



02 · 2019

Provenance & Research

Special issue on the 2018 Berlin Conference
"20 Years Washington Principles: Roadmap for the Future"



German **Lost Art**
Foundation



Content

- 1 Gilbert Lupfer
Preface
- 4 Monika Grütters
Introduction

Conference contributions

“20 Years Washington Principles: Roadmap for the Future”

- 10 Stuart E. Eizenstat, Thomas Yazdgerdi
The Washington Principles
Twenty years after
- 17 Wesley A. Fisher
Twenty years after Washington
An evaluation from the Claims Conference and the WJRO
- 21 Shelly Kupferberg
What might “just and fair solutions” look like?
Impressions of individual family stories
- 26 Christel H. Force
Provenance research at The Met and beyond
Transparency, accessibility, and networking
- 31 Ulrike Saß, Christoph Zuschlag
Education and vocational training in provenance research
Developments and prospects in Germany
- 35 Rüdiger Mahlo
What remains of the Shoah?
Aspects of Erinnerungskultur (culture of remembrance)

- 40 Ellinor Landmann
Conference “20 Years Washington Principles: Roadmap for the Future”
Conclusions of an Observer
- 45 Michael Franz, Gilbert Lupfer
Outlook, or: what remains to be done?

Workshops at the conference

“20 Years Washington Principles: Roadmap for the Future”

- 50 Sophie Leschik, Maria Obenaus
Workshop “Curating Provenance Research”
- 56 Andrea Baresel-Brand, Matthias Weller
Workshop “Provenance Research and Data Protection Laws”
- 62 Maria Obenaus, Freya Paschen
Workshop “Provenance Research in Education”
- 67 Mathias Deinert
Workshop “Genealogy and Heir Search”

Spotlights

- 74 **The Future of Looted Art – voices from Israel**
- 76 **The “Washington Principles” and the next generation in Europe**
- 78 **The “Terezin Declaration” – 10 years later**

Preface

Looking back, the Washington Conference of 1998 and the “Washington Principles” adopted as a result may be called the birth place of provenance research in today’s sense of the word. The suppression and disregard of the Nazi’s expropriation of cultural property that had been practiced for decades was no longer possible thereafter, even though it took a few years for this realization to reach everywhere.

Reminding the world of this momentous event in late 2018 was both a great honor and an enormous challenge for the German Lost Art Foundation. During the many preliminary discussions—for instance with the Minister of State for Culture and the Media, with cooperating partners such as the Prussian Cultural Heritage Foundation, the Cultural Foundation of the German Federal States and the Körber Foundation, but also with representatives of the Jewish Claims Conference or the Arbeitskreis Provenienzforschung e.V.—it became clear that the conference needed to be much more than a retrospective look at the past. Rather, the status of implementation of the “Washington Principles” was to be a focal point as well as identifying those areas where there remains an urgent need for action. Beyond that, however, the Berlin conference was to look undauntedly forward and discuss how provenance research should be integrated into the educational programming of cultural institutions and into Erinnerungskultur (culture of remembrance) in general. How may cultural property bear witness to the past when there are very few Holocaust survivors left?

The three-day event at Haus der Kulturen der Welt in Berlin was a mix of lectures, panel discussions and workshops. The variety of formats and the sheer volume of contributions could not have been adequately illustrated in a customary conference volume. Instead, this issue of our periodical assembles some of the seminal contributions as well as

WASHINGTON PRINCIPLES



impressions from the workshops. The events held in the run-up to the conference, where young people from all over Europe came together, are also represented.

It thus conveys an authentic impression of this intensive event, its key insights and new impetus for the further development of provenance research, for improved practices in the negotiation of “just and fair solutions” and for future educational efforts.

Many participants parted under the impression that another “Washington Follow-up Conference” will take place in 2028—hoping that this one will then focus on the progress made over the previous years and only marginally on possible shortcomings.

We would like to express our thanks to the speakers involved in the Berlin conference who took on the arduous task of putting the topics, propositions and perspectives into writing, as well as the workshop hosts who summarized their results for this publication. We also thank all cooperating partners for the productive collaboration, Haus der Kulturen der Welt for its hospitality, and last but not least the Minister of State for Culture and the Media for her generous support. The same applies, finally, to all employees of the German Lost Art Foundation for their outstanding commitment in planning and organizing the conference.

PROF. DR. GILBERT LUPFER,
GERMAN LOST ART FOUNDATION,
MAGDEBURG

Participants of the EUSTORY Next
Generation Summit 2018 present the
results of their workshop on the topic
of Nazi-looted art in a short film at the
Berlin Conference.



 **German Lost Art
Foundation**

 **Deutsches Zentrum
Kulturgutverluste**

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• **20 Years** •
• **Washington Principles:** •
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◀ Content

Introduction

Coming to terms with the legacy of Nazi art theft and studying the fate of its mostly Jewish victims remain hugely important tasks for our society as a whole. The 20th anniversary of the signing of the Washington Principles in December 2018 was an opportunity both to take stock of past efforts and to consider where to focus our efforts in the future. The conference “20 Years Washington Principles: Roadmap for the Future” contributed to this, and the lively dialogue among the people who attended that conference from around the world is now driving the implementation of the Washington Principles. It was moving to see that the conference, which took place in Berlin’s Haus der Kulturen der Welt, was attended by several Holocaust survivors and their descendants.

Continuing to research Nazi-looted art, discovering as much as possible about the history of specific works, and helping to find just and fair solutions with former owners or their descendants—all of these things are in the spirit of the Washington Conference of 1998, and of the Common Statement in which the German government, the federal states and the national associations of local authorities made a commitment to implementing the Washington Principles. These Principles continue to guide all that we do. In cooperation with the Federal Foreign Office, I emphasized this point by signing a joint declaration with Stuart E. Eizenstat, the US State Department’s Expert Adviser for Holocaust-Era Issues, and Thomas Yazdgerdi, the US Special Envoy for Holocaust Issues, on the sidelines of the conference in Berlin.

The basis for implementing the Washington Principles is provenance research—an often arduous, protracted and difficult undertaking—and I am grateful to the researchers for their tireless and indispensable work. This is why, after taking office in December 2013, I made it a focal point of my cultural policy work to support provenance research. Since 2013, I have increased funding for provenance research in my cultural budget nearly five-fold (from 2 million to about 9.8 million euros). And Germany

Minister of State for Culture and the Media Prof. Monika Grütters gives the opening address at the Berlin Conference.



US diplomat Stuart E. Eizenstat and Prof. Monika Grütters at the signing of the “Joint Declaration Concerning the Implementation of the Washington Principles from 1998” on the sidelines of the Berlin Conference.

has recognized the need to make provenance research a firmly rooted academic discipline by establishing special professorships and junior professorships in Bonn, Hamburg, Munich and Berlin.

The German Lost Art Foundation was established as a central point of contact in Germany for those working to implement the Washington Principles. The Foundation is instrumental in supporting our efforts to deal with the legacy of Nazi art theft. Not only does it fund research, it also strengthens transparency and access to information, both of which are crucial to provenance research. The Foundation’s Lost Art Database is an important and well-established research tool. In addition to that, a new, specialized research database will make existing information available worldwide. Although the Foundation now also has a department for research into cultural property from colonial contexts, its core task in the years to come will be to continue dealing with the legacy of Nazi art theft.

The constant improvement of Germany’s framework for researching and returning Nazi-looted art has been having an impact. This can be seen in the increasing number of restitutions and by the numerous institutions in Germany that play a cooperative role. Many cultural institutions, especially the large, federally funded museums, are taking on the task with great commitment, often recruiting additional staff for provenance research. Indeed, thanks to the Washington Principles, there is broad public agreement today that dealing uncompromisingly with the legacy of Nazi art theft and studying the fates of its mostly Jewish victims are still extremely important tasks for our society as a whole. At the conference I announced the following steps, which I have since initiated:

■ All federally funded museums and other cultural institutions are now obliged to comply, as a matter of course, with unilateral requests from potential claimants to appeal to the Advisory Commission. I also urge private owners, collectors and institutions to act cooperatively, in line with the Washington Principles.

■ At federal level, we confirm that for those museums and cultural property-holding institutions which are subject to the Federal Budget Code, no budgetary regulations stand in the way of the restitution of cultural property misappropriated due to Nazi persecution.

■ The German Lost Art Foundation is setting up a “Help Desk”, a central point of contact for claimants to provide them with advice and support in Germany.

■ The search for possible heirs—family members who are sometimes scattered across the globe—is often time-consuming and costly. We propose to help in this area by providing support (via the German Lost Art Foundation) in finding heirs for restitution purposes, or in finding other just and fair solutions.

Our aim for the future, as ever, is to pursue the truth, with even more researchers who are even better equipped than before. We may never be able to make amends for the injustices perpetrated on the victims, but dealing with the legacy of Nazi art theft deserves every possible effort. Because every single work whose provenance can be identified, and which might be restored to its rightful owner, is another piece in the incomplete mosaic of our past. We have a duty to do all we can to complete this historical picture and to acknowledge the truth. We still owe it to those people who were robbed of their property and their rights, who were persecuted and in many cases murdered by the Nazi regime. Provenance research is also instrumental in completing our knowledge about the Nazi reign of terror in general. Current extremist tendencies show how important it is to continue to highlight the effects of totalitarian rule, to be unerring in our efforts to analyse it, and to pass on our knowledge to future generations.

PROF. MONIKA GRÜTTERS
MINISTER OF STATE FOR CULTURE AND THE MEDIA

Conference contributions

“20 Years Washington Principles:
Roadmap for the Future”





The Washington Principles

Twenty years after

On behalf of the State Department of the United States, we believe the November 2018 Berlin Conference “20 Years of the Washington Principles: Roadmap for the Future”, organized by the German Lost Art Foundation and sponsored by the German federal government through Monika Grütters, Minister of State for Culture and the Media, was a success in injecting new energy into implementing the 1998 “Washington Conference Principles on Nazi-Confiscated Art” and the 2009 “Terezin Declaration”, both committed to by over 40 countries, while underscoring the gaps and disappointments in many countries failing to fully embrace these moral principles.

The Holocaust was not only the greatest genocide in history, it was the greatest theft in history, with some 600,000 artworks stolen or taken under duress through forced sales or else by the Nazis during World War II.

On the positive side, the “Washington Principles” have changed the way in which the art world operates: many art dealers, galleries, and museums now check the ownership of paintings in their collections or new acquisitions to determine if there are gaps from the World War II era which might indicate that the paintings and cultural objects were confiscated by the Nazis or their collaborators. With the help of digital tools which did not exist at the time of the Washington Conference, provenance research is being more widely done to identify suspicious paintings and cultural objects, which is essential for families to claim their looted objects. The Commission for Art Recovery, the Commission for Looted Art in Europe, the International Research Portal for Records Related to Nazi-Era Cultural Property hosted by the U.S. National Archives and Records Administration with 22 institutions across the U.S., Europe and Israel, all help families and researchers by cataloging and publicizing not only possible Nazi-looted objects, but the archival records that may contain information on looted objects.



To coincide with the Berlin Conference, the Commission for Art Recovery and the Jewish Claims Conference announced their intention to launch a new Jewish Digital Cultural Recovery Project to provide comprehensive documents of art and cultural objects forcibly plundered during the Nazi-era and to widely disseminate it. The American Alliance of Museums has almost 30,000 works from 179 American museums listed on their Nazi-Era Provenance Information Portal.

In addition, the “Washington Principles” and “Terezin Declaration” spurred five European nations to create dispute resolution panels to resolve claims to allegedly Nazi-confiscated artworks—Germany, Austria, the Netherlands, the United Kingdom, and most recently, shortly before the Berlin Conference, France. Those five nations have websites listing suspect art works that may have been confiscated by the Nazis. In 2017, France listed all of its MNR (National Museums Recovery) collection of works taken from French victims to Nazi Germany and later returned to France after the War and has provided its archival records for the Jeu de Paume database. In the past, Germany has funded the German-American Provenance Research

Opening of the Washington Conference in 1998 by the U.S. Secretary of State Madeleine Albright.

Principal negotiator and Expert Adviser to the State Department on Holocaust-Era Issues Stuart E. Eizenstat at the Washington Conference in 1998.



Exchange Program for Museum Professionals, along with leading American and German museums to advance World War II-era provenance research in both countries.

The two largest art auction houses in the world, Christie's and Sotheby's, have full-time staffs to identify suspicious artworks from the World War II era and have agreements with their consignors not to auction or sell any which are of suspicious provenance in terms of the World War II history.

In fact, substantial restitution has occurred. The Association of American Museum Directors reported at the Berlin conference, their member museums had returned or resolved claims of 54 Nazi-looted artworks through negotiation or litigation. They created a portal to which their member museums are connected, which allows claimants to Nazi-looted art to place their request in one location. Christie's has helped resolve some 100 or more claims. Austria has restituted over 15,800 cultural objects, and Germany has recorded the restitution of over 20,000 individual art objects and books to Holocaust survivors or their families in the 20 years since the "Washington Principles". Shortly before the Berlin Conference, the Netherlands Museum Association announced that after years of research, 42 Dutch museums have discovered over 170 artworks in their collection with problematic histories during the Nazi-occupation.

The U.S. Congress has shown increased interest in these issues. In 2016, Congress passed the Holocaust Expropriated Art Recovery Act (HEAR) to liberalize the time in which claimants may file claims after an object has been located and identified. In 2017 Congress passed the Justice for Uncompensated Survivors Today Act (JUST), which requires the State Department to report on steps countries have taken to implement the 2009 “Terezin Declaration” on Holocaust Era Assets and Related Issues, including Nazi-confiscated artworks.

But the Berlin conference also exposed shortcomings in implementing the Washington Principles. A number of key countries have largely ignored the “Washington Principles”, while others that made hopeful beginnings have taken little subsequent action. Several of the European art advisory panels have significant flaws in their operation. For example,



Minister of State for Culture and the Media
Monika Grütters and
Stuart E. Eizenstat at
the Berlin Conference.



20 years after the adoption of the “Washington Principles”, Stuart E. Eizenstat was one of the guests of honor at the Berlin Conference.

the Netherlands appears to have adopted a “balancing act” that weighs the interests of the original owner with those of the current owner.

Many countries, including the U.S., do not devote sufficient funds and human resources to expedite provenance research, and it proceeds at a snail’s pace. Numerous key European countries have not researched their public collections for possible Nazi-looted artworks.

Private auction houses in Europe have not adopted the best practices like Christie’s and Sotheby’s to identify possible Nazi-looted artworks. Private art dealers in both the U.S. and Europe have done little to nothing to implement the “Washington Principles” and the “Terezin Declaration”.

The Berlin conference produced results. On behalf of the U.S. Department of State, we signed a Joint Declaration with Minister of State Monika Grütters in which Germany pledged to expedite and broaden the provenance research by their federal museums, and changed the procedure of the German Advisory Commission so that all federal institutions

must participate in claims cases. Since the Joint Declaration, one of the museums located thousands of pieces of Nazi-confiscated art, cultural objects, and furniture, and will publicize these for potential claimants, a German cathedral committed to return a Nazi-looted painting to the heirs of an Austrian Jewish couple from whom it was stolen in 1941. We hope that under the Joint Declaration, much more provenance research and restitution or compensation of Nazi-looted artworks will occur.

The French government is to be applauded for their recent activities. They undertook a major, self-critical review of their handling of cultural property looted during World War II and announced that their Commission for the Compensation of Victims of Spoliation (CIVS) would address Nazi-looted art, which led French Prime Minister Édouard Philippe to state that France had “to do better. It is a question of honor, a question of dignity, or respect for the victims of this looting, for their memory and for their descendants”. As a result, a task force called the Mission for Research and Restitution of Spoliated Cultural Property was created as part of the Culture Ministry, with a permanent staff and budget to examine some 2,100 artworks that may have been looted by the Nazis. The ability to file claims has been widened to include “any individual concerned”, and only the task force will investigate the claims. Cases will then be referred to the CIVS, which will make a recommendation to the prime minister, the final decision-maker.

All European countries with potentially large collections of Nazi-looted artworks should expeditiously examine all of their public collections and publish the results on accessible websites, and devote more funds to provenance research. Minister of State Monika Grütters has set a positive example, increasing the total budget of the German Lost Art Foundation from six million Euros in 2015 to eight million in 2019. American museums are largely private, but they should also increase their funding for provenance research, and update their outmoded software for their looted art portal. Countries should adopt the German definition of confiscation, part of the “Terezin Declaration”, to include forced sales. European states should address Nazi-looted art trade in private museums and collections, and artworks sold or auctioned through private dealers. Furthermore the Art Dealers Association of America should encourage all of its members through their Code of Ethics to follow the “Washington Principles” and “Terezin Declaration”. There should be no time limit on bringing claims if the complete identification and location of the art was not previously known. More engagement by the European Union would also be helpful. “Heirless art” is a particularly daunting

problem, but there are several options, including those adopted by Austria, as a last resort, to sell the artworks and use the proceeds to help Holocaust survivors.

We have come a great distance in the last 20 years, and the Berlin conference has provided an additional impetus. Now is the time to rise to the challenge by going the rest of the way. We can and should take this action so that justice is done before it is too late.

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Stuart E. Eizenstat is Expert Adviser to the State Department on Holocaust-Era Issues. He was Under Secretary of State for Economic, Business & Agricultural Affairs. As Special Representative of the President he was the principal negotiator of the Washington Conference in 1998.

Thomas Yazdgerdi was the U.S. State Department Special Envoy for Holocaust Issues 2016 – 2019.
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Twenty years after Washington

An evaluation from the Claims Conference and the WJRO

The Conference on Jewish Material Claims Against Germany (Claims Conference) and the World Jewish Restitution Organization (WJRO) were among the non-governmental organizations that endorsed the “Washington Conference Principles on Nazi-Confiscated Art” as delegations to the 1998 Washington Conference on Holocaust-Era Assets. The experience during the twenty years that have passed since that time has shown that while the Washington Conference Principles are basically sound, elaboration of how they are to be implemented is necessary both in the interests of “just and fair solutions” for the original Jewish owners and their heirs and of historical truth.

It quickly became clear to the Claims Conference and the WJRO that the initial emphasis on existing collections in government museums, while understandable, was far from a comprehensive approach, given the enormity of the theft and the presence of stolen objects in private collections. We therefore moved to identify, scan, and make accessible the scattered original records of Nazi looting, beginning with those of the Einsatzstab Reichsleiter Rosenberg (ERR), to show as much as possible what was taken, from whom, and the fate of the plundered artworks, libraries, archives, and ceremonial objects. The results so far may be seen at www.errproject.org including the Database of Art Objects at the Jeu de Paume, the importance of which in helping to identify looted artworks has been very great and has led in the last few years to our establishment with the Commission on Art Recovery of the Jewish Digital Cultural Recovery Project (<http://jdcrcp.org>), which aims to create a comprehensive listing of all Jewish-owned cultural objects plundered by the Nazis, their allies and collaborators from the time of spoliation to the present. In this regard we have begun to form a cooperating network of major institutions, including the German Lost Art Foundation, the Federal Archives, and the Zentralinstitut für Kunstgeschichte (Central Institute for Art

The Israeli Ambassador Colette Avital and Wesley A. Fisher during a panel discussion at the Berlin Conference.



History). The desirability of such a comprehensive database dates back to the Washington Conference but only in recent years has the opening of archives combined with existing databases and other projects made this possible.

While most provenance research and the media have focused on expensive paintings, it was always clear to us that references to “art” in the Washington Principles mean much more than that. Judaica has always been a priority for the Claims Conference and the WJRO, and among our various projects, we recently published a Handbook on Judaica Provenance Research: Ceremonial Objects. As of April 2019, thanks to the Minister of State, the Handbook is also available in German as Handbuch zur Judaica Provenienzforschung: Zeremonialobjekte (<http://art.claimscon.org/wp-content/uploads/2019/03/FINAL-Judaica-Hanbook-DEUTSCH-March-15-2019.pdf>).

In reports that we have done on progress in the countries that endorsed the “Washington Conference Principles” and subsequently the 2009 “Terezin Declaration”, only about one-third of the countries have done anything to implement them during the past twenty years. Most of what progress has taken place has been in provenance research. Primarily, this is in the few countries that were already undertaking research around the time of the Washington Conference. But there have been positive developments in, for example, Croatia and Slovenia. Much more remains to be done, however. It is important that there be additional openly accessible listings in all relevant countries of all restitutions made

until the present day; objects suspected of having been looted but for which conclusive proof has not been found; all unclaimed looted objects; and annual statistics on the number of objects being researched. The results of all measures taken in provenance research should be widely publicized and digitally interconnected through networks internationally, and budgets for provenance research need to be adjusted to meet the needs. While Germany and some other countries have made some progress in this area, there remains little standardization and communication in provenance research not only among countries but among regions and often individual institutions within countries.

The situation in regard to restitution is far worse. Up until today, except for Austria, the return of Nazi looted art is only guided by nonbinding recommendations rather than legally binding rules. Only one more restitution law has been passed in Europe after the year 2000. With encouragement from the WJRO, in 2016 Serbia passed a law regarding unclaimed “heirless” Jewish property that permits the Jewish communities—and through them individual families—to claim cultural property. But the law only refers to art taken in Serbia and excludes looted artworks brought into the country. Judicial and commission deliberations concerning restitution remain greatly inconsistent both between countries and within them. In light of the historical circumstances under which the Nazi art looting took place, the presumption of confiscation from 30 January 1933 onwards and the reversal of the burden of proof should be applied in favor of the claimant. To avoid any conflict of interest, provenance research and restitution should be carried out by completely separate, independent administrations.

The treatment of original Jewish owners and their heirs remains greatly unfair and depends largely on where the given artwork happens to be currently located. The dispossessed and disenfranchised collectors—nowadays mostly their heirs—should not be treated as mere supplicants. It may be helpful to set up a central contact point in the respective countries that provides advice, contacts the institutions concerned and defuses tensions during the process. Germany is currently establishing a help desk to provide assistance and guidance to Jewish claimants.

In accordance with what has been the policy since the JRSO and JCR, the underlying sense in the Jewish world continues to be that unclaimed looted art and cultural property should not escheat to the governments. Such property belonged to Jews, is recognized as having belonged to the Jewish people (“Vilnius Forum Declaration”), and the Jewish people should at least have a say in decision-making concerning such unclaimed and heirless looted art. The modes of representing the interests of the

Jewish people in such decision-making vary greatly. They include or may potentially include successor organizations; Jewish communities in the respective countries; non-Jewish government entities that work with the relevant Jewish communities and organizations; the Government of the State of Israel; and WJRO foundations that consist of representatives of the local Jewish community, Jews abroad, and the relevant country government. But throughout much of the world, Jewish interests are unfortunately ignored regarding unclaimed looted art and cultural property. Decision-making should include the right to exhibit the objects on loan both within the country and outside it, in Israel and elsewhere (“Jerusalem Declaration”, see p. 75). Unclaimed looted objects may constitute interesting exhibitions on the history of the artworks, Jewish artists and art collectors, and they also may help in Holocaust education.

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Wesley A. Fisher is Director of Research at the Conference on Jewish Material Claims Against Germany and also at the World Jewish Restitution Organization. He took part in the panel discussion of section II “Just and Fair Solutions”.

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What might “just and fair solutions” look like?

Impressions of individual family stories

Sometimes it is the seemingly small things in life that can have enormous impact, even change a life. And sometimes a huge coincidence makes it all happen. That’s how it was for Walter Lachmann, who is over 90 years old today. As an orphaned boy he survived several concentration camps, and in 1946, after the Second World War, he struck out for the USA—with nothing but his inmate’s uniform from the concentration camp and a photo of his long-dead parents.

He thereafter never spoke of his fate as a Jew during the war, about his childhood in Berlin, or growing up with relatives because his parents had died early. He began a new life in the United States, started a family and tried to suppress the things that had happened to him the best he could. But all that was about to change when one day, already advanced



Journalist Shelly Kupferberg hosting the Berlin Conference.



Annette Gerlach, Head of Landesbibliothekszenentrum Rheinland-Pfalz (Rhineland-Palatinate State Library Center), talks about the restitution of a children's book by the Central and State Library of Berlin to its original owner Walter Lachmann, shown in the photo.

in age, he got a phone call. His name, the caller said, had appeared in the German magazine "Der Spiegel", in connection with research conducted in German libraries into cultural property misappropriated in the context of Nazi persecution.

For the first time in decades, Walter Lachmann was confronted with his first life so far removed from his American reality: A book which had been a gift to him as a child was found in 2008. A book whose monetary value was just a few euros, but whose sentimental value was immeasurable, because this book, restituted by the Central and State Library of Berlin, opened a long-sealed valve in him. It had touched him that he owned nothing to remind him of his childhood in Berlin.

This restitution led to unexpected consequences. Since it has been in his possession again, he talks about his life, persecution and survival. Lachmann visits school classrooms, accepts invitations to appear as a witness of the past and travels the United States with this children's book—to tell his story. A story that a small children's book has returned to him.

This aspect should not be underestimated when we look for "just and fair solutions", because it is these rediscovered connections that make a biography, that make people remember and tell their stories. Restitution is more than giving back an object, it gives back entire family histories and identities.



As was the case for the family of Becky Cohn-Vargas, who grew up in the United States and, throughout her childhood, had heard many stories from her grandmother, a Jew born in Lüneburg, about her once wealthy German family, who had lived in Lüneburg for decades and had been actively involved in that city's cultural and intellectual life. Her great-great-grandfather Marcus Heinemann, banker and philanthropist, died in Lüneburg in 1908. Becky Cohn-Vargas did not find out until 2014 about the legacy he and his brother Salomon left in the city, and how many traces there still are of him and his family even today. Before that, all she had was this story of a big family, of which only a few members survived the war. Grief, loss and a blurry image of former grandeur were all Becky Cohn-Vargas perceived.

As part of the research project "The beautiful collection at the Heinemann house is well known to me..."—Research into the provenance of acquisitions by the Lüneburg Museum, conducted between 2014 and 2018 and funded by the German Lost Art Foundation, the museum contacted Becky Cohn-Vargas, because evidence pointed to family possessions in the collection. Some pieces looted by the Nazis in 1940, among them furniture and handicrafts, had been found in the Lüneburg museum.

In those days, Marcus Heinemann supported numerous social institutions in the city and was a co-founder and long-term supporter of its museum. He and his wife Henriette had 17 children, of whom 13 lived to

Provenance researcher Anneke de Rudder and Becky Cohn-Vargas talk about the fate of the Heinemanns during the Nazi era and efforts toward a "just and fair solution" as part of provenance research at the Lüneburg museum.



Descendants of the Heinemanns in front of the family tree in Lüneburg in July 2015.

adulthood. In 2014, the museum began tracking down the descendants of this once great and respected Lüneburg family, descendants who were now scattered across the globe and often lived by different names. The identified objects were to be returned to their rightful owners. A complex research process commenced, during which Becky Cohn-Vargas was able to assist with the search for other relatives. Most of them she never knew personally, or didn't even know they existed. The 60 family members ultimately found decided that the objects which had belonged to Marcus Heinemann should remain at the Lüneburg museum on long-term loan.

The real highlight of this “just and fair solution”, however, was a family reunion that brought together more than 40 descendants of the Heinemanns in Lüneburg in July 2015. They came from around the world—from the United States, France, Great Britain, Israel, Guatemala and Germany; people between the ages of eight and 80. They revived something that had been believed to be lost and destroyed for a long time. Supported by the employees of the Lüneburg museum, they began to retrace their family history, reconstructing stories and histories and discovering the place where their ancestors had lived and worked. This type of restitution was a long-overdue family reunion based on looted



objects—a family reunion that has the great power of helping to face the past, present and future together.

Beyond treasure troves and dizzying prices for masterpieces, these two examples illustrate other essential aspects of restitutions. Restitution always implies the official acknowledgment of directly or indirectly experienced injustice and the suffering associated with it. It has the potential of giving descendants and victims a constructive way to cope with pain and persecution, but also to connect with the places, languages and homes of their ancestors. Restitution is a chance to learn about family history, to understand trauma differently or in a new light and to put it in context, passing on those stories—perhaps bring them to some preliminary point of closure, which will never fully indemnify for the losses, but might just be a bit conciliatory.

Descendants of the Heinemann's study the historic family bible at the occasion of its restitution and permanent loan to the Lüneburg museum.

Shelly Kupferberg is journalist and moderator and works as a freelance editor for the public-broadcasting radio station Deutschlandfunk Kultur. She hosted the conference "20 Years of the Washington Principles: Roadmap for the Future" in Berlin in 2018.

Provenance research at The Met and beyond

Transparency, accessibility, and networking

20 years ago, Philippe de Montebello, then director of The Metropolitan Museum of Art (The Met), chaired a task force of the Association of Art Museum Directors (AAMD) that produced the landmark “Report on the Spoliation of Art during the Holocaust” dated June 1998. This report was followed six months later by the “Washington Principles on Nazi-Confiscated Art” signed by 44 governments. A couple of years later, the American Alliance of Museums (AAM) formulated the “Recommended Procedures for Providing Information to the Public about Objects Transferred in Europe during the Nazi Era”. This watershed moment coincided with the technological revolution that made it possible to move from obscure paper files available to few on-site, to linked open data available to all online. American museums have since made a wealth of information publicly available and easily searchable by posting the provenance of their artworks on their websites.

Before 1998, The Met published provenance in journals as well as collection and exhibition catalogues according to long-standing museum policy, but the amount of time and expertise it commits to provenance research and the transparency and accessibility of this information have grown significantly since then. The museum is committed to due diligence, has posted the provenance of hundreds of thousands of objects on its website, and updates ownership histories as more information becomes available.

It should be noted though that in the last two decades, the definition of covered objects has shifted and expanded: At first the consensus was that museums ought to focus on European paintings and Judaica, but now they tackle a much larger array of objects. Works on paper and multiples—that is, objects that are not unique, such as bronze casts, prints, decorative arts—present their own sets of challenges and a plethora of



Christel Force speaking at the Berlin Conference.

dead ends. Guidelines also ranged from posting strictly works with gaps or red-flag names online, to systematically posting all objects that underwent a change of ownership in Europe between 1933 and 1945. The number of objects covered is now much wider than initially. Furthermore, new archival documents and new expertise emerge continually, rendering obsolete research completed ten years ago. This Herculean job is thus also a Sisyphean endeavor requiring that the existing data be periodically double-checked against newly available records. Provenance research is thus by definition a work in progress.

It also has to be underlined that, contrary to most European museums, which are typically national, federal, state, or municipal collections, in the U.S. most museums are self-financed organizations administered by a board of trustees. There is no state funding for, nor a state-appointed body overseeing provenance research in American institutions, such as the German Lost Art Foundation which supports those projects in Germany. Each American museum had to create its own internal infrastructure in order to heed the Washington Principles and AAMD guidelines and to post online its ownership history gaps. Many American museums now post online every artwork that changed hands in continental Europe between 1933 and 1945—whether its provenance is potentially problematic or not—following the AAM’s Recommended Procedures, as amended in April 2001. The Museum of Modern Art in New York has 1,370 such artworks online; the Philadelphia Museum of Fine Arts identifies 429; and the Sterling and Francine Clark Institute 204, for instance.



Inspiring conversations during breaks at the Berlin Conference.

The Met presents yet another type of approach (shared by the National Gallery of Art in Washington, D.C.), in that it not only posts online artworks transferred in Europe between 1933 and 1945, but strives to post the known provenance of its whole collection, that is, encompassing but not limited to Nazi-era issues. Across 17 curatorial departments, The Met's Online Collection currently comprises 485,000 objects, of which 389,000 are documented with provenances (in various states of completion), or 80 %. On the other hand, of those hundreds of thousands of objects online, The Met's Provenance Research Project singles out those artworks that were or could have been transferred in Europe during the Nazi era, numbering 3,151 to date.

Moreover, from September 2003, American museums have been posting provenance on the AAM's central registry, namely the Nazi-Era Provenance Internet Portal (www.nepip.org). Since then, almost 30,000 objects have been posted by 179 art museums. This portal has become arguably less vital with the advent of internet search engines, and in some cases it is less up-to-date than the individual museum websites. On the other hand, some museums only post this information through NEPIP.

Gateways to provenance on The Met's website can be found through a web feature called Provenance Research Resources, which also includes information on the German-American Provenance Research



Exchange Program (PREP) for Museum Professionals, of which The Met is one of seven partnering institutions. This program is a major additional resource in that transparency not only hinges on online accessibility but also on communication and networking.

PREP is a transatlantic initiative designed to think strategically and collaboratively about provenance research in art museums. This pioneering program made possible by a grant from the German government fosters ongoing cooperation and transnational dialogue for art-museum and research-institution specialists, and offers a platform to explore, share, and brainstorm with regard to their respective expertise.

The series of six weeklong Exchanges started in 2017 and will close at the end of 2019, involving three cohorts of about 24 participants from German and American institutions. Each Exchange comprised roundtables, symposia, tours, meetings with counterparts in the relevant city's museums and archives, and at least one public educational program. The Exchanges were organized and hosted by the following institutions, with the German Lost Art Foundation as consultative partner: The Met, New York; the Stiftung Preußischer Kulturbesitz, Berlin; the Getty Research Institute, Los Angeles; the Zentralinstitut für Kunstgeschichte, Munich; the Staatliche Kunstsammlungen Dresden; and the Smithsonian Institution, Washington, D.C.

The third PREP cohort in spring 2019 at the Dresden State Art Collections in Pillnitz Palace on the Elbe.

By fostering improved communication between museum professionals across the board, this pioneering program has enabled its participants to identify and address their needs and challenges, helped them define common goals and strategies, and promoted ongoing international collaboration.

Provenance research achieves its goal most successfully when it is transparent and accessible, not only through the dissemination of research results online but also thanks to networking, when specialists share the resources and expertise that enable them to achieve those results.

Christel H. Force is an independent provenance researcher based in Paris and New York. She was Associate Research Curator in the Department of Modern and Contemporary Art at The Metropolitan Museum of Art in New York for many years.

At the Berlin Conference, she delivered a talk on the online collection of The Met in section IV "Education and Responsibility".

Education and vocational training in provenance research

Developments and prospects in Germany

Provenance research, a method of art history little known to the public until recently, has quickly and vehemently become the focus of much public, political and professional interest. The ownership history of a masterpiece, its affiliation with various private or public collections and its geographical movements have always been part of art historical research, until now conducted by experts with very little public attention. The aim of such research has always included examining the lawfulness of ownership changes or the authenticity of masterpieces. However, this arduous method was not a canonical part of the teaching curriculum, but usually self-taught. In 2000, four researchers met to establish the Arbeitskreis Provenienzforschung (working group on provenance research) to share their experiences with the specific challenges of provenance research into Nazi-looted art. In 2014, the working group was transformed into an association, which now has more than 300 members from several countries. Since then, specialized provenance research has extended to other contexts of injustice, particularly the spoliation of cultural property in the Soviet Occupation Zone and the German Democratic Republic as well as from colonial contexts.

University education

For some years now, provenance research has been gaining ground in university teaching. The conference “20 Years Washington Principles” acknowledged this fact with a panel discussion about provenance research being established at universities, facilitated by three trends in the field of art history. First, since about the year 2000 there has been increased interest in the history of collecting and the art market. Recent publications on art dealers like Paul Cassirer and Alfred Flechtheim, or private collectors in Imperial Germany exemplify this, as well as studies



The panel on provenance research in Academia during discussion at the Berlin Conference.

on the art market in the pre-modern era or on collecting in a more general context. At various universities, research on the art market and the history of collecting is an integral part of the curriculum. The universities of Düsseldorf and Cologne each have got a professorship focused on the art market. The chair on “History and Cultures of Modern Spaces” established at Erfurt University in 2009 offers the master’s program “History of Knowledge and Culture in Collections”, and Tübingen University set up a major in “Museum & Collections” in 2016/17.

Secondly, art history as an academic discipline is being increasingly examined regarding its role in the National Socialist era, and museums are also working through their own histories. Thirdly, universities have reacted to an increased demand for graduates qualified in the field of provenance research. Since 2011, for instance, the Institute for Art History at Freie Universität Berlin (FU) has been offering the module “Provenance Research”. This increased attention for the topic is related to the establishment of Forschungsstelle “Entartete Kunst” (Research Post “Degenerate Art”) in 2003. The FU and other Berlin institutions (Humboldt University, Technical University, Hochschule für Technik und Wirtschaft) have been cooperating since the winter semester 2018/19 allowing students to attend the various courses offered on provenance research, the expropriation of cultural property and history of collecting across Berlin universities. At the University of Oldenburg a module on “Provenance, Law and Internationalization” was integrated into the existing master’s program “Museum and Exhibitions” as of winter semester



2016/17. Also in 2016/17, Würzburg University implemented the interdisciplinary master's program "Collections—Provenance—Cultural Heritage", a joint degree in the departments of art history, museology and history. In the field of ethnology the Centre for Anthropological Research on Museums and Heritage at Humboldt University Berlin offers lectures for bachelor's and master's students on topics like history of collecting, history of law and cultural heritage. Starting winter semester 2019/20, the University of Bonn introduces the interdisciplinary master's program "Provenance Research and the History of Collecting". In addition to mandatory courses in art history and law, students can opt for complementary classes in museum studies and post-colonial studies etc. University teaching in this field of research is currently being institutionalized with the establishment of junior professorships on provenance research in Hamburg, Bonn, Munich and Berlin, which began in winter semester 2017/18, and a full professorship in Bonn.

Christoph Zuschlag in conversation at the Berlin Conference.

Vocational training

While the educational programs at universities are mainly intended for students, there are also training programs for established academics. The first certified course "Provenance Research—About the Origins of Objects", initiated and funded by the German Lost Art Foundation, started in 2016 at the Training Center of FU Berlin. It takes place each fall in Berlin and Dresden and each spring in Munich and Würzburg. In cooperation with the working group of museum traineeships in central Germany,

the German Lost Art Foundation also held two workshops on provenance research specially designed for museum trainees in 2017 and 2019. The Federal Academy for Education Wolfenbüttel and the Museum Academy MUSEALOG offer similar training opportunities as part of their programs. Initiatives in this area are increasing abroad as well. Examples are the “Provenance Research Initiative” by the European Shoah Legacy Institute in Prague, the training course “Attribution and Interdisciplinary Provenance Research” at Bern University of the Arts and the German-American Provenance Research Exchange Program (PREP) which ended in 2019.

In light of the fact that the availability of education and training on provenance research and, by association, on collection history or art market research has been steadily increasing for several years, it is safe to assume that current and future generations of students will generally be sensitized to these topics. A real success would be to have no students of art history complete their degree program without being familiar with the basics of provenance research.

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Prof. Dr. Christoph Zuschlag holds the Alfried Krupp von Bohlen and Halbach professorship for Art History in the Modern Era and Present with a focus on Provenance Research and History of Collecting at the Department of Art History at Bonn University and is a member of the foundation's funding committee.

Jun.-Prof. Dr. des. Ulrike Saß holds the junior professorship for Art Historical Provenance Research at the Department of Art History at Bonn University.

Both took part in the panel discussion of Section III “Prospects and Progress”.

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What remains of the Shoah?

Aspects of Erinnerungskultur (culture of remembrance)

Let us remember! The Nazi art theft was an integral and calculated part of the Holocaust. The plundering of the Jewish population in the German Reich and the occupied or allied countries and territories was part of the insidious “aryanization” program of Jewish real estate and business assets, monetary and stock investments, insurance policies, household furnishings—and also Jewish art collections. The material plundering was followed by the exploitation of labor, extermination and finally utilization of hair and dental gold all the way to the sale of the victims’ ashes as fertilizer.

The national socialist destructive rampage intended to not only annihilate the Jewish people physically, but also to “eradicate” any trace of Jewish identity. The memory of the Jewish people was to be eliminated. To this day, the Israeli memorial Yad Vashem works to wrest the many hundreds of thousands of nameless victims from the abyss of oblivion and return to them their names and identities, so we can remember them and their suffering.

Memory is a precious asset! Why is it so important to remember people who have been dead for more than 70 years or to remember events that happened between 1933 and 1945? First of all, because we owe it to the victims of the Shoah. Because after a breakdown of civilization you cannot just go back to business as usual. Because the persecution of European Jews as a group imposes on us a duty of individual remembrance. Because the memory of what happened and what people had to endure informs our identity and the identity of our society. Because it defines who and what we are. Because it shapes how we understand ourselves. The way we deal with history frames our society of today and tomorrow.

In that context, the Holocaust is a point of reference for today’s society. Our society moves within a framework that is defined by an ideal state and its undesirable opposite. In Germany, those opposites are the

Shoah and the National Socialist era. And since it is easier to agree on what we don't want than on some ideal image of society, there is widespread consensus that we must prevent this opposite with all our might. This is why throughout our constitution there are regulations for a militant democracy, created so that a new dictatorship and genocide can be prevented.

Restitutions of Nazi-looted art are carried out not just on a moral impulse, not just because of a sense of justice, but because they help to shape the identity of the Federal Republic. Every restitution, every "just and fair solution", contributes to breaking the injustice perpetrated by the Nazis and is a statement in favor of the free and liberal order in this country. The restitution of Nazi-looted art corrects its legal status since the expropriation as a result of persecution. We unambiguously oppose Nazi injustice, thereby strengthening the democratic integrity of this country.

Cultural property in family possession is of great importance to a family's memory and conveys identity. It is an expression of the buyers' and collectors' aesthetic sensibilities and of the people who lived with these objects in their homes. For generations, the loss of individual objects or entire collections is passed on as a painful void and memory in a family. Loss is all the more difficult when it occurs under violent or forced circumstances and the expropriation was concurrent with the disenfranchisement, expulsion or murder of family members. Often, artworks are the only objects from a family that survived the Holocaust. They are materialized family memories, part of its identity.

What applies to the loss of art and cultural property in the private realm also goes for the looting of artworks in public ownership, which is a recurring theme in historiography. Throughout history, the looting of art has triggered certain emotions and intended effects on both sides, robbers and bereft. Triumph, gain and superiority on the one hand; defeat, powerlessness and humiliation on the other. The looting of masterpieces of national significance has become engrained in the collective memory and strained the relationship between nations.

To research and document Nazi expropriation of cultural property as part of the Holocaust is in itself a labor of remembrance. Systematic provenance research helps to reconstruct Jewish collections from before the National Socialist era and to revitalize them in a virtual way. By researching the provenance of Nazi-looted art, we gain knowledge about the rightful owners, their aesthetic preferences, about the context of collecting as well as the expropriation.

Apart from ritualized remembrance, which is undoubtedly important, we must transfer that memory into everyday life. Everyday life in the



context of Nazi-looted art means that museum staff, provenance researchers and curators become aware that their work contributes to achieving more transparency with regard to the events of 1933 to 1945 and to do justice. In that sense, provenance research is by no means an auxiliary discipline, but an important task of museums and libraries revealing a more coherent picture through targeted research, exhibition projects, detailed provenance information on artworks or guided tours.

Ultimately, provenance research always provides insights into the persecution of original owners and their families, their disfranchisement, the expropriation of family assets and finally the efforts to recover looted works. Often, individual cases can also help to illustrate the methods of “Verwertung” (commercial exploitation). We can therefore safely say that provenance research is instrumental in the mission of remembrance.

Until the Washington Conference in 1998 and even for the first decade thereafter, the looting of art and cultural property played a minor role in the debate on compensation for Nazi injustice. Individual claims such as reparation for previously excluded groups of victims were still paramount. The restitution of masterpieces such as Klimt’s “Adele Bloch-Bauer I” or Kirchner’s “Berliner Straßenszene”, which were the subject of

Rüdiger Mahlo
speaking at the Berlin
Conference.

public controversy and emotional discussion sparked interest into looted art again. It was not until the adoption of the “Washington Principles” that victims were enabled to claim their families’ possessions again.

Restitution means restoration! Unlike with damages to life, health or freedom—as they are called in compensation jargon—material damages can be healed or repaired through restitution, as the status quo before the loss can be restored by returning the object in question. A compensation payment can only accomplish this to a limited extent, because the victim does not receive the artifact back, but a cash settlement in its place, which can never be more than a substitute. Such indemnifications, made in many settlement proceedings under the German Federal Indemnification Law (Bundesentschädigungs- und Bundesrückerstattungsgesetz), do not offer lasting satisfaction. The amounts usually reveal an extreme discrepancy between compensation and market value of the object in question.

When we talk about Nazi-looted art today, we mainly think of invaluable objects of museum quality and art historical significance. Tens of thousands of such objects are still considered lost. When, hopefully in the not-too-distant future, public collections have been researched comprehensively, we will need to search for the whereabouts of the others that remain lost. I am talking about looted cultural property in private possession. Unfortunately, this area is still somewhat of a black box, or shall we say Pandora’s box? The “Gurlitt Art Trove” revealed that entire collections of dubious origin are being passed on to the next generation. In terms of its circumstances and dimension, the case was certainly unique, but in its nature it is widespread.

We must also remember the modest objects of decorative art of which millions were looted from Jewish homes as a result of Nazi persecution and sold at public auctions, known as “Judenauktionen”. They were bought by German “Volksgenossen” at ridiculously low prices and disappeared in private households without a trace.

It must be clear that remembrance of injustice cannot be limited to the public realm. Such efforts are needed in the private realm as well. Remembering that parts of the civil population knowingly and all too willingly benefited from the Holocaust.

Remembering when and how furniture, objects of everyday life and works of art found their way into private households. This may be painful, but it is sincere, liberating and forward-looking.

Let us also not forget some important aspects that are still insufficiently regulated or have not been addressed at all. Even 20 years after the Washington Conference there is no overall approach for dealing with

Nazi-looted art. Just think of looted art in private possession or the as yet unanswered question of “heirless” objects. Formal obstacles such as the often stated cultural sovereignty of the German federal states must be addressed as well. We owe it to the memory of the victims, but also to our own individual and national integrity, to finally find a comprehensive solution to this complex issue.

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Rüdiger Mahlo is the German representative of the Conference on Jewish Material Claims Against Germany. He gave a talk on new aspects of Erinnerungskultur in Section IV “Education and Responsibility”.

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Conference

“20 Years Washington Principles: Roadmap for the Future”

Conclusions of an Observer

In 1998, 42 nations and 14 NGOs adopted the “Washington Principles”. The agreement, though not legally binding, regulates the handling of Nazi-looted art and provides a basis for the restitution of misappropriated cultural property. 20 years after the signing of these principles, experts from around the world, museum directors and curators, politicians and researchers, Holocaust survivors and their descendants met in Berlin for the conference “20 Years Washington Principles: Roadmap for the Future” to honor this agreement, discuss its implementation so far and take a forward look into the future. The conference was hosted by the German Lost Art Foundation in cooperation with the Prussian Cultural Heritage Foundation and the Cultural Foundation of the German Federal States, supported by the Minister of State for Culture and the Media.

From the opening addresses (Monika Grütters, Minister of State, Ronald Lauder, President of the World Jewish Congress, Stuart E. Eizenstat, United States Ambassador and one of the initiators of the Washington Conference, Gilbert Lupfer, Executive Chairman of the German Lost Art Foundation) it became clear that the non-binding agreement of the Washington Conference, though considered central for the handling of Nazi-looted art, fails to satisfy everyone because the principles do not contain any sanctions and are merely recommendations. In addition, although they have been applied for 20 years, there is a widespread consensus that they are not sufficient. This raises the question of whether the results varying from country to country because of differing national implementations, can be brought to a common standard; or whether the “Washington Principles” should be reformulated



to make them more effective. This point is particularly problematic: does it make sense to reform the “Washington Principles” or are they the best compromise we can get? The dilemma was emphasized by statements from the audience. For instance, Katrin Stoll of the Munich auction house Neumeister (one of the few auction houses that made the archives of its predecessor institution available to research) urgently demanded “Washington Principles 2.0”; and historian Marc Masurovsky of the “ERR Project” also suggested a reformulation. Both contributions were not addressed further.

Despite all the challenges and disagreements, there was also consensus: There are still too many Holocaust survivors or heirs waiting for the restitution of their rightful property. There are still too many public institutions in possession of too many objects of uncertain provenance, to say nothing of private collectors. The situation is to be remedied through further research of public and private collections, the identifica-

Journalist Ellinor Landmann summarizes her impressions in a concluding speech at the end of the Berlin Conference.



Many participants at the Berlin Conference wore green stickers to raise awareness for their temporary contracts in provenance research, an initiative by the association Arbeitskreis Provenienzforschung e. V.

tion of Nazi-looted art and by bringing about the famous “just and fair solutions”. But, what exactly does that mean?

This point triggered a heated debate: Wesley Fisher of the Conference on Jewish Material Claims Against Germany asked openly: just and fair for whom? Who benefits from “just and fair solutions” when there is hardly a country that provides a legal framework for the restitution of Nazi-looted art? The “Washington Principles” deliberately do not prescribe restitution to rightful owners, they leave this point open. Too open—as Jewish organizations, descendants and their legal counsel have argued time and again. Because that makes restitutions negotiable.

When even at the conference on the 20th anniversary of the “Washington Principles” it is wordily emphasized that restitution means not “only” the return of objects, this hits a nerve. Several speakers critically examined the “just and fair solutions” stipulated by the “Washington Principles”. Colette Avital of the Center Organization of Holocaust

Survivors in Israel suggested laws to regulate restitution. Hermann Parzinger of the Prussian Cultural Heritage Foundation shared his inclination for a legal basis, and Tony Baumgartner of the British Spoliation Advisory Panel pointed out that the supranational dimension of the expropriation of cultural property requires a supranational legal answer. Lucian Simmons of Sotheby's auction house, on the other hand, remarked that laws might be completely unnecessary, as the interest of the art market is focused on the moral good and therefore gravitates towards art with a clear provenance. Fortunately, the market and collectors were currently oriented in that direction. It was obvious to the audience at this conference that this has not always been the case.

Another unsolved problem is the access to private archives of the art market for the purpose of research. Ronald Lauder emphasized that archives must be opened, Stuart E. Eizenstat and Hermann Parzinger agreed. How this is to be accomplished was not discussed further during the remainder of the conference. For good reason: Provenance gaps remain precisely because researchers have no access to sources—a given to all experts. It is equally known that the protection of property and privacy is guaranteed by law. So there is no way to make private gallery archives accessible. Consequently, the protection of property with regard to art dealers is valued more highly than the protection of property of deprived Holocaust victims.

A very popular topic, on the other hand, was technology: databases and digitization. No wonder. The benefits of network knowledge are immense, particularly in provenance research. And yet, the praise of technological progress raises doubts. Is it to compensate for the fact that there is no progress in other areas (such as the access to gallery archives)? It must also be considered who is going to provide the data, maintain and evaluate those many databases—and what will be the working conditions of those who take on this work. The uncertain employment and limited-time contracts of provenance researchers were deliberately brought up at the conference. The green protest buttons on the collars of many participants made sure that this contradiction could not be overlooked: between the often repeated assurance that provenance research is central and the working reality of many provenance researchers.

Probably the most important contribution to this conference was made not by researchers or experts, but by the attending Holocaust survivors and their descendants. The artist Edmund de Waal impressively demonstrated the power of telling a family history. As descendants of Munich art dealer Siegfried Lämmle, Nina and Rex McGehee talked

about recovering their family history as well as objects. Marcus Heine-
mann's great-great-granddaughter Becki Cohn-Vargas recalled for the
audience how an inquiry by a provenance researcher from Lüneburg
reunited a family that had been scattered across the globe as a result of
Nazi persecution. As touching and central as these accounts were for
the conference, one important perspective was missing: that of descen-
dants whose claims have failed or who are still looking for objects that
were taken from their ancestors. These fates are not exactly suitable for
celebrating the "Washington Principles", but would have been no less
informative.

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Ellinor Landmann is a journalist who has been reporting on Nazi-looted art for years and works as
an editor for SRF Swiss radio and television. She attended the conference "20 Years Washington
Principles: Roadmap for the Future" 2018 in Berlin and delivered concluding remarks.

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Outlook, or: what remains to be done?

Upon concluding the international conference “20 Years Washington Principles: Roadmap for the Future” in Berlin it became clear that much has been accomplished in terms of locating and returning Nazi-looted art in Germany and in other countries. And yet, the future still holds many great challenges in different fields, a fact that emerged in the talks, panel discussions, workshops and not least in the verbal contributions and personal conversations among participants. The following will emphasize some important points in the form of rough outlines.

The international “Washington Principles” of 1998 and the German “Gemeinsame Erklärung” (Joint Declaration) of 1999 must be implemented more resolutely and with more responsibility than it has been by cultural institutions and their funding bodies so far. This includes for example the creation of permanent positions in order to secure provenance research in the long term or achieving greater transparency, for instance through publicly accessible collection databases. The latter represent the basis for closer international networking. The research database “Proveana”, developed by the German Lost Art Foundation, is an important contribution. It contains edited results of research projects funded by the Foundation and its predecessor institution, as well as data from other sources. In an effort to promote transparency, the subject of Nazi-looted art should be an inherent part of exhibitions and educational programs of museums, although there have been numerous impressive examples in recent years.

Descendants of those affected by expropriation as a result of Nazi persecution should be able to rely on competent advice and support, from researching looted works to registering their claim all the way to achieving a “just and fair solution”. By establishing a central “Help Desk”, that is a low-threshold contact and information point that accepts

Hermann Simon, chairman of the Foundation's funding committee "Nazi-confiscated art", in conversation with Gilbert Lupfer at the Berlin Conference.



inquiries by phone, in writing or in person, the Foundation creates an office in Berlin. Existing mediation bodies should also be adapted to current developments and become more efficient. In Germany, this affects the "Advisory Commission on the return of cultural property seized as a result of Nazi persecution, especially Jewish property", which is currently undergoing a restructuring and reinforcement process.

"Just and fair solutions" are also desirable for objects with persisting provenance gaps, for which expropriation as a result of Nazi persecution is at least likely. Coming primarily from Israel, this demand aims at exhibiting such objects in Israel and around the world in order to remind the public of the fates of their former owners (see also p. 75 of this publication) and consequently to trace descendants.

The high degree of the "Washington Principles" moral obligation concerns primarily, but by no means exclusively public institutions; rather, it should be recognized much more by private art collectors and galleries. This can mean, for instance, checking questionable or unclear provenances in private collections—which, on a side note, can be supported and funded by the Foundation. Another essential issue for provenance research—as expressed repeatedly during the Berlin Conference—is the accessibility of private archives, especially those of galleries. There are already some examples of digitized gallery records—subsidized by the Foundation as well.

Education and training are also crucial aspects. This concerns the training of young researchers, for example (but by no means only) in art history. Anyone who will later work in a museum, an archive or a library should be familiarized with the tools and methods of provenance research over the course of their studies. Vocational training should be available to anyone working close to the topic in museums, libraries and



Ministerial counsellor Maja Schweitzer, Michael Franz and Julien Acquatella, head of the Berlin office of the French CIVS in conversation at the Berlin Conference.

archives or their funding bodies. Educational programs, finally, should address all visitors of cultural institutions, many of whom are very interested in the topic of provenance research and restitution.

However, education and vocational training must not be an end in themselves. Rather, they must serve to keep the memory of the darkest chapter of German history alive and pass it on to the next generation, even after the last remaining witnesses to the Holocaust have passed away. The looted objects—wether masterpiece, book or household item—and the stories associated with them have great potential for transporting that memory.

Prof. Dr. Gilbert Lupfer is executive chairman of the German Lost Art Foundation. He gave an introductory speech at the Berlin Conference.

Dr. Michael Franz is head of the department for general and administrative matters at the German Lost Art Foundation. He participated in the panel discussion of Section I "20 Years after Washington—An Evaluation".

Workshops at the conference

“20 Years Washington Principles:
Roadmap for the Future”



REVEALED BY THE REVERSE

The Hidden History of a Painting by Adolph Menzel

13 September 2018 to 3 February 2019
A curatorial intervention in the permanent exhibition



DEUTSCHES
HISTORISCHES
MUSEUM



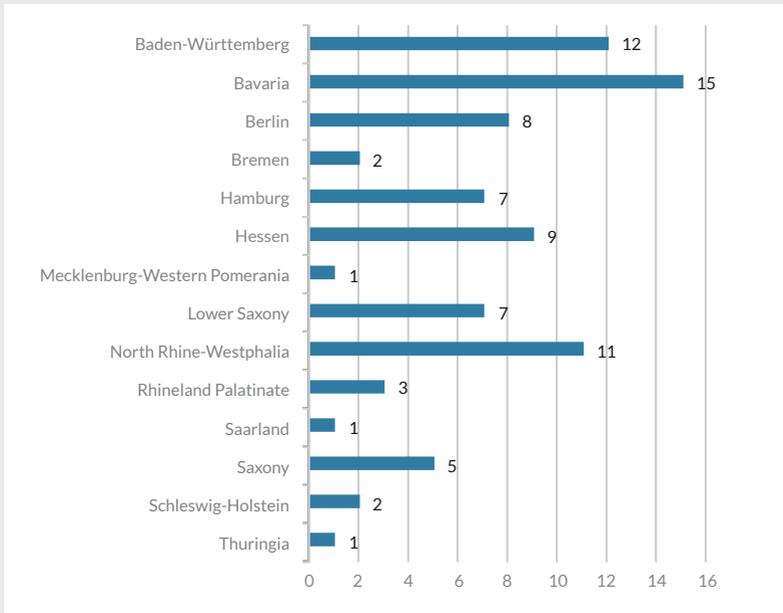
Workshop

“Curating Provenance Research”

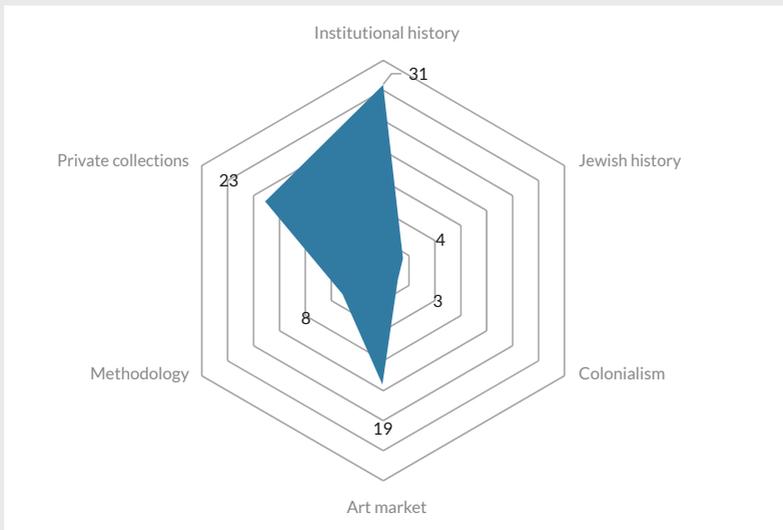
In recent years, exhibition activities in the area of provenance research have increased noticeably. More and more institutions conducting provenance research organize special exhibits on their work. In 2018, the German Lost Art Foundation took on the task of documenting all exhibition projects dealing with the topic and making them available online on its website. Since then, more than 100 exhibitions in Germany and abroad have been documented.

The earliest known exhibitions date back to the early 2000s—years before the introduction of a nationwide funding program for provenance research. They mainly took place in academic libraries, demonstrating the remarkable commitment of such institutions. For instance, the Bayerische Staatsbibliothek and Marburg University Library organized cabinet exhibitions in 2004 and 2006 on looted books in their holdings. A 2004 exhibit called “Die Rücken der Bilder” (The rear side of paintings) at Hamburger Kunsthalle can be considered the first art exhibition in this area — groundbreaking from a curator’s point of view, as the provenance markings on the back of the paintings were given center stage with a specially developed display. Altogether, one can observe a strong dominance of art museums, even though provenance research is conducted more and more in museums of (cultural) history as well. The lion’s share of exhibits on the topic was held in Germany, projects in other countries have occurred rather sporadically in France, Austria, the Netherlands, Switzerland and the United States. In Germany there are distinct regional differences as the number of provenance research projects also varies greatly among federal states. The number peaks in year 2018 with 29 recorded exhibitions, correlating with the 20th anniversary of the Washington Conference and the “Washington Principles”. The year 2013 also stood out with 14 exhibits, though this was not related to the “Gurlitt Art Trove”, which became public late that year, but to a nation-wide joint project on art dealer Alfred Flechtheim, to whom many cooperating institutions dedicated special formats. Focal topics of most exhibitions are

Number of exhibitions on provenance research by federal states



Focal topics in exhibitions on provenance research





The visualization of a network in the exhibition “The Obligation of Ownership. An Art Collection under Scrutiny” at Zeppelin Museum Friedrichshafen.

institutional history—which is not surprising as provenance research often reveals new insights into the institutional past—, Jewish private collections and the personal fates associated with them, and the art market during the Nazi era. Depicting the methods of provenance research is also becoming more important for the curatorial practice, with increasing use of digital and virtual formats. The objects presented are still mainly works of fine art, but books, decorative arts and Judaica are also included. Considering the remarkable number and frequency of special exhibits there are still relatively few institutions that include provenances in their permanent displays, thereby integrating provenance research into their daily work in a lasting and sustainable way.

At the conference “20 Years Washington Principles: Roadmap for the Future”, 50 workshop participants discussed the methods and challenges associated with curating provenance research (see Fig. p. 48 f.). Seven exhibits were introduced as examples in a Best Practice Slam, then discussed in small groups. Finally, key issues and challenges regarding the visibility of provenance marks and the display of provenance information were discussed with all participants.

Sabine Mücke presented a visualization of art dealer networks in the exhibit “Eigentum verpflichtet. Eine Kunstsammlung auf dem Prüfstand” (The Obligation of Ownership. An Art Collection under Scrutiny. Zeppelin Museum Friedrichshafen, 2018). The connections and relationships important for provenance research, particularly in art dealing, were visualized by means of graphic lines which spanned the entire space connecting individuals and their biographies.

Using the example of “Schädlich und unerwünscht. Verbotene Literatur und NS-Raubgut” (Harmful and Undesirable. Forbidden Literature and Nazi-Looted Art. Staats- und Universitätsbibliothek Hamburg, 2017), Anna von Villiez addressed the question of how stories about objects can be conveyed to the visitor. In this exhibition, the systematic looting of books was placed in a historic context with the literature ban during the National Socialist era.

In “Rückansicht” (Revealed by the Reverse), a curatorial intervention by Darja Jesse and Tobias Schlage in the permanent collection of Deutsches Historisches Museum Berlin in 2018, the provenance marks on the painting “Borussia” by Adolph von Menzel were shown like evidence in a crime scene. Its provenance was decoded by means of the numerous labels and handwritten notes on the back of the canvas and frame.

In Wiesbaden, the back of a restituted painting by Hans von Marées served not to illustrate provenance marks, but became the exhibition’s *pièce de résistance* for a fundraising campaign to acquire the painting legally. Peter Forster explained how Nazi injustice was addressed at the museum with “Wiesbaden schafft die Wende” (Wiesbaden Achieves the Turnaround. Museum Wiesbaden, 2014) and how a high-profile campaign raised public awareness of the case and the topic in general.

Iris Schmeisser approached the much ongoing issue of using text in the exhibition space with the show “Eindeutig bis zweifelhaft. Skulpturen und ihre Geschichten. Erworben 1933–1945” (Between Definite and Dubious. Sculptures and their Histories. Acquired 1933–1945. Liebieghaus Skulpturensammlung, Frankfurt am Main, 2017). Clearly structured texts of no more than 2,000 characters per object, a limited scope of twelve cases and the deliberate use of illustrations created a balance that made it possible to convey complex histories of provenance.

How these curatorial approaches can be integrated in permanent collections was the subject of Tessa Friederike Rosebrock’s talk, using the example of Karl Blechen’s painting “Scolastica” at Kunsthalle Karlsruhe.

Mathias Listl presented conventional as well as media-supported presentation forms at Kunsthalle Mannheim, where so called provenance

Text panels with provenances of selected objects at Liebieghaus Skulpturensammlung Frankfurt am Main.



"Provenance boxes" providing background information about the origin of a work at the recently reopened Kunsthalle Mannheim.



boxes convey the stories behind objects. Audio and media guides as well as online collection databases can also be used to complement exhibitions.

In the final discussion, the possibilities and limitations of exhibition formats and particularly their sustainability were debated. There was general agreement that provenance information should be integrated in permanent displays. The presentation of individual fates of rightful owners allows for an emotional access to the topic of Nazi-looted art and at the same time expands our perspective on art and cultural property. In addition, the growing significance of new media allows for innovative ways to convey complex matters. All of these measures also help to narrate personal stories that are not visible at first glance.

The exhibitions of recent years have clearly shown that the intensive research conducted by institutions on the origins of their collections is of great interest to the public as well. The complexity of the topic and its methods has engendered different forms of display and education, whose further development is very much welcomed.

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Sophie Leschik is research associate in the department for provenance research at the German Lost Art Foundation.

Dr. Maria Obenaus is research associate to the executive chairman of the German Lost Art Foundation.

Together they prepared and organized the workshop "Curating Provenance Research" during the Berlin Conference.
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Workshop “Provenance Research and Data Protection Laws”

Transparency has been considered the highest principle of provenance research since long before the “Gurlitt Art Trove” was discovered. At the same time, handling a wide variety of data is essential for provenance research. Descendants of Shoah victims rightly call for the open communication of research results, but researchers, policymakers and the public also demand information and open communication. How could networks and research databases possibly operate without exchanging necessary data? Yet, intellectual property and privacy rights apply, and the EU General Data Protection Regulation (GDPR) took effect in May 2018. Its Section 1 defines the protection of natural persons in the processing of personal data as a basic right. More than 50 participants took the opportunity to learn about this highly topical and transboundary issue at the conference “20 Years Washington Principles: Roadmap for the Future” by attending this workshop.

An initial introduction by Andrea Baresel-Brand to the research database “Proveana” developed by the German Lost Art Foundation and its documentary and legal challenges was followed by a legal observation on “Provenance research and data protection: good news from the General Data Protection Regulation?” by Matthias Weller. The two talks sparked an intense round of discussion, during which participants reported on individual experiences and requirements of conducting provenance research in Germany and abroad, particularly in writing reports, where the disclosure of names, personal data and even intimate relations is sometimes indispensable. American participants were particularly interested in the extraterritorial impact of the regulation, for instance with regard to accessing European databases from the United States. Building on this, smaller working groups set about to evaluate some research reports from projects funded by the Foundation.



Prior to this, it was discussed where data is collected as part of provenance research and what regulations already apply to this process. Regarding archives, for instance, there are archival laws and terms of use governing access, usage and reproductions.

Data protection laws regulate the handling of data regarding living natural persons. Data of deceased natural persons, by contrast, are only subject to the general (post-mortal) right of privacy. So data protection law is a subcategory of privacy law, defining the latter more narrowly for the processing of a living persons' personal data, while the deceased are much less protected under the general post-mortal right of privacy. The protection of legal entities is yet another matter.

The GDPR replaces the Data Protection Directive that had been in use since 1995. As a European Regulation, it is directly applicable without any further implementation by the member states. Whenever there is a conflict with existing national law, the Regulation takes precedence, but at the same time leaves the member states lots of leeway. It is called "General" precisely because it regulates only certain general basics. In Germany, that leeway was fleshed out in 2018 in the Bundesdaten-

Hosts Matthias Weller
and Andrea Baresel-
Brand in conversation.



Workshop participants in discussion.

schutzgesetz or BDSG (Federal Data Protection Act). Before, the BDSG was simply implementing the preceding Data Protection Directive, thereby covering all of German data protection law. Since 2018, the BDSG only amends those aspects that the GDPR left open—as a result, both legal texts must be consulted at all times.

Article 4 (2) of the GDPR covers “any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organization, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction”.

Article 5 of the GDPR deals with the basic principles of any type of data processing. It states that such processing must be done in a lawful, fair and transparent manner in relation to the data subject. Data is to be collected and processed solely for specified, explicit and legitimate purposes—whereat processing for archival purposes is in the public interest and has to comply with academic and historic (!) or, in line with Article 89 (1), statistical purposes. Data processing is subject to the principle of data

minimization, meaning it must be adequate, relevant and limited to what is necessary in relation to the purposes for which it is processed.

According to the principle of accuracy, data must be kept accurate and up to date. In case of faulty personal data, it must be ensured that such data are erased or rectified without delay, having regard to the purposes for which they are processed.

Article 6 of the GDPR regulates the lawfulness and appropriateness of data processing, provided that it is necessary for the establishment, exercise or defense of legal claims or whenever courts are acting in their judicial capacity (Article 9 (2)).

Article 89 (2) stipulates: "Where personal data are processed for academic or historical research purposes or statistical purposes, Union or Member State law may provide for derogations from the rights referred to in Articles 15, 16, 18 and 21 subject to the conditions and safeguards referred to in paragraph 1 of this Article in so far as such rights are likely to render impossible or seriously impair the achievement of the specific purposes, and such derogations are necessary for the fulfillment of those purposes." With regard to provenance research, this means that such data may be collected particularly in cases where legal measures are to be taken, for instance a claim for restitution.



Matthias Weller speaking on the General Data Protection Regulation.



Workshop participants during group work.

Section 27 of the German BDSG of 2018 specifies that, deviating from Article 9 (1) of the GDPR, processing of personal data is permissible without consent for example for scientific or historical research purposes or for statistical purposes, if such processing is necessary for these purposes and the interests of the entity responsible for processing the data significantly outweigh the interests of the affected person. However, the responsible entity may publish the personal data only if the affected person has granted their consent or if it is indispensable for the presentation of research results regarding historical events.

With regard to provenance research in the area of Nazi-looted art, Recital 158 of the GDPR is of particular interest: Member States “[...] should provide for the further processing of personal data for archiving purposes, for example with a view to providing specific information re-

lated to the political behavior under former totalitarian state regimes, genocide, crimes against humanity, in particular the Holocaust, or war crimes”.

This is good news not only for the victims of the Shoah and their descendants, but especially for provenance research, which is to help resolve the expropriation of cultural property as a result of Nazi persecution.

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Dr. Andrea Baresel-Brand is head of the department for Lost Art and documentation at the German Lost Art Foundation and was in charge of the “Gurlitt Provenance Research Project”.

Prof. Dr. Matthias Weller holds the Alfried Krupp von Bohlen and Halbach professorship for Civil Law, Art and Cultural Property Law at Bonn University and is director of the Bonn Institute for German and International Civil Procedure.

Together they prepared and organized the workshop “Provenance Research and Data Protection Laws”.

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Workshop

“Provenance Research in Education”

What role can museum education programs take on to create a lively Erinnerungskultur (culture of remembrance), when witnesses are no longer part of the public discourse? What innovative and participatory formats need to be developed in order to integrate the topics of Nazi persecution and injustice in the programming of museums, libraries and archives? In light of the urgency of this social responsibility, communicating the results of provenance research became a key topic at the conference “20 Years Washington Principles: Roadmap for the Future”. In the workshop “Provenance Research in Education”, 50 participants discussed various approaches to the cultural education of institutions and demonstrated the potential of objects and their histories in this regard. The perspectives and interests of young people, most of whom not older than the “Washington Principles” themselves, were of particular importance.

During the workshop, five projects which have already put into practice innovative communication concepts were presented. To acquaint the participants with those projects, the presenters focused on key aspects like the program format, the target group, the choice of media and the challenges.

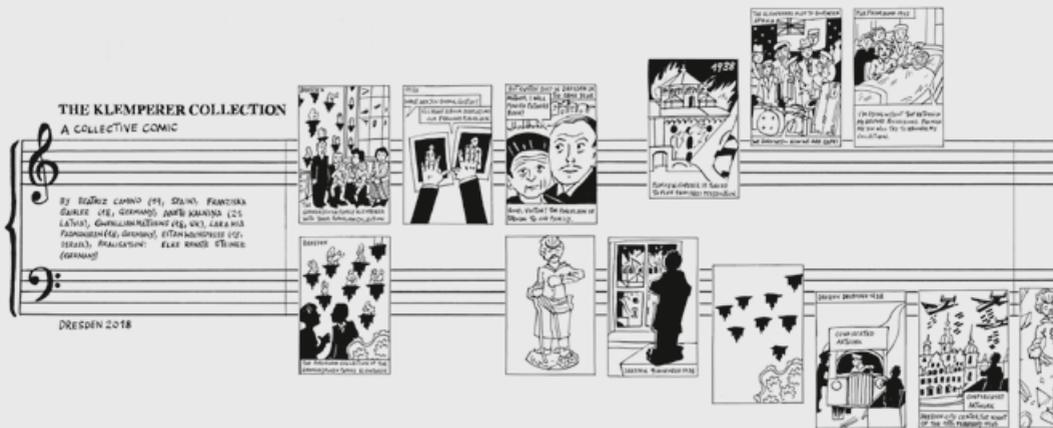
Incorporated into a classic exhibition format, Lukas Bächer explained the comprehensive guided tour and educational program of the exhibit “Gurlitt: Status Report. Nazi Art Theft and its Consequences” (2017–2019) shown in Bonn and Berlin. With audio guides, a free app, a provenance lab in the exhibition space and workshops where groups of school children could create collages on the histories of individual works, the program built on the existing public knowledge about the “Gurlitt Art Trove” generated by extensive media reports and addressed the demand



Vanessa von Kolpinski presents the feedback from workshop participants on the discussed educational formats.



Youth creating a comic about the looting of the porcelain figurines owned by the Klemperer family during a workshop of the Körber Foundation at the Dresden State Art Collections.



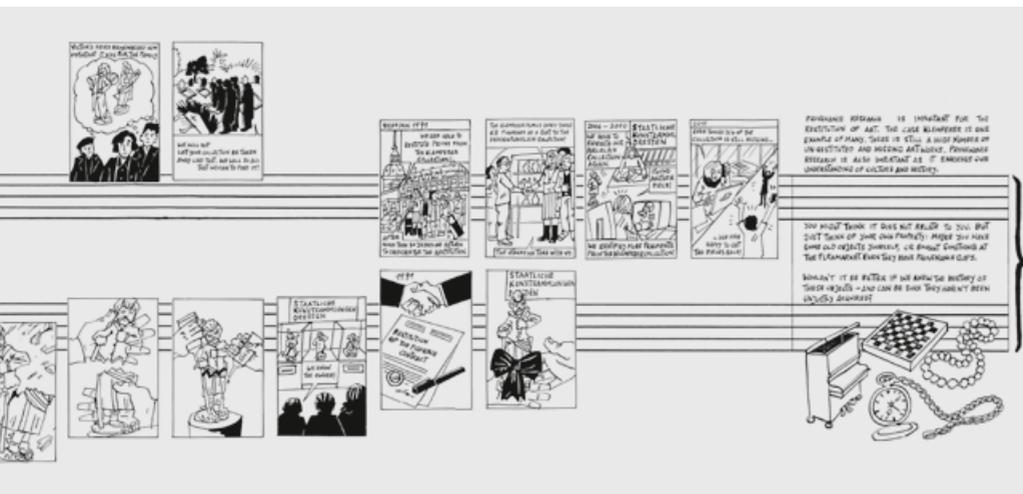
The comic “The Klemperer Collection—A Collective Comic” was created under the guidance of illustrator Elke Renate Steiner by young participants of the EUSTORY Next Generation Summit 2018.

for different levels of depth. Under the title “Öffentliche Themensprechstunde” (public consultation hours) the “Gurlitt Art Trove” was illuminated from different perspectives.

Another complementary program for special exhibits is the regular “Digitorial” developed at Städel Museum and Liebieghaus Skulpturensammlung in Frankfurt am Main. Such a multimedia tool was also developed to accompany the provenance exhibition “Between Definite and Dubious. Sculptures and their Histories. Acquired 1933–1945” (2017) and is freely available on the museum’s website. Iris Schmeisser showed how the tool created the opportunity to delve into the topic at greater depth, going beyond exhibition texts to communicate research results through interviews, graphics and historical photographs. In addition, five of the twelve exhibited sculptures and their provenance histories were highlighted online. In this visually appealing and engaging way, the “Digitorial” also serves as permanent documentation, as it remains available online past the end of the exhibition (<http://provenienz.liebieghaus.de/en>).

Vanessa von Kolpinski described what young people from different countries still fascinates today about the “Washington Principles”, a question she had examined in her workshop for adolescents on the topic of “Restitution of Art – Finding Fair and Just Solutions” as part of the EUSTORY Next Generation Summit 2018 (see p. 76 f.).

In addition, six young adults had the opportunity to apply their newly acquired knowledge on provenance research in a joint workshop



by the Körber Foundation, the German Lost Art Foundation and the Staatliche Kunstsammlungen Dresden (Dresden State Art Collections) in the Dresden Porcelain Collection. The participants from Germany, Great Britain, Israel, Latvia and Spain developed a modern and appealing format for conveying the history of the Klemperer Family's porcelain figurines to mainly young museum visitors. Working with illustrator Elke Renate Steiner, they created a comic that tells the story of the persecution and emigration of the family, the looting of the porcelain figurines as well as their restitution and subsequent donation. Julia Weber of the Dresden Porcelain Collection and Maria Obenaus highlighted the opportunities arising from involving young people in the development of new educational formats. The comic was released as a print version and is also available on the website of the Porcelain Collection (<https://porzellansammlung.skd.museum/en/research/the-klemperer-collection/>).

Finally, Anika Nowak-Wetterau and David Studniberg presented the website "Jewish Places" (www.jewish-places.de), launched by the Jewish Museum Berlin together with numerous partners in September 2018. An interactive map offers extensive information on key places of Jewish life and Jewish personalities in Germany. The participatory project includes search functions, individual city tours and the possibility to contribute one's own information to the platform. This way, the site communicates research results to the public and at the same time involves its audience in the evolution of the project. Museums, libraries and other institutions



The interactive website “Jewish Places” collects and shares information on places of Jewish life in Germany.

can also use the platform to display their research and material on Jewish history to the public, making an active contribution to Erinnerungskultur (culture of remembrance) and raising awareness of anti-Semitic prejudices.

In rotating group sessions, participants then had a chance to share their experiences and viewpoints. They were also invited to assess opportunities and challenges of the respective formats and to give open feedback.

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Dr. Maria Obenaus is research associate to the executive chairman of the German Lost Art Foundation.

Freya Paschen is spokeswoman and head of the department for communication and public relations at the German Lost Art Foundation.

Together they prepared and organized the workshop “Provenance Research in Education”.

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Workshop

“Genealogy and Heir Search”

In the Federal Republic of Germany, the search for eligible heirs to whom restitutions can be made lies within the responsibility of the respective institution responsible for preserving cultural property or its funding body—and often such a search does not happen. The reasons are manifold. An heir search means a considerable amount of research with a very uncertain outcome, especially if it involves families who emigrated and have not been known to the German authorities after 1945. Sometimes, for capacity reasons, only those institutions with a legal department or counsel conduct research into possible heirs. Quite frequently, they trust that by reporting a looted object to the Lost Art Database, they have sufficiently publicized the information for eligible heirs to step forward. Ultimately, searching for eligible heirs goes beyond classic provenance research and demands other, for instance legal, competences.

In any case, finding “just and fair” permanent solutions require the correct counterpart. Against this background, Jewish victims’ associations had repeatedly stressed the importance of proactive heir search and discussed the issue during board of trustees’ meetings of the German Lost Art Foundation. In March 2018 the Foundation responded with some basic assistance in the form of an information section “Heir Search” under the “Research” tab of its website. Divided into five columns (research steps, databases, literature, contacts, and digitized records), it offers a compact guide to the procedure of determining possible heirs and conducting genealogical research.

The topic therefore lent itself for discussion in a workshop at the conference “20 Years Washington Principles”. As the conference title suggested, the discussions were intended to explore a “Roadmap to the Future”—which would include close communication with victims of Nazi

Workshop participants working in teams.



persecution or establishing contact with their heirs. The workshop set out to give a comprehensive overview of the search for heirs, in particular with regard to descendants of Jewish victims of persecution. Hosts Isabel von Klitzing and Mathias Deinert had invited a number of specialists who work in the field.

After a quite controversial exploratory phase during preparations, seven experts were found to present their expertise, field of activity, their tools and their knowledge of possible obstacles to the 50 participants in six working groups. Based on their work in museums and libraries, Anneke de Rudder (State and University Library Hamburg) and Sebastian Finsterwalder (Central and State Library Berlin) shared their experiences with heir search. Andrea Dettling from Gärtringen talked about the services offered by the association for computer genealogy (CompGen) and her work as a genealogist. The possibilities for research on persons in German archives were explained by Thekla Kluttig, head of department at the Saxon State Archives in Leipzig. Isabel von Klitzing (lawyer, Provenance Research & Art Consulting, Kronberg) and Till Vere-Hodge (associate, Constantine Cannon LLP, London) focused on legal questions regarding heir search, while Pascal Prause, director of Arbor Erbenermittlung, addressed the research process from the viewpoint of a probate researcher.

The formats of the subsequent group work were as varied as the experts and their methods themselves. Some used presentations to illustrate research paths in detail. One group stuck to an interview format and

mutual exchange about practical experiences. Nearly everyone used their laptop and the internet on a sample research case to try out relevant online tools for themselves and learn about some of the pros and cons of digital tools, as well as typical pitfalls of their search.

These educational, information-packed rounds were followed by a final discussion about the conclusions to be taken away from the workshop. All participants agreed on the usefulness of consistently sharing experiences. Specific questions on research tools, helpful contacts and mutual assistance with practical questions were also very welcome topics.

When participants asked for useful contacts at the international level, Megan Lewis, Reference Librarian at the United States Holocaust Memorial Museum (USHMM) took the floor and spoke about the research options at her organization. Employees at the “Holocaust Survivors and Victims Resource Center” accept inquiries and assist with ideas

Hosts Isabel von Klitzing and Mathias Deinert.



Persons

- Available data and documents
- <http://meta.genealogy.net>
- Google alerts
- <http://compgen.de>
- Profession (memberships)
- GENWIKI
- <http://wiki-de.genealogy.net/Hauptseite>
- Personal documents
- www.leo-bw.de

Locations

- GOV, OFB, address directories
- Local archives
- Memorials
- Regional genealogy groups
- www.alemannia-judaica.de
- www.jewish-places.org
- Cemeteries, Stolpersteine initiative

Family research

- Genealogy software
- Mailing lists, forum
- www.jewishgen.org
- Regional genealogy groups
- www.juedische-familien.de
- Jewish genealogy databases
- <http://gedbas.genealogy.net>

History

- Historical sources
- Newspapers, family notices
- Literature, DigiBib
- <http://wiki-de.genealogy.net/Portal:DigiBib>
- Casualty lists of World War I
- http://wiki-de.genealogy.net/Verlustlisten_Erster_Weltkrieg/Projekt
- Emigration
- www.bundesarchiv.de/gedenkbuch

Overview of computer-assisted genealogical research tools and sources (illustration based on the PowerPoint presentation by Andrea Dettling, CompGen)

and information. This is of interest for researchers in Europe as well: as, for example, a great number of heirs are registered with the Center, it is possible that an inquiry with the USHMM can avoid an unnecessary duplication of efforts in search of eligible heirs.

All participants agreed that they would appreciate more workshops of this kind, and that the Foundation's recurring training events should also impart knowledge on the search for heirs. The impetus for a future event arose on the spot. Thekla Kluttig offered to look into organizing a training session on the basics of archival research at the Saxon State Archives Leipzig. As a result, a workshop entitled "Archive und Archivgut: Quellen und Recherchewege für die Provenienzforschung" (Archives and records: sources and search options for provenance research) took place in Leipzig on June 5, 2019 which could be followed up with future events when necessary.

A few weeks after the Berlin conference, the Foundation issued its new Guideline for Provenance Research Funding (Cultural assets seized through Nazi Persecution) which was amended to include the search for heirs. A provenance research project can now be extended to conduct ensuing heir research. This facilitates “just and fair solutions” as legal matters often need to be resolved at this point.

It is too early for a preliminary evaluation of this new funding opportunity. However, both the conference and the workshop clearly confirmed how useful it was to equip the Foundation with this new possibility and implement it as quickly as possible.

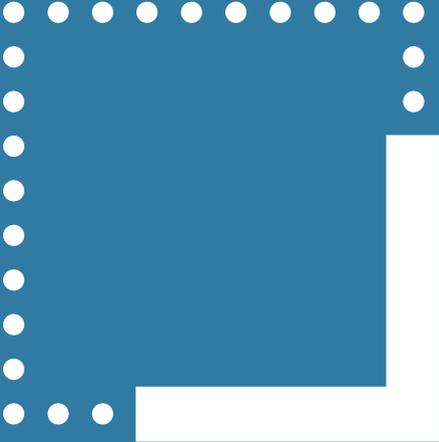
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Mathias Deinert is research associate in the department for provenance research at the German Lost Art Foundation.

Isabel von Klitzing is a lawyer and owner of Provenance Research & Art Consulting.

Together they prepared and organized the workshop “Genealogy and Heir Search”.

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Spotlights



The Future of Looted Art — voices from Israel

Upon invitation by the Center of Organizations of Holocaust Survivors in Israel (COHSI), the international conference “The Future of Looted Art” took place a month prior to the Berlin conference on October 4, 2018 in Jerusalem. Gila Gamliel, Israeli Minister for Social Equality, and Monika Grütters, German Minister of State for Culture and the Media, jointly opened the event and affirmed the two nations’ intention to work more closely together and continue the German Israeli cooperation set up in 2014 in this area.

The conference was held on the occasion of the 20th anniversary of the “Washington Principles” with the goal of articulating the position of Jewish victims of the Holocaust and their descendants. The contributions dealt with the definition of “heirless art” and the opportunities and limits of provenance research and the search for heirs. Also, the option of selling such works to support victims of Nazi persecution and the educational value of heirless property were discussed. Avraham Roet, a survivor of the Holocaust, joined the debate by emphasizing the timeless value of art, calling for a traveling exhibition in Israel, Europe and worldwide of those looted objects that cannot be restituted because their rightful owners are still unbeknown to us. It would be the only way, he stated, to remember the fate of Jews in the National Socialist era when no contemporaries are left to tell their stories.

To close the conference, Colette Avital, former Israeli ambassador and chairwoman of COHSI read out the “Jerusalem Declaration on the Future of Looted Art” (see page on the right), which reaffirms previous political declarations on the restitution of Nazi-looted art in the name of Jewish victims and their descen-

dants. Systematic provenance research to identify cultural property as well as rightful owners should be intensified. In addition, the declaration is an appeal to museums across the globe to show Nazi-looted art in exhibitions and tell the stories of their owners. For that purpose, “heirless art” should also be lent to Israeli museums.

The conference united the voices of Jewish victims’ associations and made it possible to articulate common goals in a concluding declaration. This also meant strengthening the field of provenance research in Israel: with the support of the Israeli Ministry of Culture, a one-week course on provenance research for employees of Israeli cultural institutions was organized in September 2019.

Colette Avital and Avraham Roet also presented the Jerusalem Declaration at the Berlin Conference. Moreover, the German Lost Art Foundation invited experts and provenance researchers from Israel and Germany to a round table in Berlin on August 13, 2019, continuing the fruitful collaboration on investigating Nazi-looted art.

DR. MARIA OBENAU,
GERMAN LOST ART FOUNDATION,
MAGDEBURG

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The Jerusalem Declaration on the Future of Looted Art

We, the representatives and descendants of Jewish victims of the persecutions of the Nazi regime, its allies and collaborators during the years 1933–1945, and all those who aspire to obtain a just and fair solution for the remaining artistic treasures and cultural assets of the victims of the Holocaust that were plundered, expropriated, and forcibly sold in the years 1933–1945, hereby reaffirm all the Washington Conference Principles on Nazi-Confiscated Art adopted at the Washington Conference on Holocaust-Era Assets of 1998 and the Terezin Declaration adopted at the Prague Conference on Holocaust Era Assets of 2009.

Recalling the Vilnius Forum Declaration of 2000 which reads as follows: »Recognizing the Nazi effort to exterminate the Jewish people, including the effort to eradicate the Jewish cultural heritage, the Vilnius Forum recognizes the urgent need to work on ways to achieve a just and fair solution to the issue of Nazi-looted art and cultural property where owners, or heirs of former Jewish owners, individuals or legal persons cannot be identified; recognizes that there is no universal model for this issue; and recognizes the previous Jewish ownership of such cultural assets«.

Aware of the long time that has passed since the looting;

Aware of the difficulties in locating the heirs to the looted cultural treasures;

Aware of the difficulties in studying the provenance of objects which may be considered as heirless looted cultural treasures;

Aware of the difficulties in the different legal procedures in various countries;

We strongly believe that it is incumbent upon us to perpetuate the memory of the cultural life of the destroyed communities, of which the looted works of art and sacred objects are part. We consider that the public should be made aware of the history and circumstances in which the art was looted and the culture destroyed. Furthermore, we assert that the cultural values of the Jewish people must be preserved.

Therefore, we, representatives of the State of Israel and the Jewish world, call upon the countries that endorsed the Washington Conference Principles on Nazi Confiscated Art and the Terezin Declaration:

To act vigorously to implement the aforementioned declarations, including taking steps expeditiously to achieve just and fair solutions for the return of the stolen art to the original owners or to their heirs, and just and fair solutions where owners, or heirs of former Jewish owners, individuals or legal persons cannot be identified. Systematic provenance research of art and Judaica should be undertaken to allow the original owners or their heirs to claim the restitution of their property stolen by the Nazis, their allies and collaborators.

To allow in the meantime unclaimed looted art currently stored in museums to be temporarily loaned to and exhibited in museums in Israel and around the world. These works should be displayed with appropriate explanations of the circumstances of their looting.

We call upon all museums in the world that hold World War II heirless art collections to allocate space in their own halls and exhibit such works of art accompanied by explanations of the looting.

We urge countries and museums to make a firm commitment to take the appropriate legal steps to return the works of art that are so loaned for exhibition to their rightful owners when claims for restitution are filed.

We believe that this approach can help in education about and commemoration of the Holocaust and tell the story of the destruction of the cultural life of the Jewish people perpetrated by the Nazis.

October, 4, 2018

The “Washington Principles” and the next generation in Europe

From November 14 to 19, 2018, the Körber Foundation and the German Lost Art Foundation organized the workshop “Restitution of Art – Finding Fair and Just Solutions” as part of the EUSTORY Next Generation Summit in Berlin. 16 young people from 12 different countries came together to discuss Nazi-looted art and its restitution. The event focused on the “Washington Principles” and their future application as seen by the young generation. During the conference, two participants and the workshop host introduced their results and suggestions for a better handling of Nazi-looted art in the future.

While there was consensus about the importance of investigating the expropriation of cultural property, most of the young partici-

pants only found out about the issue during the workshop itself. The necessity to return such objects was opposed by the wish for public accessibility (in museums) of artworks and information about their provenances. The discussion about “just and fair solutions” made it clear that in light of very different persecution cases and the lack of a legal framework, an unprejudiced willingness to communicate on the part of all parties involved would be key to satisfying solutions.

The goal of this workshop was to develop new perspectives for the future of restitution of Nazi-looted art. To that end, the “Washington Principles” should be revised and an international organization should be established as a central point of contact for restitution issues, the participants concluded. They also pleaded for extending the applicability of the “Washington Principles” to forced sales and cultural property transferred abroad in the context of emigration (“flight assets”), as well as adapting



Presentation of the EUSTORY Next Generation Summit 2018 at the Berlin Conference.



Participants during video recording.

the legal framework in those countries which do not allow restitution from public institutions, even in the context of cultural property expropriated as a result of Nazi persecution. A central organization for restitution issues would not only create a platform for descendants, but also advance the often called for but little practiced international cooperation.

During the workshop, the group developed ideas for dealing with Nazi-looted art, for instance a mandatory exhibition of all recently returned objects traveling throughout Europe for educational purposes. The debate was often shaped by the idea of culture as a common good, which stood in clear contrast to the political interests of other conference contributions. These considerations culminated in three short films. In one of them, the participants parody the risks and side effects of the “Washington Principles” as if reading a package leaflet of a medicinal product. In the others, questions of possession and ownership decades after the loss are addressed and reenacted in different scenarios. The films are available at www.historycampus.org/2018/summit-2018-workshop-restitution-of-art through the History Campus Website.

VANESSA VON KOLPINSKI,
BERLIN

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“Can there only be ONE owner?” · Participants of the workshop while shooting short films.

The “Terezin Declaration” – 10 years later

The series of international conferences hosted since 2003 by the “Documentation Centre for Property Transfers of the Cultural Assets of WW II Victims” in the Czech Republic was continued in 2019 on the occasion of the 10-year anniversary of the “Terezin Declaration”, in order to review the status implementation of the measures decided upon. On June 30, 2009, representatives of 46 states concluded the Holocaust Era Assets Conference in Prague by affirming their intention to support the principles of the Washington Conference with regard to Nazi-confiscated art. Their declaration was an urgent appeal to strengthen the previous efforts and endeavors or at least maintain them “to ensure just and fair solutions regarding cultural property, including Judaica that was looted or displaced during or as a result of the Holocaust (Shoah)”.

This year’s meeting in Prague took place only a few months after the international conference held by the German Lost Art Foundation in honor of the 20th anniversary of the adoption of the “Washington Principles”. This resulted in a constellation similar to those in 2008 and 2009. The Prussian Cultural Heritage Foundation, together with the Coordination Office for Lost Art, held a symposium in Berlin entitled “Verantwortung wahrnehmen. NS-Raubkunst—eine Herausforderung an Museen, Bibliotheken und Archive” (Taking Responsibility. Nazi-looted Art – A Challenge for Museums, Libraries and Archives) in December 2008, while the Czech government, then holding the presidency of the Council of the European Union, had already announced a state conference to be held half a year later.

Unlike in 2009, this year’s conference in Prague was conceived as a forum for professional exchange from the start. In light of another historic event—the establishment of the “Protectorate of Bohemia and Moravia” 80 years ago and the associated dismantling of Czechoslovakia by the German occupants as well as the persecution of Jews starting at this point—the national perspective was much more perceptible than 10 years ago.

The five sections of the conference ranged from a summary of what has been achieved since the “Terezin Declaration” to case studies on desiderata of national and regional research on “Nazi-looted art”, and examples of restitutions from the immediate post-war period to the present—particularly in Czechoslovakia and with a focus on looted books.

Key issue of this conference was the status of international cooperation, justifying and affirming its necessity and discussing its challenges. Conference participants all agreed that locating, identifying and returning of cultural property expropriated as a result of Nazi persecution can only become more effective through increased coordinated international and interdisciplinary research. In that light, the development of provenance research regarding looted art as a new academic discipline was also discussed. For both, the section on “Nazi book theft” and the section on education and vocational training of future provenance researchers, two representatives of German institutions had been invited as speakers.

Many participants felt that the atmosphere of this conference was marked less by reproach and criticism of governments, states and organizations than by the general conviction that the process which began with the

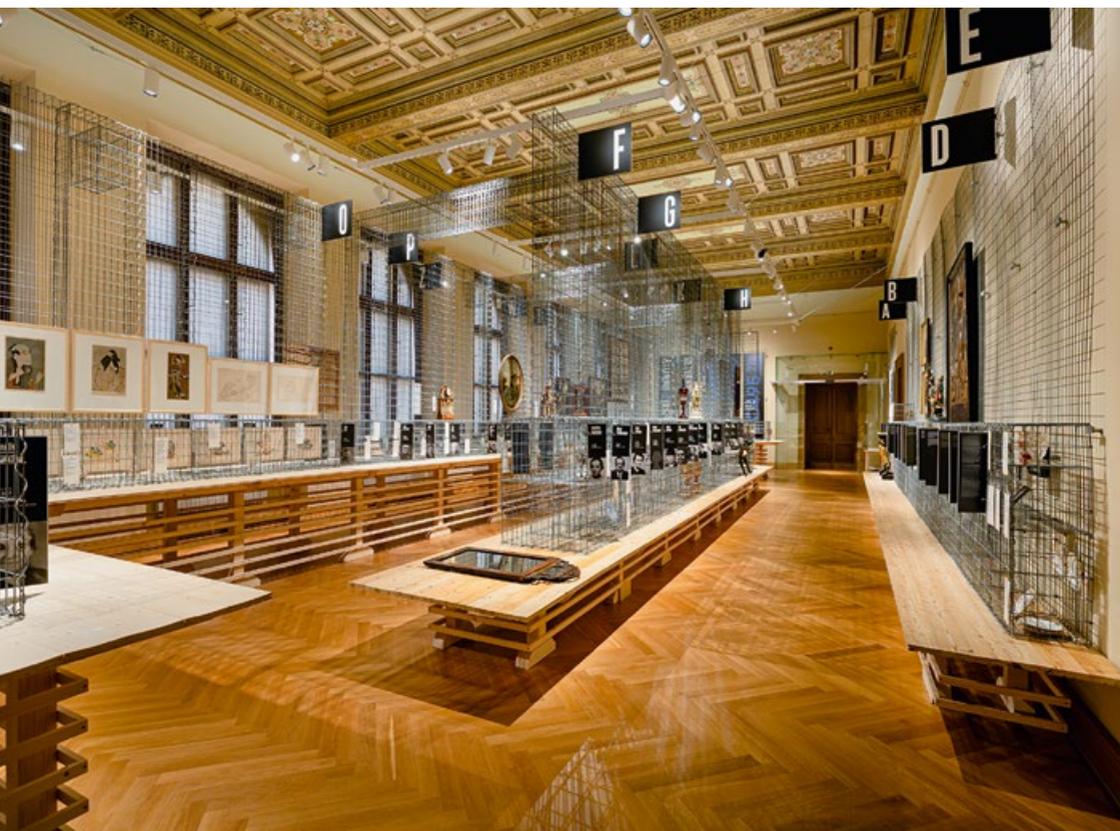


Prague warehouse with confiscated books 1942–1944.

“Washington Principles” in 1998 and continued in 2009 with the “Terezin Declaration” is far from achieving its goals. Particularly for the survivors of the Shoah, for those directly and indirectly affected by spoliation, this is a bitter and by no means acceptable realization: the unreserved investigation of the expropriation of cultural property as a result of Nazi persecu-

tion and the search for unidentified objects across the world will take more time and far more comprehensive resources than was assumed twenty or even ten years ago.

At the Prague conference of 2009, the situation of the “forgotten” victims in the Eastern and Central European countries had been the overarching and central topic. The



View of the exhibit “Returning Identity” at the Museum of Decorative Arts in Prague 2019.

fact that it was not reconsidered if and how things have changed since then was a key point of criticism. With regard to the Czech public, however, it can be said that although 10 years ago media from around the world reported on the “Terezin Declaration”, the issue of restitution had not been addressed in the host country itself. This year, anyone interested had the chance to learn about the spoliations by the German occupying forces between 1938/39 and 1945 as well as about

the victims’ fates in the exhibition “Returning Identity”, which was opened at the Prague Museum of Decorative Arts as part of the conference (www.cdmp.cz).

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Publication Credits

Published by German Lost Art Foundation
Humboldtstraße 12 · 39112 Magdeburg
Germany
Periodikum@kulturgutverluste.de ·
www.kulturgutverluste.de
Executive Board: Rüdiger Hütte (full time) ·
Prof. Dr. Gilbert Lupfer (honorary)

Editors · Copy-editing Jenny Brückner
(Editorial assistant) · Josefine Hannig ·
Sophie Leschik · Prof. Dr. Gilbert Lupfer ·
Dr. Maria Obenaus

Design Sandstein Verlag, Dresden

Illustrations Pages 8–9: Minister of State for
Culture and the Media Monika Grütters in front of
the audience

Pages 48–49: Presentation of practical examples in
the workshop »Curating Provenance Research«

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ISBN 978-3-95498-558-6 (PDF-E-Book) · Price 6,50 €

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Sandstein Verlag, Dresden

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The Washington Conference of 1998 and the hence adopted “Washington Principles” laid the foundation for provenance research regarding Nazi-confiscated cultural property in Germany. On the anniversary of this momentous occasion, the German Lost Art Foundation hosted the international conference “20 Years Washington Principles: Roadmap for the Future” in Berlin in November 2018. This issue illustrates highlights of the program: various stakeholders take stock of what has been achieved over the past twenty years, current developments and future challenges are being discussed and the results of practice-oriented workshops are summarized.

