



Newsletter

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Network of European
Restitution Committees
on Nazi-Looted Art

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A message from Claudia Roth, Minister of State for Culture and the Media, Member of the German Bundestag, for the newsletter of the Network of European Restitution Committees on Nazi-Looted Art

Germany acknowledges its historical responsibility for addressing and remembering the crimes against humanity committed under the Nazi regime. Those who remember and understand the past will actively oppose antisemitism, antigypsyism, racism, discrimination and exclusion today. They are committed to the principle of “never again”.

With this in mind, we in Germany must also continue our efforts to deal with the subject of Nazi-looted art and cultural property. To address disputes over such property, in 2003 Germany's federal and state governments and national associations of local authorities created the Advisory Commission on the return of cultural property seized as a result of Nazi persecution, especially Jewish property. The Commission plays an important part in implementing the principles of the 1998 Washington Conference on Holocaust-Era Assets, principles to which Germany is firmly committed.

But we in Germany cannot successfully resolve the issues of Nazi-looted art on our own. These efforts should be viewed within a European and international context. The Nazis systematically looted art and cultural property all over Europe, and the works and relevant information about them are now dispersed around the world. Together we can achieve a great deal, through networks, communication and cooperation on provenance research and in seeking just and fair solutions.

The Network of European Restitution Committees has made an important contribution to this effort for four years now, and it has my best wishes for continuing its productive cooperation in the years to come.

CLAUDIA ROTH

Member of the German Bundestag
Minister of State for Culture and the
Media



© PROF. HANS-JÜRGEN PAPIER

Dear Reader,

It gives me great pleasure to address a few words of welcome to you on the occasion of assuming the chair of the Network of European Restitution Committees on Nazi-Looted Art.

I previously had the honour of taking on this task at the end of 2019 (Newsletter 4, October 2019), the year in which the Network had just formed. Since then, the Advisory Commission on the return of cultural property seized as a result of Nazi persecution, especially Jewish property, has undergone fundamental changes in its working structure. In order to ensure professional support for the Commission members, which work in an honorary capacity, the office was staffed with two academic positions involving a qualification profile in the areas of law and history respectively. Since the beginning of our collaboration with the new office, the pandemic has been an inhibiting factor, which has confronted us all with considerable challenges. Nevertheless, the Commission is able to look back on two intense years in which it was possible to hold a whole series of hearings and bring several procedures to a conclusion, despite the adverse circumstances. What is more, the Commission has been called upon much more frequently in recent times than was formerly the case.

With the increasing establishment of provenance research

and the requirement announced in 2018 for all museums in receipt of federal funding to also comply with unilateral requests to appeal to the Commission, it can be assumed that the Commission's work will continue to grow in the future. As such, the Advisory Commission welcomes the additional support announced by the new Federal Government. The Minister of State for Culture and the Media has already increased the level of staffing at the office, which will now comprise four positions.

So as the 20th anniversary of the Commission in April 2023 draws closer, we very much look forward to the Federal Government acting on its commitment to venture more progress and proactively promote freedom, justice and sustainability. This is especially true now as our view of the future is clouded by the horror of an appalling war taking place before our very eyes in the midst of Europe. As such, the belief in justice and the need for historical reappraisal is taking on a rarely seen topical urgency, making dialogue at the European level appear all the more to be one of the key underlying prerequisites of our action. On this note, I look forward to our work together in the course of the coming year.

HANS-JÜRGEN PAPIER

Chair of the Advisory Commission on
the return of cultural property seized as
a result of Nazi persecution, especially
Jewish property



Towards a restitution law?

This year, Germany took over the chair of the Network of European Restitution Committees on Nazi-Looted Art from the Netherlands: we look forward to this task and to engaging in dialogue over the next 12 months. We are planning for the last issue of the newsletter under the German chair to be published in April 2023 to mark the 20th anniversary of the Advisory Commission on the return of cultural property seized as a result of Nazi persecution, especially Jewish property.

Our work for the Advisory Commission began two years ago in May 2020, going some of the way to responding to the call by the Chair of the Advisory Commission, Prof. Hans Jürgen Papier, for an independent office to provide professional support for the Commission's work. The establishment of our posts in Berlin was an initial step towards reorienting the office in such a way as to reflect expertise in the areas of law and art history ([Newsletter 6, May 2020](#) and [Newsletter 7, September 2020](#)). Public visibility has been raised here with a new corporate design and an independent website (www.beratende-kommission.de), though structural development is not yet complete.

Our respective research priorities in the areas of legal history, art market research and provenance research provide an ideal basis for the scholarly preparation of the Commission's procedures. Since the Advisory Commission can only ever become active if 1) no agreement on a "just and fair solution" can be reached between two parties and 2) both parties agree to refer the matter to the Advisory Commission, it is obvious that the Commission is only involved in a small number of the total restitution decisions made throughout Germany, in particular those where a dispute is involved. 22 cases have been heard by the Advisory Commission to date. Since our work began, we have been able to support five procedures through to a final recommendation and also the implementation of a previously issued recommendation (see News of the Franz Hofmann and Sophie Hagemann Foundation, p. 17).

In every single case, painful confrontation with the history of persecution and violence determines the work of the Advisory Commission, which is fully aware

of its moral responsibility. It was established in 2003 as a mediation body at the moral and ethical level, observing the principle of voluntary action on the part of Federal, Länder and local governments. The foundation of a legal institution was to be explicitly avoided. Nevertheless, the question has been raised repeatedly since then as to whether the practice of restitution might not require legal regulation after all. Indeed there are increasing calls for this once again at the present time. The debate revolves around questions such as 'Why should morality be put before law?' and 'What is immoral about statutory regulation?' This pits two concepts against each other that are not necessarily mutually exclusive. In view of the sometimes differing models that are found for a "just and fair solution" in situations that are purportedly comparable, proponents believe that the advantage of legal regulation lies in the clarity that such a law would presumably provide for all parties involved. Another issue here is the sovereignty of reparation for Nazi injustice, which is to be decided by the German state and not by US courts. The desire to regulate Germany's responsibility based solely on a 'soft law' is perceived as an unworthy attitude for a constitutional state. Accordingly, the 2021-2025 coalition agreement arrived at by the newly elected Federal Government not only provides for a strengthening of the Advisory Commission, it also seeks to improve the restitution of Nazi-looted art by standardizing the right to information, excluding the statute of limitations for restitution claims and striving to establish a central place of jurisdiction. It remains for the bodies responsible to decide whether or not this declaration of intent will actually result in the adoption of a restitution law or what form the intended regulations are to take.

Even though the proponents of a restitution law undoubtedly have weighty arguments on their side, we would like to offer some considerations based on our experience and argue that a law cannot satisfy the expectations associated with juridification.

The requirement for the Commission to become



involved is not only that an agreement has to have been reached by both sides to engage in mediation and follow the Commission's recommendation (Rules of Procedure, Section 3 [1]), but also for the holder of the cultural property to have examined the misappropriation as a result of persecution in accordance with the 2001 Guidelines in their current version and that a decision regarding the question of restitution has been taken up by the competent authority (Rules of Procedure, Section 3 [2]).

Consequently, this means that restitution will have been rejected by the responsible authorities and efforts to reach an amicable settlement will have likewise failed. For this reason, it is typical for cases that come before the Advisory Commission to have a long history involving an unsuccessful search for a solution. Disagreement between the parties is based in particular on opposing assessments of the research findings and their interpretation with regard to the [Guidelines](#) for verifying whether a work of art was Nazi-confiscated and for preparing decisions on restitution claims. As is stated in the Guidelines, they themselves are based on an assessment of post-war restitution law practice (p. 29). As such, the criteria originate from the restitution laws established by the Allies: they were originally a set of legal provisions and are still in use today, even though they no longer have any legal force. Any hope that such legislation might be revitalized should therefore be limited. The conflicts of the present do not result from any lack of legal clarity: they derive from differing interpretations of the facts. For this reason, it is much more important to systematically record and reflect on existing uncertainties than to enhance the legal status of this practice. The consequence of a legal regulation would probably not be initially to provide a clearer definition of what is a "just and fair" solution but mainly to put the responsibility in the hands of lawyers. The involvement of

legal representation has indeed become necessary on many occasions in the past, even without there being any legal basis. To what extent the former owners and their heirs are encouraged by this development to come forward and make known their claims, as called for in Principle 7 of the Washington Declaration, is questionable.

On the occasion of the establishment of the Advisory Commission in 2003, the then Minister of State for Culture and the Media Christina Weiss stated: "The establishment of the Commission is another important step in bringing justice to people persecuted under the Nazi dictatorship. These are legally complex individual cases which are better resolved based on moral and ethical categories than by legal action" (Federal Government press release, No. 157/03, 9 April 2003). Accordingly, the intended task of the Commission has been to broaden the view of moral and ethical aspects in designated individual cases where it has not been possible for the parties themselves to arrive at a solution based on the Guidelines, with the aim of introducing new perspectives regarding potential solutions. This is an approach that has sought to achieve mutual understanding, compromise and reconciliation, but which has often encountered difficulties in practice due to the hardened positions expressed in lawyer-led lines of reasoning. It can therefore hardly be assumed that the judgement of a purely judicial body would have a satisfactory impact on those involved and on society at large in the interests of promoting reparation in the long term.

The question of which formal provisions might improve the current situation of restitution practice, as intended by the Federal Government, must be considered carefully and from different angles.

Since restitution – whether by legal process or not – is largely based on the criteria of Allied legislation during the post-war period, it seems almost



imperative to us to start with a historical review of the case law of that era and to relate this to current procedures as set out in the Guidelines. The scope for definition offered by the Guidelines allows differing interpretations whose respective justification can only be clarified based on interdisciplinary scholarly support. Among other things, one recurring problem that arises when reaching a decision on a restitution application is how to deal with gaps. Following the fourth principle of the Washington Declaration, the Guidelines also state that these are „unavoidable“. The parties can use so-called *prima facie* evidence as an alternative form of proof. But beyond this, a discussion is also required of how far the lack of clear facts impact on the stipulated criteria – for example on the principle of priority, which continues to apply.

In our opinion, the explanations of the criteria also have to be put into historical perspective and reviewed with regard to current research findings. Knowledge of the structures of Nazi injustice is continually expanding.

What is more, provenance research has been established and developed as a separate field since 1998. So this process requires continuous scholarly observation, too.

This approach by no means stands in the way of a more rigorous standardization of restitution practice – on the contrary: if mutual understanding is to be strengthened and restitution is seen as part of reconciliation policy, it makes absolute sense to standardize the claims process, i. e. make it easier for claimants and ensure that the solutions found or recommended are rule-bound. Personally, we regard the pooling of our expertise that has resulted from our joint work for the Advisory Commission as a call to take up the urgent task of putting the moral concepts of the historical legislator into a modern-day context: this is what we see as our contribution to the process of reparation.

BENJAMIN LAHUSEN and GESA VIETZEN
Office of the Advisory Commission



Beratende Kommission
im Zusammenhang mit der Rückgabe
NS-verfolgungsbedingt entzogenen Kulturgut
insbesondere aus jüdischem Besitz



PRESENTATION JACOB
KOHNSTAMM DURING
WORKING VISIT CC NL
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NETHERLANDS

Working visit to CollectionCentre Netherlands (CC NL)

On Monday 28 March last, the new State Secretary for Culture and Media, Gunay Uslu, paid a working visit to CollectieCentrum Nederland (CollectionCentre Netherlands, CC NL) in Amersfoort.

CC NL is the national depot where a variety of museum objects are stored, including the so-called NK Collection (Netherlands Art Property Collection), consisting of items returned to the Netherlands after the Second World War and now in the custody of the State of the Netherlands. In the NK Collection there are still a great many works of art that were looted by the Nazis at the time. Dutch restitution policy is an important part of the State Secretary's portfolio. The organizations involved - the [Restitutions Committee](#), Netherlands Cultural Heritage Agency (RCE) and Expert Centre Restitution (ECR) of the [NIOD Institute for War, Holocaust and Genocide Studies](#) - gave comprehensive accounts of their work.

Video Compilation of the Adelsberger/Isay Restitution Application

The presentations included a video in which the Adelsberger/Isay heirs and the chair of the Restitutions Committee, Jacob Kohnstamm, explain how newly discovered source material recently made it possible to finally establish that the applicants' great-grandparents lost possession of two artworks involuntarily during the Nazi regime (1933-1945). The video, which has English subtitles, was commissioned by the Restitutions Committee and can be viewed on the LinkedIn page of the Restitutions Committee.

Guided Tour

The presentations were followed by a guided tour in the National Collection Centre that featured objects from the NK Collection, the restoration workshops and the photographic studio.

CollectionCentre Netherlands

The CollectionCentre Netherlands (CC NL) in Amersfoort was opened in the summer of 2021 jointly by the Netherlands Open Air Museum, the Loo Palace National Museum, the Rijksmuseum and the Cultural Heritage Agency of the Netherlands. Such wide-ranging cooperation is unique. It is the ideal location for research, sharing expertise and loans of artworks. Through CC NL, the four organizations are enhancing the level of all facets of heritage management. The building covers an impressive 31,500 m² and provides for the optimal management and conservation of these four national collections. Between them, the four institutions manage a collection of around half a million objects. The items stored in CC NL range from paintings, applied art and furniture to jewellery, clothes and clocks.

CC NL also stores objects from the Second World War that are now held by the Dutch State.

<https://www.cultureelerfgoed.nl/actueel/nieuws/2021/09/13/collectiecentrum-nederland-officieel-geopend>

<https://www.rijksmuseum.nl/en/about-us/what-we-do/ccnl>



CC NL © CHRIS LANGEMEIJER

Report on the 99th Session of the Austrian Art Restitution Advisory Board

At its 99th meeting on 30 March 2022, the Art Restitution Advisory Board made recommendations concerning objects in the Kunsthistorisches Museum Wien, Albertina, MAK – Museum of Applied Arts / Contemporary Art, Museum of Folk Life and Folk Art, Österreichische Galerie Belvedere and Austrian National Library.

Regarding the seized collections of the Rothschild family, a catalogue written by Nathaniel Rothschild in 1903 entitled “Notizen über einige meiner Kunstgegenstände” [“Notes on some of my art objects”] was found recently in the archive of the Kunsthistorisches Museum. After being seized by the Nazis together with Alphonse Rothschild’s art collection at his Vienna residence in Theresianumgasse and moved to the recently established Central Depot for Seized Collections in the Neue Burg, the catalogue was later acquired by the Kunsthistorisches Museum, where it had remained unknown until its recent rediscovery. The Board therefore recommended that it be returned to Alphonse Rothschild’s legal successors. In addition, a print work from his library, which was also seized and moved to the National Library, was found containing a handwritten dedication to Alphonse Rothschild’s wife Clarice from her mother. Here, too, the Board considered that the condition of the Art Restitution Act was met and recommended its restitution.

It also recommended the return of a portrait drawing of Richard Wagner by Franz von Lenbach, which was purchased by the Albertina in 1982. The drawing had belonged to Adalbert Parlagi, who fled from the Nazis to London in December 1938 with his family. The removal goods and art collection prepared for transport and stored with the Vienna transport company Zdenko Dworak were seized by the Gestapo in 1940 and auctioned in 1941/42 at the Dorotheum in favour of the Gestapo Office for the Disposal of the Property of Jewish Emigrants (Vugesta). The drawing was purchased by the director Ernst Marischka. Adalbert Parlagi contacted him after 1945 but did not manage to regain possession of his artwork.

The Board recommended the return of a dragon vase from the MAK – Museum for Applied Arts to the industrialist and

art collector Oscar Bondy, who was persecuted as a Jew. His extensive collection was secured in instalments by order of the Central Monument Protection Office in 1938/39 and then confiscated by the German Reich without compensation. While eight objects were returned from the MAK to Bondy’s widow in 1948/49, the dragon vase, inventoried in 1952 as an “anonymous gift”, remained in the MAK. Three objects from Bondy’s former collection were not recommended for restitution. The MAK acquired them after 1945 from the art dealer Blasius Fornach, who had bought them previously from Bondy’s widow after they had been returned to her.



THE VASE WAS MADE AROUND 1725 BY THE VIENNA MANUFACTORY DU PAQUIER AND INVENTORIED IN 1952 AS AN „ANONYMOUS GIFT“. IT HAS NOW BEEN IDENTIFIED AS ONE OF A PAIR OF DRAGON VASES EXPROPRIATED FROM OSCAR BONDY DURING THE NAZI PERIOD AND THEREFORE RECOMMENDED BY THE ART RESTITUTION ADVISORY BOARD FOR RESTITUTION.
© MAK, PHOTO: GEORG MAYER.

The Board also failed to recommend the return of a circumcision knife and wooden box in the Museum of Folk Life and Folk Art identified as having belonged to Arthur Kohn, since the object was a loan. After the annexation of Austria to the German Reich in 1938, Arthur Kohn, who had studied primeval history and was a partner with his brother Viktor in Klavierhaus Bernhard Kohn, a piano company founded by their grandfather, was persecuted as a Jew, the company “Aryanized” and the family’s home coercively sold. After being moved to a collective apartment, Arthur and his wife Ida Kohn were deported to Theresienstadt. Arthur died there in 1944, and Ida was murdered in Auschwitz. With the exception of his brother Viktor’s wife, who was considered “Aryan”, practically all other members of the family were murdered in Nazi concentration or extermination camps. For that reason the Board recommended that Arthur Kohn’s descendants be contacted and informed of the existence of the loan agreement and the possibility of terminating it.



The Board dealt differently with a Baroque wooden statue sold by the lawyer Adolf Proksch to the Österreichische Galerie Belvedere in 1944. Because of his work on behalf of the Vaterländische Front (Patriotic Front) founded by the Austrian chancellor Engelbert Dollfuss, who was assassinated by the Nazis in 1934, he was arrested in March 1938 and moved to Dachau with the first “VIP transport”, as it was called. He was released from there after less than ten months’ internment. He was employed thereafter in the Wehrmacht administration and does not appear to have been persecuted after 1938/39, nor – according to the findings of the Commission for Provenance Research – did he have any financial difficulties as a result of Nazi persecution, as he repeatedly claimed after the war. On the contrary, he was able in 1943/44 to pay relatively large sums to acquire real estate expropriated from other persecutees. The Board therefore concluded that the sale to the Belvedere in 1944 had no political motivation and therefore recommended that the statuette should not be restituted.

Finally, the Board considered 810 musical scores from the Austrian National Library’s Music Collection, the previous owners of which had not been identified hitherto. The objects were either expropriated during the Nazi period and assigned directly to the National Library or incorporated in the Library after the war after having been seized during the Nazi period. In this case, the Board recommended that they be transferred to the National Fund of the Republic of Austria for Victims of National Socialism for disposal.

PIA SCHÖLNBERGER

is Administrative director of the Commission for Provenance Research and head of the office of the Austrian Art Restitution Advisory Board at the Federal Ministry of Art, Culture, the Civil Service and Sport.

The text of the decisions can be found on the Commission for Provenance Research website under www.provenienzforschung.gv.at/en/

[Oscar Bondy](#)

[Arthur Kohn](#)

[Music Collection \(Austrian National Library\)](#)

[Adalbert Parlagi](#)

[Adolf Proksch](#)

[Alphonse and Clarice Rothschild](#)



ADOLF PROKSCH SOLD THE WOODEN STATUETTE „CHRONOS“, C. 1750, TO THE ÖSTERREICHISCHE GALERIE BELVEDERE IN 1944. ALTHOUGH PROKSCH HAD BEEN INTERNED IN DACHAU CONCENTRATION CAMP FOR TEN MONTHS IN 1938 FOR POLITICAL REASONS, THE BOARD DID NOT CONSIDER THAT THE SALE OF THE STATUETTE WAS CONNECTED WITH CONTINUED PERSECUTION.

© BELVEDERE, VIENNA



THE JEWISH CIRCUMCISION KNIFE WITH WOODEN BOX WAS MADE IN WESTERN HUNGARY IN 1799. IT WAS LOANED TO THE MUSEUM OF FOLK LIFE AND FOLK ART IN 1911, WHERE IT WAS INVENTORIED IN 1962 WITH THE COMMENT “OWNED BY STUD. ARTUR KOHN IN VIENNA”. THE ADVISORY BOARD RECOMMENDED THAT THE SUCCESSORS OF ARTUR KOHN, WHO WAS MURDERED IN THERESIENSTADT IN 1944, BE TRACED AND INFORMED OF THE LOAN AGREEMENT. © AUSTRIAN MUSEUM OF FOLK AND ART, VIENNA. PHOTO: PAUL PRADER



A landscape at Liechtensteinstrasse 45 in Vienna: exhibition

In cooperation with the Commission for Provenance Research, the painting by Friedrich Treuer presented in [Newsletter No. 10](#), which was identified following an examination of the notations on the back of the canvas to be a picture of the Zeller See in Salzburg, has been on display since 25 January 2022 under the title [Nazi looted art? A painting seeks its origins](#) at the House of Austrian History (hdgö).

The exhibition looks at how private individuals should deal with objects in their possession that might have been acquired through “Aryanization” or coerced sales by persons persecuted by the Nazis. The associated [blog](#) looks at the tasks of provenance research on Nazi-looted art and what it can do. Hopefully, the presentation of the painting will also be of use in identifying its original owners.

A guided tour with curator Stefan Benedik (hgdö) on the subject “[objects with a controversial history](#)” is being offered on 13 April 2022, International Provenance Research Day.

LISA FRANK

is provenance researcher at the mumok - Museum moderner Kunst Stiftung Ludwig Wien on behalf of the Commission for Provenance Research at the Federal Ministry for Art, Culture, the Civil Service and Sport and works at the Bureau of the Commission.



NAZI LOOTED ART? A PICTURE SEEKS ITS ORIGINS

PHOTO: LORENZ PAULUS/hdgö



The Provenance Research Day - an Update

Already in 2020 the Provenance Research Day (TdP) was presented as a still very young initiative of the Arbeitskreis Provenienzforschung e. V. in the newsletter of the Network of European Restitution Committees on Nazi-Looted Art, ([No 7, 2020.09, p. 11-12](#)). In addition to the founding history in 2019 and the underlying concept, the members of the working group (AG TdP) elaborated on the challenges of the first two Provenance Research Days. Although the COVID-19 pandemic has proved to be rather stressful circumstance, the active network of provenance researchers has shown its potential for celebrating this important day in spite of any obstacles.

TdPhybrid 2022

The 4th International Provenance Research Day was held on April 13, 2022. On the whole 120 institutions in Germany, France, Italy, the Netherlands, Austria, Switzerland and the USA had registered their participation.

This year, museums, libraries and other (collection-managing) institutions were again offering a large number of face-to-face events. However, online formats continue to form an integral part of the event program. As in previous years, numerous participants/participating institutions have developed new formats for their events in order to reach the widest possible audience. This year, many researchers from various institutions were

coming together to collaborate on their events. They were able to illustrate the successful efforts of the Arbeitskreis Provenienzforschung e. V. towards transparency and networking within the scientific community.

The wide-ranging program with 119 events and more than 250 participating individuals was primarily dedicated to topics of Nazi persecution-related seizures (75), cultural assets from colonial contexts (33) and the history of collections in general (68). Information on all events on the Provenance Research Day can be found on the website of the Arbeitskreis: <https://www.arbeitskreis-provenienzforschung.org/veranstaltungen/>

This special day will be accompanied by Twitter: *#TagderProvenienzforschung*

On Provenance Research Day, the Twitter account of the Arbeitskreis published 19 tweets and received 8,172 impressions and 410 interactions (likes, retweets, etc.) for them; the account also made 73 retweets. The tweet with the most impressions (2,903) was shared 18 times and liked 34 times.



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(JOH. GUTENBERG-UNIVERSITÄT MAINZ)
LANDESMUSEUM MAINZ
(GENERALDIREKTION KULTURELLES ERBE RHEINLAND-PFALZ)

**Save the Date for the next TdP**

We are looking forward to the fifth Provenance Research Day on 12 April 2023.

General Information

Who: The Arbeitskreis Provenienzforschung e. V. is an international network of academics and experts that has been founded in 2000 and which is primarily involved in researching the provenance or, in particular, the unlawful seizure of cultural objects at museums, libraries, archives and in the art trade, but also in the legal system, in academia or as freelancers. The Arbeitskreis has been organized as a registered association since 2014. The central tasks of the Arbeitskreis include technical support for provenance research in all of its fields of activity and the promotion of interdisciplinary exchange. By now, the Arbeitskreis has over 400 members from Austria, Germany, France, Great Britain, Israel, Italy, the Netherlands, Switzerland and the USA.

When: Provenance Research Day has been inaugurated in 2019. It takes place annually on the second Wednesday in April.

Why: The central aim of this action day is to present and communicate provenance research as an academic discipline with high social and political relevance and responsibility. This temporary collaboration between many institutions and researchers worldwide gives a very clear picture of the work of the Arbeitskreis members as part of a steadily growing, highly committed and internationally networking research community.

Participation: The Provenance Research Day is open to all institutions conducting provenance research or participating in academic discussion of the subject. This can include research on cultural objects in a colonial context, items confiscated by the Nazis, looted or stolen works or works salvaged when fleeing from persecution ('Fluchtgut'), items seized in the Soviet occupation zone/German Democratic Republic, research on institutional collection policy and history, and other contexts, such as the art market or auction houses.

Coordinator:

Working group Tag der Provenienzforschung (AG TdP)

Team:

Susanne Knuth (Rostock Cultural History Museum)

Sven Pabstmann (Halle/Saale)

Brigitte Reuter (Kunsthalle Bremen)

Contact**Address:**

Arbeitskreis Provenienzforschung e.V.
c/o Brigitte Reineke
Deutsches Historisches Museum
Unter den Linden 2
D-10117 Berlin

E-mail:

tag-der-provenienzforschung@
arbeitskreis-provenienzforschung.org

Website:

<https://www.arbeitskreis-provenienzforschung.org/arbeits-gruppen/ag-tag-der-provenienzforschung/>

Twitter:

#TagderProvenienzforschung



Order of Merit for the pioneers of Provenance Research

The Arbeitskreis Provenienzforschung e. V. is pleased and proud to announce that its long-standing members Ute Haug, Katja Terlau and Ilse von zur Mühlen have been awarded the Order of Merit of the Federal Republic of Germany (Bundesverdienstkreuz am Bande). Together with Laurie Stein, who was already honoured in 2020, the three researchers were initial founders of the Arbeitskreis in autumn 2000; they have now received this high distinction of the Federal Republic of Germany in recognition of their efforts and achievements in the field of provenance research.

Subsequently, the Arbeitskreis developed from a small group of specialised experts into an international

network of scholars and professionals concerned with researching the provenance or the unlawful seizure of cultural property in various historical contexts. In 2014, the so far informal network was transformed into a registered association, the Arbeitskreis Provenienzforschung e. V.

Its central tasks include the professional support of provenance research in all its fields of activity and the promotion of interdisciplinary exchange. The Arbeitskreis currently has more than 400 members from Austria, France, Germany, Great Britain, Israel, Italy, the Netherlands, Switzerland and the USA.



MINISTER OF STATE MARKUS BLUME, LAURIE STEIN, ILSE VON ZUR MÜHLEN, KATJA TERLAU
PHOTO: STMWK/@AXEL KÖNIG

The board of the Arbeitskreis Provenienzforschung e. V. warmly congratulates the honourees on this important recognition of their merits!

More information at
<https://www.arbeitskreis-provenienzforschung.org/>



KPF.NRW - A new Player in the Network of Provenance Research

On January 1, 2022, the Coordination Office for Provenance Research in North Rhine-Westphalia (Koordinationsstelle für Provenienzforschung in Nordrhein-Westfalen, or KPF.NRW) took up its work as a new stakeholder in the field of provenance research. This new service institution is supported by the Ministry of Culture and Science of the State of North Rhine-Westphalia, the Rhineland Regional Council (Landschaftsverband Rheinland, or LVR) and the Regional Association of Westphalia-Lippe (Landschaftsverband Westfalen-Lippe, or LWL).

The founding of KPF.NRW was the result of a previous project initiated by the LVR Museum Advisory Service and carried out in cooperation with the Museum Advisory Services of LWL. Between 2017 and 2019, this project examined basic needs and strategies for systematic and sustainable provenance research, including an online survey of the approximately 1,100 museums in NRW. This effort resulted in the evaluation and documentation of the project's findings in the form of a [comprehensive project report](#).

The creation of the Cultural Code of North Rhine-Westphalia at the end of 2021 promoted and established provenance research at the state level, providing the [legal foundation](#) for KPF.NRW to serve as an “advisory center and point of contact.”

The mission of KPF.NRW is driven by an overarching political goal and mandate: to identify art and cultural assets that were seized as a result of persecution during the National Socialist era, and to find fair and just solutions. KPF.NRW also focuses on cultural property confiscations in the former Soviet Occupation Zone (SBZ), the German Democratic Republic (GDR), and Europe's former colonies. The KPF.NRW addresses all actors in the field of provenance research: primarily museums, libraries and archives, but also private individuals, scholars, heirs (representatives) and the art market.

Other German states have already created central coordination offices in recent years and months, including Bavaria, Lower Saxony, Hesse, Saxony, Saxony-Anhalt and Thuringia.

What distinguishes KPF.NRW from existing initiatives is its staff and financial resources, coupled with the task portfolio of being the central contact and practical hub for all cultural property preservation institutions in NRW. This applies to all fields, contexts of injustice, and concerns relating to provenance research. In addition, the structure of KPF.NRW, as a cooperative institution situated between the state and the regional associations, is unique. It benefits directly from the know-how of the sponsors in the field of museum advising and museum policy.

The German Lost Art Foundation (Deutsches Zentrum Kulturgutverluste, or DZK) is a valuable and experienced cooperation partner at the federal level. KPF.NRW will act as a mediator and multiplier between the museums, cultural institutes, archives and libraries themselves and the German Lost Art Foundation: for example, it will support the institutions in taking advantage of the opportunities for advice and funding offered by the Foundation. Many projects fail because they are unable to carry out the necessary preparatory work and to submit applications. More than 50% of the museums in NRW have not inventoried their holdings. The goal is to proactively address this state of affairs.

Since March of this year, an Advisory Board chaired by Dr. Tanja Pirsig-Marshall (LWL Museum of Art and Culture, Münster) and Dr. Uwe Hartmann (DZK) has provided support to KPF.NRW. In addition to the institutions already mentioned, its members include the Jewish Communities of North Rhine-Westphalia, the Research Association for Provenance Research (Arbeitskreis Provenienzforschung e. V.), the NRW Museum Association (Museumsverband NRW), the Centre for Civic Education of the State of North Rhine-Westphalia (Landesstelle für politische Bildung) and the Association of German Cities (Deutscher Städtetag). In the future, the Advisory Board will ensure that the various interest groups and specialist disciplines work together and jointly define priority areas for action.

KPF.NRW's work builds on the DZK's previous activities and projects in NRW. Since the founding of the DZK's



predecessor institution, the Coordination Office for Provenance Research (Arbeitsstelle für Provenienzrecherche/-forschung), in 2008, a total of 75 projects have been approved and carried out in NRW by 54 public institutions and two private individuals specifically on provenance research.

Several aspects become clear when we evaluate the projects that have been carried out in one of Germany's largest territorial states. Despite the fact that NRW has already had many projects in comparison to other federal states, half of these were triggered by requests for information and restitution and, with a few exceptions, there is virtually no research on smaller and medium-sized museum and library collections. The future orientation of KPF.NRW will increase its focus on initiating provenance research – across all sectors and regardless of institutional size – by means of proactive consultation, education, sensitization and motivation.

Third-party-funded projects are predominant in the current infrastructure of provenance research in Germany. In order to compensate for the transitions, personnel disruptions, and the emergence of new stakeholders inherent in such a project-based landscape, existing knowledge has to be bundled, processed, and made accessible.

KPF.NRW's objective at the practical level is to create a web-based platform that speaks to every actor of the various target groups, with their corresponding needs. The focus is on providing an information service and rendering accessible those sources that are relevant for provenance research.

In its daily consultations, cooperative relationships, and events, as well as in the training and continuing education of (up-and-coming) scholars, KPF.NRW will advocate a new attitude toward the scholarly exchange of (interim) results, desiderata, methods, and standards in provenance research. This paradigm shift can lead to a new kind of scientific work that generates more documentation for the community, investigates more sources, and makes them accessible.

Due to the principle of subsidiarity, the institutions' owners are responsible for their own collections and individual objects, which leads to isolated solutions and a lack of coherence and uncertainty in case decisions. As a matter of principle, KPF.NRW will promote dialogue and advocate for clear and binding rules and standards.

Another goal is to make visible in the public debate the spectrum of what provenance research is about, as well as the challenges facing researchers. KPF.NRW can enrich the discourse with these important voices alongside the Research Association for Provenance Research. Especially for politicians, journalists, but also for laymen interested in the field, it is exciting to adopt this perspective, and to learn what constitutes provenance research.

JASMIN HARTMANN

Director of the Coordination Office for
Provenance Research in North Rhine-Westphalia



Franz Hofmann and Sophie Hagemann Foundation compensates the heirs of Felix Hildesheimer and makes plans for a fresh start

With the help of the Advisory Commission on the return of cultural property seized as a result of Nazi persecution, especially Jewish property, an amicable solution has been agreed on between Felix Hildesheimer's heirs and the new Foundation Board, thereby overcoming the difficulties that arose in compensating the heirs. The Advisory Commission corrected the original recommendation of EUR 100,000 to EUR 285,000 after obtaining several expert opinions (see press release of [3 December 2021](#)). After all approvals had been obtained from both the foundation supervisory authority and the central tax office, the Foundation was able to transfer the full amount to the heirs on 30 December 2021.

With its assets now reduced by half as a result, the compensation payment confronts the Foundation with a new financial situation, so the Board of Directors is currently looking into how it might still be possible to continue to pursue the Foundation's mission in a meaningful way. The heirs of Felix Hildesheimer are also to be involved, thereby making the Guarneri violin a genuine instrument

of understanding. The first step being taken by the Foundation's Board of Directors is to invite the heirs to a joint event on Wednesday, 15 June 2022 in Nuremberg, where the violin will be presented to the public for the first time since its extensive restoration in a concert that will include Franz Hofmann's Violin Concerto performed by the orchestra of the University of Music conducted by Prof. Guido Rumstadt. The Guarneri will be played by Nuremberg State Philharmonic concertmaster Manuel Kastl. The remainder of the concert programme will feature the works of Jewish composers in the fields of classical music and jazz.

The two heirs, Sydney Strauss and David Sand, have confirmed they will attend, and the members of the Advisory Commission have also been invited. Together

with the heirs, ideas are also to be developed in the course of this meeting as to how the Guarneri violin can become an instrument of understanding in the longer term. Furthermore, in the course of the 2022 calendar year, a concept is to be developed jointly with the University of Music that will enable effective support to be provided for students despite the significant reduction in Foundation funds.

In the meantime, the Foundation's Board of Directors has been expanded to the statutory number of four members. According to a resolution adopted by the management of the Nuremberg University of Music, the two existing members – the President of the Nuremberg University of Music, Prof. Rainer Kotzian (Chair), and musicologist Dr. Franzpeter Messmer – will now be supported with immediate effect by Professor of Baroque Violin Anne Röhrig-Loehr and the excellently networked cultural manager Anna Körber.



PHOTO: FRANZ HOFMANN AND SOPHIE HAGEMANN FOUNDATION

Now restored to its full contingent of members, the Board will proceed to develop a new financial concept, undertake a comprehensive amendment of the statutes as a result of the revised mission and financial concept and begin concrete planning and implementation of further projects. The Foundation can look forward to a promising future, but above all it promises to make an active and lasting contribution to reparation and understanding from now on!

RAINER KOTZIAN

Chair of the Franz Hofmann und Sophie Hagemann Foundation, Nuremberg

Provenance Research on Stringed Instruments

Provenance research on stringed instruments faces even greater challenges than that on works of art: The individual objects are far more difficult to identify; as utilitarian objects, they are much more frequently altered; and because a violin does not hang on the wall or lie in a safe like a painting, but rather in the player's arm, there is also a particularly intimate relationship with it.

In view of the current Swiss and international debates on looted and fugitive property in the Zurich Bührlé Collection, it has become apparent that the corresponding discourse has hardly been taken up yet in the case of musical instruments. Provenance research in relation to looted musical instruments is just as little systematised as in other fields. Researchers are confronted with numerous obstacles, not least because basic research, such as the opening and indexing of relevant archives, is still a desideratum in many places. Moreover, this special field of research requires multidisciplinary expertise.

In order to get previously taboo or simply forgotten discussions moving, the Violin Making School Brienzen, together with the University of Bern and the Bern Academy of the Arts (HKB), have now taken the initiative and invited participants to a [conference](#) in Brienzen at the beginning of April. A profitable reappraisal can only be achieved with an interdisciplinary approach. For this purpose, experts from the fields of provenance research, history and jurisprudence, violin making and instrument trade, art market and musicology as well as restoration and art technology were brought together.

First, the historical background was outlined from the three perspectives of the victims, the perpetrators and the objects: Sophie Fetthauer (Hamburg) presented the challenges of the Lexikon verfolgter jüdischen Musikerinnen und Musiker der NS-Zeit ([LexM](#)) (Dictionary of Persecuted Jewish Musicians of the National Socialist Era) with its often aborted biographies, especially with regard to the independent scene and geographically still little explored areas in Europe's east, which have again become

sadly topical today. Michael Custodis (Münster) described the Sonderstab Musik at the Einsatzstab Reichsleiter Rosenberg as the actual agency of the theft of cultural assets, reacting to orders by museums, orchestras, and scientists, mostly as a secret matter: a cartel of silence that can also be observed in other areas. Carla Shapreau (Berkeley) used numerous examples to show the mechanics of this mass theft against Jewish (and Sinti) people.

Robert Brewer Young (London), a violin dealer, showed how important it would be to open business books and make private archives accessible with regard to the violin trade, using the business relations of the Hill Company as an example. Jason Price from the Tarisio auction house (New York) shed light on the transatlantic violin trade during the Second World War and referred to the example of the [Cozio Archive](#). Jean-Philippe Echard (Paris) presented the efforts of the Musée de la Musique in Paris against the concealment of history and revealed how cryptography also made it possible to find out prices recorded in secret writing. The violin maker Mark Wilhelm (Suhr) used case studies from the „violin war“ to illustrate the dimension of Switzerland as a central marketplace that did not shy away from fraud, forgery and receiving stolen goods in criminal cases.

Heike Fricke (Leipzig) reconstructed the wartime losses of the Berlin collection of musical instruments with a detective's flair, while Philipp Hosbach (Leipzig) used the example of the Kaiser-Reka collection to illustrate the problems beyond classical musical instruments. Josef Focht (Leipzig) presented [musiXplora](#) to show what the digital humanities can achieve in merging and identifying holdings, also for neighbouring disciplines, when they incorporate methods of criminology such as dragnet searches. The violin maker and restorer Balthazar Soulier (Bern/Paris) took up the ball with forensic materiality research and demonstrated how the covering of traces and label fraud is often taken literally, but can be uncovered thanks to an examination of varnishes, labels, stamps, and other circumstantial evidence. He advocated that dealers and violin makers should mark their work on the

instrument itself in order to be able to clearly identify it later. Michael Baumgartner (Basel) once again proved to be an expert on identifications, misattributions, forgeries and fraud.

The conference was rounded off by the historian Pascale Bernheim (Paris) with a presentation of the activities of the [Association Musique et Spoliations](#), which she co-founded, and the jurist Sandra Sykora (Zurich), who soberly pointed out the limits of legal reappraisal and restitution and had to appeal to inner attitudes and business ethics, at least for Germany and Switzerland.

The lectures were complemented by four roundtable discussions and a solo recital by violinist Tiffany Tan (HKB), who presented pieces by composers who were ostracised, banned, deported, driven underground or into flight: Erwin Schulhoff, Stefan Wolpe, Grazyna Bacewicz, Paul Hindemith, played together with dance movements by Johann Sebastian Bach as the epitome of German culture.

Following the Brienzen conference, a complementary symposium was held in Paris: [The spoliation of musical instruments in Europe. 1933–1945](#).

The event, which was characterised by great mutual trust and was very well attended by the various stakeholders (only the musicians themselves did not come), showed exemplary ways of proceeding in this complex field: Build new networks, dare to ask others, find out more collections and make them available. Precisely because the holdings of museums and dealers are complementary to each other, cooperation between private individuals and institutions is needed, whereby conflicts of interest must also be addressed. It is also important to develop a certain lightness in order to reach people: to communicate in a lively way, to tell stories, as the press had already partly taken up.

There are already plans to expand the working group on provenance research to include a working group on musical instruments. A Bernese research project on Switzerland is also planned.

THOMAS GARTMANN

Head of Research, Bern University of Applied Science



“All my father’s notes are missing here ...” Auctioned musicalia from the belongings of Jewish emigrants in the port of Hamburg

From 1933 onwards, Jews persecuted on the basis of Nazi ideology increasingly emigrated from the German Reich. Their belongings - stowed in liftvans and crates - were shipped to exile via various European ports, often also via Hamburg. The transport of the removal goods was carried out by forwarding companies, which cooperated with freight and sea forwarders. These companies profited greatly from the emigrations, as they often charged the Jewish clients much higher fees.

The beginning of World War II in September 1939 prevented the departure of civilian German ships. As a result, the cargoes already transported to Hamburg could not be shipped forward and thus piled up in the warehouses. In addition, ships - that had previously departed - were ordered back and the cargoes were unloaded. Space got limited and the liftvans lined up on the quay. In Hamburg, the boxes could be seen from the promenade at the harbor and the term „Judenkisten“ („Jewboxes“) established. The accumulated removal goods grew to about 5.-7.000 pieces of freight, equivalent to about 3.-4.000 owner families.

The German financial administration knew exactly about the values of the possessions in the liftvans from the elaborated emigration procedures with its detailed removal goods lists. In Hamburg the Gestapo started to confiscate the stranded removal goods from spring 1940 onwards and instructed three bailiffs and 20 auction houses to sell them to the highest bidders. Each auction was announced in the newspapers.

The possessions belonging to one household were usually sold off at one auction. From the moment of the sale, the unity of these items were torn apart: acquired by state institutions, museums, dealers, and private individuals, they were redistributed into different geographical, social, cultural, public and private spaces.

Research at the German Maritime Museum

Since 2018 two interlocking, fixed-term research projects (third party funded by the German Lost Art Foundation) at the German Maritime Museum – Leibniz Institute for Maritime History in Bremerhaven have been investigating these processes of this particular form of dispossession of Jews on what happened in the ports of Bremen and Hamburg. The task is to bring together pieces of information from thousands of archive files. One tool in this research is a database (LostLift) that bundles all these information.



LIFTVAN IN THE PORT OF HAMBURG.

SOURCE: HHLA-ARCHIV IN THE SPEICHERSTADTMUSEUM, HAMBURG

The database will be available in the internet at the end of 2022.

With this detailed research and reconstruction of the events surrounding the confiscated and auctioned belongings of thousands of Jewish families who had fled the German Reich, this aspect of the plundering will be made transparent. The publication of the auctioned possessions and its buyers is accompanied by the goal that some of the items can be identified, recovered, and returned to the families.

Auctioned musicalia in Hamburg

Among the auctioned items there is evidence for numerous musicalia: books about music, sheet music, manuscripts, instruments like pianos, grand pianos, accordions, violines, guitars, trumpets and equipment like cases, stands or lamps. The buyers are not always known - or at least not yet - but were very often professional dealers. They resold the musicalia in their stores, which makes the traceability of the objects more difficult.

The case of Rosa and Bernhard Sekles from Frankfurt Main

For the auctions in Hamburg the case of Rosa and Bernhard Sekles from Frankfurt/Main reflects a particularly tragic escape story. Rosa Blum was born in 1874 in Frankfurt. There, she studied music and piano at the Hoch's Conservatory. This was also the place where she met her future husband Bernhard Sekles, a composer, pianist and



Bl. 6-B Ger.Akte

Eidesstattliche Versicherung

Nachdem ich von Herrn Rechtsanwalt Dr.H.E.Stein Idar-Oberstein 1, Otto-Deckerstr. 16 auf die Bedeutung einer eidesstattlichen Versicherung hingewiesen bin und, dass diese eidesstattliche Versicherung der Behörde vorgelegt werden soll, versichere ich hiermit an Eides statt was folgt:

Herr Rechtsanwalt Dr. Stein hat mir Abschriften von Durchschlägen der Spedition Carl F. Schlüter geschickt, worin diese über die Versteigerung von Umzugsgut der Frau Rosa Sara Sekles (bzw. Seckles) abrechnet. Aus diesen Abschriften erkenne ich eindeutig, daß es sich um Umzugsgut meiner Mutter handelte. Allerdings halte ich es für ausgeschlossen, dass diese Listen vollständig sind.

Dazu bemerke ich im einzelnen:

An die Bilder, über die mir die Abschrift einer Abrechnung vom 30.9. 1, Nr. 1664 vorliegt, kann ich mich gut erinnern. Bei dem Bild 8/29 "Gebirgssee" von Courbet liegt ein Schreibfehler vor. Es handelte sich vielmehr um eine Landschaft in Oel des Malers Gustave Courbet, des berühmten franz. Vorimpressionisten. Es war ein Bild von ca. 25 x 40 cm. Ich erinnere mich daran sehr deutlich, weil es der Stolz meiner Mutter war und beträchtlichen Wert besaß. Wenn es bei der Versteigerung nur RM 50.- gebracht haben sollte, so dürfte das damit zusammenhängen, dass der Name Malers falsch geschrieben war.

Ich erinnere mich auch noch besonders an das Bild, das als "Flötenspieler" angegeben ist und das einen Savoyardenknaben mit einer Flöte darstellte.

Auch die angegebene Holzfigur ist mir gut im Gedächtnis. Sie stellte einen Heiligen oder Märtyrer dar und war etwa 45 cm gross oder noch etwas grösser.

Es war sichtlich eine alte Schnitzerei. Das erkannte man am Holz, das teilweise wurmfressig war.

Meine Mutter war sehr kunstverständig. Ich erinnere mich, dass sie mir erzählt hat, sie habe diese Figur einmal auf einer Kunstauktion erworben. Ich war damals noch ein Kind.

Die Liste der Bilder dürfte unvollständig sein. Es fehlen verschiedene gute französische Originale z.B. wie ich mich erinnere ein Stilleben von Chardin in Oel, Grösse etwa 15 x 20 Das Bild hatte nicht geringen Wert.

Zu der übrigen Liste bemerke ich:

Es fehlen hier alle Noten meines Vaters und zwar sowohl Noten anderer Komponisten wie auch die handschriftlichen Noten meines Vaters für seine eigenen Kompositionen.

Wenn angegeben ist, die Bibliothek habe nur RM 22,-- erbracht, so muss sie völlig unter Wert verkauft sein. Denn sie war nicht unbedeutend.

Auch nehme ich an, dass die Kleidungsstücke und Wäsche unvollkommen sind, da die Zahl der Sachen in keinem Verhältnis zu den 16 und 5 Schürzen steht.

Meine Eltern hatten einen gutbürgerlichen Haushalt mit viel Tisch- und Bettwäsche, Leibwäsche, Tischsilber etc. kurz alles, was sich in einer bürgerlichen Ehe, die während 40 Jahren ständig in Frankfurt geführt wurde ansammelte.

Deshalb glaube ich, dass es sich um weit mehr Tischsilber als 12 Messer, 12 Gabeln und 12 Löffel handelte und dass auch die übrigen Gegenstände unvollkommen wiedergegeben sind.

Wahrscheinlich ist in der Position "diverse Gegenstände Sozialverwaltung" viel von dem enthalten, was noch zu der Einrichtung gehörte.

Meine Mutter kam schliesslich, als ihr die Auswanderung über Genua gelang, nur mit 2 Koffern an, die das allnötigste enthielten.

Rolandia, den 21.März 1961

Dr.Hans M. Sekles

Vorstehende eigenhändige Unterschrift des
Herrn Dr. Hans Sekles, Rolandia
beglaubige ich hiermit auf Grund ihrer vor
mir erfolgten
Anerkennung

(L.S.) Rolandia, den 21. März 1961
Unterschrift
Konsul
der Bundesrepublik Deutschland
in Rolandia

AFFIDAVIT OF HANS SEKLES CONCERNING THE REMOVAL
GOODS OF HIS MOTHER ROSA SEKLES
SOURCE: HAMBURG STATE ARCHIVE 314-15_NR. ABL.
1998 S 491 SEKLES, ROSA.

conductor (born 1872). They married in 1897. A year later son Hans Maximilian was born.

Bernhard Sekles became the director of the Hoch's Conservatory in 1923. Under director Sekles, the conservatory was far ahead of its time: he initiated the world's first jazz classes in 1928, an early music education department in 1931, and also adult education courses. After the National Socialists seized power, Sekles and all Jewish and foreign teaching staff were dismissed on April 10, 1933. Sekles never got over this humiliation. He died of pulmonary tuberculosis in a nursing home in Frankfurt on December 8, 1934. Sekles' music disappeared from musical life after it was banned in 1933 and fell into oblivion.

Sekles' widow Rosa continued to live on savings and the support of her son in Frankfurt. When the persecution pressure became unbearable for son Hans and his family, they fled to Sao Paulo/Brasil and on to Rolandia in 1936. Rosa Sekles tried to follow them from Hamburg in 1939, but the escape failed due to the outbreak of war: the ship was ordered back to Hamburg. Rosa had to return to Frankfurt,

but her removal goods stayed stored in Hamburg. On May 3, 1940 she finally escaped with two suitcases from Genoa to Sao Paulo/Brasil to reunite with her family.

Before emigrating, Rosa Sekles had to submit a list of removal goods to the Frankfurt finance office. The list included over 1.000 items. In Hamburg only 4 boxes with 100-150 items were confiscated by the Gestapo. So far there is no information about the whereabouts of the remaining goods.

The auctioning of the 4 boxes took place in July and September 1941 by the Carl F. Schlüter Auction House. Before, the Gestapo confiscated books, sheet music and manuscripts. The invoice of the main auction in July lists the sold objects, including a violin and a small guitar. On September 24, an exclusive art auction took place, for which Schlüter assembled works of art from different confiscated liftvans, probably to achieve higher profits. On this event 13 works of art from Sekles' collection were sold. Rosa Sekles never got notified about the confiscation and the auctions. She died in 1947 and son Hans submitted a



request to the office of restitution at the Hamburg district court. The official court investigations focused on the fact that the victims had to prove what were their belongings, but this was difficult for most of the refugees, as all their documents and photos were often gone during flight. Plus: from the investigators side there was no actual search for the auctioned items; even if the buyers were known from the survived auction protocols. In public institutions like museums the search was also done insufficient. In fact, the families had to rely on the cooperation of the buyers, and they did not want to admit their participation and thus their complicity. Instead, the Chief Finance President offered himself as debtor. All this prevented an individual dispute between the profiteers of the auctions regarding their complicity in the persecution of the Jews, which ultimately also had consequences for the question of the individual complicity of individual Germans.

The refusal to actually clarify the situation was compounded by the fact that the proceeds from the auctions were used to determine the amount of compensation. It was clear to all those involved that the objects were being sold far below their actual value. Thus, the victims were humiliated once again.

21 years after the dispossession of the Sekles' belongings, in May 1962, son Hans received 6.000 Deutsche Mark compensation.

Where are the belongings of the Sekles' family?

None of the objects from the boxes of the Sekles family could be recovered so far. It is known that the Gestapo confiscated books, sheet music and manuscripts before the public auction started. It is still not known to whom they were passed. Hans Sekles testified that all of the compositions of his father were missing, including his own manuscripts. Research about

Bernhard Sekles musical legacy in the 1960s has suspected the existence of 72 works: 63 compositions and 9 music educational works. Of these only 24 autographs survived: 23 are in the Hochschule für Musik und Darstellende Kunst in Frankfurt and one is in the archive of the Schott publishing house. This means that 48 autographs are now considered to be searchable. Four of the 13 auctioned artworks of the Sekles collection are entered by the family into the LostArt Database by the German Lost Art Foundation as a search request.

This case and many others illustrate the exploitative mechanisms of the robbery of Jewish emigrants by the Nazis and numerous parties involved in the ports of Hamburg and Bremen. The archived documents reflect the degrading treatment of the property of Jewish emigrants, the calculating actions of those involved and the greed of the buyers.

KATHRIN KLEIBL

Provenance Researcher at the German Maritime Museum – Leibniz Institute for Maritime History in Bremerhaven



A New Approach to Provenance: The 'Provenance Studies' Program at Leuphana University Lüneburg

"For the new Central Building of Leuphana, I have been inspired by the ethos of this university. Leuphana is an incubator for new ideas, innovation, research and discovery. The new building is imbued with these principles."

—Daniel Libeskind



LEUPHANA CENTRAL BUILDING
©DANIEL SUMESGUTNER

With the term 'Provenance Studies', Prof. Dr. Lynn Rother and her growing team of transdisciplinary researchers at Leuphana University Lüneburg mean to expand the purview of provenance research. Rother's professorship, the Provenance Lab, and its research projects are jointly funded by Leuphana University and the Volkswagen Foundation (VolkswagenStiftung), one of Germany's leading independent funding bodies for academia. As envisioned by the foundation's Lichtenberg Initiative, the research and teaching program, which combines provenance research and data science, is both experimental in nature and unique in the humanities.

Research Program

The field of provenance research is more active than it has ever been, not least because of the many research and digitization initiatives that have emerged over the past twenty years. As more and more object-based provenance information and archival resources become digitally accessible to researchers around the globe, questions concerning the approach to, as well as the potential of, provenance research are more pressing than they have ever been. What has recently become clear is that the field lacks contextual knowledge on actors and infrastructures during and after times of social and political upheaval. Such knowledge is key to understanding histories of looting and, more importantly, in identifying unlawfully appropriated objects and solving complex legal disputes. Until today, the study of

contexts in provenance research—with its narrow focus on single objects, or limited groups of objects—has not been prioritized. With Leuphana's research program, contextual knowledge is at the forefront.

The field also lacks the ability to see the interconnectedness of object histories on a large scale. Identifying such connections—for example, objects with the same owners or similar paths—produces synergistic effects in research, enabling colleagues within and across institutions to work more efficiently. Currently, these interlinked provenances live in data silos. With the advent of digitization, such histories are just waiting to be connected through semantic web technology. This entails transforming provenance data into Linked Open Data (LOD), a web standard that defines how to publish resources online. Publishing such standardized data allows anyone with access to the internet to query it for their own purposes—independent of the databases and collection management systems in which the information is stored.

Prof. Rother and her team are the first university research program producing Provenance LOD. This transformation requires a shift in perspective: from provenance as a sequence of ownership periods to provenance as a sequence of events, which mark the beginning and end of consecutive ownership periods. That is, from an object-centered perspective to an event-centered approach. An event-centered approach is not new to the



cultural heritage community. Over the past decades, ICOM's documentation group has developed CIDOC CRM, a standard to fulfill its complex documentation needs and to envision the exchange of information across institutions. Building on CIDOC CRM, a group of museum data practitioners—including Prof. Rother, who serves on its editorial board—has furthermore created an application profile called Linked Art. Their aim is to encourage Linked Open Data implementation for museums that want their collection data to “be part of the Web, and not just on the Web”. Neither CIDOC CRM nor Linked Art have been widely adopted across institutions, nor incorporated on a large scale. Prof. Rother and her team mean to change that for provenance data.

The Provenance Lab's initial research project ‘Modern Migrants: Paintings from Europe in US Museums’ aims to serve as a model. The project's focus on Impressionist, Post-Impressionist and Modernist paintings in US museums allows the utilization of a large corpus of existing provenance data. Such a ‘Big Data’ approach is necessary to test, refine and, where appropriate, develop tools, models, and methods for producing Provenance LOD in an efficient, sensitive, and sustainable manner. In this regard, the project hopes to benefit the wider provenance and restitution community in three ways:

1. Producing Historically Accurate and Fully Machine-Readable Provenance LOD

To produce Provenance LOD, while staying true to history, necessitates further refinement of existing data models. Vagueness, incompleteness, subjectivity, and uncertainty—or what the Lab calls ‘VISU’—are not only common to provenance research but also its accurate documentation. Recording VISU in a fully-machine readable way is thus at the core of creating Provenance LOD at Leuphana.

2. Producing Provenance LOD with the Help of AI Technologies

To produce Provenance LOD from existing data is tedious and resource-intensive. Leuphana's Provenance Lab thus pioneers the application of cutting-edge Artificial Intelligence (AI) technologies to solve Natural Language Processing (NLP) challenges for object-based provenance data. To automate processes of information extraction and data structuring, context-specific statistical models are being trained. These AI techniques and models promise to benefit other provenance-relevant datasets in the future.

3. Producing Provenance LOD with a Human-in-the-Loop Workflow

To produce Provenance LOD either from existing data, from analog records or indeed from scratch requires the input and intervention of curators, catalogers, or provenance experts. To make the creation of Provenance LOD more accessible to art historians and anthropologists, while allowing automatic knowledge extraction from provenance texts through NLP techniques, the Provenance Lab has developed an online provenance data management platform. The platform enables what is known as a ‘Human-in-the-Loop’ workflow that combines AI with the experience and expertise of a domain expert, both for data enrichment and critical curation of the knowledge.



About Lynn Rother

Lynn Rother is the Lichtenberg-Professor and Head of the Provenance Lab at Leuphana University. She currently serves on the Editorial Board of Linked Art, the Getty Provenance Index Advisory Committee, the Expert Witness Selection Committee of CAfA (Court of Arbitration for Art), and the Board of the ZADIK (Zentralarchiv für deutsche und internationale Kunstmarktforschung).

Before she was appointed full professor at Leuphana in November 2019, she oversaw provenance research, procedures, documentation, and funding at The Museum of Modern Art in New York, in conjunction with all curatorial departments regarding works in their collection, including loans, acquisitions, and deaccessions. Prior to this, she worked as a provenance researcher in the Kunstgewerbemuseum, the Kupferstichkabinett, and the general counsel's office of the Prussian Cultural Heritage Foundation in Berlin.

Her postgraduate studies in art history, economics, and law culminated in a prize-winning doctoral dissertation, which she completed at the Technical University Berlin under the supervision of Prof. Bénédicte Savoy. Her research has also been supported by fellowships from The Getty Research Institute in Los Angeles and the German Historical Institute in Moscow. Her newest peer-reviewed publication (together with Provenance Lab members Dr. Max Koss and Fabio Mariani) is titled "Taking Care of History: Toward a Politics of Provenance Linked Open Data in Museums" and is due to be published in the Art Institute Review's special issue on Data this Spring.

About the Provenance Lab

At the core of all research and teaching at the Provenance Lab lies a new approach to provenance, which is informed by the possibilities of data science. Fundamentally, Prof. Rother and her team understand provenance beyond individual object biographies and their histories of ownership. They believe that by reading it more broadly as a collection of empirical evidence of cultural phenomena, they can study temporal, spatial, social, and conceptual trends and network dimensions and, in so doing, gain new insights into the circulation of art.

Founded and directed by Prof. Lynn Rother in November 2019, the Provenance Lab is home to a small but growing team of art historians and digital humanities specialists dedicated to questions of provenance: Dr. Max Koss (Research Associate), Fabio Mariani MA (Research Associate), Liza Weber MA (Research Assistant).

Marilena Daquino, Ph.D. (Assistant Professor at the Digital Humanities Advanced Research Centre, University of Bologna) and Florian Kräutli, Ph.D. (Knowledge Graph Engineer and Digital Humanities Specialist, Swiss Art Research Infrastructure, University Zürich) have been associated with the Provenance Lab since its inauguration.

Lichtenberg-Professorship for Provenance Studies
Institute of Philosophy and Sciences of Art
Leuphana Universität Lüneburg
Universitätsallee 1, C5.411
21335 Lüneburg, Germany

provenance@leuphana.de
<https://provenance.hypotheses.org/>



Europe and Germany 1939-45. Violence in the Museum



JULIA FRANK, RAPHAEL UTZ AND LILI REYELS ON THE PANEL DURING THE SYMPOSIUM „EUROPE AND GERMANY 1939-45. VIOLENCE IN THE MUSEUM“
© DHM / DAVID VON BECKER

Between 1939 and 1945, Germany occupied nearly all of Europe: 27 present-day countries; a population of nearly 230 million. In the formerly occupied areas, the crimes committed by the Germans continue to have their effect through intergenerational trauma—and through abiding injustice, including absent restitution. Present-day Germany, however, is marked by widespread ignorance regarding this aspect of the Second World War. Outside the relevant academic circles there is little knowledge of either the occupation's geographical expanse or the intensity of the violence inflicted by the German occupiers. For this reason, on 9 October 2020 the German Bundestag decided to create a new documentation centre in Berlin aimed at presenting the history of German occupation rule in Europe, conveying knowledge about the historical events, and offering space for remembrance of the victims. This marks initiation of what may be one of the most important historical projects for Europe.

To realize this project, the German Historical Museum has been asked to prepare a concept; the museum presented an implementation proposal in late 2021. This outlines plans for presenting a broad and carefully laid out European perspective—one extending from the Channel Islands in the west to the Caucasus in the east, from Norway in the north to Greece in the south. In place of focusing on a series of individual nations specific themes and complexes of events and actions, covering fields such as hostage shooting, hunger, medical crimes, and forced

labour, will stand at the exhibition's centre.

At the same time, there will be an emphasis on different experiences made by those living under the occupation—differences directly tied to Nazi “racial” ideology, to antisemitism, anti-Slavism, anti-Ziganism, and anti-Communism. The challenges tied to this project are already evident in a brief description.

Some of these challenges were discussed in an interdisciplinary and international symposium held at the DHM, “Europe and Germany 1939-45: Violence in the Museum”. The theme's complexity is already underscored in the ambiguity of the subtitle. On the one hand, it invokes the question of how to best exhibit (this) violence in museums; on the other hand it points to the fact that many objects now kept in our collections arrived there violently and themselves as it were contain violence.

In the symposium, Fritz Backhaus, Director of Collections at the DHM, reflected on the difficulty of properly treating a large number of documents, photographs, uniforms, weapons, images, and accounts, accumulated over time, that for the most part mirror the perspective of rulers. The question, omnipresent in historical exhibitions, of which history is to be narrated from what perspective, is posed with special acuity in the case of crimes that, among other things, consisted of the deliberate extermination of the cultural and material inheritance of the victims. Contrasting with that reality, Backhaus indicated, are “the paintings, watercolours, and drawings



from the German War Art Collection—more than 7,000 works produced by artists in the Wehrmacht's art corps and confiscated by the US Army after the war." Although at first view appearing to be harmless travel images, through their origin they reveal the "gaze of the Wehrmacht artist who visually appropriated the conquered landscapes. Although they do not appear ideological, they nevertheless document the advance of an army preparing to extend Nazi rule across the continent" (*All contributions were published in the fourth issue of the magazine Historical Judgement. Here: Fritz Backhaus, "Collecting, Studying and Exhibiting Objects of the Occupation Regime". Historical Judgement 4 (2022): Europe and Germany 1939-45: Violence in the Museum, pp. 10-12, here p. 11*)

In turn, Julia Franke showed, impressively, that when properly illuminated curatorially, even everyday objects that at first seem benign can attest to the occupation's violence. She presented an artfully woven small straw box as an example, a Ukrainian forced labourer having produced it for exchange against food. This makes clear the minimal possibilities available to such labourers in their efforts to survive. However, after the war, the Germans who kept such objects often used them as evidence of their own good behaviour; personally or officially, and these objects took on an exculpatory function.

Among other symposium contributions, those of Meike Hopp, Bianca Gaudenzi, and Wolfgang Eichwede addressed questions involving both the violent history of museum objects and the need to research their origins. Meike Hopp emphasized the difficulties involved in researching and returning cultural goods removed from their original owners in the course of Nazi persecution. She laid out the reasons for the continued absence of a "central list or documentation of what was stolen." (*Meike Hopp, "The German Looting of Cultural Assets in the Occupied Territories. Why Attempts at Categorisation and Quantification Fail". Ibid., pp. 20-22, here p. 22*) Nevertheless, her lecture's pessimistic subtitle, "Why Attempts at Categorization and Quantification Fail", was countered by a hopeful survey of many new digital possibilities, made use of in various ongoing research projects.

With Italy as her example, Bianca Gaudenzi shed light on the ambivalent role played by a "return of art" in the immediate postwar period. "The restoration of state collections in Florence and elsewhere", she observed, represented "a milestone in the cathartic rebuilding of the Italian nation after fascism"; at the same time, however, "restitution would often be brought into play to present the country as a victim of Nazi Germany and thereby white-wash the crimes of its own dictatorship. [...] While the return of national collections acquired remarkable visibility,

references to the looting of Jewish citizens remained the exception". (*Bianca Gaudenzi, "The Return of Beauty?" Ibid., p. 26.*)

Finally, Wolfgang Eichwede offered a report on his decades-long work for the return of plundered cultural goods to Russia and Ukraine. With many objects continuing to remain in private possession, a widespread absence of a sense of injustice in Germany suggests they will only be handed over to the proper offices when, for instance, later generations begin to raise questions about them.

As these few examples make clear, the symposium on "Europe and Germany 1939-45: Violence in the Museum"—the first event connected with the planned new documentation centre—revealed the complexity of questions and discourses that the new institution will need to address. The symposium also made clear how necessary a trans-national perspective is in respect to the approach museums take to the Second World War and German violence in occupied Europe. The German occupation was a unique transnational process; national historical narratives cannot do justice to the events and their consequences.

NIKE THURN, Research Associate, and RAPHAEL UTZ, Head of Project Group for the documentation centre "German Occupation of Europe in the Second World War" (ZWBE) at the German Historical Museum, Berlin (DHM)



VIEW INTO THE ZEUGHAUSHOF OF THE GERMAN HISTORICAL MUSEUM DURING THE SYMPOSIUM „EUROPE AND GERMANY 1939-45. VIOLENCE IN THE MUSEUM“ © DHM / DAVID VON BECKER



Alfred Menzel: “The only memento of a murdered grandfather”

Among the countless objects expropriated by the Nazis and identified in the course of systematic provenance research in Austrian federal collections as being of questionable origins are a number of ivory miniatures, which were a special focus of the Albertina Graphics Collection, as the museum was officially called until the year 2000. It was to be particularly promoted during the Nazi period, as demonstrated by the allocation of 20,000 reichsmarks to it from the Office of the Reichstatthalter, Department III, at the end of 1938 to create a collection of miniatures. Among the works purchased with these funds was the ivory miniature created by Karl Agricola around 1822, Countess Harrach in a White Dress with Blue Cloth and White Lace Bonnet. From the corresponding invoices and receipts preserved in the Albertina archive, the provenance researchers were able to determine that this miniature had been acquired for 150 reichsmarks from “Fritz Menzel” on 4 January 1939.



MINIATURE FROM THE FORMER
COLLECTION OF ALFRED MENZEL
(RESTITUTED IN APRIL 2021)
© THE ALBERTINA MUSEUM,
VIENNA

Subsequent research revealed that the actual owner, the retired railway official Alfred Menzel (until 1899 Menzeles), born in Vienna in 1879, had already left Vienna when the sale took place and that his brother Fritz had taken care of the arrangements. The brothers, who lived in Vienna, were persecuted by the Nazi regime as Jews and attempted to leave Vienna with their families after the annexation of Austria to the German Reich in March 1938. The identification of the miniature as having belonged to Alfred Menzel is confirmed by his application at the end of May 1938 to the Central Monument Protection Office for export

authorization and the subsequent evaluation of his art objects by Oskar Katann, then director of the Wiener Städtische Sammlungen (now Wien Museum). With the exception of one miniature by Agricola, permission was granted to export the other art and cultural objects by 30 June 1938. Alfred Menzel, who is registered as having left Vienna in August 1938, entrusted the art objects left in his apartment – including the miniature – to his brother Fritz, who sold it to the Albertina in early 1939.

Alfred Menzel managed initially to flee to Belgium but was subsequently interned with his wife Margarethe in the Belgian camp in Mecheln. They were deported from there in September 1943 to Auschwitz-Birkenau, where they met a violent death. The exact date of death is unknown. On the application of his sons, who had managed to flee to Israel and the USA, Alfred Menzel was declared dead on 22 March 1949. His wife Margarethe is mentioned in the declaration only as “missing”. Alfred’s brother Fritz and his wife Margit were unable to escape. They were both deported in early March 1941 from Vienna to Modliborzyce in Janow Lubelski, Lublin district, and murdered at the latest when the ghetto was liquidated in autumn 1942 and the surviving inmates transported to extermination camps.

On the basis of the documents in the Albertina, the provenance researchers were able to reconstruct the precise circumstances of the sale and the fate of the Menzel brothers and their families. In its [decision of 15 October 2015](#), the Austrian Art Restitution Advisory Board recommended the return of the Agricola miniature from the Albertina collection to the legal successors *causa mortis* of Alfred Menzel. The miniature was restituted and handed over on 7 April 2021 by the Austrian embassy in Tel Aviv to a grandson living in Israel, who was determined by the Jewish Community in Vienna to be the legitimate heir. He stated at the time that this art object was the sole memento of his grandfather, who had been murdered in Auschwitz-Birkenau, and that it was thus of particular value to him.

JULIA EßL

conducts provenance research at the Albertina on behalf of the Commission for Provenance Research at the Federal Ministry for Art, Culture, the Civil Service and Sport.



The collection of Albert Pollak in the Austrian Museum of Folk Life and Folk Art in Vienna: seized – acquired – restituted – involuntary donated – restituted

Following the report on the restituted collection of Anna and Konrad Mautner in the last [Newsletter 12/2021](#), this article looks at six glass objects belonging to the art collector Albert Pollak that were restituted twice. Albert Pollak was born in Bielitz (Bielsko), Silesia, in 1878 and moved to Vienna in 1914. After much travel in Europe, he became director of the Allgemeine Wollhandels-A.G. He was Jewish, unmarried and childless. During his travels he had acquired a very extensive and valuable collection of pictures, sculptures, glass and porcelain along with various fine art and applied art objects. After the annexation of Austria to the Nazi German Reich in March 1938, he was detained for six weeks by the Gestapo and his assets were seized. By early December at the latest he managed to escape to Bielitz and from there to Groningen, where he died in 1943 under unknown circumstances. His assets were confiscated in March 1940 by the Nazi authorities, and his art collection was moved to the Central Monument Protection Office, which inventoried 843 objects, many of which were dispersed in various museums. Arthur Haberlandt, director at the time of the [Museum of Folk Life and Folk Art Vienna](#) and a member of the NSDAP, made use of his connections, in some cases opposing the requests of other museums, and in 1941 acquired fourteen objects, including eleven glass objects, among which were trick glasses, and three textile objects. In late 1950, fourteen unlawfully acquired objects from the Museum of Folk Life and Folk Art and objects from other museums were returned to the descendants of Albert Pollak pursuant to the First Restitution Act (BGBl. 156/1946).

Six of these fourteen objects were returned to the Museum of Folk Life and Folk Art in 1951, however. The reason was that Albert Pollak's heirs had been able to export the restituted collection from Austria after the war pursuant to the provisions of the Export Prohibition Act (StGBI 90/1918) to the countries where they lived after being persecuted and expelled only after they had been obliged to donate some of the collection, fourteen objects in all, to various museums, including the [Albertina](#), the [Kunsthistorisches Museum](#) and The Museum of Folk Life and Folk Art.

In accordance with the 1998 Art Restitution Act (BGBl. I No. 181/1998), on [23 January 2001](#) the Art Restitution Advisory Board recommended the return of the donated objects from Albert Pollak's collection from the Kunsthistorisches Museum and the Albertina but demurred with regard to objects from the Austrian Museum of Applied Arts / Contemporary Art, recommending on [7 March 2014](#) that they should not be restituted since the acquisition had not been connected with the Export Prohibition Act.

In the course of the [systematic provenance research](#) under the Art Restitution Act conducted by the Museum of Folk Life and Folk Art as a private museum from 2015 onwards in close cooperation with the Commission for Provenance Research, Albert Pollak's collection was also investigated and a dossier drawn up, making use in addition of the findings of provenance researchers from other museums.





THE GLASS OBJECTS THAT WERE INVOLUNTARILY DEDICATED TO THE VOLKSKUNDEMUSEUM WIEN BY THE HEIRS OF ALBERT POLLAK IN 1951 IN ORDER TO BE ALLOWED TO EXPORT THE REST OF THE POLLAK COLLECTION FROM AUSTRIA AFTER ITS RESTITUTION WERE RECOMMENDED FOR RESTITUTION BY THE AUSTRIAN ART RESTITUTION ADVISORY BOARD IN 2020 AND RESTITUTED IN MARCH 2021. PHOTOS: CHRISTA KNOTT © VOLKSKUNDEMUSEUM WIEN

In its decision of [25 September 2020](#), the Art Restitution Advisory Board recommended to the Museum of Folk Life and Folk Art that the six glass objects formerly owned by the art collector Albert Pollak – seized in 1940, acquired by the museum in 1941, restituted in 1950 and involuntarily donated in 1951 – should be returned to his heirs. Thanks to the extensive research by employees of the Jewish Community in Vienna (IKG), Albert Pollak's heirs were finally identified after a search lasting several years. The heirs – who on account of the Nazi persecution now lived in different countries and continents – were assisted in deciding what to do with the objects by Mathias Lichtenwagner from the IKG. In March 2021 – because of the pandemic the restitution was a very small-scale event – Lichtenwagner accepted the six finally restituted objects on behalf of the heirs from Monika Maislinger, representing the Museum of Folk Life and Folk Art. In 2021, the Albertina, Graz Museum, Wien Museum and Innsbruck Museum also restituted illegally acquired collections – in the latter cases in accordance with provincial legislation. Shortly before the restitution of the last two remaining objects in Salzburg Museum and the Kunsthistorisches Museum, one of the elderly heirs

died. After his heirs have been identified, the last of Albert Pollak's objects seized during the Nazi period and unlawfully acquired and re-acquired by the museums can now be returned, over eighty years later, to his descendants.

CLAUDIA SPRING

is a historian and has worked at the ÖMV since 2015.



‘Source Material is Indispensable in the Quest for Justice’ Restitution of Nazi Looted Art after Discovery of Jewish Family Archive

At the end of 2021, the Restitutions Committee recommended that two paintings by Von Stadler, which had been sold because of the circumstances during the Nazi period, should be restituted to the heirs of the original Jewish owner. Over thirteen years earlier it had emerged that there was insufficient evidence to justify the return of the two artworks. The last piece of the puzzle was found thanks to the discovery of a large family archive. This archive turned out to contain personal and business documents that provided information relating to the sale of paintings by the Jewish Adelsberger-Isay family in the 1933-1945 period.

A summary of the family’s history and the background to the Restitutions Committee’s recommendation.

Abraham Adelsberger was born in Hockenheim on 23 April 1863. On 14 June 1893 he married Clothilde Reichhold, who was born in Fürth on 15 July 1872. The couple had two children, Paul and Sofie. Around 1897 Abraham Adelsberger and his family settled in Nuremberg. Initially, like his father, he worked in the hop trade. Later he became co-owner of H. Fischer & Co, which manufactured tin toys. The firm, which also operated internationally and successfully exported products, employed some three hundred people. The Adelsbergers’ large family home was a hub

in the city’s cultural life. The villa housed a sizeable art collection, which included porcelain and paintings.



ALFRED ISAY AND SOFIE ADELSBERGER
IN 1934

Clothilde Adelsberger supported artists and furthered their training as painters or musicians. In recognition of his services to the community over the years, Adelsberger was given the honorary title ‘Kommerzienrat’ (Counsellor of Commerce). Friends and acquaintances said they had come to know him as ‘einen sehr grosszügigen und liebenswerten Menschen’ [‘a very generous and kind person’]. His son, Paul Adelsberger, left for the United States in 1914 and acquired American citizenship. His daughter, Sofie Adelsberger, stayed in Germany and married the Cologne businessman Alfred Isay on 13 June 1920. The couple settled in Cologne and had two children, Marlise Ruth and Walter. Alfred Isay and his cousin, Adolf Isay, ran the initially flourishing textile factory and wholesaler Firm Gebrüder Isay. They liquidated this company in 1932 and continued doing business under the name Wistri.

Alfred Isay and Sofie Adelsberger in 1934

Abraham Adelsberger became a target of anti-Semitic agitation even before 1933. The downturn in the economic climate also had an impact on Adelsberger’s firm; the German economy was stagnating by the end of the



NK3277 – LANDSCAPE BY A. H. VON STADLER
PHOTO: COLLECTION CULTURAL HERITAGE AGENCY OF THE
NETHERLANDS



nineteen-twenties. At the same time, the company had to make major investments in order to respond to market demands. On 24 October 1929, Black Thursday, the American stock market crashed. The free fall in share prices did not stop there, and the lowest point was not reached until 1932. The Wall Street Crash heralded a global economic crisis that hit the German economy hard. Companies reported record losses. In 1931 there was a banking crisis in Germany, which was a further threat to the stability of the economic and political order. Adelsberger's business sustained increasing losses from 1929 onwards. During this period Adelsberger took out a number of loans, probably from various parties. He transferred ownership of artworks in his possession as security for the loans received,



ABRAHAM ADELSBERGER WITH HIS WIFE AND CHILDREN



NK3278 – MOUNTAINOUS LANDSCAPE BY A. H. VON STADLER
PHOTO: COLLECTION CULTURAL HERITAGE AGENCY OF THE NETHERLANDS

including to the business of his son-in-law, Alfred Isay. Artworks played a role in these agreements. These works included the two paintings by Von Stadler.

In 1933, after the Nazis came to power in Germany, circumstances for the Adelsbergers became more and more dire. They started to think about fleeing Germany. The rise of national socialism and the associated anti-Jewish measures and sentiments also brought great pressure to bear on the Isay family in Cologne. At that time Alfred Isay took his family to a place of safety; he also had a number of works of art put into secure storage in Amsterdam. From the early months of 1934, Alfred and then Sofie Isay were registered as residing at various addresses in Amsterdam. In March

1936 the family moved into a residence at Schubertstraat 66 in Amsterdam and their home in Cologne was sold. In 1939 the Isay family applied for Dutch nationality, but the procedure was presumably thwarted by the German invasion on 10 May 1940. The Adelsbergers managed to leave Germany shortly afterwards and moved in with Alfred Isay and his family in Schubertstraat in Amsterdam.

Anti-Jewish measures were introduced in the Netherlands step by step. In October 1940, for instance, a regulation stipulated that Jewish businesses had to be registered. This registration was the prelude to further measures that were to follow in the spring of 1941. In January 1941, a regulation was promulgated requiring that all Jews in the Netherlands also had to be registered. This was followed in March 1941 by the *Wirtschaftsentjüdungs* [business Aryanization] regulation, under which businesses were expropriated or placed under Aryan management. Alfred Isay was consequently forced to hand over his shares in EMKA, the textiles factory he had founded, to non-Jewish people. Isay was dismissed in August 1941, and received no further salary from then on. This rapid succession of new measures made life for Jewish residents more and more difficult.

One week after Isay's dismissal, the first Liro regulation came into effect. It stipulated that Jews must surrender their assets above a certain exempt sum to the robber bank Lippmann, Rosenthal & Co, which had been established for that purpose. After he had handed over his shares, Isay was forced to deposit the purchase price at this robber bank. Systematic deportations to death camps started in the summer of 1942. Alfred Isay and members of his family were arrested several times during this period. On 3 July 1943 Alfred Isay obtained a temporary exemption from



deportation (the so-called Sperre), probably because the Nazis needed him to deal with a foreign exchange issue. Such exemptions were temporary and the degree and duration of this protection were extremely uncertain. The Isay family went into hiding on 1 March 1944. The couple found a place to stay in the attic of a house in Amsterdam, and the two children, who were separated from each other, went elsewhere. These events had a dramatic effect on Isay's health. He was admitted to hospital for lengthy stays on several occasions because of serious kidney problems. The couple survived the war; Alfred Isay died in Amsterdam on 3 June 1948. Sofie Isay-Adelsberger died in 1982 aged 85.

As a result of this and other forms of persecution that had affected him and those in his circle, Alfred Isay tried to dispose of possessions, directly or through intermediaries or front men, in order to pay for his own living expenses or to provide support to others. One of the people in this social and business circle was Leopold Klopfer, who introduced his brother-in-law Leopold Weinberg into Isay's personal network. It emerged from the discovered family archive that Weinberg, acting as an intermediary for Isay, sold the two Von Stadler paintings in November 1941 to the Nazi sympathizer Alois Miedl, who had managed to get his hands on the Goudstikker gallery.

The discovery of the family archive underlines the great importance of source and factual material in being able to establish that there was ownership and involuntary loss of possession in direct relation to the Nazi regime. After reconsideration of the case, the Restitutions Committee recommended granting the restitution application.

The two paintings will be returned to the Isay descendants as soon as possible.

ELSE VAN STERKENBURG

Secretary of the Restitutions Committee

For the full recommendation see <https://www.restitutiecommissie.nl/en/recommendation/adelsberger-ii/>

The compilation video can be watched on <https://lnkd.in/eJZyhuh>



New Perspectives for looted Libraries

In France, books looted during the Occupation have not received the same attention as the looting of artworks. However, their massive presence in French collections has recently been rediscovered, thanks to the work of Martine Poulain, honorary curator of libraries and holder of an habilitation to supervise research in sociology and specialised in the sociology of books and reading. It is estimated that five million books were confiscated in France during the Occupation. This type of spoliation initially targeted collections before becoming more systematic starting in 1942 during the looting of Jewish homes. “Admittedly, most of the stolen works do not have a high financial value. Even so, this type of theft clearly illustrates – perhaps even more clearly than theft of artwork – the exhaustive nature of Nazi crime and determination to annihilate not only the Jewish people, but also their very thoughts, expressions and culture.” declared David Zivie, head of the Mission for Research and Restitution of Spoliated Cultural Property between 1933 and 1945 - M2RS, in his report to the Minister of Culture in 2018.

The Books Sub-Committee (1945-1950) of the Artwork Recovery Commission (CRA) took responsibility for books recovered in France (1.6m) and in the territory occupied by the Reich (773,000 in Germany and Austria). Only 2,248 people and 408 institutions have filed claims with the CRA. Next, a “select committee” (1949-1953) distributed 13,800 documents among 42 libraries, and 300,000 were sold by regional offices (87,000 were bought by libraries). Some libraries are now conducting research to identify the works recovered at the time; however, the chance for restitution is limited due to the challenges of identifying the rightful owners. More often than not, the books contain no record of their owners, and only rarely mention their name within their covers.

Self-referral practices

Since its creation in 1999, the CIVS has handled referrals submitted by claimants, specifically victims and their heirs. One of the innovations of the October 1, 2018 decree was the possibility for the Commission to take up



CIVS BOOK RESTITUTION PONTLEVOY
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cases involving cultural property on its own initiative. To date, its practice is characterised by the preponderance of spoiliations of books, and by a common origin: reports from the CIVS network in Germany. Another characteristic is worth noting: although it acts without a request, the Commission contacts the rightful claimants during the investigation to inform them of the file being processed and to obtain information from them. During these contacts, the possibility of filing a claim for other losses is recalled, which makes the link with the original mission of the CIVS.

As part of its reinforced missions in favour of the research and restitution of cultural property, the CIVS pays particular attention to looted books. Even if they generally have only a modest market value, books are extraordinary vehicles of memory. The discovery of a stamp, an ex libris or a dedication often reveals the identity of the former owners who were robbed of their libraries as a result of anti-Semitic legislation or the wartime looting committed during the Occupation.

The affective dimension attached to objects of lesser commercial or artistic value is regularly recalled in colloquia. Pia Schölnberger, our Austrian colleague and director of the Kommission für Provenienzforschung in Vienna,

speaking at the 9 January 2020 session of the „Spoliated Heritage“ seminar of the Institut National d'Histoire de l'Art: „Alongside major, precious works of art we can find smaller pieces of lesser market value, such as books [...] becoming central to our work. Research into the history of each of these objects carries great potential, scientific appeal and emotional depth. While the general public may have a clear preference for objects with a strong personality and high monetary worth, each one holds equal value in our work.“ By deciding to examine these cases and to commit comparable research resources to these objects, the Commission is responding to the call from researchers and historians to also consider these cases of spoliation.

In cooperation with several German public libraries, such as the Zentral- und Landesbibliothek Berlin (Central Library of the Land of Berlin), the University Library of Dresden and the Staatsbibliothek zu Berlin, the CIVS actively participated in the restitution of several dozen works in 2021, intervening at the level of provenance research, the search for rightful owners, but also as a mediation and organisation body at the time of restitution.

Mediation action in the restitution of a looted work to the Ministry of the Armed Forces

The Zentral- und Landesbibliothek Berlin has identified in its collections a work looted during the Occupation from the library of the former Ministry of Air, which has since been absorbed by the French Ministry of the Armed Forces. This is a *Recueil Sirey* of judgments of the Conseil d'Etat ruling on disputes and decisions of the Tribunal des Conflits et de la Cour des Comptes. The book dates from 1911. The course of the object could be precisely identified. In all probability, it was seized by the German occupation forces in 1941 or 1942 in the building of the former Ministry of Air at 24, boulevard Victor, 75015 Paris. The property was then transferred to the territory of the „Reich“; it became part of the collections of the Institut für Staatsforschung, a propaganda body under the supervision of Himmler and responsible for fulfilling the orders (requests for expertise) of the National Socialist regime. After the dissolution of the institute in 1947, a large part of its collection was transferred to the Zentral- und Landesbibliothek Berlin without any prior provenance research.

It is still there today.

The provenance of this book is clear: it was taken in 1941 / 1942 from the library of the Air Ministry. The words „Institut für Staatsforschung“ are stamped on the title page. The date of entry into the Institute's collection is also mentioned. A second stamp provides decisive information on the provenance of the book: it refers to the Air Ministry. The Zentral- und Landesbibliothek Berlin wanted to return the book to the competent ministerial body, which led to the CIVS acting as a mediating body.

The handover took place on 25 June 2021 in a reception room of the Zentral- und Landesbibliothek Berlin, under the auspices of the CIVS. The management of the Library and the team of researchers presented the book to one of a member of the Defence Mission of the French Embassy in Berlin, representative of the Ministry of the Armed Forces in Berlin.



Return of a book to the masonic lodge Saint-Jean-de-Jérusalem (Nancy)

In cooperation with the Zentral- und Landesbibliothek Berlin, the CIVS organised on 20 November 2021 in the salons of the French Embassy in Berlin the return of an 18th century Bible to the Saint-Jean-de-Jérusalem Masonic Lodge (Nancy).

The library of the Nancy lodge, which had more than 2,700 books and documents before the war, was completely looted by the occupying forces. This was only the second book recovered by the lodge since then and therefore an event of great importance for its members. Shortly after the end of the war, the book was handed over by the „Rescue Mission for Scientific Libraries“ to the Berlin City Library. It was part of the salvage lot no. 161 entitled „Inventory of the Margarine Bunker“, south of Berlin.

It was a collection and sorting point for books looted by the various organs of the National Socialist regime. They were

clearly intended to fill the shelves of the ‚Enemy Forces Library‘ (Feindbibliothek), which the Nazi regime planned to establish in Berlin as the heart of its propaganda apparatus. Most of the books from this collection point were seized in the occupied territories, particularly in France. The provenance was identified by a stamp on the first page of the Bible.

Presided over by the French Ambassador to Germany, the restitution ceremony was an opportunity to recall the systematic persecution of Freemasons under National Socialism. A dozen members of the lodge had made the special trip from Nancy to experience this moment described as „unique and historic“ by the Venerable of the lodge, Sébastien Liarte. The CIVS participated in the search for the rightful claimants, provided its expertise and played a mediation role.

Restitution of two works looted by the German occupation forces to the Catholic High School of Pontlevoy

By conducting a search for the rightful owners and playing a general mediation role, the CIVS actively participated in the restitution on December 7, 2021 of two books looted during the World War II from the Lycée Catholique de Pontlevoy.

Louis Joubin's *Le fond de la mer* (The Bottom of the Sea) and Adrien Franchet's *Flore de Loir-et-Cher* were in the collections of the Berlin Technical Museum and the Berlin Botanical Garden Library respectively.

This restitution took place within the framework of the partnership established in 2019 between the CIVS and the German Centre for the Research of Spoliated Cultural Property (DZK), which supported the work that led to the discovery of the books.

During the Occupation, the books were looted from the library of the Pontlevoy girls' school. Their fate in Germany after the war is uncertain, but stamps show their places of origin.

In the case of *The Bottom of the Sea*, the book was

donated in 1941 by the German military administration to the Institute and Museum of Oceanography in Berlin. Founded in 1900, it had an extensive library of specialists. The museum's collections now belong to the Humboldt University of Berlin as its legal successor. After the war, they were divided among various institutions. The Technical Museum of Berlin holds some of the museum's exhibits and most of the library in trust.

The restitution ceremony was held in front of more than 200 schoolchildren in the presence of the President of the CIVS Michel Jeannoutot, its Director Jérôme Bénézech, and the Director of the Technical Museum of Berlin Joachim Breuninger, a museum which was carrying out on this occasion the first restitution of a book in its history. The institutions involved in the return were pleased to give back to the school of Pontlevoy „a bit of its memory“, and the return of the works to Pontlevoy was the starting point for educational activities organised by the teaching staff around historical and memorial questions.



Return of 33 books to the editorial team of the newspaper *le FIGARO*

In cooperation with the Staatsbibliothek zu Berlin and the Stiftung Preussischer Kulturbesitz, a successful restitution ceremony for 33 books looted during World War II took place at the French Embassy in Berlin on 10 March 2022.

The works were identified in 2017 within the collections of the Staatsbibliothek zu Berlin by Michaela Scheibe, head of the „Historical Documents and Provenance Research“ department. She identified in her collections about ten books that belonged to the journalist, writer, lecturer and former Vichy minister Lucien Romier, having notably directed the editorial staff of *Le Figaro*. As well as about twenty books that were looted in Paris from the newspaper *Le Figaro*. The Stiftung Preussischer Kulturbesitz, the supervisory institution of the Staatsbibliothek zu Berlin, which is itself under the authority of the Minister of Culture, therefore wished to return all the books to the French newspaper.

The research undertaken so far indicates that these works were seized during the Occupation by the propaganda and security services of the National Socialist regime and then distributed to the Prussian Empire Library, which was later re-founded as the Staatsbibliothek zu

Berlin. The *Figaro* library was of interest to the security and propaganda organs of the National Socialist regime. This is why Lucien Romier's works, which were part of it, were seized by the Gestapo, the ERR or the French services acting under their authority.

The signs of spoliation are here mainly materialized by a series of dedications addressed to Lucien Romier, and for the works coming directly from the newspaper's editorial offices the signs of provenance were rather clear in that the majority of the works bore a stamp.

On the day of the handover in Berlin, the newspaper, represented by its deputy editor and head of the international department, Philippe Gélie, who came specially from Paris for the occasion, and the correspondent of *Le Figaro* in Berlin, Pierre Avril, were received by the French Ambassador to Germany and the Minister Counsellor.

The CIVS played a role of mediation, assistance in the search for rightful claimants and communication support in this restitution project. This restitution follows the drafting of two self-referral reports.

Return of 10 books to the Ministry of Economy, Finance and Recovery in Paris

This restitution concerns 10 works published between 1820 and 1823, looted during the Occupation from the library of the Ministry of Economy and Finance, and constituting a 19th century collection of the complete works of VOLTAIRE. This series of works was seized in Paris in June 1940. In the summer of 1940, the Nazi occupation forces targeted the archives and libraries of French ministries considered sensitive or strategic, namely the Foreign Affairs, Interior, War and Finance Ministries. The books and documents were confiscated and sent to Germany as war booty and objects of study. Unfortunately, it has not been possible to reconstruct the precise wartime path of these early works by Voltaire. It is not known exactly via which intermediary institutions the ten books found their way into the collections of the Zentral- und Landesbibliothek Berlin. However, some of the books are marked „Kammer der Kunstschaffenden“. This would indicate an intermediate station after 1945, or more precisely a small cultural library that existed for a very short time after the war.

Fortunately, in this case, the indications of provenance were very clear: each book has an *ex libris* with the mention of „Receveur général des finances - FERON“. An internal

search in the Service des archives économiques et financières (SAEF) of the Ministry of the Economy, Finance and Recovery provided details of the provenance of the works and identified that they belonged to Justin Léon Féron (1801-1876), Receiver General of Finance between 1832 and 1866, in various French departments.

The Ministry of Finance was indeed identified as an institution spoliated during the Occupation and due to the anti-Semitic legislation. As such, it is mentioned in the database „Bibliothèques spoliées en France durant la Seconde Guerre mondiale“ compiled by Martine POULAIN, author of the book *Les bibliothèques françaises sous l'Occupation* (Folio Histoire, Nov. 2013) and published online on the website of the Memorial de la Shoah in Paris.

The relative uncertainties surrounding the journey of the books from Paris to Berlin do not, however, detract from the certainty of the researchers at the Zentral- und Landesbibliothek Berlin (ZLB); the indications of the library nomenclature and the stamp are, according to the provenance researchers, irrefutable proof.

In 2017, a first attempt at restitution was made between the ZLB and the Ministry of Economy and Finance.



The books had been deposited in Paris directly with the Bibliothèque Nationale de France, for transmission to the relevant ministry. After several months of exchanges and research, the contacts at the time at the Ministry of Finance were unable to confirm that the books belonged to them and were therefore unwilling to sign the agreement that the ZLB needed. The books were therefore returned to Berlin a few months later, due to doubts about the ownership of the books by the Ministry of Economics and Finance and the lack of certainty that they were the rightful owners. The ZLB has since maintained its position that there is no doubt as to the provenance of the books, as they believe the stamp is clear.

Thanks to a revive and good cooperation between the CIVS, the French Ministry of Culture and the ZLB, a new contact took place in 2021. The current Chief Curator of Heritage and Head of the Service des archives économiques et financières (SAEF) very quickly confirmed that her service is very interested in recovering

the 10 works in these collections, while specifying that their presence in the catalogues of the Ministry's library in the 19th century is not attested to. The SAEF has a rich historical and administrative library and would be willing to take charge of these works, integrate them into its collection and enhance them as part of the history of the Ministry of Economy and Finance, of which they are undoubtedly a part.

The 10 Voltaire books will be returned to Berlin on 23 May 2022.

It is unfortunately impossible to report on all the book restitutions in which CIVS is involved. In February 2022, it participated in the restitution of 6 works to the Diplomatic Archives (MEAE) and 3 to the Ministry of the Interior. And in July, it will organize the restitution of five books that belonged to Georges Mandel. We will report on this in the next issue of the Newsletter.



CIVS BOOK RESTITUTION FIGARO
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The 'return of beauty'?

The restitution of fascist-looted cultural property in Italy, 1945-1991

Italy has long been lacking behind some of its European neighbours when it comes to provenance into fascist-looted cultural property. Despite the impressive amount of in-depth research carried out by the Anselmi Commission (1998-2001) with very little means, Berlusconi's newly elected government failed to follow up on any of the Commission's recommendations, including the establishment of an ad hoc restitution body (1). Further attempts were thwarted by political instability or an unwillingness to prioritise the matter. In summer 2020 the Ministry of Culture finally established a Working Group for the study and the restitution of cultural property of looted or confiscated from Jewish citizens by the Fascists or the National Socialists in the period 1938-1945 (2). My research project focuses on the history of restitution of Jewish-owned cultural property within the bigger scope of post-fascist Western Europe since 1945, with a particular emphasis on the paramount role attributed to restitution in the cathartic birth of the Italian republic after Fascism (3).

On the morning of 22 July 1945, a long string of U.S. military trucks slowly proceeded along the narrow streets of war-torn Florence, carrying 750 artworks which had been removed or looted by retreating German troops the previous year. In Piazza della Signoria, trumpeters in Medieval attire holding the city's banners adorned a podium packed with local, British and U.S. personalities anxiously awaiting the Fifth Army wagons (4). The cargo, which included masterpieces from world-class museums such as the Uffizi, had been located in South Tyrol in the spring and purportedly transported back as soon as civilian railway lines had been restored. Upon its arrival, U.S. major general Edgar E. Hume and Florence's 81-year-old Socialist mayor Gaetano Pieraccini addressed the growing crowds with ceremonial speeches, saluting what decades later would still be emphatically remembered as 'the return of beauty' (5).

The restoration of Florence's national collections was to constitute a milestone in the cathartic rebuilding of the city and the Italian nation state more broadly. The soon-to-be established Republic faced the daunting tasks of pacifying a country torn by Fascism and civil war, legitimise its rather fragile foundations and build a respectable place for the it

within the 'Western' sphere of influence. Within this scenario, Italian and U.S. officials quickly came to understand restitution as central to the creation of a narrative designed to glorify the rebirth of the Italian nation and underline its extraneousness from Fascism. In the following years, restitution would often be brought into play to strengthen the myth of the country's mass participation in the Resistance on one side and to present the country as a victim of Nazi Germany and thereby whitewash the crimes of Fascism on the other. These included first and foremost Italy's role in the persecution and extermination of its Jewish citizens as well as its ruthless colonial practices. This collective amnesia, usually constructed at the expenses of Jewish citizens and ex-colonial subjects, was to strengthen itself over the following decades, and did not limit itself to Italy.

While the return of national collections acquired remarkable visibility and relevance in the early Republican years, references to the spoliation of citizens of Jewish origins remained the exception. Such noticeable lack of media coverage was partly due to the relatively smaller volume of cultural property confiscated by the Fascist states – following the 1938 Racial Laws, and especially after the establishment of the Italian Social Republic in autumn 1943 – and of the rather unsystematic nature of Nazi spoliation measures in Italy, which as an Axis ally was spared at least until 1943. Its nearly total absence, however, was a particularly evident demonstration of the collective suppression of any involvement by Italian authorities and citizens in the persecution of their fellow Jewish nationals. This remained the case even though the Ufficio Recupero, Italy's Retrieval Office led by the controversial Rodolfo Siviero, did investigate the holdings of the Offenbach depot and the occasional, isolated story appeared now and then in the press (6).

Even in the rare instances in which the question of Jewish-owned cultural property did come up, moreover, its treatment was rather exemplary of the peculiar course taken by postwar Italy in elaborating its involvement in the Holocaust. The Corriere, for example, briefly covered the story of Leo Goldschmied, forced to flee to Switzerland 'for racial reasons' during the Salò Republic. Upon his return, he discovered that his collection of antique books and pre-Columbian statuettes had disappeared from his home



SIX TRUCKS WITH PART OF THE HALF BILLION DOLLARS WORTH OF FLORENTINE ART TREASURE, WHICH WAS TAKEN TO BOLSANO BY RETREATING GERMANS, ARRIVES AT PIAZZA DEI SIGNORIA, FLORENCE, ITALY AND PASSES BY REVIEWING STAND OF AMERICAN, ENGLISH AND ITALIAN OFFICIALS.

in Milan. According to his own enquiries, some of the books had quickly resurfaced in the catalogue of an antiquary bookshop less than a block away from his home. When confronted, the book seller first asserted that he had gotten them from the tobacconist's around the corner, then recanted his story, possibly to avoid being charged with grand larceny. He stated that he had bought them from an 'authorized librarian' 'for a more than adequate price' (7). During the ensuing police investigation, Goldschmied's porter eventually declared to have received a parcel by a certain Luigi, by him only identified as 'a member of the SS' – a typical name for a Waffen-SS, indeed – who had allegedly asked him to guard the books until his return. He purportedly never came back, however, prompting the porter to sell them for 'a few packs of cigarettes' (8). Not much is known of how the story ended, unfortunately. One of the manuscripts, a Trivulziana copy of Dante's works, had already been sold to an unidentified British collector and was possibly never retrieved. Two Chinese vases and a box of antique books that were confiscated at his home in Varese had instead made it to the storage rooms of the EGELI – the Fascist state agency entrusted with the confiscation of Jewish property, and were eventually returned. Even in this apparently straight-forward case, it took Goldschmied more than 18 months to get his property back. During these months, EGELI functionaries

– often the same who had displayed remarkable efficiency during the confiscations – vexed Goldschmied with their absurd requests for storage taxes and paperwork, to the point that in October 1945 he responded with a telegram in which he stated: 'I do not recognise any of the authorities mentioned in your letters; I only recognise the specific event of a plunder and theft executed by bandits at my expenses' (9).

As for some of the pieces found in the possession of the librarian, it is conceivable that they were eventually given back, since the police seemed to endorse Goldschmied's claim, once they got involved. His well-earned prestige among Milan's banking circles, before and after the war, and in particular his contribution to the Resistance from his Swiss exile might have played in his favour. Indeed, in the early postwar years Resistance credentials usually went further than the recognition of the persecution suffered by Italian Jews, which would usually take many decades to be acknowledged. For instance, three months later journalist and fellow émigré Ferruccio Lanfranchi recollected how Leo Goldschmied's inflation expertise and international contacts helped erode Salò's reserves and funnel Allied support to partisans in the north west (10). No mention of the 'racial reasons' that had forced him to abandon his home was made, however.

Goldschmied's case well exemplifies to the local – even

personal – and often improvised character of many of the plundering actions carried out during Salò. Indeed, if the Italian Social Republic issued almost 8,000 confiscation decrees, countless more looting raids were conducted by Fascist military corps, the notorious *bande*, or fellow citizens (11). It is therefore particularly difficult to estimate the volume of property actually looted – and in particular of cultural property, since Fascist authorities usually listed only the businesses and homes, including ‘their entire contents’, in their confiscation reports.

According to an official balance summary drafted in June 1945, the grand total of all movable and unmovable assets appropriated by the EGELI summed up to around 726 million liras at the time – which corresponded to around 309 billion liras back in 1997 (12). Of these, homes and businesses came up to 46 million, a substantial part of which (but not all) was returned after the war, sometimes emptied of any contents or damaged (13). The remaining 680 million liras in gold, cash, jewellery, furniture and goods were only partly returned – here again, usually the ones which had escaped forced sales, improvised looting raids, mandated destruction, war damage or which would not sit in some Ministerial storage room for decades, as we shall see. To remedy this, Jewish citizens were encouraged to apply for compensation for ‘war damages’ by the Union of Italian Jewish Communities (UCEI, then UCII) as early as summer 1945 (14).

More importantly, Goldschmied’s example especially testifies to how plundering was often presented as a Nazi enterprise, even when it blatantly was not. By projecting the blame onto the National Socialists, or in some instances their collaborators, expropriation was gradually presented as an external matter rather than a domestic one, with Nazi Germany cast as the ultimate villain. While a series of lawsuits did occur between 1945 and the mid-1960s, it will often take up to the late 1980s to start rectifying this (15). The gradual and still rather partial move was part of a much broader institutional as well as historiographical campaign to raise awareness of Fascist Italy’s anti-Semitic persecutions that marked the 50th anniversary of the Racial Laws, in 1988 (16).

Up to that point, however, Italian restitution politics took the form of a gradual but marked shift from amnesty to amnesia, that would last well into the 1980s. The conciliatory approach adopted with the 1946 amnesty granted by then Justice Minister and leader of the Italian Communist Party Palmiro Togliatti, while it explicitly did not extend to crimes ‘for one’s own personal gain’, *de facto* sanctioned the exoneration of many looters and collaborators whenever

the personal gain could not be proven in court (17). This attitude was progressively replaced by a collective repression of Fascist Italy’s anti-Semitic persecutions, and of the failure on the part of the newly-established republic to fully remedy them for several decades. This applied not only to many individuals, such as Goldschmied, but sometimes to entire communities.

Even in the case of communal property which had been retrieved after the war, bureaucratic difficulties or even outright indifference – to say the least – sometimes prevented their restitution. A good case in point is the fate of four silver Judaica looted from Milan’s synagogue, apparently retrieved – but not returned – by Rodolfo Siviero, after the war (18). In November 1943 three crates of ceremonial objects belonging to the synagogue had been looted by an SS squad lead by Karl Otto Koch (19). Known across Milan as *Judenkoch*, Koch was the former commandant of the Buchenwald and Majdanek camps and would be executed by the SS for corruption in April 1945 (20). After the war some of the items had allegedly been retrieved at Koch’s office, near San Vittore prison, while by 1946 the four pieces of ritual silverware had landed in the ARAR depot, the post-war ‘company for the buyout and alienation of residual war material’ (21). Not unlike the Genoese Alessandro Basevi’s silverware, which had also ended up at the ARAR and were even auctioned off, despite the owner’s repeated claims (22).

This time around the Union was alerted just in time, however, and immediately prompted the Retrieval Office to set right the ‘absolutely undignified’ fact of considering these objects as ‘war booty’ on one side, and the ‘grave profanation’ of sacred ceremonial objects on the other. ‘We are certain – argued the Union – that your esteemed Office will understand the moral importance of the matter, and as one of the main, generous cares of the Allies and of your Office consisted in returning the looted treasures that spiritually belong to the entire humankind to museums, galleries etc., so even greater care will be placed in returning sacred things that are symbols of a religion and instruments of its liturgy’. As a result, in November 1948 the silverware was eventually returned to the Retrieval Office at the Ministry of Education, in whose care they would however remain for over forty years (23).

After over three decades of inertia, during which the pieces – a yad, a megillah Esther, a chalice and a basin – sat in different depositories, the silverware were exhibited in 1984 in Florence, together with another 140 pieces that Siviero ‘had snatched away from the Nazis’ (24). These inclu-

ded paintings by the likes of Tintoretto, Rubens and Memling as well as the Lancellotti Discobolus, a marble copy of the Myron original (25). The artworks quickly became contended between several Italian and also German institutions – as some pieces had been bought (rather than looted) by Nazi intermediaries, albeit in contravention of the 1909 heritage protection law (26). The Jewish Milanese community claimed ownership but reportedly also stated that ‘should a special museum of Nazi-looted art be established, we would have left our ceremonial silverware to be exhibited as testimony of the abuses inflicted by the Nazis also on the cultural heritage of Italian Jewry’ (27).

The offer fell on deaf ears at the Heritage Ministry, however. In February 1987, the Ministry called upon a commission of experts to decide over the distribution of the artworks (28). Despite repeated appeals and the fact that the items’ provenance was clearly stated in the catalogue, the commission sanctioned their allocation to Milan’s heritage board (29). At this point, the Jewish community decided to lodge an appeal. It was not unprecedented for local communities or individuals to be forced to resort to legal action. It was the first time, however, that the judiciary took a different attitude.

On 7 June 1991, after much deliberation, the Administrative Court of Latium (TAR) upheld the appeal. The Ministry had contended that the items now belonged to Italy based on law 77 of 1950, which sanctioned that retrieved objects transferred to Germany during the years 1938-1943 would become property of the state. Said regulation had been conceived for artworks sold or exchanged by Fascist art dealers such as Eugenio Ventura or Alessandro Contini-Bonaccossi, two of Hermann Goering’s main contacts in Italy, or exported to Germany under pressure by Fascist leaders such as Benito Mussolini or Foreign Minister Galeazzo Ciano (30). The U.S. decision to repatriate these items had in fact been very controversial at the time. It prompted the resignation of Herbert Leonard, head of the Munich Central Collecting Point, and a group of West German scholars to publish a heart-felt exposé to president Harry Truman and General Lucius Clay. For the newly-established republic the return was a huge diplomatic success and constituted a stepping stone in the construction of the myth of the ‘good Italian’, victim of the ‘bad German’ (31). Here again, by shifting blame onto Nazi Germany, the country could minimise Fascist agency already from 1938 onward and reinforce what would become the all too familiar tale of Italy’s extraneousness to

the Racial Laws and the Holocaust, thereby marring its process of *Vergangenheitsbewältigung*, its ‘struggle to come to terms with the past’, for many years to come.

By 1991, however, the tide had finally started to turn. In its ruling, the TAR first reminded that the community had ‘repeatedly signalled to the Ministry its right to restore its ownership of the ceremonial artworks, which had been forcibly removed during the Second World War by German occupying troops’. It then argued that the 1950 law could not apply here, as the silverware had indeed not been ‘voluntarily and freely given to the German authorities, but removed and looted against the owner’s will’ (32). Since no trade had taken place, evidently, the court referred instead to an earlier law, no. 24 of 1948, which dealt with goods looted during the occupation, and thereby sanctioned the immediate rescission of their allocation to Milan’s heritage board.

The verdict represented a long-awaited recognition for the community. Following the TAR ruling, the Ministry tried to counterappeal, offering to retain the ownership of the Judaica but giving it on permanent loan to the community. In response, the community issued a statement which spelled out once and for all the moral, as well as political, dimension of the issue: ‘it is evidently inconceivable that the Italian state should benefit from Nazi depredations, appropriating items which had first been looted and then retrieved, and thereby damaging the Communities of persecuted Jews’. Playing the moral card, the community underlined how ‘the restitution of these objects after fifty years (and the deplorable refusal of the Minister, under past managements, to see to it spontaneously), takes on a high moral significance, and we would like to confer upon it all the solemnity required’ (33). The items were finally returned, although the transfer apparently took place without much pomp, and no word about it appeared either in the press.

This notwithstanding, the victory of the Milanese community marked the beginning of a phase of ‘partial awakening’, after decades of oblivion. It was only with the end of the Cold War that this collective amnesia, or rather this voluntary suppression of Fascist expropriations and their partial restitution finally started showing the first cracks in its façade, thanks to the relentless engagement of local Jewish communities and the Union – together with Jewish international agencies such as the World Jewish Congress. These, combined with a significant generational and political change as well as the insurances and bank

accounts scandals of the mid-1990s, would eventually lead to new legislation in 1997 and to the establishment of the Anselmi Commission.

Up to that point, however, and especially between the immediate aftermath of the Second World War and the late 1960s, the rhetoric of cultural restitution represented a useful means of staging a clean cut with the Fascist past while at the same time placing all blame onto Nazi Germany in order to exculpate the state apparatus and the Italians who had actively taken part in the expropriation of their fellow citizens and neighbours. Despite the extensiveness and staggering efficiency of the Fascist confiscation machine, for decades the rights of the legitimate owners or their heirs were thereby not only forgotten but sometimes even, once again, violated. Even when restitution to Jewish citizens or communities did take place, in fact, the process sometimes turned into yet another instance of discrimination or loss (human, as well as material), or, in the best-case scenario, provided an alibi that reduced the process of restitution to a simple financial transaction, devoid of social and political meaning.

Far from constituting a mere exercise in cultural diplomacy, postwar restitution played an integral role in the country's attempt at rebuilding a sense of national cohesion – often at the expenses of an in-depth processing of its involvement in the Holocaust – and thereby overcome the ghosts of its Fascist past. Beauty might have returned, but in some cases it was used to mask something much uglier, that countries like Italy were still to own up to fully.



MILAN JUDAICA

Stemming from this project, the comparison between the restitution of Jewish-owned and colonial-era cultural property is now the subject of the upcoming conference ‘The return of looted artefacts since 1945: post-fascist and post-colonial restitution in comparative perspective’ taking place in Rome on 16-18 May 2022 (34). While the glaring differences between the fascist and the colonial experiences are indisputable, the similarities in post-fascist and post-colonial restitution practices and discourses and their political-historical significance beg further inquiry. This is crucial to better understand not only the political relevance of heritage and its role in memory- and nation-building vis-à-vis the rise of human rights, but also the persistence of anti-Semitic and racist stereotypes in the post-1945 world order and the recurrence of restitution motives in present-day nationalist propaganda. Such an endeavour appears all the more necessary in a country such as Italy, which sometimes still struggles to recognise Fascist anti-Semitism, let alone its skewed post-colonial memory.

BIANCA GAUDENZI

Since February 2018 Research Fellow at the Zukunftskolleg, University of Konstanz, and PI of the project The Restitution of Looted Cultural Property in the Federal Republic of Germany, Italy and Austria, 1945–1998, funded by the German Research Foundation (DFG).

Since December 2018 Project Researcher at the German Historical Institute in Rome.

ADDENDUM

- 1) An English-language version of the General Report of the Commission entrusted with the task of reconstructing the actions undertaken by public and private bodies in Italy to acquire the property of Jewish citizens, named after her Chair Tina Anselmi – a prominent member of the Christian Democrats (DC) with Resistance credentials and Italy's first female Minister – is available here: <https://www.lootedart.com/NJ48OB738191>. The over 140 folders of archival material collected by the Commission are available at the Archivio Centrale dello Stato (ACS), Fondo Anselmi.
- 2) See <https://www.beniculturali.it/comunicato/dm-323-17072020-comitato-per-il-recupero-e-restituzione-dei-beni-culturali-del-gruppo-di-lavoro-per-lo-studio-e-la-ricerca-sui-beni-culturali-sottratti-in-italia-agli-ebrei-tra-il-1938-e-il-1945-a-seguito-della-promulgazione-delle-leggi-razziali> (last accessed 12 May 2022).
- 3) The project was financed by the Deutsche Forschungsgemeinschaft (DFG) and the Zukunftskolleg, University of Konstanz and is being carried out at the German Historical Institute in Rome.
- 4) See 'Photographs. War Damage Series,' Ward-Perkins Collection, British School at Rome and 'Art returns,' Combat film no. RW00901, Archivio Storico Luce, Rome.
- 5) Alessia Cecconi, *Resistere per l'arte*, Florence: Medicea 2015.
- 6) The hagiographic literature on Siviero is now being replaced by more balanced critical studies, such as Francesca Coccolo, "Rodolfo Siviero between Fascism and the Cold War: negotiating art restitution and 'exceptional returns' to Italy after the Second World War", in: *Studi di Memofonte* 22 (2019), 198-209; Francesca Bottari, *Rodolfo Siviero: avventure e recuperi del più grande agente segreto dell'arte*, Roma: Castelvechi, 2013.
- 7) "I preziosi libri trafugati e i loro successivi trapassi," *Corriere dell'Informazione*, 21-22.05.1946, 2.
- 8) "Un pacco di libri preziosi per qualche pacchetto di sigarette," *Corriere dell'Informazione*, 20-21.05.1946, 2.
- 9) CARIPLO Archive, Milan, Fondo EGELI, Pratiche nominative beni ebraici, file 'Goldsmith' (sic)
- 10) F. Lanfranchi. "Due miliardi e mezzo piovuti dal cielo," *Corriere dell'Informazione*, 16-17.08.1946, 1.
- 11) See Commissione, *Rapporto generale*. 6. See also Francesca Cavarocchi, 'Ricerche e restituzioni delle opere d'arte sottratte dai nazisti: il caso italiano (1945-1950)', in: *Contemporanea* 21 (2018), 4, 559-586, here 562. On anti-Semitic persecutions during the Italian Social Republic see Simon Levis Sullam, *I carnefici italiani. Scene dal genocidio degli ebrei, 1943-1945*, Milan: Feltrinelli, 2015 and Amedeo Osti Guerrazzi, *Gli specialisti dell'odio: delazioni, arresti, deportazioni di ebrei italiani*, Florence 2020.
- 12) See 'La questione "Beni degli ebrei" riguarda anche l'Italia', *Shalom XXXI* (1997), 6, 1.
- 13) See *Rapporto generale*, 261-300. Historian Michele Sarfatti, a member of the Commission, provides a decisively less optimistic estimate of postwar restitution efforts, see Sarfatti, "I beni vennero confiscati e non furono mai restituiti", *Corriere della Sera*, 13/11/2002, 37.
- 14) See UCEI Archive (AUCEI), *Attività dell'Unione delle Comunità Israelitiche Italiane 1934-1948*, Legislazione sulla reintegrazione dei diritti, busta 65A, folder 9 and busta 65B, folder 12.
- 15) See Ilaria Pavan. *Beyond the things themselves: economic aspects of the Italian Race Laws (1938-2018)*, Jerusalem: Yad Vashem 2019, 235-255;
- 16) See Valeria Galimi, *Sotto gli occhi di tutti. La società italiana e le persecuzioni contro gli ebrei*, Florence: Le Monnier, 2018, 135 ff. The signing of the intesa (agreement) between the Italian state and the UCEI, which granted Jewish citizens greater religious freedom and social protections, was central in this regard, see Archivio del Senato, 225 seduta, 1.3.1989, 1-40; "Intesa tra la Repubblica Italiana e l'Unione delle Comunità Israelitiche Italiane", in: *La Rassegna Mensile di Israel* 52 (1986), 1, 36-59.
- 17) See for instance I. Bolzon, F. Verardo, "Profittatori di guerra. I crimini contro gli ebrei nei processi della Corte d'Assise Straordinaria di Trieste (1945-1947)", in: *Contemporanea* 21 (2018), 4, 533-558.
- 18) See the catalogue F. Scalia, B. Strozzi Paolozzi (eds.), *L'opera ritrovata. Omaggio a Rodolfo Siviero*, Florence 1984, 197-201
- 19) See AUCEI, Per 185: 'Il tesoro di Via Guastalla,' *Bollettino della Comunità Ebraica di Milano*, XLVII, 12 (December 1991), 11.
- 20) See Gedenkstätte Buchenwald, *Konzentrationslager Buchenwald, 1937-1945*, Göttingen: Wallstein, 2004, 42.
- 21) See *Rapporto generale*, 161. On the ARAR see Luciano Segreto, *ARAR: un'azienda statale tra mercato e dirigismo*, Milan: F. Angeli, 2001.
- 22) See Enrica Basevi, *I beni e la memoria. L'argenteria degli ebrei: piccola scandalosa storia italiana*, Catanzaro: Rubbettino, 2001.
- 23) See ACS Anselmi, busta 96: Letter from ARAR to Ufficio Recupero, 17 November 1948.
- 24) V. Mimmi, "In mostra a Florence le opere che Siviero strappò ai nazisti", *La Repubblica*, 17.6.1984.
- 25) See Appendix to Decree 1/8/1988: Elenco di destinazione delle opere raccolte ed esposte a Palazzo Vecchio in Firenze recuperate dal Ministro Siviero, 11.
- 26) Vittorio Brunelli, 'Il Discobolo Lancellotti "acquistato" da Hitler nel 1937 secondo l'ambasciatore Lahn dovrebbe tornare in Germania,' *Corriere della Sera*, 28/6/1984, 7.
- 27) AUCEI, Per 185: Giorgio Sacerdoti, 'Gli argenti tornano nel tempio,' *Bollettino della Comunità Ebraica di Milano*, XLVII, 12 (December 1991), 10.
- 28) Acs Anselmi, busta 98: Decreto del Ministro per i Beni Culturali e Ambientali, 23/2/1987.
- 29) Acs Anselmi, busta 98: Decreto del Ministro per i Beni Culturali e Ambientali, 1/8/1988. See also *L'opera ritrovata*, 197-201.
- 30) See Caterina Zaru, 'The Affaire Ventura. Antiquarians and Collaborators during and after the Second World War', *Studi di Memofonte* 22 (2019): 210-222.
- 31) See Filippo Focardi, *Il cattivo tedesco e il bravo italiano: la rimozione delle colpe della Seconda Guerra Mondiale*. Bari: Laterza, 2013.
- 32) ACS Anselmi, busta 98, sf. 'Milano': Sentenza del Tribunale Amministrativo Regionale del Lazio, 21/3/1991, 4-5.
- 33) Ibid.
- 34) For more information see <https://www.maxweberstiftung.de/en/news-feed/termine/single-view-events/detail/News/The-return-of-looted-artefacts-since-1945-post-fascist-and-post-colonial-restitution-in-comparative.html> (last accessed 12 May 2022).

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