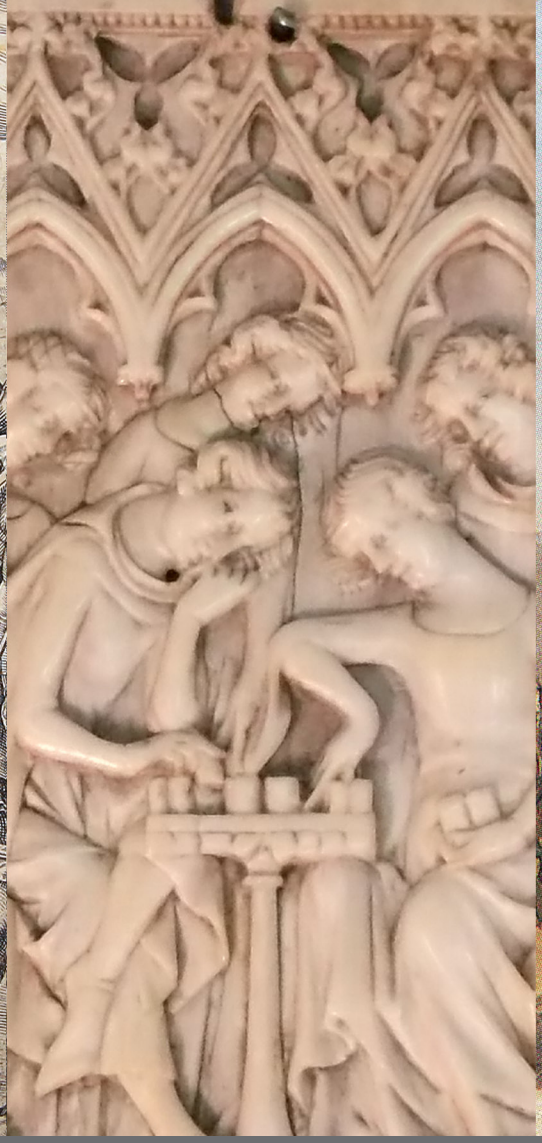

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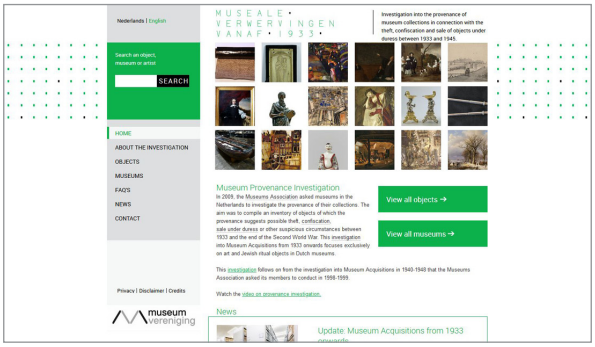
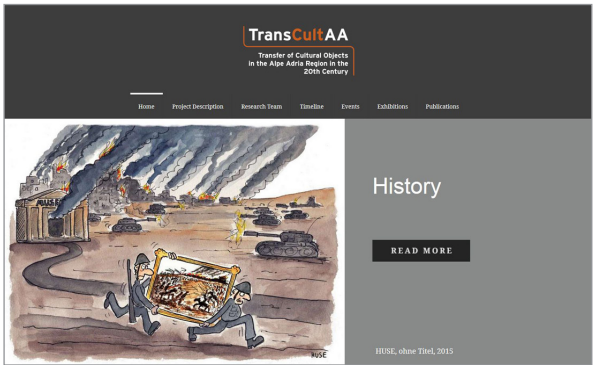
Network of European Restitution Committees on Nazi-Looted Art

EDITORIAL

The editorial for the autumn issue of our Newsletter may be seen as a continuation of what was said in Newsletter 6/2020. Pandemics affect all of us, including the member countries of our network, not to the same extent everywhere, but still in an all-encompassing manner and, at least here in Austria, with renewed virulence at present. It therefore seems appropriate to pay tribute to a tool whose absence would have made the exchange of information and continued working even more difficult if not catastrophic had this situation – quarantine, lockdown, self-isolation – occurred, say, twenty-five years ago. I'm talking about the Internet, with all its imperfections. Today it enables us, not only in the isolation of a pandemic, to conduct provenance research more effectively and efficiently through the use of digital sources. Knowing and using the relevant websites and tools have long become basic skills, and the various commissions in our network are called upon to further develop this virtual digital network with the aim of establishing databases of information that can be used and accessed internationally. You can find here a small selection of sites mentioned just in this autumn 2020 issue of the Newsletter. With that in mind, let's stay informed so that we can network even more effectively in future.

Pia Schölnberger, Administrative director | Commission for Provenance Research





NEWS

KOMMISSION FÜR PROVENIENZFORSCHUNG

Commission for Provenance Research

The Commission for Provenance Research website is currently being restructured so as to improve the presentation of the tasks, work and results of provenance research and restitution in the state-owned collections involving not only the Commission for Provenance Research but also the work of the Art Restitution Advisory Board. There is also information about possibilities for research. And, of course, the Network of European Restitution Committees on Nazi-Looted Art is represented as well: http://www.provenienzforschung.gv.at/en/kommission/network-of-european-restitution-committees/

For obvious reasons, the Art Restitution Advisory Board has not been able to meet in the past few months, nor has it been possible to report on events that have taken place or are planned in the near future. It is therefore all the more pleasing to note that in spite of the difficult conditions a number of publications have appeared dealing with aspects of provenance research and specific cases.

Publications

At the end of July 2020 a further thirty entries were published in the Lexicon of Austrian Provenance Research. There are now 295 articles available for consultation: https://www.lexikon-provenienzforschung.org

The proceedings of the 34th Austrian Library Conference (Graz, 2019), edited by Christina Köstner-Pemsel, Elisabeth Stadler and Markus Stumpf and published at Unipress Verlag Graz in 2020 *(open access, DOI https://doi.org/10.25364/guv.2020.voebs15)*, contain four peer-reviewed contributions about provenance research in libraries:

Antonia Bartoli: "Findings from the bindings: An overview of Nazi-Era spoliation research at the British Library" (p. 277–94, DOI: https://doi.org/10.25364/guv.2020.voebs15.21).
Abstract: Since the signing of the Washington Conference Principles in 1998, the British Library has taken its duties seriously to identify collection items that might have been displaced between the years 1933 through 1945. The present paper provides a brief overview of Spoliation Research projects at the library and a longer summary of its most recent investigations into the Henry Davis Collection of Bookbindings. Resources and methodologies employed for investigating questions pertaining to the Nazi era will be discussed, and the challenges and limitations faced when examining printed material, and how these challenges are confronted on a daily basis, underlined. In sharing case studies of items in the library collection that were identified as having been spoliated, the paper furthermore highlights the ethical, moral and legal considerations that arise in seeking just and fair solutions for the return of cultural property dispossessed as a result of Nazi persecution.

Markus Stumpf/Jutta Fuchshuber: "'Suizid-Bücher': Provenienzforschung und bibliothekarische Erinnerungsarbeit" (p 295–312, DOI: https://doi.org/10.25364/guv.2020.voebs15.22).
Abstract: This contribution addresses the topic of suicide, an issue only marginally discussed in the context of provenance research. The humiliation, discrimination, dispossession and persecution under the NS regime led to an increase in suicides among Jewish people. First, the source material available in Austria is described through examples. The case study of Eleonora and Stefan Czember is discussed to explore the question of how to deal with books that were legally acquired but clearly belonged to Holocaust victims.

Lisa Frank/Regina Zodl: "Das Exlibris Doris J. Klang als Beispiel eines bibliotheksübergreifenden Provenienzfalls" (p. 313–25, DOI: https://doi.org/10.25364/guv.2020.voebs15.23).
Abstract: In the course of provenance research at libraries in Austria and Germany, a bookplate with the name Doris J. Klang has been documented several times, for example at the Vienna University of Economics and Business and at the Natural History Museum in Vienna. Until 1914 the insurance expert James Klang was registered in Vienna. His library was taken over by his son, the renowned lawyer Heinrich Klang, as can be seen from the probate file. The latter had to sell the books in 1939 because of persecution. In addition to the relevant bookplate, provenance aspects in the books also refer to the antiquarian bookshop Alfred Wolf as the buyer, who was involved in the looting of books by the Nazis.

Justus Düren: "Die Bibliothek des 'Sonderauftrags Münzen' – Erste Ergebnisse" (p. 327–37, DOI: https://doi.org/10.25364/guv.2020.voebs15.24).
Abstract: In 1942, the numismatist Fritz Dworschak was commissioned to set up a coin cabinet in the art museum in Linz planned by Adolf Hitler, in which works of art collected through seizure and purchase were to be exhibited. This collection contained numismatic objects from monasteries and orders as well as collections from Jewish

persecutees and purchases in Austria after 1938. For the research work, approximately 4,500 volumes of numismatic literature were taken from the monastery libraries or obtained from the book trade. This article deals with this library history and its restitution.

In the proceeds of the symposium „Logiken der Sammlung", Stifterhaus Linz, April 2019, Monika Mayer published an article on the former collection of Mathilde and Gottlieb Kraus:

"*Gestapo/Sonderauftrag Linz/Central Point München/Österreichische Galerie/Restitution: Zur Geschichte der Kunstsammlung von Mathilde und Gottlieb Kraus in Wien", in Petra-Maria Dallinger, Klaus Kastberger, eds., Logiken der Sammlung: Das Archiv zwischen Strategie und Eigendynamik, vol. 4 of the series Literatur und Archiv (Berlin/Boston 2020), pp. 163–76. https://doi.org/10.1515/9783110696479*

In January 2019, a conference with international experts entitled "Vom Bodensee in die Welt? Der Kunsttransfer in der Vierländerregion und seine Rolle für die Provenienzforschung" took place at the Zeppelin Museum Friedrichshafen as part of the exhibition "Eigentum verpflichtet: Eine Kunstsammlung auf dem Prüfstand". It was attended by Julia Eßl, provenance researcher at the Albertina in Vienna. An article by her entitled "'[...] wie sich das Schicksal unserer Sammlung endgültig gestaltet': Die Sammlung Heumann, Chemnitz" appeared in the publication Eigentum verpflichtet edited by Claudia Emmert, Ina Neddermeyer, Mark Niehoff and the Zeppelin Museum Friedrichshafen and published on 18 August 2020.

www.hugendubel.info/detail/ISBN-9783958083110/Herausgegeben-von-Emmert-Claudia/Eigentum-verpflichtet

CIVS & M2RS

Looted art – new interdisciplinary perspectives for provenance research and restitution in the Franco-German context

30 September 2020, Institut français, Adenauerallee 35, 53113 Bonn

French and German specialists in provenance research and restitution procedures met in November 2017 at the Kunsthalle in Bonn, Germany, for a conference entitled "Spoliation et trafic: Le marché de l'art français sous l'occupation allemande (1940–1944)". This two-day conference organized by the Deutsches Zentrum Kulturgutverluste (DZK) was the first large-scale Franco-German event dealing with the systematic spoliation of art in France during the Occupation. The conference demonstrated that networking between France and Germany needed to be strengthened. For that purpose, the Commission pour l'indemnisation des victimes de spoliations (CIVS), the Käte Hamburger Kolleg "Recht als Kultur" and the Bureau de la Coopération Universitaire of the French Embassy co-organized a new workshop on 20 and 21 February 2019 in Bonn ("Art spolié: recherche de provenance et pratiques de restitution en Allemagne et en France") with a view to exchanging information and strengthening the network. More than 130 archivists, researchers, librarians, curators and institutional representatives, mainly from France and Germany, responded to the invitation. The work of the relevant institutions in each country was examined, as well as the fundamental issues raised by the question of the restitution of cultural property. The workshop also discussed methods and the use of sources and presented some practical cases. The search for "just and fair solutions" prescribed by the Washington Principles guided the debates.

The second workshop will take place online on 30 September 2020 and will follow on from the first event. It will bring together experts from various disciplines with a view to promote resonant discussion and give new impetus to Franco-German cooperation in provenance research and the restitution of looted cultural property. This year, the organizers will highlight the work of young researchers in France and Germany who are interested in working together on the themes of deportation and spoliations during the Nazi era .

The opening address will be given by the French ambassador to Germany, Her Excellency Anne-Marie Descôtes, and

the workshop will end with a conference chaired by Beate Klarsfeld on "Artworks vs crematorium background".
The aim of this conference is to highlight the continued relevance of the Shoah and to place the issues of deportation and spoliation in the context of current political events in France and Germany and to reflect in general on the life and memory of the victims and restitution of looted property to their descendants.

The workshop will be held in French and German (simultaneous interpretation). The proceedings will be published. If you would like to participate in the event online, please register here: kultur.institutfrancais@uni-bonn.de.

INHA

After a first cycle of seminars entitled "Looted heritage during the Nazi regime (1933–1945)" in 2019 devoted to provenance research in different countries, museums or collections, the Institut national d'histoire de l'art INHA (National Institute of Art History) is continuing to study specific cases this year, mentioning new countries and focusing on the situations of certain galleries. For this second year, the seminar, organized in cooperation with the National Heritage Institute and the Ministry of Culture's Mission de recherche et de restitution des biens culturels spoliés entre 1933 et 1945 (M2RS), is widening the discussion to include the context, meaning and consequences of provenance research and the restitution of artworks.

While research and restitution of assets looted during the Nazi regime have now become a necessity, this quest still gives rise to criticism and questions. Why are we looking for looted art? Why are we more interested in looted art than in other looted assets or property? What are the consequences of restitution for future generations? What does restitution mean for the descendants of those who were disseized, finding themselves struggling with a memory that is sometimes difficult to face, or for museums, which see a work that was previously on public display disappear?

The seminar also focuses on artists and writers inspired today by the themes of spoliation, disappearance and the search for traces. Alongside provenance researchers, art historians and jurists, these creative artists bring to life the memory of the men and women who were defrauded; they retrace and revive the history of the property and its former owners in a different way.

Two upcoming events are planned within the framework of the seminar:

15 October 2020

"Museums confronting history: how to introduce spoliation and restitution?"

Under the title "(Wieder-)Entdecken" ((Re-)discover), the Museum of Fine Arts Mannheim (Kunsthalle Mannheim, Germany) currently has an exhibition on the effects of the National Socialist period on its collection: the loss of approximately 500 works in 1937 due to the confiscation of "degenerate art". But the museum reminds us that it cannot be considered exclusively as a victim, as it was here that the first exhibition devoted to the denigration of the modern avant-garde took place in 1933. Emphasis is also placed on several Jewish families, major donors to the museum, whose lives were brutally interrupted by Nazism. Finally, the museum presents the results of ongoing provenance research, which sheds light on the origin and development of some of their works. How can we exhibit the controversial history of a collection? Curator Mathias Listl will discuss this with Sébastien Allard, Director of the Paintings Department at the Louvre.

18 November 2020

The spoliation of cultural property: what is its rightful place in the history and memory of the Shoah?

What place should be given to the specific spoliation of cultural property when so many men and women were murdered, when so many everyday goods were stolen or destroyed? Why is there such an interest in artworks? Do they attract too much attention? This additional session will take place exceptionally at the Museum of Jewish Art and History.
Annette Wieviorka (CNRS) in dialogue with Didier Schulmann (Musée national d'art moderne – Centre Georges Pompidou – Kandinsky library) will try to provide some answers.

BERATENDE KOMMISSION

Personalia

In August, Gesa Vietzen joined the team of the secretariat of the Beratende Kommission im Zusammenhang mit der Rückgabe NS-verfolgungsbedingt entzogenen Kulturguts, insbesondere aus jüdischem Besitz. She is responsible for the preparation, implementation and follow-up of commission meetings. She also assists with her expertise as an art historian and her experience in provenance research. In the following she would like to introduce herself:

I was born in 1977 in a small town in North Rhine-Westphalia and grew up in Berlin where my family moved shortly afterwards. I was fortunate to experience first-hand the following exciting years in this city. Due to my love for art and my passion for organization, I decided to study art history and business administration at the Freie Universität Berlin. This combination of subjects also prompted my interest in art market studies. In a fortuitous turn, the "Degenerate Art" Research Center was founded at Freie Universität Berlin in 2003, which would enable me to focus on the art trade during National Socialism.

Supported by the Gerda Henkel Foundation, I analyzed the price development of modern German art on the national and international art market from 1925 to 1955. After my PhD, I worked at the Arbeitsstelle für Provenienzrecherche/-forschung, subsequently converted into the Deutsches Zentrum Kulturgutverluste in 2008.

From that point, the search for Nazi-looted art and the question of restitution determined my professional life. I carried out provenance research for various museums, but mainly for the Art Collection North Rhine-Westphalia in Düsseldorf. During this time, I became aware of the urgent need for further basic research, so I initiated a project on "Aryanization" in the art market.

In the following, I successfully applied for a junior professorship for provenance research at the Department of Art History at the University of Hamburg, which was the first of its kind in Germany. Although the experience of bringing the field of provenance research into the academic world was most inspiring, I could not ignore the opportunity to work for the Beratende Kommission. I'm here now and very much looking forward to my new tasks.

SPOLIATION ADVISORY PANEL

In the UK, most major museums and galleries have now reopened with appropriate health and safety measures in place but the situation remains fluid.

As featured in the May 2020 Newsletter, to empower smaller and regional museums to carry out provenance research, the Spoliation Working Group of the National Museum Directors' Council is continuing to develop a Provenance Training programme which will be delivered by curators from the National Gallery, the British Library and the V&A.

There are currently no cases being considered by the Spoliation Advisory Panel.

Cambridge University is planning to hold a conference on 7 and 8 December 2020 entitled "Thinking Provenance, Thinking Restitution, Workshop". This is a joint project between Cambridge University and the University of Bonn. The conference will look at new developments in the field and bring together international experts and encourage Europe-wide comparison and exchange.

RESTITUTIECOMMISSIE

Two Cases Closed: One Recommendation and One Binding Opinion

In recent months the Dutch Restitutions Committee completed the handling of two cases. In both of them the Committee received requests arising from the provenance investigation conducted by Dutch museums in the context of the Museum Acquisitions since 1933 project. Under this project, which was initiated by the Netherlands Museums Association, individual museums conducted provenance research in order to identify objects with provenances that indicate looting, confiscation, forced sale or other suspicious circumstances that occurred between 1933 and the end of the Second World War. The associated website, www.musealeverwervingen.nl, contains images of works of art that are suspected of having been stolen, confiscated or sold under duress between 1933 and 1945. This website lists 173 artworks. Upon request, the Restitutions

Committee advises with regard to claims to these artworks. So far, the Committee has given advice about thirteen artworks referred to on this website and has recommended restitution of seven of them.

Recommendation RC 1.177, issued on 16 March 2020, concerned the painting "View in the Woods in the Winter" by Johann Bernard Klombeck and Eugène Joseph Verboeckhoven. This painting was donated to the Rijksmuseum in 1948. It was included in the Museum Acquisitions website because the painting's provenance reconstructed by the museum contained the name of a Jewish gallery in Amsterdam. It was not clear, however, when and how this gallery was involved with the painting. After the Minister of Education, Culture and Science (OCW) had asked the Committee for advice about a claim to this painting, the Committee asked the Restitution Expertise Centre (which is part of the NIOD Institute for War, Holocaust and Genocide Studies) to conduct an investigation into the painting. This investigation revealed that between 1921 and 1948 the painting was in the collection of a Dutch private individual, and consequently there is no longer any reason to designate the painting's provenance as suspect. The Committee therefore advised the Minister to reject the restitution application.

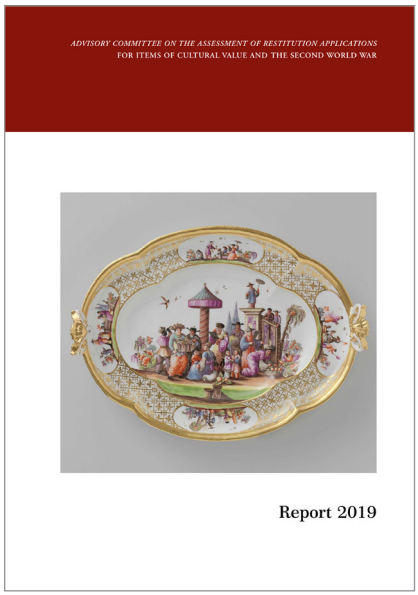
On 13 July 2020 the Committee issued a binding opinion about two objects from the collection of the Jewish collector Emmanuel Vita Israël (1873–1940). The objects, a bronze situla and a bronze candelabrum, were in the collection of Museum Boijmans van Beuningen. Vita Israël committed suicide days after the German invasion of the Netherlands on 10 May 1940, as did many others who did not want to live under the Nazi regime. Vita Israël had a provision included in his will, which was drawn up on 30 June 1939, that his collection of antiquities had to be auctioned off within six months of his death. His beneficiaries therefore had the collection sold at auction in November 1940 at the Amsterdam auctioneers Frederik Muller & Co. The candelabrum and situla were among the items auctioned off. The Committee assumed that Vita Israël's suicide was prompted by the German invasion. The Committee took the view that, in conjunction with the cause of death, the obligation on the heirs to execute the aforementioned provision in his will and have the artworks sold at auction was involuntary as a result of circumstances directly related to the Nazi regime. The Committee concluded that both objects should be restituted.

Bronze candelabrum

This case also arose from provenance research related to the Museum Acquisitions project. After Museum Boijmans van Beuningen's researchers had come across the suspect provenance of both objects, the museum sought contact with the lawyer of Vita Israël's heirs. Hereupon the heirs and Rotterdam City Council, the legal owner, asked the Restitutions Committee in 2019 to issue a binding opinion. The Committee was able to issue a binding opinion relatively quickly because in 2015 it had issued a binding opinion about a painting from Vita Israël's collection.

The full texts of the recommendation and the binding opinion are on the Restitutions Committee's website (www.restitutiecommissie.nl/en).

Annual Report



Every year the Restitutions Committee gives an account of its activities in its annual report. The 2019 Annual Report is on the Committee's website. It contains all the recommendations and binding opinions issued during the year. It also explains Dutch restitution policy and addresses the changes in this policy and their implications. The report furthermore mentions a number of meetings in the Netherlands and other countries about the restitution of Nazi looted art and describes international developments. The report ends with a quantitative overview of the recommendations and binding opinions issued by the Restitutions Committee since 2002.

The report can be perused on the Committee's website. A printed copy can be requested from the Committee's office (info@restitutiecommissie.nl or +31 70 3765992).

CASE STUDIES

HANS VON MARÉES, UHLANS ON THE MARCH

Max Stern was only at the beginning of his career when he was targeted by Nazi persecution. Born in Mönchengladbach in 1904, he studied art history in Bonn and subsequently began working in his father's gallery in 1928. In 1930, he completed his doctoral thesis on the life and work of Düsseldorf painter Johann Peter Langer. In 1934 – at only 30 years of age – the death of his father left him to run the gallery on his own. By that time, the business had earned an extraordinary reputation, organized highly successful exhibits and auctions, and operated at one of the finest locations in Düsseldorf.

Repression by the Nazi regime started immediately after Hitler took office. An auction planned for 18 March 1933 had to be canceled at short notice because just one week prior, an auction by the competing Flechtheim gallery had been forcibly terminated by the "Kampfbund der deutschen Kultur" (Militant League for German Culture) under NS chief ideologist Alfred Rosenberg. Two weeks later, during the boycotts launched across the Reich, the windows of the gallery were defaced with antisemitic slogans. The "Gesetz zur Beseitigung der Mißstände im Versteigerergewerbe" (Law to combat abuses in the auction trade) of 7 August 1933 banned all further auctions. Shortly thereafter, the Reichskulturkammer (Reich Chamber of Culture) was founded, and membership in the association was made a mandatory prerequisite for art dealers. Through the mediation of the Bund Deutscher Kunst- und Antiquitätenhändler (Association of German Arts and Antiques Dealers), Stern was initially granted membership. After the association was dissolved, however, he was refused admittance to the Reichskulturkammer on 29 August 1935 because of his Jewish heritage, and he was banned from his profession. Two weeks later, the Nuremberg Race Laws went into effect.

The Reichskulturkammer now demanded that Stern "dissolve or regroup" his business within four weeks. Stern managed to extend this deadline several times; on the one hand, he could present interested buyers, meaning an extension of the deadline appeared profitable, and on the other hand, the regime was concerned that an overly hasty dissolution of large galleries would cause uncontrollable economic damage. The gallery finally closed in 1937. In March, Stern sold the buildings housing the gallery and his family's residence. The gallery was permanently closed on 15 December; eight days later, he was able to escape to London via Paris. Just before that point, most of the remaining works had been auctioned at Lempertz in Cologne. Stern had to leave 22 works of art behind in Germany. Another 19 works he had intended to take with him were confiscated by the Gestapo. Additionally, three paintings were seized by the Prüfungsstelle jüdischer Auswanderer (Review authority for Jewish emigrants) and delivered to the Städtische Kunsthalle Düsseldorf.

In London, Stern initially worked for a gallery his sister had founded there with a business associate. Their mother, still in Germany at this point, received the necessary emigration visa in 1939 in return for the usual exorbitant sums of money, for which Stern primarily had to use the proceeds from the sale of his Düsseldorf residence. After the beginning of the war, he was interned. On 19 November 1939, his German citizenship was revoked. A year later, he emigrated to Canada but was interned there again, this time for nearly two years. Starting in 1942, he worked in Montreal at Dominion Gallery, which he bought in 1947 and soon expanded into a center for modern art. Stern's success was phenomenal. He supported many young Canadian artists and donated numerous works from his private collection to institutions in North America and Israel. He died highly decorated in Paris in 1987. The lion's share of his estate went to McGill University and Concordia University in Montreal and Hebrew University in Jerusalem, who jointly established the Max Stern Art Restitution Project. The aim of the project is to identify, locate and claim the works Stern lost starting in 1935.

On 24 June 1936, Stern sold the painting "Uhlans on the March" by Hans von Marées at his gallery. It is a small oil painting the artist had created in 1859, taking up the then popular genre of paintings involving soldiers and horses. Stern sold it for 2,250 Reichsmark – 250 less than he had hoped – to a Düsseldorf business man, who also bought four other paintings from him along with the Marées. The painting was part of various private collections before the Bavarian State Painting Collections acquired it in 1986. From there, Max Stern's heirs demanded its return in 2015. Because the two parties could not reach consensus, they agreed to submit the case to the Advisory Commission. The Commission recommended restitution of the painting on 25 June 2019, subject to two conditions. For one, the painting could not be sold in the next ten years so that in case a primary injured party appeared, it could be released to that party. The second stipulation states that if new insights opposing restitution of the painting were to emerge

Hans von Marées, "Uhlans on the March" (1859)

in the next ten years as part of further research efforts, the restitution would have to be reversed.

The Commission assumed that Stern had sold under pressure from the National Socialist regime. Since the contested painting was sold in June of 1936, at a point in time when the Nuremberg Race Laws had already been in effect for more than half a year, all circumstances indicated the sale had been a result of Nazi persecution. This assumption could only have been disproved with concrete evidence that the sale "in its essential nature would have taken place even without the National Socialist rule", that the seller received an adequate price, and that he was able to freely dispose of the proceeds. The Commission felt that the opposing party was not able to produce such evidence. After the National Socialists' rise to power, the Commission stated, Max Stern was not able to conduct normal business transactions, explicitly referring also to the time before 1935. It could be assumed that Jewish art dealers "intelligently and attentively" watched the social and political developments and therefore anticipated severe restrictions of their activities as early as 1933. Especially in the Stern case, it is stated, there were sufficient indications of a massive increase in repressive measures: the short-term cancellation of his planned auction of 18 March 1933, the country-wide boycott in April, and finally the "Gesetz zur Beseitigung der Mißstände im Versteigerergewerbe" (Law to combat abuses in the auctioneer trade) of 7 August which, while it did not explicitly target Jewish auctioneers, nevertheless called for "orderly" commerce, opening the flood gates for the National Socialist ideology. "Even independently of the sale date", the Commission stated, the sale of the Marées must therefore be considered "a result of persecution", all the more so when taking into account the date of the sale, meaning the months after the Nuremberg Race Laws, in particular since Stern had received his professional ban just before that point, although it was not yet legally binding. In the Commission's estimate, Stern knew that taking legal action against it would prove futile. In light of all this, the question whether the sale price was adequate can be considered moot; furthermore, there is no evidence whatsoever that Stern was able to freely dispose of the proceeds.

However, how Stern himself came to have the painting in his possession remains unclear. Proven provenance was only on record until about 1930; until then, the painting was in the possession of Berlin art dealer Hans Wendland – later one of the key dealers in looted art in occupied France – who was forced to sell large parts of his own collection after the world economic crisis. A direct sale by Wendland to Stern appeared very unlikely, since the painting did not appear in Stern's customer records until 1936. Further, it was not possible to determine whether Stern sold the "Uhlans on the March" as a commission agent or as its owner. Occasioned by a restitution proceeding, Stern stated generally in 1959 that until the auction ban in 1934, the "overwhelming majority" of his stock were commissioned pieces. In a letter to his German attorney – also dated 1959 – he confirmed this tendency for the period from 1934 to 1937. In the applicants' view, this last letter was not permissible evidence, as the correspondence between Stern and his attorney was subject to attorney-client privilege. The Advisory Commission did not concur. Attorney-client privilege does not have absolute applicability, all secrecy obligations under archival regulations have expired,

and it cannot be conceived why, in a proceeding that serves to find a "just and fair" solution, such highly relevant pieces of evidence should be allowed to be excluded. Thus, the circumstances prompted the Commission to recommend restitution only with the stipulation of a ten-year selling prohibition so that restitution to a possible primarily entitled party would not be thwarted. In addition, the Commission recommended unrestricted access to the estate and the future consideration of new insights that might arise from researching this estate.

This recommendation was approved by the necessary two-thirds majority of Commission members. Even though the result constituted a compromise, representatives of a minority were so strongly opposed to it that – for the first time in the Commission's history – they submitted a dissenting opinion, presenting their own view of what a "fair and just" solution could have been. It asserts that, in general, Jewish art dealers were indeed able to practice "orderly and customary commerce" even after 1933, that the boycott of 1933 was a failure, and that the two years until the Nuremberg Race Laws were a "relatively calm period" with regard to antisemitic persecution campaigns. In Stern's case, the opinion further states, it must even be assumed that he was able to practice orderly commerce until 1937. He allegedly perceived the National Socialist era as a temporary phenomenon, which is why he was interested in selling the gallery to a trustee so he could continue to operate it afterward. He is said to have continued to conduct sales exhibits with some success in 1934 and 1935 and was thus not particularly hampered by the auction ban; with regard to the Marées, this was all the more true because the painting, if it was his own possession, should not have been offered for auction even before 1933. The price of 2,250 Reichsmark Stern received was adequate, the opinion states, and there is no evidence that he was not able to freely dispose of the proceeds. He financed his mother's escape by selling the house in Düsseldorf; the business activities of this time are not included in the list of incurred damages he compiled after the war, or in any other correspondence. In summary, the dissenting opinion asserts, a fair and just solution could also have consisted of rejecting the restitution demand.

The recommendation of the Advisory Commission is remarkable mainly for two reasons. First, the Commission has opened the door to a more generous application of the assumption of "seizure due to Nazi persecution" with regard to the years 1933 and 1934. This would not have been necessary for the results that were found, as for the relevant period from June 1936 onward, the assumption of confiscation due to Nazi persecution applies anyway. Second, the Commission has significantly refined the instruments at its disposal compared to what was customary in previous recommendations. According to Article 6 of its rules of procedure, the Commission is not limited to a mere Yes/No decision but can determine other conditions and measures relatively freely. It did so in this case by recommending that the estate be opened and by imposing the measure that new research results could possibly lead to a revision of the recommendation.

Benjamin Lahusen
Head of the office of the Advisory Commission

SPOLIATION ADVISORY PANEL: A GOTHIC RELIEF IN IVORY IN THE POSSESSION OF THE ASHMOLEAN MUSEUM, OXFORD

In 2016, the Spoliation Advisory Panel considered a claim by the heirs of Gerta Silberberg for a rare secular Gothic ivory relief panel showing a man and woman playing chess. The relief was believed to be of French origin and from the fourteenth century. The ivory was in the possession of the Ashmolean Museum of Art and Archaeology, University of Oxford. The ivory had come to the Ashmolean Museum as part of a bequest. The Museum promptly reported their identification of the Work.

Max Silberberg, a German Jewish businessman, had assembled a substantial collection of art, particularly French. In 1933, the Jewish community in Breslau, the family home, was an early target for brutality and oppression by the Nazis. In 1935, Max Silberberg was forced to sell his substantial villa to the Sicherheitsdienst of the SS at well below market price, and sold the majority of their artworks at several auctions in the Paul Graupe auction house in 1935 and 1936. This included the ivory.

The Spoliation Advisory Panel made enquiries regarding whether any post-War compensation had been paid to the Silberberg Estate. These enquiries disclosed that no compensation was paid for the loss of the art collection, although the family had received compensation for the incarceration of the Silberbergs and family's loss of economic prospects.

The lawyers for the Estate sought to argue that Max Silberberg was forced to sell the ivory because of persecution and because, following the compulsory purchase of

Gothic relief in ivory

the family villa by the SS and having to move to a small apartment, he was forced to sell his artworks. While the Panel found this to be a strong argument regarding the collection as a whole, the ivory is a tiny object and it might be considered that if one was forced to move from a large house to a small apartment that it is just the sort of item from one's collection that one would have kept.

The historical view of the Paul Graupe sales of this period is still evolving. Given the rarity of the piece it was difficult to establish comparables but the Panel found no evidence that the ivory was undervalued and concluded that, on the balance of probabilities, it was not a sale at an undervalue. The Panel was also satisfied that Max Silberberg received the proceeds of the sale.

Files obtained from the German Federal Office for Central Services and Unresolved Property Issues also suggested that personal financial difficulties of Max Silberberg may have caused the sale of many of the items in the collection. The Panel found no evidence of any discriminatory or expropriatory taxes or charges being levied on Max Silberberg in 1935. The Panel concluded that whilst the coming to power of the Nazis must have had an adverse effect on the family, there is considerable evidence that Max Silberberg was in personal financial difficulties, necessitating the sale of his art collection.

The Panel's final conclusion was therefore that the moral claim for the return of the ivory was insufficiently strong to warrant a recommendation of restitution or the making of an ex gratia payment. However, the Panel recommended the display alongside the Work, wherever it is, and in whatever medium, of an account of the history of the Work in the collection of its former owner during the Nazi era, and his tragic fate and that of his wife.

The Panel's full report can be found here:
https://www.gov.uk/government/publications/report-of-the-spoliation-advisory-panel-in-respect-of-a-gothic-relief-in-ivory-now-in-the-possession-of-the-ashmolean-museum-oxford

REPORTS

PROVENANCE RESEARCH DAY

Provenance Research Day was inaugurated in 2019 by Arbeitskreis Provenienzforschung e.V. and is coordinated by the Provenance Research Day Working Group (AG TdP). It takes place annually throughout the world on the second Wednesday in April.

Background and aim

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 networked research community, unparalleled in the world of art and culture.

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, items seized in the Soviet occupation zone/East Germany, research on institutional collection policy and history, and other contexts, such as the art market or auction houses.

Contributions can be in the form of events on the occasion of restitutions, lectures and discussions, workshops, special or small exhibitions, book presentations, consultations or guided tours or presentations of individual cases (e.g., dedicated showcases). The diverse media and activities are used to explain the complexities of provenance research and to make them accessible to a wide public and to heighten public and media awareness of the issues involved. All participating institutions and their actions are published beforehand on the Arbeitskreis Provenienzforschung e.V. website: https://www.arbeitskreis-provenienzforschung.org/

History

The idea of a Provenance Research Day was proposed by art historian Susanne Knuth at the annual meeting of the Arbeitskreis Provenienzforschung e.V. in Berlin on 14 November 2018. Together with the art historians Brigitte Reuter and Sven Pabstmann, she established the Provenance Research Day Working Group on that same day. Over eighty museums, libraries, archives and auction houses in Germany, Austria, the United Kingdom, Switzerland and the Netherlands took part in the first Provenance Research Day on 10 April 2019. Provenance researchers outside Europe also supported the event in social media, particularly on Twitter under the hashtag #TagderProvenienzforschung.

Challenges during the corona crisis

Around 100 institutions had registered to take part in the second Provenance Research Day with a view to giving an insight into their work through events and activities and to drawing attention to the diverse questions and results of investigations into the provenance of objects and collections. The powerful echo in Germany, Austria, Switzerland and the USA is a clear indication of the wide appeal of this day and the need for international discussion.
The vast majority of the 112 activities were planned as live public events, and only nine were to take place in a social media framework. Because of the measures to prevent the spread of the coronavirus, museums, libraries, archives and universities were temporarily closed from mid-March 2020, however, and the events had to be cancelled. As a result, Provenance Research Day could not take place in the planned form. The board of the Arbeitskreis Provenienzforschung and the AG TdP therefore encouraged researchers to find other digital platforms so as to be able nevertheless to make an active contribution to Provenance Research Day. We are pleased to announce that within a very short time many participants devised creative ways of "digitizing" their events and of taking part in this important day after all.

TdPdigital 2020

By 8 April 2020, forty-four institutions from Germany (35), Austria (3), Switzerland (2) and the USA (4) had registered their digital contributions. During the day itself, there were also a large number of international tweets (particularly from the USA, but also from Brazil and Poland), demonstrating the worldwide solidarity and support for the day. Under the hashtag #TagderProvenienzforschung, the Arbeitskreis received 55,000 Twitter impressions and 876 profile visits.
An initiative by our colleagues in the project "Nazi looted art in the SLUB – acquisitions after 1945" at the Saxon State Library – State and University Library Dresden (SLUB) and Sebastian Finsterwalder (Berlin) deserves particular mention. They made their online platform RETOUR – Freier Blog für Provenienzforschende available to the community at short notice for Provenance Research Day and invited contributors to air their thoughts in short essays. Forty-six provenance researchers responded to this spontaneous invitation (see https://retour.hypotheses.org/tag-der-provenienzforschung-international-day-of-provenance-research-2020). Although the COVID-19 pandemic has proved to be a stressful challenge, the active network of provenance researchers has shown its potential for celebrating this important day in spite of all obstacles. We are looking forward to the third Provenance Research Day on 14 April 2021.

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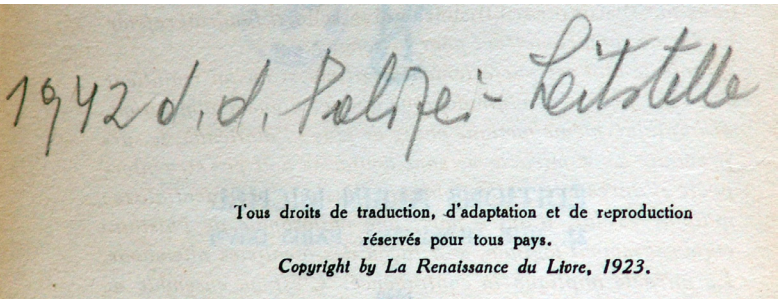
REMEMBRANCE, RESTITUTION AND HISTORICAL RESPONSIBILITY A SUMMARY OF PROVENANCE RESEARCH AT THE UNIVERSITY OF VIENNA

Austrian libraries benefited during the Nazi era from the acquisition of seized libraries from associations or schools that had been forced to close and from expropriations or forced sales by private individuals. It had already been possible from 1933 to buy antiques cheaply from Nazi Germany. After the annexation of Austria in 1938, a book collection and distribution centre (Büchersortierungsstelle) was established in Vienna to handle the inventories of publishing companies and libraries that had been closed down. Vienna University Library also profited from these dubious acquisitions.

Since the 1980s, the University of Vienna has increasingly fulfilled its obligation to take a critical look, in both its teaching and research activities, at its own history in the years from 1933 to 1945 and thereafter. Today the university recognizes its role and complicity in the acts of the Nazi regime. Provenance research in Vienna University Library is part of the diverse research and memory projects at the University of Vienna and makes an active contribution to recalling the victims of Nazism.



Acquisition note in a book allocated by the Gestapo in 1942
© Vienna University Library

Systematic record-keeping and extension of research

In 2004, Vienna University Library was the first in Austria to embark on a systematic examination and research into its own acquisitions policy. The aim was to check first in the Main Library and then from 2005 in the specialist and department libraries for suspect acquisitions in the years from 1938 to 1945. The acquisition period and scope were soon widened.

Between 2004 and 2009 over 400,000 books acquired by the university libraries (Main Library and specialist libraries) in the period in question were investigated. The investigation does not only cover items acquired until 1945. While the necessary extension to include the years from 1933 to 1938 has only been investigated in some specialist libraries, the examination period has now been extended to include the time long after the end of the Second World War.

First of all, it was necessary to consider indirect acquisitions from the antiques business sector. Moreover, Vienna University Library had accepted over 151,000 volumes from the book collection and distribution centre mentioned above, whose task from 1949 to 1951 was to handle "ownerless" looted books. In Vienna University Library, these items were known as the Tanzenberg collection. Although the name refers to Tanzenberg Abbey in Carinthia, which in 1944 and 1945 housed the central library of the "Hohe Schule", the NSDAP's own training school, these books come from various sources, including the Vienna Gestapo library and the Dorotheum. The distribution of the books was decided in an agreement between the Republic of Austria, the Vienna Jewish Community (IKG) and the Jewish National and University Library in Jerusalem (JNUL) in November 1955, with 60 per cent going to Vienna University Library and 40 per cent to the JNUL. The agreement of the collection centre for heirless property (Sammelstelle für erbloses Vermögen) was not obtained until 1960, and the books were included in the inventory of Vienna University Library for several decades. Attempts to identify the original owners of these items held in trust were not made until Nazi provenance research was undertaken.

A few items were restituted in the post-war years in cases when survivors themselves made claims to Vienna University Library. However, there was too little sense of injustice in the library management for it to actively attempt restitution, as the priority lay in the recuperation of "war losses" as a result of air raids or storage elsewhere. The looted books and those acquired after the war were seen as compensation for those losses.

In the course of research, the Vienna University Archive as an independent collection also became a focus of provenance research at Vienna University Library. At the request of the university management, in autumn 2007 the provenance research was extended to the University of Vienna Archive. The project gave rise to the establishment in 2010 of a permanent department and to a widening of the scope of investigation, i.e., as well as the library and archives, the university's research collections became

an increasing focus of provenance research. This process was the opposite of the approach by the federal museums, which – with the exception of the Austrian National Library – started with artworks and only gradually turned to looted books in the museum libraries. In 2019, reorganising the provenance research activities led to the establishment of a dedicated staff unit of Vienna University Library and Archive Services.

National and international networking

Since it began operating, the staff unit responsible for provenance research has cooperated with national and international institutions and organizations. This means that the provenance research at Vienna University Library is also represented in the Commission for Provenance Research. Although the Universities Act of 2002 states that Austrian university libraries are no longer directly responsible to a federal ministry, the "collections in university libraries that for historical, artistic or other cultural or academic reasons form a whole remain the property of the state" (BGBl. I No. 120/2002, section 139, para. 4). For Vienna University Library this meant that books published before 1800 became the property of the state while title to books published afterwards was transferred to the University of Vienna. The search for heirs is carried out with the support of the Department for Restitution Affairs of the IKG and the National Fund of the Republic of Austria for Victims of National Socialism.

In 2008, the Austrian Association of Librarians established a provenance research working group headed by provenance researchers at Vienna University Library. In 2013, this working group helped to establish the Provenance Research & Restitution – Libraries working group founded in Germany. It also collaborates with the relevant provenance research committees of the Austrian Association of Libraries. The tagging of the restituted works in the public catalogue as "Stolpersteine" (stumbling blocks) – indicating the looting by the Nazis and the original owners – also makes an important contribution to remembrance. Even after restitution, this information can be searched and viewed.

The staff unit also heightens awareness both internally and externally through popular and easily accessible activities such as a "bullshit bingo" (https://phaidra.univie.ac.at/o:907617) or a kind of parking disc with different stamps (see animation on Facebook https://www.facebook.com/ub.wien/videos/3619154214777365/). It has been making contributions to international research through various national and international exhibitions and international academic conferences (2008: Libraries in the Nazi era – provenance research and library history; 2013: Guido Adler's legacy – restitution and remembrance at the University of Vienna; 2017: Acquisition and storage "in trust" – an international and interdisciplinary view), the publication of the conference proceedings (peer reviewed and open access) and other academic publications.

Results

So far, research has revealed a tight interweaving network both inside and outside the university of persons, institutes, libraries, collections, and the archives of the University of Vienna. As a result of the historical evolution of a multi-layered library system between 1933 and 1945, the precise number of libraries and book collections at the university can no longer be determined today. Apart from Vienna University Library (now Main Library) there were institute and department libraries, but also private libraries stored on the university premises and various book collections. The Philosophy Faculty alone had at least fifty-one library collections.

Pia Schölnberger and Markus Stumpf at the presentation of the Lexicon of Austrian Provenance Research at the University of Vienna Contemporary History Library, Vienna 2019

Although the systematic search and research into the university's own acquisition policy has already produced some results, for many academic subjects there are no critical works on the institutional history to provide a solid basis for classifying the information obtained. Nevertheless, results have been achieved with the Main Library and the English, European Ethnology, Jewish Studies, Art History, Music, Near Eastern Studies, Philosophy, Psychology, Romance Studies and Theatre Studies Libraries, the University of Vienna Archive and collections from the Egyptology, Music and Zoology Departments. In this way, the

provenance research of Vienna University Library has not only contributed to research into National Socialism in the field of looted cultural items but also added to the understanding of the history of universities during that period.

The first restitutions took place in 2009, and by the end of 2019, twenty-six cases at Vienna University Library involving 2,260 printed items, five plaster casts and one fractional literary estate had been dealt with. In a further fourteen cases heirs are being sought, and thirty-three suspicious cases turned out to legitimate acquisitions. In five further cases, additional information is required to establish the acquisition history, and these objects have been entered in the National Fund art database for that reason. Research has begun on a further eighty-seven cases and there are likely to be many more.

Summary

Provenance research, restitution and the publication of the results are like mosaic stones in the present-day commemorative culture at the University of Vienna. The histories inherent in the researched books, archives and objects point to persons or institutions whose right to existence was extinguished by the Nazi regime and who were subsequently expropriated or forced to close, persecuted and exterminated. The return of looted cultural items may therefore be seen as an attempt by the University of Vienna to achieve a "just and fair" solution in the sense of the Washington Principles.

Links

Website of provenance research at the University of Vienna library: https://bibliothek.univie.ac.at/provenienzforschung-ergebnisse.html

Website of the NS-Provenienzforschung der Vereinigung Österreichischer Bibliothekarinnen und Bibliothekare (VÖB) working group: https://www.univie.ac.at/voeb/kommissionen/ag-ns-provenienzforschung/

For provenance research in the Österreichischer Bibliothekenverbund, see e.g. a reference in the detailed bibliographical data regarding the Brüder Suschitzky restitution at https://permalink.obvsg.at/AC03003138
For further information on this restitution, see Markus Stumpf, Regina Zodl, Olivia Kaiser, Johannes Koll, "Übergabe an die Erben der Buchhandlung 'Brüder Suschitzky'", in Mitteilungen der VÖB 72 (2019), No. 2, pp. 578–84, DOI: https://doi.org/10.31263/voebm.v72i2.2840

The bibliographical details of the literature mentioned in this text can be found at https://bibliothek.univie.ac.at/provenienzforschung-publikationen.html

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IDAC – LAW ART CULTURE INSTITUTE

Christine Ferrari-Breeur

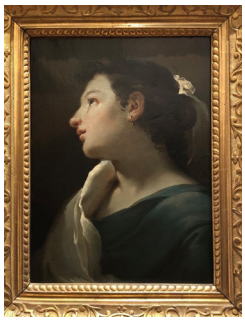
Christine Ferrari-Breeur, head of the IDAC Institut Droit Art Culture (Law Art Culture Institute) at the University of Jean Moulin Lyon III and manager of the master's degree Droit et Fiscalité du Marché de l'Art (Law and Art Market Taxation), decided for the first time in the history of a law master's degree in France, in cooperation with Emmanuelle Polack, PhD in art history as leader, to organize a seminar and workshop about provenance research this year. Both museums in Lyon, Musée des Beaux-Arts and Musée Gadagne, have agreed, as partners, to present some of their MNR (Musées nationaux récupération) and OAR (Objets d'art recuperation) artworks. During several sessions, the students will study the tracing of these artworks and investigate their provenance.

Ferrari-Breeur believes that there is an urgent need to teach provenance research to future jurists. "The more time passes, the more difficult it will be to gather evidence and property; families are dispersed, especially geographically, and the memory of the artworks is fading." But there is also a real concern for legal certainty because of the need to be sure of the origins of the artworks. Currently there is an obligation to due diligence, which applies to all professionals (public and private) in the sector as well as to potential purchasers, even non-professionals.

Twenty students each year will be able to conduct provenance research on MNR artworks. The seminar could be repeated, as other museums in the region have already voluntarily contacted Ferrari-Breeur and would like to start provenance research on their MNR artworks.

All the works studied can be found in the Rose Valland database of the French Ministry of Culture:
https://www.pop.culture.gouv.fr

MNR 233
Eugène Boudin
The Port of Deauville



MNR 632
Ubaldo Gandolfi
Study of a Woman's Head

OAR 284
Anonymous (Mougenot?)
Reed dance organ

MNR 823
François Boucher
The Light of the World

MNR 215
Edgar Degas
Four Dancers in Green

UMA

The Universal Museum of Art, UMA, is a virtual reality museum which collaborates with cultural institutions to carry out unique exhibitions, available online and for free. UMA's ideal is the digital democratization of culture: it wants to facilitate access to art, familiarize audiences with museums, showcase collections and entertain by devising entertaining and immersive exhibitions in a virtual setting.

Most museum collections are kept in storage, inaccessible to the public. By using virtual reality, museums can go beyond these practical constraints. UMA's aim is not to replace museums but to make known their existence and relevance today. Its role is to centralize and complement existing museums.

There are currently twelve exhibitions online, and another four are planned. One of the future aims of UMA is to devise an educational project by offering virtual tours in line with French and foreign school programmes.

Online since 5 September 2018, "The Spoils of War, Recovering Looted Artworks from the Second World War" was one of the first online exhibitions. The founders of the Holocaust Art Restitution Project (HARP, Washington DC), Marc J. Masurovsky (Research Director) and Ori Z. Soltes (Goldman Professorial Lecturer in Theology and Fine Arts, Georgetown University) agreed to curate the exhibition.

UMA wished to gather the greatest masterpieces stolen by the Nazis, creating an unprecedented and unique exhibition. By using virtual reality, it seeks to raise public awareness and to help identify the artworks by circulating them globally.

https://uma-expo-legacy.s3.amazonaws.com/spoils_of_war/index.html

FIELD REPORT

AFTER THE FAMOUS CASES – PROVENANCE RESEARCH AND THE SOCIOLOGICAL SHIFT

Provenance research in Austria is mainly associated with famous collections illegally expropriated during the Nazi era, such as those of Alphonse and Louis Rothschild, Oskar Bondy or Adele Bloch-Bauer and with artworks by prominent artists such as Gustav Klimt or Egon Schiele. Although objects expropriated by the Nazis from those renowned collections still turn up (and will continue to do so) in federal collections – see the article in Newsletter 6/2020 on the restitution of Schiele's *Four Trees* to the heirs of Josef Morgenstern – after more than twenty years of work by the Commission for Provenance Research the majority of these famous cases appear to have been extensively dealt with. What remains are cases that seem less glamorous but are at least as numerous and no less relevant. But does this superficially stated change really have an impact on current provenance research or, apart from a reduced media interest, is everything as it was before?

The time after the famous cases has seen a shift in provenance research in Austria in terms both of the objects and, closely connected, of the sociological composition of the group(s) being investigated. Not only unique paintings, watercolours and drawings are the objects of research but also mass-produced prints or books. The lower value of these art objects has engendered a sociological shift within the research agenda. It has moved increasingly from the elite circle of prominent actors in the art and culture scene, who are well-documented in historical sources, towards middle-class collectors and artisans, and small and medium-sized dealers, whose collections and trade also included applied art objects, prints, antiques, furniture, clocks and watches, jewellery, books and magazines.

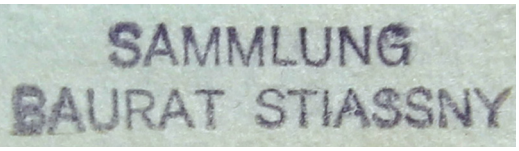
This circumstance produces a dual challenge for the methodology. There is a lack of reliable historical sources in terms both of the biographies of the persons being investigated and of the information about the objects, which are often referred to only as job lots. It is rare for photographs to exist of these less valuable objects, and if so they tend to have been taken by chance. Detailed descriptions in collection inventories or auction catalogues to assist in subsequent identification are usually absent. While the discovery of substantive evidence – a "smoking gun", so to speak – can already be difficult with famous cases, it is even more of an exception with less prominent objects and persons. As a result, the written descriptions in the Commission for Provenance Research dossiers of suspicious acquisitions, as defined by the Art Restitution Act, must rely increasingly on linking the trail of clues, which obviously makes it more difficult to conduct and validate the underlying research.

One possible approach to this challenge is provided by Section 4a, para. 2, of the Austrian Art Restitution Act. This defines the task of the Commission for Provenance Research, among other things, as "research into the historical circumstances, in so far as this could be of significance for determining the provenance and for recommendations by the committee". This extends the previous definition of its task in Section 4a, para. 1, as merely "the description of the provenance of objects designated in Section 1". Section 4a, para. 2, offers scope for a systematic, methodical approach that is not limited merely to a strict description of the provenance but can also take a wider targeted analytical view of the historical context.

The degree to which historical information and hence the approach to research is affected by the social status of the collectors and the collection objects can be illustrated by looking at the case of the collector's stamp "Baurat Stiassny". Whereas a large amount of research and

Engraving with provenance "Sammlung Baurat Stiassny": Maarten van Heemskerck (design), Philips Galle (engraver), The Destruction of the Altar in Bethel and the Exhumation of Bones from the Graves, c. 1569, Graphic Collection of the Academy of Fine Arts, Vienna, DG 56.889

publications exist on the above-mentioned famous art collections, nothing was found initially in connection with the stamp "Sammlung Baurat Stiassny", which appeared on several prints in the inventory of the Graphic Collection at the Academy of Fine Arts Vienna. It was only after additional intensive research that indications were found that the objects came from the hitherto unknown but extensive graphic collection and private library of Wilhelm Stiassny, an architect and one of the main instigators of the first Jewish Museum Vienna. He died in 1910 and bequeathed the art collection and library to his only son Sigmund Stiassny. The life of Wilhelm Stiassny, a prominent personality in turn-of-the-century Vienna, is well documented, but his son, a member of the upper-middle class and a gynaecologist with an office in the centre of Vienna, is mentioned only in passing in both current historiography and in documentation of the time. Because of Sigmund Stiassny's lesser prominence, traces of the graphic collection and library became more difficult to find. While they had been mentioned occasionally in the media during Wilhelm Stiassny's lifetime, there was no media coverage in the following decades. Thanks to wide-ranging biographical and collection research, including not only the archive of the Academy of Fine Arts but also source material from other institutions such as the archive and picture archive of the Austrian National Library, the archives of the Vienna Jewish Community (IKG), the Jewish Museum Vienna, the Austria Federal Monuments Authority, the Austrian State Archives, the Municipal and Provincial Archives of Vienna, the University of Vienna library and the Lower Austrian Provincial Library, as well as extensive online research, the life of Sigmund Stiassny, his family and their assets were patchily reconstructed. It was only after a further step that placed these events in a historical context – the designation of Stiassny as a Jew according to the Nazi legislation and the effects this had on his life after the annexation of Austria to the German Reich – that it was possible to make further assumptions about the possible sale of a large part of his assets as a result of Nazi persecution.



Since Section 4a, para. 2, of the Art Restitution Act, gives provenance research the possibility of expanding beyond the one-dimensional investigation of the history of individual objects, the research methodology needs to move away from an approach focusing strictly on object histories. In order to comply with the principles of systematic provenance research, a more fundamental approach needs to be taken, where this seems promising, and apart from the description of specific provenance chains, more extensive biographical details and the reconstruction of collections are called for. Where the necessary information cannot already be found in the available research literature on Nazi persecution and asset expropriation, this requires some underlying research. This step "back" to the basics also means that greater attention is paid to an analysis of the networks created during the Nazi era and the expropriation processes established by them, within which the victims were forced to operate. The research needs to be more inter-institutional and it is more meticulous and painstaking, as it operates at a micro-sociological level that requires the incorporation of its results in contemporary sociological and sociopolitical meta-structures. After the famous cases, provenance research thus offers the possibility of making new contributions to the Nazi society research conducted by the likes of Michael Wild or Frank Bajohr and at the same time of further consolidating the above-mentioned trail of clues. In doing so, pursuant to the task that the law demands of the Commission for Provenance Research, the main aim will be to improve the reliability of information about the historical changes in ownership and property so as to provide as solid a basis as possible for decision and evaluation by the Austrian Art Restitution Advisory Board, which is now in the third decade of its existence.

The concluding question to ask is whether the further development of research methods, including the increasing degree of registration, digitization and networking of existing historical information, will lead to the reopening of "cold" provenance research cases or, to put it another way, whether the completion of one set of famous cases will lead to the (re-)opening of others.

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Konstantin Ferihumer has been working on behalf of the Commission for Provenance Research at the Academy of Fine Arts in Vienna since 2016. Since 2018, he has also been leading the fundamental research project made possible by the Commission for Provenance Research on the "Aryanization" of Viennese watchmakers and jewellers. The research on the provenance of "Baurat Stiassny" should be completed in 2021 and will be presented then to the Austrian Provenance Research Advisory Board for consideration.

ADDENDUM

PROVENANCE RESEARCH IN SLOVENIA: AN INTERVIEW WITH BARBARA MUROVEC

The Slovenian art historian Barbara Murovec is a specialist in art of the early modern period and twentieth century in Central and South-Eastern Europe. In her specific dealings with provenance research and the EU HERA project TransCultAA she has recently experienced a rejection within the framework of Slovenian (research) policy, which has had serious personal consequences. She describes her experiences in an interview with Meike Hopp, chairperson of Arbeitskreis Provenienzforschung e.V.

MH: Dear Barbara, the pioneering EU HERA project TransCultAA (Transfer of Cultural Objects in the Alpe-Adria Region in the 20th Century) conducted from September 2016 to October 2019 is the first international project dealing with the transfer of cultural objects between Germany, Austria, Italy, Slovenia and Croatia over the entire twentieth century. What does provenance research signify for you and what are your experiences?

BM: *No art historian dealing with movable cultural objects can ignore provenance research. The history of the places of origin and storage of an artwork is recorded in all museum documentation and catalogue essays. As a researcher in art history of the early modern times concerned with the transfer of cultural objects, it seems to me sometimes that the term provenance (research) has focused too exclusively on confiscations that occurred in the Nazi era. At the same time, I consider it extremely important to properly address one of the most sensitive and complex aspects of art history, which is also bound up with other disciplines (history, law, economics, etc.). Art historians can find answers and, together with politicians, ideally "correct" or at least make up for injustices. In theory at least this would seem to be desirable. In practice, however, the answers and interpretations we have offered as a result of our systematic research in the project are apparently not (yet) welcomed by Slovenian politicians and stakeholders.*

MH: How did the TransCultAA project come about and what is its aim?

BM: *The project was designed first to trace and reconstruct the history of cultural objects seized in the Alpe-Adria region in the twentieth century, gain insights into displacements, in which – apart from artists, art historians, dealers and collectors – authorities and institutions were also involved. Second, we wanted to understand the appropriation of art for political, nationalistic and propaganda purposes. The framework was outstanding: submissions were invited by the European Commission within the HERA (Humanities in the European Research Area) programme on the theme "Uses of the Past". The project was planned in Villa Vigoni, where researchers from three countries (Germany, Italy, Slovenia) – from the Zentralinstitut für Kunstgeschichte (ZI) in Munich, the France Stele Institute of Art History at the Research Centre of the Slovenian Academy of Sciences and Arts (ZRC SAZU) in Ljubljana and the Kunsthistorisches Institut (KHI) in Florence – organized a workshop. The principal investigator team was already formed in Villa Vigoni, consisting of Christian Fuhrmeister (ZI Munich) as coordinator, Donata Levi (University of Udine), Ljerka Dulibić (Strossmayer Gallery HAZU, Zagreb) and myself (ZRC SAZU, Ljubljana). We were happy to be able to bring on board the Austrian Commission for Provenance Research as an associate partner, followed by others, including the Slovenian Research and Documentation Centre JAS. We organized joint archive visits, exhibitions, summer schools, workshops and conferences. A jointly compiled collection of archival material resulted in an online Source Edition, and in a few months the project monograph will appear in Böhlau Verlag* (details of the project at https://www.transcultaa.eu/).

MH: What is the significance of the project in terms of research into the historical movement of cultural objects in Slovenia?

BM: *A particular focus of the TransCultAA project was the transfer of artworks during the Second World War, when Slovenia was part of Yugoslavia and was occupied by Italy, Germany and Hungary. I was quite excited at the prospect for Slovenia, not only regarding the possibility of networking with Western researchers, especially for the group of young Slovenian art historians, but also as an opportunity to make a thorough comparative study of Slovenia's past and its entire art system in the twentieth century. Expressed in more ambitious terms, I was interested in developing an objective academic approach to the totalitarian appropriation of art and hence of contributing to the democratization of society – not in terms of interpreting history but of obtaining a better understanding of its complexity in order to enable whole generations to face up to this trauma. Research about and insights into the implications of class, nation and ownership*

questions are just as important for successfully coming to terms with the past as the preservation and presentation of records and documentation (e.g. in databases).

MH: In order ultimately to restitute the works of art?

BM: *Of course, the reconstruction of these processes also makes it possible to restitute objects, but the priority for me was to raise public awareness of the role of artworks as (symbolic) capital for the Alpe-Adria region. It is only with this awareness that politicians can adopt laws on these sensitive issues and free state institutions of their reluctance to deal with provenance research. To give an idea of this dilemma. In 2014 the Slovenian government still reported that there were no artworks in state-owned/public collections that had been seized previously by the Nazi occupying authorities (see United States Department of State, The JUST Act Report, March 2020, p. 170). But in fact Nazi looted art from 1941 to 1945 remained in Slovenian museums after the war. The seizures even continued in 1945, as one totalitarian regime replaced another. This could explain why provenance research was not supported in Slovenia at all, but to claim that there is no Nazi looted art is patently false.*

MH: You intimated earlier that there were problems. What effect did the situation in Slovenia have on your research project?

BM: *Problems are to be expected in any international project on an issue as sensitive as this. In Italy, for example we had difficulties in gaining access to the archive of the Soprintendenza archeologia, belle arti e paesaggio del Friuli Venezia Giulia in Trieste and the documentation stored there on artworks from churches and public buildings in Slovenian Istrian cities (in particular Koper/Capodistria and Piran/Pirano), which in 1940 belonged to Italy. The Italian group headed by Donata Levi was nevertheless able to work extremely successfully, particularly on the transfer of cultural objects during the First World War and the seizures of cultural objects in Trieste. Not only was the close cooperation mutually beneficial, but we also learned how to overcome problems. The TransCultAA project was received very positively in all partner countries. Croatia even made its restricted archives accessible. The transnational and cooperative aspects of our research project also received a lot of recognition, for example from the Czech Republic, Serbia, France and the USA.*

It was not until 2019 that the project suddenly had serious consequences for me personally. Whereas I thought the comprehensive archive findings and my knowledge of historical mechanisms and continuity would make it possible for me to make a fundamental contribution to establishing provenance research into Slovenian collections, what happened was that I lost my position first as director of the France Stele Institute of Art History at the ZRC SAZU in Ljubljana and then (in the process of transferring the TransCultAA project to the University of Maribor) as professor at the Institute of Art History in the Philosophy Faculty in Maribor, which I had helped to found in 2009.

MH: Why? And what does that mean for provenance research in Slovenia?

BM: *Research into Nazi looted art in Slovenia is problematic because of the subsequent Communist regime. Parts of the Slovenian population still identify – sometimes openly – with the Communist activities in the first years after the war. In the name of Communism, property and cultural assets were confiscated and nationalized – sometimes with terrible crimes being committed against the owners of artworks, e.g. the murder of Ferdinand Attems, owner of one of the most important baroque collections in Bistrica Castle in Slovenska Bistrica (Windisch Feistritz), to where he had transferred paintings from Graz during the Second World War. Attems was Slovenia's first doctor of forestry and helped Slovenes during the war. But as a "German" and member of the Styrian Kulturbund (Cultural Association) he was sentenced to forced labour and murdered with his wife and eldest son in winter 1946 by members of the OZNA (Odjeljenje za zaštitu naroda / Department for People's Protection of Communist Yugoslavia). The new government seized his collection, stored it in the Federal Collection Centre (like the Collecting Points in Germany, but with quite an opposite mission and agenda), from where artworks were distributed to the National Gallery and other Slovenian museums and archives. Some might also have ended up in private ownership.*

MH: Only a tiny fraction of the Jewish population of Slovenia survived the Holocaust. What happened to their expropriated property? Was there any restitution after the war?

BM: *Jews (and their descendants) were victims of oppression twice over in Yugoslavia, first by the Nazis and then by the Communists. After the war, the few surviving Jews once again found themselves among enemies. The collections seized by the Germans remained in the museums. And there was the problem of staff continuity in public institutions. Franz Basch/Franjo Baš, director of the municipal museum in Maribor, participated first in the Nazi seizures and then, after the war, obtained/collected artworks seized and nationalized by the Communist government. The property of a Jew murdered in Auschwitz called Kohnstein was given to Baš in September 1941. After the war his descendants had no*

access to documentation on the seized works of art. Although they claimed compensation for wartime losses, none of the works were returned, as far as I know, because the details cited by them in their loss report did not tally with those in the official list of seized objects. Individual cases like this one need to be urgently investigated in order to ascertain why the restitution did not take place and to what extent continuities like the one described above played a role in these processes.

MH: Against this background and in this complex situation, is it not incredibly difficult to oversee and evaluate the roles of the individual actors?

BM: *An assessment of the role of actors such as Baš is, of course, difficult, but it is for that very reason that we should be allowed to talk about and investigate it today. But what happened in 2019 with TransCultAA and also with another important project, the Digitization of Jewish Heritage of Slovenia (research cooperation between Israel and Slovenia), is a sign of censorship and manipulation of academic research, acts that are in fact typical of post-totalitarian regimes. What is almost incomprehensible to me is the silence and even cooperation of witnesses and authorities (even today).*

My colleagues abroad reacted quite differently to my dismissal. I am very grateful for the international support and hosting invitations I have received and for the possibility of talking here about my experiences.

MH: But Slovenia is not the only country in Eastern Europe where there is little or no political support for provenance research and where it seems almost impossible to establish it.

BM: *I can only speak for Slovenia, but a critical assessment of the (shameful) functions that artists and art historians fulfil in times of war and crisis just to consolidate political systems is quite beyond the imagination of those who grew up after the disintegration of Yugoslavia and the declared democratization of society in Slovenia. The collapse of Yugoslavia in 1991 showed, however, how the suppressed problems, despite the supposed "brotherhood and unity" claimed by the propagandists, could lead to the bloodiest conflicts in Europe since the Second World War, an experience that must not be repeated. This is another reason why I find the TransCultAA project so valuable; for the first time, we had European funds to investigate on an international scale the consequences of expropriation and transfer of cultural objects for our European society – and in (South-)Eastern Europe these consequences are particularly grave.*

MH: The Berlin-based researchers' association Arbeitskreis Provenienzforschung e.V. currently has 355 members from Austria, France, Germany, the Netherlands, Switzerland, the UK and the USA – but none from Eastern Europe. Also no representative from Eastern Europe was invited to a hearing in the European Parliament in Brussels last December on "Cross-border restitution claims of works of art and cultural goods looted in armed conflicts and wars". What do you think needs to change and what would you like to see happen to provenance research in Eastern Europe?

BM: *One of the aims of the TransCultAA project was to establish networks between Slovenia and current (Western) European provenance research, particularly, of course, with the research in Austria and Germany, who as the two former occupying powers were mainly responsible for the transfer and looting of artworks during the Second World War. We wanted to create a basis for a European initiative on the seizures by Communist governments in Eastern Europe (including East Germany) after 1945, comparable to the 1998 Washington Principles for Nazi looted art. Here, too, the idea was to maintain a neutral historical "distance" through research and awareness-raising so as to provide assistance in dealing with suspicious (museum or private) collections and ultimately to find fair solutions. As long as museums remain silent and cover up the facts, substantial processes, which are essential if Europe is to be an open, just and democratic continent, will be further blocked, and there will be a reluctance to do anything. Because a "correction" of the past is not possible, and there is no ideal solution for "reparation", there can be no progress in provenance research, particularly in Eastern Europe, without political support. Instead of intimidating researchers, international cooperation should be fostered so that we can learn from each other's experiences. We must stop insisting on dividing Europe into East and West: we can do so much with joint projects. That's why it's so important – particularly for future generations – to continue this research with other partners in Germany and Austria (Berlin, Vienna and Graz, for example). In spite of the personal consequences for myself, I therefore think that the TransCultAA project was a very important first step. I am very grateful to the many colleagues and institutions abroad for their support and look, I hope justifiably, with optimism to the future. I am looking forward very much to spending six months as a guest researcher at the KHI in Florence.*

MH: That is a very admirable attitude. Apart from networking with international colleagues, what other benefits of the TransCultAA project would you like to pursue further?

BM: *The great thing about the project was that so many young researchers and students were involved. They participated, for example, in seminars investigating the*

provenance of artworks from Slovenian Modernist exhibition seized in 1941 in Ptuj (Pettau) and presented the results at a conference. Their enthusiasm showed how valuable it is to foster the awareness of young generations of this issue. Towards the end of the project it also became clear to me how important and fruitful it will be to make direct use of the methods of the digital humanities for future documentation, research and processing of the social traumas that we Europeans carry in us and that are repeatedly manifested in our culture, regardless of which side our forefathers belonged to as nations, representatives of social classes and ideologies or as individuals.

MH: Thank you, Barbara, for these frank insights. I wish you all the best for your future projects.

Prof. Barbara Murovec is an art historian. She is principal investigator in the HERA project TransCultAA, taken over in 2019 by the Research and Documentation Centre JAS in Ljubljana and extended cost-neutrally until November 2020. Currently, she is a DAAD Fellow at the Zentralinstitut für Kunstgeschichte in Munich.

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