

## Provenance research and restitution of looted art

*Philipp Grieb*

Wars and tyranny again and again lead not only to the murder and robbery of innocent people, but art and cultural assets are also systematically destroyed or looted in such times. Among the world's greatest crimes were the monstrous atrocities committed under Hitler's Nazi regime in the years 1933 to 1945.

After seizing power in 1933, the Nazi regime in Germany escalated the persecution with racist hate speech of mainly Jewish people but also other minorities and political opponents, who were outcast, denied their rights and harassed. From 1939, the situation worsened when the regime triggered World War 2 with the invasion of Poland. In the course of it, the Nazis and their paramilitary combat groups committed numerous murders and crimes against minorities and

opponents and organized the most unimaginable Holocaust, the systematic murder of some six million European Jews in Nazi concentration camps. In the process, Jewish property was systematically confiscated or looted. Hundreds of thousands of Jews emigrated and had to leave most of their property behind or sell it at great loss. Thus, many works of art ended up in the trade, to new owners, in collections and museums.

It was not until the end of the war in 1945, with the victory of the Allies and the downfall of the Nazi regime, that the killing and looting came to an end. In November 1947, the American military government proclaimed legal regulations that enabled victims to report persecution-related property losses and to file claims for restitution or compensation. The British and

French occupation forces in Germany largely adopted these regulations. Expropriated persons, especially Jews and opponents of the regime, were thus able to reclaim their property, unless valuables were acquired in a proper and usual course of business. Items of special artistic value were exempt. The deadline for filing claims expired on June 30, 1950.

Subsequently, beginning in 1953, the German Bundestag enacted several amended regulations on compensation for victims of Nazi persecution, and Germany paid billions in reparations. Systematic provenance research and restitution of art and cultural assets were not regulated at that time.

### The "Washington Principles"

The unsatisfactory situation was discussed in a conference at



*Stadtmuseum München*



Washington D.C. in 1998, sponsored by the U.S. Department of State and the United States Holocaust Memorial Museum (USHMM). This resulted in the Washington Declaration (Washington Principles on Nazi-Confiscated Art), with its "principles of a just and fair solution" in dealing with Jewish losses of art, cultural objects, books, archives and other property claims suffered during the Nazi era. The looted property had by then entered international trade and museums. Many countries were affected. 44 states, including the Federal Republic of Germany supported this consensus.

Germany had already established legal foundations to be able to fulfill justified claims for restitution or compensation. Civil law claims were time-barred. Since then, Germany's public museums, archives and libraries have followed the Washington Principles. In the museums with relevant collections, staff members are now entrusted with the tasks of provenance research in acquisitions and in the inventories. Throughout Germany, these provenance researchers have joined forces to network their research, provide mutual support and make sources accessible.

The research entails a great deal of effort in examining the inventories and archives. Millions of Euros have been spent and are still being spent on this research. Tens of thousands of works of art and cultural assets, hundreds of thousands of books and prints have been examined to determine their origin. Many restitution cases have been concluded. Reconciliatory



*Gustav Klimt Adele Bloch-Bauer II*

restitutions, "just and fair solutions" in the sense of the Washington Principles, have been achieved. Many thousands of objects, book collections, works of fine art and decorative arts have been returned to

their rightful owners, and many have also been acquired by the museums. There were also appreciative statements from the descendants of deprived Jewish collectors and their lawyers when the origin of a work of





W. Kandinsky, *Murnau mit Kirche II* at Sotheby's

art or a collection of books could be clarified and was returned, or when the heirs decided to sell it to the museum.

Such a conciliatory return is reported by the Munich City Museum, which acquired in 1939, 92 historic hats far below market value, from the collection of the Heinrich Rothschild hat store. The Jewish owners had been forced into liquidation by the Nazis. The inventory was sold at knock-down prices and the owners emigrated. The museum researched the origin of the hats and the descendants of the owners. 17 descendants of the emigrated Rothschild family from all over the world came to Munich, met for the first time and celebrated their common origins at the museum and in the city in April 2018. The museum had developed an amicable solution with the heirs. The elegant hats from the 19<sup>th</sup> century were appraised, repurchased and remain in the museum. The museum is committed to the permanent

documentation and presentation of the family history, which is valued by the Rothschild descendants as "identity-forming" and "suitable memorial to the Jewish victims" of the Nazi crimes.

There have also been sensational restitutions in other countries: In the most significant case of art restitution in Austria, five works by Gustav Klimt went to the heirs of the Bloch-Bauer family in the United States in 2006 after difficult research and negotiations. Their total value was found to be more than \$300 million.

When the Wassily Kandinsky painting "Murnau with Church II" was found in a museum in Eindhoven in the Netherlands, the country followed the Washington Principles. After extensive research, the claims of the heirs of the Jewish owner family Stern were confirmed and the artwork was handed over. The painting brought the record sum of 45 million US dollars in the later auction at Sotheby's in London.

### Late justice and memorial

The elaborate provenance research, which primarily clarifies ownership and inheritance claims, can also be seen as a confirmation of the originality of the respective works of art. In addition, there is the international media coverage of the restitutions of works by renowned artists and the often tragic fate of the former owners. The meticulous research into the origin of the artworks and the high media attention increase their values.

