Committee has adjudicated on claims for monetary compensation; payments have been made in various categories of assets. An Arbitration Panel has been available to recommend the restitution of publicly owned assets, predominantly real estate. Today, the General Settlement Fund has almost completed its work: about 215 million U.S. dollars has been disbursed to around 25 000 beneficiaries.

The Arbitration Panel for in rem restitution established with the General Settlement Fund has ruled on more than 2 300 applications, including 140 recommendations for the *in rem* restitution of property. Roughly estimated, the total value of the real estate which has been recommended for restitution by the Arbitration Panel comes to around 48 million Euros, equalling an estimated 880 000 square metres.

## **Art restitution**

Since the end of the war, seven restitution acts, two artistic and cultural assets settlement acts, and other measures have been enacted in Austria. Yet in 1998 there were still objects in the collections of the Austrian Federal Museums that had a questionable provenance – and not only in the federal collections.

In December 1998, the Washington Conference on Holocaust-Era Assets was held. In the closing declaration, the participating states – including Austria – undertook to put comprehensive measures in place to identify and restitute looted artworks.

In 1998, Austria enacted the *Act on the Restitution of Art from the Austrian Federal Museums and Collections* (the Art Restitution Act) enabling the restitution of looted works of art held in the Austrian Federal Museums and collections. With an amendment in 2009, the Act was extended to also include other movable cultural assets. The Art Restitution Act was pioneering in its field because it provided an explicit legal basis for the restitution of looted art: looted works of art held in the Austrian Federal Museums and collections can be restituted if recommended by the Art Restitution Advisory Board.

Two commissions have been installed in which the National Fund acts as a critical observer and helps to find the heirs to looted art. The Art Restitution Advisory Board, established at the Federal Chancellery, convenes

several times a year. Following its examination of the cases placed before it, it issues recommendations, based on the meticulous work of the Commission for Provenance Research.

The Art Restitution Act furnishes the competent federal minister with the authority to grant restitution. Even though there is no statutory obligation to restitute, the recommendations of the Advisory Board are regularly implemented.

In recent years, experts have examined the provenance of vast numbers of artworks from Austrian Federal Museums and collections, and many of these objects have been restituted. The Fund supports historians during their investigation of possible owners.

The Art Restitution Act assigned to the National Fund the task of selling items for which no heirs could be traced. The heirless items are transferred to the National Fund and sold, with the proceeds being used to benefit survivors.

### **Best practice**

In our experience, the most practical approach has proven to be the repurchase of the heirless items by the institutions who, in return, pay the estimated value to the National Fund. This practice has proved especially practical in the case of looted books whose heirs often can no longer be traced.

We pay out the proceeds of these sales to persons who are most entitled to them – people who have suffered persecution and require our assistance, especially in their old age.

Meanwhile, several institutions that are not subject to the Art Restitution Act – such as universities or private museums – have decided to cooperate with the National Fund on a voluntary basis, leading to several restitutions. The National Fund supports these endeavours by facilitating contacts between institutions and potential heirs and supporting the restitution process.

### **The art database**

The transfer of art to the National Fund for sale to benefit the victims is always a last resort: before the artworks are auctioned to raise funds for the

victims, the National Fund endeavours to reach persons who are possibly entitled to restitution. No rightful owner, no heir, should be deprived of receiving something to which they are entitled, generally an heirloom of great personal value.

To reach as many original owners (or at least their heirs) as possible on an international scale, in 2006 the National Fund set up an online art database at [www.artrestitution.at](http://www.artrestitution.at). The records in the database pertain to various kinds of artistic and cultural items. With the assistance of this website, which currently contains more than 9 000 objects, it has become possible to conduct targeted searches for looted objects decades after their seizure. Even an heir who has barely any information about an artwork his family once owned, and who has only heard of its existence from relatives, has a chance of finding clues about its whereabouts.

In some cases of looted art, the search is successful: there have already been several cases in which missing heirs have been traced. It is one of the most pleasant aspects of my work when a piece of art can be returned to the children or grandchildren of the person from whom it was stolen decades ago.

I remember an impressive case when a painting from the Vienna Museum was restituted in 2009: “Der Liebesbrief” (“Love letter”), painted by Johann Nepomuk Schödlberger in 1836. I had the honour of taking the painting to Israel and returning it to Fredi Weiss, the heir of the original owners Ignaz and Clothilde Schachter. It was wonderful to see how moved he was to hold in his hands this long-lost piece of art which had once belonged to his ancestors.

There are many more Jewish survivors missing artworks or cultural objects that were part of their family life – pieces often so dear to them that the emotional loss far exceeds the material value of the items.

## **Development and status quo**

In the 20 years since it first convened, the Art Restitution Advisory Board has in 93 sessions recommended or rejected the restitution of numerous objects. Around 62 000 objects have been returned to their former owners or their legal successors, including many items such as books, manuscripts, photos and negatives, autographs or maps from the holdings of the Austrian National Library.

The first restitutions to take place based on the Art Restitution Act involved many well-known collectors: Louis Rothschild, Oskar Bondy, Rudolf Gutmann, Moritz Kuffner, Anton Lanckoronski, Erich Lederer and Ferdinand Bloch-Bauer, to name but a few. Today, the items that are restituted are often of little material value. But it is precisely this that makes one thing clear: the art looted by the Nazis was looted from the very heart of society, from all classes, not only the wealthy.

## **Challenges and desiderata for the future**

Although more than 70 years have passed since the fall of National Socialism in Austria and Germany, nationalism, racism and anti-Semitism are today sadly still topics which influence and affect Austrian society.

Since 2009, Austria has taken decisive steps in the spirit of the Terezín Declaration. The National Fund has been able to contribute to reconciliation, remembrance and Holocaust education as well as to Austria's efforts in supporting the surviving victims of National Socialism. Nevertheless, there is still much which remains to be done.

In the field of art restitution, it will certainly be a challenge to ensure that provenance research continues in the future – even in cases of less material relevance. One major issue will be those items under private ownership that are not subject to the Art Restitution Act. As for these, restitution is not a question of law but of conscience. In this field, it will be necessary to sharpen public awareness and to call upon the moral responsibility of civil society.



# Restitution: the difficulties and the realities

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*(Commission for Looted Art in Europe)*

WESLEY A. FISHER

*(Conference on Jewish Material Claims Against Germany, World Jewish Restitution Organization)*

Five years after the 2009 Terezín Declaration, the Claims Conference-WJRO published a survey of progress in the 47 countries that had endorsed it. The main finding was that only a third of the countries for which there was information had made any progress in implementing the Declaration. But this only covered provenance research and related activities, not claims processes and restitution.

Others at this conference are discussing provenance research, in which there has indeed been some progress. But the situation in regard to claims processes and restitution is much, much worse.

## **The Terezín Declaration**

The very clear focus of the Terezín Declaration was on restitution and on ways to make that more possible and more frequent. The Terezín Declaration stated that by 2009, only a part of the cultural property confiscated by the Nazis had been recovered.

It reiterated much that had been stated and agreed since 1998 – in the 1998 Washington Principles on Nazi-Confiscated Art, the 1999 Council of Europe Resolution 1205, the 2000 Vilnius Forum Declaration and the 2003 European Parliament Resolution – but went beyond those previous statements to be very specific about where we had reached and what needed to be done.

It named the forms of loss to include confiscations, but also forced sales and sales under duress. It urged both public and private collections alike to follow the Washington Principles. It urged countries not just to undertake provenance research but to publish it and not to wait until it was completed before publishing it. It recommended that mechanisms to

help claimants and to facilitate just and fair solutions be established, and it urged that claims be resolved expeditiously based on the facts and merits of the claims. It stressed that there was an urgent need to strengthen and sustain efforts to ensure just and fair solutions.

And, in case what was meant by a just and fair solution was in any doubt, the Terezín Declaration re-stated what it called the fundamental “moral principle that art and cultural property confiscated by the Nazis from Holocaust (Shoah) victims should be returned to them or their heirs ... in order to achieve just and fair solutions”.

Those who were at the Berlin Conference in November 2018 to mark the 20<sup>th</sup> anniversary of the 1998 Washington Conference will have heard Stuart Eizenstat, the architect of the Washington Principles, stress that this was the correct interpretation of the concept of the “just and fair solution”.

### **Provenance research and publication**

As regards research, there is certainly more provenance research now being undertaken than prior to 2009. Primarily, this is in the few countries which were already undertaking research before that date, but there have been positive developments in, for example, Croatia and Slovenia, two countries that previously were not doing such research. Although Russia does not make its information public and will not reconstitute, it does appear that at least lists of trophy works in its various public collections have been compiled.

As regards publication of the research: the Terezín Declaration called for publication of ongoing research, but even in the countries which are undertaking provenance research, there still is no consistent and intensified publication of provenance research, except sporadically, and publication of new research is not highlighted, so it remains hard to know when new information has become available. As regards publishing ongoing provenance research, there continues to be a reluctance to publish ongoing research or to publish lists of works that have some doubts or gaps in their provenance.

But if victims of the Nazis are to find their works of art and be able to recover them, which is the purpose of provenance research as clearly spelled out by the Terezín Declaration, it really is incumbent on countries

even superficially committed to these international agreements to publish works of art in their collections whose provenance is uncertain.

Excuses that nothing can be published until research is completed feel even more lame in 2019 than they did in 2009. It is particularly a shame because the last ten years have seen a substantial growth in the number of provenance researchers with increasing expertise, all of whom might be able to contribute in a common enterprise to clearing up doubts over published works.

One of the symptoms of this reluctance to publish possibly looted works is that it remains impossible to assess how many more such works of art have been published in the last ten years. This is because a lack of transparency bedevils this field in virtually every aspect. There need to be annual figures given by every country of the number of works being researched and the number of works published. It is not rocket science and would not be difficult to do.

And despite the Terezín Declaration stressing the urgency of developments in every aspect of this work, there is no sense of the process being speeded up. At the November 2018 Berlin Conference, there was talk from the platform of provenance research taking at least another 20 years. If those suspect works are not published in the interim, then fair and just solutions for the victims of the Nazis will remain even further beyond reach.

## **Claims processes**

In 2019, there is only one more restitution law than there was in 2009 and indeed than there was in 2000. In 2016, Serbia passed a law regarding unclaimed “heirless” Jewish property that permits the Jewish communities, and through them individual families, to claim cultural property. But that only refers to art taken in Serbia; any looted artworks brought into the country, such as those brought in by Ante Topic Mimara, are excluded from the law and cannot be claimed.

In 2019, there are no more national claims processes than there were in 2009. There are still only five national commissions – in Austria, France, Germany, Netherlands and the UK – and those are of mixed status, either because they restrict the artworks they will deal with or because they restrict who can apply to them and at what point in a claim. So, you can apply

to some from the beginning, you can apply to others only after your claim has been rejected, and others you cannot apply to at all.

For example, Austria's commission only deals with artworks in its federal collections, and claimants cannot participate or submit evidence. Germany's commission is merely a point of appeal for when a museum has turned down a claim. But both parties to the claim must agree to submit the matter to the German commission, and museums which have rejected a claim are very reluctant that their cases should be assessed by it.

If there is no national claims process as a claimant's first port of call, what happens when a claimant finds a work of art in a museum? Are claims now "resolved expeditiously based on the facts and merits of the claims"? Have the museums created "mechanisms to help claimants and to facilitate just and fair solutions"? And what would that involve?

A transparent and equitable claims process would involve standard written procedures, making clear who will handle a claim, how it will be handled, within what time frame, and on what grounds a claim will be evaluated. Is there today more transparency and balance than ten years ago?

Put briefly, the answer is generally no. There have been many more cases, of course, in the last ten years, so there is much more familiarity with claims, but there is still no standard procedure when applying to a museum, with the result that the claimant remains in the dark when making a submission. Let us take Germany and Austria as an example.

Ten years on, it remains the case that it is the current possessor of the artwork who decides on the justice of a claim, even though the present-day possessor of a looted work of art cannot be best placed to decide on the justice of a claim when their own interests are at stake.

In Germany there is now an independently initiated effort to provide a standard claims procedure that all museums could utilize. Standardization is really a principle of justice, and that effort is to be applauded. If one day anyone making a claim to any museum in Germany knew from the beginning how that claim would be assessed and processed, that would be progress. But without such processes, the holder of the looted property remains both judge and jury. They hold the balance of power, creating a fundamentally unequal relationship between possessor and claimant. That situation remains the same today as it has for two decades.

Without consistency and transparency, there is no level playing field. Twenty years after Washington, ten years after the Terezín Declaration,

even countries with claims processes cannot agree on the central question of the definitions of loss, which is fundamental to the justice of any claims process. Definitions of loss and standards of claims handling vary in practice from continent to continent, country to country, and even from one museum to another within the same country. The claims process remains one in which the balance has mostly not shifted; it remains opaque, and the claimant is frequently not and does not feel an equal party in it.

This is reflected in the continually low rate of restitution, despite the urgings of the Terezín Declaration. It is not even possible to document the level of restitution, the numbers of artworks being returned, in those vanishingly few countries where it is available as a remedy. Public collections need to make public how many claims they receive each year and their outcome. Transparency is essential if there is ever to be real progress.

And the number of countries which do retribute needs to increase. Outside the countries with national claims processes, such as they are, there is no clear route to restitution in the rest of Europe. Indeed, many countries refuse to retribute on principle. Among them are countries in both Western and Eastern Europe – from Italy to Poland, Spain to Hungary.

Italy, for example, is a country that, like Poland, avails itself of the commitment of other countries like the USA in order to recover art looted from Italy by the Nazis. But it will not return art in its own public collections that was unarguably looted from Jews.

The result is that the experience of families in 2019, almost 75 years after the end of the war, is that the chance of both finding and recovering their looted property is low, and the accident of where that looted work of art has come to rest remains the most important factor in their possibility of obtaining justice.

This could not be clearer in the art trade and the world of private collections, where the possibility of reaching just and fair solutions still depends almost entirely on the attitude of the country, the individual auction house or dealer, and the individual consigner.

The law in Europe generally confers title at auction. So, aside from the two major auction houses, Sotheby's and Christie's with their restitution departments, the outcome of a claim cannot be predicted and is still the luck of the draw.

Last year the Commission for Looted Art in Europe found a painting belonging to a family they represent for sale at one of the two leading auction houses in Austria. The response of the auction house was that there

was no doubt about the validity and veracity of the claim, but the consigner was not interested in resolving the case and was therefore withdrawing the painting from auction. That was the law in Austria, and the Commission was told if they wanted to change the law, they should go ahead and try.

Later last year another painting from another family whom the Commission represents came up for sale at the same Austrian auction house. The Commission made a claim. This time the consigner agreed to settle.

Since the Gurlitt case in 2013, the German and Bavarian governments have talked about bringing in regulations for private owners. In Berlin during November, Mrs. Gruetters, the German culture minister, again spoke about addressing the issue of private collections, but nothing has happened since then.

Recently, at the end of June 2019, following very public representations made by Dr. Eike Schmidt, the Director of the Uffizi Gallery (which now incorporates the Pitti Palace in Florence), Germany negotiated the return of a painting looted in 1943 by a German soldier and which belonged to the Pitti Palace. The soldier's family had been asking for several million Euros if they were to return the painting, and claimed the protection of the law. Dr. Schmidt - himself German - has called on Germany to abolish the statute of limitations on works stolen by the Nazis and their collaborators so that all looted art can return to its "legitimate owners".

This issue very much needs to be addressed and in a timely way, because in Germany, as in almost every country, there is still no legal obligation for any institution, whether public or private, to return a Nazi-looted work of art. Not only is there no legal obligation; there is in most private cases no sense of a moral obligation to return either. But it is in private collections, whether owned by individuals or foundations, that much looted art is to be found.

## **Just and fair solutions**

Over the ten years since the Terezín Declaration, and particularly in the last five, there have been and continue to be explicit attempts to redefine what a just and fair solution means, and often to do so for the benefit of the current public holders of the looted artworks.

The clearest expression of that has been in the Netherlands, which has

introduced into its claims process for works in public collections a balance of interests test. In this test, the interest of the museum in keeping a work of art is given equal weight with that of the claimant's right to its return. In fact, the claimant is asked to demonstrate her/his emotional attachment to the work of art, which is quite a hard thing to do when deprived of its possession for 70 years or more. In such a context, the very notion of such a test seems fundamentally weighted towards favouring the existing possessor.

At the Berlin Conference, Stuart Eizenstat said that the “(...) *introduction of the ‘balance of interests’ test is totally contrary to the Washington Principles. It’s not sufficient [as the Dutch have done] to say that where there’s a proven confiscation the balance will always be in the favour of the claimant. The whole point is, he said, that ‘just and fair solutions’ was not intended to focus on the interest of the museum in keeping collections. It was entirely to focus on just solutions for the claimants.*”

The Netherlands is not the only country where museums wish to retain works of art and are reluctant to return them, whatever the strength of the claimant's case, but it is the only country which has formally enacted this in its claims rules.

How did we get from the Terezín Declaration, whose intention was to promote a more equitable balance between the claimant and the current holder of a looted artwork, to where we are now?

## **Conclusions**

What all this shows is that today, despite the urgings of the Terezín Declaration, there are no standard processes for making and pursuing claims, there are no standard remedies, and there are no shared definitions of what constitutes loss both between and even within countries – so a claim made by a family may be agreed in one country, but rejected in another or even rejected in the same country by a different institution even though the circumstances of loss are identical in each case.

The situation really could not be more random, and it has really not advanced much since 2009.

Not only is there little progress, but there is also backsliding. Today, increasing pressure from governments and museums which oppose restitution means that claimants also find that the ground under their feet is con-

stantly shifting. They find that history is regularly being revised and not in their favour, that the burden of proof has been shifted back onto them, even while evidence in support of their claims is withheld from them, that more and more frequently current owners or possessors are assumed to be or assert themselves to be in good faith without ever having to provide evidence to back that up, and that even definitions of legal succession are shifting such that the entitlement of second- and third-generation legal heirs to restitution is being questioned, with the aim that works of art need not be returned to them.

On the issue of inheritance rights: Another of the changes in the last ten years which has not been internationally agreed and actually runs counter to international agreements is the question raised by both the British panel and the Dutch whether legal heirs two to three generations on from the original owner should have the right to recover. There is no other arena where the legal rights of succession are questioned in such a way and the idea seriously posed that an heir two generations on should have a lesser right to inherit. It is shocking to think that legally entitled claimants should be disinherited of their property for a second time 70 years after the end of the war simply because governments and museums have done nothing to return it to them.

Unfortunately, that question does not even arise in the Czech Republic, where the June 2000 restitution law, Act 212/2000 Sb., only permits direct descendants of the victims to make restitution claims. The law is inconsistent not only with the principles of justice, given that so many entire nuclear families were wiped out in the Holocaust, but it is also inconsistent with the laws of inheritance set out in the Czech Civil Code. In the Czech Civil Code, inheritance runs along usual legal lines, and if there are no surviving children, siblings and their descendants inherit. Although, in what was stated to be a first tranche of research, the Czech government identified and published some 3 500 looted artworks in its public collections almost two decades ago, the effect of the country's restitution law is to limit the number of claims that can be made for the looted works already published and for the many others yet to be published.

On the definitions of loss, these are central to ensuring just and fair solutions, but, as mentioned earlier, countries veer in different directions. While involuntary loss was for a long time the guiding principle, now more distinctions are being made such that confiscation ranks higher than theft and both rank higher than a forced sale, with many variations on which



constitutes a forced sale. This post-hoc ranking may determine the right to restitution, despite the 1943 Inter-Allied Declaration Against Acts of Dispossession Committed in Territories Under Enemy Occupation or Control and post-war German restitution law, both of which have led the understanding of dispossession for decades, and the right to restitution. The Inter-Allied Declaration was particularly explicit, seventeen Allied countries reserving:

*“all their rights to declare invalid any transfers of, or dealings with, property, rights and interests of any description whatsoever which are, or have been, situated in the territories which have come under the occupation or control, direct or indirect of the Governments with which they are at war, or which belong, or have belonged to persons (including juridical persons) resident in such territories, This warning applies whether such transfers of dealings have taken the form of open looting or plunder, or of transactions apparently legal in form, even when they purport to be voluntarily effected.”*

### **Are there reasons for optimism?**

Access to just and fair solutions seems as distant and infrequent as ever, and progress very limited. But what positive prospects are there? Are there any developments of new policies or any new initiatives which promise the possibility of justice for the victims of the Nazis?

- France’s new ‘Mission de recherche et de restitution des biens culturels spoliés entre 1933 et 1945’, which began work in May 2019, has recognized the failings of the past and the lack of concrete action, and it is now strengthening its existing institutions, appointing more experts to intensify the work and create a more cohesive approach, with the purpose of establishing a consistent claimant-focused restitution-aimed process – and is to be applauded for that.
- In the United Kingdom, the 2019 Holocaust (Return of Cultural Objects) (Amendment) Bill to enable national museums to restitute Nazi-looted art indefinitely, without any time limit, received Royal Assent in July 2019 and became law.

- In Germany, the Advisory Commission, set up in 2003, has long been criticized, with every recommendation more erratic and unpredictable than the last. Only recently does it have a wider membership and rules of procedure, though still no terms of reference. In March the current chair, Hans-Juergen Papier, formerly President of Germany's Constitutional Court, called for the creation of a restitution law in Germany following which all cases would go to court and the panel would therefore cease to exist. It was an important acknowledgement of the problems at its core.
- In October 2018, the five national claims panels – Austria, France, Germany, the Netherlands and the United Kingdom – established a formal network to promote *the exchange and sharing of information and knowledge*. Earlier in 2018, their five governments had agreed as a shared statement of intent the Spoliation Action Plan formulated by the UK at the 2017 London Conference. There is perhaps more hope for progress in the Plan, whose aim is, through the knowledge and experience accumulated by the panels over the last decade or more, to provide a framework for researching and handling claims anywhere within a context of transparency, accountability, consistency and shared standards. However, transparency and consultation with stakeholders are essential to the success of this plan.
- In the United States, the passage of the 2016 Holocaust Expropriated Art Recovery (HEAR) Act has eliminated the misuse of the various statutes of limitation that were making it so difficult for claimants to receive a hearing in court. The 2017 Justice for Uncompensated Survivors Today (JUST) Act means that later this year the U.S. State Department will be issuing a report on the state of restitution of cultural property in the 47 countries that endorsed the Terezín Declaration.
- In January 2019 the European Parliament passed a motion “on cross-border restitution claims of works of art and cultural goods looted in armed conflicts and wars”, which calls on the Member States again to make all necessary efforts to adopt measures to en-

sure the creation of mechanisms which enable the return of Nazi-looted cultural property.

It is to be hoped that these new policies and initiatives will have a much-needed impact and remind all countries of the urgency of fulfilling their obligations not only under the 1998 Washington Principles and 2009 Terezín Declaration, but also under the UN and EU Conventions on Human Rights, according to which the return of artworks looted in the course of crimes against humanity to the rightful claimants is a matter of general interest under Article 17 of the former and under Article 1, Protocol 1, of the latter.

# The Jewish Digital Cultural Recovery Project

AGNES PERESZTEGI

*(Commission for Art Recovery)*

20 years ago, at the time of the Washington Conference, we already understood the enormity of what the Principles were calling for, and were realizing what is possible on a human scale. We envisioned information technology, IT support in the form of a central database: to collect, organize and assist in retrieving information. The Central Database was first developed by the Commission for Art Recovery (the “Commission”), an organization that was created by Ambassador Ronald S. Lauder in 1997, to monitor the implementation of the Washington Conference Principles and to assist in the process. That first database was a simple compilation of information available in mostly secondary sources, often from books and lists that art historians had access to at that time. Letters of inquiry were sent to museums, governments and institutions, and a claimants’ register was set up. However, as the work progressed, it became clear that merely compiling the information then available would not result in the originally envisioned Central Database, so the Commission halted the project and gave the files to the Holocaust Claims Processing Office.

The next steps in creating a database, if not the central one, included the databases that published information on works of art that were suspected to be looted or had gaps in their provenance, such as the Nazi-Era Provenance Internet Portal (NEPIP) in the USA, [www.nepip.org](http://www.nepip.org), or Lostart in Germany, [www.lostart.de](http://www.lostart.de). Another example of a database is the compilation of information published on [www.lootedart.com](http://www.lootedart.com), which by the way has the same organizing structure as the Commission’s original database and therefore suffers from the same inherent problems. Then other types of databases were published, like the one on the Munich Central Collecting Point <https://www.dhm.de/datenbank/ccp>, or the French MNR Rose Valland site <http://www2.culture.gouv.fr/documentation/mnr/>, which reviewed a specific archival holding.

Simultaneously, the archives also made efforts to publicize the relevant holdings, and that resulted in a better finding aid for NARA, many documents being published for free on [www.fold3.com](http://www.fold3.com), the International

Research Portal, which were originally hosted by the USA and are now part of EHRI <https://www.ehri-project.eu/>, and many more.

I will not mention all the databases, as the list is rather long. However, what I would like to point out is that our awareness of the technical limitations of the databases created before 2009 was clearly reflected in the Terezín Declaration, which no longer calls specifically for a central database, but instead calls for the publication via the internet the results of systematic provenance research.

The Commission has never given up on the idea of a central database, and 10 years later, it seems, we have reached another milestone in cooperation among the relevant organizations. In the meantime, information technology has developed, artificial intelligence is no longer exclusively the domain of sci-fi literature, and machine learning has become a practical possibility; today we can convert archival documents into searchable text (so-called optical character recognition technology converts images to searchable text documents), and in some cases one may even translate such texts instantly. The database structures have evolved, and I am sure something is being developed as we speak that will further assist us in our tasks. We can store and connect in a meaningful way such large amounts of data today that we could have not even dreamed about in 1998, and we can do so at a reasonable cost.

The first object level integrated database dealing with our topic was the ERR-Jeu de Paume database, and the project detailed below is made possible because of what we have learned while compiling that database. I would like to mention here that by embarking on our project, the final outcome will not only benefit restitution efforts; it will also significantly contribute to our knowledge on art history and European cultural history as a whole. It will function as a commemoration of cultural plunder during the Nazi genocide, and it will provide materials for various educational purposes. Therefore, we have realized that we can build something much larger, something that would be worth keeping even after the work set out by the Washington Conference Principles and the Terezín Declaration is mostly completed.

If you look around the landscape of the field of digital humanities today, you will see that many major projects that at a first glance differ significantly from each other in fact seek the same structural and technical solutions. Take, for example, the British Museum's Circulating Artefacts project, which aims to create an online semantic database of Egyptian and

Nubian antiquities in circulation on the international art market, or the Venice Time Machine Project, a significant initiative by a scholarly international consortium which digitizes a vast amount of documents from the Venice Municipal Archives and plans to retrieve information from those documents at extraordinary levels of detail and depth. Both of these important and innovative projects are exploiting artificial intelligence and machine learning methods to retrieve, store and connect information about cultural objects, their owners and users and to add new dimensions to our knowledge regarding them.

The current need to connect information related to cultural objects is fueled not only by technical innovations, but also by the need to document and “save” cultural objects. Whether the aim of digital preservation is due to the goal of stopping illicit trade, the fragility of the cultural object, conflicts of war, or conflicts of cultural narratives – that is an entirely different subject. However, there is already an existing need to develop specialized tools to enable us to connect information related to individual, identifiable cultural objects, and there is public funding available for such projects.

Therefore, where do we stand today?

The JDCRP project aims to create a Central Database of public archival information, a freely accessible online database of all publicly available archival information on dispossession, restitution, and claim processes.

The JDCRP project is planned in at least three distinct phases: first, it needs to develop and execute pilot projects and feasibility studies in order to plan the database properly. Then, based on the lessons learned during the first phase, the first version of the database will be developed, which will have thematic and geographical limitations, as it will mainly deal with the spoliation committed by the Einsatzstab Reichsleiter Rosenberg in France, the Netherlands and Belgium. Once that version of the database is operational, efforts will be made to include all public archival information from other European countries on Nazi-era dispossession, restitution and claims processes.

This is not exactly the same Central Database that we envisioned 20 years ago. However, together with other national and specific databases, it will bring clarity to the provenance of Nazi-era looted cultural objects.

We see a three-way approach emerging today. First, cultural objects held by public entities (and not only museums, but also government offic-

es), and as many items as possible held by private collectors or institutions, should be made public, with their accompanying provenance. This should be undertaken by all countries that signed the Terezín Declaration and affirmed the Washington Conference Principles. Second, the JDCRP database will collect and publish the available public archival sources on dispossession, restitution, and claim processes. Third, research should be carried out to fill the gaps and to connect information – and especially to identify what was looted and to bring privately-held information to light.

The JDCRP project will not replace any published databases; rather it will build on various experiences and will cooperate with existing and future databases.

The project's website is available at [www.jdcrp.org](http://www.jdcrp.org), and we plan to periodically update that platform to give more information on the project as it develops.

So, what will the JDCRP database mean in practice?

**1.** It should eventually enable any museum or collector to vet their entire collection against European public archival holdings on Nazi-era looted art information by accessing a free centralized database. It will be primarily a scholarly research tool, as historical and art-historical background knowledge of a certain degree will be needed to fully utilize the potential of the database.

**2.** It will enable families to investigate the fate of cultural objects from their predecessors' collections, although they might need some assistance for such searches. The database will include extra modules where descendants of Holocaust victims' families may upload family information, for example an interior photo with an accompanying explanation. We need to acknowledge that carrying out historical work without re-establishing the persecuted families' contribution to culture misses the most important element.

**3.** However, the database will not classify any cultural object as Nazi-era looted art per se; rather it will collect all information available about an identifiable cultural object as recorded in public archives.

**4.** We hope to make the database as compatible with other databases as

possible, to enable further connectivity among relevant information resources.

**5.** The JDCRP database should therefore be the first step in any in-depth provenance research carried out in the future.

**6.** All digital humanities projects have to face the challenge of long-term obsolescence. We plan to address the problem and assure the long-term sustainability of JDCRP.

What have we done so far, and what are the immediate further steps?

We have created a network of 16 partner institutions that includes a wide array of organizations ranging from major state archives to government agencies and from art-historical institutions to art market participants.<sup>1</sup> The JDCRP network will closely cooperate in the development of the project, disseminating best practices and promoting further research. We have organized multiple meetings with the partners, including a plenary assembly in Paris last year, where we discussed various conceptual and methodological issues. Based on these discussions, we have identified a number of potential pilot projects and necessary steps, the goals of which are:

- a)** to set up a coherent methodological framework to map, explore and digitize relevant archival material; to retrieve information from the documents; to create connections between the related data, and to visualize these connections;
- b)** to fill the gaps in our knowledge regarding some of the key issues related to the plunder of Jewish-owned cultural objects;
- c)** to prepare further fundraising efforts.

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**1** Partners include: the Bundesarchiv, Germany; the Belgian State Archives; the Archives Nationales, France; the Bureau Herkomst Gezocht, Netherlands; the Centre allemand d'histoire de l'art, Paris; Christie's; the Commission pour l'indemnisation des victimes de spoliations (CIVS), France; the Deutsches Zentrum Kulturgutverluste; the Getty Research Institute; the Institut national d'histoire de l'art (INHA); the Kommission für Provenienzforschung, Austria; the French Ministry of Culture and Communication, including the Archives de France; Sotheby's; the United States Holocaust Memorial Museum (USHMM); and the Zentralinstitut für Kunstgeschichte (as of June 2019).



The pilot projects include all the phases of the implementation process, but the volume and thematic scope of the source material they work with is scaled to the appropriate proportions of a test project. Based on the results of the pilots, the research infrastructure of the JDCRP project will be designed and the JDCRP database will be built, hence achieving the goal set by the international community two decades ago and building a central database of Nazi-era looted artworks.

# Session 2

## **Problems Connected with Research and Restitutions**

**CHAIR: TOMÁŠ KRAUS**  
*(Federation of Jewish Communities in Czech Republic)*

# **The Einsatzstab Rinnebach and the Einsatzstab Jurk – thefts of artworks in the Protectorate of Bohemia and Moravia**

ONDŘEJ VLK

*(Ministry of Defence of the Czech Republic)*

Ladies and gentlemen,

I would like to devote my presentation to the role played by two taskforces in the confiscation of artworks in the Protectorate of Bohemia and Moravia from 1939 to 1945. My aim is to offer an answer to the question of how these taskforces' actions can be evaluated from the perspective of research and restitution.

## **I.**

The Nazis' thefts of artworks in occupied Europe took a number of forms that were ostensibly legal – and their practices in the Protectorate of Bohemia and Moravia were no exception. However, the Protectorate was unlike the rest of occupied Europe in that confiscated items were stored, used and sold off within the Protectorate itself, thus supporting the policies of the Nazi occupying authorities.

In order for this to be the case, it was above all necessary to prevent confiscated artworks from leaving the Protectorate. The legal framework for this was a decree issued by the Reich Protector in October 1940 (though the decree was not always obeyed).

It was also necessary to find a suitable place to store valuable confiscated works of art. Initially the authorities considered using the chateau in Roudnice, the Černín Palace in Prague, or the Troja chateau. However, it eventually became clear that the best solution was to transfer the items to museums and galleries in the Protectorate. The items were then administered either directly by these institutions, or by a trustee who was specially appointed for the purpose.

A major systemic change was introduced in the autumn of 1942, when

the Nazis' attempts to exploit all possible resources to fund the war effort led them to focus on large numbers of movable items that had been confiscated. The exploitation of these items was hindered by numerous disputes among the institutions involved and by the lack of clearly defined mechanisms and processes.

In October 1942, in response to this situation, the Deputy Protector of Bohemia and Moravia Kurt Daluege set up two taskforces or working groups (Einsatzstäbe) reporting directly to him and named after their respective heads – **Einsatzstab I-Rinnebach** and **Einsatzstab II-Jurk**.

## II.

The task of the **Einsatzstab I-Rinnebach** was to cooperate with the Land Authority in registering the artworks located within the territory of the Protectorate, as well as identifying all historically valuable buildings and (in conjunction with the Einsatzstab II) ensuring that these buildings were maintained.

Daluege's decision to set up the two taskforces bypassed the key institutions in the bureaucracy that administered the occupying authorities' confiscations – the Department for Education and Culture at the Office of the Reich Protector, the Monuments Authority and the Property Authority.

Cooperation with the Department for Education and Culture was established quite quickly. With regard to the Monuments Authority, Daluege attempted to rectify the situation with a decree increasing the legal protection of cultural monuments. However, the Monuments Authority did not become directly involved in confiscations until July 1943, when it began to address the issue of how to use the furniture and other contents of chateaux that had been taken into state administration.

The members of Rinnebach's taskforce initially registered movable works of art at almost twenty chateaux in the Protectorate. They proposed their own criteria for the registration, classifying the items according to whether they were valuable enough to be placed in a museum, whether they should be left in situ, or whether they were simply utilitarian objects. A depot was set up at the Zbraslav chateau to temporarily store items that had been designated as being of museum value.

The Rinnebach group managed to complete its allocated tasks by the summer of 1943. It also inventoried the Gestapo's depots and began to re-

ceive items of artistic value from houses and apartments confiscated from Jewish owners.

The Rinnebach group's activities in the Protectorate came to an end in the autumn of 1943. In total the group had registered around 3 500 paintings, sculptures, copper engravings, miniatures and items of furniture, as well as 1 000 weapons, book collections and archives.

The departure of Daluege and Rinnebach from the Protectorate opened up the opportunity for changes in the mechanisms used when managing confiscated movable property of artistic value. The responsibility for this process passed to a specially appointed trustee reporting directly to the Reich Protector, nominated by the Minister of State Karl Hermann Frank and with close links to the Property Authority.

When the need arose, this special trustee was tasked with supervising the management of confiscated items with artistic value. A complete register of these items was maintained by the Property Authority, which released specific parts of the register to the trustee on an ad hoc basis – though the main task of the Property Authority was to transfer ownership of these items to the Reich. This mechanism remained in place until the end of the Nazi occupation.

### III.

The initial task of the **Einsatzstab II-Jurk** was to oversee the use of confiscated real estate and to carry out any structural repairs or alterations as required. Daluege provided the group with initial capital of one million Reichsmarks.

From June 1943 onwards, the Jurk group was responsible for selling off confiscated Jewish-owned furniture and consumer items throughout the Protectorate with the exception of Prague.

Before the summer of 1943, the Deputy Reich Protector also entrusted the group with several other special tasks, including the renovation of the chateau in Dobříš and the construction of apartments for newly arrived German settlers.

The Jurk group soon came to play an irreplaceable role in the utilization and sale of confiscated movable items thanks to a number of factors: the large number of tasks with which it was entrusted; the close links between Jurk and Daluege; the unclear division of responsibilities among

various authorities; the rapid acquisition of large quantities of confiscated items; and the growing role of the Protectorate in providing for Germans who had lost their property as a result of the war.

However, Jurk's group ultimately failed to perform the tasks that had originally been assigned to it. The unclear division of responsibilities created a highly opaque situation which enabled Jurk to deliberately sabotage the requests submitted by German institutions – and above all to enrich himself quite openly at these institutions' expense.

These practices clearly formed the basis of rumours claiming that “*the group bought up the best Jewish items from the Protectorate and brought them to Prague*” and that “*members of the group specialized in Persian carpets*” – as a result of which the group gained the nickname “*Einsatzstab Persenteppich*” (meaning the “*Persian Carpet*” Taskforce).

Jurk very quickly made enemies in many places. The highest-ranking of them was without doubt Karl Hermann Frank himself; Frank eventually seized the opportunity to take action against Jurk when he was appointed Minister of State for Bohemia and Moravia.

Frank's action against Jurk came in connection with the renovation of the Dobříš chateau, which was to become the official residence of the new Reich Protector Wilhelm Frick. During the preparations for the renovation, Frank became acquainted with some basic aspects of the Einsatzstab's financial operations, and delays in securing the necessary documentation led him to take a closer interest in Jurk's activities. Jurk tried to head off the possible danger by objecting that only Daluege was entitled to audit the group's activities. However, Daluege did not intervene to assist Jurk.

At the end of March 1944, Frank dismissed Jurk from his post, replaced him with his own man, and stopped the Einsatzstab releasing items from any of its depots. The legal status of the group's activities – and the full extent of its embezzlement – only became clear after Jurk's arrest immediately following his dismissal.

The Berlin authorities were evidently keen to sweep the entire affair under the carpet, so it was only by chance that Jurk was eventually found guilty of embezzling “just” 1 000 Reichsmarks. In the spring of 1945, he was sentenced to three years' imprisonment. Essentially, Frank's pursuit of Jurk had come to almost nothing.

Frank's attempts to gain and maintain control over the Einsatzstab's depots met with a similar lack of success. His original plan was to use the contents of the depots to satisfy the requests of German citizens who had

lost their property in the war, and to retain the rest of the items in the Protectorate as a resource to cover damage caused by bombing. Items of artistic value that were directly connected with the Protectorate were to be deposited at local museums and galleries.

However, Frank had to adjust his plans as a result of the demands of the authorities providing for Germans who had lost their property in the war. He also had to back down from his initial insistence on retaining the remaining contents of the depots when, after a lengthy series of discussions, he “voluntarily” offered the use of these items to the Berlin office of the SS. His dismay at this concession was perhaps mitigated by the fact that the SS office never in fact requested any of the items due to the precarious situation in the early part of 1945.

#### **IV.**

It is evident that neither of the taskforces was directly involved in the confiscation of movable property. They functioned as another link in the spoliation mechanism, as their task was to register the items that had already been confiscated and to protect them from damage, theft and export. As such, they played their own part in the process of exterminating the racial and political enemies of the occupying regime in the Protectorate, and they served as a tool in the implementation of the regime’s policies.

With only a few striking exceptions, the members of the two groups were loyal officials of the occupying authorities in the Protectorate, and especially Rinnebach’s team worked very conscientiously. As part of the post-war process of “coming to terms with the past”, the group’s members could in fact claim to have played a certain role in rescuing valuable works of art.

So how is this connected with research and restitutions? Objective research, free of political influence, must offer a clear description of reality, avoiding simplifications and individual interpretations. By giving an unadorned account, without any ulterior motives, of the real course of historical events and the roles played by all those involved, researchers can lay the ground for the transparent rectification of historical wrongs and injustices.

Thank you for your attention.

# Experience with the restitution of cultural assets in the Czech Republic

ALENA BÁNYAIOVÁ

*(Bányaiová Vožehová, s.r.o., law office)*

The Czech Republic has introduced special legislation setting out the conditions and process for restituting artworks lost by people as a consequence of racial persecution during the Holocaust era, i.e. Act no. 212/2000 Sb. on the alleviation of selected property-related injustices caused by the Holocaust. The Act followed on from restitution legislation passed in 1990 and 1991 which addressed the compensation or alleviation of property-related injustices committed after the communist seizure of power in February 1948 (and which did not apply to acts committed during the Holocaust era).

The wording of Act no. 212/2000 is simple. The Act defines:

- a)** items which should be returned; these (loosely paraphrased) are artworks that were taken from natural persons as a result of Nazi persecution during the period from 29 September 1938 to 4 May 1945 and that were under state ownership on the date on which the Act became effective;
- b)** persons who are entitled to request the restitution of these items, i.e. the original owner, the original owner's spouse, or the original owner's descendants;
- c)** persons who are legally obliged to issue the items in question, i.e. persons that administer the items on behalf of the state.

The Act does not specify a period within which persons may request the restitution of these items. This lack of time limitation is a consequence of ongoing amendments to the Act. The Act as first introduced stipulated a period of two years after its entry into effect during which entitled persons would be able to request the restitution of items (i.e. before the end of 2002). The Act was then amended to extend this deadline until the end of 2006, and a further amendment removed the time limitation entirely. The Czech Republic justified this solution on the basis that it had accepted the obligations arising from the 1998 Washington Conference and also on the basis that the documentation and identification of items con-



fiscated during the Holocaust is a very time-consuming process. In order to alleviate the property-related injustices caused by the Holocaust, it was thus deemed essential to allow persons to submit restitution claims at any time, without limitation. There have been numerous cases in recent years when entitled persons have made use of the Act to request the restitution of items.

Although I have stated that the wording of the Act is simple and quite direct, this does not apply nearly as much to the Act's application. More than ten years after the Act came into effect, courts were still addressing questions related to the interpretation of its provisions and dealing with objections by persons (institutions) that had received requests for the restitution of individual items in their possession. In practically all cases when a restitution request came before a court, the matter was dealt with by courts at all levels - from the court of first instance to the court of appeal and ultimately the Supreme Court. Some objections, and some forms of defence against restitution requests, were rather surprising.

One interesting case concerned paintings whose original owner had transferred them to the state in 1939 as a form of so-called "*substantive compensation*" in return for the issue of a permit to export other items belonging to the owner and a permit for the owner and his family to emigrate from the Protectorate of Bohemia and Moravia.

The owner's son applied to state institutions for the restitution of two paintings that his father had been forced to transfer to the state (on the basis of an instruction issued by the Directorate of the State Old Art Collection in April 1939) in return for the issue of a permit to export the owner's remaining paintings. The institution that was in possession of the paintings when the application was submitted refused to issue them on the grounds that they had not been confiscated from their owner as a consequence of racial persecution, but rather as part of a standard practice at the time, i.e. that the owner had transferred the paintings to the state as a form of compensation for the issue of an export permit, and that the state authorities had therefore granted the permit without delay, enabling the owner to export his remaining paintings. The two parties were unable to reach an agreement, so the applicant took the matter to court. The court of first instance and the court of appeal ruled in favour of the applicant and ordered the institution in possession of the paintings to issue them to the applicant. However, the institution was dissatisfied with this outcome and lodged an appeal with the Supreme Court of the Czech Republic asking the

court to provide an answer to “*a fundamental legal question*”, i.e. what was the nature of the “*substantive compensation*” for the issue of the export permit for artworks during the period of non-freedom (i.e. during the Nazi occupation). Like the previous courts, the Supreme Court also stated that the applicant’s family had been forced to emigrate by the growing danger posed by the Nazis (which was a known political issue), and thus the forced transfer of the paintings to state ownership could not be deemed to be a form of compensation for a reasonable counter-service. All three courts thus took an identical stance on the issue.

Another interesting case concerned the same type of situation; the descendants of the former owner submitted an application for the restitution of paintings that the owner had transferred to the authorities in return for the issue of an export permit. Because the courts had already solved the question of the nature of compensation for an export permit (see the case outlined above), the restitution process was relatively smooth. The parties reached an agreement on the restitution without any major problems, but shortly before signing the agreement the applicants discovered that one of the paintings had been declared a cultural monument on the basis of a proposal by the institution which possessed the painting and was to re-stitute it. Cultural monument status imposes substantial restrictions on the options open to the owner of such a work. The descendants of the original owner were citizens of the USA, and the painting’s status as a cultural monument essentially made it impossible for them to export the work and return it to their own collection. They therefore applied for the revocation of the cultural monument status that had been granted to one of the paintings. We were therefore forced to address the issue of the conflict between on the one hand, the right to the protection of property and the rectification of injustices caused by the Holocaust, and on the other hand, the state’s right to the protection and preservation of its cultural heritage. That is a more general problem, and its solution is not as clear as in the above-mentioned case of the compensation in return for an export permit. The resolution of this problem depends on the specific circumstances of each individual case.

The specific feature of our case was that it was in fact the descendants’ restitution request that had motivated the institution in possession of the painting to propose cultural monument status for the work. The institution stated that the grounds for declaring the painting a cultural monument were as follows: “*The painting is currently the subject of a restitution*

*request, and as such it potentially faces the threat of restitution. For this reason, and due to the indisputable quality of the work, we are proposing that the work should be declared a cultural monument.*” The decision to revoke cultural monument status is taken by the Ministry of Culture via an administrative procedure covered by special legislation, and the Ministry is entitled to revoke this status if substantial reasons exist to do so. The procedure concerning this particular painting lasted over two years, and the Ministry assessed whether substantial reasons did indeed exist enabling it to remove or revoke cultural monument status in this case. In a similar case, the court had decided that an exceptionally substantial potential reason for revoking cultural monument status could be the state’s interest in providing full compensation to the victims of the Holocaust, in view of the fact that the state has explicitly declared that it will protect this interest in legislation enacted by the state, i.e. Act no. 212/2000 Sb. Citing this previous court decision, the Minister of Culture thus revoked the cultural monument status of the painting whose restitution our clients had requested.

These were fundamental problems that had to be overcome in the application of Act no. 212/2000 Sb. – the legislation which sets out the conditions and process for the restitution of the artworks which are the subject of this conference. Following the resolution of these issues, the actual process of restitution has not run up against any further legal problems, nor have we encountered any unwillingness to retribute items in connection with alleged legal problems. The most difficult and time-consuming part of the restitution process is the search for and identification of the works in question.

Under Act 212/2000 Sb., the obligation to retribute items taken from people as a consequence of racial persecution during the Second World War rests with institutions that administer these items on behalf of the state (the Czech Republic). However, in many cases, items that would fall within the purview of the Act are in fact in the possession of regional galleries or museums, which do not belong to the state but rather to local government bodies, i.e. municipalities (towns, cities) or regions. Municipalities and regions are independent legal entities which have ownership of their own property, and the obligations stipulated in Act no. 212/2000 Sb. do not apply to them. More precisely, municipalities and regions are legally obliged to retribute artworks confiscated during the Holocaust only in certain restricted cases. Different municipalities and regions take dif-

ferent approaches to restitution requests for paintings or other works – though our experiences have generally been rather positive.

We have encountered a case in which even in 1999, i.e. before the Act came into effect, municipal bodies (a city assembly and a city council) decided that artworks held by the municipal museum should be restituted to their original owners (a prominent Jewish family in the city). The municipal bodies were thus responding to the moral appeal voiced in the conclusions of the Washington Conference. However, for various reasons the actual process of restitution took several years, and in fact the item has still not yet been restituted – evidently due to bureaucratic obstacles or a failure to act with sufficient speed, despite declarations of willingness and good will.

A rather different recent case involved the grandchildren of a former owner who applied to a regional gallery for the restitution of one painting. Shortly after receiving the request, the gallery informed us that it had identified one more painting that apparently belonged to the original owner, and that it was willing to retribute this painting to the applicants as well. Our clients were not aware that the gallery also held this second painting when they submitted the restitution request, which was why they had not included it in the request. Of course, we agreed to the gallery's proposal, and the entire process of negotiating the necessary agreements went very smoothly; currently all the requisite documents have been signed, and only the final step in the process remains – the physical issuing of the paintings to the descendants of the original owner.

I would like to conclude my presentation with two remarks.

Firstly, I stated that Act no. 212/2000 Sb. has been amended twice since first coming into effect; both amendments concerned the time limitation on the submission of restitution requests. There were also discussions on the personal scope of the Act, i.e. the definition of the persons who are entitled to request restitution; the objection was raised that the definition of restituted as only direct descendants of the original owner was too narrow and restrictive in its scope, as it excludes siblings and collateral descendants. The response to these objections was based on the overall context and the conception of restitution legislation I mentioned at the beginning of this presentation. The state's purpose in enacting this legislation is not (and cannot be) to provide complete compensation for all injustices committed;

instead, the purpose of the legislation is to alleviate property-related injustices committed during the period of non-freedom (i.e. the Nazi occupation) or under the communist regime.

My second and final remark concerns the effects of Act no. 212/2000 Sb. The Act was introduced 19 years ago. Like any other legislation, its legal effect and practical application depend on the extent to which it reflects people's ideas of what is right, moral, and worthy of emulation. The history of the various cases involving the restitution of artworks – especially the examples I have given above – confirm that the Act still fully reflects these ideas with regard to the need for the injustices caused by the Holocaust to be rectified.

# French law and the Washington Declaration

THIERRY BAJOU

*(Ministry of Culture, France)*

First of all, I would like to thank the organizers both for the invitation and for the quality of the organization.

Problems arise at every step of provenance research, from attempts to identify the provenance of artworks and the victims of plundering to the identification of legal heirs today.

Sometimes, too, there are limitations to the law (I am speaking of course about French law), with which we sometimes take liberties to allow us to respect the Washington and Terezín Declarations.

Examples are better than a long speech. I will first say a word, just a single word, about French law regarding spoliations and restitutions, and then I will discuss some files I have worked on recently.

## French law

As early as 12 November 1943, de Gaulle, on behalf of the French Committee for National Liberation, enacted from Algiers an order establishing the nullity of acts of spoliation carried out by the enemy or committed under enemy control. This text refers to a declaration made by the Allies in London at the beginning of that year.

The order makes it possible “to declare null and void not only acts which have, directly or indirectly, benefited Germany or her accomplices, but all those that have been accomplished under their pressure or inspiration. It applies to all kinds of spoliations, from the brutal and uncompensated seizure of property, rights and interests of all kinds to seemingly voluntary transactions, which seemingly respect legal forms.”

The order therefore concerns real spoliations such as those carried out by the ERR and sales to galleries or auctions; it is evident that not all sales at that time were made under duress, but in practice, based on an investigation of the files, we can presume that this was indeed primarily the case, and we consider that it is up to the administration to establish that there was no duress.

The text of de Gaulle's order was reinforced after the war by an order of 21 April 1945, which followed an order of 9 August 1944 on the reestablishment of republican legality. It was only then that the intentions of the 1943 order became a real law, with general effect.

This text (among others) thus positions the state (and therefore also the Ministry of Culture) in favour of restitutions.

These texts establish that the spoliations took place from June 1940 until the end of the war – that is to say, only during the period when France was occupied by the Nazi forces, and only when these acts were committed on French soil.

You can appreciate that the law is rather restrictive. However, in practice, the limits have been widened: thus, the period actually taken into account starts from January 1933 onwards, and there is no concern about the place where the spoliation was carried out.

Of course, we also must mention two other important texts of non-binding law ratified by France, the Washington Declaration and the Terezín Declaration. All of you know them and I don't need to present them here.

## **Examples**

For the examples I will mention, it is the desire to find a “just and fair solution” which led to these restitutions – even though the restitutions sometimes went beyond strict compliance with French law.

### **ex-MNR 386 van Clève *Male Portrait***

and

### **ex-MNR 387 *Triptych with a Crucifixion***

both returned in 2016 and 2018 to the legal heirs of Henry Bromberg

Henry Bromberg's family originated from Hamburg; in 1938, Mr. Bromberg and his family decided to emigrate to the USA via the French port of Le Havre. While in Paris, he sold the few works he had been able to take out of Germany to a Parisian gallery, the Kleinberger Gallery. Among these works were the former 2 MNRs. A photo of Henry Bromberg's house shows the two paintings on the walls.

From a strictly French point of view, we could have considered that it was a German family that went to the USA and sold works of art in Paris in 1938 for private reasons, at a time when France was not at war. Strict compliance with the law would have meant making no restitution. However, we chose to take into account the real situation of the family, whose members had fled Germany a few months before “Kristallnacht” in November 1938 to take refuge in another country, and we therefore considered that there had been constraint.

These two works were therefore returned outside the strict framework of the law, but in accordance with the Washington and Terezín Declarations. It is when one is outside the strict confines of the law that these texts take on particular importance.

**ex-OAR 45 Gobelin of Brussels, A submission**

and

**ex-OAR 474 Gobelin of Brussels, Diogen**

both returned to legal heirs of Daniel Wolf in 2013

Before the war, a Dutch collector placed two Gobelins in deposit at the Seligmann Gallery in Paris. They were later looted by the German Embassy (along with the rest of the gallery’s contents) as early as the summer of 1940.

After the war, the question of the fate of the two tapestries arose at the moment when the Seligmann family claimed property that had been plundered from them; it was very soon discovered that the tapestries were in deposit from a private collector, and they were not the property of the Seligmans. It was therefore decided to keep the items among the MNRs because at that time, the identity of the real owner still remained unknown.

In 2016, a member of the Seligmann family resumed the search for the works that were formerly the property of the gallery using the gallery archives, and submitted a new claim to the CIVS. On that occasion, the family’s representative, researching private papers, discovered the identity of the collector, one Daniel Wolf.

It then remained to establish the identity of the legal heirs. We rapidly discovered that the Dutch Advisory Committee on the Assessment of Restitution Applications for Items of Cultural Value and the Second World War had earlier (in 2010) returned a carpet which had once belonged to Daniel



Wolf; it was therefore very easy to discover the identity of the legal heirs to whom the items were to be restituted.

This file is of double interest as it demonstrates firstly that focusing on private archives – when they still exist – can represent an important source of information, and secondly the importance of building a network of foreign partners to promote the exchange of information.

### **ex-REC 121 Tiepolo A shepherd**

returned to the family of Jules Strauss in 2017

In 2016, when I was working at the Wildenstein Institute in Paris (now the Wildenstein Plattner Institute), I discovered an annotated catalogue from an auction held on 15 November 1928, mostly of graphic art, from the Pierre Geissmar collection, whose mark appears on the drawing; among the items I found the drawing by Tiepolo, illustrated in the catalogue. The copy of the catalogue gives manuscript information with the name of the buyer, a certain “Strauss”.

Thanks to Elizabeth Royer, a gallerist and an active independent provenance researcher specializing in looted art, the collector was soon identified as Jules Strauss (1861–1943) whose collection mainly consisted of works from the eighteenth century and the Impressionists, and who was also a donor to the Louvre; for example, he donated a painting by Lajoue, *Landscape*, in 1924.

Although the drawing was looted along with the entire collection, it found its way onto the art market; it passed through the hands of Victor Mandl and then those of Erhard Göpel, who sold it to the Linz Museum in May 1943.

As it happens, Madame Royer knew the current family of Jules Strauss, so it was very easy to contact them.

The difficulty lay in the fact that the claims made by Jules Strauss’s wife after the war (to France as well as to Germany) did not formally mention the drawing. However, the family archives kept lists of the works in the collection; the drawing by Tiepolo was on the list, and it was even indicated as “manqué” (missing), handwritten by Mrs. Strauss in her claim submitted to Germany.

It was thus possible to make the restitution, but the decisive information again came from the family archives.

I would like to finish with a hitherto non-restituted painting:  
**MNR 733 Van der Poel *The Fire of a Farmhouse***

For a long time, the only known information about the provenance of the painting was that it had been looted in Paris by the Dienststelle Westen, transferred to the Jeu de Paume in September or October 1942, registered by the ERR under number M- A B 301, and sent to Nikolsburg (Mikulov) on the following 15 November.

I then discovered that the painting had been presented for auction at the Giroux Gallery in Brussels on 5 March 1928, conducted by maître Denayer, usher no. 60.

It is clearly the same painting, as it is reproduced in the catalogue. After some research, I discovered that there were no longer any archives of this sale – either from the gallery itself, or from the usher.

On the other hand, we know that Eugene Reisz, a well-known Parisian scientist, owned a painting by the same artist on the same theme, and that it was looted from him in 1942; the inventory compiled by the Administrateur Provisoire on 17 July 1942 at the time of the plundering mentions “Egbert van der Poel 1 tableau ‘Maison en flamme’” and includes an appraisal.

Such a description could match with the MNR 701, and it is obviously tantalizing to connect the MNR with this document, especially since the chronology seems compatible with a seizure in July 1942 and an inscription in the ERR inventories in October; I write “seems” because we only know the transfer date to the ERR and not the time of the spoliation itself.

The problem is that the artist Egbert Van Der Poel painted many canvases or panels on this theme that reflect the wars in the Netherlands during the 17<sup>th</sup> century, and it is difficult to have absolute certainty in this respect, especially since we do not know the size of the Reisz painting, nor do we know whether it was painted on wood or on canvas.

Genealogists were asked to look for Reisz’s legal heirs and to check whether further information exists in the family archives. Here again we had no luck; although there was a cousin in Budapest, she was not an heir-ess, and because of the testamentary dispositions, the current beneficiary of the researchers is a charitable trust for cancer research based in Liechtenstein. We have obviously written to this trust, but they answered stating they had no information about Eugene Reisz that could remove doubt.

At this point, it remains impossible to establish a connection between the painting itself and a possible former owner. I therefore tried to find

annotated copies of the 1928 auction catalogue that might bear the name of the buyer, Reisz or anyone else – but again, for the moment, the investigations have remained without success.

## **Conclusion**

The issue of spoliations and restitutions in France has evolved both in the minds of politicians and of museum professionals.

For the latter, there are now regular training sessions to inform them and raise their awareness of a subject that in fact concerns everybody.

As for the voluntarism of politicians, it has recently achieved success with the creation last month of a taskforce directed by David Zivie; so now, instead of being two provenance researchers as before, we are currently six researchers – and perhaps we will be more in the near future.

Until now, we have worked only on the provenance of the MNRs – and that is why I have exclusively chosen examples of MNRs – and on claims we have received regarding works of art from the national collections. We will now be able to undertake long-term research into the provenance of the national collections – as happens in many other countries, and as I have been requesting for a very long time.

Thank you for your attention.

# The Mystery of 4 Paintings and One Nazi Art Dealer: Schiele, Heckel and a Man Called Wilhelm Schumann

SHLOMIT STEINBERG

(The Israel Museum in Jerusalem)

## Challenges and partial success: provenance research of Egon Schiele's *Krumau – Crescent of Houses*<sup>1</sup>

One of the Israel Museum's most prized possessions is the expressive painting *Krumau – Crescent of Houses* (*The Small City V*) painted by the Austrian artist Egon Schiele. The painting was created by the tormented young artist in 1915 (Fig. 1).



(Fig. 1) Egon Schiele (Austrian, 1890–1918), *Krumau – Crescent of Houses* (*The Small City V*), 1915, oil on canvas, 109.7 x 140 cm. The Israel Museum, Jerusalem. Received through JRSO (Jewish Restitution Successor Organization), JRSO Number: 3165/86, B52.11.2011. Photo © The Israel Museum, Jerusalem

1 A shortened version of this article was published in *Judische Geschichte & Kultur Magazin*, Ausgabe #2, 2018. p. 26-29

Its registration number B52.11.2011 indicates that it reached the Bezalel National Museum, the predecessor of the Israel Museum, on November 1952. An older registration number (3165/86) testifies that before reaching Jerusalem it was stored at the American Army's Central Collecting Point in Wiesbaden.

This article will detail the research I have been conducting for the last two years, in order to trace some of the provenance information about the painting.<sup>2</sup>

The painting *Krumau – Crescent of Houses* is one of a series of works depicting Krumau (Český Krumlov), a town in southern Bohemia and the birthplace of Schiele's mother Marie, née Soukup. Schiele lived in Krumau during 1911 with his lover and model Wally Neuzil. However, the couple were driven out by the townspeople, who strongly disapproved of what they considered the couple's immoral behaviour. During the years 1914–15 Schiele returned to Krumau several times in order to paint there again, but chose not to stay for long periods.

The version of *Krumau* at the Israel Museum is more expressive than the other versions of this theme and depicts the curved row of houses on the Lange Gasse. The painting features a luscious curve that drags the composition forcefully to the left. The dynamic use of line and the reclining nature of this townscape recall the twisting contours of Schiele's erotic nudes. Washing lines are similarly vigorous in their active depiction. The town is devoid of people, yet somehow quite vibrant despite their absence.

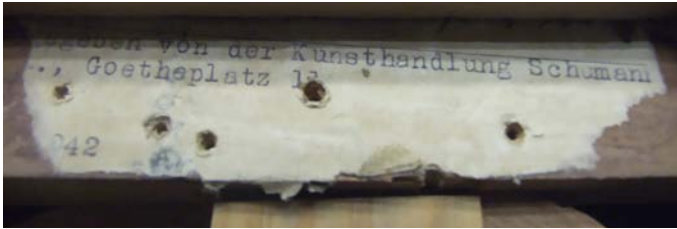
Jane Kallir, the author of Schiele's catalogue raisonné, mentions the painting but gives no further information except that it reached the Bezalel National Museum in 1952 via the Jewish Restitution Successor Organization.<sup>3</sup>

The lack of information meant that the only place to look for details was the painting itself – or more accurately, its stretcher. A small paper sticker, in tatters (*Fig. 2*), pasted to the wood gave partial information:

abgegeben von der Kunsthandlung Schuman?  
. Goetheplatz 1?


- 
- 2 I was not alone in my quest; others within the Israel Museum such as Mrs. Apfeldorf and Mrs. Gabriel-Apter (our volunteer provenance researchers) have probed into it as well, as did Mr. Eyal Dolev, who generously shared with me the information he found.
  - 3 Jane Kallir, *Egon Schiele: the complete works: Includes a biography and a catalogue raisonné*. New York, 1998, p. 700. See also [egonschieleonline.org/works/paintings/work/p291](http://egonschieleonline.org/works/paintings/work/p291).

?42<sup>4</sup>



(Fig. 2) The sticker on the Schiele painting’s stretcher

The painting’s property card from the Wiesbaden CCP records found on the website of the American National Archives and Records Administration (NARA)<sup>5</sup> gave a few more details (Fig. 3):

CLASSIFICATION: <b>Painting</b>	<b>PROPERTY CARD-ART</b>		NO: WIE 3165/86
AUTHOR: Egon Schiele 1915	SUBJECT: View in a town	PRESUMED OWNER:	
MEASUREMENTS: 1,37 x 1,07 m	MATERIAL: Oil on canvas	INV. NO:	
WEIGHT:	ARRIVAL CONDITION: bad - slightly damaged	CAT. NO:	
DEPOT POSSESSOR: I. E. J. Frankfurt	DESCRIPTION: View in a town, seen from above, roofs of houses crowded together.		
DEPOT NO:			
IDENTIFYING MARKS: Label: Aus der Judenmasse Pflingstweidstrasse 12: 1 Bild antartete Kunst, Altst-edt; abgeben von der Kunsthandlung Schumann Frankfurt/M.	Unframed.	FOR OFFICE USE	
BIBLIOGRAPHY:		CLAIM NO: OTHER PHOTOS: NEG. NO: MOVEMENTS:	

(Fig. 3) The American National Archives and Records Administration (NARA), 1945 property card for the Schiele painting

### Aus der Judenmasse

- 4 Which translates as:  
“Delivered by the art dealer Schuman?  
Goetheplatz 1?  
?42”.

The question marks relate to missing letters and numbers on the sticker, caused by holes that were drilled into the stretcher for hanging devices in previous years.

- 5 NARA: Ardelia Hall Collection: Wiesbaden Administrative Records; Declassified per Executive Order 12958, Section 3.5, NND Project Number: NND 775057.

Pfingstweidstraße 12:  
1Bild antartete Kunst, (*a spelling mistake in the original document*)  
Altst-adt; abgegeben von  
der Kunsthandlung  
Schumann Frankfurt/M.<sup>6</sup>

The word *Judenmasse* may be translated as “Jewish crowd”, but it is more likely that here it meant “Jewish hoard”, in reference to a place where Jewish property was stored, most probably after it was collected from the apartments of deported Jewish families during the early 1940s. These fragments of information, pieced together, revealed that the painting was in the possession of an art dealer called Wilhelm Schumann in the city of Frankfurt am Main.

Wilhelm Schumann was born on 23 September 1886 to a simple Catholic family.<sup>7</sup> His father Johann Dietrich was a master carpenter. Little is known about his early life. He married his wife Rosa in April 1914, and had a son. During his thirties he was employed as a junior clerk at the Jewish-owned Modern art gallery *M. Goldschmidt & Co.* In 1928 Maurice Goldschmidt died and the gallery was closed. Did Schumann pocket the gallery’s records and list of clients before he left? Schumann’s next workplace was a shop called *Wilhelm Schumann & Co.*; according to the 1934 telephone directory, he resided and worked at Goetheplatz no. 11. From 1935 onwards he kept in contact with Dr. Herman Voss, the Director of the Wiesbaden Museum, who bought paintings from him. Until January 1936 he had a business partner called Else Gans. Gans’s name later appeared on the June 1942 transport lists to Sobibór, where she was murdered.

By April 1938, Schumann, a Nazi party member, was working for the Frankfurt Gestapo as an expert and appraiser of works of art located in private Jewish collections in the Hessen-Nassau region. As Jews had to declare and register their valuable possessions, Schumann was appointed to

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6 Which translates as:  
“From the Jewish mass  
Pfingstweidstraße no. 12:  
1 picture degenerate art, (*a spelling mistake in the original document*)  
Old town; delivered by  
the art shop  
Schumann Frankfurt / M.”

7 For information relating to the Nazi art dealer Wilhelm Schumann’s activities, a reliable source is: [www.lostart.de](http://www.lostart.de)

value paintings belonging to people with modern art collections. He was thus in a position to know about or even acquire works of art from families who were pressed for cash, or wanted to flee Nazi Germany.

In February 1940, a Gestapo officer in charge of “Jewish welfare” was appointed, representing both the Gestapo and the municipality; such a post existed only in Frankfurt. This man was Ernst Holland, the Gestapo overseer of the welfare department and charitable institutions of the Jewish community, who handled all affairs relating to Jews in the city.<sup>8</sup>

Holland was born on 22 September 1898 in Frankfurt am Main. During World War I he was stationed in France; he was discharged from the army at the rank of Private. Afterwards, he worked as a travelling salesman. He joined the Nazi Party on 1 August 1933 and was hired by the Municipality of Frankfurt as a Stadtsekretär. On 31 May 1940, the Gestapo appointed him to oversee the welfare office for the Jewish community. In this special capacity Holland became a regular municipal employee who owed his status primarily to the Gestapo, from whom he took his orders. Notorious for his violent nature, Holland was known as the “terror of the Jews”.

Schumann and Holland joined forces and operated together. Schumann made good use of the information he had on Jewish art collectors thanks to his years at the Galerie Goldschmidt and more so from his work as an appraiser, which gave him access to quality artworks located in Jewish apartments. He was instructed to sell paintings at high prices to clients who wanted to invest in something lucrative during the war years. His gain in these transactions was a 15% cut from each sale. In order to give him priority at auctions held in Jewish apartments, Schumann received 3 days’ notice in order to prepare.

In the summer of 1941, he was also partnered with two other experts, Dr. Ernst Holzinger (the curator of the Prints and Drawings Department at the Städelsche Kunstinstitut in the city) and Dr. Walter Mannowsky. Mannowsky had been the Director of the Arts and Crafts Museum in Frankfurt since June 1938 – a position that involved him in the expropriation of Jewish artefacts that entered his museum. Schumann, Holzinger and Mannowsky

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<sup>8</sup> See <http://www.holocaustresearchproject.org/nazioccupation/frankfurt.html>. See also [db.yadvashem.org/deportation/supervisors](http://db.yadvashem.org/deportation/supervisors).



appraised works of art and earmarked selected pieces for museums in the city.

The official confiscation of Jewish assets was part of a programme that the Nazi regime called *AKTION 3*, activated by the Reich's Financial Ministry on 4 November 1941.<sup>9</sup> It dealt with the assets of deportees: the Gestapo was in charge of the deportations, demanded lists of assets, sealed the apartments and received the keys to each home. The confiscation orders were delivered to the Jews by bailiffs shortly before the deportations took place. The tax offices received the dates of the deportations from the local Gestapo, and requested the confiscation orders. The apartments' contents were cleared soon after their occupants had left. Furniture and household goods were dispatched to the offices, recreation and training facilities of the Reich's tax authorities. Valuable artefacts were reported to the Reich Chamber of Fine Arts. In Frankfurt, as is the case here, the contents of the apartments were sold by the tax officials to National Socialist organizations and individuals.

This brings us back to the previously-mentioned apartment building at Pfingstweidstraße no. 12. This particular house stood in the poor East End of the city, near the old Jewish Ghetto. The people who rented apartments there were simple people who held simple jobs – as the city records and address books from 1935, 1939 and 1941 indicate. In the “Amtliches Frankfurter Adressbuch” of 1939 there are listings of the tenants according to street and house number.<sup>10</sup>

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<sup>9</sup> [https://de.m.wikipedia.org/wiki/Aktion\\_3](https://de.m.wikipedia.org/wiki/Aktion_3)

<sup>10</sup> In the “Amtliches Frankfurter Adressbuch” of 1939 there are listings according to street and house number. Here is the list of residents at Pfingstweidstraße no. 12: Plaut, M., Privatier (owner of the building), on the ground floor: Goldmann, L., Kaufmann (shop assistant), Sichel, G., Vertreter (salesman), on the first floor: Frenkel, F., Witwe (widow), Würzburger, H., Kaufmann (shop assistant), on the second floor: Herz, R., Witwe (widow), on the third floor: Kappner, J., Werkmeister im Ruhestand (retired foreman), Fischer, J., Schlosser (locksmith), Müller, R., Buchdrucker (printer).

The 1941 address book shows that changes had taken place among the building's tenants: Mrs. M.S. Plaut had moved to Fichtestraße no. 7, while Goldmann, Fischer and Müller no longer lived there. Two new names had appeared on the list: Blumhof, R.S. and Goldschmidt, B.I. (both Jews).

Gustav Sichel, who in previous years had been a man of considerable means, rented an apartment there after his delicatessen and house at Baumweg no. 20 were confiscated from him in 1934. While his children escaped Germany, he stayed behind

The 1941 address book testifies to the changes that had taken place among the building's tenants, as Aryans could no longer live next to Jews and the Jewish community was allotted premises in the city to house families evacuated from their former upper-scale dwellings elsewhere in Frankfurt.

Mrs. Minna Sara Plaut (1860–1942), the elderly Jewish owner of the building, had already been stripped of all her assets by May 1940. Because of her failing health she moved to the Jewish house for the sick at Fichtestraße no. 7.

Earlier, on 22 November 1941, the tenants of the house at Pfingstweistraße no. 12 were ordered to leave their apartments and go to the assembly point in the basement of the Wholesale Market Hall (*Grossmarkthalle*) in the East End of Frankfurt am Main. Gustav Sichel (1876–1941), a tenant in the building for seven years, went there along with his ailing wife Helene and his sister-in-law Bertha Meierhof – as well as all the other Jews who had received deportation orders. Later that day, all of them were loaded into cattle trains and transported to Kovno. Upon their arrival there three days later, they were led to their death at Fort IX – together with the other 985 Jewish passengers from that train. Their apartments were cleared and locked, and the house at Pfingstweidstraße no. 12 was sold to Mr. Albert Schell on 25 April 25 1942. Mrs. Minna Sara Plaut was deported to Theresienstadt on 18 August 1942, where she died on 5 September that year.<sup>11</sup>

Going back to the mystery of the Schiele:

Searching through Kallir's website, I found the list of one-man shows held for Schiele during the years, including a one-man show at M. Goldschmidt & Co. held in 1926.<sup>12</sup> Unfortunately, the show had no catalogue. No record of the gallery's transactions or inventory exist, so we have no clue whether our painting actually featured in this exhibition, yet the fact that Schumann worked at the M. Goldschmidt & Co. gallery during 1926, and the fact that Schumann was responsible for the evaluation and later on confiscation of modern art in the city, is quite a coincidence.

Among the paintings arriving in the 1952 JRSO shipment there was an-

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with his sick wife. I am extremely grateful to Ms. Bettina Kaldenberg from the Mannheim University Library for her assistance in tracing these address books.

**11** Information about Mrs. Plaut and her assets was found in the file: Hessisches Hauptstaatsarchiv Weisbaden 519/3 05747 Devisenakten.

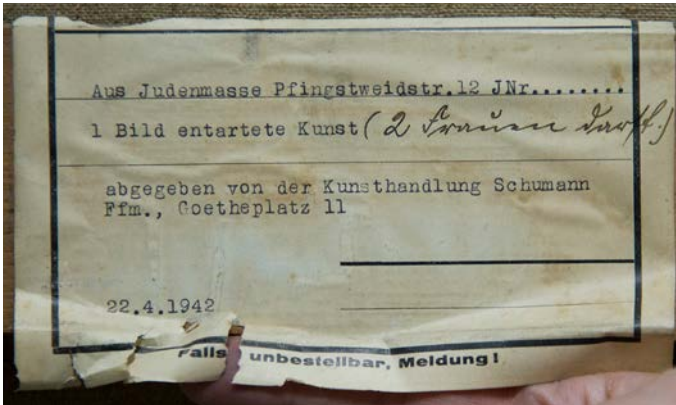
**12** [egonschieleonline.org/exhibitions/1919-1945](http://egonschieleonline.org/exhibitions/1919-1945)



(Fig. 4) Anonymous (Germany), *Two Women*, 20<sup>th</sup> century, casein on canvas, 131 x 98 cm. The Israel Museum, Jerusalem. Received through JRSO (Jewish Restitution Successor Organization), JRSO Number: 3165/81, B52.11.1888. Photo © The Israel Museum, Jerusalem

other painting that passed through Schumann's hands: it is an expressive casein on canvas painting (130 x 100 cm) featuring two half-naked women (Fig. 4). The style of the work is German Expressionist in the spirit of *Der Brücke* group. On the painting's stretcher there is a sticker almost identical to the one on the Schiele's stretcher. Luckily it is in a better state of conservation (Fig. 5):

Aus der Judenmasse Pflingstweidstraße 12 JNr.....  
1Bild antartete Kunst (2 Frauen)



(Fig. 5) The sticker on the Anonymous painting's stretcher

abgegeben von der Kunsthandlung Schumann  
 Ffm., Goetheplatz 11  
 22.4. 1942<sup>13</sup>


Looking at its Wiesbaden property card no Wie 3165/81<sup>14</sup>, one can read (Fig. 6):

Aus der Judenmasse  
 Pflingstweidstraße 12,  
 ein Bild entartete Kunst:  
 2 Frauen. Abgegeben von der  
 Kunsthandlung Schumann,  
 Frankfurt/M. No. 33<sup>15</sup>

<sup>13</sup> Which translates as:  
 “From the Jewish hoard Pflingstweidstraße 12 JNr.....  
 1 picture degenerate art (2 women)  
 delivered by the Schumann art shop  
 Frankfurt am Main, Goetheplatz no. 11  
 22.4. 1942”

<sup>14</sup> NARA: Ardelia Hall Collection: Wiesbaden Administrative Records; Declassified per Executive Order 12958, Section 3.5, NND Project Number: NND 775057.

<sup>15</sup> Which translates as:  
 “From the Jewish hoard Pflingstweidstraße no. 12:  
 one picture degenerate Art:  
 2 women. Delivered by  
 the Schumann art shop, Frankfurt / M. no. 33”

CLASSIFICATION:		PROPERTY CARD-ART		NO:	
Painting		SUBJECT:		WIE 3165/81	
AUTHOR:		Two nudes.		PRESUMED OWNER:	
Unknown early 20 th cent.		MATERIAL:		INV. NO:	
MEASUREMENTS:		oil on canvas		CAT. NO:	
H 1,30 by 1,00 m		ARRIVAL CONDITION:			
WEIGHT:		bad - damaged			
DEPOT POSSESSOR:		DESCRIPTION:		FOR OFFICE USE CLAIM NO: OTHER PHOTOS: NEG. NO: MOVEMENTS:	
I.E.J. Frankfurt		Two nude woman, seen from the front.			
DEPOT NO:		Unframed.			
IDENTIFYING MARKS:					
Label: Als Judenmann Erlangsdstr. 12, ein Bild entartete Kunst; 2 Frauen. Abgegeben von der Kunsthandlung Schumann, Frankfurt/M. No. 33					
BIBLIOGRAPHY:					

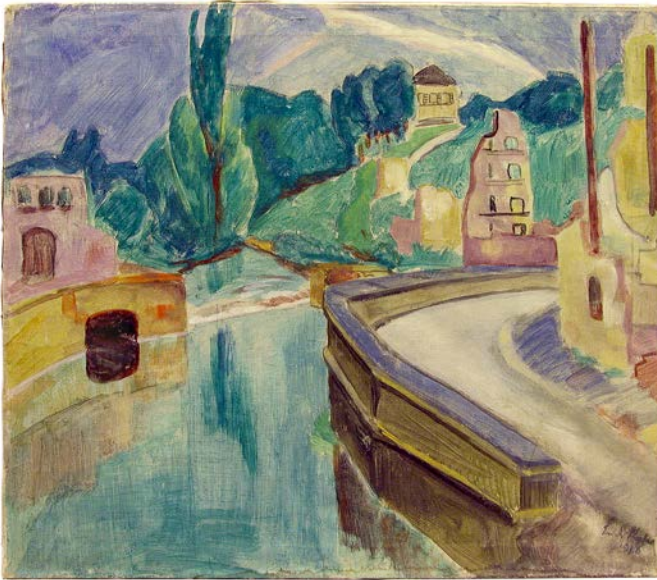
(Fig. 6) The American National Archives and Records Administration (NARA) 1945 property card for the Anonymous painting

Does the number 33 refer to a painting number 33 in the delivery that took place on 22 April 1942? And did Schumann deliver more paintings on 22 April 1942 besides the *Two Women* and the *Krumau* cityscape?

Another intriguing question is why move paintings to a building that is about to be sold in three days' time? Could it be that Schumann and Holland were using evacuated buildings as their temporary storage facilities?

According to American Army property cards, the two paintings were also confiscated at a certain point by the Third Reich's *Institute for the Study of the Jewish Question* (*Institut zur Erforschung der Judenfrage*). The institute was founded by Alfred Rosenberg in 1939, and opened officially in March 1941, in Frankfurt am Main. No date is given as to when the Institute confiscated the two paintings from Schumann's hands. They were sent to a hiding place in Hungen, a town 70 kilometres northeast of Frankfurt. When the U.S. Army reached Hungen in the spring of 1945, they discovered 106 paintings hidden in the attic of the local school and transported them on 24 July to the archival depot they had established at the I.G. Farben factory building in Offenbach, where books and Jewish manuscripts were gathered.<sup>16</sup> This was obviously not an appropriate place for works of art, so they were

<sup>16</sup> For more information see: Patricia Kennedy Grimsted, *Reconstructing the record of Nazi cultural plunder*, at: [https://errproject.org/guide/ERR\\_USA\\_Aug1-15.pdf](https://errproject.org/guide/ERR_USA_Aug1-15.pdf) and Ann Rothfeld, *Returning Looted European Library Collections: An Historical Analysis Of the Offenbach Archival Depot, 1945-1948*, at: <http://rbm.acrl.org/index.php/rbm/article/view/238/0>.



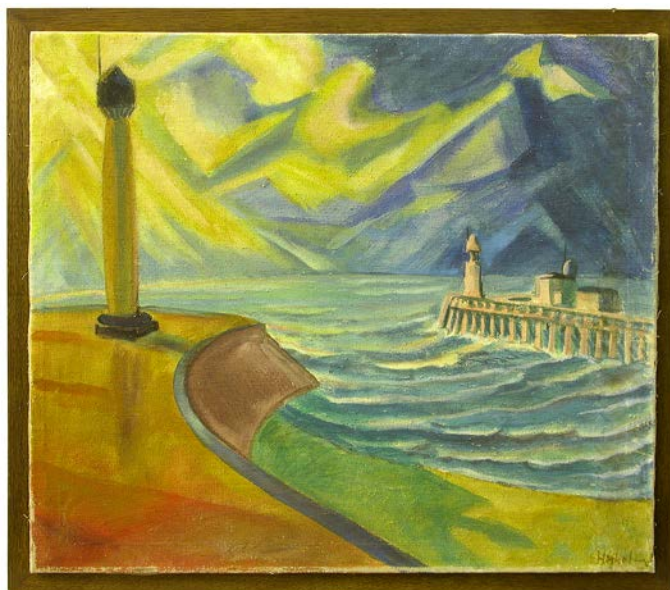
(Fig. 7) Erich Heckel (German, 1883-1970), *Landscape (Flandria)*, 1916, gouache on canvas, 85 x 96 cm. The Israel Museum, Jerusalem. Received through JRSO (Jewish Restitution Successor Organization), JRSO Number: 3165/75, B52.11.1861. Photo © The Israel Museum, Jerusalem. Erich Heckel © VG Bild-Kunst, Bonn 2019

moved again – this time to the Wiesbaden Collecting Point, on 21 February 1946, where they remained until 4 July 1951. Their next holding place was at the Jewish Restitution Successor Organization’s storage room in Nuremberg, before they were shipped to Jerusalem in mid-1952.

While I was researching these two paintings, the restitution lawyer Eyal Dolev was looking into the provenance of two paintings by Erich Heckel from the Israel Museum’s JRSO holdings. The painting *Landscape (Flandria)* was dated 1916, and *Seascape / Lighthouse (Entrance to the Harbour)* was painted in around 1917 (Fig. 7-8). These two paintings were part of the cache of 106 works found in Hungen, and their journey from Germany to Jerusalem took place alongside the two paintings already mentioned. Their Wiesbaden registration numbers were 3165/74 and 3165/75. While there is no indication that the two Heckel paintings were also brought to the house at Pflingstweidstraße no. 12 on April 1942, it is plausible that the stickers indicating that might have been torn or removed throughout the years.

According to Dolev's research, both paintings were also in Schumann's hands between 26 May 1942 and 18 October 1943. On the latter date, Schumann was instructed in a short letter (with no legible signature) to sell some paintings for as good a price as he could get, but not to sell the Heckels and instead to wait for further instructions on those. Later in the same year, the two Heckels were (also) confiscated by the Institute for the Jewish Question - most likely together with the Schiele and the anonymous painting.

By late 1943, the balance of power in the war was changing, and the hope for a huge victory on the Eastern front was no more than wishful thinking on Germany's part. Were Schumann and Holland hoarding works of art in the hope making use of them after the war was over? Furthermore, were they using apartments formerly belonging to Jewish families, now at the disposal of Ernst Holland? And why were Schumann and Holland hoarding what was clearly labelled as "degenerate" art? Was Schumann planning to sell the paintings for a profit beyond the Third Reich's



(Fig. 8) Erich Heckel (German, 1883-1970), *Seascape / Lighthouse (Entrance to the Harbour)*, 1917, gouache on canvas, 84 x 96 cm. The Israel Museum, Jerusalem. Received through JRSO (Jewish Restitution Successor Organization), JRSO Number: 3165/74, B52.11.1828. Photo © The Israel Museum, Jerusalem. Erich Heckel © VG Bild-Kunst, Bonn 2019.

borders? Did he, like Dr. Hildebrand Gurlitt in Hamburg, have a soft spot for this unpopular style?

According to the municipal administration records, by mid-1943 (after most of the Jews of Frankfurt had been deported), the Gestapo instructed the municipality to leave Holland in what it termed his “crucial” post. The municipality, however, chose to forgo his services. On 14 October of that year, he was to join an SS medical unit in Stettin. The authorities discovered that he had stolen large amounts of Jewish belongings, which were found (at the end of the war) in a storeroom at his home, confirming that he had stolen from the city as well as from the Gestapo. After the war, efforts were made to track him down, but by 1988 no traces had been found.

My search for Schumann’s wartime inventory and stock lists at the archives of the Frankfurt municipality and city museum yielded no results.<sup>17</sup> Sometime during 1944, an aerial bombing raid destroyed Goethe Platz no. 11. On October 16 1946, Schumann’s name appears in a MFA&A memorandum relating to the art dealers in Frankfurt; a decision on their future was pending due to their political background during the Nazi regime. Schumann is no. 10 on that list.<sup>18</sup>

In a written statement he gave to the MFA&A investigators in late 1946, he proclaimed: *“My stock has been reduced to a small amount by bombing... My turnover essentially consisted of the sale of goods in commission... I have been exclusively engaged in dealing with modern art of the 19<sup>th</sup> and 20<sup>th</sup> century...”*<sup>19</sup>

Was this true? Probably as true as similar statements by the likes of him, given to the American Monument men all over Germany. In 1950 Schumann died from appendicitis. His secrets were buried with him.

We are thus left with the nagging question of who, then, was the owner of the Schiele? Or maybe of the four paintings? Clearly that person was not a tenant at an apartment in the East End, the city’s poorest area. It must have been a Jewish collector of modern art, a person with taste, money and a large house that could accommodate sizeable paintings. If indeed Kru-

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17 I am most grateful to Michael Gerth from the Institut für Stadtgeschichte, Frankfurt am Main, to Dr. Wolfgang Cilleßen from the Historisches Museum, Frankfurt am Main, and to the provenance expert Maike Brüggem for their help and good will in assisting me in my research after the records and inventories of W. Schumann and the M. Goldschmidt and Co. gallery.

18 NARA: Ardelia Hall Collection: Wiesbaden Administrative Records; Declassified per Executive Order 12958, Section 3.5, NND Project Number: NND 775057.

19 NARA: Ardelia Hall Collection: Wiesbaden Administrative Records; Declassified per Executive Order 12958, Section 3.5, NND Project Number: NND 775057.



*mau - Crescent of Houses* was featured at the 1926 exhibition, it was probably bought by a collector who loved Expressionist art, and from whom it might have been confiscated as early as 1937 because it was considered to be *degenerate* art.

# Restitution About-Face: Max Stern, the return of Nazi-Looted art and Düsseldorf's double game

SARA ANGEL  
(York University)

In April 2014, advocates for Nazi-era art restitution had reason to celebrate. Düsseldorf's Stadtmuseum returned *Self-Portrait of the Artist* by Wilhelm von Schadow to the estate of Max Stern, its former owner.<sup>1</sup> As well, the Stadtmuseum announced plans to produce an exhibition about Max Stern, who had been one of the city's most renowned Jewish art dealers before he was forced to sell over 300 paintings under Nazi orders.<sup>2</sup>

However, this positive turn of events was short-lived. Just three years later, in November 2017, one of the year's most disturbing art-world events happened when the city of Düsseldorf abruptly canceled the show.<sup>3</sup> This paper explores Düsseldorf Mayor Thomas Geisel's controversial termination of the Stadtmuseum exhibition – followed by his decision to reinstate the show on Stern; how Düsseldorf went from an enlightened view of Nazi-era restitution to a reversed stance on the issue, and the problems that continue today to be connected with the research and restitutions of Stern's paintings in Germany.

Few names are as important in Canadian art history as Max Stern. At his Montreal-based Dominion Gallery, Stern represented Canada's biggest artists in the post-Second World War years, including Emily Carr and Jean-Paul Riopelle as well as such international talents as sculptors Henri Moore and August Rodin. Born in 1904 just outside Düsseldorf, where he lived as a child and young man, Stern fled Germany after the Nazis took away his right to work for one simple reason: he was Jewish.<sup>4</sup>

Stern settled in Montreal, Canada where he thought he would have

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1 Sara Angel, "The Secret Life of Max Stern", *The Walrus* (October 15, 2014).

2 Ibid.

3 Catherine Hickley, "Düsseldorf abruptly cancels exhibition about Jewish dealer Max Stern", *The Art Newspaper* (November 17, 2017).

4 Max Stern, unpublished autobiography, ca. 1982. Max Stern fonds. National Gallery of Canada, series-sound and video recordings: audiocassette box 52. Also see the Dominion Gallery fonds, the National Gallery of Canada. The Dominion Gallery supported thirty-two Canadian artists including Emily Carr (1871-1945), Jacques Godefroy

nothing to do with Germany again. But now, 40 years after his death, his name is at the centre of international attention due to the deficiencies in Düsseldorf's handling of Nazi-era art restitution. This situation began five years ago, in April 2014, at the restitution ceremony for *Self-Portrait of the Artist*. The Stadtmuseum's director Dr. Susanne Anna announced that her museum would organize an exhibition to acknowledge Stern's importance to the city of Düsseldorf.<sup>5</sup>

As Dr. Anna explained at the restitution ceremony, the Third Reich had erased Max Stern's history, as well as the histories of all the city's Jews. An exhibition on Stern was necessary, said Dr. Anna, as a reminder that during the Holocaust "art was only one thing stolen by the Nazis. They took everything – rugs, bicycles, cars, carpets, candlesticks and books – turning Germany into a garage sale of Jewish goods to finance the war."<sup>6</sup>

What Dr. Anna left out of her speech were details of the highly difficult process that Stern's heirs faced in reclaiming *Self-Portrait of the Artist* – a process that took five years in a city known for its conservative values; one that continues to have reverberations today; and one that shines light on the story of Max Stern and anti-Semitism in Düsseldorf.

Max Stern grew up in Düsseldorf at the Galerie Stern, founded by his father Julius. He inherited his father's business in 1934, but ran the esteemed art dealership for one year only because in January 1933 Adolf Hitler had been appointed chancellor of Germany.<sup>7</sup> With the spread of anti-Semitism and Nazi law, Stern, as a Jew, was declared unsuitable to promote German culture. In November 1937, as Nazism and Gestapo orders engulfed Düsseldorf, Stern was told he could no longer run his family's business. Under duress Stern liquidated his gallery's inventory – more than 300 paintings listed at fire-sale prices in a forced auction.<sup>8</sup>

The proceeding was held at Cologne's Third Reich-approved auction house Lempertz, a business still open today, and one that is infamous for having trafficked non-Aryan property to Hermann Goering, Hitler's deputy and most avaricious looter. Stern never saw a penny from the 1937 forced

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de Tonnancour (1917-2005), Paul-Emile Borduas (1905-1960), John Lyman (1886-1967), Stanley Cosgrove (1911-2002) and E.J. Hughes (1913-2007).

5 Sara Angel, "The Secret Life of Max Stern".

6 Ibid.

7 Philip Dombowsky, *Dr. Max Stern and the Dominion Gallery a Selection from the Archives*. (Ottawa: National Gallery of Canada, 2003), 6.

8 Catherine Mary MacKenzie, *Auktion 392: Reclaiming the Galerie Stern, Düsseldorf* (Montreal: Concordia University, 2006).

sale; its proceeds were ransomed to obtain an exit visa for his mother to leave Germany.<sup>9</sup>

Stern escaped Germany and rebuilt his life in Canada. Yet for the next 40 years, he never spoke of the Lempertz forced auction and what had been stolen from him. This fact only came to light after his death in 1987. Not until then did his beneficiaries learn about the 1937 Lempertz catalogue which listed the contents of the forced sale.<sup>10</sup> The catalogue was brought to the Stern estate's attention by Lucian Simmons, the head of restitution and provenance research at Sotheby's New York.<sup>11</sup>

Stern's beneficiaries – Montreal's Concordia and McGill Universities and the Hebrew University in Jerusalem – then established the Max Stern Art Restitution Project in 2002 to break Max Stern's silence and recover what he had lost in Nazi Europe.<sup>12</sup>

Since its inception, the Max Stern Art Restitution Project has quickly become one of the world's most important voices on Nazi-looted art-recovery. Because it restitutes art that ranges in value, including pieces worth little on today's market, the work of the Max Stern Art Restitution Project counters a notion often fed by the media that money rather than moral rectitude is at the heart of Holocaust-era art restitution.

The project has reclaimed an average of one work a year since its launch (to date, 18 paintings) and it has also established groundbreaking precedents. For instance, in 2008, the Max Stern Art Restitution Project recovered *The Girl from the Sabine Mountains* by Franz Xaver Winterhalter. The painting resurfaced at a Rhode Island auction house 60 years after it was sold to a high-ranking member of Hitler's storm troopers at the 1937 Lempertz forced auction, where Stern was forced to liquidate his inventory.<sup>13</sup>

The case involved a milestone ruling by U.S. District Chief Justice Mary Lissi, who stated that "Stern's relinquishment of his property was anything but voluntary". Lissi's ruling was historic. Not only – for the first time – was the forced sale of art deemed tantamount to theft, but a recogni-

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9 Sara Angel, "The Secret Life of Max Stern".

10 Mathias Lempertz, *Die Bestände der Galerie-Stern-Düsseldorf*, (Cologne: Mathias Lempertz, 1937).

11 Sara Angel, "The Secret Life of Max Stern".

12 Willi Korte, "Max Stern Lifetime Chronology" *Max Stern Art Restitution Project*, Concordia University.

13 Nicholas M. O'Donnel, *A Tragic Fate: Law and Ethics in the Battle Over Nazi-Looted Art* (Chicago: Ankerwycke, 2017).

tion was made that the majority of European Jews had lost their artworks through Nazi coercion rather than outright property confiscation.<sup>14</sup>

In Germany, however, Judge Lissi's pro-restitution ruling was at odds with the country's conservative factions. Following the 2008 landmark case, Henrik Hanstein, the current owner of Lempertz, had the auction house go on record stating that the case held no legal ground in his country.<sup>15</sup>

This background helps explain why the 2014 restitution of the von Schadow portrait took five long years and why its aftermath has been so fraught with controversy.

An early Director of the Düsseldorf Academy, von Schadow shaped one of Europe's most famous art schools – the alma mater of Joseph Beuys, Gerhard Richter, and Andreas Gursky – so while his self-portrait didn't have tremendous monetary value; its meaning is priceless to the city of Düsseldorf.

The Stern estate located the self-portrait at the Stadtmuseum after finding it in an old copy of the catalogue for the 1976 exhibition "The Hudson and the Rhine". The show, held at the Düsseldorf Kunstmuseum, focused on American artists who had attended von Schadow's academy and included the self-portrait on loan.<sup>16</sup> Although the Stadtmuseum's director Susanne Anna was sympathetic to seeing the return of the von Schadow self-portrait, the matter was not one for her to decide because the work was municipal property.

Not only did Düsseldorf decide to fight the claim of the Stern heirs, it was the city's right to do so. Germany has no laws outlining how to deal with restitution claims. Moreover, the country's civil code states that property cannot be reclaimed more than 30 years after it was lost or stolen. This means that the door shut in 1975 to restituting the self-portrait through the German courts.<sup>17</sup>

While Germany is among 44 countries that voluntarily signed the

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14 Edward Fitzpatrick, "Dispute over painting rooted in Nazi Germany" *Rhode Island News* (October 12, 2008). Also see "The Max Stern Estate" in Nicholas M. O'Donnell. *A Tragic Fate: Law and Ethics in the Battle Over Nazi-Looted Art*.

15 Sara Angel, "Germany Still has Problematic Approach Towards Nazi-Era Art Restitution" *Globe and Mail* (February 15, 2019).

16 Kunstmuseum Düsseldorf. *The Hudson and the Rhine Die amerikanische Malerkolonie in Düsseldorf* (Düsseldorf; Kunstmuseum Düsseldorf, 1976).

17 Sara Angel, "Germany Still has Problematic Approach Towards Nazi-Era Art Restitution".

Washington Principles of 1998, committing itself to the restitution of art stolen by the Nazis or sold under duress, the pact is legally non-binding.<sup>18</sup> To fight the Stern estate's claim for *Self-Portrait of the Artist*, Düsseldorf's city council hired Ludwig von Pufendorf.<sup>19</sup>

It was 2010 and Pufendorf was one of Germany's most outspoken critics of art restitution after the Berlin state senate had agreed to restitute *Berlin Street Scene* by Ernst Ludwig Kirchner from the city's Bruecke Museum four years earlier. In 2006, Kirchner's Expressionist masterpiece *Berlin Street Scene* was restituted by Anita Halpin, a granddaughter of the Jewish-German art collectors Alfred and Tekla Hess.<sup>20</sup> Halpin claimed the painting after a lengthy process in which she proved that under anti-Semitic persecution, her grandparents saw *Berlin Street Scene* (along with approximately 4 000 other works) looted by the Nazis.<sup>21</sup> Still, Pufendorf disputed the decision, arguing that the situation had "nothing to do with moral restitution" but rather that it was about "a process of commercialization".<sup>22</sup> His thoughts were quickly picked up by others, including the newspaper *Frankfurter Allgemeine Zeitung*, which published a story titled "They Say Holocaust and Mean Money".<sup>23</sup>

The uproar escalated further when in the fall of 2006, Halpin sold *Berlin Street Scene* at Christie's New York for \$38.1 million. Bernd Schultz, then the Director of the Berlin auction house Villa Grisebach, called the Kirchner restitution a betrayal of the German nation orchestrated by "crafty, unscrupulous restitution lawyers in the U.S. and Germany".<sup>24</sup>

In the fall of 2013, however, the conversation about Nazi-era art restitution changed course. The German publication *Focus* broke the story of the greatest art find of the 21<sup>st</sup> century: More than 1 400 pieces, estimated to be worth more than €1 billion, had been discovered the previous year in

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18 Nicholas M. O'Donnel, "The Washington Conference and its Ethical Parallels", in *A Tragic Fate: Law and Ethics in the Battle Over Nazi-Looted Art* (Chicago: Ankerwycke, 2017).

19 Ibid.

20 Gunnar Schnabel and Monika Tatzkow, *The Story of Street Scene: Restitution of Nazi Looted Art Case and Controversy*. (Berlin: Proprietas-Verlag, 2008)

21 Ibid.

22 Stephanie Ringel, *Der Tagesspiegel* (August 19, 2006). As quoted in Gunnar Schnabel and Monika Tatzkow, *The Story of Street Scene: Restitution of Nazi Looted Art Case and Controversy*.

23 Bernd Schultz, "They Say Holocaust and Mean Money", *Frankfurter Allgemeine Zeitung*, January 19, 2007.

24 Ibid.

the Munich apartment of Cornelius Gurlitt, the son of Nazi curator Hildebrand Gurlitt.<sup>25</sup>

In the wake of the Gurlitt announcement, another fact quickly came to light: namely, Hildebrand Gurlitt (the father of Cornelius), along with other Nazis, had easily re-established his life in Düsseldorf after the Second World War. In fact, in 1948 Cornelius Gurlitt became Director of the Düsseldorf Kunstverein, the city's art association for the Rhineland and Westphalia. Sixty-three years later, in 2011, his son Cornelius Gurlitt sold *The Lion Tamer*, a work by Max Beckmann, at Lempertz – the very place where Max Stern had held his forced sale in 1937. The Beckmann painting had been part of Gurlitt's hoard of hidden works.<sup>26</sup>

Suddenly the provocative debate that Pufendorf and others had ignited in response to *Berlin Street Scene* seemed far less relevant than the new questions that the media brought to the surface, including: *Where did the paintings in Gurlitt's apartment come from? How much other Nazi-looted art remained hidden and unrestituted? And how complicit was the contemporary art trade in masking the crimes committed during the Third Reich?*

In 2014, against this backdrop of the Gurlitt find, the municipality of Düsseldorf, then under the leadership of Mayor Dirk Elbers, was persuaded to return the von Schadow portrait to the estate of Max Stern. It was five years after the first claim for *Self-Portrait of the Artist* had been made. Düsseldorf was on solid ground in its legal claim to keep *Self-Portrait of the Artist*. However, its officials decided against holding onto stolen property just because the law entitled them to do so. The city was morally convinced that it had an ethical responsibility to reconstitute the painting.<sup>27</sup>

This is how, along with the restitution for *Self-Portrait of the Artist* in April 2014, plans began for the exhibition about Max Stern. The museum show, whose working title was *From Düsseldorf to Montreal*, was planned to open at the Düsseldorf Stadtmuseum in February 2018, before travelling to the Haifa Museum of Art and then to Montreal's McCord Museum. Its focus was to teach the story of Max Stern, the anti-Semitic persecution

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25 Melissa Eddy, Alison Smale, Patricia Cohen and Randy Kennedy, "German Officials Provide Details on Looted Art", *New York Times* (November 5, 2013).

26 Patricia Cohen, "Documents Reveal How Looted Nazi Art Was Restored to Dealer", *New York Times* (November 6, 2013).

27 Sara Angel, "The Secret Life of Max Stern".

that forced him to leave his native Germany, and how his heirs created the Montreal-based Max Stern Art Restitution Project.<sup>28</sup>

To curate the exhibition, the Stadtmuseum director Dr. Susanne Anna recruited the world's leading Stern experts: the National Gallery of Canada archivist Philip Dombowsky, who catalogued all of Stern's papers for the institution, as well as the Montreal professor Dr. Catherine Mackenzie, who in 2009 had curated an exhibition on the Lempertz sale in which Stern liquidated his assets. The team worked on the show for three years. Their vision for the exhibition, however, would not come to pass.<sup>29</sup>

Not long after the restitution of von Schadow's *Self-Portrait of the Artist*, Thomas Geisel defeated Dirk Elbers to become Düsseldorf's Mayor. Then, in July 2017, Geisel came under pressure when the Max Stern Art Restitution Project initiated a claim to recover the painting *Sicilian Landscape* (1861) by Andreas Achenbach, a work registered as missing with Interpol and listed on the German [lostart.de](http://lostart.de) database as one of Stern's stolen works.

The piece was spotted in an Achenbach exhibition that originated in the German city of Baden-Baden in 2016, featuring works belonging to the private collector Wolfgang Peiffer. Peiffer retained Pufendorf, who disputed the Stern estate's claim to the painting and told *The Art Newspaper*: "My client will not allow this painting to continue to be listed on the [lostart.de](http://lostart.de) database and will seek recourse in court to uphold his rights."<sup>30</sup>

Pufendorf then launched a series of complaints against the Stern Restitution Project, directed toward the Canadian embassy in Germany, the Holocaust Claims Processing Office in New York, and the city of Düsseldorf. On 8 October 2017, Pufendorf wrote a letter that was heavily critical of the Stern project, its work and its mandate.<sup>31</sup>

The next day, Dr. Anna, Director of the Stadtmuseum, received verbal notification from the city council that the exhibition was cancelled. Düsseldorf issued a statement explaining that it was pulling the plug on the landmark show because of "restitution claims in connection to Max

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28 Sara Angel, "Backlash as Max Stern exhibit dubbed 'Too Canadian' for Düsseldorf" *Maclean's* (February 14, 2018).

29 Ibid.

30 Catherine Hickley, "Düsseldorf museum pulls painting from show after Nazi loot claim" *The Art Newspaper* (July 11, 2017).

31 Sara Angel, "Restoration Drama" *The Globe and Mail* (November 24, 2017).



Stern”.<sup>32</sup> Geisel’s decision reflected the fact that German sentiments against Nazi-era looted art claims continue to run high, bolstered by the fact that (unlike Austria, the second-highest looter of Jewish art during the Third Reich) Germany has no law to facilitate the recovery of plundered culture. It was not until 2013 that Germany set up an Advisory Commission for restitution cases, 15 years after Austria established its Council for Art Restitution. As a result, Germany is lagging behind: Austria has heard approximately 350 cases to date, Germany has reviewed a mere fifteen.<sup>33</sup>

What Mayor Geisel did not anticipate was the extensive consternation that the exhibition’s cancellation attracted internationally. At best, the Mayor’s decision was considered an inappropriate overstepping of political boundaries; at worst, it drew accusations of anti-Semitism. “Ownership claims should be a goal and incentive, not a hindrance, to this important exhibition”, said Tel Aviv University professor Hanna Scolnicov. Speaking on behalf of the German culture minister, Monika Grütters, Hagen Philipp Wolf condemned Düsseldorf’s termination of the Stern exhibition, calling the decision “beyond regrettable” and adding that “exhibitions aimed at confronting Nazi wrongs are more necessary than ever at the current time”.<sup>34</sup>

The negative media attention intensified when Mayor Geisel commented that another reason for the show’s termination was the dominant role played by the Canadian curators Dr. Mackenzie and Mr. Dombowsky, whose participation he claimed made the exhibition too “one-sided” and not German enough.<sup>35</sup> This very statement overlooked the fact that there are no scholars on Stern in Germany because when the country forced him to flee, he took his life, possessions, and papers to Canada, which became a stronghold for study on him.

Geisel’s decision was particularly controversial because it coincided with the start of a show on the Gurlitt case which opened in November 2017 in Bonn. The exhibition, held in a federal museum, told the story of Nazi

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32 Sara Angel, “Ronald Lauder Takes Germany To Task Over Lack of Action on Art Restitution” *ARTnews* (February 2, 2018).

33 Sara Angel, “Germany Still has Problematic Approach Towards Nazi-Era Art Restitution”.

34 Sara Angel, “Ronald Lauder Takes Germany To Task Over Lack of Action on Art Restitution”.

35 Sara Angel, “Backlash as Max Stern exhibit dubbed ‘Too Canadian’ for Düsseldorf”.

victims and how they lost their artworks, as well as the country's pledge to see works in the Gurlitt hoard rightfully returned to their owners.

The international media outrage against Düsseldorf continued throughout December 2017. Then just as the year came to the close, Mayor Geisel made another surprising move: he reversed his decision and announced that the Stern exhibition was back on the calendar, with a new opening date of 2020.<sup>36</sup> However, Geisel explained that the vision for the exhibition would be “modified” and that it would involve a new, yet-unnamed curator. It is hard to imagine that the situation could become more ominous. But it did.

In February 2019 in Düsseldorf, Mayor Geisel hosted an international symposium on Max Stern to lay the groundwork for his newly conceived exhibition on the city's native son. The one-day conference featured historians, provenance specialists and art-world professionals from New York, London, Paris and Berlin. Yet, in protest against Geisel's mishandling of the Stern exhibition, all the experts on Stern's life (a small group of scholars based in Ottawa, Montreal and Munich) refused to participate in the city's event.

I didn't receive an invitation to be a participant, likely because of critical articles that I had written on Düsseldorf. Instead, I attended the conference as a member of the general public. That's when it became clear to me (and all others in attendance at the symposium) that Geisel's so-called “modified” exhibition plans would stay far away from the topic of the restitution of Nazi-looted art. In the brochure for the conference, which included a biography of Stern's life, no mention was made that the 1937 auction of Galerie assets at Lempertz was a forced sale.<sup>37</sup>

More revealing, however, was the fact that as the exhibition leader Mayor Geisel replaced the pro-restitution Dr. Susanne Anna with Dr. Dieter Vorsteher, the former Deputy President of the German Historical Museum in Berlin, who gave one of the conference's first presentations. For anti-restitution attendees who were at the symposium – including Lempertz's owner Henrik Hanstein, and Ludwig Pufendorf – the selection of Dieter Vorsteher as the new curator was a popular choice.<sup>38</sup>

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**36** Brigit Katz, “After Heavy Criticism, German City's Exhibition on Jewish Art Dealer Is Back On”, *SmithsonianMag* (November 28, 2017).

**37** Sara Angel, “Germany Still has Problematic Approach Towards Nazi-Era Art Restitution”.

**38** *Ibid.*

In 2009, Dieter Vorsteher advocated against the restitution of more than 12 500 posters (by such artists as Edvard Munch, Gustav Klimt and Toulouse-Lautrec) owned by the Jewish art lover Dr. Hans Josef Sachs. The Sachs collection was stolen in 1938 under the order of Nazi propaganda minister Joseph Goebbels.<sup>39</sup>

In 2005, Dr. Sachs's heirs discovered the works in the vaults of the German Historical Museum. Only after extensive government appeals was the property returned to Sachs's son Peter, although not until 2013 – eight years after the claim was made – and against the protests of Vorsteher, who called the restitution “a real pity”.

Geisel opened his symposium last February by urging those who boycotted the conference – namely Canada's Catherine Mackenzie and Philip Dombowsky, as well as three Stern scholars based at Munich's Central Institute for Art History – to collaborate on Düsseldorf's 2020 exhibition. This, however, this will not happen until Düsseldorf acknowledges that Germany's definition of stolen art is far too limited and until the city recognizes that the 1937 Lempertz auction where Stern lost his property was in no way voluntary.

Until a change is made on this front, Germany remains in an untenable position – as Ronald Lauder, the President of the World Jewish Congress, puts it, “promising much” on the subject of Nazi-looted art, but so far doing “the bare minimum to solve this problem”.<sup>40</sup> In conclusion, Düsseldorf is playing a double game. Walking a political tightrope, the city's 2020 exhibition on Max Stern will most certainly spotlight his persecution by the Third Reich, but like the conference held just months ago, it will stay far away from acknowledging that the 1937 forced auction was any kind of theft.

In doing so, the city will allow Germany's anti-restitution cultural leaders, such as Ludwig Pufendorf and Henrik Hanstein, to control the agenda and to congratulate Dieter Vorsteher on creating an exhibition that simultaneously acknowledges the Holocaust but stays far away from compensating its victims.

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<sup>39</sup> Catherine Hickley, “Berlin Court Rules in Favor of Heir in Nazi-Looted Poster Suit”, *Bloomberg* (February 10, 2009).

<sup>40</sup> Sara Angel, “Ronald Lauder Takes Germany To Task Over Lack of Action on Art Restitution”

# Session 3

## **Provenance Research as an University Discipline**

**CHAIR: PAVEL HLUBUČEK**

*(The National Pedagogical Museum and Library of J. A. Comenius)*

# Provenance *khurbn forshung*: provenance research as an essential part of Holocaust studies in Poland

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With the signing of the *Washington Principles on Nazi-Confiscated Art* in 1998, provenance research, an indispensable tool for art historians, museum curators, librarians and archivists, acquired a remarkable historical dimension. The *Washington Principles* recommend conducting provenance research into art that is currently in public collections and whose history in 1933–45 is dubious.<sup>1</sup> This research should determine whether a particular work was seized by the Nazis and, if this was the case, to establish its rightful owners. The post-war fate of the work must be traced up to the instant when it entered the public collection. The eventual goal of this research should be the restitution of the work to its rightful owners (or more often, in view of the passage of time, to their heirs) or the finding of a *fair and just solution* for them. Provenance research conducted on behalf of the onetime owners of art that was lost under Nazi rule is similar. But it is also diametrically opposed, as it leads from what the heirs know about its owners to the art itself.

It needs to be emphasized that the provenance research promoted by the *Washington Principles* has more than just ethical, legal and political aspects. It is also entirely practical, focusing on a specific object. Even when establishing an object's provenance and ownership requires time-consuming archival inquiry, historical research and legal analysis, it must be done. Over the past twenty years, investigations have led to the restitution of over 2 000 works of art and of much larger numbers of books, archival items and other moveable cultural property.

These provenance investigations have also had the side effect of adding to our knowledge about issues which were once rarely or never addressed. For example, we have learned more about Jewish collections and collectors

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1 [https://www.lootedart.com/web\\_images/pdf/WashingtonConferencePrinciples\\_Original\\_080630.pdf](https://www.lootedart.com/web_images/pdf/WashingtonConferencePrinciples_Original_080630.pdf) [accessed 19 July 2019].

in Germany, Austria and Western Europe: what happened to them before and after the Nazi takeover; what were Jewish art patrons' and dealers' contributions to museums; and what was their role in promoting modern art and particular artists. Without this interest in provenance and its growing importance, we would not now have the many increasingly probing German-, English- and French-language studies about the mechanisms, organization and perpetrators of Nazi art theft, about the art trade and its actors in Nazi-conquered Europe. Nor would we have publications about the Nazi-era strategies of German and Austrian museums or about the actions of their leaders and those connected to these institutions. Notably, the focus on provenance has also engendered reflection on the post-war approaches to these issues. There is no question that it is also in large part thanks to provenance studies that we know that Nazi plunder, unprecedented in its scale and methods, was not just a prelude to the Holocaust and its death toll; eradicating the memory of the origins of stolen art was just as much a part of the Shoah as was the annihilation of the art's owners.

There is no place where one can more clearly see the ruthlessness and brutality of the Nazi project than Poland and the other parts of Eastern Europe conquered by the Germans. In this region, whose Jewish population was several times larger than the Jewish population of Western Europe, the Nazis seized and destroyed Jewish property with unprecedented viciousness, ominous exactitude and obsessive scrupulousness. For this reason, it would be counterproductive here for researchers to narrow down the provenance research established by the Washington Principles to the specific stories of individual objects and to attempts to identify their rightful owners; such an approach would obscure the analysis of the historical process, which is crucial to the outcomes of this investigation. If provenance research is to learn something about the Holocaust in this part of occupied Europe – which is surely our main goal here – it is thus absolutely necessary to go beyond this restrictive path.

When he coined the term “genocide” in 1943–44, the Polish Jew and wartime émigré Rafał Lemkin (1900–59) also came up with the related term of “cultural genocide” to denote the intentional total destruction of a nation's or an ethnic group's material culture.<sup>2</sup> As such destruction kills

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2 Raphael Lemkin, *Axis Rule in Occupied Europe. Laws of Occupation, Analysis of Government Proposals For Redress* (Washington, D.C.: Carnegie Endowment for International Peace, Division of International Law, 1944), 83.

that group's cultural memory, it is a crime comparable to the physical annihilation of the group. Lemkin's deeply affecting and correct – albeit legally useless – intuition was matched by the demand, made only slightly later, to engage in *khurbn forshung*, meaning “destruction research” in Yiddish.<sup>3</sup> This demand came from East European Holocaust survivors who wanted to establish a principal goal for the Jewish historical commissions that were being established immediately after the war.<sup>4</sup> *Khurbn forshung* remains imperative to this day in the context of the scale of the plunder and destruction of the cultural goods which in pre-war Poland belonged to Jewish religious communities, Jewish organizations and institutions, as well as individuals – Polish citizens whom the Germans declared to be Jews. This demand shapes provenance research about this property, beginning with the surviving remnants of Polish Jewry's material culture, *Sh'érit ha-Pletah* in Hebrew.

Finding these cultural remnants, which are scattered across Poland and the world, and establishing their ownership, as well as the circumstances of their seizure, the names of the perpetrators of their seizure, the fortunes of their rightful owners and of those who subsequently acquired the looted objects, not to mention these objects' journeys to their present location – all these tasks make up a list resembling a mathematical equation with nothing but unknowns on all sides. Complex research may replace some of these unknowns with estimates, sometimes even with facts and well-documented sources. However, a huge part of this inquiry will produce no more than hypotheses which can be verified to various degrees. Yet it would be wrong to use the likelihood of an uncertain outcome to question the purpose of continuing such research.

The point is this: we must assume that it will be impossible to find hard data. But the fundamental reason why it nonetheless makes sense to engage in provenance research about Polish-Jewish moveable cultural goods is to attempt to document the crime that was committed against Jewish culture in occupied Poland. This is not to say that we will never be able to find the former Jewish owner of an examined artwork or to recreate in detail the circumstances and culprits of its pillage as well as its subsequent beneficiaries. But such successes will be rare, since each instance of iden-

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3 Laura Jockusch, “Jewish Historical Commissions in Europe, 1943-1949”, *Simon Dubnow Institute Yearbook*, 6 (2007), 456.

4 Fn. 3.

tifying and finding a rightful owner is a virtual miracle. This realization should spur museums onward to conduct careful research into any object in their collections that arouses any suspicion whatsoever, and to disclose all the information that can shed light on its provenance – beginning with accession documents and all marks of ownership on the backs of paintings. (Incidentally, provenance research in libraries is more effective thanks to the many surviving *ex libris*, stamps or dedications by name, which allow us to determine the rightful individual or institutional owners of stolen books.)

These remarks are not purely theoretical, but represent conclusions drawn from years of study and archival research in this field.

Certainly, researchers should not ignore the many similarities and connections in the mechanisms of seizure and expropriation of the property of Holocaust victims across the territories ruled by the Third Reich. And yet enormous disparities persist in the different strategies and procedures that are currently being used in provenance research in the different areas once occupied by Nazi Germany.

Since 1998, several thousand pieces of art and other cultural goods stolen from their Jewish owners in the Reich, annexed Austria and occupied Netherlands and France have been returned to their owners or their owners' heirs. This alone should convince us that despite the large numbers of still-unexplained cases and numerous unreported losses, provenance research on items seized in these lands can indeed be highly effective. Apart from supportive state policies and the engagement of large teams of experienced researchers, the indispensable component of the cases that ended in restitution was the discovery of relevant documentation, however fragmentary, and its methodical analysis. The starting point may have constituted mere traces of ownership, such as written or eyewitness testimonies, photographs, auction catalogues and lists of confiscated objects. What living heirs knew has also proved decisive.

But what are we to do when evidence of ownership and lists of objects are missing, documents have not survived, owners and their closest family members have perished in the Holocaust, potential witnesses are long dead and have left behind no evidence, the theft occurred anonymously and on a mass scale, and the subsequent owners of the stolen art have spoken up either not at all or falsely about its provenance? These obstacles are not an outlandish fabrication aiming to dramatize the argument being made in this paper, but a reflection of the everyday reality of the Shoah in occupied



Poland. Cases for which there is surviving fragmentary information about rescued or lost art or about its owners are the exception to this harsh rule.

However, even when only vague or trace data survive, they may and indeed should be included in *khurbn forshung* – provenance destruction research. In every such case, provenance study should aim to – at least and at most – lead all the way to the point where nothing more can be established about the object or about its Jewish collector. At least for now. Or probably never. But every such attentively followed trace not only increases our knowledge about the culture of Polish Jewry; it also supplements the body of evidence of the crime committed against it.

About fifteen per cent of pre-war Poland's Jewish minority of three and a half million were a pillar of the country's intellectual elite. The wealthy and those employed in the liberal professions (doctors, lawyers, journalists, scientists, scholars, artists), together with their families, added up to tens of thousands of people. They included prominent collectors not only of Judaica but also of paintings and high-class arts and crafts, patrons of museums and of art and artists, bibliophiles and owners of precious book collections, as well as many prosperous individuals who surrounded themselves with valuable objects, Old Master canvases and, with a special interest, the works of Polish and Polish-Jewish artists. In pre-war Poland, it would have been impossible to put on an art exhibition without the participation of Jewish collectors and antique dealers – and not only exhibitions of art by Jewish painters such as Maurycy Gottlieb or Samuel Hirszenberg, but also the brothers Aleksander and Maksymilian Gierymski, Jacek Malczewski, Julian Fałat and many other well-known Polish painters, not to mention the contemporary Jewish artists Moise Kisling, Jankel Adler or Roman Kramsztyk, whose star was in the ascendancy. And yet today, the majority of art historians and museum curators specializing in these artists' work are almost completely unaware of the names of collectors such as Mieczysław Zagajski, Leopold Wellisz, Rudolf Beres, Leon Holzer, Jerzy Sachs, Leopold and Janina Binental, the Natansons, the Kohns, Mieczysław Reicher, Andrzej Rotwand and many others whose names we can find in pre-war catalogues and newspapers. Nor do today's art researchers undertake research on the history of their collections.<sup>5</sup>

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5 There are a few exceptions: Dariusz Kacprzak, *Kolekcje Ziemi Obiecanej. Zbiory artystyczne łódzkiej burżuazji wielkoprzemysłowej w latach 1880-1939* vol. 6 (Warsaw: Biblioteka NIMOZ, 2015); Milena Woźniak-Koch, "Bronisław Krystall. Warsaw collector and patron of the arts", in: *Bronisław Krystall. Testament* (Warsaw: Muzeum Narodowe w Warszawie-

But many other Jewish art collectors have also not been mentioned in a single Polish pre- or post-war publication. Who has heard about the brothers Dow and Mordechaj Zylberman from Warsaw, owners of 450 works by Polish-Jewish painters and of a prized Judaic book collection?<sup>6</sup> It is impossible to find information about the artistic pursuits of Jakub Mikenbrun of Kraków, who owned over 180 paintings by mostly Polish and Polish-Jewish artists. Or about Szulim Jung, also from Kraków, who had a collection of similar importance. Who knows about the works of Wassily Kandinsky and other Russian modernists which belonged to the eminent Warsaw doctor Aaron Sołowiejczyk, or about an early Chagall bought by the Łódź violin-maker David Cender from the Warsaw art dealer Abe Gutnajer? Abe Gutnajer's collection, which included dozens of eminent works by Polish artists, was deposited in a bank safe on the eve of the war, never to be seen again.<sup>7</sup> The art belonging to his brother Bernard, an equally erudite dealer and the owner of a legendary collection of paintings and precious arts and crafts, has also vanished.

The memory of these and other collectors usually had a chance of surviving only when they themselves or someone close to them lived through the Shoah and left behind some information about the art they had owned before the war. Sometimes scraps of such information emerge in an archive, a *Memorbuch* or a family memoir to tell us about the personal interests, tastes and social status of these forgotten collectors. They may also furnish important facts about the confiscations of the vanished collections. But they almost never tell us anything that would make it possible to identify specific objects.

These scraps are nonetheless a starting point for recovering the memory of these people by bringing back their names, providing some evidence

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ie, 2015) (catalogue of an exhibition at the National Museum in Warsaw, 19 Nov. 2015–6 March 2016), 95–106; Agnieszka Yass-Alston, “Rebuilding a Destroyed World: Rudolf Beres – a Jewish Art Collector in Interwar Kraków”, *Scripta Judaica Cracoviensia*, 13 (2015), 121–41; Magdalena Palica, *Od Delacroix do van Gogha. Żydowskie kolekcje sztuki w dawnym Wrocławiu* (Wrocław: ATUT, 2010), 149.

6 I am currently preparing a *khurbn forshung* study of these and other ignored pre-war Jewish collectors in Poland.

7 For more on Abe and Bernard Gutnajer, see Nawojka Cieślińska-Lobkowicz, “Habent sua fata libelli. Okupacyjny rynek sztuki w Warszawie a własność żydowska”, *Zagłada Żydów. Pismo Centrum Badań nad Zagładą Żydów IFiS PAN*, 10 (2014) vol. 1, pp.185–208; English version in print.

about their lives and activities, which can lead to the historical reconstruction of their contributions to Jewish and Polish art and culture.

The second key to this reconstruction can be found in Polish public collections, including museums, which are crucial to these remarks. (This paper omits the important issue of private and foreign collections, which are complementary but present additional types of obstacles to researchers.) We know that the number of objects of unknown provenance in the collections of Polish museums is above the international average, around 40 per cent.<sup>8</sup> They include art that came to the museums in various circumstances and at different times: it may have been acquired before 1939, captured after the war in Poland's so-called Western and Northern Territories, formerly owned by Germans (including items that had been stolen by Nazis from German and West European Jews), or moved to Poland from the Eastern Borderlands as they were annexed by the Soviet Union.

It is therefore likely that significant numbers of artworks that were stolen from Polish Jews, including those by renowned artists, were in fact not destroyed but are being held by institutions and individuals in Poland and abroad. With this in mind, Polish museums need to take up the imperative task of establishing which of the objects in their possession may have belonged to Polish Jews before September 1939.<sup>9</sup>

Some of the art which is outside Poland today may have fallen victim to organized Nazi theft, but most was probably taken out of Poland as private trophies by functionaries of Hitler's administration and by members of the various Third Reich police and military units.

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8 Dorota Folga-Januszewska, Agnieszka Jaskanis, "Problemy własności zbiorów w muzeach polskich. Ilościowa skala problemów własności", in: Grażyna Czubek and Piotr Kosiewski, eds., *Własność a dobra kultury* (Warsaw: Trio, 2006), 57-69.

9 In autumn 2009, a few months after the Prague Conference on Holocaust-Era Assets, Poland's Deputy Minister of Culture Tomasz Merta created a team of experts on provenance research of Jewish property in Polish museums. Its members were Zofia Bandurska, Dariusz Kacprzak, Piotr Kosiewski, Zofia Romanowska-Zadrozna, Bożena Steinborn and Magdalena Tarnowska. The team was dissolved after Merta's death in the Smolensk plane crash in April 2010. The team's report in *Muzealnictwo* 53 (2011), "Badania provenienicyjne muzealiów pod kątem ich ewentualnego pochodzenia z własności żydowskiej (Studies on museum exhibits from the viewpoint of their possible origin as part of Jewish property)", was harshly criticized in internal discussions in the Ministry of Foreign Affairs and the Ministry of Culture and National Heritage. The Ministry of Culture and National Heritage did not officially recommend, let alone implement, the guidelines for museum work, but it did display the document on its website as a sort of alibi until recently. The document can now be found at [https://www.lootedart.com/web\\_images/pdf2/M\\_53\\_002\\_Badania\\_prowenienicyjne.pdf](https://www.lootedart.com/web_images/pdf2/M_53_002_Badania_prowenienicyjne.pdf)

However, there is no question that a considerable number of pieces, and especially those by Polish and Polish-Jewish artists, remained in Poland and at some point ended up in Polish museums. Some of this art was deposited in museums for safekeeping by its Jewish owners immediately before and after the outbreak of the war, but it was not reclaimed after 1945 – or someone attempted to reclaim it but was prevented from doing so by ministry directives.<sup>10</sup> Furthermore, during the war the Germans used museums to warehouse stolen art – in Łódź, Toruń, Lublin, Kraków and Warsaw. Searches of homes that had been abandoned at the beginning of the war by the thousands of refugees going east, mostly Jews, and homes vacated a short time afterwards by those who had been forced into ghettos, contributed to the growing volume of confiscated art being deposited by the Germans in the local museum storerooms.

Furthermore, the trade in antiquities in the *Generalgouvernement* turned out to be equally important in the history of the post-war museum collections. Following a brief period of stagnation brought on by the German liquidation of Jewish antique and art dealerships, the art market boomed. This was largely due to the exceptionally discounted prices the Jews had to accept as their progressively dramatic situation forced them to sell their possessions hastily. This was often done with the assistance of dishonest “Aryan” middlemen and those whom the Jewish owners trusted to keep their valuables safe. The art on offer, wildly out of control in terms of provenance, was mostly sold to the war’s new rich, who especially saw paintings by well-known Polish artists as a good investment. In the first few years after the war, Poland was inundated by assorted bounty hunters who combed through burned ghetto sites, plundering and appropriating the property of Jewish survivors who, because of widespread anti-Semitism, were emigrating en masse. All this took place in the broader context of a systemic communist revolution, which violated the right to property, and in a time of trauma following the wartime destruction of just about everything (Polish culture included). Small wonder then that this era favoured the practice of ignoring the true provenance of works of art, expunging their origins. Many artworks were labelled “abandoned” or “post-Jewish”, while others acquired a “new identity”. Sooner or later

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10 Roman Olkowski, “Kolekcja Rotwandów. Losy polskich zbiorów w dobie bezprawnych praktyk”, in: Jaromir Brejda, Dariusz Kacprzak et al., *Adlojada. Prawo i kultura* (Szczecin: Muzeum Narodowe w Szczecinie, 2016), 193–209.

they came to enrich public collections as various state institutions and organizations, as well as individuals, donated or deposited or sold them to museums.

With these facts in mind, we can only wonder how, so many decades after the war, it is possible that there exists no reliable register of Polish museum holdings focusing on art that may have been acquired through the seizure of Jewish property. And it has been over twenty years since the signing of the Washington Principles, and ten since the Terezín Declaration, both also by the Polish authorities.<sup>11</sup> In order to take the next steps in continuing research, it is imperative that such a register be compiled and published, together with the documentation used to create it. And not only because commitments must be met.

Indeed, art whose onetime owners have been identified or who appear potentially identifiable should be the first in line for provenance research as defined by the Washington Principles. For the great majority of objects, this means establishing *khurbn forshung* (provenance destruction research), building a rich toolkit for it, and creating and making available an archival basis for it. Our hosts in this new memory space would be the pre-war Polish-Jewish art collectors. This *musée imaginaire* – which can also exist as a real section of a museum exhibition – would include collectors like Rafał Lemkin. All we know so far about the paintings he had in Warsaw is that they disappeared without a trace.

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<sup>11</sup> Text of the Terezín Declaration (2009) at <https://www.lootedart.com/NPMG2Q663241>

# Research-Led Teaching: Provenance Research in Pedagogy and Practice

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## **(Summary)**

The History of Collecting has long played a valuable role in the construction of artwork narratives, especially for the art market and the museum. In the academic context of the New Art History, this 'connoisseurial' approach was marginalized in favor of critical thought. Bolstered by the urgent recognition of problematic cultural property losses in the twentieth century, the emerging field of Art Market Studies is presently revitalizing key inter-disciplinary methods that include the assessment of networks of exchange; mechanisms of trade and transfer; and private and institutional behavior regarding object ownership – the material-life approaches that comprise the bedrock of Provenance Research practice.

This presentation examines how best to promote and implement research-led teaching of the practice of Provenance Research in a University setting. Aiming to equip students with an understanding of the relevant discourses, and pragmatic skills for careers as art research professionals of various kinds, research-led teaching also sees the classroom as an innovative space for the production of new knowledge, especially as it regards the identification or illumination of injustices within object ownership histories.

The process of researching claims of Nazi-era spoliation presents a particularly distinctive set of challenges, the most onerous of which remains finding missing objects. This presentation will look at promoting students as active researchers in the production of knowledge regarding these object histories, their circumstances of loss and, ultimately, the identification of present locations.

In this context, we must also consider: what should be the extent of the student research activity? What permissions and collaborations does this model require? How would outcomes be managed or published? What challenges and subjectivities could impede the positive identification of artworks or victims?

# Learning by doing – the Mosse Art Research Initiative (MARI) as a model for future project-based teaching on provenance research at universities

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Since 2011, the Department of History and Cultural Studies at the Freie Universität Berlin has offered a module on provenance research.<sup>1</sup> The courses – including lectures, seminars, tutorials and evening classes – address methodological questions, current debates, as well as legal, political and ethical dimensions of this complex topic. At that time – in 2011 – these were the first consecutive courses offered on a regular basis, allowing students to plan their education in the field. In October 2013 I had the opportunity to present this training programme at the international conference “*The West*” versus “*The East*”, organized by the Czech Documentation Centre in Prague.<sup>2</sup>

A lot has happened since then in Germany. After the discovery of the Gurlitt collection in Munich in November 2013 – one month after the conference in Prague – the Federal Commissioner for Culture and Media in Germany, the Minister of State Monika Grütters, declared provenance research to be a top priority, and emphasized the importance of teaching these skills at universities. As a result, junior professorships have been established in Munich and Hamburg over the last two years, as well as two chairs focusing on provenance research and art and cultural property law in Bonn.

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- 1 Lectures and courses on provenance research by Dr. Meike Hoffmann at Freie Universität Berlin ([https://www.geschkult.fu-berlin.de/e/khi/institut/mitarbeiter\\_innen/wissenschaftliche\\_Mitarb/hoffmann/index.html](https://www.geschkult.fu-berlin.de/e/khi/institut/mitarbeiter_innen/wissenschaftliche_Mitarb/hoffmann/index.html), accessed 30.08.2019).
  - 2 Meike Hoffmann, A New Challenge for an Old and Almost Forgotten Discipline: Provenance Research Training at the Free University of Berlin, in: “*The West*” versus “*The East*” or *The United Europe? The different conceptions of provenance research, documentation and identification of looted cultural assets and the possibilities of international cooperation in Europe and worldwide. Proceedings of an international academic conference held in Poděbrady on 8-9 October, 2013*, Prague: Documentation Centre for Property Transfers of the Cultural Assets of WWII Victims, 2014, p. 155–166.

# Provenienzforschung studieren in Berlin



Sommersemester 2019

Eine Kooperation von:



HUMBOLDT-UNIVERSITÄT ZU BERLIN



(Fig. 1) Meike Hoffmann (FU)/Christine Howaldt (TU): “Provenienzforschung studieren in Berlin”, A cooperation of Freie Universität Berlin, Technische Universität Berlin, Humboldt Universität Berlin, HTW, Flyer Sommersemester 2019

A junior professorship for digital provenance research will soon also be established in Berlin, at the Technical University. In addition, some of my colleagues and I are trying to utilize the advantages of Berlin – a location with three universities, numerous museums and archives relevant to provenance research. Through the recently formed Berlin University Alliance of all three Universities (Humboldt, Technische, Freie Universität), the range of programmes is to be further expanded to cover the entire spectrum, and to decentralize teaching in accordance with the interdisci-



plinary nature of provenance research (Fig. 1). While the Centre for Anthropological Research on Museums and Heritage at Humboldt University offers changing courses on provenance research in a colonial context and the Technische Universität has specialized in teaching global cultural shifts since antiquity as well as the art market, my focus at the Freie Universität is still on Nazi-era provenance research in general – which includes an introduction to all historically relevant areas and tasks, as well as in particular the Berlin art trade, the confiscation campaign for “degenerate art” in 1937–38, and the reconstruction of looted private collections.

### **The Mosse Art Research Initiative (MARI)**

From the beginning, my courses were practice-oriented and project-based, which means I designed the teaching programmes based on the research desiderata of the projects I direct at the FU. An outstanding example of these is the Mosse Art Research Initiative (MARI), which I will now briefly present. Since March 2017 the project has been located at the Freie Universität’s Institute for Art History. The subject of its research is the former art collection of Rudolf Mosse – its formation, its significance, its liquidation by the Nazis, as well as the whereabouts of the artworks today.

The project is innovative in many ways. When we started, it represented an unprecedented public/private partnership in provenance research between public institutions in Germany and the descendants of victims of Nazi persecution. Since then, the MARI team has been very successful in both context and provenance research, and further projects have been initiated on the model of MARI, for example the Gustav von Klemperer project to reconstruct Klemperer’s porcelain collection in Dresden<sup>3</sup> as well as the Abraham Adelsberg Art Research Project (AAARP), which I started in July this year at FU.<sup>4</sup> In addition to provenance research, all of these projects are primarily concerned with clarifying National Socialist confis-

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3 Rekonstruktion der Porzellansammlung des Dresdner Bankiers Gustav von Klemperer (1852-1926), ([https://www.kulturgutverluste.de/Webs/EN/ResearchFunding/Project-Finder/Projektfinder\\_Formular.html?pageLocale=de&resourceId=103278&view=renderJSON&queryResultId=null&pageNo=0&docId=171068&show\\_map=1&pfQueryString=Klemperer&input\\_=100464&submit.x=0&submit.y=0](https://www.kulturgutverluste.de/Webs/EN/ResearchFunding/Project-Finder/Projektfinder_Formular.html?pageLocale=de&resourceId=103278&view=renderJSON&queryResultId=null&pageNo=0&docId=171068&show_map=1&pfQueryString=Klemperer&input_=100464&submit.x=0&submit.y=0), accessed 30.08.2019)

4 Kredit durch Kunst. Die Kunstsammlung Abraham Adelsberger (1863-1940) und ihre Verlustwege (<https://www.geschkult.fu-berlin.de/e/khi/forschung/projekte/drittmittelprojekte/adelsberger-projekt/index.html>, accessed 30.08.2019)

cation strategies in order to gain insights beyond the individual collections and to advance research on our subject area as a whole.

In the case of MARI, the project deals with the German-Jewish publisher and philanthropist Rudolf Mosse (1843–1920). In the 1880s, as one of the most influential figures of the Berlin economic elite in Imperial Germany, Mosse had a palais built in the centre of Berlin and began to create a collection of art, including several thousand works – paintings, sculptures, works on paper, Benin bronzes, east Asian art, arts and crafts and antiquities (Fig. 2, 7). After Rudolf Mosse died in 1920, followed a few years later by his wife Emilie, their adopted daughter Felicia inherited the entire estate. Shortly after the Nazis seized power, they liquidated the financially struggling business empire and drove the Lachmann-Mosse couple with their three children into exile in 1933.

The family's losses included several country manors, other buildings and real estate in the city, the mansion housing the art collection of Rudolf and Emilie Mosse, as well as the mansion of Felicia and Hans Lachmann Mosse, with all the furnishings and artworks included. In 1934, the Nazis had the art collection and the furnishings from both mansions auctioned off by Berlin auction houses. After the end of the Second World War, Felicia Lachmann-Mosse made claims for her lost assets under the auspices of the West German laws for compensation and restitution. However, she received compensation only for a small portion of her former possessions, since at the time she was unable to define the claimed art collection more precisely as requested by the authority. Claims to the mansions and other real estate could not be successfully pursued during the 1950s and 1960s, since the objects were located in the newly established GDR, where the federal laws on restitution and compensation did not apply.<sup>5</sup>

It was only in the 1990s, after the reunification of West and East Germany and on the basis of the new Property Act, that the real estate could be returned to the Mosse family.<sup>6</sup> The art collection was unaffected by this. However, after the Washington Conference on Holocaust-Era Assets in

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5 Bestand und Sondervermögen und Bauverwaltung beim Senator für Finanzen Berlin / OFD Berlin, Az. 8-3956/51, 8-2052/65, Rückerstattungsarchiv, Bundesamt für zentrale Dienste und offene Vermögensfragen, Berlin

6 Gesetz zur Regelung offener Vermögensfragen (VermG), 23.09.1990 (BGBl. 1990 II S. 885, 1150). Bescheid über die Rückübertragung der Eigentumsrechte an einem Grundstück (Restitution) nach dem Gesetz zur Regelung offener Vermögensfragen in der Fassung des 2. Verm-RÄndG vom 14. Juli 1992 (BGBl. I Nr. 33 S. 1257) – VermG –, 11. November 1992, BVA Reg. Akte 26363, S. 4.



(Fig. 2) Franz von Lenbach, *Rudolf Mosse* (1843–1920), 1898; Jüdisches Museum Berlin, Donation from George L. Mosse

1998 and its established principles, a new claim had a chance of success. Since then, individual works from the former Mosse family collection have been found at the initiative of the heirs. After initial restitutions, Germany's Kulturstiftung der Länder took up contact with the Mosse heirs, and the heirs declared a basic willingness to cooperate with public institutions in Germany. This is where MARI stepped in. The project was located at Berlin's Free University, a research institution unaffected by any restitution claims. The other partners include institutions, museums and archives which already are engaged in research on Rudolf Mosse, or possess important documents, or have restituted objects to the heirs, especially the Stiftung Preußischer Kulturbesitz (whose General Director Hermann Parzinger is a co-founder of the MARI project).

The basic idea behind the Mosse Art Research Initiative is to bring together all relevant resources in combination with the expertise of the cooperation partners, who have guaranteed to share all their knowledge about Mosse and grant free access to all archival material in their posses-

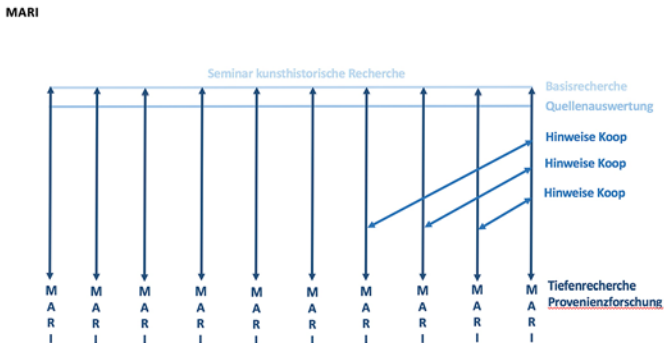
sion. A further concern is to inspire communication among the partners, to provide insight into each other's interests and points of view, and thus to better solve conflicts in a consensual manner in future. It is of key importance here that MARI has no hierarchical structure. The research is not controlled by the interest of one partner, but "coordinated" in a scholarly manner. All partners are equal in status, the exchange is not unidirectional, and nobody can claim the authority over interpreting the results. To that extent, restitution negotiations are not even explicitly part of the project. MARI is a research initiative, not a restitution initiative. Maintaining MARI's neutrality is a fundamental requirement for the success of the project.



(Fig. 3) Catalogue of the Rudolf Mosse Art Collection, Berlin 1908

## Project-based teaching on provenance research

Unlike most provenance research projects in public institutions, the artworks are not actually physically available in order to investigate their biographies. The MARI team is thus faced with the complex challenge of first having to find out which works were acquired by Rudolf Mosse. Although we do not have any inventory lists of the collection, the MARI team has so far found several catalogues that list the works exhibited in the Mosse palais between 1900 and 1933 (Fig. 3). This is a good starting point for students, as they do not need any special skills or experience in provenance research; the standard methods used by art historians for identifying an artwork are sufficient for this level of research. The students embark on their search with an evaluation of the extensive sources that the MARI team has already been able to locate besides the collection catalogues. In addition to this, students at the Freie Universität's Institute for Art History, with its global orientation, have access to a network of experts in Western, East Asian, and African art history.



(Fig. 4) Concept Cooperation Project MARI, 2017

Over the last two years, about 180 students have taken part in my seminars on the reconstruction of Mosse's art collection, and they have researched as many works. With a collection of several thousand objects, the number is still small. But without the help of the students, a project with a team of two full-time positions for provenance research, half a position for archival research and an IT support professional would not be achievable within the time frame of the maximum funding period of three years.

Especially with regard to quantity, the involvement of students is a great advantage, as long as they are involved in the right tasks and are not overburdened. This has already proven to be very successful with MARI. While the students carry out “horizontal” basic research on all the works listed in the collection catalogues, the professional provenance researchers do not waste too much time on this and can devote themselves to “vertical” in-depth research (Fig. 4).

It is important to network the co-workers at all levels of the project – students, team members, cooperation partners, experts outside the project – by scholarly coordination of the tasks, and to facilitate a process of communication for the benefit of all involved. In this way, students are introduced to the special requirements and skills of a provenance researcher through the “learning by doing” method, with the support of all the other



(Fig. 5) Alois Erdtelt/Wilhelm Leibl, *Weiblicher Studienkopf* (*Female Study Head*), c. 1870, National Gallery Prague

experts in the network – a form of learning which would not be possible through theoretical university-based teaching alone.

Within two years, the MARI team has been able to research more than 200 works from the former Mosse collection, 65 of which have been positively identified with the help of the students, and references to later owners have been found after the 1934 auction, in some cases until 2013 or 2015. Although there are still some gaps in the provenance chain, we have been able to clearly identify and locate 16 paintings. Among them is the painting of a *Female Study Head* (“Weiblicher Studienkopf”) that Rudolf Mosse had acquired as a work attributed to Wilhelm Leibl by 1908 at the latest (Fig. 5). For the 1934 auction it was attributed to the Berlin painter Alois Erdtelt (1851–1911) and auctioned off for little money. Since 1946 the painting – now again attributed to Wilhelm Leibl – has been part of the National Gallery collection in Prague. Its whereabouts between 1934 and 1946 still remain unknown.<sup>7</sup> The last group includes 9 works, for which we were able to clarify all open questions and complete the research. The help of the students often reached right into the final phase. For example, a student discovered an image of the Gari Melchers painting *Skater* (“Schlittschuhläufer”) – by coincidence (Fig. 6). The Arkell Museum in Montgomery County, New York, where the painting is located today, had posted an image of the painting on their Facebook page to announce the start of the museum’s winter break.<sup>8</sup>

## The MARI portal

To communicate our research results, the MARI team has developed an internet portal for the digital presentation, analysis, and visualization of the complex material, custom-tailored for the purposes of provenance research and available in both German and English.<sup>9</sup>

Unlike other databanks, the MARI portal does not function as a one-dimensional documentation mechanism for research results, but as a research instrument itself. All valid statements on the respective items are transcribed from the source and published as metadata. Due to this very

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7 Alois Erdtelt/Wilhelm Leibl, *Weiblicher Studienkopf*, c. 1870 (<https://www.mari-portal.de/details/770>, accessed 30.08.2019).

8 Gari Melchers, *Schlittschuhläufer* (<https://www.mari-portal.de/details/806>, accessed 30.08.2019).

9 MARI Portal (<https://www.mari-portal.de>, accessed 30.08.2019).



(Fig. 6) Announcement of the winter break 2016/17 (including the Gari Melchers painting *Skater* from the former Rudolf Mosse art collection), Arkeell Museum, Canajoharie/New York. (Screenshot by Stella Bassenhoff.)

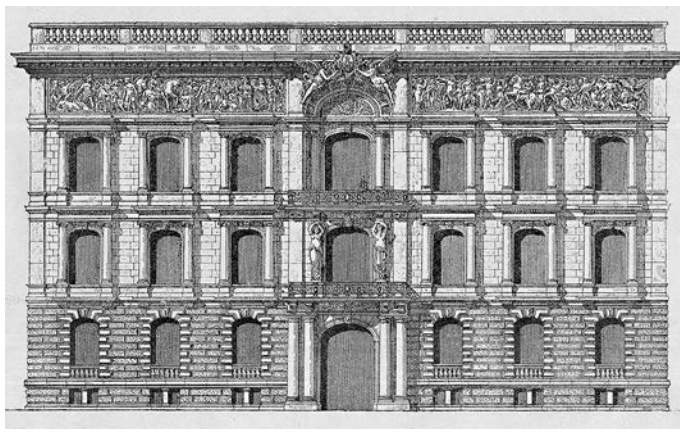
time-consuming evaluation of the sources, our research results can be subjected to critical scrutiny; they are transparent and sustainable. In addition, we adhere to the principles of the semantic web and present our research results in such a way that fosters new findings. Students are listed by name in the database for their research, which promotes their engagement tremendously.

In addition to the mere object-related knowledge, the identification of the works also provides information about the profile of the collection and its significance. The more works are known, the more unequivocal the statements – so here, too, the quantity of work done by the students is very helpful. In general, it can be concluded from our research results that Mosse was primarily interested in the art of his own generation – that is, works of German realism from the second half of the 19<sup>th</sup> century, including popular genre scenes, landscapes from all over Germany, as well as portraits of public figures at the time.



It was this part of his collection – which Mosse exhibited in his palais at Leipziger Platz and made accessible to the public – for which the collection catalogues served as a guide (Fig. 3). With the presentation of these artworks in his palais in connection with a 2-metre-high frieze on the façade of the building, Mosse’s interest in art becomes particularly clear. The frieze was entitled “The Elevation of German Genius”. Mosse commissioned the Berlin sculptor Max Klein to create the frieze in the spirit of the patriotic euphoria after the German-French wars and the foundation of the German nation state in 1870 and 1871 (Fig. 7). The unification of the German territories met a demand that had become increasingly urgent ever since the March Revolution in 1848, in which Mosse’s father Marcus was involved. The frieze depicted the history of the development of the German nation, showing important figures from the Middle Ages to the late 19<sup>th</sup> century. In the final scene, the German eagle mauls the Gallic cockerel to symbolize the triumph over France and German pride over the newly achieved national sovereignty.

In this regard it is interesting that although Mosse acquired some artworks by Italian, Norwegian, English, and Spanish painters of the 19<sup>th</sup> century as well (in order to place the core of his collection – German realism – into a pan-European frame of reference, which was at his time a very forward-looking socio-political view), he never purchased a single work by a French artist. Only later, most notably after his death, did his son-in-law Hans Lachmann-Mosse supplement the collection with works from



(Fig. 7) Façade Mosse Palais, architects Ebe&Benda, wood engraving by P. Meurer (*Deutsche Bauzeitung*, vol. XXIII, no 6, 1889, p 3)

very different epochs and non-European countries in order to expand the general art-historical significance of the collection globally. In the field of context research, there are still many unresolved issues – some of which have already been assigned to students for their final theses and will continue to be assigned even after the end of the project’s funding period, so that the knowledge acquired so far will continue to be actively used to contribute to the clarification of Nazi crimes.

### **Advantages of the “learning by doing” method**

Regarding the advantages (listed below) of practice-oriented and project-based teaching of provenance research at universities, one aspect should be emphasized: since students cannot learn these skills in any other way than by participating in a project, at the core of the method is a process of intensive networking with other experts from very different disciplines, on which provenance researchers are more dependent than other humanities scholars and historians. The advantages of the method are as follows:

- Students are not only passive listeners but also active researchers.
- Students not only receive credit points for their research but also attract international attention.
- Students are not only trained in history but sensitized to individual family fates during the Third Reich.
- Students expand the project team without the need for additional funding.
- Students from very different cultural regions and disciplines enrich the discussions.
- Students relieve professional provenance researchers from the necessity to carry out time-consuming basic research.
- Students are still open and flexible in their approach.
- Students learn to approach the problem from both sides: provenance and contextual research.
- Students learn to network, which is one of the essential methods for provenance research.

# Why? How? Experiences and conclusions from teaching and supervising

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## **(Personal) Introduction**

I have been teaching art history for two decades (not as a full professor, though), and I have been teaching issues, topics and problems related to provenance research and art market studies for more than five years. It is thus tempting to reflect, to compare and contrast: What is similar in art history and provenance research, what is special or unique, and what is without comparison? However, I want to withstand the temptation to play a game with glass beads; instead I prefer to focus on rather pragmatic aspects. This implies not talking about provenance as a “university discipline”, as the conference session in Prague suggested, since looking at the various junior professorships recently established in Germany (Bonn, Hamburg, Munich), it may suffice to say that not all labels indeed adequately describe the content: unfortunately, research into Nazi-era spoliation currently has **no** priority at any German university art history institute. Instead, often only “symbolic actions” – in accordance with gesture politics, as opposed to real commitment – take place, and only very rarely do we encounter a real, substantial effort to disseminate specific knowledge about asymmetric power relations and processes of looting and dispossessing, or focused teaching and training of the specific competencies required to research, investigate, document, analyze, and effectively communicate the results of research into provenances, translocations, and changes of ownership against or according to the will of the owner.

A case in point is the “Joint Declaration”, signed on 26 November 2018, that explicitly references and proudly acknowledges “new chairs at several universities”.<sup>1</sup> However, while only a single full professorship (i.e. chair)

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1 Joint Declaration Concerning The Implementation of the Washington Principles from 1998, By The Federal Government Commissioner for Culture and the Media of the Federal Republic of Germany, The Director-General for Culture and Communication at the Federal Foreign Office and The Expert Adviser for Holocaust-Era Issues to the U.S. Department of State and The Special Envoy for Holocaust Issues at the U.S. Department

exists, it is **not** a chair in provenance research, but instead a chair for “Art History of Modern and Contemporary Art (19<sup>th</sup>–21<sup>st</sup> century) with special emphasis on provenance research / history of collecting” (“*Professur für Kunstgeschichte der Moderne und der Gegenwart (19. bis 21. Jahrhundert) mit Schwerpunkt Provenienzforschung / Geschichte des Sammelns*”). We are faced with a proclamation on the highest political level – in a formal government agreement between the United States and the Federal Republic of Germany – and yet the announcement is factually incorrect. It is incorrect because we need to acknowledge the principal difference between traditional art history (which by definition always had a rather limited understanding of provenance, i.e. predominantly concerning a work’s pedigree) and provenance research as it has evolved in the past several years. Moreover, it is telling that the – again – traditional “history of collecting” is used for the denomination of the chair, and not one of the various more violent characteristics of Nazi art looting, or colonial confiscations, or illicit trafficking of culture heritage, or any of the numerous willfully vicious acts of dispossession. To my mind, it does make a difference whether you set out to study the growth or the evolution of collections (as art history has done for centuries) or whether you decide to investigate the destruction, dissolution, dispersal and annihilation of public or private collections. Before we even start to tackle our topic, we thus realize the urgent need to think about the conceptual framework and mindset with which we approach it.

## Why and how?

Against the background of symbolic politics, it is not easy to maintain a clear understanding of what is at stake. Therefore, I would like to take a step back and ask: Why are we doing this, why are we researching provenances? Why teach and train, why transmit competencies, why eventually empower students? Also, more radically and generally, I feel compelled to

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of State, Berlin, Germany, November 26, 2018.

<https://www.bundesregierung.de/resource/blob/997532/1554456/3adf98b40ff0e3d-2c6f40b311ffc226f/2018-11-26-gemeinsame-erklaerung-washingtoner-prinzipien-engl-data.pdf?download=1>, p. 3.

An official parliamentary motion, submitted Sept. 24, 2019, repeats the claim that “specific chairs” for provenance research were established in German universities, but unfortunately, this is not true, see <http://dip21.bundestag.de/dip21/btd/19/135/1913511.pdf>, p. 2.

ask: Why do provenance research at all? And what is “good provenance research”?

Twenty-one years after Washington, and ten years after Terezín, we still lack criteria. We have a hard time defining what good provenance research is, means, and entails. But this really is a key question, since vested interests can not only shape or deform the results or process of research; they already influence the setup and the basic direction of the inquiry. More specifically, the question is whether provenance research is good when an object is restituted, or when provenance research provides the arguments that allow a claim for restitution to be refuted? Is it thus good when things stay as they are, or when they change?

I believe it is highly relevant to take into account the fundamental tension between affirmative and critical approaches. Basically, we can only start teaching when we have made up our mind about the possible outcomes and implications of research – such as restitutions. As a corollary, I think there is no alternative to an open-ended approach: any result that is achieved by applying approved scholarly methods (e.g. extensive archival research, source criticism, and adequate contextualizing) is a good result. If a historical dispossession is uncovered, heirs identified, and restitution made possible, then the conclusion is very simple: yes, this newly acquired knowledge should have an impact on the items, and the research findings should be implemented and thus materialized. While we cannot undo history, we can do so much more in performing radical research.

## Teaching

Of course, since each case is different, we have to uncover the specifics of a particular object trajectory in a relentlessly diligent way, and we have to enable and empower many more people to be able to do so – which brings me to teaching. My provenance research teaching experiences go back to 2013. In spring 2013, six months before news of the Schwabing Art Trove shook the world, Meike Hopp and I jointly designed a true crash course. Starting in October 2013, we coupled an introduction (*Proseminar: Einführung, Überblick, Perspektiven*) at the Institute of Art History of LMU Munich with an advanced course (*Hauptseminar: Provenienzforschung – hands on: Fallbeispiele*) that required basic research, according to the concept of research learning. This means that we invited (or perhaps gently forced)

the students to confront serious – and true, unresolved – problems, and to develop strategies to cope with these challenges.

Working in the library, every student was assigned one shelf. All ownership marks of all books on that particular shelf were to be studied, registered and entered into a large spreadsheet. This approach yielded a number of remarkable results, such as the bookplate of Emma Bonn (Fig. 1).<sup>2</sup>



(Fig. 1)

Emma Bonn was murdered at Terezín in 1942. More than 70 years later, books from her library were identified in Munich.

Because of the huge success of this kind of “research learning”, we then organized an exhibition in the foyer of the University Library (Fig. 2), where the show reached an audience way beyond those with an interest in art history.

Furthermore, the spreadsheet files with all the ownership marks (such as initials or dedications) that had been documented and verified were forwarded to the librarians for further processing. The immediate conclusion is that a simple university course can become a powerful transmission engine.

## Supervising

A ramification of this joint seminar was an ever-growing avalanche of academic theses. This started in 2014, and continues until the present day.

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<sup>2</sup> According to <https://skd-online-collection.skd.museum/Details/Index/1054783>, the bookplate was designed by Emil Orlik (1870-1932) in 1908. The version in the Dresden Kupferstich-Kabinett, Inventarnummer A 1911-425, measures 67 x 45 mm (print) and 82 x 56 mm (sheet).

The levels range from Bachelor theses<sup>3</sup> to Master's theses and Ph.D. dissertations.

At LMU Munich, no more than ten weeks are allotted to writing the Bachelor thesis. In art history, many students usually write about a particular work of art, or perhaps an artist, or an exhibition, based on secondary literature. Although publications have grown exponentially in provenance research, the key characteristic is that this still is a new field in which many tasks, cases and topics lack substantial literature, which is why archival research is required to an unprecedented extent. I am stressing this since I had to get used to the fact that some of these theses indeed consulted almost 30 different archives for their topic. This, in turn, attests to the investigative powers of undergraduates – so what is wasted or simply not uncovered if we as teachers do not challenge them accordingly?

Concurrently, whenever appropriate, Bachelor theses can be published online, giving open access, and of course I encourage this step, as it allows crucial basic research to be integrated into the general discourse.

Basically, the same applies to Master's theses.<sup>4</sup> Again growing out of

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- 3 2014: Sophia Barth: Maria Almas-Dietrich (<https://epub.uni-muenchen.de/41206/>); Constanze Viktoria-Sophie Nogler: Die Galerie Caspari und der Münchner Kunsthandel in der Weimarer Republik und im Nationalsozialismus; Florin Ruisinger: Bloch-Bauer / Altmann gegen die Republik Österreich. Eine vergleichende Untersuchung zu Raubkunst und NS-verfolgungsbedingt entzogener Kunst; 2016: Volha Karankevich-Koch: Das Handelsprofil der Münchner Kunsthandlung / Galerie Wimmer in den 1950er Jahren; Saskia Khamneifar: Künstlerische Strategien zur Thematisierung der Provenienz von Kunst – eine Gegenüberstellung der Ausstellung »Restitutionspolitik« von Maria Eichhorn und der Installation »La Loi Normale des Erreurs« von Raphael Denis; Dennis Bender: Studien zur Galerie Wimmer & Co. zur Zeit des Nationalsozialismus; Kira Viktoria Berg: Die sogenannte »Kümmel-Liste« von 1940: Die Zusammenstellung der aus dem europäischen Ausland ins Reich zu überführenden Kunstwerke; 2017: Edda Bruckner: Das Kunst- und Literaturantiquariat Karl & Faber von 1923 bis in die frühe Nachkriegszeit: Wechselspiel zwischen Systemkonformität und gewinnorientierter Abweichung; Stephanie Susanne Rechenberg, Die Auseinandersetzung um die Restitution der Ende April 1945 in München geraubten »Sammlung Schloss« (bis heute); 2019: Miriam Wurzingler: Amerikanischer Sammler, Münchner Händler: John Ringling, Julius Böhler und der Aufbau einer Kunstsammlung in der Zwischenkriegszeit.
  - 4 2015: Christine Bach: Robert Oertel und der » Sonderauftrag Linz« unter Hermann Voss – Ein ambivalentes Profil im NS-Kunstraub; Maja Sarah Catarina Bock: Der Wiener Kunstauktionsmarkt in der Zwischenkriegszeit: Das Auktionshaus für Altertümer Glückselig GmbH (1919 – 1941); Esther Rahel Heyer: Rose Valland und die Rückführung von Kunst- und Kulturgut aus Deutschland; Sophie Oeckl: Die Zusammenarbeit der Kunsthandlungen Julius Böhler München und Karl Haberstock Berlin: Eine Analyse gemeinsam gehandelter Gemälde zwischen 1936 und 1945; Melida Steinke: »Sonderfall Bernheimer«? Die Enteignung des Privatbesitzes und die Übernahme der L. Bernheim-



(Fig. 2)

the student group that took the inaugural course in 2013, these are true research papers, and again, some are published either online, available for free, or in regular print form.<sup>5</sup> This dissemination of results is essential.

er KG durch die Münchner Kunsthandels-Gesellschaft/ Kameradschaft der Künstler München e.V. (<https://epub.ub.uni-muenchen.de/27234/>); Katharina Maria Kontny: Recherchen zur Rolle des Kunsthistorikers Hans Robert Weihrauch während der Zeit des Nationalsozialismus (Universität Augsburg, Erstgutachterin Prof. Dr. Dorothea Diemer); 2016: Sofie Eikenkötter: Die Städtische Galerie in Rosenheim. Zwischen Tradition und Propaganda von 1935 bis in die frühen Nachkriegsjahre (<https://epub.ub.uni-muenchen.de/28166/>); Franziska Eschenbach: Die Überlieferung zum Kunsthandel des Antiquariats Jacques Rosenthal im Firmen- und Familienarchiv; 2017: Sophia Barth: Kulturgutschutz in der britischen Besatzungszone am Beispiel des Zonal Fine Arts Repository Schloss Celle; 2018: Elena Velichko: Otto Klein (1904-1995). Mitläufer, Profiteur oder Idealist? Studien zu Werk und Vita des deutsch-ukrainischen Restaurators in der NS- und in der Nachkriegszeit; Natascha Mazur: Provenienzforschung und/oder/als zeitgenössische Kunst? - Zum Rose Valland Institut (2017) von Maria Eichhorn.

- 5 Sophia Barth: Kulturgutschutz in Schloss Celle: Vom "Bienenkorb" zum sicheren Hort (Celler Beiträge zur Landes- und Kulturgeschichte / Schriftenreihe des Stadtarchivs und



It is indicative that the more recent Master's theses tend to follow major trends and usually fall into one of the following four categories: 1. institutional histories, 2. art market studies, 3. biographies of perpetrators and victims, and 4. investigations of contemporary artistic practices that explicitly address provenances.

Here a question arises: what is the epistemic status of this kind of knowledge production? This is indeed the question we asked at Kolloquium VIII (part of a series that we launched in 2010) on 30 November 2016.<sup>6</sup> What are the interests of universities, museums and research institutes? What are the interests of the ministries in the Land-level governments and on the national (federal) level? What should be done from the point of view of basic research, and what does this have to do with the perspectives of either the art market or heirs and representatives? Three years later, we have gained some experience, but we still have not been able to establish a good model.

All these questions, in a sense, culminate in the work of the doctoral students. Compared to 10 pertinent Bachelor theses and 12 relevant Master's theses in the past 5 years, the current number of ongoing Ph.D. dissertations is 14. Again, art market topics play a large role, but so also do various other processes of translocation, as well as critical biographies of key protagonists. It may suffice to say that this research is entirely indispensable, as it is independent of institutional concerns and trajectories. Summarizing, we can state that a rather irregular and uneven input on the level of teaching (since I am not supposed to teach more than two hours every other semester) has generated a fairly large impact with regard to academic theses.

## Teaching outside of the university

But the university is certainly not the only institution to teach, to learn, to produce knowledge. Libraries, museums, research institutes and research consortia can likewise convey and transmit new approaches, methods, and case studies.<sup>7</sup> Moreover, we should not focus exclusively on students. Cu-

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des Bomann Museums, Bd. 51), Celle 2018.

6 <https://www.zikg.eu/veranstaltungen/pdf/programm-provenienzforschung-viii>

7 I am referring to the *Université d'été* de la Bibliothèque Kandinsky/MNAM/CCI, Paris, entitled "Les sources au travail. Les spoliations d'œuvres d'art, 1933-2015", 2-11 July 2015,

rators, archivists, administrators, journalists, museum directors and art market staff equally require – and deserve – continuous training and formation.

Organized by the Free University Berlin in cooperation with the *Landesstelle für nichtstaatliche Museen in Bayern*, a thoroughly structured course – consisting of four distinct modules of two days each – has been run in the last three consecutive years, with 10 participants from Bavaria and 10 working outside of Bavaria.<sup>8</sup> A somewhat similar course is being offered in Switzerland (Bern),<sup>9</sup> while PREP (the Provenance Research Exchange Program) has a different format, as it is geared exclusively towards German and American provenance researchers working predominantly in museums (see the contribution by Christel Force in this volume).<sup>10</sup>

Again different was the TransCultAA summer school “Provenance, why does it matter? Provenance, Dispossession and Translocation Research” held in Zadar in 2018: Following an international call for participation, 20 international curators, students, art historians, historians, archeologists, and provenance researchers discussed past and present processes of ‘coming to terms with’ violent and/or pseudo-legal dispossessions against the will of the owner. The summer school of the HERA project “Transfer of Cultural Objects in the Alpe Adria Region in the 20<sup>th</sup> Century” thus pooled training and instruction with deliberation and learning, alongside critical and constructive discussion.<sup>11</sup>

A much narrower thematic focus attracted a small number of doctoral students and senior scholars to the Villa Vigoni in summer 2019 to participate in an exploratory workshop on the “The Fascist art market before, during and after the Rome-Berlin Axis”.<sup>12</sup>

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and the “Winter School” organized by the *Zentralinstitut für Kunstgeschichte München* on behalf of the *Forschungsverbund Provenienzforschung Bayern*, 22-26 February 2016.

8 [https://ssl2.cms.fu-berlin.de/fu-berlin/sites/weiterbildung/PM\\_weiterbildungsprogramm/pvf/index.html](https://ssl2.cms.fu-berlin.de/fu-berlin/sites/weiterbildung/PM_weiterbildungsprogramm/pvf/index.html)

9 <https://www.hkb.bfh.ch/de/weiterbildung/cas/werkzuschreibung-provenienzrecherche-interdisziplinair/>

10 Cf. <https://www.si.edu/events/prep>

11 Cf. <https://www.transcultaa.eu/wp-content/uploads/2018/08/Programme-of-Trans-CultAA-Summer-School.pdf>; <http://heranet.info/2018/10/17/hera-spotlight-provenance-why-does-it-matter-transcultaa-early-career-researcher-summer-school-zadar-croatia/>

12 <https://www.villavigoni.eu/event/the-fascist-art-market-before-during-and-after-the-rome-berlin-axis/?lang=en>

## Conclusions and recommendations

To conclude, let us summarize the essential points. We cannot undo history. No teaching can, and this limit has to be acknowledged. But we can certainly transmit research competencies to the next generation, we can empower students (and other professionals) for (open-ended) research, we can uncover unresolved cases, and we can thus contribute to solving cases – with, through, and by teaching.

“Research learning” is very efficient when combining individual practical experiences (such as overcoming challenges) with structured introductory elements. However, all this requires infrastructure and continuity. Unfortunately, more often than not, this existential prerequisite is not met, which is why I have serious doubts about a “discipline”.

As a matter of fact, the quintessential research questions we are facing transcend the limits of any given discipline. While the focus on objects – cultural artefacts, cultural heritage – has a somewhat natural inclination towards art history, we will not achieve good results (either in research or in teaching) if we do not go beyond disciplinary boundaries and explore the neighbouring fields.<sup>13</sup>

What is key to successful teaching is a combination of capturing the student’s imagination, providing orientation, guidance, structure and a factual basis, fuelling the investigative impetus, conveying a sense of urgency, helping to understand limits, and imparting practical knowledge on how to overcome challenges and obstacles and to bypass dead ends. It is thus an encompassing, wide-ranging task. In this sense, teaching is indeed unavoidable, since only empowerment allows competencies to develop, qualities to grow, and tasks to be distributed and accomplished.

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13 “The reconstruction and comprehension of historical changes of ownership or even, simply, translocation processes of cultural property require a vast range of information to be taken into account, thereby crossing over the lines between all the established humanities disciplines: art history; corporate, military, or commercial and economic history; legal history; institutional and organizational history; and contemporary, political, and social history. This list includes many more disciplines, including ethnology, archaeology, and cultural anthropology, as soon as we leave the comparatively narrow confines of the context of Nazi persecution and engage, for example, with the global debate over colonial-era displacements and appropriations.” Christian Fuhrmeister, Meike Hopp: Rethinking Provenance Research, in: *Getty Research Journal*, no. 11 (2019), p. 213–231, here 216–217.

## Session 4

# **The Wartime and Post-war Fates of Spoliated Library Stocks and Methods of Identification**

CHAIR: MICHAEL NOSEK  
(*Documentation Centre*)

# “Whose are they and where did they come from?” Methods of identifying the original owners of books held by the Jewish Museum in Prague

MICHAL BUŠEK

(*Jewish Museum in Prague*)

The history of the Jewish Museum in Prague (JMP) during the Second World War and in the immediate post-war years is highly specific, and it has influenced the structure of the museum's current holdings.<sup>1</sup> Because some items (including books) belonging to other owners became part of the museum's collections, it was decided to research these items' provenance. I will not talk here about the museum's history, as this has been addressed at a different conference. The main focus here will be on provenance research of the museum's books.

A project entitled “Identifying the Original Owners of Books”<sup>2</sup> was launched at the museum in 2001. At that time, researchers were not particularly interested in books, and hardly anybody was conducting prove-

- 1 On the history of the Jewish Museum in Prague see: VESELSKÁ, Magda. *Archa paměti: cesta pražského židovského muzea pohnutým 20. stoletím*. Praha: Academia, 2012.; FRANKENSTEINOVÁ, Hana, ed. *Zpráva o činnosti Státního židovského muzea za léta 1945-1950 sestavená na základě měsíčních a výročních zpráv*. Praha: St. židovské muzeum, [1951].; POTTHAST, Jan Björn. *Das jüdische Zentralmuseum der SS in Prag: Gegnerforschung und Völkermord im Nationalsozialismus*. Frankfurt/Main: Campus, 2002.; RUPNOW, Dirk. *Täter, Gedächtnis, Opfer: das “jüdische Zentralmuseum” in Prag 1942-1945*. Wien: Picus, 2000. For more information on the origins of the library collections of the Jewish Museum in Prague see: BUŠEK, Michal et al. “*Naděje je na další stránce*”: 100 let knihovny Židovského muzea v Praze. Praha: Židovské muzeum, 2007.; BRAUNOVÁ, Andrea. Origin of the book collection of the library of the Jewish museum in Prague. In: *Judaica Bohemiae XXXVI*. Židovské muzeum v Praze, 2000, p. 160-172.
- 2 On this topic see also: BUŠEK, Michal. Identifying owners of books held by the Jewish museum in Prague. In: *Vitalizing memory*. Washington D. C.: American Association of Museums, 2005, p. 138-142.; BUŠEK, Michal. Identifikace původních vlastníků knih v knižním fondu Židovského muzea v Praze. In: *Budoucnost ztraceného kulturního dědictví*. Praha: Centrum pro dokumentaci majetkových převodů kulturních statků obětí II. světové války, Ústav pro soudobé dějiny Akademie věd České republiky. Šenov u Ostravy: Tilia, 2007, p. 104-112; BUŠEK, Michal. Provenance Research in the Book Collection of the Jewish Museum in Prague. In: *Treuhänderische Übernahme und Verwahrung*. Göttingen: V & R unipress, Vienna University Press, [2018], p. 145-154.

nance research for books;<sup>3</sup> there was no previous experience or guidance on how to carry out such research. We had to decide for ourselves how to determine the origin of the books held by the museum – i.e. which books had been held by the museum since it was first established, which books came into its possession during the Second World War, and which books found their way into the museum’s collections after the war. The aim was to reconstruct the history of the museum’s book collections and to identify the original pre-war owners of the books. One of the impulses for this research came in the form of requests by descendants of Shoah victims (both from the Czech Republic and abroad) who asked the museum whether it held any books originally owned by their ancestors – and if so, which books they were and if it would be possible to have the books returned. In order to reply adequately to these requests, we had to conduct thorough research of the books held by the museum and extract the necessary information from them.<sup>4</sup>

The only possible way of carrying out this research (a method which has not changed, and which cannot be avoided by anybody doing similar research) is to do a complete physical check of the collections: to take each individual book, and to look at it and inside it. Researchers need to search for anything which indicates the book’s origin. We therefore looked for any marks indicating ownership, and we attempted to identify and read them. We were gradually faced with a plethora of handwritten notes, signatures, dedications, ex libris, rubber stamps, labels, or marks engraved inside the books or on their covers. We were also faced with various numbers that were important for at least partly reconstructing the movements and locations of the books during the years in question.

A key precondition for such research is the accessibility of the items themselves. Many museums and libraries have had to (and still have to) contend with problems of space. It is thus necessary to ensure that the collection is held at a place where each book can be located and is easily accessible. The Jewish Museum in Prague dealt with this problem mainly by creating new depositories in its administrative building (in 2001); the

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3 One of the few researchers who has carried out long-term systematic research on pre-war Jewish libraries and archives (including reconstructions of their fates during and after the war) is the historian Patricia Kennedy Grimsted. URL: [https://www.researchgate.net/profile/Patricia\\_Grimsted](https://www.researchgate.net/profile/Patricia_Grimsted)

4 During the research, a total 99 258 books or periodicals were examined; of these, 48 977 contained some information on ownership which was entered into the special database.

final part of the book collection was moved to the depositories in 2008. It is equally important to choose a system – to create a database in which any information found can be recorded. In 2001 the technical possibilities were not comparable to those we have at our disposal today. In the early stages, we were not sure what information the database would need to contain. As time progressed, we discovered that apart from bibliographic data and provenance information on each book, it would also be practical to scan the title pages and marks indicating ownership. The database being compiled today now contains all these important pieces of information (including image files), which can assist staff from other institutions who are conducting provenance research. The JMP's original database did not allow image files to be attached, and it also suffered from some other technical defects.<sup>5</sup> We therefore decided to convert the data from the first database into a format compatible with the Aleph library system.<sup>6</sup> The main advantages of Aleph for us are that it allows us to display Hebrew script, attach image files, import bibliographic data, and enter an unlimited number of characters in the individual fields of the database.<sup>7</sup> It was essential that the museum could import data from the main database of books into the database of owners, because our provenance research was carried out under time pressure and we had to proceed as rapidly as possible. We therefore entered only the essential information – such as the call number, accession number, any abbreviations indicating the owner, the information from any rubber stamps, owner names, and type(s) of ownership mark(s). We did not input bibliographic data; these data are now being fed into the database as part of the ongoing retro-cataloguing of the library stocks. Institutions planning to conduct provenance research of their collections and to input the resulting information into a special database will save time and effort if when entering the data they include all available information (to the fullest possible extent) when processing each individual book. The

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- 5 The original database developed to meet the needs of the Jewish Museum in Prague used the Access program, and its parameters proved to be inadequate. It was not possible to attach scanned image files; the fields for information on owners and for bibliographic data were too small (the character limit was too low); multiple listings of the same number were not possible; and there were also problems with displaying non-Roman letters.
  - 6 The library of the Jewish Museum in Prague is a specialist public library focusing on Jewish studies; it has used the Aleph library system since 1996.
  - 7 A new disadvantage is the fact that development of and support for the Aleph system is being stopped; we will most likely have to transfer the current database into a new system.

research will progress more slowly, but the database will contain complete information from the very outset, and it will not be necessary to add information at a later date, as we have had to do.

It is important that the research is carried out by experts who will be able to participate in the project throughout its entire duration. It often proves impossible to identify the ownership of a book because of the poor condition or illegibility of the relevant ownership marks – but knowledge of recurring types of stamps and signatures can help us to identify marks that are obscured by stains and other damage, or stamps or inscriptions that have been partially erased, on the basis of similarities between the visible parts of these marks and analogous marks found in different books. If a researcher sees a poorly legible mark of ownership and is unaware of the owners who are recurrently identified in other volumes, they will find it difficult to identify the owner merely on the basis of a visual interpretation. Experience is therefore very important and valuable.<sup>8</sup> We are also assisted by colleagues from other institutions where similar research has been (or is still being) carried out, enabling us to share experience and information. A knowledge of rubber stamps has proved useful not only when identifying original owners, but also when searching for lost books from the pre-war library of the Prague Jewish Religious Community – which was transferred to the museum in 1946.<sup>9</sup> Examining books offered for sale at auction houses, we were able to identify rare volumes from this library on the basis of stamps or call numbers. After complex negotiations, four books have been returned to the museum, and discussions on the return of other books are still underway.

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- 8 Throughout the project, the Jewish Museum in Prague worked with a constantly growing list of ownership marks and a constantly growing list of types – primarily the stamps of institutions and important individuals (or their signatures), which we encountered recurrently. Thanks to these lists, colleagues participating in the project only on a temporary or occasional basis were able to easily identify recurrent owners and to enter the correct information into the database.
- 9 The library of the Prague Jewish Religious Community was established in 1858. For more information see: JAKOBOVITS, Tobiáš. *Dějiny vzniku knihovny isr. náboženské obce v Praze*. Praha: nákladem náb. žid. obce, 1927. During the Second World War the Nazis confiscated the library and removed it from Prague. After the war it was returned (though certain items were missing) to the Prague Jewish Religious Community, which deposited the library at the Jewish Museum in Prague. Catalogues (bound volumes and card indexes) of the collection survived; these enable us to reconstruct the contents of the original library as well as providing evidence of ownership of books found at other institutions (or in the possession of auction houses).



An important aid to identification are the online databases maintained by other institutions; these databases include scanned images of ownership marks and additional information on the individual owners. The more information is available about the owner, the better are the chances of accurately identifying books that were confiscated from them and returning these books to their original owners (or their heirs). Unfortunately, more commonly it proves impossible to identify the owner. We only know the owner's name, and sometimes only their surname – and in some cases it is not even possible to decipher the name. Additionally, in cases when the owner's name is a relatively common and frequent one, we are not able to identify a specific individual without additional information.

We have been more successful in cases when we know something about the owner's life and fate and we can identify the owner clearly. Examples include Otto Muneles<sup>10</sup>, Sigmund Seeligmann, Tobias Jakobovits<sup>11</sup> or Mojszej Woskin-Nahartabi<sup>12</sup>, whose books came into the museum's possession. This brings further demands on the researcher, who needs to have a solid awareness of history and archive research. In our project we have

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- 10 Before the Second World War, Otto Muneles (1894–1967) worked as a funeral director in Prague. During the war he cooperated with the Jewish Central Museum, and at Terezín (Theresienstadt) he headed the “Talmudkommando” working group. After the war he became the first librarian of the Jewish Museum in Prague. For more information on Otto Muneles see e.g.: SADEK, Vladimír. Dr. Otto Muneles und sein wissenschaftliches Werk: (8. 1. 1894 - 4. 3. 1967). In: *Judaica Bohemiae III* (2), Židovské muzeum v Praze, 1967, p. 73-78; BUŠEK, Michal et al. “Naděje je na další stránce”: 100 let knihovny Židovského muzea v Praze. V Praze: Židovské muzeum, 2007, p. 60-70.
  - 11 Tobias Jakobovits (1887–1944) was the last librarian of the Jewish Religious Community in Prague. During the war he was the head scholar at the Jewish Central Museum, where he helped catalogue the books brought to the museum and created exhibitions for Nazi officials. He and his wife Berta were murdered at Auschwitz. For more information on Tobias Jakobovits see e.g.: SADEK, Vladimír. A survey of Dr Tobias Jakobovits' scientific work (1887-1944). In: *Judaica Bohemiae XVIII* (1), Židovské muzeum v Praze, 1982, p. 17-21; BUŠEK, Michal et al. “Naděje je na další stránce”: 100 let knihovny Židovského muzea v Praze. V Praze: Židovské muzeum, 2007, 24-29.
  - 12 Mojszej Woskin-Nahartabi (1884–1944), a professor of Semitic languages and Arabic literature, fled from the Nazis by moving from Halle to Prague, where he established a rabbinical college. During the Nazi occupation he worked (with his daughter Tamara) at the Jewish Central Museum, where he catalogued books and manuscripts. After being deported to Terezín (Theresienstadt), he became a member of the “Talmudkommando” working group. He and his entire family were murdered at Auschwitz. For more information on Mojszej Woskin-Nahartabi see: BUŠEK, Michal et al. “Naděje je na další stránce”: 100 let knihovny Židovského muzea v Praze. V Praze: Židovské muzeum, 2007, p. 40-41.

needed to take into account not only our own museum's history, but also, for example, the history of the Terezín (Theresienstadt) ghetto.

As has already been noted, we found various numbers written in and on the books during our research. Here I will focus on two types of numbers that have been particularly important for our project. The first type are the numbers from the so-called German catalogue. This catalogue lists items that were registered during the Second World War as part of the collections of the Jewish Central Museum. The cards in the German catalogue contain not only descriptions of the items themselves, but also information on their provenance. Particularly in the case of people who deposited their property at the museum, these records thus provide evidence of their ownership. An example is the books belonging to Salomon Hugo Lieben<sup>13</sup>. Depending on whether the number marked on a book corresponds to a card number in the German catalogue, we can identify which books actually belonged to Lieben. In his case, the rubber stamps in the books are not always valid confirmations of ownership. The books were stamped after his death – and some books at Lieben's places of work were also stamped, while other books belonging to him were not stamped. In this case, the German catalogue is a source that enables us to identify Lieben's property; the provenance information in the catalogue cards states that he was the owner. If the provenance information indicates a different owner, the book did not originally belong to Lieben. Another case in which we can identify the owner and the means of acquisition beyond all doubt based on the German catalogue numbers concerns the cards that give "Altes Museum" as the provenance, i.e. the original Jewish Museum in Prague; in such cases the book was evidently the property of the pre-war museum. For the sake of completeness it should be noted that in the case of ownership by the various local Jewish religious communities in the Protectorate of Bohemia and Moravia, the provenance information in the German catalogue states the location of the collection point – i.e. the location at which the property of the religious communities in a particular city, town or region was col-

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**13** The historian and Hebrew scholar Salomon Hugo Lieben (1881–1942) helped to establish the Jewish Museum in Prague (1906). During the Nazi occupation he was a funeral director and he worked at the Jewish Central Museum, where he catalogued silver items and books. He died suddenly on his way to the synagogue. For more information on Salomon Hugo Lieben see: BUŠEK, Michal et al. "*Naděje je na další stránce*": 100 let knihovny Židovského muzea v Praze. V Praze: Židovské muzeum, 2007, 7-17; VESELSKÁ, Magda. *Bestii navzdory: Židovské muzeum v Praze 1906-1940*. V Praze: Židovské muzeum, 2006, p. 33-35. The books were deposited at the museum by Lieben's wife after his death.

lected before being taken to the wartime museum. Sometimes items from the Treuhandstelle<sup>14</sup> depots were transferred to the Jewish Central Museum; in such cases the provenance is listed as the depot. In rare cases, the cards also give the transport numbers of deportees from whom the Treuhandstelle had confiscated the property. In all the above cases it is possible to identify the original owner.

The second type of number that has proved important are the numbers from the Hebrew Library, with the prefix “Jc”. This was a non-public library that was assembled and managed at Terezín (Theresienstadt) by the “Talmudkommando” working group<sup>15</sup>. Books marked with a number prefixed “Jc” (or bearing a yellow label with a number affixed to the spine) were taken from the Hebrew Library at Terezín, and they were catalogued by the members of the Talmudkommando. The catalogue of the “Jc” series has survived, and it is held by the Jewish Museum in Prague. The catalogue cards are available to view at the museum’s website.<sup>16</sup> In the case of these books, we can safely state that in the post-war years they were taken to the museum from Terezín.

A somewhat different case is that of the books owned by Rudolf Mach<sup>17</sup>, who began assembling a private library during wartime. After the communist seizure of power in 1948, Mach emigrated from Czechoslovakia to the USA; fearing that his library would be confiscated by the state (as the property of an emigrant), he asked Otto Muneles to deposit the books in the museum. Muneles later donated the books to the museum free of charge; the authorities had received a report accusing the museum of holding the property of an emigrant, so Muneles declared that the books were his own

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14 The organization that confiscated the property of deportees. For more details on the Treuhandstelle see: KREJČOVÁ, Helena, HYNDRÁKOVÁ, Anna a SVOBODOVÁ, Jana. *Židě v protektorátu: hlášení Židovské náboženské obce v roce 1942: dokumenty*. Praha: Maxdorf, 1997.

15 The official name of the group was the Bücherfassungsgruppe. Otto Muneles submitted a report on its activities in May 1945. See: BUŠEK, Michal et al. “*Naděje je na další stránce*”: 100 let knihovny Židovského muzea v Praze. V Praze: Židovské muzeum, 2007, 39-42; on the post-war fate of the books from Terezín (Theresienstadt) see: JELÍNKOVÁ, Andrea. Books in the Terezín ghetto and their post-war fate. In: *Judaica Bohemiae XLVII-1*. Židovské muzeum v Praze, 2012, XLVII-1, p. 85-107.

16 URL: <https://retris.nkp.cz/Catalog?sigla=ABE323&catalogId=zmkhkg%20%20&caseId=1&drawerId=1&recordId=10001&bookmarkId=null&filterId=&page=&batchId=&phase=&batchUser=null>

17 The Oriental scholar and Hebrew scholar Rudolf Mach (1923–1981) helped to record and catalogue books at the Jewish Museum in Prague after the war.

property and that he had been keeping them at the museum due to lack of space in his apartment. When researching these books, we found Mach's inscriptions and Muneles's rubber stamp. Formally the books belonged to Muneles, but their real owner was Mach. Without knowledge of these historical circumstances, it would not have been possible to clarify the ownership of the books or to trace their movements. This again proves the importance of historical knowledge concerning the origins of the collections and the history of the researching institution itself (or the lives of the people who have been unambiguously identified as owners).

Let us now return to the various handwritten notes, rubber stamps, ex libris and other traces of the books' original owners. When entering information into the database, we distinguished between two basic groups of owners: institutions<sup>18</sup> and individuals<sup>19</sup>. We assumed that prior to the confiscation, libraries did not transfer their books to the possession of private individuals, so the institutions were indeed the last owners of the items. If a book contained the name not only of an institution but also of a private individual, we therefore did not enter that individual's name into the database. In cases when a single book contained the names of two or more institutions, we entered all the identified institutions into the database. Of course, if a book bears the names of two or more institutions, it is difficult to determine which institution was the last owner – the institution from which the book was confiscated. The pre-war library catalogues that could potentially have helped us to determine the last owner have only survived sporadically, so in many cases we are not able to determine the last owner.

The situation is similar when a single book contains the names of more than one private individual (owner). In such cases we entered the names of all identified individuals into the database, together with all the information found. However, in the absence of dates it is almost impossible to determine which individual was the last owner. The collection includes some books that were used for teaching purposes, so many students wrote their names in the book; in these cases, too, it is not possible to determine the last owner.

Problems also arise with marks that do provide a clear basis for identification. These include illegible inscriptions or signatures, dedications to unknown recipients by unknown donors, first names without surnames,

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<sup>18</sup> Institutions or organizations were identified in 34 787 cases.

<sup>19</sup> Private individuals were identified in 14 889 cases.

or Hebrew inscriptions that lack a full name; in the database, all these cases are classified as “unidentifiable”<sup>20</sup> and in the “notes” field of the database we have entered any information that we have managed to decipher. Speaking of Hebrew inscriptions, a problematic area is the transcription of the owners’ Hebrew names. The form of a Hebrew (or Yiddish) name can be read in various ways; no single standardized transcription system was used. We also encountered cases in which the same person’s name was written once in Roman script and once in Hebrew script, and it was necessary to compare the two names in order to determine whether they denoted the same person. When verifying such cases, we used a single form of the name for these individuals, and we noted the existence of the other form of the name in the relevant database field.<sup>21</sup> We cannot exclude the possibility that the form of the name used by us in the database differs from the name that the owner or their descendants used (or use today). When assessing requests for restitution, it is therefore standard practice to work with various forms of the name in question.

In the case of dedications, our database includes the names of both the recipients and the donors. Often the dedications are by the book’s author; this can be useful for purposes of exhibiting the items, and it represents a further potential application of the database. In the “notes” field we specify who donated the book to whom.

As has already been mentioned, not all books can be returned to their original owners.<sup>22</sup> This is not only the case of books with multiple owners<sup>23</sup> or books whose owners cannot be identified; it is also the case when there is no longer anybody to whom the book can be returned. A particularly poignant example is the books that were held by various Nazi organizations (Haupt-Archiv NSDAP, Gauschulungsamt der NSDAP: Sudetenland – Oberrosenthal bei Reichenberg, Nationalsozialistische Deutsche Arbe-

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**20** We categorized 823 ownership marks as unidentifiable.

**21** An example is the already-mentioned founder of the Jewish Museum in Prague, Salomon Hugo Lieben, who during his student years wrote his name as “Shlomo Zvi Lieben” in his books.

**22** For more information on the restitution policy of the Jewish Museum in Prague, see the museum’s website: <https://www.jewishmuseum.cz/sbirky-a-vyzkum/proveniencni-vyzkum-a-bezuplatne-prevody/co-lze-bezuplatne-prevest/>

**23** For information on the issue of restituting books from the museum’s collections, see also: BUŠEK, Michal. Restitution in the Jewish museum in Prague in the case of Naftali Zvi Kartagener. In: *Holocaust Era Assets: conference proceedings: Prague, June 26-30, 2009*. Prague: Forum 2000 Foundation, [2009], p. 1104-1110.

itspartei. Gauleitung Sudetenland, Die Deutsche Arbeitsfront, Eigentum der NSDAP Hitler-Jugend Gebiet Sudetenland, Parteiarchiv NSDAP, etc.). These books will remain in the museum's possession. Only if one of these books contains marks enabling us to identify another owner will it be possible to return the book to the owner or their heirs. The same situation applies in the case of the books from Terezín (Theresienstadt); they will continue to be held by the museum unless another owner is identified to whom (or to whose heirs) the book can be returned. In general terms, the museum's policy in the case of now-defunct institutions is to retain possession of the books; the same applies in cases when the original owner has not been identified beyond doubt or if ownership cannot be properly proved. This policy is fully within the terms and conditions of the system for requests for the voluntary issue of books from the collections of the Jewish Museum in Prague (which are available to view on the museum's website<sup>24</sup>). As a cultural and educational institution with a publicly accessible library and research room, an online catalogue and online access to catalogue cards, the museum thus ensures that its books are available to readers – in other words, that the books serve their primary purpose, to be read and studied.

The museum's database of owners is a special database within the Aleph library system. Users can search the database in a similar manner to searching in an online library catalogue. If we enter, for example, the name "Seeligmann" in the search box, the system will search for and display all books for which the name "Seeligmann" is listed as the owner. In the majority of cases, the search tool displays a simple set of data without additional bibliographic information; if the book came from the Hebrew Library at Terezín (Theresienstadt), a scanned image of the catalogue card is attached. If the book has already been catalogued, the record includes the full name of the owner, the type(s) of ownership mark(s), the call number and accession number, and bibliographic data on the book. Scanned images of the title pages will be added at a later date. The "notes" field contains information found in the ownership mark(s), i.e. dates, details of dedication, location etc. In future, we plan to include images of the individual

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<sup>24</sup> See: <https://www.jewishmuseum.cz/sbirky-a-vyzkum/proveniencni-vyzkum-a-bez-uplatne-prevody/bezuplatne-prevody-ze-sbirek-zmp/>

owners along with a list of the identified books and scanned images of all types of ownership marks that we have found during the research.<sup>25</sup>

At the moment, the database of owners is not yet publicly accessible; we are still working to add more information to it. However, anybody can contact the museum (or its library) and ask us to conduct a search to establish whether books belonging to a particular owner are among the items held by the library. We also collaborate with provenance research experts from other institutions in the Czech Republic and abroad.

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**25** In many institutions, the names of their libraries and the appearance of their stamps have changed over the years, so scanned images of all stamps will be attached. For individuals, all forms of their signature (and any stamps, if applicable) will be attached.

# **If you want to go far, go together. Experiences from cooperation in provenance research and restitution**

SEBASTIAN FINSTERWALDER

*(Zentral und Landesbibliothek Berlin)*

*While the following is a slightly revised version of the presentation given in Prague on 19 June, the author has chosen neither to remove the first perspective, nor to materially change the ductus. This was written as a speech, not as a scholarly paper.*

The first time I was able to speak at a conference organized by the Czech Documentation Centre for Property Transfers of the Cultural Assets of WWII Victims (CDMP) was back in 2013, then in the spa town of Poděbrady. My colleague at the time, the historian Peter Prölß and I had been invited, not just to present our work, but initially also to ‘do some actual work’. In our library, the Central and Regional Library of Berlin (Zentral- und Landesbibliothek Berlin, ZLB) we had found four books of Czechoslovak provenance that we wanted to return to where they belonged. The books had been part of the libraries of Czechoslovak consulates in Poland and the Czechoslovak embassy in Warsaw. Along with many more books, they were looted by the Nazis and brought to Berlin, where they ended up in the library of the German Exterior Ministry, the *Auswärtiges Amt* (AA). Shortly after the end of WWII, they were brought from the then-defunct library of the AA to the Berlin City Library (*Berliner Stadtbibliothek*), a predecessor of today’s ZLB. Their provenance, although clearly and easily identifiable, either remained unnoticed or was deliberately overlooked for almost 70 years. Then, the initiator of the provenance research efforts at the ZLB, Dettlef Bockenamm, Peter Prölß and I started our work.<sup>1</sup> In a nutshell, what we started to do was take pictures of the books and provenance marks and publish them online, along with however good a transcription or descrip-

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**1** The provenance research at the Central and Regional Library is accompanied by a series of publications documenting the progress over the last ten years. A list of the publications can be found at <https://www.zlb.de/en/subject-information/special-area/provenienzforschung.html>



tion we could manage. We also carry out in-depth research into the former owners, the routes the books took into our library, and to whom we can and should return the Nazi-looted books we have identified – but since we have to research the provenances of hundreds of thousands of books and other items, this could and can only be carried out in a comparatively small number of cases.<sup>2</sup>

We published details of the books from the Czechoslovak embassy and consulates online, so that others could find them, get in touch with the ZLB and start the process of research and restitution. It worked. In 2012 Renata Košťálová of the CDMP got in touch with the ZLB. We supplied every bit of information on the books we could find, and prepared them for their return. Together we planned a restitution of the books at a press conference in the context of the Poděbrady conference. Everything seemed to go smoothly until the evening before the conference started. Both the German and the Czech foreign ministries vetoed the restitution, and each country sent officials to attend our talk to make sure we wouldn't do something stupid... We were still rather inexperienced and went along with them; the books were returned a couple of weeks later, very silently.<sup>3</sup>

I never really understood what the problem was, and I have since pushed on to further the principles which my two mentors Peter and Detelef always applied when approaching the issue of Nazi loot:

- The aim of our work is restitution!
- Publish everything, and publish it accessibly!
- Share information and cooperate!

The following year, we took a big step. We had already been working to-

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2 The current estimate is that around 1.1 million items in the ZLB's stock need to be checked for marks of provenance. Apart from books and periodicals, the library has a collection of bookplates (ex libris), records, manuscripts, maps, posters, photographs, etc.

3 For details on the individual volumes see: <https://www.zlb.de/en/subject-information/special-area/provenienzforschung/restitutions/embassy-of-the-czechoslovak-republic-in-warsaw.html>, <https://www.zlb.de/en/subject-information/special-area/provenienzforschung/restitutions/consulate-of-the-czechoslovak-republic-in-katowice.html> and <https://www.zlb.de/en/subject-information/special-area/provenienzforschung/restitutions/consulate-of-the-czechoslovak-republic-in-krakow.html>

gether with the library of the *Centrum Judaicum of Berlin*, cataloguing in the same database, openly sharing information and research. But that year, both the libraries of the *Freie Universität Berlin* and the University of Potsdam approached us, suggesting cooperation. The *Freie Universität* would take care of hosting the database and supply some IT knowledge, support and maintenance, and we would train the researchers of the other libraries in how to work with the database. Since the beginning, our approach has been very practical, very DIY and very ‘lo-fi’. But it worked, and it still does. We renamed the database Looted Cultural Assets<sup>4</sup>, we openly share every bit of information we work on, and throughout the years we have been able to solve numerous cases cooperatively, and collectively to return Nazi-looted books.<sup>5</sup> One library finds a book, a colleague at another takes care of the transcription or translation of inscriptions, another researches the former owner, another tries to find heirs or family members.

Of course, we’ve always had issues and we still do, but overall the cooperative approach has worked splendidly. Here’s the part where I invite you to join us. We’ve grown since 2014 – as of today, eight libraries are working together with Looted Cultural Assets: libraries from Berlin, Potsdam, Hamburg, Karlsruhe, Heidelberg and Kiel.<sup>6</sup>

One reason why I think the cooperative approach is working is the complete transparency with which we publish our finds. The research data is published online in a format that can be indexed by search engines and it is therefore relatively easy to find, even if people do not know where to look for items – which is generally the case when it comes to household books such as mass-produced novels, dictionaries, textbooks, guides, etc.

We also publish our finds immediately, when in most cases we know nothing about their provenance. I know that particularly with this point, there are certain reservations – not so much in the community of provenance researchers, but from executives at museums, libraries, archives and galleries. But from some art historians doing provenance research in museums I sometimes get something along the lines of “Oh, well, it’s different with books” or “Sure, you can do that with your objects” – always hinting towards, but never actually saying why: books are, generally speaking, not worth a great deal of money.

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4 See <http://lootedculturalassets.de/>

5 As of 31/12/2018, the ZLB has been able to restitute 892 objects in 146 individual cases.

6 For a full list and contact information see <http://lootedculturalassets.de/index.php/About/Index>

I would like to ask everybody in attendance today<sup>7</sup>, irrespective of your role, to reflect on this. Even though it is the reality for now that provenance researchers can't openly publish their findings as quickly, easily and openly as technology today allows us, this can't be what we want!

I know there are reasons why provenance researchers often, whether they like it or not or whether they are aware of it or not, can't speak as freely as they would like. There are dependencies. Provenance research, especially in Germany, is still organized in a way that keeps everyone involved on their toes all the time – research projects are usually financed for a very limited time frame, and then we'll see, and then, if there's still someone asking questions loud enough, we'll apply for another project, and then we'll see. Hire – Work – Fire – Repeat. The simple fact that we are still usually talking about projects shows how far we still have to go – a project is, as defined by the Business Dictionary, a “planned set of interrelated tasks to be executed over a fixed period and within certain cost and other limitations”.<sup>8</sup> The problem here is that we are still unable to grasp the magnitude of the task at hand, which is why any limitations applied must inevitably prevent us from completing the task. We don't know how many objects were looted. We don't know where they are. We don't know if, to whom and how we should return them. And still we are to do everything within a couple of years, with a couple of people equipped with a limited volume of funds and almost no technical infrastructure. This can't work.<sup>9</sup>

- Should you as officials representing an entity like a library or a museum be withholding information on the collections you are in charge of? History has shown again and again that stalling only works for so long.
- Should you as journalists be capitalizing on stories regarding prov-

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7 (or reading this now)

8 <http://www.businessdictionary.com/definition/project.html>

9 The list of publications regarding these problems is long. Three essays that are essential to understanding the challenges of provenance research in Germany are: Sonja Anne Lang: Moral und Recht im Aufklärungsprozess von NS-Raubkunst. In: *Kulturpolitische Mitteilungen* Nr. 152, 1/2016, p. 48-52 (online: [https://www.kupoge.de/kumi/pdf/kumi152/kumi152\\_48-51.pdf](https://www.kupoge.de/kumi/pdf/kumi152/kumi152_48-51.pdf)); Frank Möbus: Provenienzforschung 2.0: Warum wir einen kybernetisch-bibliothekarischen Superorganismus brauchen. In: *Bibliotheksdienst* 46 (2012), Vol. 6, p. 497-504; Leibl Rosenberg: Die Kunst der Restitution. In: *KUR - Kunst und Recht* 5/2014. p. 119-125.

enance research and restitution, either by scandalizing the well-known fact that there is Nazi loot everywhere on the walls of our museums and on the shelves of our libraries, or by praising the same institutions to high heaven whenever finally a restitution is carried out? Or should you be asking questions about the systemic architecture that allows you to be abused as either an accuser or an applauder?

- And should we as provenance researchers be accomplices to withholding information from the public and our peers? Should we try to either gain a monopoly on knowledge or show a skewed version of loyalty towards our employers? Or should we rather try to invigorate the already strong solidarity among each other and with the people we, as far as I'm concerned, are really working for: the persecuted and murdered in Europe from 1933 to 1945?

To quote from the Terezín Declaration's second passage: "Having in mind the need to enshrine for the benefit of future generations and to remember forever the unique history and the legacy of the Holocaust"<sup>10</sup> – that is our task! And if you take a look at the political situation not just in Europe but in fact around the world today – anti-Semitism, xenophobia, hatred, death – it should be clear to everyone why this is our task first and foremost, and why the issue of how we handle this task is so pertinent for today and the future.

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<sup>10</sup> Terezín Declaration, p.1 ([https://wjro.org.il/cms/assets/uploads/2019/06/Terezin\\_declaration.pdf](https://wjro.org.il/cms/assets/uploads/2019/06/Terezin_declaration.pdf), accessed 3 Sep 2019).

# **Transfers of Selected Jewish Library Items from Czechoslovakia to Mandatory Palestine and the State of Israel after the Second World War (1945 - 1949)**

IVANA Yael NEPALOVÁ

*(Charles University in Prague)*

## **(Summary)**

Post-war Europe was mired in chaos. Millions of refugees were on the move, the world was discovering horrific details of irreparable crimes, and in the midst of this situation there are book collections whose owners are no longer alive. The books have outlived their owners. The Gestapo maintained catalogues of Europe's major Jewish libraries - indeed, it had a special cultural committee which began monitoring these collections in 1936. There was a "commando" of librarians at the Terezín ghetto, whose task was to catalogue all the books brought there from the countries occupied by the Nazis. In 1945 a special committee from the Hebrew University arrived in Prague; led by Professor Gershom Scholem, the committee's task was to map the situation regarding Jewish book collections. It was the first of numerous teams which came to Czechoslovakia - a country which had been used as a collection point for Jewish cultural property since 1942.

The Hebrew University then appointed another envoy who worked in Czechoslovakia until 1949, when the last consignments of books were sent to Israel before Czechoslovakia's borders were definitively closed.

The Hebrew University was not the only institution that took a strong interest in the huge quantity of cultural assets that still remained in Europe - others included the U.S. National Library, Joint and Sochnut. The black market flourished, governments' interests shifted, and this particular chapter came to an end with the foundation of the State of Israel and its legislation on the nationalization of property. The contexts in which these books were transferred, and the stories of those involved, provide broader insights into this particular episode of history - an episode to which the books bear silent witness even today.

# “He will never be forgotten in Munich” – The Cossmann Werner Library of the former Jewish Community in Munich

SIBYLLE VON TIEDEMANN

(*Israelitische Kultusgemeinde München und Oberbayern K.d.ö.R.*)

The Jewish Community of Munich was established in 1815. The new main synagogue in Munich city centre, which was the third largest synagogue in Germany at the time, was ceremonially opened in 1887. The magnificent building in the centre of Munich expressed the community’s new self-confidence.

From 1895, Cossmann Werner was the rabbi of the upcoming city community.<sup>1</sup> (Fig. 1)

Rabbi Cossmann Werner’s contemporaries noted his extraordinary rhetoric skill. He was highly appreciated as one of the most distinctive speakers in German Jewry around the turn of the century.<sup>2</sup> Rabbi Werner held many positions and functions, including that of the Chairman of the Bavarian Conference of Rabbis.

Rabbi Cossmann Werner’s marriage (to the couple’s great regret) did not produce any children, and this may be why Werner donated his valuable private library to the Munich Jewish Community. The previously existing simple teachers’ and pupils’ library was now to become a research library.<sup>3</sup> It provided the foundation for the “Library and Reading Hall” at the Jewish Community Centre next to the main synagogue. In subsequent years the public library was extended considerably with donations, gifts and acquisitions.

In 1918 Rabbi Cossmann Werner died very suddenly and unexpectedly

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- 1 Elisabeth Angermair: Cossmann Werner, 1854 (Rogasen, Provinz Posen) – 1918 (München), in: Stadtarchiv München (ed.): *Beth ha-Knesseth Ort der Zusammenkunft. Zur Geschichte der Münchner Synagogen, ihrer Rabbiner und Kantoren*. München 1999, p. 109-110.
  - 2 Leo Baerwald: Juden und jüdische Gemeinden in München vom 12. bis zum 20. Jahrhundert, in: Hans Lamm: *Vergangene Tage. Jüdische Kultur in München*, erw. und durch. Ausgabe 1982, München (1958), p. 11-30, here p. 25 f.
  - 3 “Cossmann Werner Bibliothek der israelitischen Kultusgemeinde München” in: *Bayerische Israelitische Gemeindezeitung*, 27.02.1925, 1 (1925), p. 10.



(Fig. 1) Rabbi Cossmann Werner

of a stroke. To commemorate him, the Jewish community named the library the “Cossmann Werner Library”.

The *Bayerische Israelitische Gemeindezeitung* (Bavarian Israelite Community Newspaper) carried several reports about the Cossmann Werner Library after its foundation in 1925. Based on the advertised titles of the new acquisitions, we can partly reconstruct the library’s collection. The collection included religious and scholarly literature as well as books of fiction about Judaism, mainly in German and Hebrew, newspapers and magazines, plus a section devoted to synagogue music. The collection also contained valuable incunabula.

In the middle of the 1920s – this can be traced back on the basis of the new acquisitions – the Jewish Community of Munich also responded to the growing anti-Semitism in Munich when it purchased books; the topics of its new acquisitions became more and more political. For many years

the rabbi Israel Finkelscherer was the librarian in charge.<sup>4</sup> In 1933, after the Nazis' seizure of power, the Jewish Community of Munich had about 9 000 members. The radicalization of the Jews' exclusion from public life, their deprivation of their rights and their general persecution was more extreme in Munich, the "Capital of the Movement", than in other places.

Back in June 1938, i.e. five months before the November pogroms, the main synagogue in Munich was demolished at Adolf Hitler's personal behest. The community's offices and the rooms of the Cossmann Werner Library were in the adjoining buildings. The library was used for worship until October 1938, when the authorities forcibly evicted the occupants from the buildings.<sup>5</sup> (Fig. 2)



(Fig. 2) Demolition of the main synagogue, June 1938.  
Source: Stadtarchiv München

Ruth Meros (née Goldschmidt), an adolescent Jewish girl, remembered how she packed the books in boxes together with the sociologist Werner Cahnmann, so they could be taken to the Community's new premises, the

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4 Israel Finkelscherer was deported in 1942 to the concentration camp at Theresienstadt, where he died; cf. Tobias Weger: Israel Finkelscherer 1866 (Brody/Galizien) - 1942 (Theresienstadt), in: Stadtarchiv München (ed.): *Beth ha-Knesseth. Ort der Zusammenkunft. Zur Geschichte der Münchner Synagogen, ihrer Rabbiner und Kantoren*. München 1999, p. 113-114.

5 Cf. the announcement in: *Jüdisches Gemeindeblatt für den Verband der Kultusgemeinden in Bayern*, 14. Jg. edition from 15.10.1938, p. 313.



rear building of a factory.<sup>6</sup> The library remained there for about a month. In November 1938, the night of the pogrom, the Gestapo stole the valuable Cossmann Werner Library. According to a report by the Security Service of the Reichsführer SS, 170 boxes containing 10 000 volumes were taken away.<sup>7</sup>

But it was not only about the books; the members of the Munich Jewish Community were also deported and murdered. By the end of the war, the Community had ceased to exist. The *Biographical Memorial Book on the Jews of Munich* contains more than 4 500 biographies of Munich Jews who died between 1933 and 1945.<sup>8</sup> After the war, in July 1945, the city's Jewish Community was re-founded by Munich Holocaust survivors.

What may be the first reference to the stolen books of the Cossmann Werner Library came from Hannah Arendt, who came back to Germany 1949 for some time on behalf of the Jewish Cultural Reconstruction. She wrote letters to Gershom Scholem in Jerusalem<sup>9</sup> and so-called Field Reports to the organization's main office in New York:

“In the depot of the Munich Municipal Library where formerly confiscated material is sorted and catalogued are 1 239 volumes bearing the stamp of the Munich Jewish Community.”<sup>10</sup>

In the early fifties, (most of) these books were returned to the Jewish Community by the Munich Municipal Library.<sup>11</sup> But they were not to remain in the community's possession for long: in 1970 an arson attack

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6 Ruth Meros: “Protestiert habe ich erst später, in meinen Träumen ...”. Aus dem Leben einer jüdischen Münchnerin, in: Landeshauptstadt München (ed.): *Jüdisches Leben in München. Lesebuch zur Geschichte des Münchner Alltags. Geschichtswettbewerb 1993/94*. München 1995, p. 11-21, here p. 17.

7 Cf. Falk Wiesemann: Gestrandete Bücher – vor der Zerstörung bewahrt. Hebraica in der Nationalbibliothek der Tschechischen Republik, in: Dieter Neutatz / Volker Zimmermann (ed.): *Von Historikern, Politikern, Turnern und anderen*, Berlin 2018, p. 359-378, here p. 368. Many special thanks to Falk Wiesemann, Düsseldorf, who gave valuable information about his findings in the early nineties.

8 Stadtarchiv München (ed.): *Biographisches Gedenkbuch der Münchner Juden 1933-1945*, München 2003/2007.

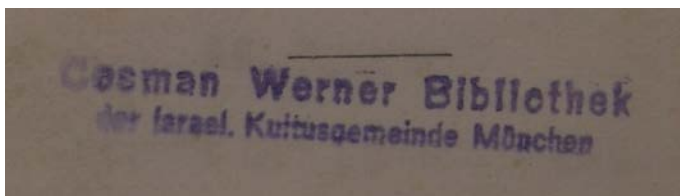
9 Edited by Marie Luise Knott in collaboration with David Heredia: *Der Briefwechsel. Hannah Arendt, Gershom Scholem*. Frankfurt 2010.

10 Hannah Arendt: Field Reports 1948-1951, New York, Jewish Cultural Reconstruction. Field Report No. 12, p. 489.

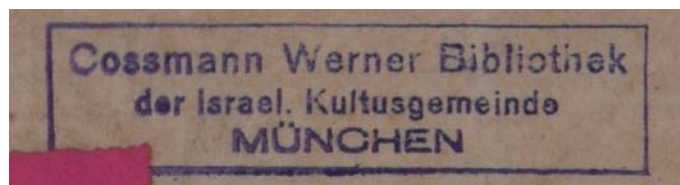
11 Cf. “Gestapo-Ordner”, stored in the Municipal Library of Munich. “Aktenvermerk” from 13.3.1952 about the return of 20 boxes of books to the Jewish community of Munich. Many thanks to Dr. Arne Ackermann, head of the *Municipal Library of Munich*, and Hanne Riehm, head of the *Legal Library in the Munich Town Hall*, for their willing help.



(Fig. 3) Stamp of the teachers' and pupils' library "Bibliothek der israel. Religionsschule München"



(Fig. 4) Two-line stamp without a frame "Cosman Werner Bibliothek der Israel. Kultusgemeinde"



(Fig. 5) Three-line stamp with a square frame "Cossmann Werner Bibliothek der Israel. Kultusgemeinde München"

against the Munich Jewish Community resulted not only in seven deaths at a Jewish old people's home, among them the librarian Siegfried Offenbacher, but also in the destruction of the recovered books.

The further destiny of the other books from the Cossmann Werner Library remained unclear for decades. It may not even have been at the centre of the Community's attention, as the Community had literally lost everything and had had to rebuild its very existence in the land of the perpetrators.

Finally, in 2015, the first evidence of finds from the stolen library



(Fig. 6) Four-line stamp with a frame “Bibliothek. d. Rabb. Prof. Dr. Cosman Werner Nachlass” and two-line stamp with an oval frame “Bibliothek d. Isr. Kultusgemeinde München”

reached the Jewish Community of Munich: almost at the same time from Hamburg, from the Institute for the History of German Jews (a non-university research institution), from the University Library of the Free University of Berlin, and from Prague – from the Documentation Centre for Property Transfers of the Cultural Assets of WWII Victims.<sup>12</sup>

Many of the books from the Cossmann Werner Library bear a stamp clearly indicating the original owner. We are aware of these versions of these stamps:

- (Fig. 3) Stamp of the teachers’ and pupils’ library “Bibliothek der israel. Religionsschule München”<sup>13</sup>
- (Fig. 4): Two-line stamp without a frame “Cosman Werner Bibliothek der Israel. Kultusgemeinde”<sup>14</sup>
- (Fig. 5): Three-line stamp with a square frame “Cossmann Werner Bibliothek der Israel. Kultusgemeinde München”
- (Fig. 6): Four-line stamp with a frame “Bibliothek. d. Rabb. Prof. Dr. Cosman Werner Nachlass” and two-line stamp with an oval frame “Bibliothek d. Isr. Kultusgemeinde München”

<sup>12</sup> Many thanks to the *NS-Raubgutprojekt* at the Institute for the History of German Jews, Hamburg and to the University Library of the Free University of Berlin. Special thanks to Michael Nosek from the Documentation Centre for Property Transfers of the Cultural Assets of WWII Victims for his continuous support over all the years and the invitation to the conference in June 2019.

<sup>13</sup> Many thanks to Michal Bušek, Jewish Museum in Prague, for his support in finding this early stamp.

<sup>14</sup> We can find different variations of the spelling of the first name in the historical sources: Cosman, Cossmann or Coßmann.

Since the first evidence of the looted books was discovered, the Jewish Community of Munich and Upper Bavaria has been trying to recover and return the books of the Cossmann Werner Library.

This is our knowledge of the whereabouts of the books in September 2019:

- 1 239 books were returned by the Munich Municipal Library in 1952;
- up to 120 books are still in the National Library in Prague;
- 758 books are still in the Jewish Museum in Prague;<sup>15</sup>
- some books are in various university and national libraries in Germany, Poland, the United Kingdom and the USA; some of these books have been or will be returned;
- some books are in various German and international antique book shops, mainly in the USA;
- and, of course, also many books are in private possession; their whereabouts are not known.

Up to now, less than 20 of the formerly 10 000 books, booklets and newspapers have been returned to their rightful owner, the Munich Jewish Community.

Books don't only tell stories; they have a history as well. Formerly Jewish-owned artefacts in Munich are very rare, because Munich, being the so-called "Capital of the Movement", stole Jewish property very early on, and was particularly thorough in how it approached this process. Therefore, these books are of great significance for the Jewish Community in Munich, because books are evidence of their former owners' way of life and thinking – something which was largely lost after the destruction and annihilation of the European Jewry.

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**15** Many thanks to Mr. Michal Bušek, Jewish Museum in Prague, for this information. For further information about this collection see: Michal Bušek: Provenance Research in the Book Collection of the Jewish Museum in Prague, in: Olivia Kaiser / Christina Köstner-Pemsel / Markus Stumpf (ed.): *Treuhänderische Übernahme und Verwahrung international und interdisziplinär betrachtet*, Göttingen 2018, p. 145-154.

### **Recent Publications:**

- *Gedenkbuch für die Münchner Opfer der nationalsozialistischen »Euthanasie«-Morde*, edited by Michael von Cranach, Annette Eberle, Gerrit Hohendorf and Sibylle von Tiedemann for the Munich Documentation Centre for the History of National Socialism and the Governmental District of Upper Bavaria, Göttingen 2018.
- *Zwangsarbeit in München. Das Lager der Reichsbahn in Neuaußing*, edited by the Munich Documentation Centre for the History of National Socialism. Berlin 2018 (Chapters: “Nach dem Krieg: Befreit, aber nicht frei” and “Entschädigung und Erinnerung”).

# Prospects for further research on the fate of Nazi-looted book collections: a report from Belgium

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## Introduction

At the Paris Conference on Nazi-looted libraries in March 2017, I stated in my conclusion that our knowledge regarding book confiscations in Belgium during WWII is fragmentary.<sup>1</sup> The available information for purposes of restitution is limited. With regard to the whereabouts of publications, we can only provide an overview with assumptions and an indication of opportunities for further investigation. Such declarations were echoed in other contributions for other countries – often concluding with a call for cooperation.

Today these words still stand. The answer to the question of the whereabouts of Belgian looted book collections only provides a rough sketch that leads us to Moscow, Minsk, Warsaw, Poznań and some other places:

- In Minsk, the presence of French-language books at the **Belarus National Library in Minsk** was already reported in the 1990s.<sup>2</sup> On the occasion of a “**scholarly-practical seminar**” in September 2016, Belarusian colleagues reported on their extensive prov-

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1 International Colloquium “Where are the libraries that were looted by the Nazis? Identification and restoration: work in progress”, Paris, 23 & 24 March 2017. For the proceedings, see Martine Poulain (ed.), *Où sont les bibliothèques françaises spoliées par les nazis?* Paris, 2019 - only contributions on France. All contributions can be consulted via: <http://www.akadem.org/sommaire/colloques/ou-sont-les-bibliotheques-spoliees-par-les-nazis-/>

2 Vladimir Makarov, “Avtografy sud’by”, in: *Evropeiskoe vremia*, Minsk, 1993, no. 12, p. 12–13, also published as a separate pamphlet, *Avtografy sud’by* (Minsk, 1993). Most accessible has been the English translation: Makarov, “Involuntary Journey of Books from Paris to Minsk”, in: *Spoils of War: International Newsletter*, Bremen, 1999, no. 6, p. 25–27. In 2016 the brochure was reprinted: V.V. Makarov, *Avtografy i sud’by* (Minsk, 2016).

enance research concerning foreign library materials.<sup>3</sup> The names of about 20 Belgian library owners were revealed.<sup>4</sup> For decades, the fate of these trophy books in Minsk was unknown. Even today it is impossible to determine how many books from Western European and other foreign countries are still held by various libraries in Minsk. In the autumn of 1945, a convoy of over 50 freight wagons arrived there, containing more than one million books from Ratibor (Racibórz), where the ERR had its so-called ‘Ostbucherei’ or East European library. Half of them had been taken from libraries in the Soviet Union, but the other part had been confiscated by the ERR in the Western occupied territories (France, Belgium, the Netherlands). Minsk is probably the most important location of confiscated Belgian books.

- In another important line of investigation, clear evidence was found in Moscow during restitution research for Belgian archives in 2002: books and printed materials discovered in the repository of the former Central State Special or **Osobyi Archive in Moscow** (now part of the Russian State Military Archive – RGVA) were not included among the archive materials returned to Belgium.<sup>5</sup> Urgent and explicit demands by Belgian researchers and diplomats were rejected. Later requests for restitution of this library material from Moscow remain unsuccessful to this day.
- At the 2017 Paris Conference, the Director of the **State Public Historical Library in Moscow** reported on the presence in his institute of 31 books from a Masonic lodge in Liège that were plundered

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3 International Scholarly-Practical Seminar of the Republic Institute of Higher Education (RIVSh) Department of the Historical and Cultural Heritage of Belarus of the Republic Institute of Higher Education (RIVSh), National Library of Belarus (NBB): “Lost and Displaced Cultural Valuables: the Belarusian context”, Minsk, 5-7 September 2016.

4 Among others we can mention: Emile Vandervelde, Paul Van Zeeland, Paul Hymans, Olympé Gilbert, Jacques Errera, Niko Gunzburg, Henri Grégoire, Paul de Sturler, Alice Pels, Jean Comte de Paris and his son Henri Duc de Guise. There were also indications to the Grand Orient de Belgique and the Ecole des Hautes Etudes in Ghent.

5 Aly Götz & Susanne Heim, *Das Zentrale Staatsarchiv in Moskau (“Sonderarchiv”): Rekonstruktion und Bestandsverzeichnis verschollen geglaubten Schriftguts aus der NS-Zeit*, Düsseldorf, 1992, 58 p.; Patricia Kennedy Grimsted, *Trophies of War and Empire: The Archival Heritage of Ukraine, World War II, and the International Politics of Restitution*. Cambridge (MA), 2001, p. 303-304, 310-314.

by the ERR. Such an example suggests that more Nazi-looted books from Belgium may well be dispersed in other Russian libraries. However, few other Russian libraries have publicly revealed their ‘trophy’ book holdings.<sup>6</sup> These examples clearly illustrate the complexity of locating dispersed library materials in the former Soviet Union and suggest there may be many more to be found.

- Two additional examples also deserve mention:
  - » An important Masonic Collection with over 100 000 books and journals is held in a branch of the **University of Poznań Library** (Poland). The origins of this large collection go back to the activities of the Reichssicherheitsamt, whose looted book collections were evacuated to Silesia in 1943. Research has yet to be undertaken to determine the number of publications of Belgian provenance in the Poznań collection. Norway (Masonic Grand Lodge) succeeded in restituting some books in 2010, after five years of negotiation.
  - » Also in Poland, printed material confiscated in Brussels from the office of the Socialist International was discovered in 2001. The publications were discovered in Warsaw at the **Library of the Polish Parliament** (Sejm). In around 1990, this library acquired a specialist social history collection.<sup>7</sup> Numerous books and journals in this collection bear clear indications of provenance, but in many cases the origin has been hidden by newly added stamps on the same pages. These discoveries raised additional questions.

It emerges from these findings that Belgian library material became scattered in the course of World War II, and many questions remain on the fate of these cultural assets.

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6 See M.D. Afanas'ev, “Les livres spoliés par les nazis. La piste russe”; online in a webcast at: <http://www.enssib.fr/bibliotheque-numerique/index-des-auteurs?selecAuteur=Afanassiev%2C%20Mikhail%20D.#haut>.

7 Michel Vermote & Wouter Steenhaut, *Verdwenen archieven en bibliotheken. Het Poolse Spoor*, Gent, 1999; Michel Vermote & Wouter Steenhaut, *Verslag zending Warschau 27 maart - 2 april 1999*, Gent, 1999 (report to the Flemish Ministry of Culture).



## Documenting ERR-looted libraries

Repeated calls for further investigation on this matter are not always followed by concrete initiatives. However, in this respect I can announce an **online publication** about library plunder in Belgium, which is about to be launched and which was presented last week at a workshop on the subject in Brussels.<sup>8</sup> It is a fine example of a joint research effort initiated by the Claims Conference and the Holocaust Museum and supervised by Pat Grimsted. As a result of years of ongoing interaction in research, the webpage on the 'ERR project' website features new findings about the unique procedures of the **Einsatzstab Reichsleiter Rosenberg** (ERR) in Belgium, which has emerged from research based on ERR files now held at the Central State Archive of the Highest Agencies of Power and Administration of Ukraine (Tsentral'nyi derzhavnyi arkhiv vyshchychk orhaniv vldy ta upravlinnia Ukrainy) or TsDAVO in Kyiv.<sup>9</sup> We are posting facsimiles of **six original ERR cultural seizure lists**, providing key information on over 150 confiscated private libraries and archive collections. These six seizure lists were drawn up during the occupation by the ERR, the most important agency of cultural plunder in Belgium.

An accompanying **article** with reference to original ERR reports and correspondence explains the context crucial to the research and can help identify and document claims for the restitution of books and archives that are still at large. This introduction to the online publication also briefly describes the organization and operations of the ERR in Belgium, its relationship with rival German agencies, and the interplay with Rosenberg's Möbel-Aktion under his Ministry for Occupied Eastern Territories (RMbO) for book and art receipts.

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8 An organization of Cegesoma & AMSAB-ISH (Brussels, 14 June 2019); for a sneak preview of the publication see: <http://www.amsab.be/grimsted>. A short report on the workshop can be found on the website of AMSAB-ISH (<http://www.amsab.be/en/over-ons/nieuws/655-workshop-nazi-roof-kunst-en-erfgoed>) and CegeSoma ([http://www.cegesoma.be/cms/index\\_en.php?article=3936&pagOnbr=102&pagofs=0](http://www.cegesoma.be/cms/index_en.php?article=3936&pagOnbr=102&pagofs=0)), including an interview with Dr. Patricia Grimsted.

9 The online presentation is a joint initiative of the Conference on Jewish Material Claims Against Germany (Claims Conference) and the United States Holocaust Memorial Museum. The earlier publication of source material concerning France is thus supplemented with Belgian documents. It is the intention to create a similar web page for the Netherlands, see: [https://www.errproject.org/looted\\_libraries.php](https://www.errproject.org/looted_libraries.php).

Brief coverage extends to postwar restitution efforts and newly available archival sources.

This online publication also includes a **chart** (in Excel) listing the names of the 150 victims of ERR seizures through March 1943, with dates of seizure and shipment, materials seized, and related ERR documents available (many of which survive in two ERR fonds in Kyiv – these deserve further examination).

This entire presentation should provide a better portrayal of the extensive ERR library plunder in Belgium, contribute to a wider knowledge of available sources (especially those in Kyiv), and stimulate further investigation and wider public research on the tragic wartime cultural losses and displacements in Belgium.

The fate of the surviving ERR records from Brussels is worth mentioning. We now know from a report by ERR officer Vogel that they were part of the final Belgian shipment of two freight cars that left Brussels on 24 August 1944.<sup>10</sup> One freight car (with 108 crates of books) was destined for the ERR Central Library at the Hohe Schule (in Tanzenberg, near Klagenfurt, Austria), and the second (including one crate of Hauptarbeitsgruppe office records) went to Nikolsburg (now Mikulov, Czech Republic), where they were evacuated before arrival of the Red Army.<sup>11</sup> The documents were subsequently captured by Ukrainian scouts (near Dresden in the fall of 1945) and transferred to Kyiv, which explains why they are now held at TsDAVO, along with additional ERR records captured from different sources. This also explains why there is such a large component of Belgium ERR files among the ERR records in Kyiv.

Long held in secret in Kyiv, regrettably none of these records were available for the postwar restitution processing of retrieved looted cultural property in Germany and Austria, nor were they ever utilized by Soviet authorities in research to identify cultural losses and support potential recovery.

The wanderings of the ERR archive material in the latter days of WWII (which caused disruption to the original organization) are therefore re-

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**10** Vogel to ERR Stabsführung Berlin, 24 August 1944 (with the wagon designations), BAArch, NS 30/25, fol. 27; Lommatzsch to Stabsführung Berlin, 6 September 1944, NS 30/25, fol. 25.

**11** For more details about the German archives and their fate in Kyiv see the coverage of TsDAVO in the Ukrainian chapter in Grimsted's ERR Archival Guide: [www.errproject.org/guide.php](http://www.errproject.org/guide.php).

flected in the presentation of the files today, and they have an impact on the possibilities for research (i.e. difficulties). This is a problem that I will discuss later, in the paragraph concerning intellectual access.

## Prospects for further research

It is obvious that further research depends on the availability of source material. The trend towards greater openness in a rapidly evolving information society has recently enabled access to a wider range of necessary sources. The **Terezín Declaration** has provided a favourable impetus for practical initiatives. Researchers have a growing range of (online) sources at their disposal, such as those **ERR** records from Belgium that are now online at **TsDAVO** in **Kyiv**, as well as the many documents online at **BA Berlin-Lichterfelde**. All of these are described in Pat Grimsted's online ERR Archival Guide.<sup>12</sup>

In the last decade, the **Belgian State Archives** have also opened up new source material, including:

- The remaining archives of the **Office de Récupération Economique** (ORE). These documents, which are crucial to provenance research, were only partly preserved in Brussels. From its creation in 1945 until its dissolution in 1967, this Belgian public agency was responsible for the recovery and restitution of Belgian property. The ORE was also charged with the identification of stolen cultural assets and undertook several restitution attempts. This resulted in the creation of series of records concerning stolen artworks, including declaration forms, various files, file cards and a collection of photographs. A detailed inventory has been available (online) since 2012.<sup>13</sup>
- In addition to the administrative records, ORE also created files concerning **individual recovery claims** they handled. These files form a distinct archival fond of some 120 linear metres that was

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<sup>12</sup> The original edition sponsored by the Claims Conference was published in 2011. For the Belgian chapter (available since 2016) see: <https://www.errproject.org/guide.php>.

<sup>13</sup> Filip Strubbe, *Inventory of the archive of the Department for Economic Recovery and Legal Predecessor 1940-1968* (1997), I21, Brussel, 2012.

inventoried in 2007. The fond contains files dating from the 1940s to the early 1960s.

- A potentially important additional source are the archives from the **Office for War Damage**.<sup>14</sup> The Office's responsibility for all war-related damage led to the creation of a very voluminous file series (800 000 files) making up over 20 kilometres of archives. Several inventories have been (or are being) drawn up per province. The files can be consulted at the National Archives after completing a research statement indicating the purpose of the research and confirming compliance with the legal provisions on privacy and copyright.

Note that the research potential of these records is determined by the purpose for which they were created. The information in the war damage declaration forms is usually not relevant in the context of provenance research. With a view to obtaining financial compensation, it was sufficient for the applicant to submit a declaration of the number of books with their estimated value. However, if a restitution was intended, a bibliographic description was needed. This means that the ORE files contain interesting information with descriptive book lists, while the war damage files rarely contain that sort of data.

## Intellectual access

**Physical access** to archives is not always accompanied by adequate **intellectual access**. It is not within the scope of this contribution to present a progress report on accessibility of WWII source material. I limit myself to indicating some concrete examples that illustrate the rapidly changing situation regarding source material concerning Belgium.

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<sup>14</sup> For an introduction to this fond, see: François Antoine, *De individuele dossiers 'Oorlogsschade aan private goederen' (Tweede Wereldoorlog)*. Zoekwijzer 7, Algemeen Rijksarchief (2011).

## TsDAVO (PDF files)

The files of the Brussels ERR office are fragmented and scattered across two fonds in TsDAVO (fonds 3674 and 3676). The surviving records from Belgium include ERR daily reports of many individual library and archival seizures, some combined weekly activity reports, and also lists of library and archives seized. Although these key documents are scattered across many different files, it is possible to locate reports (Arbeitsberichte) for more than two-thirds of the ERR seizures between 1940 and 1943.<sup>15</sup>

The ERR collection in Ukraine (containing 250 files) was never appropriately processed according to the ERR offices where its different components originated, and today it lacks German (and English) finding aids, continuing to make research tedious.<sup>16</sup> Of special relevance to Belgium is the fact that Soviet Ukrainian archivists allocated three files from the Arbeitsgruppe Belgien to a separate fond (TsDAVO, fond 3674), with documents through December 1942.<sup>17</sup> However, many more additional documents from the ERR Brussels office records (some extending through March 1943) are intermixed in many jumbled files from other ERR sources all over Europe, including the Soviet Union, in the main ERR fond (TsDAVO, fond 3676). Other files with additional ERR Belgian reports and related documents (through March 1944) would appear to be of ERR Berlin or Ratibor provenance – the ERR Central Office. Regrettably, these fonds were never properly reprocessed before scanning in Kyiv. Despite these limitations, it is an important advantage to research that the TsDAVO ERR col-

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15 For a detailed explanation, see: Michel Vermote with Patricia Kennedy Grimsted, *Library Plunder in Belgium by the Einsatzstab Reichsleiter Rosenberg: Six ERR Seizure Lists of Priority Confiscations*, <https://www.errproject.org/guide.php>.

16 This problem was considered at some length when the Claims Conference ERR project was initiated in the mid-1990s in Berlin and Kyiv, but Ukrainian archivists were not prepared to undertake a restructuring of the German records, and besides, they were already preparing an extensive *Guide-Index* for these fonds. Bundesarchiv archivists were not in a position to perform that task, because Germany considered the records to be of German provenance, and thus deemed that they should have been repatriated to Germany. Accordingly, the Claims Conference initiated an attempt at ‘virtual’ reprocessing, which would have combined the digital files with other ERR documents held elsewhere; that attempt proved much too complicated and costly, and in the end, TsDAVO opted to digitize their own holdings as currently structured.

17 This interpretation is based on the fact that the files contain predominantly incoming original documents on a Berlin letterhead, and outgoing copies of communications addressed to the Berlin ERR Headquarters, as well as correspondence with German occupation authorities in Belgium.

lection can be downloaded in the form of PDF files. These documents have already proved their key importance in documenting the official Belgian claims submitted to the Russian Federation in the 1990s for restitution of archival material of Belgian provenance transferred to Moscow at the end of the war.<sup>18</sup> Selected Kyiv files were also used extensively by the Buysse Study Commission for Jewish Assets (1997–2001), as is evident in many of the references given in the Commission’s final report.<sup>19</sup> During the past decades, in connection with other research efforts, further analysis of the Kyiv records has continued. However, access based on a search through (unidentified) PDF files is time-consuming, and it is surely not best practice in online accessibility.

Nevertheless, the presentation in downloadable PDF format has made it possible to go through many records and to discover a distinctive registration system that was adopted by the ERR in Belgium: each seizure operation, or ‘work project’ – *Arbeitsvorhaben*, as they called them – was allocated a unique number (as is apparent in the various seizure lists and many related documents). Between August 1940 and February 1943, there were 150 named and numbered work projects. There was no such administrative system in other occupied countries.

## **Bundesarchiv (Invenio)**

The Bundesarchiv now holds the records from a large Rosenberg collection returned by the United States to Germany in the 1960s. In fond NS30, 231 files are arranged and described. The Bundesarchiv has published a finding aid for NS 30, including an introduction, describing the organization of the

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18 See details in the appended lists to the Belgian chapter in *Returned from Russia: Nazi Archival Plunder in Western Europe and Recent Restitution Issues*, ed. Patricia Kennedy Grimsted, F.J. Hoogewoud, and Eric Ketelaar (Institute of Art and Law, UK, 2007; paper edn, 2013), p. 226–39.

19 The so-called Buysse Commission, i.e. the Study Commission for Jewish Assets (Commission d’Études des Biens Juifs / Studiecommissie Joodse Goederen) was established by Belgian Royal Decree in 1997 to investigate and indemnify Jewish Community assets which were plundered, surrendered or abandoned during the war (1940–1945). The 2001 report is available online: Belgium, Services du Premier Ministre, *Les biens des victimes des persécutions anti-juives en Belgique: Spoliation, Rétablissement des droits, Résultats de la Commission d’étude: Rapport final de la Commission d’étude sur le sort des biens des membres de la Communauté juive de Belgique spoliés ou délaissés pendant la guerre 1940–1945* ([Brussels], July 2001) at <http://www.combuysse.fgov.be/hoofdframemenufr.htm>.

ERR and its records. The digitized full texts of all the agency-specific group of ERR files in NS 30 are now available online through the Bundesarchiv search engine Invenio. The service includes directory research and direct access to data. Invenio is not the most intuitive search engine, and further disclosure is not provided, which makes consultation time-consuming.

To illustrate the rapidly evolving range of source material, we can note the presence of many additional Belgian claims and restitution receipts submitted to American restitution authorities among German restitution processing records at the Bundesarchiv in Koblenz. After the unrestituted artworks at the Munich Central Collecting Point (MCCP) were transferred to the German authorities (1949), a special desk was set up (1952): the Trust Administration for Cultural Assets (Treuhandverwaltung für Kulturgut, TVK). The purpose of the TVK was to continue the process of clarifying ownership for the remaining unrestituted works of art and returning them to their owners and rightful heirs. The TVK operated till 1962. In 1992, the Bundesarchiv in Koblenz acquired the TVK records from Bavaria. Incorporated into these files is a vast quantity of original materials from the ERR and other Nazi agencies. These files were also placed online via Invenio.

And recently (via Invenio) a large number of new records were added to this archival fond B323.

### **NARA (Fold3)**

A more efficient presentation in terms of intellectual access is provided by the U.S. National Archives (NARA) in Washington, D.C.

The records of the Belgian restitution office ORE are supplemented by documents kept at NARA. Copies of the Belgian claims submitted to the U.S. military administration (OMGUS) in Offenbach, Wiesbaden and Munich were preserved there. A number of claims and reports that did not survive in the ORE archive in Brussels can be consulted online. These OMGUS records transferred to the USA are held by NARA as the Ardelia Hall Collection. Most of these records have first been microfilmed and then digitized. They are now available online. The access tool ([Fold3.com](https://www.fold3.com)) allows easy consultation of high-quality visual material via high-performance search options (like OCR).

That best illustrates the new context of archival research, with increasing online access, rapidly improving in terms of its accessibility and availability.

And to illustrate the latter possibility, I can confirm the presence of many additional Belgian claims and restitution receipts submitted to American restitution authorities among German restitution processing records at the Bundesarchiv in Koblenz. They were recently placed online via Invenio.<sup>20</sup>

## Conclusion

Opportunities for further research on looted Belgian libraries have considerably improved during the past decade. Essential archival material has been properly processed by the Belgian State Archives, and archival institutions abroad have contributed to a broadening of the range of sources by making available online extensive series of archive material that facilitates further basic research.

Crucial research questions remain. There is still much to be done in Belgium concerning provenance research. However, based on newly available (online) source material, researchers are now equipped better than ever before to reconstruct the nature of Nazi library looting in Belgium, in order to:

- document the extent of looting and name the victims;
- determine where the looted books are hiding today;
- encourage more restitutions to individuals and institutions.

I conclude my contribution with these words from the Terezín Declaration (2009) – words that are still valid:

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<sup>20</sup> Bundesarchiv Koblenz: see: Barbara Limberg (comp.) with additions by Philipp Möckel, *B 323. Treuhandverwaltung für Kulturgut bei der Oberfinanzdirektion München (1937–1944) 1945–1962, 2008–2010*. This fond contains a large number of ERR documents relating to art looting during the National Socialist regime and documents related to the retrieval and repatriation of ERR and other cultural loot in Germany. With online access: <https://invenio.bundesarchiv.de/basys2-invenio/direktlink/354da674-59a2-477f-9c9d-20da7f0840c6/> and: [https://www.dhm.de/datenbank/ccp/dhm\\_ccf.php?seite=9](https://www.dhm.de/datenbank/ccp/dhm_ccf.php?seite=9).



*“It is clear that access to archival documents for both claimants and scholars is an essential requirement for resolving questions of the ownership of Holocaust-era assets and for advancing education and research on the Holocaust and other Nazi crimes.”*

# Session 5

## **International Collaboration in Issues of Provenance Research**

**CHAIR: HELENA KOENIGSMARKOVÁ**  
*(Museum of Decorative Arts in Prague)*

# Transnational Joint Research Approach to the Provenance: New Expectations and Old Challenges

LJERKA DULIBIĆ

*(Croatian Academy of Sciences and Arts, Strossmayer Gallery of Old Masters)*

## **(Summary)**

Collaborative research project “Transfer of Cultural Objects in the Alpe Adria Region in the 20<sup>th</sup> Century (TransCultAA)”, funded by the Humanities in the European Research Area (HERA), a partnership between European national humanities research councils in its third Joint Research Program (JRP) “Uses of the Past”, moves far beyond the usual provenance investigation. A multinational team of scholars gathered in the research consortium of the TransCultAA project, composed of principal investigators from Germany (project leader Christian Fuhrmeister, Zentralinstitut für Kunstgeschichte, Munich), Italy (Donata Levi, Department of Humanities and Cultural Heritage, Università degli Studi di Udine), Slovenia (Barbara Murovec, France Stele Institute of Art History, Ljubljana), and Croatia (Ljerka Dulibić), with associated partners in Austria, felt the need to respond to HERA’s call to analyze uses of the past, dealing in particular with historical and current conflicts of ownership, patrimony, and cultural heritage.

Our research agenda is focused on the Alpe Adria region in the 20<sup>th</sup> century, a multicultural, multiethnic and multinational area that has witnessed uniquely complex combinations of shifting antagonistic forces. Alpe Adria is not a formal geographical or even political term with an agreed upon meaning but is rather a more fluid concept of a region encompassing the northern Adriatic Sea up into the Alpine region, which includes north-eastern Italy, most of Slovenia, parts of Croatia, as well as parts of Austria. Its geographical and cultural boundaries, the number of national entities involved, the frequency of political changes, and the vicissitudes of war, present a unique, even paradigmatic, European experience.

Particular attention is given to those parts of the former Yugoslavia that belonged to Italy before WWII, to the long lasting process(es) of post-

WWI and post-WWII restitution negotiations, to the redistribution of cultural assets formerly owned by Jews following their confiscation, plunder and seizure during WWII, and to the post WWII communist mechanisms of dispossession of private property. The complexity of these processes at the transnational level has been studied both in terms of the varying administrative practices applied to the management of the transferred heritage in different countries, and by tracing the movement of specific objects in the region.

Beside the broader TransCultAA research framework, our efforts to cope with all the challenges we have been facing in order to illuminate particular cases and/or to answer particular questions posed by the written or visual evidence along the project implementation, will be presented.

# **The German/American Provenance Research Exchange Program for Museum Professionals, 2017-2019**

CHRISTEL H. FORCE

*(The Metropolitan Museum of Art)*

The modus operandi of provenance research ought to be transparency and accessibility, not just of the research results, but of the resources and the expertise on which those results rest. The German/American Provenance Research Exchange Program (PREP) is a pioneering initiative that facilitates networking and fosters transnational cooperation between museum professionals to help them perform at the highest level possible.

This unique program is described below by covering the five Ws – What, When, Where, Who, Why – to which How and Hence are added for good measure.

## **What**

What is PREP? PREP is a leadership program for museum professionals engaged in advanced provenance research or facilitating it. It seeks to advance the field by drawing together expertise linked to specific art collections and archival resources, during week-long Exchanges and beyond, through ongoing collaboration.

Made possible by a grant from the German government, PREP is a transatlantic initiative designed to think strategically and collaboratively about provenance research in art museums. Its primary goal is to create a network of German and American art museum and research institution specialists, and to offer a platform to explore, share, and brainstorm with regard to their respective expertise.

Its main focus is the Holocaust era, with a particular emphasis on three primary fields, namely Asian art, decorative arts, and works on paper. It also addresses sculptures in general and multiples in particular, as well as paintings, Judaica, and antiquities.

The anticipated outcome is to empower museum professionals by pro-



(Fig. 1) PREP New York

viding the necessary support to tackle specific challenges, take a step back to define needs and priorities, and promote communication and exchange.

## **When**

PREP started in 2017 and will close at the end of 2019, after three wonderful years of much-needed and immensely productive Exchanges. It will have consisted in a series of six week-long gatherings – three in Germany, three in the U.S. – involving three cohorts, each comprising about 24 participants.

Each cohort had one Exchange in the U.S. and one in Germany. The 2017 cohort met in New York and Berlin, the 2018 cohort met in Los Angeles and Munich, and the 2019 cohort met in Dresden and Washington, D.C.

## **Where**

The week-long Exchanges have taken place in one German city and one American city every year, exploring the relevant resources of each location. Each Exchange comprised roundtables, symposia, tours, meetings

with counterparts in the host city's museums and archives, as well as at least one educational program open to the public.

The Partnering Institutions who organized and hosted the Exchanges are:

- The Metropolitan Museum of Art in New York, from February 5 to 20, 2017
- The Staatliche Museen zu Berlin / Stiftung Preußischer Kulturbesitz in Berlin (Prussian Cultural Property Foundation), from September 24 to 29, 2017
- The Getty Research Institute in Los Angeles, from February 25 to March 2, 2018
- The Zentralinstitut für Kunstgeschichte in Munich (Central Institute for Art History), from October 7 to 12, 2018
- The Staatliche Kunstsammlungen Dresden (Dresden State Art Collections), from March 17 to 22, 2019
- The Smithsonian Institution in Washington, D.C., from October 20 to 25, 2019

The Deutsches Zentrum Kulturgutverluste, Magdeburg (German Lost Art Foundation) is a consultative partner.



(Fig. 2) PREP Berlin

## Who

The Steering Committee members, who hail from these seven institutions and made PREP happen, are:

- Christel H. Force, Associate Research Curator, Modern and Contemporary Art, in 2017–18, then Senior Research Consultant in 2019, The Metropolitan Museum of Art, New York
- Christian Fuhrmeister, Head of the Research Department, Zentralinstitut für Kunstgeschichte, Munich
- Uwe Hartmann, Head of the Provenance Research Department, Deutsches Zentrum Kulturgutverluste, Magdeburg
- Christian Huemer in 2017; Claudia Einecke in 2018, and in 2019 Sandra van Ginhoven, Head of the Project for the Study of Collecting and Provenance, Getty Research Institute, Los Angeles
- Gilbert Lupfer, Head of Research and Scholarly Cooperation, Staatliche Kunstsammlungen Dresden, and Honorary Executive, Deutsche Zentrum Kulturgutverluste, Magdeburg
- Jane Milosch, Director, Smithsonian Provenance Research Initiative (SI), in 2017–18, then Director of the Provenance Research Exchange Program in 2019, Smithsonian Institution, Washington, D.C.
- Laurie A. Stein, Senior Advisor, Smithsonian Institution, Washington, D.C.
- Carola Thielecke, Counsel, Stiftung Preußischer Kulturbesitz (SPK), Berlin
- Petra Winter, Director of Central Archives, Staatliche Museen zu Berlin, SPK

The PREP participants represent a wide range of art museum and research centre professionals, who are listed in the six program booklets. Given the various ways in which provenance research is organized, funded, conducted, facilitated, and shared from one country to another, and within each institution, our participants have included curators, provenance specialists, registrars, collection managers, archivists, academics, and Ph.D. students.

From among outstanding candidates, each year a group of participants was carefully selected to represent a wide range of professional profiles





(Fig. 3) PREP Los Angeles

with expertise in our three main focus areas, while attempting to create a good balance of German and American counterparts.

Between 2017 and 2019, about 70 participants have met a large number of guest speakers and participated in various museum and archive tours, so it is fair to say that PREP has fostered exchanges involving about 300 professionals from roughly 200 institutions.

## Why

In the two decades since the Washington Principles, rapidly evolving tech-



(Fig. 4) PREP Munich

nologies have had a tremendous impact on the way museums store their collection data and post their collections online. Provenance now falls somewhere between the curatorial remit, pure research, collection management, and digital information technology. If they can afford them, museums rely on specialists whose qualifications require advanced research skills involving a graduate degree in art history, hands-on training, constant professional development, familiarity with a wide range of archival records, and foreign language knowledge. Yet their professional profile and prospects remain somewhat blurred.

A few years back, some of us in the U.S. who had been in the field for a while felt that provenance researchers often work in relative isolation, with few to no contacts within or without their institution, and have to constantly reinvent the wheel. Some had met at conferences and workshops, but we needed more time for open, face-to-face exchanges to compare notes, to foster peer interaction and mutual support.

Whereas our German (as well Austrian and Swiss) colleagues are in constant contact through their affiliation with the Arbeitskreis für Provenienzforschung, no equivalent exists in the U.S. The Arbeitskreis is a welcoming international association, but it operates in German, which precludes the active participation of many professionals who only have reading knowledge of the language. Moreover, we needed to open up the dialogue beyond just provenance researchers, and present the discipline



(Fig. 5) PREP Dresden

as relevant, visible, meaningful, and understandable to others. Wider recognition for the profession was called for – within each institution, within



(Fig. 6) PREP New York

each country, but also across institutions, at an international level.

What we envisioned was a transnational network of provenance researchers that acknowledges that resources and expertise are not contained within any borders, although the institutional, cultural, historical, and legal contexts within which our institutions operate impact our work.

We wanted to address the fact that the records we need are dispersed in a plethora of archives throughout Europe and the U.S.; that each repository has its own organizational system, its own conditions of access, its own finding aids online or on site (or none), not to mention the different languages involved. It is important to acknowledge this fact, and what it means for researchers.

We wanted to compare notes on the particular challenges presented by Asian art, decorative arts, works on paper, multiples in general, as well underrepresented topics such as Nazi-looted antiquities. We wanted to evaluate different research methodologies and foster trust so that experts on both sides of the Atlantic would communicate and avoid duplicating work.

We needed to assess the many new archival resources that have become available (including digitized collections and searchable databases), to discuss various ways of making research results accessible (Germany has the most provenance-related exhibitions, while the U.S. leads the way

in terms of online access, for instance), and to review existing technologies to accurately record, effectively link, and efficiently search relevant data.

We wanted provenance specialists to work alongside curators, collection managers, digital humanities experts, archivists, and lawyers, so they could learn from each other. In other words, we needed ongoing, systematic exchanges among museum professionals to identify and address issues and challenges, and to agree on common goals and strategies.

## **How**

Going from idea to implementation is easier said than done, as we all know. My colleague Jane Milosch, in her capacity as Director of the Smithsonian Provenance Research Initiative (SPRI), was instrumental in making PREP happen, with Laurie Stein as Senior Advisor for SPRI, and in partnership with Carola Thieleke at the SPK as co-organizer. They lobbied ceaselessly for a couple of years before PREP came to pass.

In 2016, the German government announced that it would fund a joint SPK/SI application for a three-year Exchange program (2017-19) through the German Foreign Ministry's German Program for Transatlantic Encounters – the latter financed by the European Recovery Program through the Federal Ministry for Economic Affairs.

Substantial funding has been provided also by the seven PREP partner institutions, which carried PREP by lending their Steering Committee members' time, who organized and hosted the Exchanges. Additional funding came from the German Commission for Culture and the Media, the Smithsonian Women's Committee, the Ferdinand Mueller Stiftung, and individual donors.

## **Hence**

What are some of the outcomes? Wonderful collaborative research projects were presented during each PREP Exchange. Joint blog posts, symposia, and publications have resulted from these encounters, between and after the Exchanges, and some participants were emboldened to organize provenance-focused exhibitions in the U.S. and in Germany.

PREP has fostered improved communication among museum pro-

professionals across the board, and increased trust between claimants and museums: Simon Goodman, who has done extensive research on the art collection of his grandparents, Louise von Landau and Fritz Gutmann – recounted in his 2015 book “The Orpheus Clock” – presented his research at PREP public programs in both L.A. and Munich. And during PREP Dresden, Michaela Howse spoke about her family’s ghost porcelain collection in our public program on the looting and restitution of the Gustav and Victor von Klemperer Collection.

Finally, our legacy will include an online selection of PREP-specific Resources for Holocaust-Era Provenance Research in Germany and the U.S., housed on the site of the Getty Research Institute.

To conclude: museum researchers cannot possibly right the wrongs of the past, but what they can do is to piece together the history of unique, specific objects; to uncover and recount the intertwined stories of artworks and their owners – so that fair solutions can hopefully be reached where needed, but also to educate museumgoers. In order to ensure the sustainability of this demanding, complex, extended research, we need more support – financial support, but also institutional support. PREP is seven institutions’ attempt to provide some level of support.

PREP is a pioneering, one-of-a-kind achievement of which all involved can be proud: the Federal Government of Germany for funding it, the partner institutions for endorsing and actualizing it, and all the individuals who have contributed to it, and through them many museums, libraries, and archives.

Hopefully further iterations of PREP involving the Netherlands, France, the Czech Republic, and other countries will follow. Meanwhile a German-French chapter of the Arbeitskreis has recently been created, which is one more step toward trans-national collaboration.

# **“Tracing Pan-European Nazi Cultural Loot on the Eastern Front: Transcending the ‘Continental Divide’ on Restitution?”**

PATRICIA KENNEDY GRIMSTED

*(Harvard University, Ukrainian Research Institute)*

*Ten Years after the Terezín Declaration;  
Twenty Years after the Washington Principles*

As we honor the tenth anniversary of the Terezín Declaration on Holocaust Era Assets, which reaffirms the Washington Principles on Nazi-Confiscated Art and cultural property, we have no participants in Prague this year from Russia, Ukraine, or Belarus. On the Eastern Front of the Second World War those countries were ravaged and lost extensive cultural property, but today they hold many Nazi-looted cultural valuables ‘displaced’ from the West, many still not identified. Is their absence in our Prague discussions indicative of a continuing ‘Continental Divide’ regarding cultural loss, displacement, and restitution that the resolution we honor today has yet to transcend?

April 2020 will mark the 75<sup>th</sup> anniversary of the handshakes between Soviet and American soldiers across the Elbe, as the Second World War in Europe was ending. Those handshakes between soldiers who helped liberate the Eastern and Western Fronts from the Nazi Regime were all too soon forgotten with the burgeoning Cold War. The almost 50-year political division that followed had all too few cracks in the Wall in terms of identification of displaced cultural valuables. For those victims of war still ‘missing in action’ and far from home, caught in the cultural ‘Continental Divide’ – and for their owners and heirs – the war has yet to end.

From my first-hand research experience on such cultural issues in Eastern Europe over the past quarter century, I briefly reflect on the context and attitudes towards restitution encountered in Russia and its neighbors. Analyzing this context is pertinent today because, Western specialists may overlook the contrast with the West, while values expressed in the Terezín Declaration appear significantly at odds with attitudes on the Eastern Front.

After brief comments about seven contextual issues, I offer a few examples from my research on Nazi-looted 'displaced' archives, books, and art in the Russian Federation, Ukraine, and Belarus. Even while some may say seventy-five years is too late, hope remains that better understanding contrasting East and West contexts might help find ways to transcend the 'Continental Divide' and diplomatic deadlocks over cultural victims of war, hard as that may be with the continuing European political divide and Russian virtual war with independent Ukraine.

### **State v. Private Ownership: Wartime Nazi Cultural Loot**

**First.** We need to recognize the distinct difference in ownership of cultural property seized during the war in the East and West: Nazi seizures from the Eastern Front were predominantly state property, while in occupied countries in the West, they seized primarily private property, not all of which was Holocaust-related. Adolf Hitler's main ideological spokesman, Alfred Rosenberg, who founded the Einsatzstab Reichsleiter Rosenberg (ERR) with the explicit purpose of seizing cultural property from "enemies of the Reich," well-explained this difference. When interrogated before his trial at the International Court of Justice in Nuremberg as a major war criminal, Rosenberg was asked why occupied countries of the West were treated differently from those in the East. He replied:

*"Because those whom we considered our enemies in terms of our conception of the world were different in the West from those in the East. In the West there were Jewish organizations and Masonic lodges, and in the East there was only the Communist Party."*

Rosenberg's words were indeed reflected in contrasting patterns of Nazi plunder East and West: CP - state victims in the East and private victims in the West.

The Bolshevik Regime with its Communist ideology imposed on the Russian Empire in the 1920s nationalized significant prerevolutionary private collections of art, as well as Judaica and Hebraica, and already in 1917, the Bolsheviks outlawed Free Masonry. Much valuable art from private collections, as well as Hebraica, was even sold off to the West by the truckload during the interwar period. Hence, Nazi wartime plunder was from state museums, libraries, and archives that the Soviets had not managed to evacuate. Few cultural losses in pre-1939 Soviet territories (not including

the Baltic countries, Western Ukraine, and Belarus) were Holocaust related because there were no major private Jewish art collections or libraries similar to those the Nazis plundered in France, the Netherlands, and elsewhere in the West.

The Terezín Declaration, emphasizing “art and cultural property of victims of the Holocaust (Shoah),” and “Judaica and Jewish cultural property,” is thus more Western- than Eastern-oriented, primarily focused on cultural property of Jewish victims. The wording of the Washington Principles – in addressing “art that had been confiscated by the Nazis” – is more inclusive and could reference, for example, the extensive state art losses of Ukraine and Belarus. Should we be asking ourselves if more acknowledgement of the extensive state cultural losses in the East could encourage more reciprocity from Russia, Ukraine, and Belarus? Similarly, would mention of the important Western Masonic losses, or the extensive Socialist or East-European émigré collections the Germans plundered in Western Europe, many portions still held in Russia, project a more inclusive concern for still-missing Nazi loot, without denying the primacy of still ‘displaced’ Jewish property far from home?

### **Soviet Trophy Brigades: ‘Compensatory Restitution’ and Intermixed Transport Components**

**Second.** Simultaneously, in discussing ‘displaced’ cultural valuables on the Eastern Front, we need to take account of Soviet postwar seizures – in Silesia and Germany – and their intermixed content, especially given the significant ‘Nazi cultural loot’ included. Public knowledge about those ‘displaced’ valuables brought East as ‘compensatory restitution’ in lieu of ‘repatriation to countries of seizure’ came only with the collapse of the Soviet Union. More research is still needed. During the war in November 1942, a Soviet “Information Bulletin” condemned Nazi cultural atrocities and looting on the Eastern Front, reminding the world of Article 56 of the 1907 Hague Convention:

*“[which]forbids the seizure, damaging and destruction of property of educational and art institutions [...]. and articles of scientific and artistic value belonging to individuals and societies as well as to the State. But the Hitlerite*



*clique in criminal manner tramples upon the rules and laws of warfare universally accepted by all civilized nations.*"<sup>1</sup>

But that did not stop a victorious Stalin from ordering the seizure of "compensatory reparations," from Germany, which one estimate put at no less than 400,000 railway freight wagons during 1945 alone. The official Russian position today remains similar to Stalin's decreed conception that "to the Victor go the spoils": those postwar "transfers" were carried out legally after the war as "compensation" to which Russia was legitimately entitled, as opposed to Nazi illegal seizures and destruction of cultural property *during* the war.<sup>2</sup>

The Yalta Conference in February 1945, may have authorized *economic* reparations for the Soviet Union, but not *cultural* reparations. Yet Stalin's initial secret orders for Trophy Brigades (still classified today) started cultural seizures soon after Yalta, three months before war's end.<sup>3</sup> Trophy scouts and seizures were authorized by multiple Soviet agencies from the Archival Administration to the Academy of Sciences. Trophy officers accompanied many military units, while many individual soldiers were involved in postwar pillage.<sup>4</sup> Soviet authorities termed the extensive cultural seizures 'compensatory restitution', but most of the receiving cultural institutions (especially those in Moscow and Leningrad) had suffered relatively few wartime cultural losses – especially compared to those in Soviet Ukraine, where CP Premier Nikita Khrushchev sent out his own Trophy Brigades.<sup>5</sup> Even Soviet Belarus mobilized its own book retrieval transports that included extensive trophies.<sup>6</sup>

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1 Embassy of the USSR (Washington, DC), *Information Bulletin*, no. 138 (19.XI.1942), p. 6.

2 P. K. Grimsted, *Archives of Russia Five Years After: "Purveyors of Sensations" or "Shadows Cast to the Past"*. Amsterdam: International Institute of Social History, 1997, "Research Paper," no. 26; at: <http://www.iisg.nl/publications/grimsted.pdf>, p. 61.

3 See, for example, Konstantin Akinsha, "Stalin's Decrees and Soviet Trophy Brigades: Compensation, Restitution in Kind, or 'Trophies' of War?" in *Spoils of War v. Cultural Heritage: The Russian Cultural Property Law in Historical Context*, ed. P.K. Grimsted = *International Journal of Cultural Property* 17, no. 2 (2010): 195–216. See also Pavel Knyshevskii, *Dobycha: tainy germanskikh reparatsii* (Moscow: "Soratnik," 1994).

4 See Konstantin Akinsha and Grigorii Kozlov, *Beautiful Loot: The Soviet Plunder of Europe's Art Treasures* (New York, 1995), *passim*.

5 P. K. Grimsted, *Trophies of War and Empire: The Archival Heritage of Ukraine, World War II, and the International Politics of Restitution* (Cambridge MA: Harvard Ukrainian Research Institute, 2001), pp. 250–57.

6 See P. K. Grimsted, "The Road to Minsk for Western Trophy Books," *Libraries and Culture* 39, no. 4 (Fall 2004), pp. 351–404

**Intermixed Components of Soviet Postwar Loot.** Soviet transports East quite legitimately contained (1) extensive, retrieved Nazi-looted state-owned cultural property from Soviet libraries and museums, although not always returned to their prewar homes. Soviet state property retrieved was frequently intermixed with (2) German private- and state-owned property from Silesia and later Berlin or Dresden, as well as isolated mines and castles where German cultural property was evacuated; (3) Nazi-seized cultural property from ‘enemies of the Reich’ in occupied countries or in Germany itself, and (4) Nazi-Era purchases by German museums or private individuals, some confiscated or involving red-flag ‘purchases’ from victims of Nazi persecution.

While many postwar Soviet shipments of (5) economic/industrial equipment as reparations (some legitimately authorized) may have travelled in separate military transports, others were intermixed with shipments of cultural ‘trophies’, including everything from electric fixtures to library shelving, household furnishings and wine.

In many cases, the intermixed source and nature of contents, together with inexperienced personnel hastily preparing shipments, led to chaotic difficulties of identification and distinction, once those shipments arrived in Soviet destinations. Soviet authorities in Germany and Austria eagerly received Western Allied restitution transfers of Nazi loot earlier seized from Soviet territories. Once arrived in the Soviet Zone in Berlin, those valuables were not always identified as to their Western source, and again, often intermixed with above components. Difficulties of identifying provenance increased with every transfer, and persist today, with widely scattered and varied components of foreign-owned Nazi-seized cultural loot often not distinguished as such.

## **Western Allied Retrieval and Repatriation with Soviet Defiance**

**Third.** In contrast to postwar Soviet foreign seizures and transports, the three Western Allies carried out extensive programs to identify and repatriate looted cultural property retrieved in the Western Occupation Zones of Germany and Austria. The Allied Quadripartite Council proposed general restitution procedural agreements to be implemented in all four Occupation Zones. In subsequent Allied Working Group meetings in Germany, however, Soviet representatives insisted on their right to ‘trophies’ and

unilateral ‘compensatory restitution’, which took the form of unbridled ‘unbridled spoils of war.’ Because Soviet authorities failed to compile reliable lists of Soviet cultural losses, and refused to list the German cultural items they had seized and transported East, proposed Allied Quadripartite restitution agreements could never be finalized and implemented.<sup>7</sup>

Despite U.S. knowledge (not publicized) about the Soviet pillage and the multiple cultural transports east from the Soviet Zones in Germany and Austria, the United States restituted over half a million cultural items in thirteen initial transfers from U.S. cultural Collecting Points, signed for by receiving Soviet authorities between 1945 and 1948, as documented in both U.S. and Russian archives, with six additional transfers through 1959.<sup>8</sup> The British and French restituted additional cultural valuables, as documented in French and British archives, confirmed in Russian records.

Documentation about these transfers is openly available in Western archives, and the Terezín Declaration has a special section on open access to archives. Yet when that Declaration was signed in 2009, significant related documentation in Russian archives – earlier available in the 1990s – was already being reclassified. Besides, newly declassified files from the Soviet Military Administration in Germany (SVAG/SMAD) were withdrawn from public availability by 2010.

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7 Konstantin Akinsha and Grigorii Kozlov, “Diplomatische debaty po povodu restitutsii kulturnykh tsennostei v 1945–1946 godakh”/ “Diplomatic Debates on Cultural Restitution Matters in 1945–1946,” in *Kul’turnaia karta Evropy: Sbornik materialov Mezhdunarodnoi konferentsii “Kul’turnaia karta Evropy: Sud’ba peremeshchennykh kul’turnykh tsennostei v tret’em tysiacheletii”*, Moskva, VGBIL, 10–11 apreliia 2000 goda/ *Mapping Europe: Materials of the International conference “Mapping Europe: Fate of Looted Cultural Valuables in the Third Millennium,”* Moscow, VGBIL, 10–11 April, 2000 (Moscow: “Rudomino,” 2002; since withdrawn from the VGBIL website), Russian: pp. 44–49; English: pp. 246–50, based on records of Allied Council and Restitution Working Group Meetings in U.S. NACP.

8 See especially the Grimsted Introduction to *U.S. Restitution of Nazi-Looted Cultural Treasures to the USSR, 1945–1959: Facsimile Documents from the National Archives of the United States* (CD-ROM; Washington, DC: GPO, 2001); condensed as “Spoils of War Returned: U.S. Restitution of Nazi-Looted Cultural Treasures to the USSR, 1945–1959,” *Prologue: Quarterly of the National Archives and Records Administration* 34(1) (Spring 2002), pp. 27–41; online (in four parts): <http://www.archives.gov/publications/prologue/2002/spring/spoils-of-war-1.html>. See notes 13–17 below.

## Soviet Legacy (1): Regime of Secrecy for Cultural Valuables

**Fourth.** Rather than creating the museum Stalin had first envisaged to rival Napoleon's Louvre, starting in 1948, Soviet authorities hid their 'trophies', often without proper identification, and suppressed all knowledge about them, including archival sources needed for provenance identification.<sup>9</sup> When secret repositories opened at the end of the 1980s, identification problems were increased. In many cases, it was easier to keep the foreign treasures in museum basements or off-site repositories, prolonging the regime of secrecy, than to open them on public display, potentially inviting public scrutiny and claims. Today, almost thirty years after the collapse of the Soviet Union, many 'trophies' from Germany and Eastern Europe, with many Nazi-looted cultural 'trophies' among them, while difficulties of establishing provenance and facts of migration are compounded because relevant documents still remain hidden.

The revelations about the cultural trophies that accompanied the collapse of the Soviet Union at the end of the 1980s and early 1990s went hand in hand with what indeed should be termed an 'Archival Revolution', with increasing open access and reversal of the Soviet tradition of tightly controlled archives.<sup>10</sup> High-priority demands for restitution from European heads of state in the 1990s augmented serious foreign policy issues for the new Russian Federation, and with more resistance to restitution arising in the Russian Duma, with nationalist spokesmen such as Nikolai Gubenko, Deputy Chair of the Committee on Culture, attention settled on passage of the highly contested 1998/2000 Russian Law on Cultural Property regulating displaced cultural valuables, which greatly complicated restitution issues.<sup>11</sup>

Then came shifts in the political winds with the dawn of the 21<sup>st</sup> century, as the Putin regime strengthened its footing (and in growing autocratic tradition). Two decades later, as we approach the 75<sup>th</sup> Anniversary of war's

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9 See Akinsha and Kozlov, *Beautiful Loot*, passim.; especially "Moscow: Plans for a Super Museum," pp. 30-42; and "Return to Secrecy," pp. 183-86, and "The Paper Trail," pp. 229-42.

10 See P. K. Grimsted, "Beyond Perestroika: Soviet Area Archives After the August Coup," *American Archivist* 55, no. 1 (Winter 1992), pp. 94-124; see also Grimsted, *Archives of Russia Five Years After*.

11 See, for example, Gubenko's defense of the 1998 Law in the *Washington Conference for Holocaust Assets, November 30-December 3, 1998. Proceedings*, ed. J.D. Bindenagel (Washington, DC: U.S.. Department of State, 1999), pp. 513-18.

end, we are finding many archival sources in the Russian Federation pertaining to cultural ‘trophy’ tightly classified. Some records, such as those in the Military Archive in Podolsk, covering seizure and transport of shipments from Germany – have never been publicly available. Other sources, earlier open for consultation, have now been reclassified, quite contrary to the Terezín Declaration.

## **Soviet Legacy (2): Denial of Receipts from the West**

**Fifth.** The legacy and impact of the Soviet Communist regime on current attitudes toward restitution in Russia and other East European countries is often overlooked in dealing with restitution issues in Russia – and to varying extent – in successor States of the former Soviet Union. Hand in hand with the regime of secrecy regarding seized cultural property was the initial Soviet, and continuing Russian, denial of restitution receipts from the West. With the revelation of ‘trophy’ in the 1990s and immediate restitution demands from Western leaders, the need for legal regulation arose (with a new Russian commitment to the ‘rule of law’). Justification for the acquisition of postwar ‘trophy’ by denial of returns of Soviet property from the West was used in debates in the Russian Duma and the press during the 1990s over a law to regulate, and justify nationalization.<sup>12</sup> Even the symbolic 530 files of the Smolensk Communist Party Archive then still in the U.S. National Archives, became an example in the Duma.<sup>13</sup> My personal campaign against this ‘false news’ became a research concern, given the extensive denial of American restitution to the USSR.

My first public explanation of U.S. restitution to the USSR, and specifically to Ukraine, was at an international conference in Kyiv in August 1990, to a most surprised and disbelieving audience.<sup>14</sup> Together with a

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12 See more details by P. K. Grimsted, “Legalizing ‘Compensation’ and the Spoils of War: The Russian Law on Displaced Cultural Valuables and the Manipulation of Historical Memory,” in *Spoils of War v. Cultural Heritage*, =*IJCP* 17, no. 2 (2010), pp. 217–55.

13 P. K. Grimsted, *The Odyssey of the “Smolensk Archive”: Plundered Communist Records for the Service of Anti-Communism* (Pittsburgh, PA, 1995); “Carl Beck Occasional Papers in Russian and East European Studies,” no. 1201, at <https://carlbeckpapers.pitt.edu/ojs/index.php/cbp/article/view/111>. German translation in 1999: *Zeitschrift für Sozialgeschichte des 20. und 21. Jahrhunderts*, 1997, Heft 4: 71–91; 1998, Heft 2; 1999, Heft 1. See note 43.

14 P. K. Grimsted, “The Fate of Ukrainian Cultural Treasures during World War II: The Plunder of Archives, Libraries, and Museums under the Third Reich,” *Jahrbücher für*

leading Ukrainian archivist, a monograph provided an official U.S. list of thirteen shipments, confirming that “all the Kiev material located in the U.S. Zone has been restituted.” Besides, over half a million items returned to the USSR — “amounted to a far greater number than the items... officially claimed.”<sup>15</sup> But Russian authorities continued to claim publicly that nothing was returned from the West. Others claimed the Americans never furnished inventories of items being returned.

That persistent Soviet myth of non-restitution from the West, reinforced by Soviet propaganda and paired with the restricted knowledge of the extent of Nazi cultural plunder in the West, resulted in a blatant manipulation of historical memory. At a Moscow international conference in 2000 at the Library of Foreign Literature (VGBIL), focusing on East-West Cultural displacements, I presented copies from the U.S. National Archives of the Soviet-signed transfer receipts and inventories for 18 U.S. restitution shipments to the USSR. One transport included eight freight-train wagons carrying the Neptune Fountain from the former Russian imperial palace in Peterhof, Americans retrieved in Nuremberg.<sup>16</sup> Regrettably, the National Archives 1991 CD-published texts and inventories of those U.S. transfers could not be the collaborative U.S.-Russian archival publication initially planned.<sup>17</sup> The director of the State Archive of the Russian Federa-

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*Geschichte Osteuropas* 39, no. 1 (1991), pp. 53–80.

- 15 The official U.S. Army list, “Restituted Russian Property,” and covering memorandum from Richard F. Howard, deputy chief for cultural restitution (MFA&A) (20 Sept. 1948) were first published in Grimsted (with Hennadii Boriak), *Dolia skarbiv Ukraïns’koï kul’turny pid chas Druhoï svitovoi viiny: Vynyshchennia arkhiviv, bibliotek, muzeïv* (Kyiv: Arkheohrafichna komisii AN URSR, 1991; 2d edn, Lviv, 199), esp. pp. 117–19. Later these and other documents were published in Germany: Initially in the press, a facsimile appears in Wolfgang Eichwede and Ulrike Hartung, eds., “*Betr: Sicherstellung*”: *NS-Kunstraub in der Sowjetunion* (1998), plate XXXVI. In that volume, see the article by Gabriele Freitag, “Die Restitution von NS-Beutegut nach dem Zweiten Weltkrieg” (pp. 170–208), with a survey of U.S. restitution to the USSR.
- 16 P. K. Grimsted, “U.S. Restitution of Nazi-Looted Cultural Treasures to the USSR, 1945–1959,” in *Karta Evropy. Sbornik materialov mezhdunarodnoi konferentsii “Kul’turnaia karta Evropy: sud’ba peremeshchennykh kul’turnykh tsennostei v tret’em tysiacheletii,” Moskva, VGBIL, 10–11 apreli 2000 goda/ Mapping Europe: Materials of the International Conference “Mapping Europe: Fate of Looted Cultural Valuables in the Third Millennium,” Moscow, VGBIL, 10–11 April 2000* (Moscow: “Rudomino, 2002), pp. 272–83/ “Vozvrashchenie Soedinennyymi Shtatami Sovetskomu Soiuzu v 1945–1959 gg. Kul’turnykh tsennostei pokhishchennykh natsistami,” *ibid.*, pp. 88–98 (no longer online).
- 17 *U.S. Restitution of Nazi-Looted Cultural Treasures to the USSR, 1945–1959: Facsimile Documents from the National Archives of the United States*, note 8. The condensed introduction appeared as “Spoils of War Returned: U.S. Restitution of Nazi-Looted Cultural Treasures

tion (GA RF) holding the relevant records of the Soviet Military Administration in Germany (SVAG/SMAD) was unable to find the incoming Soviet copies of those transfer documents. Those copies finally surfaced in 2009, together with Russian translations, misplaced in another Moscow archive. But after I ordered a few sample photocopies – which I never received – the relevant files were withdrawn from circulation and reclassified.<sup>18</sup> Meanwhile, my 2000 Moscow bilingual report was displayed on the VGBIL website, “Displaced Cultural Valuables.” Gradually over the following decade, such publications were withdrawn, and in 2018, that special VGBIL website disappeared.<sup>19</sup>

### **Soviet Legacy (3): Isolation from the West, Western Values and Legal Systems**

**Sixth.** The flip side of denial of restitution returns from the West has been the legacy of Soviet isolation from the West, rejection of Western values, and lack of attention to international law. The collapse of the Soviet Union brought significant ideological upheaval as well as economic and social change during the 1990s, with an influx of Western contacts and interaction, for some, even euphoria. But on the cultural front, the increasing revelations of long-hidden Soviet cultural ‘trophies’, with onslaught of claims and restitution demands, led to split reactions. Hardly was there widespread Russian adoption of Western moral or legal attitudes towards restitution, except perhaps among those who sought to gain from direct Western interaction. Nor was there widespread willingness to return looted Western private property. Leading reform archivists with whom I was working in the early 1990s, for example, immediately viewed the Soviet-captured archives as capital for exchange for the Russian émigré collections long inaccessible to them abroad.

The rise of Russian nationalism accompanying the loss of empire, and

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to the USSR, 1945–1959,” *Prologue: Quarterly of the National Archives and Records Administration* 34(1) (Spring 2002), pp. 27–41; online (in four parts): <http://www.archives.gov/publications/prologue/2002/spring/spoils-of-war-1.html>.

18 Efforts are still underway for renewed access for preparation of an appropriate joint publication.

19 Reduced availability on the VGBIL website continued until Fall 2018. See Internet Archive ‘capture’ (6 June 2008), <https://web.archive.org/web/20090117021301/http://www.libfl.ru:80/restitution>.

the renewal of the long suppressed Orthodox Church, were often flavored by the revived sense of a 'Russian World' (*Russkii mir*) apart from the West. Schooled on the myths and tenets of Soviet propaganda, and the losses of family in war, many Russians continued to deny retrieval and return of Soviet cultural property from the West. Cries to that effect in the Russian Duma helped lead to the 1998/2000 law justifying nationalization of the Soviet trophies. Such factors, and others above, not surprisingly, have yet to produce a more-Western attitude toward restitution of 'trophies' (German or Russian), or 'displaced (*peremeshchennye*) cultural treasures', as Russia today prefers to call them. Konstantin Akinsha described the divisive anti-restitution attitudes in 1995, in his revealing study of Russian political attitudes on restitution to Germany and the symbolic role of German trophies:

*"The hysteria was intensified by the celebration of the fiftieth anniversary of the end of World War II. For many nationalists, the art trophies had become the last symbol of Soviet victory. East Germany and the satellite countries of Central Europe were lost together with the grandeur of the Soviet Union; only the Schliemann treasure and the former East Prussian city of Königsberg (renamed Kaliningrad) remained as material reminders of the glorious past."*<sup>20</sup>

## **Russian Legal Restrictions to Restitution: Nationalization and the 1998/2000 Law**

**Seventh.** Important elements in the Russian anti-restitution context came to a head with the Russian Law regulating *Cultural Valuables Displaced to the Territory of the Russian Federation as a Result of the Second World War*, culminating years of Duma debates.<sup>21</sup>

By the mid-1990s, there was some hope in the West that the new Rus-

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20 Konstantin Akinsha, "Restitution as Diagnosis: Political Aspects of the 'Trophy Art' Problem and Russian-German Relations," *New German Critique* 130 (February 2017), pp. 75–86, quotation from p. 79. See also Akinsha's earlier analysis, "Why Can't Private Art 'Trophies' Go Home from the War? The Baldin-Bremen Kunsthalle Case: A Cause-célébre of German Russian Restitution Politics," in *IJCP* 17, no. 2 (2010), pp. 257–90.

21 See more details by P. K. Grimsted, "Legalizing 'Compensation' and the Spoils of War," in *IJCP* 17, no. 2 (2010), pp. 217–55; see the English translation: "*Federal Law on Cultural Valuables Displaced to the USSR as a Result of the Second World War and Located on the Territory of the Russian Federation*," No. 64-FZ of 15 April 1998 (with amendments), translated by Konstantin Akinsha and Patricia Grimsted, pp. 413–26.



sian Federation would carry out the ‘intents’ to which it committed when accepted as a member of the Council of Europe in January 1996, including “the return of property claimed by Council of Europe member States,” as per the accession agreement (§ xiv).<sup>22</sup> Those ‘intents’, however, were never even publicized in Russia; they were blatantly overlooked by the Duma, in a law regulating ‘displaced cultural valuables’ by nationalization, first passed a year later in 1997 – with only limited potential for restitution.

Russian President Boris Yeltsin vetoed the initial text, but finally agreed to sign in 1998, so it could be submitted to the Supreme Court. In 2000, newly elected President Vladimir Putin signed a slightly revised version into law. The law strictly limits restitution claims from abroad to victims of the Nazi regime, to be negotiated only on a state-to-state diplomatic basis. Equivalent exchange and payment of storage charges are required for any items claimed. Among other tenets, restitution to Germany and other Axis countries are prohibited.<sup>23</sup>

**Need to Distinguish Nazi-Looted Items.** With nationalization and prohibition of further cultural restitution to Germany, and the diplomatic deadlock over specific German-owned cultural property (i.e. Soviet post-war ‘trophy’ receipts), it becomes crucial to distinguish the Nazi-looted property among Russian ‘displaced’ cultural valuables, which would be eligible for claims according to the 1998/2000 Law, even if exchange and compensation were required.

## **Other Legal/Political Restrictions to Claims and Restitution**

Despite the ‘Continental Divide’ in attitudes toward restitution, both the Terezín Declaration and Washington Principles were nevertheless signed by successor states of the Soviet Union, including newly independent Ukraine and Belarus, and by countries of the East European Communist Bloc, such as Poland and Hungary. Since signing, however, the Russian Federation and many of its neighbors have paid little or no heed to those

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**22** Council of Europe Parliamentary Assembly/ Conseil de l’Europe Assemblée parlementaire, Opinion No. 193 (1996) – ‘On Russia’s Request for Membership of the Council of Europe’, adopted 25 Jan. 1996, when Russia was admitted to membership. See P.K. Grimsted, in *Returned from Russia: Nazi Archival Plunder in Western Europe and Recent Restitution Issues* – with *Afterword 2013* (UK: Institute of Art and Law, 2013), pp. 118–19.

**23** P. K. Grimsted, “Legalizing ‘Compensation’,” in *IJCP* 17, no. 2 (2010), pp. 217–55.

international resolutions. Indeed, many have still not enacted appropriate laws to permit restitution of foreign private property, or efficient claims procedures for foreign (or in some cases even domestic) claimants that could easily be used by private Western Holocaust and related victims of Nazi plunder. Nor have some countries – even including some EU members – implemented procedures for deaccessioning Nazi-plundered, foreign-owned items discovered in state museums, libraries, or other institutions.

Resulting legal problems today, for example, are confronting Ukraine, with what may be the first directly Holocaust-related claim for a painting in a regional Ukrainian state museum. While American attorneys have been attempting to submit a claim for a family painting in Uzhhorod, Ukraine still lacks a legal framework and procedures to deal with such a claim, or to deaccession an item in a state museum.<sup>24</sup> Such problems are also confronting Poland, for example, where international attention is mounting that works of art from Jewish collections were among wartime purchases by now-Polish state museums, especially in major cities in areas that during the war were annexed to Nazi Germany.<sup>25</sup> Even with a well-financed government program to retrieve missing Polish wartime-plundered cultural treasures abroad, Poland, is still not prepared for reciprocity in accepting legitimate claims for foreign Nazi-looted property, even from Holocaust victims. In a few instances Ukraine, for example, has reacted favorably to enticements of ‘exchange’ for items returned that were discovered in Germany.<sup>26</sup> While the Terezín Declaration does not foresee exchange possibilities as a mechanism for ‘restitution’, the 1998/2000 Russian Law has incorporated provisions that require exchange or ‘compensation’ when foreign claims are presented for items plundered during the war.<sup>27</sup> Perhaps more attention to reciprocity and possibilities of exchange, rather than outright

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24 See David D’Arcy, “Holocaust survivor’s family seeks painting in Ukrainian museum,” *The Art Newspaper*, 27 March 1918.

25 See, for example, P. K. Grimsted, “A Goudstikker van Goyen in Gdańsk: A Case Study of Nazi-Looted Art in Poland,” *International Journal of Cultural Property*, forthcoming, 2020.

26 See details of German-Ukrainian restitution exchanges during the 1990s, in P. K. Grimsted, *Trophies of War and Empire*, pp. 459–68.

27 See more commentary on the 1998/2000 Russian law and an English translation in the proceedings of the Harvard Law School Workshop, P. K. Grimsted, ed., *Spoils of War v. Cultural Heritage: The Russian Cultural Property Law in Historical Context = IJCP* 17, no. 2 (2010).

restitution, would be conducive to the return of more cultural items, especially less significant ones, for example, such as a few looted family books.

Many of the Moscow and St. Petersburg museums and libraries holding 'displaced cultural treasures' today lost comparatively little during the war. Indeed, many specialists agree that almost two-thirds of the entire Soviet wartime cultural losses were from Ukraine. To aggravate the situation, in many cases, the cultural valuables from Ukraine and other Soviet republics retrieved from the West by Soviet authorities – or returned to the Soviet Union by the Western Allies – did not always reach their prewar homes, especially in Ukraine. Domestic restitution, like restitution of foreign plundered property, was not always a high priority in Soviet postwar decades. On the other hand, many of the 'trophy' or 'displaced' cultural valuables that were acquired by Ukrainian museums and other institutions were likewise long-hidden, many of them still under wraps, despite active efforts of German-Ukrainian and Polish-Ukrainian Restitution Commissions, which continue with little success to show in recent years.

With these brief comments on contextual issues, I now turn to a few examples from my own research experience – dealing with 'displaced' archives, books, and art in Russia, Ukraine, and Belarus.

### **Looted Archives / Captured Records**

During the 1990s, I was deeply gratified to have had the opportunity to work collaboratively with Russian archivists and the new Archival Administration, Roskomarkhiv (later Rosarkhiv), to prepare and publish bilingual computerized directories of Russian archives. Simultaneously, I was working closely with Ukrainian archivists towards a computerized bilingual archival website (now trilingual), with data from my earlier Soviet-period Ukrainian archival directory and reference bibliography. My own research and publication efforts in both countries led to my numerous close encounters with archival 'trophies'.

Even a few months before the collapse of the Soviet Union came my major revelations about captured Western archives were confirmed in October 1991 by the director of the top-secret Special Archive (TsGOA) in Moscow. From France alone, there were an estimated seven linear kilometers of captured archives, earlier plundered by various Nazi agencies. The

inclusion of high-level state records, such as military intelligence and National Security files, as well as trade-union records and private papers of prominent French elite, brought urgent restitution demands from French leaders.<sup>28</sup>

Russia, however, was not prepared simply to hand over the ‘twice-captured’ Western archives to their legitimate owners without a complicated claims process. The 1990s was a decade of productive identification of ‘displaced’ foreign archives, involving intense scrutiny of files in preparation for official claims and costly back-and-forth state-to-state diplomatic negotiations. Russia required ‘compensation’, significant payment for storage charges, and in return ‘exchange’ of Rossica – Russian or Russian émigré-related archives – even for archives identified as owned by private Holocaust or other Nazi victims. It was another ten years before the handshakes for homecoming of many (but hardly all) of those long-lost ‘twice-captured’ archives. On the basis of the 1998/2000 law, most were returned to seven Western countries. Russians officially avoided the term ‘restitution’: rather, each return was an ‘exchange’. Yet those archival returns were the success stories, almost the only cultural property that saw significant returns to Western Europe by the end of the century or early 2000s.<sup>29</sup> Yet even on the 70<sup>th</sup> anniversary of V-E Day in 2015, many ‘twice-captured, still-‘displaced’ files from numerous countries remain in Moscow.<sup>30</sup>

Most of the relatively few foreign archives that ended the war in Ukraine – or that were found by Soviet Ukrainian archival scouts as post-war ‘trophies’ – had been forwarded to Moscow as per Soviet postwar archival regulations. But Ukraine managed to retain the largest extant collection anywhere of records of one of the most important Nazi plundering

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28 See P. K. Grimsted, “Displaced Archives and Restitution Problems on the Eastern Front from World War II and its Aftermath,” *Contemporary European History* 6, no.1 (1997), pp. 27–74; at: <http://journals.cambridge.org/action/displayAbstract?fromPage=online&aid=1369212>; and <http://www.jstor.org/stable/20081612>.

29 See P. K. Grimsted, “Why Do Captured Archives Go Home? Restitution Achievements under the Russian Law,” *Spoils of War v. Cultural Heritage*, pp. 291–333. Separate chapters in the second half of *Returned from Russia* (above, note 21) cover returns to individual countries, by the responsible archivists.

30 P. K. Grimsted, “Pan-European Displaced Archives in the Russian Federation: Still Prisoners of War on the 70<sup>th</sup> Anniversary of V-E Day,” in *Displaced Archives*, ed. James Lowry (London: Routledge, 2017), pp. 130–57.

agencies, the Einsatzstab Reichsleiter Rosenberg (ERR).<sup>31</sup> Long in hiding (or utilized for ‘collaboration’ investigations) until 1990, the files unfortunately were never adequately processed for research purposes. Nor were they ever utilized during the Soviet period for research into cultural seizures and displacements throughout Europe, including in occupied areas of the Soviet Union. Since 2010, however, with Ukraine refusing restitution to Germany, they are all online on the website of the Ukrainian state archive for contemporary records (TsDAVO), with an upgraded reference system due in 2020.<sup>32</sup>

In a revealing Ukrainian example of restitution to Germany, a Ukrainian archival colleague and I located the early archive of the private Berlin Sing-Akademie, which Ukraine returned to Germany in 2001. A moving celebration in Berlin featured the première of a long hidden Bach score in that collection.<sup>33</sup> Many Ukrainians, however, despite growing European aspirations, still strongly oppose that unilateral act of restitution, whereby Ukraine received nothing in exchange apart from goodwill.

**Nazi-Looted Books.**<sup>34</sup> My more recent research in Nazi-looted books in both Western and Eastern Europe has provided increased perspective on wartime and postwar trans-European migration.<sup>35</sup> Contrary to Nazi pat-

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31 I first mentioned the Kyiv ERR collection in “The Fate of Ukrainian Cultural Treasures,” above note 14.

32 “Kolleksiia dokumentov Operativnogo shtabva Reikhsliaitera Rosenberga,” at: <http://err.tsdavo.gov.ua/>; see more details and bibliography in P.K. Grimsted, *Reconstructing the Record of Nazi Cultural Plunder: A Guide to the Dispersed Archives of the Einsatzstab Reichsleiter Rosenberg (ERR) and the Postwar Retrieval*, Chapter 9: “Ukraine,” at <https://www.errproject.org/guide.php>; the ERR TsDAVO website is sponsored by the Claims Conference.

33 P. K. Grimsted, “Bach Is Back in Berlin: The Return of the Sing-Akademie Archive from Ukraine in the Context of Displaced Cultural Treasures and Restitution Politics,” © 2003; earlier version (lacking images) at [https://www.ucis.pitt.edu/nceer/2003\\_816\\_03\\_Grimsted.pdf](https://www.ucis.pitt.edu/nceer/2003_816_03_Grimsted.pdf).

34 Parts of this section are drawn from my chapter, “Twice Plundered, and Still Far from Home: Tracing Nazi-Looted Books in Minsk and Moscow,” in *Collecting and Provenance: A Multi-Disciplinary Approach*, ed. Jane Milosch and Nick Pense, (Pittsburgh: Rowman & Littlefield, 2019), ch. 14, pp. 205–26. See also Grimsted, “Tracing ‘Trophy’ Books in Russia,” *Solanus* 19 (2005), pp. 131–45.

35 P. K. Grimsted, “Les pistes paneuropéennes des livres pillés par les nazis : trop d’ouvrages encore en exil.” In *Où sont les bibliothèques spoliées par les nazis?* edited by Martine Poulain (Villeurbanne: Presses de l’Enssib, 2019), pp. 25–48; at: <https://www.enssib.fr/bibliotheque-numerique/documents/68738-on-the-trail-of-looted-books-from-the-second-world-war-too-many-still-far-from-home.pdf>.

terns of wartime Western library seizures, as already mentioned, major library losses in the Soviet Union (i.e. from pre-1939 boundaries) were from state-owned institutions.

In the name of ‘compensatory restitution’ for wartime losses suffered – and perhaps retribution – Stalin’s Trophy Library Brigades seized in one documented estimate to be in excess of 12 million library books. We cannot know today how many among those millions the Nazis had earlier plundered from other occupied countries. We know that hundreds of thousands, if not several of those millions, were Soviet-owned books that the Germans had plundered from occupied Soviet territories. Nazi book thieves seized an abundance of ‘Bolshevik’/Communist materials they wanted for their Anti-Bolshevik research programs, first in Berlin, but starting in spring 1943, based in the ERR centre in Ratibor, Silesia, and surroundings.<sup>36</sup> From one of the ERR outlying units in Silesia, close to half a million books were retrieved and returned to the Library of the Belarussian Academy of Sciences already in April 1945, including a notable private Estonian Jewish collection as ‘trophy’.

In 1990, a Moscow journalist, Evgenii Kuz’min, revealed the scandal that several millions of ‘unneeded’ trophy German books brought to the USSR after the war were rotting under pigeon droppings in a former church in Uzkoe, outside of Moscow.<sup>37</sup> Uzkoe quickly became a symbol of the failures and abuses of the newly revealed trophy-books program: valuable German books deemed ‘unneeded’ or inappropriate for Soviet readers. The initial outrage over the Uzkoe scandal, however, never led to constructive exchange programs with Germany, let alone restitution.

German librarians today estimate that four to six million books were seized by the Soviets *en masse* from leading German libraries, including, for example, the bibliophile treasures of the Leipzig Museum of the Book and Printing, and two Gutenberg Bibles, long hidden in Moscow library

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**36** P. K. Grimsted, “Roads to Ratibor: Library and Archival Plunder by the Einsatzstab Reichsleiter Rosenberg,” *Holocaust and Genocide Studies* 19, no. 3 (Winter 2005), pp. 390–458, <https://archief.socialhistory.org/sites/default/files/docs/err-ratibor-pkg.pdf>. See also P.K. Grimsted, “Silesian Crossroads for Europe’s Displaced Books: Compensation or Prisoners of War?” in *The Future of the Lost Cultural Heritage... Proceedings of the ... Conference in Český Krumlov* (22.–24.II. 2005), ed. Mečislav Borák (Prague, 2006), pp.133–69, <https://archief.socialhistory.org/sites/default/files/docs/silesian.pdf>. See also

**37** Evgenii Kuz’min, “Taina tserkvi v Uzkom,” *Literaturnaia gazeta* 38 (18 September 1990): 10; English: “The Mystery of the Church in Uzkoye,” *Literary Gazette International* 16 (1990), p. 20.

safes. Russian published descriptions of many of those German treasures are now listed on the Ministry of Culture lootedart.ru website. But much less is known about the Nazi-looted books from occupied Europe intermixed in postwar transports, many also relegated to Soviet-period secret sections of receiving libraries.

One of the largest recipients of incoming ‘trophy’ books to the USSR was the All-Russian Library for Foreign Literature (VGBIL). During the 1990s its director, Ekaterina Genieva (1946–2015), led Russian efforts to identify the provenance of trophy books and promote their restitution.<sup>38</sup> Under her direction, VGBIL librarians compiled many catalogues and databases of the Library’s ‘trophy’ holdings and major collections in other Russian libraries.

While many of Genieva’s identification and would-be restitution efforts were in accord with the Terezín Declaration, they were too often thwarted. Her initial symbolic ‘return’ of 608 ‘twice-plundered’ Dutch books to the Netherlands in 1992 (from an estimated 30,000 Dutch books that arrived in Minsk in 1945), still remains “Russia’s only restitution of books to the West,” as a Dutch librarian explained. Included were a few Dutch books from Belgium duly returned; and, quite by chance, a Dutch-language New Testament with stamps of the Turgenev Russian Library in Paris was the first of over 100,000 Nazi-looted volumes returned to that famous émigré centre.<sup>39</sup> Meanwhile, between six and ten thousand books from the Turgenev Library remain in the Russian State Library (former Lenin Library), having been secretly delivered from Silesia.<sup>40</sup>

Genieva’s second major restitution succeeded only a decade later, namely rare early Nazi-looted books from the Calvinist College in Sárospatak, Hungary; their return was conveniently featured in Putin’s 2006

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**38** See Genieva’s 1996 report, “German Literary Treasures in the Russian State Library for Foreign Literature,” in *The Return of Looted Collections: An Unfinished Chapter: Proceedings of the International Symposium, Amsterdam, 15 and 16 April 1996*, eds. F.J. Hoogewoud et al. (Amsterdam, 1997), pp. 91–96; and Genieva, “German Book Collections in Russian Libraries,” in *The Spoils of War. World War II and Its Aftermath: The Loss, Reappearance, and Recovery of Cultural Property*, ed. Elizabeth Simpson (New York, 1997), pp. 221–24.

**39** F. J. Hoogewoud, “Russia’s Only Restitution of Books to the West: Dutch Books from Moscow (1992),” in *The Return of Looted Collections*, pp. 72–74.

**40** See P. K. Grimsted, *The Odyssey of the Turgenev Library from Paris, 1940–2002: Books as Victims and Trophies of War* (Amsterdam: International Institute of Social History, 2003; “IISG Research Papers,” no. 42; at: <http://iisg.nl/publications/respap42.pdf>).

state visit to Budapest to sign a major energy deal.<sup>41</sup> By September that year, however, political winds had changed in the Ministry of Culture, no longer headed by the more Western leaning Mikhail Shvydkoi; the new Minister Aleksandr Sokolov announced there would “be no restitution in terms of return of cultural property,” arguing that the “very word should be removed from circulation.”<sup>42</sup>

Items of Western Jewish provenance should nonetheless be eligible for claim by foreign States, even under the restrictive provisions of the 1998/2000 *Russian Law on Displaced Culture Valuables*.<sup>43</sup> Many efforts at identification were made in the 1990s, often financed by Western sources. One U.S. collaborative project with VGBIL in the early years of the new century resulted in two catalogues of trophy Hebrew manuscripts, one from the prewar Breslau Rabbinical Seminary (2003) and a second from the Vienna Jewish Community (2006). A third volume produced by the same project featured art from Hungarian private collections (2003). Despite professional identification, however, none of the trophy Hebrew manuscripts or Hungarian art in those VGBIL catalogues have returned home; and today, those catalogues are no longer online in Russia.<sup>44</sup> Ironically, even acceptance of that project by the Ministry of Culture required ‘exchange’ from the United States, namely the return of remaining files of

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41 P. K. Grimsted with Konstantin Akinsha, “The Sárospatak Case: Rare Books Return to Hungary from Nizhnii Novgorod. A New Precedent for Russian Cultural Restitution?” *Art, Antiquity and Law* 11, no. 2 (2006), pp. 215–49, <http://socialhistory.org/sites/default/files/docs/akinsha-grimsted.pdf>. Our account was not included in the VGBIL collection *Sharoshpataksaia kolleksiia i istoriia ee vozvrashcheniia v Vengriiu. Sbornik statei*, eds. E.Iu. Genieva and István Monok (Moscow: ROSSPEN, 2008).

42 As quoted by Yuliia Shtutina, “Tonkie trofeinye definitsii. Ministr kul’tury sdelał zaivlenie po probleme peremeshchennykh tsennostei,” 27 September 2006, <https://lenta.ru/articles/2006/09/26/restitution>. With thanks to Akinsha, “Restitution as Diagnosis,” p. 84.

43 An updated English version of the law “Federal Law on Cultural Valuables Displaced to the USSR as a Result of the Second World War and Located on the Territory of the Russian Federation, No. 64-FZ of 15 April 1998 (with amendments),” translated by Konstantin Akinsha and P. K. Grimsted, published as APPENDIX 1: in *IJCP* 17, no. 2 (2010), pp. 413–26.

44 All three catalogues prepared under a collaborative project with VGBIL are available in PDFs on the Commission for Art Recovery website, <http://www.commartrecovery.org/projects/heritage-revealed>. Initially displayed on the VGBIL “Displaced Cultural Treasures” website, that website disappeared in 2018 (see note 28).



the Smolensk CP Archive (found by the U.S. Army with ERR looted books in Bavaria), delivered to Russia in December 2002.<sup>45</sup>

Aside from the now-withdrawn VGBIL 'Displaced Cultural Valuables' website, few data about twice-looted Western books in Russia are publicly available.<sup>46</sup> The first such listing from another major Moscow library was circulated at the Paris library conference on Nazi-looted books in March 2017. Mikhail Afanas'ev, director of the Historical Library (GPIB), in Moscow released a list of 661 looted books from France held in GPIB with his report to the March 2017 conference on Nazi-looted books in Paris. Half were from the Paris Polish Library, leftovers after 60,000 from that library were transferred from Moscow to Warsaw in 1956 during the Khrushchev 'thaw'; others were from Jewish organizations and provincial Masonic lodges, with a few were from Belgium and the Netherlands.<sup>47</sup> That list is still not publicly accessible in Russia, but most of the looted-book owners appear as victims in online ERR seizure lists from France and Belgium.<sup>48</sup>

The largest identified horde of Nazi-looted Western books among post-war Soviet library trophies is surprisingly found today in Minsk, the capital of the now independent Republic of Belarus. Those are the remains of close to half of a million Nazi-looted Western books the ERR had looted from French private, predominately Jewish collections, first collected in Berlin, and then in Ratibor. In retreat, the Germans left them in warehouses near Katowice, conveniently on a main East-West railway line. Discovered by Soviet trophy officers, they were transported to Minsk in the fall of 1945 in 54 freight cars, together with some 600–700,000 books the ERR had looted from Belorussian and Baltic state libraries, and abandoned in the same facility.<sup>49</sup>

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45 See the Grimsted introductory account in *Vozvrachenie Smolenskogo arkhiva / The Return of the Smolensk Archive*, Marianna Tax Choldin et al., eds. (Moscow: ROSSPEN, 2005). See also Celestine Bohlen, "A Stray Record of Stalinist Horrors Finds Its Way Home," *New York Times*, 14 December 2002.

46 See my more details in Grimsted, "Nazi-Looted books in Moscow and Minsk" note 32.

47 M. D. Afanas'ev, "Les livres spoliés par les nazis. La piste russe"; the author kindly furnished me a copy of the accompanying list prepared for the conference, which has not yet been published. <https://www.enssib.fr/bibliotheque-numerique/documents/68751-les-livres-spolies-par-les-nazis-la-piste-russe.pdf>

48 See the ERR Looted-Libraries websites at: [https://www.errproject.org/looted\\_libraries.php](https://www.errproject.org/looted_libraries.php).

49 P. K. Grimsted, "The Road to Minsk for Western Trophy Books," *Libraries and Culture* 39, no. 4 (Fall 2004), pp. 351–404; see also Grimsted, "Livres et archives pillés en France par

Following independence in 1991, Belarus has been more open than Russia about providing public cataloguing access to its valuable trophy books. Listings in the Rare Book Department card catalogues in the National Library in Minsk, for example, cover five to six thousand autograph dedications and ownership markings, gradually being added online. I have already matched the owners of over 100 book stamps or inscriptions in those catalogues with corresponding French victims (predominantly Jewish, but also Masonic and Socialist) on the ERR library-seizure lists posted recently on looted-library websites.<sup>50</sup> In 2011, the Minsk Library issued a CD with images of 66 French autographed title pages among its Nazi-looted trophies; the moving introduction by a retired Belarus professor is now online in English translation.<sup>51</sup>

Neither the Terezín Declaration nor the Washington Principles, signed by Belarus as well as Russia, specifically mentions the importance of restitution of Holocaust-Era looted books, although such concern is implied in references to cultural property. When a Western journalist raised the question of possible restitution, a Belarus historian, Anatolii Steburaka, who has published extensively on the provenance on those collections, told the *Wall Street Journal* in 2017, “restitution is a bit of a taboo for us. We lost nearly all we had in the war.” When the same question was posed to the deputy library director in Minsk, he suggested possible exchange proposals.<sup>52</sup> Yet the Belarus government, which signed on to the Terezín Declaration, has yet to deal with a constructive procedure for exchange, if

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l'Einsatzstab Reichsleiter Rosenberg (ERR): La Bibliothèque Tourguéniev et les fonds français déplacés à Minsk,” *Bulletin des bibliothèques de France*, no. 10 (November 2016), pp. 90–110; Online (lacking images), at [http://bbf.enssib.fr/matieres-a-penser/livres-et-archives-pilles-en-france-par-l-einsatzstab-reichsleiter-rosenberg-err\\_67074](http://bbf.enssib.fr/matieres-a-penser/livres-et-archives-pilles-en-france-par-l-einsatzstab-reichsleiter-rosenberg-err_67074).

50 P. K. Grimsted, “Les listes de saisies des bibliothèques françaises par l’ERR en France,” at [http://www.cfaj.fr/publicat/listes\\_ERR\\_France.html](http://www.cfaj.fr/publicat/listes_ERR_France.html); and “Tableaux synthétiques des individus et des institutions concernés,” at [http://www.cfaj.fr/publicat/Tableaux\\_ERR.pdf](http://www.cfaj.fr/publicat/Tableaux_ERR.pdf) and in English at [https://www.errproject.org/looted\\_libraries\\_fr.php](https://www.errproject.org/looted_libraries_fr.php).

51 *Frantsuzskie avtografy v fonde Natsional’noi biblioteki Belarusi*, comp. S.G. Pakhomenkova and A.N. Steburaka; ed. and introduction by V.V. Makarov; CD Rom edn (Minsk: Natsionalnaia biblioteka Belarusi, 2011); see the version at [https://www.errproject.org/looted\\_libraries\\_fr\\_belarus.php](https://www.errproject.org/looted_libraries_fr_belarus.php), with Wesley Fisher’s English translation of V.V. Makarov’s introduction. See also Vladimir Makarov, “Involuntary Journey of Books from Paris to Minsk,” *Spoils of War: International Newsletter*, no. 6 (February 1999), pp. 25–27.

52 Lucette Lagnado, “On the Trail of Nazi-Looted Books,” *Wall Street Journal*, 3 August 2017, p. A-9. <http://www.lootedart.com/SKWBY209341>. See Anatole Steburaka, “Les fonds français de Minsk: Les archives confisquées par les nazis durant la Seconde Guerre mondiale et conservées en Biélorussie,” *Bulletin des bibliothèques de France*, no.

not restitution, for foreign owners or heirs, who might like to have their books returned.

Masons are *not* specifically mentioned as a Holocaust victim in the Terezín Declaration, but together with Jews, they were the only other Western ‘enemy of the Nazi Regime’ specifically named by Alfred Rosenberg in his above quotation. Indeed the Masons were one of the priority Nazi victims in Western Europe, as apparent in ERR seizure lists recently launched in websites for French and Belgian libraries.<sup>53</sup> In Germany, the Gestapo seized the largest Masonic lodges in Berlin as its headquarters soon after Hitler came to power, which in 1939 became the headquarters of the umbrella Reich Security Main Office (Reichssicherheitshauptamt, RSHA). Gathered in their reinforced basements during the N-S Regime was the largest European Masonic collections of books and archives ever assembled; as Western bombing intensified in 1943, they were moved to RSHA evacuation sites in Silesia and the Sudetenland.<sup>54</sup> Other Masonic books the ERR had seized were brought with their looted library collection to Ratibor. That may explain the source of the oldest and most valuable ‘trophy’ most valuable manuscript books from French Masonic lodges in the Belarus National Library in Minsk (actually part of the French Masonic archives, most of which Moscow returned to France in 2002).<sup>55</sup>

The Nazi-looted Masonic and related books the RSHA evacuated to four Sudeten castles at the end of the war undoubtedly account for many of those identified recently under the Czech National Library, stored since

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10 (November 2016), at [http://bbf.enssib.fr/matieres-a-penser/les-fonds-francais-de-minsk\\_67072](http://bbf.enssib.fr/matieres-a-penser/les-fonds-francais-de-minsk_67072), along with his more detailed studies.

53 See data in the French lists and chart at [http://www.cfaj.fr/publicat/listes\\_ERR\\_France.html](http://www.cfaj.fr/publicat/listes_ERR_France.html) (note 48), and [https://www.errproject.org/looted\\_libraries\\_fr.php](https://www.errproject.org/looted_libraries_fr.php); the parallel Belgian website listings should be posted by late 2019.

54 P. K. Grimsted, “Archival Loot of the Security Services ...,” ch 2, in *Returned from Russia*, pp. 33–64; and “Twice Plundered or Twice Saved? Russia’s ‘Trophy’ Archives and the Loot of the Reichssicherheitshauptamt,” *Holocaust and Genocide Studies* 15(2) (Fall 2001), pp. 191–244; updated in Russian, “Dvazhdy zakhvachennye ili ‘dvazhdy spasennye’? Rozysk rossiiskikh ‘trofeinykh’ arkhivov i dobycha Glavnogo upravleniia imperskoi bezopasnosti,” in *Sotsial’naia istoriia. Ezhegodnik 2004* (Moscow: ROSSPEN, 2005), pp. 401–55.

55 Anatole Steburaka, “Les fonds français de Minsk. Les archives confisquées par les nazis durant la Seconde Guerre mondiale et conservées en Biélorussie,” *Bulletin des bibliothèques françaises*, no. 10 (November 2016), pp. 82–88; at: <http://bbf.enssib.fr/consulter/bbf-2016-10-0082-001>.

the Communist period in a Neratovice warehouse.<sup>56</sup> The provenance of many (but hardly all) have been recently identified in the Library's project 'Books Discovered Once Again'. Many from German lodges, were apparently subject to Czech nationalization after the war; but because the Masons as 'enemies of the regime' were Nazi seizure victims, why should their books be nationalized? Two resulting Czech publications provide images of book stamps and lists of call numbers of books from many of the Masonic lodges identified.<sup>57</sup> Even if Masonic victims of Nazi book looting are not specifically mentioned in the Terezín Declaration, and there was no discussion of the National Library project in our conference, we can still hope that the National Library project will be extended, and appropriate arrangements made for eventual return of these now-identified Masonic victims of Nazi plunder to their owners or successor lodges.

**Nazi-Looted Art.** The vast majority of an estimated 200,000 'displaced' looted works of art from German state and private collections still held in the Russian Federation today most probably do not represent art looted by the Nazis in Germany or abroad, or purchased from dubious 'red-flag' sources. We still have only a few examples of Nazi-looted art from other countries in Russia, Ukraine, or Belarus that might have had Jewish owners in their provenance pedigree. Research on Nazi-Era provenance remains a future task, when the art and relevant documents are declassified.

In the 2015 Centre conference in Prague, I discussed my own incomplete research to identify provenance and migration of a revealing collection of Nazi-looted paintings from East and West brought together in Königsberg during the war by Gauleiter, and later Präsident, of East Prus-

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56 P. K. Grimsted, "Sudeten Crossroads for Europe's Displaced Books: The 'Mysterious Twilight' of the RSHA Amt VII Library and the Fate of a Million Victims of War," in *Restitution of Confiscated Works—Wish or Reality? ... Proceedings of the international academic conference held in Liberec, 24–26 October 2007* (Prague, 2008), pp. 123–8; also in Czech.

57 See the wide range of Masonic lodges represented in the images of sample book stamps included by Marcela Strouhalová, *Knihy znovu nalezené. Konfiskované knihy po druhé světové válce ve správě NK ČR* (Prague, 2016), especially pp. 121–24. More details about additional books found in Czechoslovakia after the war are found in the author's subsequent publication, *Skrytá minulost knih uložených v Rezervních fondech Národní knihovny ČR* (Prague, 2017); at: <https://drive.google.com/file/d/10P-xMriLkqN33jY2qLl-3Rp5g-Lvlfte/view>. See additional Masonic book stamps, pp. 56–79; with call numbers of books, listed by city, pp. 80–151.

sia, and Reichskommissar of Ukraine, Eric Koch.<sup>58</sup> The remnants of that collection, seized by SVAG and a Hermitage curator from a Weimar bank in 1948, are presumably still “hidden in the Hermitage.” The Hermitage granted me access to their Archive in 2015, a year after publication of their 250<sup>th</sup> Anniversary volume of documents from that Archive on “*Displaced Cultural Treasures 1945–1955*” (since withdrawn from circulation).<sup>59</sup> Related SVAG file consulted in Moscow (reclassified as mentioned earlier, and of which even Hermitage specialists were unaware). Thus how is verification of Nazi-looted paintings in the Hermitage possible, while even the paintings themselves reportedly remain in an off-site facility for “extended restoration.” The Terezín Declaration calls for “access to archival documents,” essential for provenance research, but where is the Russian equivalent to “Freedom of Information” inquiries in the United States?

One final example highlights the most significant Ukrainian agreement with Germany in attempting to resolve the fate of ‘trophy’ art in a Ukrainian museum to date, with which I have been only tangentially associated. Museum holdings of both the Simferopol Art Museum in Crimea and the Sürmond Ludwlg Museum in Aachen, Germany, were devastated by wartime and postwar seizures; but only recently was it discovered that the Crimean museum holds some 76 works of ‘trophy’ art from Aachen. A unique German-Ukrainian compromise involving return of five key Aachen-owned paintings in exchange for a permanent loan of 71 others to Simferopol, was being finalized on the eve of the 2014 Russian annexation of Crimea. Regretfully, however, it could not be implemented: although the European Union and United States, among other countries, still recognize Crimea as Ukrainian, nonetheless, with Russian annexation, Russia now considers the Aachen paintings as Russian State property under the 1998/2000 Cultural Property Law.<sup>60</sup> In the wake of dashed hopes of resolution, a June 2016 conference panel devoted to “Identifying Wartime Losses

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58 P. K. Grimsted, “Tracing Pan-European Looted Art in Russia – The Case of the Erich Koch Collection,” in *Plundered, But by Whom? Proceedings of an international academic conference held in Prague on 21–22 October 2015* (Prague, 2015 [2016]), pp. 180–99.

59 *Gosudarstvennye Ermitage: “Peremeshchenoe iskusstvo” 1945–1958: Arkhivnye dokumenty*, comp. Anna Aponasenko (St. Petersburg: Izd-vo Gosudarstvennye Ermitazha, 2014). Regrettably, the volume was withdrawn from sale and circulation, but fortunately, it had already reached a number of foreign libraries, and the Hermitage had kindly sent me a copy.

60 Hendrik Heinze, “Art and Compromise in the Crimea Crisis,” *Deutsche Welle*, 6 April 2014, at <https://www.dw.com/en/art-and-compromise-in-the-crimea-crisis/a-17546700>.

and Displaced Valuables,” in Lviv, celebrated the 2015 Kyiv publication of the first such catalogue, *Art in the Flames of War: Western European Paintings in the Collection of the Simferopol Art Museum*.<sup>61</sup>

This Ukrainian (now also Russian) case may not, as far as we know, involve any Nazi-looted art; and the fate of the rest of the 200 paintings ‘missing in action’ from Aachen remains unresolved. But for those 76 now in Simferopol, the question remains open: Will Russia now find some way to resolve this specific dilemma, or must those paintings remain subject to the more general Berlin-Moscow deadlock over ‘trophy’ art, still so adversely affecting the context of postwar restitution? Next year Russia will celebrate the 75<sup>th</sup> Anniversary of what many there still call “the victory of the Soviet people in the Great Fatherland War.” Across the ‘Continental Divide’, Western nations will celebrate the 75<sup>th</sup> Anniversary of V-E Day, the end of war in Europe. But when will war end for ‘twice-seized’ cultural victims of war still far from their prewar homes?

### **Berlin-Moscow Deadlock: Twentieth Anniversary of the Washington Principles:**

In November 2018, Germany hosted international specialists in Berlin to commemorate the 20<sup>th</sup> anniversary of the Washington Principles, amidst scathing criticism that many of the 44 signatory countries, including Germany itself, have not been following those Principles with appropriate restitution and transparency about Nazi-looted art. Russian specialists did not participate. While the German government still does not recognize the 1998/2000 Russian *Law on Displaced Cultural Valuables* that conflicts with earlier Soviet-German and Russian-German treaties and agreements, the stalemate in German-Russian negotiations continues.

A month after that commemoration in Germany, the head of the Mu-

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61 S. I. Kot and L. V. Kudriasheva, *Iskusstvo v plameni voyny. Proizvedeniia zapadnoevropeiskoi zhivopisi v sobranii Simferopol'skogo khudozheskvennogo muzeia: katalog i al'bom/ Kunst in den Flammen des Krieges. Werke der waestreuropäischen Malerei in der Sammlung des Kunstmuseums Simferopol: Katalog und Bildmappe* (Simferopol'/Kiev: Izd-vo Zheribor, 2015). The ASEES-MAG panel “Identifying Wartime Losses and Displaced Valuables: Eyes on Ukraine,” featured Serhii Kot, Irina Tarsis, Konstantin Akinsha, and myself, with comments by Aachen Museum Director Peter van den Brink, and Kyiv art journalist Artur Rudzitsky. The catalogue provides both prewar Aachen catalogue references and Simferopol acquisition documents, the first such publication in Ukraine.

seum of Department in the Russian Ministry of Culture, anticipating another German request for negotiations, said there could be “some intergovernmental agreements or exchange deals, but the question of returning what was fixed in 1945 should not be raised.”<sup>62</sup> Later in a January 2019 published pronouncement, Minister of Culture Vladimir Medinskii more firmly closed the door on restitution to Germany. Yet at the same time, he mentioned “two legal exceptions on the issue of undisputed [Russian] ownership of displaced cultural property in relation to Germany.” The first is “property of religious organizations,” which allowed the stained glass from the Marienkirche in Frankfurt am Oder held in the Hermitage to go home to Germany in 2002. The second is “property of individuals... ‘previously forcibly seized [or] confiscated’... by the Nazis in connection with racial, religious or national identity,” which might give more hope to claims by Holocaust victims.<sup>63</sup> Could such exceptions – conforming to the 1998/2000 Russian law and to the Terezín Declaration – suggest future possibilities for claims pertaining to Nazi-seized cultural property from other countries?

### **Post Script: Moscow, September 2019**

Anatolii Ivanovich Vilkov’s article, “Events of the Second World War Threatened with Falsification: What is the Meaning of ‘Compensatory Restitution’” recently appeared on the *Moskovskii Komsomolets* (MKRU) website. Vilkov argues convincingly that the concept of ‘compensatory restitution’ is a myth and that Russian nationalization of Soviet ‘trophy’ cultural valuables under the Russian 1998/2000 *Law on Cultural Valuables* is contrary to international law.<sup>64</sup>

<sup>62</sup> Vladislav Kononov, “Russian Culture Ministry Restitution of Cultural Property to Germany Out of Question,” by Mohammed Ali, *Sputnik*, Moscow, 20 December 2018, as posted by the Central Registry on Looted Cultural Property 1933–1945, <https://www.lootedart.com/TFYXJ2127511>.

<sup>63</sup> Vladimir Medinskii, “We’re Done With the War,” Lootedart.com, accessed 8 February 2019, <https://www.lootedart.com/THMRVN760031>; “O novykh popytkakh peresmotra itogiv Vtoroi mirovoi voiny s pomoshch’iu restitutsii,” *Rossiiskaia gazeta*, 28 January 2019 (No18 (7776)), <https://rg.ru/2019/01/28/kak-germaniia-pytaetsia-peresmotret-itogi-voiny-s-pomoshchiu-restitutsii.html>.

<sup>64</sup> Anatolii Vilkov, “Sobytiia Vtoroi mirovoi voiny okazalis’ pod ugrozoy fal’sifikatsii: Chto takoe kompensatornaia restitutsiia,” *Moskovskii Komsomolets* (MKRU), 13 September 2019, at <https://www.mk.ru/social/2019/09/12/sobytiya-vtoroy-mirovoy-voyny-okaza>

The author, an academician of the Russian Academy of Arts and retired high Ministry of Culture official, headed the Inter-Agency Council on Questions of Cultural Valuables Displaced in the USSR as a Result of the Second World War (2001–2008). He edited the impressive series of catalogues of *Lost Russian Cultural Valuables* (most online at [lostart.ru](http://lostart.ru)). In 2009, he authored a textbook on International Cultural Property Law, where he also argued that many provisions of the 1998/2000 Russian Law are contrary to international law, such as the 1899, 1907, and 1954 versions of Hague Conventions.<sup>65</sup>

Vilkov's views in this respect unfortunately have yet to find Russian government support, although many within the Russian cultural establishment may well appreciate his willingness to speak out on what is now such sensitive and repressed subject. Vilkov remains retired from his supervisory role in the Ministry, but it would be exceedingly reassuring and indeed hopeful, if the appearance of his article could suggest some possible 'cracks in the wall' of current Russian government anti-restitution policy and suppression of research resources relating to the identification of 'displaced' cultural valuables. Suppression of research can lead only to further 'falsification' of history and manipulation of historical memory, clearly against the underlying provisions of the Terezín Declaration.

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[lis-pod-ugrozoy-falsifikacii.html](http://lis-pod-ugrozoy-falsifikacii.html). See also the additional online publication at <https://echo.msk.ru/blog/statya/2509363-echo/>. I am grateful to Konstantin Akinsha for alerting me to this article.

65 A.I. Vilkov, *Mezhdunarodnye konventsii i national'noe zakonodatel'stvo v sfere sokhraneniia i zashchity kul'turnykh tsenmostei. Pravovye i pravoprimeritel'nye aspekty. Kyr's lektsii* (Moscow: RGGU, 2009). I am grateful to the author for presenting me a copy. I regret not having a chance to meet with him again following publication of his above article.





# AUTHORS

## **DR. SARA ANGEL**

An adjunct professor at both York University (Toronto) and Western University (London, Ontario), Sara Angel holds a PhD in Art History and teaches Nazi-era art theft and restitution. Her doctoral dissertation was on the restitution of Montreal art dealer Max Stern's Nazi-looted art.

Dr. Angel is the Founder, Executive Director, and Publisher of the Art Canada Institute at the University of Toronto, dedicated to the research, education, and promotion of Canadian art history, as well as the leading initiative in making Canadian art accessible to a twenty-first century audience by digitizing and democratizing the nation's cultural heritage.

Angel is a recipient of a Trudeau Doctoral Scholarship, the most prestigious award of its kind in Canada, given for innovative ideas that will help solve issues of critical importance to Canadians. An accomplished publishing professional, Angel has had an extensive career in arts journalism. She has been a guest lecturer at Harvard University, the University of Toronto, Ryerson University, the Royal Ontario Museum, the Art Gallery of Ontario, the National Gallery of Canada and the Israel Museum.

## **DR. THIERRY BAJOU**

Curator in Chief, Thierry Bajou worked at the Versailles Palace between 1988 and 2000 where he was responsible for the paintings of the seventeenth century. Between 2000 and 2005, as a researcher at the National Institute of History of Art (INHA) he establishes a catalog of *the French paintings from the Primitives to the late eighteenth century*, housed in public museums of countries of Central Europe, including Czech Republic (hitherto not published).

From 2005 onwards, he was assigned to the central administration of the Ministry of Culture before being in 2008, on his request, in charge of the researches about looted cultural items, including the „MNRs“.

He has been a member of the „TaskForce“ Gurlitt.

## **JUDR. ALENA BÁNYAIOVÁ, CSc.**

Alena Bányaiová is a partner in the law firm Bányaiová Vožehová, s.r.o. She specializes in civil and commercial law including arbitration proceedings and legal disputes related to restitutions, foreign investment and economic competition law. Before setting up her own legal practice, Alena Bányaiová was an arbitrator and a legal expert for the Czechoslovak State Arbitration Agency, as well as a researcher at the Institute of State and Law at the Czechoslovak Academy of Sciences.

She also plays an active role as a member of the Commission for Private Law of the Czech Government's Legislative Council, as well as in the academic sphere – she teaches at the Law Faculty of the University of West Bohemia (Department of Civil Law) and the Law Faculty of Charles University in Prague (where she lectures in the LLM and Socrates/Erasmus programmes). She has published numerous articles on civil and commercial law, and she is the co-author of expert commentaries to the Czech Republic's new Civil Code and other publications in her specialist field.

## **MGR. MICHAL BUŠEK**

Michal Bušek is an expert in Jewish studies who works at the library department of the Jewish Museum in Prague. He is also a member of the museum's restitution committee. He studied at the Hussite Theological Faculty of Charles University, Prague, graduating in Bible studies and Jewish studies. His Master's thesis focused on issues related to the “*Shoah in Judaism*”.

He joined the museum in 2001 as a volunteer, becoming involved in a project to identify the original owners of the books held in the museum's library. Now he is in charge of this aspect of the library's activities, and he manages a database of original owners. He also specializes in the history of the library and its stocks. He analyzes publications for processing in the Aleph system, and he provides expert consultancy services in his specialist field. He has also curated three exhibitions and is involved managing the museum's permanent displays.

#### Published articles:

- Bušek, M.: 'Identifying Owners of Books Held by the Jewish Museum in Prague'. In *Vitalizing Memory: International Perspectives on Provenance Research* (Washington 2005).
- Bušek, M.: 'Identifikace původních vlastníků knih v knižním fondu Židovského muzea v Praze' ['Identifying the original owners of books held by the Jewish Museum in Prague']. In *Budoucnost ztraceného kulturního dědictví [The Future of the Lost Cultural Heritage]* (Prague 2007).
- Bušek, M.: 'Restitution in the Jewish museum in Prague in the case of Naftali Zvi Kartagener'. In *Holocaust-era Assets*. (Prague 2012).
- Bušek, M.: 'Provenance Research in the Book Collection of the Jewish Museum in Prague'. In *Treuhänderische Übernahme und Verwahrung* (Vienna 2018).

#### Unpublished conference presentations:

- 'Provenance research in the book collection of the Jewish Museum in Prague: a current case of Provenance Research' - Où sont les bibliothèques spoliées par les Nazis?, Paris 23.-24. 3. 2017.
- 'Return of Jewish Property in the Post-War Czechoslovakia, evolving after the year 1948 and changes since 1989' - Placing the Irreplaceable - Restitution of Jewish Cultural Property. Negotiations, Historical Dimensions, Documentation. Leipzig 16.-17. 11. 2017.

#### **MARYKATE CLEARY, M. A.**

MaryKate Cleary is an art historian and lecturer specializing in Modern and Contemporary art, the history of collecting, art market studies, provenance research and cultural property issues in the Nazi Era. She is currently pursuing a PhD at the University of Edinburgh, where her research focuses on the Galerie Paul Rosenberg and the transnational market for and institutional collecting of the avant-garde art in inter-war Paris, London and New York.

MaryKate has lectured widely, including as an Adjunct Professor at

New York University, where she taught the first academic course at a U. S. institution dedicated to Provenance Research. She has guest-lectured at Columbia University, Stanford University, Loyola Law School, Warwick University, Kingston University, The University of Zurich, Christie's Education, Sotheby's Institute and the Cleveland Museum of Art.

MaryKate is owner and principal researcher of MaryKate Cleary Fine Art Research and Consulting. She previously held roles as Director of Research at Art Recovery Group, Collection Specialist in Painting & Sculpture at The Museum of Modern Art, Manager of Historic Claims and Research at the Art Loss Register London, as well roles within the Restitution Department at Sotheby's, at [artnet.com](http://artnet.com) and at the Jewish Museum New York.

She holds a BA in German Literature from Catholic University in Washington, D. C. (2006) and was a Fulbright Fellow at the Technische Universität Dresden (2008-2009). MaryKate holds an MA in History of Art with a focus on Modern German Art and Emigré Culture from 1933-1945 from the Courtauld Institute London. MaryKate is a member of The International Art Market Studies Association (TIAMSA).

## **FRANÇOIS CROQUETTE**

François Croquette (Ambassador for Human Rights with a focus on the international dimension of the Holocaust, spoliation and questions of memory) was born in Paris in 1966. He studied at the Paris Institute of Political Studies (Sciences-Po) and the London School of Economics and Political Science (LSE).

In 1988 he joined the French Foreign Ministry, beginning his diplomatic career in Kinshasa. As a member of the Ministry's Africa section he specialized in the process of dismantling apartheid in South Africa. In 1994 he was a member of a European observer mission which monitored the first free elections in South Africa. He headed the section in charge of the Ministry's diplomatic exchange programme for the Horn of Africa (2002-2003).

He played an active part in the reform of France's development policy as the head of the ministerial cabinets for the Minister for Cooperation (2000-2002) and the Minister for Development (2013-2014).

François Croquette was also an advisor at the French Embassy in Mos-

cow (where he specialized in issues of the Caucasus and Chechnya in 1996-1999) and in London (2003-2006).

As an expert on Canada he was the Deputy Director for North America at the French Ministry of Foreign Affairs (2010-2011), and as a diplomatic advisor to the President he was also a member of the Senate (2011-2013).

From 2006 to 2010 he was the French Cultural Attaché in Montréal, and from 2014 to 2017 he was the Director of the Institut français in London.

### **DR. LJERKA DULIBIĆ**

Ljerka Dulibić is Senior Research Advisor and Curator of Italian Paintings at the Strossmayer Gallery of Old Masters of the Croatian Academy of Sciences and Arts in Zagreb, Croatia. She studied Comparative Literature and History of Art at the Zagreb University, where she also obtained her PhD in History of Art (2007, with a doctoral dissertation on the Tuscan 15<sup>th</sup> century paintings in the Strossmayer Gallery).

An active participant in a number of international study-courses, academic programs and conferences, she has received several grants and fellowships, such as the Kate de Rotschild Fellowship, the Royal Collection Studies, the Attingham Trust for the study of historic houses and collections (2008), the CAA Getty International Grant (2015, and Alumni Grant 2017), the Craig Hugh Smyth Fellowship at Villa I Tatti - The Harvard University Center for Italian Renaissance Studies (2015), and Curatorial Fellowship at Bibliotheca Hertziana - Max-Planck-Institut für Kunstgeschichte (2017).

Ljerka Dulibić is Principal Investigator in the transnational collaborative research project Transfer of Cultural Objects in the Alpe Adria Region in the 20<sup>th</sup> Century (TransCultAA, [www.transculataa.eu](http://www.transculataa.eu), 2016-2019), carried out in the framework of the research programme HERA (Humanities in the European Research Area) funded by the European Union's Horizon 2020 research and innovation programme. Her main research interests include 14<sup>th</sup> to 18<sup>th</sup> century Italian paintings, history of art collecting and museum collections, provenance research, and history of the European art market in the 19<sup>th</sup> and 20<sup>th</sup> century.

## **SEBASTIAN FINSTERWALDER**

Sebastian Finsterwalder was born in Berlin in 1982. He's a Specialist for Media and Information Services and has been working at the Central and Regional Library of Berlin ("Zentral- und Landesbibliothek Berlin") since 2006. Since its formation in 2010 he has been part of the library's Department for Provenance Research and is responsible for the documentation and restitution of Nazi-looted assets.

He is a member of the "Arbeitskreis Provenienzforschung e. V.", the Arbeitskreis' "Arbeitsgruppe Provenienzforschung in Bibliotheken" as well as the "Arbeitskreis Provenienzforschung und Restitution - Bibliotheken".

He is also a founding member and treasurer of "Tracing the Past", a non-profit organization dedicated to the research and memorialization of the persecuted in Europe 1933-1945.

## **DR. CHRISTEL H. FORCE**

Christel H. Force (PhD, City University of New York) is a Senior Research Consultant for The Metropolitan Museum of Art, based in New York and Paris. Her expertise is in provenance research and the history of the modern-art market. Previously she was Associate Research Curator in Modern and Contemporary Art at The Met (2005-2018) and held curatorial positions at The Museum of Modern Art (2001-2005 and 1990-1999), the Solomon R. Guggenheim Museum (2000), and the Whitney Museum of American Art's Independent Study Program (1992).

Dr. Force is a Trustee of Christie's Education New York. She serves on the Advisory Board of Bloomsbury's "Contextualizing Art Markets" book series, and on the Steering Committee of the German/American Provenance Research Exchange Program for Museum Professionals.



## **PD DR. CHRISTIAN FUHRMEISTER**

Art historian mostly concerned with 20<sup>th</sup> century art, architecture, and history of art history. Ph.D. University of Hamburg 1998 (on political meaning of materials 1920s and 1930s), Habilitation on “German Military Art Protection in Italy 1943–45” at LMU Munich 2012.

Staff member of Zentralinstitut für Kunstgeschichte in Munich since 2003 (cf. <http://www.zikg.eu/institut/personen/cfuhrmeister>).

Research focus on art and power/politics, notably Weimar Republic, National Socialism, and post-war period, including looted art and issues of proper provenance research (various projects).

Teaching at LMU since 2003, regularly since 2013, see <https://www.kunstgeschichte.uni-muenchen.de/personen/privatdoz/fuhrmeister/index.html>

## **DR. PATRICIA KENNEDY GRIMSTED**

Patricia Kennedy Grimsted is a Senior Research Associate at the Ukrainian Research Institute and Associate of the Davis Center for Russian and Eurasian Studies at Harvard University and an Honourary Fellow of the International Institute of Social History (Amsterdam).

She is a leading authority on archives in the former Soviet Union and author of a series of directories and related studies, including the post-Soviet collaborative edition, *Archives of Russia: A Directory and Bibliographic Guide to Holdings in Moscow and St. Petersburg* (Russian edn, 1997; English edn, 2000). She continues to direct the English version of ArchoBiblioBase, updating the printed directory on the website of the International Institute of Social History (Amsterdam) – [www.iish/abb](http://www.iish/abb).

Dr Grimsted is also a major authority on displaced cultural valuables from the Second World War and restitution issues. She is editor and major contributor of *Returned from Russia: Nazi Plunder of Archives in Western Europe and Recent Restitution Issues* (Institute of Art and Law, UK, 2007; and 2013); and *Spoils of War v. Cultural Heritage: The Russian Cultural Property Law in Historical Context*, published as *International Journal of Cultural Property* 17, no. 2 (2010); and *Trophies of War and Empire: The Archival Legacy of Ukraine, World War II, and the International Politics of Restitution* (Cambridge

MA: HURI, 2001). Based at Harvard, most recently, she is author of *Reconstructing the Record of Nazi Cultural Plunder: A Guide to the Dispersed Archives of the Einsatzstab Reichsleiter Rosenberg (ERR)*, Internet edn at [www.errproject.org/guide.php](http://www.errproject.org/guide.php).

Her full bibliography of related publications can be found at: <http://socialhistory.org/en/russia-archives-and-restitution/bibliography>.

### **DR. UWE HARTMANN**

Uwe Hartmann studied art history at the Berlin Humboldt University (1982–1987). After doctorating in 1990 he worked as research assistant at the department of art history at the Humboldt University.

From 2001 to 2008 he was research assistant at the Coordination Office for Cultural Property Losses (Koordinierungsstelle für Kulturgutverluste) in Magdeburg. From 2008 to 2015 he was the director of the Office for Provenance Investigation and Research at the Institute for Museum Research of the National Museums in Berlin.

Since 2015 he is the head of the Department for Provenance Research of the German Lost Art Foundation (Deutsches Zentrum Kulturgutverluste).

His focus of work is the history of the discipline art history in the 20<sup>th</sup> century in Germany.

### **MGR. PAVEL HLUBUČEK, MBA**

Pavel Hlubuček is a member of the management team at the National Pedagogical Museum and Library of J. A. Comenius.

He has worked as an expert and a manager at leading memory institutions and public authorities including the Czech Ministry of Culture, the National Heritage Institute (NPÚ) and the Royal Canonry of Premonstratensians at Strahov in Prague.

His main area of expertise is the management of furniture and furnishings collections. He has many years' experience of managing movable cultural heritage and displaying such items in historical buildings. He

has co-authored national strategic documents focusing on issues related to cultural heritage, and he has been a member of inter-departmental committees and museum committees.

He is also involved in teaching, and he co-coordinates educational programmes focusing on cultural heritage and UNESCO monuments.

### **PROF. MEIKE HOFFMANN**

Meike Hoffmann organized the first academic training on provenance research at the Freie Universität in Berlin where she received her PhD and now teaches at the department of history and cultural studies on “Degenerate Art“ and Nazi art policy during the Third Reich. She was a member of the Taskforce Schwabing Art Trove and participates in the follow-up research project on the Gurlitt collection at the German Lost Art Foundation (she is the author of the publication *Hitler’s Art Dealer: Hildebrand Gurlitt, 1895–1956*). Since March 2017, Hoffmann directs the Mosse Art Research Initiative (MARI) at FU Berlin which is the first project in provenance research executed by public German institutions in cooperation with descendants of the victims of National Socialist prosecution.

### **PHDR. HELENA KOENIGSMARKOVÁ**

After graduating in art history from the Faculty of Arts at Charles University in Prague, Helena Koenigsmarková joined the Museum of Decorative Arts as a member of the team of experts specializing in the collections of furniture, metalware and toys.

She then studied museology at the Faculty of Arts, Charles University, gaining her doctorate in 1978. In 1990 she was appointed Deputy Director of the Museum, and in 1991 she became the Director of the Museum of Decorative Arts in Prague.

She has collaborated with the Documentation Centre when preparing the first publication on the provenance of confiscated cultural property in the Museum’s collections (*Návraty paměti / Memories Returned, 2009*)

and on an exhibition of the same name. Until June 2018 she was a member of the Documentation Centre's Administrative Board.

## **JUDR. TOMÁŠ KRAUS**

Graduated from Charles University, the Faculty of Law. Already at the times of his High-School studies he was active in the cultural life of the Czech capital, mainly in the Jazz Section of Musicians' Union. He was in charge of the production of the Prague Jazz Days and other festivals, he contributed with articles and interviews to Jazz Bulletin and other magazines. The Jazz Section was persecuted by the Communist régime and became a part of the Czech dissident movement.

After the graduation he worked for the Czech national record company Supraphon where he was in charge of exports, music production and, from 1984, headed the Music Video Department.

In 1985 Art Centrum, a Czech agency for creative artists, offered him a position of a project manager at EXPO 86 World Exhibition, later he became the assistant of the General Manager and then the head of commercial department of audiovisual presentations, advertising, exhibitions and architecture.

In 1991 he was appointed the Executive Director of the Federation and in this position he paid attention to rebuilding the whole infrastructure of Czech Jewish Communities, from religious life to property management. His main task was, however, to negotiate for the return of Jewish property and for compensation for Holocaust survivors. Both parents of Dr. Kraus were Holocaust survivors.

He regularly publishes articles in Rosh Chodesh, a monthly of the Federation, and in other newspapers and magazines.

For many years he has been cooperating with the Documentation Centre. Between January 2012 and June 2018 he was the Chairman of the Documentation Centre's Administrative Board.

## **PHDR. HELENA KREJČOVÁ**

H. Krejčová graduated from the Faculty of Arts, Charles University (ethnography – history).

From 1976 – 1990 she worked in the Literary Archives of the Museum of Czech Literature, from 1991 until 2000 she was head of the Jewish Studies and Documentation Centre in the Institute of Contemporary History of the Czech Academy of Sciences.

Since 2010 she is the director of the Documentation Centre.

Dr. Krejčová is co-author of several books and expert studies.

## **JAROSLAV KUBERA**

Jaroslav Kubera is a Czech politician, President of the Senate (Parliament of the Czech Republic), Senator for the Teplice constituency and the member of Civic Democratic Party.

From 1967 until 1969 he worked at Sklo Union Teplice, than he was employed until 1990 at Elektrosvit Teplice. At the same year he became the secretary of Teplice City Authority and since 1994 till 2018 he was the Mayor of Teplice.

He was also the Chair of the Constitutional Law Committee of the Senate, the Chair of the Mandate and Immunity Committee of the Senate, the Chair of the political group of Senators for the Civic Democratic Party and the Vice-President of the Senate.

## **MAG.A HANNAH M. LESSING**

Mag.a Lessing has been Secretary General of the National Fund of the Republic of Austria for Victims of National Socialism since 1995.

She's also headed the General Settlement Fund (since 2001) and the Fund for the Restoration of the Jewish cemeteries in Austria (since 2010). She is Co-Head of the Austrian Delegation of the “International Holocaust Remembrance Alliance”, an organization with 31 member countries which promotes learning from history on an international level.

Hannah M. Lessing also participated, as a member of the Austrian delegation, in the negotiations on compensation topics for the Joint Statement signed in Washington in January 2001 which were conducted by Under-Secretary of State Stuart Eizenstat.

She has lectured extensively on the work of the three Funds, as well as in connection with national and international commemoration activities regarding the Holocaust.

### **NAWOJKA CIEŚLIŃSKA-LOBKOWICZ**

Nawojka Cieślińska-Lobkowicz has worked as an art historian, curator, freelance journalist. For twenty years she has investigated and documented the history of Polish and Jewish looted art and libraries and of the post-war restitution and collection policy. She is the pioneer of provenance research in Poland and the author of numerous studies relating to the above mentioned issues in Polish and international publications. She lives in Warsaw and in Starnberg close to Munich.

### **MGR. IVANA YAEL NEPALOVÁ, M.A.**

Ivana Yael Nepalová graduated in Jewish studies from Charles University in Prague and information science at Bar Ilan University in Israel. She worked at the National Library of Israel in Jerusalem as a member of the department specializing in Ramb"i and the catalogue of foreign publications; there she participated in a project to transfer books donated to the library of the Hebrew University in Jerusalem (prior to its transformation into the National Library).

She coordinated work on Czech and Slovak book collections as part of the 'Givat Shaul' project, which transferred 1.5 million books and archive materials from temporary depots (including cataloguing and logistics). Her research for her doctoral dissertation focuses on the transfer of selected Jewish library collections from Czechoslovakia to Mandatory Palestine (and later to the newly founded State of Israel) after the Second World War (from 1946 to 1949).

She currently works for the library of the Institute of Art History at the Czech Academy of Sciences. As a volunteer for the BeCholLashon organization she took part in an educational programme in Uganda, where she was the initiator of a project to support readership; her roles there included training professional librarians.

### **MGR. MICHAEL NOSEK, PH.D.**

In 1990 – 1992 Michael Nosek studied in Israel. From 2004 until 2009 he studied Jewish Studies at the Hussite Theological Faculty of Charles University in Prague. In 2016 he graduated from the university with a PhD degree.

Since 2002, he works in the Documentation Centre for Property Transfers of the Cultural Assets of WWII Victims, p.b.o.

### **DR. AGNES PERESZTEGI**

Agnes Peresztegi has over 20 years of experience regarding Holocaust era property claims, advising non-profit organizations representing survivors and heirs.

Dr. Peresztegi is the President and legal counsel of the Commission for Art Recovery responsible for Holocaust-era looted art claims, including assisting the Commission in advocating for meaningful changes in the way governments and museums identify and publicize problematic art and arrange for its return to the rightful owners; supporting and advocating for specific provisions of legislation relevant to art restitution issues; coordinating and evaluating research projects in Europe, in the United States and in Israel; drafting legal documents and briefs, developing and organizing case files for looted art litigation in Hungary and in the United States, and for claims in other European countries, including Germany, UK, France, Poland, the Czech Republic and Slovakia, and Russia.

Agnes Peresztegi was a Member of the Advisory Council on Nazi-Confiscated and Looted Cultural Property of the European Shoah Legacy Institute (ESLI) (now closed), and she also participated as a legal instructor

at the Provenance Research Training Program of ESLI. In addition, Dr. Peresztegi was also a member of the “Schwabing Art Trove” Taskforce (now closed), established to assist with the review of the artworks found in Mr. Gurlitt’s home under the suspicion of being confiscated from their owners by the Nazis.

Dr. Peresztegi is licensed to practice in New York, in Hungary and in Paris (registered foreign attorney.).

### **PHDR. JAN ROUBÍNEK**

Jan Roubínek studied history at the Hebrew University in Jerusalem, Tel Aviv University and Charles University in Prague. From 2008 to 2011 he was a member of a historical research team for a project focusing on Dr. Georg Alter, working with Professor Gad Freudenthal, the Head of Research at the French National Centre for Scientific Research (CNRS).

In 2011 he began working at the history department of the Terezín Memorial, coordinated the international GEPAM project, and became involved in teaching.

In 2015 he became the head of the documentation department at the Terezín Memorial and a member of the advisory committee for collections and acquisitions.

He has headed the Terezín Memorial since 2017.

### **SHLOMIT STEINBERG**

Shlomit Steinberg is the Hans Dichand Senior Curator of European Art in the Israel Museum.

Since 2000 when appointed Curator of European art Shlomit curated over 25 exhibitions among them show featuring Master works by Titian, Botticelli, Rembrandt, Rubens, Goya and Zurbaran.

Since 2007 she has been researching, curating and publishing articles about Nazi looted art. Between 2014 – 2016 she was part of the International Task Force investigating the Gurlitt Art Trove, and a member of the



following committee of the exhibition “The Gurlitt Status Report” at the Bonn museum of art (November 2017).

She is currently preparing the Jerusalem version of the Gurlitt exhibition to be opened at the Israel Museum in late September 2019 in collaboration with the Kunstmuseum Bern.

### **DR. SIBYLLE VON TIEDEMANN, M.A.**

2004 Master degree at the Ludwig-Maximilians-Universität München (LMU Munich) in Slavonic Languages, Eastern European History and Intercultural Communication

2009 PhD thesis at the Munich University with a linguistic research of a new text type in pre-revolutionary Russia

2000 - 2015 freelance scientist for the Munich Documentation Center for the History of National Socialism

since 2015 certificated guide for the Educational Department of the Munich Documentation Center for the History of National Socialism

2017 - 2018 research associate at the Munich Documentation Center for the History of National Socialism

since 2018 Jewish Community Of Munich And Upper Bavaria

### Recent Publications

- *Gedenkbuch für die Münchner Opfer der nationalsozialistischen »Euthanasie«-Morde*, edited by Michael von Cranach, Annette Eberle, Gerrit Hohendorf and Sibylle von Tiedemann for the Munich Documentation Center for the History of National Socialism and the Governmental District of Upper Bavaria. Göttingen 2018.
- *Zwangsarbeit in München. Das Lager der Reichsbahn in Neuaußing*, edited by the Munich Documentation Center for the History of National Socialism. Berlin 2018 (Chapters: „Nach dem Krieg: Befreit, aber nicht frei“ and „Entschädigung und Erinnerung“)

### Research Interests

- *National Socialism with focus on Munich and Upper Bavaria*

- *Reparation, restitution and indemnity*
- *Culture of Remembrance*

### **DRS. MICHEL VERMOTE**

Michel Vermote is historian (Ghent University, 1979) and archivist at Amsab – Institute for Social History in Ghent (Belgium).

He is the coordinator of the State subsidized archival database “Archiefbank Vlaanderen”: a general register on private archives in Flanders ([www.archiefbank.be](http://www.archiefbank.be)).

He is lector at the Library School in Ghent and member of the board of heritage institutions of the city of Ghent. He published on social history and archival issues and was involved in the discovery (1992) and restitution from Moscow (2002) of Belgian archives.

M. Vermote participated in the further research on the archival situation during and after World War II in Belgium which resulted in contributions to several conferences and to the publication of articles and studies such as: *In search of information lost in facts: the archival research concerning Belgian cultural losses during World War II* (Prague, 2008), *La Commission Daniszewski et le retour de Pologne de la ‘collection hollandaise’: du transfert d’archives dans le bloc de l’Est 1945-1991* (Rennes, 2012), *Papieren bitte! The confiscation and restitution of Belgian archives and libraries (1940-2002)* (Builth Wells, 2013), *Provenance research and Perseverance: the testimony of an archivist* (Ostrava, 2014) and *Where are the libraries that were looted by the Nazis? Identification and restoration: work in progress* (Paris, 2017).

### **MGR. ONDŘEJ VLK, PH.D.**

From 1997 to 2003 O. Vlk studied in Bachelor’s and Master’s degree programmes (international territorial studies, Western European studies) at the Institute of International Studies, part of the Faculty of Social Sciences at Charles University in Prague. From 2005 to 2009 he studied for his doctorate (Ph.D.) at the Institute of Czech History at Charles University’s Faculty of Arts.

He successfully defended his doctoral dissertation in 2009; supervised by Jan Gebhart, the dissertation focused on the confiscation of artworks and objets d'art in the Protectorate of Bohemia and Moravia (1939–1945).

Dr. Vlk has specialized in the confiscation of artworks since 2002, and from 2002 to 2005 he worked as an expert for the Documentation Centre for Property Transfers of the Cultural Assets of WWII Victims (part of the Institute for Contemporary History at the Czech Academy of Sciences). During this period he participated in a number of seminars and workshops focusing on issues related to the confiscation of artworks: *Lost Heritage and the Art Market* (Prague); *From Provenance Research to Restitution* (Berlin); *Cultural Treasures Gone Astray, or Who Does Kandinsky Belong To?* In November 2003, at the Brno conference *Lost Heritage of Cultural Assets*, he gave a presentation on Czech-Finnish cooperation in locating and returning looted and lost cultural assets.

His research is cited in the publication: Krejčová, Helena – Krejča, Otomar L.: *Jindřich Baudisch a konfiskace uměleckých děl v protektorátu* [*Jindřich Baudisch and the confiscation of artworks during the Protectorate*]. Prague, Documentation Centre for Property Transfers of the Cultural Assets of WWII Victims, Institute for Contemporary History at the Czech Academy of Sciences, 2007.

Since 2008 he has worked for the Czech Republic's Ministry of Defence.

## **ANNE WEBBER**

Anne Webber is co-founder and co-chair of the Commission for Looted Art in Europe and of the Central Registry of Information on Looted Cultural Property 1933–1945 at [lootedart.com](http://lootedart.com), non-profit representative organisations which negotiate policy, conduct research, provide expert advice, and act for families and institutions to locate and recover looted cultural property.

She is a member of the Spoliation Advisory Committee which has advised UK museums on their provenance research since 1999, executive board member of the International Research Portal for Records Related to Nazi-Era Cultural Property, a Governor of the Oxford Centre for Hebrew and Jewish Studies and Vice President of the Jewish Genealogical Society of Great Britain.

**PROF. KAMIL ZEIDLER**

Kamil Zeidler – professor of law at the Department of Theory and Philosophy of State and Law, Faculty of Law and Administration, University of Gdansk (Poland). Author of more than 400 publications on legal protection of cultural heritage, theory and philosophy of law, international law and European law (including: “Restitution of Cultural Property. Hard Case - Theory of Argumentation - Philosophy of Law”, Gdansk University Press - Wolters Kluwer, Gdansk-Warsaw 2016); had lectures at many universities in Poland and abroad; member of international scientific associations: Internationale Vereinigung für Rechts und Sozialphilosophie (IVR), International Law Association (ILA), International Council on Monuments and Sites (ICOMOS), International Council of Museums (ICOM); ICCROM’S Council member (2017–2021).



## **Documentation Centre for Property Transfers of Cultural Assets of WWII Victims**

was established on 1 November 2001 on the basis of a decision by the Mixed Working Committee (created by Czech Government Decree no. 773 on 25 November 1998), chaired by the Deputy Prime Minister Pavel Rychetský. The Committee was disbanded on 15 March 2002, and the work begun by its expert team was taken over by the Centre: researching historical and economic issues connected with the 'Aryanization' of Jewish property (mainly artworks), and also expanding on the expert team's activities by carrying out heuristic research in Czech and international archives and in the acquisitions records and inventories of individual museums and galleries (made possible by the Centre's close cooperation with the Czech Ministry of Culture). On 1 November 2006 the Czech Government issued a resolution (no. 1249) extending the Centre's activities up to the end of 2011.

The Centre's tasks and mission were set out in section II.3.5 of the Czech Government resolution no. 87 - „A concept for more effective management of the movable cultural heritage in the Czech Republic for the period 2003-2008 (A concept for the development of museums)“, 22 January 2003.

Up to the end of 2011 the Centre formed part of the Academy of Sciences of the Czech Republic.

Government resolution no. 683 (14 September 2011) changed the status of the Centre to that of a 'public benefit organization'; this came into existence on 6 February 2012 under the official title 'Documentation Centre for Property Transfers of Cultural Assets of WWII Victims, p.b.o.' (Centrum

pro dokumentaci majetkových převodů kulturních statků obětí II. světové války, o.p.s).

In accordance with internationally accepted recommendations and the obligations incumbent upon the Czech Republic, the purpose of the Centre is to carry out research into issues connected with the expropriation of cultural assets belonging to victims of World War II and to communicate the findings of this research to state bodies and organizations in the Czech Republic, as well as to regional, municipal and/or private museums, galleries and libraries, and individuals applying for the restitution of looted cultural assets. The Centre collaborates with similar institutions abroad, including those institutions representing applicants for restitution, provided that such applicants meet the conditions stipulated by Act no. 212/2000 Sb.

The Centre carries out primarily the following activities for public benefit: archive research in the Czech Republic and abroad focusing on previously unresearched stocks, research of inventories and acquisitions records in state museums and galleries, storage of research data in two internal databases, communication of information to the Ministry of Culture and the Ministry of Foreign Affairs regarding artworks and books removed from their country of origin and requiring repatriation, compilation of expert reports for state bodies, collaboration and assistance in international restitution cases.

Recently the activity of Documentation Centre has also been focused on consultancy regarding individual restitution applications, including mediation and compilation of research reports for restitution applicants on the basis of the form 'Request for a research report for the purposes of submitting a restitution claim' in accordance with Act no. 212/2000 Sb. and Act no. 531/2006 Sb.

Photographs from the conference are available online at:

<http://www.cdmp.cz/en/td10/>

A PDF version of this book is available online at:

<http://www.cdmp.cz/en/td10-conference-proceedings/>

Documentation Centre for Property Transfers  
of Cultural Assets of WWII Victims, p.b.o.

# **TEREZÍN DECLARATION – TEN YEARS LATER**

7<sup>th</sup> International Conference

*The documentation, identification and restitution  
of the cultural assets of WWII victims*

Proceedings of an international academic conference  
held in Prague on 18 – 19 June, 2019

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