

Redress of Art Stolen by Nazi Germany

by Michael Curtis



Ghent Altarpiece found in Altaussee Salt Mines

The quality of justice, like mercy, is not strained. It is an attribute to awe and majesty in rectifying evil of the past. It is universally understood, except by unmitigated antisemites, that Adolf Hitler and the Nazi regime were concerned not simply with the physical liquidation of all Jews, but also with the elimination of all vestiges of Jewish identity and culture. In this effort, a major priority was the looting and removal of all art owned by Jews in the countries occupied by the Nazis. The most reasonable calculation is that the Nazis, for financial reasons as well as part of the Holocaust program, looted more than 600,000 art objects of which more than 100,000 are still missing.

All together, Nazis stole at least 650,000 works of art, the largest theft in history, almost all from Jewish families. Some items were destroyed, some were sold abroad, some were returned to their heirs, but most were not. After World War II, they remained hidden, or in museums, and galleries, including some in New York City.

Restitution and justice are essential for victims of the art and cultural property taken from Jews by Nazis and their collaborators by theft, coercion, or forced sales.

During World War II the Allied powers issued the London Declaration in January 1943 to warn of the plundering, including works of art, by the Nazis and declaring that their transfer or dealing in property was invalid. A special group of experts in the U.S. army, the well-known Monuments Men, captured a remarkable collection of paintings, drawings, prints and sculptures, including the 15th century Ghent Altarpiece *Adoration of the Mystic Lamb*, by Jan van Eyck, hidden in a series of tunnels in the Altaussee Salt Mines, Austria. The captured objects were returned to the countries from which they were taken, but in most cases their rightful owners did not receive them.

The situation was unsatisfactory. As a result, in December 1998, 44 countries and hundreds of museums agreed to the Washington Principles on Nazi Confiscated Art, a non-binding agreement to find a just and fair solution in getting looted art returned to their true owners. It was intended to trace and identify the stolen art and to help resolve the claims with the assistance of museums, governments, commercial galleries, and auction houses.

Stuart Eizenstat, former ambassador and adviser to the State Department, negotiated the agreement on behalf of the U.S. To reach a consensus, compromise was necessary, the nations were permitted to act according to their own laws, and to adopt a "just and fair solution." Though a useful starting point, it

was not wholly successful though galleries, dealers, museums have been more careful in examining the provenance of paintings, and suspected Nazi looted art has been publicized.

Eizenstat holds that The Washington Principles, WP, were strengthened in June 2009 by the Terezin Declaration on Holocaust Era assets signed by 46 countries. The Declaration, holding that protection of property rights is an essential part of a democratic society, included "public and private institutions" and added the words "forced sales and sales under duress" to definition of confiscated art. Yet in his article of January 2, 2019, Eizenstat expresses disappointment, though he believes the Washington Principles continue to exercise a moral force. Some useful changes are occurring in the U.S., Germany, and France. The axiom is that no self-respecting government, art dealer, private collector, museum, or auction house, should trade in or possess art stolen by the Nazis.

At the 20th anniversary of WP in Berlin on November 26, 2018 Eizenstat said that giant steps had been made towards identifying, restituting, publicizing and compensating for some of the looted art and cultural objects, thus providing some small measure of belated justice to some victims of the Holocaust or their heirs.

However, the glass is only half full. Austria has restituted more than 30,000 art works, and Germany 16,000. More than 40 Dutch museums analyze artworks to see their history. Several countries, but only five, have set up "national processes" to implement the WP by issuing recommendations on disputed art in public places: Austria, 1998, France, 1999, UK, 2000, Netherlands 2001, Germany, 2003.

Nevertheless, Eisenstat argues that unfulfilled promises have to be confronted since 100,000 works remain missing. He was critical of five countries, Hungary, Poland. Spain, Russia, Italy.

He was particularly critical of Hungary which retains major works of art looted on its territory during World War II. During the War the Hungarian government had approved the confiscation of artworks and cultural property from its Jewish citizens. Post war Hungary has refused to return these artworks to their rightful Jewish owners, and has not taken responsibility for the looting of art from Jews.

The Herzog collection of 44 paintings (Manet, Renoir, Velasquez, El Greco's *The Agony in the Garden*), the largest unsettled case of stolen art, some of which is in Russian museums in Moscow and St. Petersburg, are in several Hungarian museums.

Spain has taken no steps to implement WP. A notable example was Spanish refusal to return to the Cassirer family the Camille Pissarro painting of *Rue Saint-Honore* held in a museum in Madrid established by the government. Russia has no role in restitution of Nazi looted art from Jews. Italy has been slow to take action, except for that art lost by the Italian government.

Problems abound. It took a bitter law suit and dramatic action, between descendants of the Jewish family from which the art was looted and the Viennese Belvedere museum for five masterpieces, two of them portraits completed in gold leaf, by Gustav Klimt to be returned. The story is familiar from the 2005 film *Woman in Gold*. The portraits had been publicly displayed until 2006. France experienced the loss of 100,000 art objects looted by Nazis; 60,000 were returned and 45,000 were reclaimed by owners. Yet the Louvre still has custody of about 800 looted paintings whose owners remain unknown.

In the U.S. the record is mixed. The Minneapolis Institute of Arts in 2008 returned a Fernand Leger painting to the heirs of Alphonse Kann The Guggenheim Museum returned Ernest Ludwig Kirchner's 1909 canvas print *Artillerymen*, in October 2018 to the Flechtheim family, and in September-October 2018, New York

returned Renoir's 1919 *Deux Femmes dans un Jardin*, stolen from the Weinberger family in 1941. But the NY Metropolitan Museum of Art did not return Picasso's *The Actor* that had been owned by Paul Leffmann, and now estimated at a value of \$100 million. Nor has the MET returned Auguste Renoir's *Portrait of Tilla Durieux*, sold under duress in 1935. The owner Ludwig Katzebellebogen, husband of Durieux, a famous Berlin actress, was murdered in 1943. Many other looted paintings remain in U.S. museums. There is a major dispute over 81 artworks once owned by Fritz Grunbaum who died at Dachau in 1941.

The issue of Nazi looting and the need for restitution is indisputable. More disputable and open to debate are questions of how to deal with colonial injustice.

The most visible major dispute relating to this issue is over the Elgin Marbles, the marble sculptures acquired by Lord Elgin 1801-5 when British Ambassador to the Ottoman Empire. He claimed he had permission from Ottoman authorities in removing about half of the sculptures from the Parthenon before Greece became independent. Britain claims they were legally bought from the Ottomans, and that in their place in the British Museum where they can be appreciated in the context of Greek and Athenian history, and has kept them in perfect condition. In contrast the Greeks energized by Melina Mercouri, 1981-89, and in 2018 by Amal Clooney, wife of George, want them returned to Athens and argue they were illegally taken during Turkish occupation.

Easter Island demands back the iconic 1,800 year old stone statue, 2.2 meter, now in the British Museum. It was taken in 1868 by British explorers from a clifftop in an island, part of Chile. The statue, representing carved heads carrying the spirit of ancestors, was given as a gift to Queen Victoria who gave it to the BM.

In the last third of the 19th century, looting or taking of African art by military, administrative, or scientific

personnel or during armed conflict took place. Nigeria wants UK to return Benin Bronzes. The Bronzes were stolen in the looting during the British expedition in 1897 during which the city of Benin, once a powerful kingdom in West Africa, was burned and looted. Museums in Britain especially the BM, have about 69,000 works from Africa. Discussion are ongoing about loaning back some of them to Nigeria, successor to Benin. French President Emmanuel Macron announced on November 23, 2018 that France will send 26 art works to Benin, though some critics suggest this is a form of paternalism that smacks of neo-colonialism.

Britain has been asked by Native Americans to return 16 historical artifacts, bowls, woven baskets and other objects it has had for 120 years, taken from the Confederated Tribes of the Grand Ronde in the 1870s. Other tribes want to reclaim Native American remains, sacred or finery objects.

French President Macron has been conspicuously concerned with past French colonialism and its "undeniable crimes." He calls for restitution of African works, and the return of cultural items of African origin taken by French colonialists. In November 2017 he declared that the return of African art would be "one of the priorities." African art must be visible in Paris, but also in Dakar, Lagos, Cotonou. France holds 88,000 works from sub-Saharan Africa, mostly housed in Quai Branly museum in Paris. Macron in November 2018 agreed to return 26 cultural artifacts to Benin.

Other objects from Sub-Sahara Africa remain in Western European museums: 37,000 in Vienna, 180,000 in Belgian museum in Teruvren, just two examples of many showing the enormity of the holdings that remain in the hands of past colonialism. Nevertheless, priority must still be given to the claims of the victims of Nazism, especially now that antisemitism has been increasing in European countries.