

A b s t r a c t s

Regine Dehnel

Perpetrators, Victims and Art

A Look Back at the National Socialists' Campaign of Pillage

Between 1933 and 1945, privately and publicly owned works of art, books and archives were extorted, "arianised", "secured" and robbed, first in Germany, then throughout Europe. Special offices and organisations were involved in this activity. Among the victims of these campaigns of pillage were political opponents: union officials, socialists, free masons, priests. The robbery was especially hard on the Jewish population. With the attack on Poland and the invasion of the Soviet Union began the robbery of the East European peoples, who were categorized as "racially inferior". The National Socialist campaigns of pillage for cultural assets are not merely the subject of historical research, they continue to strain objects mutual understanding within Europe to this day.

Gabriele Freitag

Athena under Attack

Nazi Pillage of Cultural Artefacts in the Second World War

The National Socialist pillage of cultural artefacts in the territories occupied by the German Armed Forces and the civil administration was a comprehensive action on the part of military and civil authorities aimed at captured cultural assets. Nazi occupation policy differed considerably in Western and Eastern Europe. After liberation, the losses registered in France, Belgium and the Netherlands were primarily among private art collections, frequently those of Jewish ownership. In Eastern Europe, by contrast, various German authorities – Special Commando Linz (Chancellery) the Art Protection Force (High Command of the Army), Special Commando Künsberg (Foreign Office), Task Force Command Reich Director Rosenberg (the Nazi party Foreign Political Office) and Ancestral Heritage (SS) – also plundered churches, museums, art galleries and libraries and had the pillaged objects sent in part to Germany.

Isabel von Klitzing and Lucian J. Simmons
The Destruction of a Culture
Of Collectors, Patrons and Thieves

Wars and violent regime change are often accompanied by the redistribution of cultural assets and works of art. Since antiquity, public and private artistic treasures have been stolen. However, one factor stands out in the 1933-1948 period: the thoroughness of raids on private art collections and the deliberate destruction of the culture of patrons and their expertise, which had blossomed between 1890 and 1930. The high standing enjoyed by collecting in the 50 years prior to the Second World War laid the foundation for the plundering that followed. Today, that standing offers many clues that make it possible to reconstruct an artwork's history of ownership.

Waltraud Bayer
Legitimised Pillage
The Treatment of Artistic Treasures in the Soviet Union,
1917–1938

The October Revolution unleashed an extensive campaign of expropriation in the art world. Nationalisation affected the court, the nobility, the middle class and the church. Army, police and museum experts confiscated art, antiques, jewels and interiors. The Bol'sheviki legitimised these requisitions by claiming they were economically and culturally relevant to the construction of the new society. Archival material made available since the late 1980s shows that the ideological component of settling up with the "class enemy" was a key factor. Receipts from the export of cultural assets were insubstantial. Today, Russia is keen to make up for this cultural blood-letting: Valuable national cultural assets are being bought back.

Friendship Yes, Dürer No
Wolfgang Eichwede on the Gulf Between Russia and
Germany in the Dispute over Looted Art

The Research Centre for Eastern Europe in Bremen laid the foundation on research into the Nazi theft of art in the Soviet Union. The director of the institute, Wolfgang Eichwede, has been trying for 15 years to have the Baldin Collection returned from Russia and has participated in negotiations between Germany and Russia. The experience he gained led him to criticise the German government, which, due to a lack of flexibility, missed opportunities to settle the issue of looted art in the 1990s. The current situation in Russia leaves hardly any hope for a solution. What is needed is a policy of small steps toward building confidence, unconventional ideas and the lessons of Lessing's ring parable.

Anja Heuss
Scattered East and West
The Three Stories of the Hatvany Collection

The Hungarian Ferenc von Hatvany collected French and Hungarian 19th-century paintings. After the Second World War, his collection disappeared. In 1958, Hatvany's heirs demanded compensation from the Federal Republic of Germany. Their lawyer, Hans Deutsch, was arrested for attempted fraud. From this evolved the "Deutsch case", which came to overshadow the original case of the Hatvany collection. Speculation whirled around the question whether German or Soviet troops had stolen the collection. Today, it is clear that part of it was taken by SS formations. Top works remained at first undiscovered in banks and were then confiscated by Soviet authorities. Several paintings appeared on the black market, others were taken to the Soviet Union. To this day, works from Hatvany's collection remain in Russia.

Christian Hufen
Sistine Madonna on the Road
The Return to East Germany of Art Looted by the Soviets

The State Art Collections in Dresden suspects that over 10,000 of its works are still in Russia. They make up a part of the looted art that Soviet trophy commissions took to the Soviet Union in 1945. Among the Old Masters was Raffael's world-famous Sistine Madonna. A decade later, the Soviet Union returned to East Germany a part of the looted art, among which was the Sistine Madonna. New archival findings show that the return was not just a political move in Moscow's Germany policy, but a reaction to insistence on the part of the German Democratic Republic. The initiative for this coup was taken by a Berlin museum director; he made sure he was covered by GDR higher ups and set in motion an unexpected dynamic. The return could be instructive for Germany and Russia today.

Tim Schröder
Standing Still Double-Time
The Fate of the Rathenau Archive

For almost five decades after the Second World War, the archive of former German Foreign Minister Walther Rathenau was considered lost. Then, in 1992, it was discovered in a Moscow archive. Ever since, the German government has been trying to get it back. To this day, it has not been possible to bring Russia to return the archive. Furthermore, for some time, negotiations over the return of other kinds of looted art have amounted to nothing more than marking time. At

least one of the causes for this standstill is to be found in the German side's refusal to negotiate realistically with Russia and, instead, to insist on principles.

Sabine Rudolph
Expropriated by the Nazis, Located in Russia
Victor von Klemperers Incunabulum Collection

During their rule, the National Socialists deprived Jewish collectors of numerous objects of art. For little or no fee, many of those confiscated works were transferred to museums that had indicated some interest in them. Among these was Victor von Klemperer's incunabulum collection. Works of art that made their way to what then became the Soviet zone of occupation changed hands several times after the war. As part of museum holdings, they were confiscated by Soviet trophy commissions and transported to the Soviet Union. To this day, the von Klemperer Collection remains in Russia – in flagrant violation of Russian legislation.

Monika Tatzkow and Hans Joachim Hinz
Citizens, Victims and Historical Justice
The Fate of Jewish Art Collectors in Breslau

In the early 20th century, an art collectors' scene including many Jews emerged in Breslau. Carl Sachs and Max Silberberg built up collections that drew international attention. Both are typical for the crucial importance of Jewish figures in this scene. Their fates reflect the destruction of this elite during the Nazi era. Their collections were expropriated and destroyed. Carl Sachs saved his own life by emigrating. Max Silberberg died in a concentration camp. Their heirs, encouraged by international agreements, are making claims on works of art that have yet to be returned.

Monika Tatzkow
Odyssey of Art
The Restitution of the Steinthal Collection

Max Steinthal belonged to the top managers at Deutsche Bank. As a friend of the art scene, he collected old masters and modern art. As a Jew, he lost his entire fortune during the Nazi era. Most of his children fled abroad; one died in a concentration camp. The banker himself was forgotten. His art collection made its way from Berlin to Dresden. In 1952, East Germany seized it. For over 50 years, it lay in a depot of the State Art Collections. Max Steinthals grandchildren never gave up the search for it. In 2004, their grandfather's collection was returned.

Over 60 works of art survived the bombings of Berlin and Dresden and can now be shown to the public again.

Nout van Woudenberg
The Koenigs Collection
Fear and Hope in a Dutch-Russian Case of Restitution

For a long time, a particular case of restitution has stood near the top of the political agenda of Dutch-Russian relations: the Koenigs Collection. Over 500 of the more than 2,500 drawings by Old Masters bought by the banker Franz Koenigs in the 1920s were procured by Hans Posse, Hitler's plenipotentiary for the Führer Museum, in an illegal transfer in 1940. The Red Army took this part of the collection almost fully in tact from Dresden to the Soviet Union. While East Germany in 1987 restituted the 33 drawings that remained on its territory to the Netherlands and Ukraine returned the works that had made their way to Kiev, Russia has delayed restitution. The Netherlands may have international law on its side, but Russia insists on deciding the case according to its own restitution legislation.

Of Books and Men
Ekaterina Genieva on Possibilities and Limits in the
Dispute over Looted Art

The director of the Moscow Library for Foreign-Language Literature, Ekaterina Genieva, sees opportunities for emerging from the shadow of the Second World War, demonstrates by means of her library what is doable despite imperfect laws, reminds us that courage and freedom go hand in hand, reveals that it is sometimes better not to ask ministers, expresses sympathy for the women from Tomsk, who, having returned certain books, now have to make do without majuscules, gets angry about the thick layers of hypocrisy in the restitution debate and stresses that the alpha and omega of dealing with unlawfully transferred objects of art is free access, use, information and international cooperation.

Bénédicte Savoy
War, Academia and Law
Memories of Napoleon's Pillaging of Art, 1915

The current debate over pillaged and looted art is characterised by an acrimony unknown in the years immediately after 1945. Instead of mitigating ill will, time hardened and embittered the parties to the dispute. In the 19th and early 20th century, another debate over pillaged art took place in Germany, one that applies

to the present: Napoleon's campaign of looting. The reappraisal of the Napoleonic era that took place during the First World War led to a hopeless entanglement of traumatic memories, national myths and academic expectations.

Andreas Hüneke
Scorned, Sold, Destroyed
“Degenerate Art” and the Radicalisation of Nazi Art Policy

In 1936, after an initial ambiguity regarding the direction of Nazi art policy – the result of a leadership power struggle and the source of some illusionary hopes – a change of course was set toward the radical rejection of all modern trends. The propagandistic climax was the 1937 exhibition “Degenerate Art” in Munich. More far-reaching, however, were the confiscations, sales and partial destruction of almost 20,000 works of art in years that followed.

Eva Blimlinger
Accomplices in the Role of Victim
The Restitution of Art in Austria

Since 1945, the Republic of Austria has made several efforts to return fortunes expropriated during the Nazi era. These efforts, however, were often half-hearted, ill-prepared and extremely bureaucratic. Only in 1999 did the Law on the Return of Art accept that Austria had to a certain extent extorted artworks from survivors or the descendents of those murdered by forbidding the export of works despite successful decisions on restitution. The internationally debated case of Block-Bauer, involving the return of five pictures by Gustav Klimt, is one example.

Mečislav Borák
Belated Justice
The Restitution of Expropriated Cultural Assets
in the Czech Republic

The territory of the present-day Czech Republic was far less affected by the National Socialist pillaging of art than most of the other occupied territories. The greatest losses are attributed to the Gestapo, which confiscated Jewish property. Restitution was made for only a part of these treasures after the war. Even after 1989, the Czech state was reluctant to return expropriated art. Then, in 1998, the government established a working committee; in 2000, parliament passed a restitution law; and at the end of 2001, a documentation and research centre took up its work. All of this made possible the restitution of a painting by Rembrandt from

the Schloss Collection and of valuable monographs from Breslau's Jewish Theological Department.

Nawojka Cieślińska-Lobkowicz
Reason, Unreason and Claims
Restitution Policy in Poland

The end of the East-West conflict seemed to open possibilities for Poland to settle its restitution issues. That proved to be an illusion. Tangible results are rare. That applies to demands made of Ukraine and Russia for the return of cultural artefacts as well as the dispute over the Dürer drawings from the Ossolineum. German-Polish negotiations have yielded no success. Relations are characterised by a bizarre paradox. In spite of the enormous Polish losses due to the war and German occupation, Germany's concrete demands on Poland are quantitatively and qualitatively greater than those of Poland on Germany. Both sides insist on their conflicting legal positions. Furthermore, restitution policy lacks transparency and free flow of information. This in turn limits the public control of bureaucratic behaviour. That in turn does not make it any easier to find a solution.

Serhij Kot
Kievan Knots
Restitution between Ukraine, Germany, Russia and Poland

The return of cultural assets is more multi-faceted for Ukraine than for most European states. Germany demands from Ukraine the return of art looted by the Soviets. Poland wants Ukraine to retribute cultural assets transferred as a consequence of the Second World War and to turn over numerous cultural assets located in those Ukrainian territories that were part of Poland until 1939. Ukraine shares with Russia the point of view that Germany should not only be making demands, but should compensate for the immense destruction suffered on Ukrainian territory during the war. Both Ukraine and Russia consider the status of ownership that came into being after 1945 as lawful. Simultaneously, Kiev is engaged in a row with Moscow over the return of cultural assets that were stolen from Ukraine during the German occupation and returned to the Soviet Union, but then taken to Russia instead of Ukraine.

Svetlana Nekrasova
Cooperation and Its Limits
Restitution between Russia and Ukraine

As successor states of the Soviet Union, the Russian Federation and Ukraine have to coordinate the search for cultural assets and their return. Artistic treasures that were

plundered by the National Socialists and returned to the Soviet Union sometimes ended up in another Soviet republic. Disputes over rights of ownership continue to this day. Restitution often falters on the lethargy of the bureaucracies involved and the insufficient exchange of information. However, as a result of cooperation, there are cases in which national cultural assets could be found and returned.

“Our Governments Were Not Enthusiastic” Kathinka Dittrich on the Start of the Looted Art Dialog

Kathinka Dittrich was the first director of the Moscow branch of the Goethe Institute, the official German government cultural centre. With Ekaterina Genieva of the Moscow Library for Foreign-Language Literature, she started a dialog between Germany and Russia on how to deal with unlawfully transferred books and works of art. She recalls tense meetings, cooperative atmosphere and great hopes, laments the lack of empathy and missed opportunities on the German side, and calls for greater pragmatism.

Avenir Ovsjanov Königsberg Transfer The Search for Cultural Assets in Kaliningrad

After the attack on the Soviet Union in 1941, the Germans began bringing plundered works of art from the Soviet Union to Königsberg. The trail of German and Soviet artworks that passed through the city was lost in the confusion of the war's end. The location of numerous items remains unresolved to this day. Researchers have found paintings, folios, porcelain and ornamental elements. Because these were not exchanged, and because searches in the restricted military area of what is now Kaliningrad were hampered, no systematic lists of holdings were kept. Since 1991, a new research centre has yielded success. It has discovered parts of the Königsberg Archive and items from the Museum of Prussia.

Margarita Zinič Between the Zones The Restitution to Russia of Art Pillaged by the Nazis

The cultural assets that Russia lost in the war against Nazi Germany were in large part irreplaceable. Restitution in kind was to have partially satisfied Soviet restitution claims. Experts put together lists of equivalents with German artworks as replacement for lost Russian works. In order to retrieve looted cultural assets from Germany, the Soviet Union had to rely on cooperation with the other allies. After the war, successes were scored in the exchange between the zones of occupa-

tion. As the Cold War set in, cooperation in the question of restitution also became more difficult.

Maarit Hakkarainen and Tiina Koivulahti
Pillaged Artworks in the Dark
Efforts to Determine the Provenance of Art in Finland

Finland was for a long time reluctant to clarify the fate of lost works of art pillaged by the Nazis. This has something to do with the official Finish understanding of history, which does not ascribe the country much responsibility for such losses, since Finland did not fight on Nazi Germany's side, but conducted a separate war against the Soviet Union between 1941 and 1944. As a result of meticulous research into the provenance of certain works of art, the recognition is slowly setting in that unlawfully expropriated art could have made its way even to this country, which otherwise lies on the periphery of the international art market.

T. Giovannini, M.-A. Renold, C. Olsburgh, F. Ringe
Pillaged Art and Switzerland
Assessment, Settlement, Prospects

During the Second World War, Switzerland played a role as a transfer point for art pillaged by the Nazis. Right after the war, special legislation was passed on the restitution of pillaged art. Moreover, Swiss civil law contains general compelling rules on the restitution of stolen objects. More recently, historians and experts have investigated Switzerland's past. The large museums have committed themselves to clearing up the origins of works in their collections under certain conditions and to providing access to their archives. A Contact Bureau on Looted Art was established at Switzerland's Federal Office for Culture. Another desirable step would be legislation for implementing the Council of Europe's 1999 resolution on the issue.

Massimo Baistrocchi
Raiders of the Lost Art
Italy, Restitution und Cultural Assets in Russia

Already during the Second World War, Italians set up the first organisations for to retrieving illegally transferred cultural works. Hundreds of thousands of art works were restituted from Germany. To this day, art works are missing that were located in the Italian Embassy in Berlin until the end of the Third Reich. It is suspected that they were taken away by the Red Army and are now in Russia. How-

ever, progress in the search for these works has run into difficulty. Russia suffers a lack transparency and is unwilling to cooperate.

Christoff Jenschke
Looted during the War
The Return of Looted Cultural Assets in International Law

There has always been great demand for cultural assets as a form of war booty. The view that seizure of cultural assets is an inappropriate war aim led the international community to ban the removal of cultural assets from one country to another. A corresponding form of international common law developed until the Vienna Congress in 1815. Few exceptions were permitted under this ban, which was also accompanied by a ban on using cultural assets for reparations. Among these exceptions were cases of restitution in kind, which Russia cites in its dispute with Germany over looted art.

Harald König
The Foundations of Restitution
The German Law on Compensation

To compensate for National-Socialist injustices, sweeping legal arrangements were made in the Federal Republic of Germany from the start. Allied laws on reimbursement provided the foundation for these arrangements. The Federal Law on Reimbursement and the Federal Law on Compensation in particular built on the Allies' measures. This contribution reconstructs the legal basis and practice of the relevant German laws, explores their development even after German unity and discusses how justice is to be obtained in individual cases where claims can no longer be filed since the formally envisioned registration deadlines have expired.

Claudia von Selle and Ulrich Zschunke
A Way Where There Is No Will?
“Soft Law” Agreements as a Means of Non-State Conflict
Resolution in Restitution Cases

The legal character and consequences of “soft-law” agreements remain as unclear as ever. That these agreements are more than judicial surrealism is shown by their use. In international commercial law, “soft-law” agreements are now just as established as arbitration. Even in restitution cases, both have proven to be a suitable means of resolving conflicts outside the realms of politics, media and judicial systems.

Rochelle Roca-Hachem
The World Stage
The Role of UNESCO in the Field of Restitution

UNESCO is in the unique position of solving problems connected with the return of unlawfully transferred cultural assets. Important instruments are 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and the 1970 Convention on the Prevention of the Illicit Import, Export and Transfer of Ownership of Cultural Property. Since 1978, an intergovernmental committee has promoted the exchange of information and arbitrated disputes. Its goal is to conclude a declaration of principles on how to deal with cultural property that was unlawfully transferred to other countries as a consequence of the Second World War.

Michael Franz and Uwe Hartmann
Pillaged and Looted Art
The German Coordinating Office for the Documentation of
Lost Cultural Property

The Coordinating Office for the Documentation of Lost Cultural Property documents national and international reports on the search and discovery of pillaged and looted art from the Nazi-era. Its goal is to create transparency, bring together those who are seeking and those who have found lost cultural property, and to make restitution possible. The coordinating office is an expression of the German federal government's and the individual German state governments' will to resolve the issue of looted art. In the German-Russian dispute over looted art, there has hardly been any progress on the political level since 1998. The unchanged Russian position has affected the practical work of the coordinating office. Through its data bank, <www.lostart.de>, the coordination office simultaneously offers the possibility of returning a painting to Russia and contributes to preventing commercial transactions in looted art.

Evelien Campfens, Annemarie Marck, and Eelke Muller
Justice by Means of a Detour
The Dutch Commission on Restitution

Since 2002, the independent Commission on Restitution in the Netherlands has ruled on 22 claims involving more than 400 artworks that could be classified as pillaged art. This article addresses the establishment and mandate of the restitution commission. Then the criteria used by the commission are examined on the basis of four cases investigated and ruled on by the commission.

**Compensation in France
Lucien Kalfon on the Activity of the French Compensation
Commission**

The French commission on compensation for the victims of expropriation carried out on the basis of anti-Semitic laws in force during the German occupation was founded in 1999. It investigates individual inquiries filed by victims of expropriation and issues recommendations on restitution and compensation, which the general secretary of the French government then decides.

**Corinne Hershkovitch
Unsettled Score
The Restitution of Artworks in France**

The French debate over pillaged art revolves around the return of previously Jewish-owned artworks that were confiscated under Nazi occupation and the Vichy Regime and are today located in national collections. Many of the stolen objects were secured in Germany after 1945 and restituted to France. They then made their way into the holdings of national museums. In the dispute between the museums and the heirs of the victims, the French government is being called on to face up to the current reassessment of this dark chapter of French history and to clarify the legal status of the disputed artworks.

**Andrea F. G. Raschèr
Act Collectively, Instead of Pressuring Individually
Switzerland and Its Handling of Pillaged Art**

The growing number of publicly discussed and identified artworks that were pillaged during the Nazi era show that the topic has not lost any of its timeliness. Works of art have an emotional value. This aspect will have to be taken into account in future. All participants must be aware that artworks have their own history, which sooner or later will come to light – whether one wants it to or not. The moral duty to compensate for past injustices is the very least we owe the victims of the Holocaust.

**Kristiane Janeke
(Co-)Operation Rooms of Art
A Recommendation for a Virtual Museum of Looted Art**

The problem of “cultural assets transferred as a consequence of war” strains relations between Germany and Russia. One possible solution, which has attracted little attention so far, would be to establish a virtual museum of looted art. This virtual space would make it possible to place objects within the context of their original collection. The integration of additional information would make historical context easy to grasp and transform the virtual museum into a room of information for a shared collective memory.